

Personal Orders

Information for people who are unable to make decisions for themselves

If someone can't fully make decisions for themselves or communicate these decisions, the Family Court can make a Personal Order.

If you need help making decisions for yourself, or you think a relative needs help, you can apply for a range of Personal Orders.

How a Personal Order works

The Family Court can make a range of Personal Orders. For example:

- Someone can be ordered to pay a person for work they've done or are going to do.
- A parent can be ordered to make suitable arrangements for their child's personal care after the parent's death, and someone can be ordered to carry out those arrangements or the arrangements can be changed.
- The person who the order is for can be provided with specific residence and living arrangements. (This doesn't include psychiatric hospitals or licensed institutions.)
- Medical advice or treatment.
- Educational, rehabilitative, therapeutic or other services can be ordered.
- The person who the order is for can be ordered not to leave New Zealand without the permission of the Court, or only under specified conditions.
- A representative or guardian *ad litem* (a guardian to represent the person's interests) can be appointed for the person who the order is for in any District Court proceedings.
- Someone can be appointed to administer property that is worth \$5000 or less, or any income or benefit worth \$20,000 or less a year.
- A welfare guardian can be appointed for the person who the Order is for.

If you're not sure if a Personal Order is right for your circumstances, talk to a lawyer. If you can't afford a lawyer, you may be able to get legal aid or free community legal help. For more information, **go online to** justice.govt.nz/courts/going-to-court/legal-aid/

Who can have a Personal Order made for them

The person the Personal Order is for must either:

- be completely or partly unable to understand what the decision is about or understand what could happen as a result of a decision about their personal care and welfare, or
- have these abilities but be totally unable to communicate decisions about their care and welfare.

The Court can only make Personal Orders for people who usually live in New Zealand and are 18 years old or older. Personal Orders for 16-year-olds and 17-year-olds can be made if they are, or have been, married or in a civil union or de facto relationship.

The Court will not make a Personal Order for a person who has granted someone an enduring power of attorney (EPA) unless it's not working to protect their best interests or it doesn't cover a specific decision that's needed.

Who can apply for a Personal Order

You can apply if you're:

- a person who can't fully make decisions about their own care
- a relative or attorney of the person who can't fully make decisions about their own care
- a social worker employed under the Oranga Tamariki Act 1989/Children's and Young People's Well-being Act 1989
- a medical practitioner or doctor
- a representative of any non-profit group that provides services and facilities for the welfare of people covered by the Protection of Personal and Property Rights Act 1988
- the superintendent, licensee, supervisor or person in charge, if the person is a patient or a resident of a hospital, rest home or residential disability care facility
- the manager of a person's property if the person is subject to a property order
- any other person with the Court's permission.

justice.govt.nz/family/powers-to-make-decisions