



## FAMILY COURT PRACTICE NOTE ELECTRONIC FILING

### 1 BACKGROUND

- 1.1 The terms of this Practice Note have been settled in consultation with the Ministry of Justice and the Family Law Section of the New Zealand Law Society.

### 2 INTRODUCTION

- 2.1 Rule 76(2)(b) of the Family Courts Rules 2002 enables without notice applications to be electronically filed with the Family Court.
- 2.2 This Practice Note is intended to assist with such electronic filing by advising best practice and communication.
- 2.3 This Practice Note is subject to any relevant legislative provision and shall, to the extent there is a conflict, replace all previous Practice Notes and/or non-legislative advisories.

### 3 APPLICATION

- 3.1 This Practice Note shall be complied with by Counsel in respect of electronic filing to all Registries in the Greater Auckland region, namely Pukekohe, Papakura, Manukau, Auckland, Waitakere, and North Shore.
- 3.2 The process and standards outlined in sections 5, 6 and 7 of this practice note are to be regarded as best practice and, where possible, shall be complied with by Counsel when electronically filing without notice proceedings to any other Registry in New Zealand.

### 4 COMMUNICATION

- 4.1 All without notice proceedings shall be filed electronically via email to [AKMetro-withoutnotice@justice.govt.nz](mailto:AKMetro-withoutnotice@justice.govt.nz) (as opposed to filed across the counter in hard copy) unless there are technical reasons why the proceedings cannot be filed electronically.
- 4.2 It is recommended that Counsel file proceedings as early in the day as possible. The Registry cut-off time for filing without notice proceedings is strictly 3:30pm.

- 4.3 Unless otherwise advised, without notice applications filed prior to 3:30pm will be determined on the same day.
- 4.4 Counsel, or their alternative contact, must be contactable until notification of outcome is made, which may be after 5pm.
- 4.5 Unless otherwise directed, Counsel need not forward the original hard copy of the proceedings to the Registry.

## **5 PROCESS FOR FILING**

5.1 Unless impractical to do so, Counsel shall file each proceeding in a single email. Where joint proceedings are filed e.g. an application for a protection order and a parenting order, both proceedings are to be filed in the same email.

5.2 The subject line of the email shall solely contain the surnames followed by the initials of the parties and the order(s) sought.

eg. *Smith J v Smith A & Jones R W/N Parenting Order*

*Smith J v Smith A & Jones R W/N Parenting Order and Order Preventing Removal*

*Smith J v Smith A & Jones R W/N Parenting Order and Protection Order*

*Smith J v Smith A & Jones R W/N Protection Order*

5.3 The body of the email shall include:

- a) Counsel's name, email address, phone number and the same details of an alternate contact who can receive and action immediate communication from the Registry;
- b) the FAM number for existing proceedings if there are any; and
- c) details of how fees are going to be paid.

5.4 A single PDF file only containing the substantive proceeding shall be attached to the email. The PDF file shall contain the following documents in the following order:

- a) application(s);
- b) affidavit(s);
- c) other information such as non-violence programme information, information to Police, memoranda; and
- d) information sheet(s).

5.5 The PDF file containing the substantive proceeding shall be labelled using the subject line of the email. eg. *Smith J v Smith A & Jones R W/N Parenting Order*

- 5.6 In accordance with the *Family Court Practice Note: Restrictions on the Filing of Certain Documents*, Counsel shall not attach copies of existing orders, Judges' minutes, or judgments in relation to previous Family Court proceedings. If Counsel is of the view that such documents are relevant to the Court's consideration of the application, they shall provide a letter in support of an application to file such documents as are specified in that letter, together with a brief explanation as to the potential relevance of each of the documents. This letter shall be attached to the email as a separate PDF and labelled 'Request to file further documents'.
- 5.7 If a Fee Waiver request is applicable, the Fee Waiver application and accompanying evidence shall be attached to the email as a single separate PDF and labelled 'Fee waiver request'.
- 5.8 The email shall be sent to [AKMetro-withoutnotice@justice.govt.nz](mailto:AKMetro-withoutnotice@justice.govt.nz). Emails shall not be copied to any person other than Counsel and/or their alternative contact.

## **6 STANDARDS FOR FILING - TECHNICAL**

- 6.1 The individual pages of all PDF files attached to the email shall be scanned:
- a) only once;
  - b) in the correct order;
  - c) the same way up;
  - d) in colour; and
  - e) at 200dpi.
- 6.2 No more than 10 megabytes (10MB) of PDF files shall be attached to each email.

## **7 STANDARDS FOR FILING - CONTENT**

- 7.1 All applications shall:
- a) be in the form prescribed by legislation or approved by the Ministry of Justice;
  - b) where possible, only include information that is typed;
  - c) clearly state the type of order that is sought; and
  - d) be completed in full. Where information is not included the relevant section shall be crossed out.

## **8 PAYMENT AND FEE WAIVER**

- 8.1 Payment for fees can be submitted by credit/debit card over the phone or by cheque.
- 8.2 The fee waiver application must have appropriate documents confirming entitlement to be accepted.

## **9 COMMENCEMENT DATE**

This practice note comes into operation on 1 November 2015.



Laurence Ryan  
**Principal Family Court Judge**

Dated 13 October 2015