



## **Family Courts Amendment Rules (No 2) 2010**

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 24th day of May 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 16A of the Family Courts Act 1980, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following rules.

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## **Rules**

### **1 Title**

These rules are the Family Courts Amendment Rules (No 2) 2010.

### **2 Commencement**

These rules come into force on 1 July 2010.

### **3 Principal rules amended**

These rules amend the Family Courts Rules 2002.

### **4 Interpretation**

Rule 304 is amended by adding the following subclauses as subclauses (2) to (5):

“(2) For the purposes of rule 312 and the forms in Schedule 5, **applicant** includes—

“(a) a person for whose safety a temporary protection order has been issued under section 124N of the Act; and

“(b) a victim of an offence for whose protection a protection order has been made under section 123B of the Sentencing Act 2002.

“(3) For the purposes of rule 319, **applicant** includes a person for whose safety a temporary protection order has been issued under section 124N of the Act.

“(4) For the purposes of this rule and rules 307, 312, and 323 and the forms in Schedule 5, **respondent** includes—

“(a) a person against whom a temporary protection order is issued under section 124N of the Act; and

“(b) an offender against whom a protection order is made under section 123B of the Sentencing Act 2002.

“(5) For the purposes of rules 315 and 327, **respondent** includes a person against whom a temporary protection order is issued under section 124N of the Act.”

**5 Notice of objection to direction to attend programme**

Rule 319(2) is amended by revoking paragraph (a) and substituting the following paragraph:

“(a) arrange for a copy of the notice to be served on the applicant; and”.

**6 New rules 431A and 431B inserted**

The following rules are inserted after rule 431:

**“431A Information requested by District Court for purposes of section 124N of Domestic Violence Act 1995**

“(1) In this rule,—

“**Person A** means a person against whom a Police safety order has been issued under section 124B of the Domestic Violence Act 1995

“**Person B** means the person named in the Police safety order for whose safety the order was issued.

“(2) This rule applies when a complaint has been made to a District Court under section 124L(3) of the Domestic Violence Act 1995 for a direction or an order under section 124N of that Act in respect of person A.

“(3) The Registrar of the District Court may, on receipt of a complaint, request the Registrar of a Family Court to confirm whether there is, in the Family Courts, an application filed by person B for a protection order against person A currently pending determination.

“(4) A Registrar of a Family Court to whom a request under sub-clause (3) is made must respond to that request without delay.

**“431B Information requested by sentencing court for purposes of section 123B of Sentencing Act 2002**

“(1) This rule applies where—

“(a) a court convicts an offender of a domestic violence offence; and

“(b) the victim of the offence does not object to the court making, for his or her protection, a protection order against the offender under section 123B(2) of the Sentencing Act 2002.

- “(2) The Registrar of the court may request the Registrar of a Family Court to confirm whether there is currently in force a protection order against the offender made under the Domestic Violence Act 1995 for the protection of the victim of the offence.
- “(3) A Registrar of a Family Court to whom a request under subclause (2) is made must respond to that request without delay.
- “(4) In this rule, **domestic violence offence** and **victim of the offence** have the meanings given to them by section 123A of the Sentencing Act 2002.”

**7 Schedule 5 amended**

- (1) The heading to form DV 15 of Schedule 5 prescribing a protection order is amended by omitting “*Section 14*,” and substituting “*Sections 14, 77, and 124N*,”.
- (2) Form DV 15 of Schedule 5 is amended by inserting the following paragraph before the heading “**\*Order to apply against other person(s) (or associated respondent(s))**”:
- “\*The temporary protection order made against [*full name*], the respondent, on [*date*] by the District Court after the Court had been satisfied that the respondent had refused or failed to comply with a Police safety order, is now final in whole (*or in part or with modifications or without modifications*).”

Michael Webster,  
for Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the rules, but is intended to indicate their general effect.*

These rules, which come into force on 1 July 2010, amend the Family Courts Rules 2002 (the **principal rules**) consequentially on the coming into force of the Domestic Violence Amendment Act 2009 and the Sentencing Amendment Act (No 2) 2009.

The effect of the amendments is that certain provisions in the principal rules relating to protection orders will also apply to protection orders made under—

- section 124N of the Domestic Violence Act 1995;
- section 123B of the Sentencing Act 2002.

The amendments also require a Family Court to provide, on request, certain information to—

- a District Court that, on a complaint made under section 124L(3) of the Domestic Violence Act 1995, may make a temporary protection order under section 124N(2) of that Act (*see new rule 431A*);
- a sentencing court that, under section 123B of the Sentencing Act 2002, may make a protection order against an offender convicted of a domestic violence offence (*see new rule 431B*).

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Issued under the authority of the Acts and Regulations Publication Act 1989.

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These rules are administered by the Ministry of Justice.

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