



Resolving guardianship and care issues

Family Court Update - 2014

Urgent orders

- Both now and after 31 March if the situation is urgent you can go see a lawyer and if necessary the lawyer can help you file your application for orders and appear for you in Court but...



Major changes are ahead

- Big emphasis on trying to sort things out without having to go to Court
- Court process changes
- Major changes on your ability to have a lawyer through that process and if you have to go to Court





Getting legal advice now

- See a lawyer, preferably a Family Court lawyer
- You either fund privately or apply to the government for legal aid through the Ministry of Justice
- If legal aid granted the Ministry of Justice pay a fixed or set fee to the lawyer for work done



Getting advice from a lawyer after 31 March

- Can still pay yourself to see a lawyer (ie fund the privately)
- How much time the lawyer spends with you depends on you

And if I can't afford a lawyer?

- Can apply for Family Legal Aid Service lawyer
- 3 hours plus 1 hour to help you fill out any applications if out of Court settlement doesn't work out





Out of Court mediation (FDR)

- Can get legal advice and information before you go
- Run by an approved mediator – may be a lawyer or a counsellor or mediator
- No lawyers allowed
- If you reach agreement can just have it recorded by the mediator or see your lawyer before you sign



What next? Going to Court

- If haven't had a lawyer before the mediation can access one and get information (3 hours)
- Can't have a lawyer in the early stages of Court
- If you can pay, can get a lawyer to help fill out the forms
- If you have legal aid, lawyer can help (one hour)



How to make the most of your lawyer

- Write out all the important information
- Names, dates of birth, addresses, occupation
- A brief summary of what's happened and why you need Court orders
- Don't forget to bring the PIP form and the form from the mediator

And then...

- Lawyer can't help after you file the papers for the initial stages of Court – only if a judge directs if it looks like it's going to a hearing
- Don't forget when you file your applications that there is a filing fee \$220



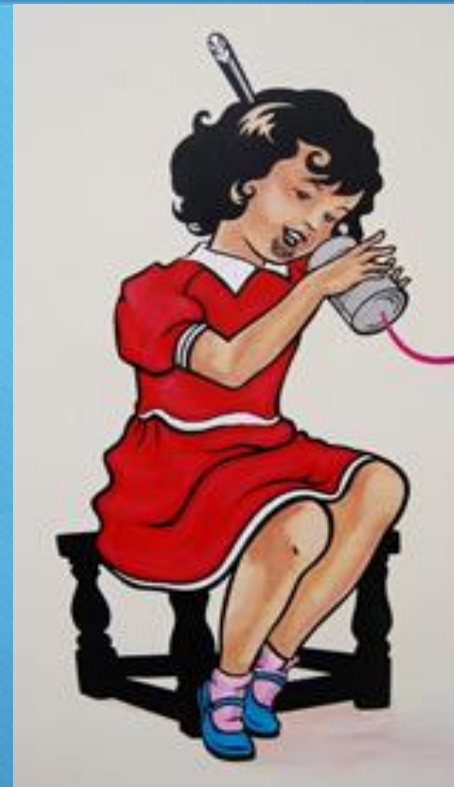
Tips #1

- If you're thinking about filing papers to get Court orders, go and see a lawyer now because things will be different after 31 March



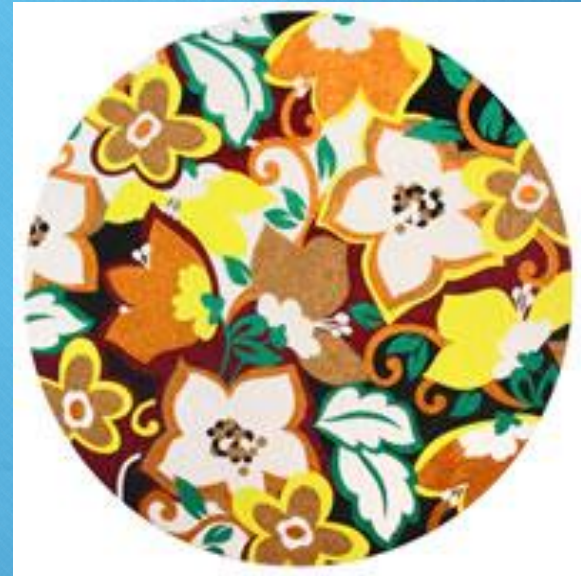
Tips # 2

- Be informed – call the 0800 number, go on the website (or get someone to) and keep asking for help
- Remember you are in charge of your case – can't leave it up to a lawyer – keep your papers tidy in a folder, get an email address if you don't have one already



Tips #3

- When you appear in front of the judge at the issues conference take someone for support even if they might not be allowed in the Court room
- Be prepared – write down what the issues are and what you want the judge to do, take paper and a pen to take notes





And...

- Don't waffle
- Speak clearly, stick to the facts and be clear about what you want and what you want the judge to do
- Listen to the judge and make sure you answer the questions clearly



And finally...

- Stay in touch with groups like the Grandparents Raising Grandchildren, stay supported