

Care of Children: Responding to a notice of application



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What this Easy Read is about



This Easy Read document has been written by the Ministry of Justice.



This Easy Read document has information about what you need to know about responding to a **notice of application** from the **Family Court**.



There is more information about what a **notice of application** means on **pages 8 to 10**.



The **Family Court** is a court that assists New Zealanders with family matters.

There are 58 Family Courts throughout New Zealand.

You can find more Easy Read information about the care of children and the Family Court on this **website**:

www.justice.govt.nz/care-of-children/resources



This is a long Easy Read document.

Some things you can do to make reading it easier are:



- read it a few pages at a time
- set aside some quiet time to look at it
- have someone read it with you to support you to understand it.



While this document has been written in Easy Read there is still a lot of complex information.

It is a good idea to get further advice.



On **pages 24 to 34** you can find information about places where you can get advice and support.





If you or someone you know does not feel safe right now you can:

- phone the police on **111**
- contact **Are You OK** on:

phone: 0800 456 450

website: www.areyouok.org.nz



Are You OK is an information service that can help you if you:

- are being hurt by someone
- see someone being hurt
- want to stop hurting someone.

You can also find more information on the Ministry of Justice **website:**



**[www.justice.govt.nz/
family-violence](http://www.justice.govt.nz/family-violence)**



There are lots of phone numbers in this Easy Read document.



If you find it hard to use the phone the **New Zealand Relay** service is for people who are:

- Deaf / hard of hearing
- deafblind
- speech impaired / find it hard to talk.



You can find out more about the New Zealand Relay service at:

www.nzrelay.co.nz

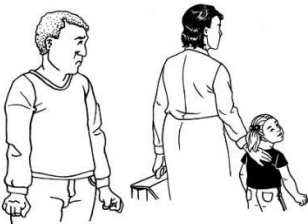
What is a notice of application?



People sometimes go to the Family Court because of a change in family situation.



A change in family situation could mean:



- people decide to no longer live together
- it is best for the child / children to live with someone that is not their parents
- a disagreement about how to raise the child / children.



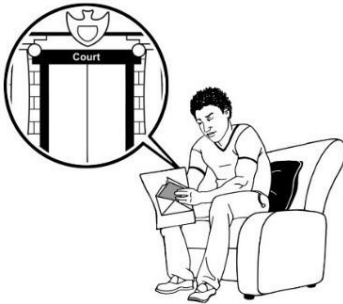


If people do not agree on how a child / children should be looked after they can ask the Family Court to decide.

This is called making an **application**.



The Family Court will send the other person / people involved a **notice of application**.



A **notice of application** is a letter that has all the important information about what you need to do.

You may be the:



- parent
- **guardian**
- whānau / family member
- friend.



A **guardian** is an adult who is responsible for caring for a child / children.

Choosing how to respond



1. Read

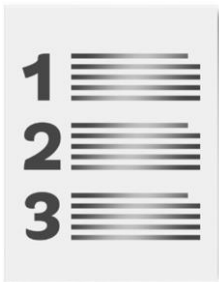
It is important to read the application.

The application will tell you:

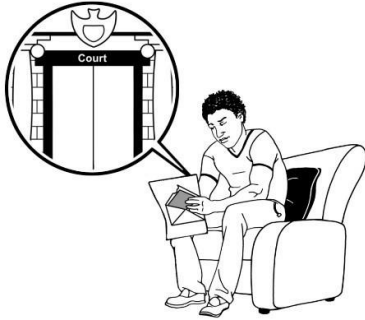
- what the other person is asking the Court to do

and

- why they are making the application.



In the letter you will receive:



- the application
- any **interim court orders** if they are being made
- a **Notice to Respondent**.



A **court order** is what the Court says has to happen.

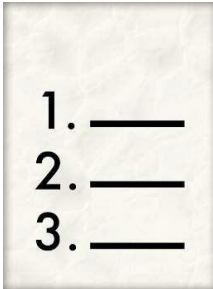
An **interim court order** is what the Court has decided for now.



An interim court order is not the final decision.



If there is an interim court order you will be able to reply before the final decision is made.



A Notice to Respondent is a document that tells you:

- an application has been made
- and**
- what you need to do.



2. Decide



You can decide if:

- you want to respond to the application
- you want to be involved in what is happening.



You can respond if you do not agree with any parts of the application.



If you do not respond to the notice of application a judge might make the decision without knowing what you think.



This could affect:

- how much time you spend with the child / children
- how care for the child / children is sorted out.

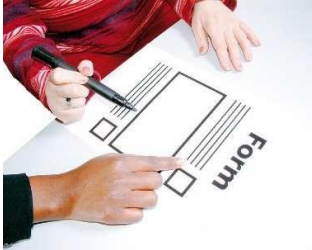


You can choose to not respond to the notice of application if you do not want to take part in court.



If you do not take part the Court will send you the decision by post if you give the Court your address.

3. Fill in the form

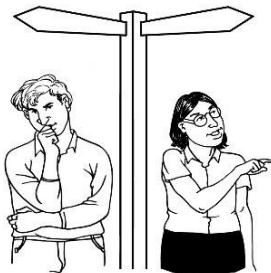


If you want to respond to the application you will need to fill in the **Notice of Response and Affidavit in Support** form.

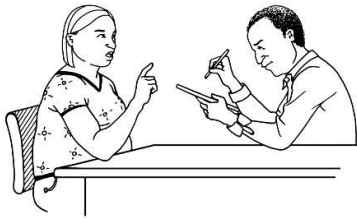


Notice of Response and Affidavit in Support is a form you fill in that tells the Court:

- what you think about the application before the final decision is made
- if you want to be in court when the decision is made
- if you want to be part of making decisions about the child / children later on.



Affidavits are written documents that say what has happened. You need to swear that what is written in the document is the truth.

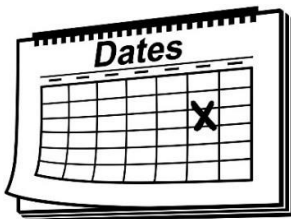


You can:

- post the form

or

- take it to the nearest court building.



The Notice to Respondent will tell you how much time you have to respond to the application.



To get a Notice of Response and Affidavit in Support form you can:

- download it from the Ministry of Justice **website**:

**[www.justice.govt.nz/
notice-of-response](http://www.justice.govt.nz/notice-of-response)**



- ask for the form to be posted to you by **phoning** the Ministry of Justice on:

0800 224 733

Getting a Parenting Order



You can fill out your own **Parenting Order** application if you would like the court to consider your preferred arrangements for the child / children.



A Parenting Order is made by the Family Court to decide:

- who will have the day to day care of a child / children
- how someone that does not have day to day care can spend time with a child / children.





You can put in a Parenting Order application at the same time as your Notice of Response and Affidavit in Support.



To apply to the Family Court for a Parenting Order you can:

- download / fill in the forms found on the Ministry of Justice **website:**



www.justice.govt.nz/parenting-order



- ask for the forms to be posted to you by **phoning** the Ministry of Justice on:

0800 224 733

Getting legal advice



Legal advice is when you ask a lawyer for information about the law.

If you are going through a separation it may be helpful to get some legal advice.



You can get legal advice at any time.



If you are not sure where to start you can visit your Community Law Centre.



You can use this **website** to find out where your closest Community Law Centre is:

www.communitylaw.org.nz

The Parenting Through Separation course



The Parenting Through Separation course is a free course for parents / guardians who are separating.

It is sometimes called **PTS** for short.



PTS courses do not cost money to do.

Some of the things you will learn on the PTS course are:



- how sharing childcare will work for your whānau / family
- ways to support the child / children with the changes to whānau / family life.



The PTS course will also teach you:

- how to write a parenting plan
- where to get support.

The PTS course is mostly held in small groups.



You do not have to go to the same course as your ex-partner / anyone else involved in the change in family situation.



You can find out more information about the PTS course on the Ministry of Justice **website**:

**[www.justice.govt.nz/
parenting-through-separation](http://www.justice.govt.nz/parenting-through-separation)**



You can also phone the Ministry of Justice on **0800 224 733**

More places where you can get support



1. Family Court

The Family Court has **staff** that can assist people with the forms needed and next steps.



Staff are people who work at the Family Court.



Staff include:

- Kaiārahi / Family Court Navigators
- Family Court Co-ordinators
- Front counter staff.





Staff at the Family Court **cannot** give you legal advice.



You can talk to Court staff by:

- visiting the Family Court closest to you
- emailing:

kaiarahi@justice.govt.nz

- calling the Ministry of Justice on:

0800 224 733



2. Citizens Advice Bureau

Citizens Advice Bureau is also sometimes called **CAB**.



CAB can assist you to:

- understand your rights
- fill out forms.



To find out more information about CAB you can:

- go to this website:

www.cab.org.nz

- call this phone number:

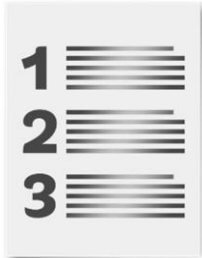
0800 367 222





3. Family Services Directory

The Family Services Directory:



- has a list of support services that can assist whānau / family across Aotearoa New Zealand

- is an information service about all kinds of services such as:

- counselling
- housing / somewhere to live
- support with the cost of living such as food
- disability support
- transport.





To find out more information about Family Services Directory you can:

- visit their website:

www.familyservices.govt.nz



- call this phone number:

0800 211 211



4. CCS Disability Action

CCS Disability Action provides information and support to:



- disabled people
- their whānau / families.

To find more information about CCS Disability Action you can:



- visit this website:

www.ccsdisabilityaction.org.nz

- email:

info@ccsDisabilityAction.org.nz

- phone:

0800 227 200





5. 1737: Need to Talk

At 1737: Need to Talk you can talk to a counsellor by:



- calling: **1737**
- texting: **1737**



1737: Need to Talk is open all day / night.



If the 1737 number does not work from your phone you can call this number:

0800 1737 1737



You can find out more about 1737: Need to Talk on this **website**:

www.1737.org.nz



6. Lifeline Aotearoa

At Lifeline you can talk to a trained counsellor by:



- calling:

0800 543 354

- texting:

4357



Lifeline is open all day / night.



You can find more information about Lifeline on their website:

www.lifeline.org.nz



7. Skylight

At Skylight you can talk to a trained counsellor.



You can talk to a counsellor if you are going through a hard time.



You can phone:

0800 299 100



You can find more information about Skylight on their website:

www.skylight.org.nz



8. 0800 What's Up

0800 What's Up is a counselling service for:



- tamariki / children
- rangatahi / young people.



Children and young people can:

- phone:

0800 942 8787



- chat online at:

www.whatsup.co.nz



You can find more information about 0800 What's Up on their **website**:

www.whatsup.co.nz



9. Youthline

Youthline is a counselling service for:



- tamariki / children
- rangatahi / young people.



Children and young people can:

- phone: **0800 376 633**
- text: **234**
- chat online:



www.youthline.co.nz



You can find more information about Youthline on their website:

www.youthline.co.nz

Where to find more information



The Ministry of Justice has more information about parenting arrangements on their website:

www.justice.govt.nz/care-of-children



You can also talk to someone at the Ministry of Justice by calling:

0800 224 733



This information has been written by
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Ngā Tāngata Tuatahi.



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