

Reprint
as at 1 September 2017



Child Support Rules 1992 (SR 1992/58)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 23rd day of March 1992

Present:

Her Excellency the Governor-General in Council

Pursuant to section 234 of the Child Support Act 1991, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following rules.

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Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These rules are administered by the Ministry of Justice.

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**Provisions of the District Courts Rules which do not apply to
proceedings under the Act**

Rules

Part 1

Preliminary provisions

1 Title and commencement

- (1) These rules may be cited as the Child Support Rules 1992.
- (2) These rules shall come into force on 2 April 1992.

2 Application of rules

- (1) Subject to this rule and unless the context otherwise requires, these rules shall apply to all proceedings under the Act.
- (2) These rules do not apply to—
 - (a) criminal proceedings; or
 - (aa) proceedings under the Act to which the Family Courts Rules 2002 apply, namely—
 - (i) proceedings in a Family Court; and
 - (ii) proceedings in a District Court acting under section 15 of the Family Courts Act 1980; or

- (b) proceedings which are transferred to the High Court under section 14 of the Family Courts Act 1980.
- (3) If in any proceedings any question arises as to the application of any provision of these rules, the court may, either on the application of any party or of its own motion, determine the question and give such directions as it thinks fit.

Compare: SR 1981/261 r 2

Rule 2(2)(aa): inserted, on 21 October 2002, by rule 3 of the Child Support Amendment Rules 2002 (SR 2002/259).

3 Interpretation

- (1) In these rules, unless the context otherwise requires,—

the Act means the Child Support Act 1991

address for service means the address of a place in New Zealand where any document may be left for the party giving the address, which address shall not be that of a post office box, a document exchange, or a rural delivery

applicant includes an appellant

application includes a notice of appeal, and **application for an order** has a corresponding meaning

court—

(a) means a District Court exercising jurisdiction under the Act; and

(b) in relation to any act, jurisdiction, or discretion which may under these rules be done or exercised by the Registrar, includes the Registrar

District Courts Rules means the District Courts Rules 1948 (SR 1948/197)

financial support includes any penalty or interest imposed thereon under the Act

Judge means a District Court Judge exercising jurisdiction under the Act

nearest, in relation to any court, means the court whose place of sitting is nearest by the most practicable route

Registrar means the Registrar of a court, and includes any Deputy Registrar.

- (2) Expressions not defined in these rules but defined in the Act have, in these rules, the meanings so defined.
- (3) In these rules, a reference to a numbered form is a reference to the form so numbered in Schedule 1.

Compare: SR 1981/261 r 3

Rule 3(1) **court** paragraph (a): substituted, on 21 October 2002, by rule 4(1) of the Child Support Amendment Rules 2002 (SR 2002/259).

Rule 3(1) **Judge**: substituted, on 21 October 2002, by rule 4(2) of the Child Support Amendment Rules 2002 (SR 2002/259).

4 Construction

These rules shall be so construed as to secure the just, speedy, simple, and inexpensive determination of any proceedings.

Compare: SR 1981/261 r 4

5 Procedure and practice

- (1) No practice that is inconsistent with these rules shall prevail in any court.
- (2) Subject to subclauses (3) to (5), if any case arises for which no form of procedure is prescribed by the Act or these rules, the District Courts Rules shall apply, so far as they are applicable and with any necessary modifications, and the general practice of District Courts shall apply.
- (3) Notwithstanding subclause (2), a court shall dispose of any case to which that subclause applies in such manner and subject to such modifications as the court thinks best calculated to promote the ends of justice.
- (4) Those provisions of the District Court Rules which are set out in Schedule 2 shall not apply to proceedings under the Act.
- (5) Where a court is satisfied, in the circumstances of any particular case, that—
 - (a) the provisions of the Act, of these rules, or of the District Courts Rules, or the practice of the court, do not make adequate provision for procedure or practice; or
 - (b) difficulties arise or doubts exist as to the appropriate procedure or practice,—

the court may give such directions with respect to the procedure and practice to be followed in the case as the court considers necessary to promote the ends of justice.

- (6) Every Judge may from time to time give such directions, not inconsistent with any enactment or these rules, as he or she thinks proper for regulating the business of the court over which he or she presides.

Compare: SR 1981/261 r 5

6 Non-compliance with rules

Non-compliance with any of these rules shall not render void the proceedings in which the non-compliance has occurred, but the proceedings may, of the court's own motion or on application made with reference to the non-compliance, be set aside either wholly or in part or amended or otherwise dealt with in such manner or on such terms as the court thinks fit.

Compare: SR 1981/261 r 6

Part 2

Records

7 Records

- (1) The Registrar of every District Court shall enter in the Family Proceedings Records kept in accordance with rule 7(1)(a) of the Family Proceedings Rules (SR 1981/261) a record of each application made under the Act, and of the decision on the application.
- (2) A minute of the decision on each application shall be endorsed on that application, and shall be signed and dated by the Judge or Registrar making the order.

Compare: SR 1983/31 r 7

8 Searches

- (1) Subject to subclause (2), the following persons may search the records of and the documents filed in the District Court in relation to any proceedings under the Act, namely:
 - (a) a party to the proceedings, or his or her solicitor or an agent of his or her solicitor:
 - (b) any other person who satisfies the Registrar that he or she has a proper interest in the proceedings.
- (2) If the Registrar considers that it would contravene a direction given by a Judge to permit a person referred to in subclause (1)(a) or (b) to inspect any particular document, or that there is some other special reason why the person should not search any particular document, the Registrar may decline to permit that person to search that document.
- (3) If a person referred to in subclause (1)(a) or (b) disputes the exercise by the Registrar of the power conferred by subclause (1) or subclause (2), the Registrar shall, on that person's request, submit the request to a Judge, whose decision shall be final.

Compare: SR 1981/261 r 8

Part 3

Proceedings generally

9 Forms

- (1) The forms to be used in proceedings under the Act shall be those prescribed in Schedule 1.
- (2) Such variations may be made in any prescribed form as the circumstances of any particular case may require.

- (3) Strict compliance with prescribed forms is not necessary and substantial compliance, or such compliance as the particular circumstances of the case allow, is sufficient.
- (4) Where no form is prescribed, a form may be devised by the parties or by the court, using as guides those prescribed in these rules.
- (5) Each sheet of paper used for any form shall be of international size A4.
- (6) Each sheet of paper on which the contents of a document are recorded shall have those contents recorded only on one side.
- (7) In the case of each form set out in Schedule 1,—
 - (a) a margin of at least 40 mm shall be left at the top of each page; and
 - (b) a margin of at least 70 mm shall be left on the right-hand side of each page.

Compare: SR 1981/261 r 11; SR 1983/31 r 9

10 Notices

- (1) All notices required to be given or served by the Act or by these rules shall be in writing, unless the Act or these rules otherwise provide or the court in any particular case otherwise directs.
- (2) Where an application is made for any order or direction relative to the service of an application upon a respondent, the court or Judge or Registrar hearing the same may require such further information or matter to be stated in the notice to the respondent, and may impose such conditions as seem proper to the court or Judge or Registrar in the circumstances of the particular case.

Compare: SR 1981/261 r 12

11 Headings

- (1) Every application, notice, order, summons, or warrant shall bear a proper heading.
- (2) The heading, which may be in form CS 1, shall show—
 - (a) the court in which the application or other matter is proceeding; and
 - (b) the distinguishing number of the application or other matter; and
 - (c) the names, addresses, and occupations of the parties or, in a case where the Commissioner of Inland Revenue is a party, the fact that the Commissioner is a party.
- (3) Subclauses (1) and (2) shall apply to every other document, including any affidavit, filed, issued, or served by any party:
provided that in the case of any such document—
 - (a) surnames of individuals, where required to be inserted, shall be set out at length, but given names may, unless necessary to distinguish 2 or more persons required to be named, be indicated by initials only:

- (b) addresses and occupations of persons, unless necessary to distinguish 2 or more persons required to be named, may be omitted.

Compare: SR 1981/261 r 13

12 Form of applications

- (1) Every application for an order under the Act shall be in the appropriate form in Schedule 1.
- (2) Multiple applications may be made in a single document (whether it consists of 1 page or more pages than 1).
- (3) Where multiple applications are made in a document—
 - (a) 1 signature by the applicant may be sufficient for all the applications made in the document:
 - (b) 1 information sheet in form CS 2 shall be sufficient in respect of all the applications in that document:
 - (c) 1 general heading in form CS 1 shall be sufficient in those cases where such a general heading is required.

Compare: SR 1981/261 r 14

13 Affidavit to accompany certain applications

- (1) Every application on notice (except an application for an urgent maintenance order under section 116 of the Act) shall be accompanied by an affidavit made by the applicant or some other person deposing to the matters on which the application is based.
- (2) Every affidavit accompanying a notice of appeal under section 100 or section 101 or section 102 or section 103 of the Act shall exhibit—
 - (a) a copy of the appellant's notice of objection to the Commissioner; and
 - (b) a copy of the Commissioner's notice of disallowance.
- (3) Every affidavit shall, where the application is to be served, be served with that application.

14 Information sheet to accompany applications

- (1) Every application (including an *ex parte* application, where such an application is permissible) shall be accompanied by a duly completed information sheet in form CS 2, which shall, where that application is to be served, be served with that application.
- (2) Subclause (1) shall apply to an application, notwithstanding that more than 1 order is claimed or sought in the document in which the application is made.

Compare: SR 1981/261 r 18

15 Applications on notice

- (1) Subject to rule 16, every application for an order under the Act—

- (a) shall be on notice; and
 - (b) shall be filed together with such number of copies as the Registrar directs of the application, of the information sheet, and, where rule 13 applies, of the affidavit accompanying the application, which number shall not exceed the number of persons intended to be served.
- (2) On the filing of an application on notice, the Registrar shall issue, for service on the respondent,—
- (a) a copy of the application; and
 - (b) where rule 13 applies, a copy of the affidavit accompanying the application; and
 - (c) a copy of the information sheet accompanying the application; and
 - (d) a notice to the respondent in form CS 26 or form CS 27, as may be appropriate.

Compare: SR 1981/261 r 15

16 *Ex parte* applications

- (1) An order may be made, or, as the case may be, a warrant may be issued, on an *ex parte* application under the following sections:
- (a) section 117(5) (suspension order):
 - (b) section 120(2) (order dispensing with security on appeal from decisions of courts):
 - (c) section 184 (charging order):
 - (d) section 187 (receiving order):
 - (e) section 199 (arrest of liable person):
 - (f) section 200 (order restraining disposition).
- (2) In any other case, an order may be made upon application *ex parte*—
- (a) if the court is satisfied—
 - (i) that the delay that would be caused by proceeding on notice would or might entail serious injury or undue hardship; or
 - (ii) that the delay that would be caused by proceeding on notice would or might entail risk to the personal safety of the applicant or any child of the applicant's family; or
 - (iii) that the application affects only the party moving, or is in respect of a matter of routine, or is of so unimportant a nature that the interest of any other party cannot be affected thereby; or
 - (b) where section 224 of the Act applies.
- (3) An *ex parte* application—
- (a) under section 117(5) of the Act shall be in form CS 23:

- (b) under section 199 of the Act shall be in form CS 47.
- (4) Every other *ex parte* application shall be in form CS 28.
- (5) Every *ex parte* application referred to in—
 - (a) subclause (1) (except paragraph (e)); or
 - (b) subclause (2)(a)(iii),—shall be accompanied by an affidavit made by the applicant or some other person deposing to the matters on which the application is based.
- (6) Any person against whom an order has been made *ex parte* under subclause (2) may at any time apply to rescind or vary the order.

Compare: SR 1981/261 r 16

17 Procedure on *ex parte* applications

- (1) If an *ex parte* application is one upon which an appearance is necessary or required, the Registrar shall fix a date and time for its hearing and shall inform the applicant of the date and time so fixed.
- (2) If an order is made on an application on which no appearance is necessary or required by the applicant, the Registrar shall immediately inform the applicant of the terms of the order.

Compare: SR 1981/261 r 17

18 Filing of applications

- (1) Subject to subclause (2) and except where the Act or these rules otherwise provide, any application by which proceedings under the Act are commenced may be filed—
 - (a) in the District Court nearest to the place where the applicant resides; or
 - (b) in the District Court nearest to the place where the respondent resides; or
 - (c) with the written consent of the respondent filed with the application, in any other District Court.
- (2) Any application by which proceedings under the Act are commenced, being proceedings to which the Commissioner of Inland Revenue is the applicant or respondent, shall be filed in the District Court nearest to the place where the other party resides.

19 Declaration of financial means

- (1) Every application under section 116 of the Act shall be accompanied by a statutory declaration in form CS 37.
- (2) Every such declaration shall be served with that application.

Compare: SR 1981/261 r 20

20 Previous documents

- (1) Where—

- (a) the parties to an application (other than an interlocutory application) were the parties, or some of the parties, to any previous application under the Act; and
 - (b) any such previous application was filed in a court other than that in which the latest application is filed,—
- there shall be filed with the latest application a document showing—
- (c) the file number of any such previous application; and
 - (d) the court in which any such previous application was filed.
- (2) Any party to an application may, by the document filed under subclause (1) or by a document filed separately at any time, request the transfer to the court in which the latest application is filed of all documents relating to any such previous application.
 - (3) The Registrar may, and shall, on receipt of a request under subclause (2) or by direction of a Judge, take all necessary steps to have the documents relating to any such previous application transferred.

Compare: SR 1981/261 r 21

21 Proceedings commenced in wrong court

- (1) The Registrar may refuse to file any proceedings which in his or her opinion are tendered for filing in the wrong court:

provided that the applicant may on such refusal apply to a Judge for a direction that he or she is entitled to file the proceedings in that court.
- (2) Where proceedings are commenced in the wrong court, a Judge, on such terms and conditions as he or she thinks fit, may either—
 - (a) transfer the proceedings to the court in which they ought to have been commenced; or
 - (b) order that the proceedings shall continue in the court in which they were commenced.
- (3) Subject to subclause (2), no objection shall be taken at the hearing or at any subsequent proceedings on the ground that the proceedings were filed in the wrong court.

Compare: SR 1981/261 r 22

22 Notice of defence

- (1) Subject to subclauses (2) and (3), in any proceedings under the Act, the respondent may, within 21 days after service on him or her of the application and notice, file in the court and serve on the other party or his or her solicitor a notice of defence in form CS 29.
- (2) Where a respondent resides outside New Zealand, or where there is substituted service, the time after service within which he or she may file a notice of de-

fence to the application shall, on application by the applicant, be fixed by the court or a Judge or by a Registrar.

(3) *[Revoked]*

Compare: SR 1981/261 r 27

Rule 22(3): revoked, on 3 August 2009, by rule 4 of the Child Support Amendment Rules 2009 (SR 2009/187).

23 Affidavit to accompany notice of defence

(1) Every notice of defence shall be accompanied by an affidavit made by the respondent or some other person deposing to the matters raised in the affidavit filed in support of the application and to the matters on which the defence is based.

(2) Every affidavit shall be served with the notice of defence.

Rule 23(1): amended, on 3 August 2009, by rule 5 of the Child Support Amendment Rules 2009 (SR 2009/187).

23A Non-compliance with rules 22 and 23

(1) This rule applies to a respondent who—

- (a) is served with an application; and
- (b) fails to file and serve a notice of defence and accompanying affidavit within the time specified in or under rule 22.

(2) If the respondent appears on the day of the hearing of the application to oppose or support the application, the Judge must decide whether it is in the interests of justice to allow the respondent to be heard.

(3) In deciding, for the purpose of subclause (2), whether to allow the respondent to be heard in relation to the application, the Judge must take into account the following matters:

- (a) any reason given by the respondent for failing to comply with rules 22 and 23; and
- (b) the effect of the respondent's failure to comply with rules 22 and 23 on—
 - (i) the other parties to the proceeding;
 - (ii) the management of the proceeding.

(4) The Judge may—

- (a) allow the respondent to be heard in relation to the application on such terms as the Judge thinks fit; or
- (b) decline to allow the respondent to be heard.

(5) If the Judge allows the respondent to be heard in relation to the application, the Judge may—

- (a) either—

- (i) proceed with the hearing of the application in accordance with any directions that the Judge thinks fit; or
 - (ii) adjourn the hearing of the application and give any directions about the adjourned hearing that the Judge thinks fit; and
- (b) make an order against the respondent for costs properly incurred in consequence of his or her failure to comply with rules 22 and 23.
- (6) If the Judge declines to allow the respondent to be heard, the Judge may proceed with the hearing of the application as if the respondent had not appeared.

Rule 23A: inserted, on 3 August 2009, by rule 6 of the Child Support Amendment Rules 2009 (SR 2009/187).

24 Interlocutory applications

Any application in the course of proceedings shall be filed in the court in which the proceedings were commenced or to which they have been transferred, or transferred for hearing, as the case may require.

Compare: SR 1981/261 r 31

25 Setting down for hearing

- (1) Unless a Judge in any particular case otherwise orders, no application shall be set down for hearing before the time for filing a notice of defence has expired.
- (2) Subject to subclause (1), an application shall be set down for hearing—
 - (a) on the filing of an application for a fixture in form CS 31 which is signed by or on behalf of all parties to the application; or
 - (b) on the filing of an application for a fixture in form CS 31 which is signed by one party alone if the Registrar is satisfied that the other party or parties have refused to sign the application and that the refusal in the circumstances is unreasonable; or
 - (c) where an application for a fixture in form CS 31 has not been filed, if the Registrar is satisfied that the time for filing the notice of defence has expired.
- (3) Where the Registrar sets the application down for hearing under subclause (2)(b), he or she shall endorse the application accordingly.
- (4) The Registrar shall give notice of the time and date of the hearing—
 - (a) to the applicant; and
 - (b) if the respondent has filed an address for service, or has been served with the proceedings, to the respondent.
- (5) It shall be the duty of all parties to furnish without delay to the Registrar all available information affecting any estimated length of the hearing.

Compare: SR 1981/261 r 33

Part 4

Transfer of proceedings or hearing

26 Transfer of proceedings

If a Judge of any court is satisfied that any proceedings in that court can be more conveniently or fairly dealt with in some other court, he or she may order them to be transferred to that other court.

Compare: SR 1981/261 r 34

27 Transfer of hearing

If a Judge of any court is satisfied that any application filed in that court can be more conveniently or fairly heard in some other court, but that the application should remain an application to the first-mentioned court, he or she may order that the hearing of the application shall take place in that other court.

Compare: SR 1981/261 r 35

28 Transfer with or without application

- (1) Any transfer authorised by rule 26 or rule 27 may be made by the Judge of his or her own motion, or on the application of any party on not less than 3 days' notice.
- (2) Where all parties consent, the order may be made by the Registrar.
- (3) The order shall be endorsed on the application, and notice of the transfer shall be given to all parties.

Compare: SR 1981/261 r 36

29 Procedure on transfer

Where, in relation to any proceedings under the Act,—

- (a) any transfer of proceedings or transfer of hearing is ordered under rule 26 or rule 27,—
- (b) *[Revoked]*

rule 37 of the Family Proceedings Rules 1981 (SR 1981/261) shall apply with any necessary modifications to that transfer.

Compare: SR 1981/261 r 37

Rule 29(b): revoked, on 21 October 2002, by rule 5 of the Child Support Amendment Rules 2002 (SR 2002/259).

Part 5

Service

Part 5: replaced, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

Service: documents to be served

Heading: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

30 Documents to be served

- (1) If no other person is required to do so by the Act or these rules, the Registrar must serve, or cause to be served, without delay, the following documents:
 - (a) the documents issued for service under rule 15(2);
 - (b) any summons issued under the Act or these rules;
 - (c) any other document required to be served under the Act or these rules or that the Judge directs must be served.
- (2) The Registrar may serve, or cause to be served, any other document that he or she considers should be served in any proceedings under the Act.

Rule 30: replaced, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

Service: how documents to be served

Heading: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

31 How documents to be served

- (1) A document required by the Act or these rules to be served on a person in a particular manner must be served on the person in that manner, regardless of rules 32 to 37B.
- (2) A document not required by the Act or these rules to be served on a person in a particular manner may be served on the person by—
 - (a) personal service (*see* rules 32 and 33); or
 - (b) service on a lawyer who accepts the document on behalf of the person (*see* rule 34); or
 - (c) service at the person's address for service (*see* rules 35 to 37B); or
 - (d) service in a manner and at a place that the court or Registrar directs.
- (3) If all reasonable efforts have been made to serve documents in a manner required or (as the case requires) a manner permitted by these rules, but the documents have not been served in that manner, in certain circumstances a Judge may, under rule 37C, make an order for substituted service (that is, an order dispensing with, or changing, the service required by these rules).

Rule 31: replaced, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

Service: personal service

Heading: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

32 Who may carry out personal service

- (1) A document that must be served personally may be served by—
- (a) a Registrar, a bailiff, or any other employee appointed under the State Sector Act 1988 for the conduct of the business of the court:
 - (b) an individual who is authorised by the Secretary for Justice to serve documents under the Act:
 - (c) an officer or employee of a corporation that is authorised by the Secretary for Justice to serve documents under the Act:
 - (d) a constable:
 - (e) a Police employee authorised by the Commissioner of Police to serve documents under the Act:
 - (f) a party's lawyer or an agent of a party's lawyer:
 - (g) if the Commissioner of Inland Revenue is a party, the Commissioner or some person authorised by the Commissioner:
 - (h) a party's agent, delegate for the purpose, or employee.
- (2) Except where service is effected by a person referred to in subclause (1)(g), no party may effect personal service, but the party may be present when service is effected.

Rule 32: replaced, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

33 Personal service

Personal service of a document may be effected by leaving the document with the person to be served or, if that person does not accept it, by putting it down in that person's presence and bringing it to that person's attention.

Rule 33: replaced, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

Service: lawyer may accept service on behalf of person

Heading: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

34 Service on lawyer accepting service on behalf of person

- (1) Service of a document on a person may be effected by service of it on a lawyer who accepts service of it on behalf of the person.
- (2) A lawyer accepts service of a document if the lawyer—

- (a) notes on a copy of the document that he or she accepts service of it on behalf of the person; and
 - (b) signs and dates the note.
- (3) If a lawyer accepts service of a document on behalf of a person, the document must, unless the contrary is proved, be treated as served on the date on which the lawyer signed the note.

Rule 34: replaced, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

Service: at address for service

Heading: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

35 Address for service

- (1) Subject to subclause (2), each party in a proceeding, unless he or she has sooner given his or her address for service in accordance with that subclause, must give an address for service at the end of the first document filed by him or her or on the information sheet filed under rule 14.
- (2) A party (other than the party who is commencing proceedings) may give an address for service by stating it in a notice filed in the court and by serving a copy of the notice on each other party to the proceedings.
- (3) Any address for service may from time to time be altered by reasonable notice to the Registrar and to each other party to the proceedings.
- (4) If a party has no address for service, the Judge or the Registrar may direct that a particular address is the party's address for service.
- (5) Any person, other than a party to the proceeding, who is given or served with a document in the proceedings must give an address for service at the end of the first document filed by, or on behalf of, that person in the proceedings.

Rule 35: replaced, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

36 Service at address for service

A document may be served at an address for service by leaving the document at that address between 9 am and 5 pm.

Rule 36: replaced, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

37 Methods of service if address for service is lawyer's office

If an address for service given by a party under these rules is the office of a lawyer acting for the party, and the lawyer has a post office box address, a document exchange box number, or an electronic address, a document may be served on the party by—

- (a) posting the document to the post office box; or

- (b) leaving the document at a document exchange for direction to the document exchange box number; or
- (c) transmitting the document to the electronic address.

Rule 37: replaced, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

37A When and how documents under rule 37 to be treated as served

- (1) A document posted under rule 37(a) must, unless the contrary is proved, be treated as having been served on the earlier of—
 - (a) the day on which it was received; and
 - (b) the fifth working day after the day on which it was posted.
- (2) A document left at a document exchange under rule 37(b) must, unless the contrary is proved, be treated as having been served on the earlier of—
 - (a) the day on which it was received; and
 - (b) the second working day after the day on which it was left at the document exchange.
- (3) A document transmitted under rule 37(c)—
 - (a) before 5 pm on a day must be treated as having been served on that day unless the contrary is proved;
 - (b) on or after 5 pm on a day must be treated as having been served on the first working day after the day on which it was received unless the contrary is proved.
- (4) A document transmitted under rule 37(c) must be treated as having been received in a complete and legible form unless—
 - (a) the contrary is proved; or
 - (b) the lawyer receiving the document gave in relation to the document the notice required by rule 37B(1)(b).

Rule 37A: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

37B Lawyer must acknowledge document transmitted electronically

- (1) A lawyer to whom a document is transmitted under rule 37(c) must, promptly after receiving the document, give the person who served the document—
 - (a) a notice acknowledging receipt of the document and confirming the date of service of the document; or
 - (b) if the document was incomplete or illegible, or both, when it was received, a notice stating that the document was incomplete or illegible, or both, when it was received.
- (2) A notice under subclause (1) may be—
 - (a) given in writing; or

- (b) transmitted electronically.

Rule 37B: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

Service: substituted service

Heading: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

37C Order dispensing with or changing service required

- (1) A person may, by an interlocutory application, apply for an order for substituted service if—
- (a) all reasonable efforts have been made to serve a document in a manner required or (as the case requires) in a manner permitted by these rules; and
 - (b) the document has not been served in that manner; and
 - (c) either—
 - (i) prompt service of the document cannot be effected; or
 - (ii) the document has come to the knowledge of the person to be served.
- (2) In response to the application, the Judge may, if satisfied of the matters specified in subclause (1)(a) to (c), make—
- (a) an order dispensing altogether with the service required; or
 - (b) an order for substituted service in form CS 32 that changes, in any way, the service required (for example, an order permitting the document to be brought to the notice of the person to be served using social media, or by advertisement, or by some other means).
- (3) If the court makes an order under section 224(1)(b) of the Act, or where an order for substituted service is made requiring that a document be brought to the notice of the person to be served by an advertisement, the advertisement must be in form CS 33.

Rule 37C: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

Service: proof of service

Heading: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

37D Proof of personal service

- (1) Proof that a document has been served personally on a person may be given by—
- (a) oral evidence given on oath before the court; or
 - (b) an affidavit of service.

- (2) If the person on whom the document was served is personally known to the person who makes the affidavit of service, that affidavit must set out the circumstances that enable the deponent to state the deponent's personal knowledge of the person served.
- (3) If the person served is not personally known to the person who makes the affidavit of service, the identity of the person served—
 - (a) may not be proved by a mere acknowledgement by the person served; but
 - (b) may be proved by—
 - (i) written acknowledgement proved to be in the handwriting of the person served; or
 - (ii) a satisfactory photograph; or
 - (iii) any other means satisfactory to the court.
- (4) If a document is served by an officer of the court or a constable or a Police employee, the service may be proved—
 - (a) by stating that the document has been served and stating the date and mode of service—
 - (i) in an endorsement on the original document, or on a copy of it, signed by the person who served the document; or
 - (ii) in a certificate attached to the original document, or on a copy of it, signed by the person who served the document; or
 - (b) in either of the ways referred to in subclause (1).

Rule 37D: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

37E Proof of substituted service

- (1) Proof that a document has been served (by substituted service) by publishing an advertisement in 1 or more newspapers must be given by an affidavit of advertising in form CS 34.
- (2) The service of a document by substituted service in any other way may be proved—
 - (a) on oath before the court; or
 - (b) by affidavit; or
 - (c) by any other means satisfactory to the Registrar.

Rule 37E: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

37F Attaching copy of document to affidavit of service or certificate of service

- (1) An affidavit of service of a document need not have a copy of the document attached to it as an exhibit if—

- (a) the original or a copy of the document has, at the time of service, been filed in the court; and
- (b) the affidavit contains a description of the document that—
 - (i) enables the document to be identified; and
 - (ii) if the document is dated, includes the date of the document.
- (2) Despite rule 37D(4)(a)(ii), a certificate of service under that rule need not have a copy of the document attached to it if—
 - (a) the original or a copy of the document has, at the time of service, been filed in the court; and
 - (b) the certificate of service contains a description of the document that—
 - (i) enables the document to be identified; and
 - (ii) if the document is dated, includes the date of the document.
- (3) The court may direct a party to attach a copy of a document to an affidavit of service or a certificate of service.
- (4) A direction under subclause (3) overrides subclauses (1) and (2).

Rule 37F: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

Service of orders

Heading: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

37G Service of orders

- (1) The Registrar must, as soon as practicable after the making of any order under the Act, take all reasonable steps to serve a copy of the order on the parties.
- (2) If a party is represented by a lawyer, service of a copy of the order on his or her lawyer is deemed to be service on that party.
- (3) If any party is not represented by a lawyer, service may be effected by—
 - (a) sending a copy of the order to the party's address for service; or
 - (b) transmitting the order to the party's last known electronic address.
- (4) If service cannot be effected under subclause (3) because no address for service or electronic address has been given by the party, and the party resides in New Zealand, service may be effected by sending a copy of the order by a letter that is—
 - (a) addressed to that party at the party's last known or usual place of residence or business in New Zealand; and
 - (b) delivered to that address by a postal or courier service that records details of delivery to the address.
- (5) If service cannot be effected under subclause (3) because no address for service or electronic address has been given by the party, and the party resides over-

seas, service may be effected by sending a copy of the order by a letter that is—

- (a) addressed to the party at that party's last known or usual place of residence or business overseas; and
- (b) sent to that address by airmail.

Rule 37G: inserted, on 1 September 2017, by rule 4 of the Child Support Amendment Rules 2017 (LI 2017/185).

Part 6

Particulars and discovery

38 Further particulars

- (1) If either party requires further particulars, he or she may, at any time before the hearing give notice to the other party requiring the other party, within 7 days after service of the notice, to file and serve such further particulars as the party giving the notice specifies, being particulars that suffice to ensure that the court and the party giving the notice are fully and fairly informed of the matters relied on by the party to whom the notice is given.
- (2) Notwithstanding anything in subclause (1), a Judge may at any time order any party to file and serve—
 - (a) a statutory declaration in form CS 37;
 - (b) a statement of such particulars as may suffice to ensure that the court and the opposite party are fully and fairly informed of the matters relied on by the party so ordered.
- (3) If any party fails to comply with any such notice or order, the following provisions shall apply:
 - (a) if the party failing to comply with the order is the applicant in the proceedings, the court may order the proceedings to be dismissed or stayed until the order is complied with;
 - (b) if the party failing to comply with the order is the respondent, the court may order—
 - (i) that the respondent be deemed to have admitted those particulars in the application or notice of defence to which the order for further particulars applies; or
 - (ii) that the respondent be allowed to defend the application only on such terms as the court thinks fit.

Compare: SR 1981/261 r 48

39 Discovery of documents

- (1) Where a notice of defence has been filed, any party may apply to the court for an order for discovery on oath of the documents which are or have been in the

possession or power of the other party relating to any matter in question in the proceedings. The application shall be accompanied by an affidavit specifying the extent of the discovery required and the reasons for the discovery.

- (2) The order shall be in form CS 35 and shall be served by the applicant on the party against whom it is issued.
- (3) A party against whom an order for discovery is issued shall, within 7 days after the service of the order, or within such further time as the court, on application, may order,—
 - (a) file an affidavit in form CS 36; and
 - (b) serve a copy of that affidavit on the party who applied for the order.
- (4) Nothing in this rule shall override or limit the secrecy provisions of the Inland Revenue Department Act 1974.

Compare: SR 1981/261 r 49

Part 7

Amendment

40 Amendment before service

The Registrar may, on the request in writing of the applicant at any time before the service of the application, amend any application.

Compare: SR 1981/261 r 50

41 Amending proceedings

The court may, either upon or without the application of either party and at any stage of the proceedings,—

- (a) amend any defect or error in any proceedings, whether the defect or error is that of the party applying to amend or not; or
- (b) amend the name, address, or occupation of either of the parties as set out in any document in the proceedings,—

and all such amendments as may be necessary for the purpose of determining the real question in dispute between the parties may be made, and the proceedings shall continue in all respects as if they had been commenced in the form in which they appear after the amendment has been made.

Compare: SR 1981/261 r 51

42 Amendment of application or notice of defence

- (1) An applicant may file and serve an amended application and a respondent may file and serve an amended notice of defence—
 - (a) without an order, at any time before the application has been set down for hearing; or
 - (b) with the leave of the court, at any time before the hearing.

- (2) When an application or notice of defence is amended, the court may, at the hearing, adjourn the hearing for such time and on such terms as may be just.

Compare: SR 1981/261 r 52

43 Clerical mistakes and slips

Clerical mistakes in judgments or orders, or errors in judgments or orders arising from any accidental slip or omission, may at any time be corrected by the court or a Judge or a Registrar.

Compare: SR 1981/261 r 53

44 Procedure on intervention

Every person who wishes, pursuant to section 125 of the Act, to intervene in, and contest and argue any question arising in, a proceeding under the Act to which he or she is not otherwise a party, shall file a notice of intervention in form CS 30 and serve a copy on every party to the proceeding.

45 Joinder of party

- (1) Where another person is joined as a respondent, the court may adjourn the hearing for such time and on such terms as may be just to enable the party so joined to be served with—

- (a) a notice in form CS 26 (which form shall apply with any necessary modifications); and
- (b) a copy of the application initiating the proceedings and of any affidavit accompanying the application.

- (2) Notwithstanding subclause (1), if the joinder under that subclause is made at the hearing and the party so joined is present at the hearing, service of that notice and copy of application may be dispensed with if the court is satisfied that the party joined will not be prejudiced.

Compare: SR 1981/261 r 54

Part 8

Applications, directions, and conferences

46 General procedure

- (1) Where by the Act or by these rules any application in the course of any proceedings is expressly or by implication authorised to be made to the court or to the Judge or to the Registrar, then, subject to the provisions of the particular section of the Act or rule applicable thereto, the following provisions shall apply:

- (a) the application may be made either in court or in chambers and either *ex parte* or on notice:

- (b) if made *ex parte*, the application shall be in form CS 28, and the provisions of subclauses (2) and (6) of rule 16 shall apply with any necessary modifications:
 - (c) if made on notice, the application shall be filed in the District Court and served on the opposite party not later than 3 clear days before the time appointed for the hearing of the application, unless the Judge or Registrar dispenses with notice or gives leave for shorter notice:
 - (d) no affidavit shall be necessary in the first instance, but the Judge or Registrar may direct evidence to be adduced in such manner as the Judge or Registrar thinks fit:
 - (e) upon the hearing of the application, the Judge or Registrar may make such order as the Judge or Registrar thinks fit:
 - (f) if the Registrar has power to hear and determine the application, the applicant shall, unless the Judge otherwise orders, make the application to the Registrar in the first instance:
 - (g) where the application is made to the Registrar, the Registrar may, if in doubt as to the proper order to be made, refer the application to the Judge forthwith or at the next convenient opportunity and the Judge may hear the application and make such orders as the Judge thinks fit:
 - (h) the costs of interlocutory applications shall be in the discretion of the court, and if allowed shall be costs in the proceedings unless the Judge or Registrar otherwise orders:
 - (i) where the Registrar has made an order to which this rule applies, any party who is dissatisfied with it may apply to the Judge on notice to vary or rescind the order, and on hearing the application the Judge may vary or rescind the order and may make such order as he or she thinks fit:
 - (j) the application need not be heard by the Judge before whom other applications in the same proceedings are pending:
 - (k) if the Registrar is satisfied that by reason of the absence of the Judge an application can be more expeditiously heard and determined in some other court, he or she may, of his or her own motion or on the request of either party, order that the application be transferred for hearing to that court, and the provisions of rule 37(2) of the Family Proceedings Rules 1981 (as applied by rule 29 of these rules) shall apply to the transfer.
- (2) The jurisdiction of the court to hear any application in the course of proceedings may be exercised by the Registrar, unless there is provision to the contrary in the Act or these rules.

Compare: SR 1981/261 r 55

47 Enlargement or abridgment of time

- (1) Subject to these rules, any of the times fixed by these rules for—

- (a) taking any steps in any proceedings; or
 - (b) filing any document; or
 - (c) giving or serving any notice—
may be enlarged or abridged by consent of both parties or by the court on the application of either party.
- (2) An order enlarging time may be made although the application for the order is not made until after the expiration of time allowed or appointed.
 - (3) An order enlarging or abridging time may be varied by the court on the application of either party.
 - (4) No order enlarging time may be made where it appears that the application for the order was made with the principal object of delaying the proceedings to the detriment of the other party.

Compare: SR 1981/261 r 56

Conference

[Revoked]

Heading: revoked, on 21 October 2002, by rule 6(2) of the Child Support Amendment Rules 2002 (SR 2002/259).

48 Power of Judge to call conference

[Revoked]

Rule 48: revoked, on 21 October 2002, by rule 6(1) of the Child Support Amendment Rules 2002 (SR 2002/259).

49 Orders and directions

[Revoked]

Rule 49: revoked, on 21 October 2002, by rule 6(1) of the Child Support Amendment Rules 2002 (SR 2002/259).

50 Non-compliance with order

[Revoked]

Rule 50: revoked, on 21 October 2002, by rule 6(1) of the Child Support Amendment Rules 2002 (SR 2002/259).

Part 9 Evidence

51 Order for production of documents

- (1) The court may at any stage of the proceedings order the production by any party of any documents in his or her possession, custody, or power relating to any question in the proceedings, and the court may deal with the documents when produced in such manner as may be just.

- (2) If any party fails to comply with an order made under subclause (1), the following provisions shall apply:
- (a) if the party failing to comply with the order is the applicant, the court may order the proceedings to be dismissed or stayed until the order is complied with:
 - (b) if the party failing to comply with the order is a respondent, the court may order that he or she be allowed to defend only on such terms as the court thinks fit.
- (3) Nothing in this rule shall override or limit the secrecy provisions of the Inland Revenue Department Act 1974.
- Compare: SR 1981/261 r 68

52 Powers of Judge or Registrar not suspended by examination of witnesses out of court

The pendency of any examination under rule 198 of the District Courts Rules, as applied to proceedings to which these rules apply, shall not suspend or prevent the exercise by any Judge or Registrar of any power or jurisdiction which he or she would otherwise possess in respect of the application.

Compare: SR 1981/261 r 69

53 Taking evidence outside New Zealand

Where in any proceedings under the Act, the evidence of any person is to be taken outside New Zealand, that evidence may be taken in accordance with the rules of the High Court of New Zealand for the time being governing the examination of witnesses out of New Zealand.

Compare: SR 1981/261 r 70

Part 10 Miscellaneous provisions

54 Court and chambers

- (1) The court may, for the purpose of doing justice between the parties and any other persons likely to be affected by the proceedings, from time to time adjourn the hearing of any proceedings from court to chambers and from chambers to court.
- (2) In any proceedings in which the Judge is required, or desires, to ascertain the wishes of any child, he or she may order that any party to the proceedings and the barristers or solicitors for any party or for the child be excluded from the hearing for so long as may be necessary for such ascertainment or may otherwise direct when and where he or she will ascertain the wishes of the child.

Compare: SR 1981/261 r 71

55 Order of priority of warrants to seize property

- (1) The Registrar shall note on any request for the issue of a warrant to seize property the precise time of the request.
- (2) Any warrant to seize property issued shall bear an endorsement by the Registrar of the precise time of the request.
- (3) Where more than 1 warrant to seize property is issued against the same person, the warrants shall be executed in the order of the times noted under subclause (1).
- (4) Any warrant issued under section 183 of the Act shall rank in order of priority with any warrant to seize property issued under the District Courts Rules.

Compare: SR 1981/261 r 72

Rule 55 heading: amended, on 14 April 2014, by rule 4(1) of the Child Support Amendment Rules (No 2) 2013 (SR 2013/407).

Rule 55(1): amended, on 14 April 2014, by rule 4(2) of the Child Support Amendment Rules (No 2) 2013 (SR 2013/407).

Rule 55(2): amended, on 14 April 2014, by rule 4(2) of the Child Support Amendment Rules (No 2) 2013 (SR 2013/407).

Rule 55(3): amended, on 14 April 2014, by rule 4(2) of the Child Support Amendment Rules (No 2) 2013 (SR 2013/407).

Rule 55(4): amended, on 14 April 2014, by rule 4(2) of the Child Support Amendment Rules (No 2) 2013 (SR 2013/407).

56 Powers of Registrar

- (1) Where the Registrar is authorised under these rules to hear and determine any proceedings or to exercise any other jurisdiction, the Registrar shall, within the limits of that authority and subject to any right of review by a Judge under these rules, have all the powers of a Judge; and any order by the Registrar shall have the same effect, and be enforceable in the same manner, as if it were an order of a Judge.
- (2) Nothing in this rule shall authorise the Registrar to commit any person to a prison or to enforce any order by committal.
- (3) Any order made by a Judge may be signed by the Registrar in his or her own name and description.

Compare: SR 1981/261 r 73

Rule 56(2): amended, on 1 June 2005, by section 207 of the Corrections Act 2004 (2004 No 50).

57 Procedure on arrest of respondent other than in respect of offence

- (1) Subject to sections 193(3) and 194(6) of the Act, where a respondent is arrested and brought before the court on a warrant issued other than in respect of an offence, subclauses (2) to (5) of this rule shall apply.
- (2) The court before whom the respondent is brought may adjourn the hearing to a time and place to be appointed, and may—
 - (a) allow the respondent to go at large; or

- (b) grant him or her bail on such conditions, and either in his or her own recognisance or with such number of sureties as the court in its discretion sees fit, and for such amount, as the court considers proper in all the circumstances; or
 - (c) if it is the opinion that the attendance of the respondent at the hearing is necessary in the interests of justice and that the respondent is unlikely to appear at the hearing, or may attempt to leave New Zealand with intent to defeat the course of justice, remand the respondent in custody for any period not exceeding 8 days unless the respondent consents to a longer period of remand.
- (3) Any such adjournment, bail, or remand may be extended or renewed from time to time by the court until the proceeding in respect of which the warrant was issued is finally disposed of by the court.
- (4) Where—
- (a) any respondent who is allowed to go at large fails to attend at the time and place to which the hearing has been adjourned; or
 - (b) any respondent who is released on bail fails to attend personally at the time and place specified in the bond or fails to comply with any condition fixed in the bond,—
- any Judge may issue a warrant to arrest the respondent and bring him or her before a court.
- (5) If a respondent who has been released on bail fails to comply with the bond, the provisions of section 39 of the Bail Act 2000, as far as they are applicable and with the necessary modifications, shall apply.

Compare: SR 1981/261 r 74

Rule 57(5): amended, on 1 July 2013, by rule 4 of the Child Support Amendment Rules 2013 (SR 2013/172).

58 Bond by receiver

Where pursuant to section 187 of the Act any person other than Public Trust or the Māori Trustee or a trustee company within the meaning of the Trustee Companies Act 1967 is appointed to be a receiver of any property to which the respondent is entitled, he or she shall, before acting as receiver, give security to the satisfaction of the Registrar for the due administration of the receivership.

Compare: SR 1981/261 r 75

Rule 58: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Rule 58: amended, on 1 March 2002, pursuant to section 152(1) of the Public Trust Act 2001 (2001 No 100).

59 Witness entitled to expenses

Every witness attending a court upon a witness summons, and every other person giving evidence in the course of the proceedings, shall be entitled as

against the party calling him or her to a sum for fees, allowances, and travelling expenses in accordance with the Witnesses and Interpreters Fees Regulations 1974:

provided that the court may, on application, disallow the whole or any part of that sum.

Compare: SR 1981/261 r 77

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Form CS 1
General heading to proceedings

rr 11(2), 12(3)(c)

(Where not otherwise provided in these rules)

CS No:

In the District Court at [*place*]

Applicant

[*Full name, address, and occupation*]

Respondent

[*Full name, address, and occupation*]

Form CS 2

Information sheet to accompany certain applications (including certain *ex parte* applications)

rr 12(3)(b), 14(1), 15(1)(b), (2)(c)

CS No:

In the District Court at [*place*]

This information sheet accompanies applications for the following order(s):

1

2

3

4

5

6

By [*applicant's full name, occupation, age in years at date of application*]

*Home address:

*Work address:

*Contact telephone number(s): [**home, *work*]

*Country of residence:

*The applicant may delete these items from the copies to be served.

Full name of other party (*or* other applicant (in the case of a joint application)):

Relationship, if any, to applicant or other applicant:

Occupation:

Age in years at date of application:

*Home address:

*Work address:

*Contact telephone number(s): [**home, *work*]

*Country of residence:

[*Complete this section if the applicant and respondent are married to each other or if joint applicants are married to each other.*]

Date of marriage:

Place of marriage:

Children affected by the application: [*if none, write "none" on line 1*]

Full name of each child:

Age at application:

Date of birth:

Name of person with whom each child is living at the time of application, and the relationship (if any) of that person to the child:

The accompanying applications are filed by [*name*], whose address for service is at [*address*].

Previous applications: [*file number of any previous applications between the parties, and the courts where they were filed*]

For court use:

Date stamp:

Form CS 3

Application for declaration that another person is a step-parent of a child

Section 99(1), Child Support Act 1991

(General heading—Form CS 1)

CS No:

I, *[full name]*, declare that I am an eligible custodian of *[full name of child]*.

I apply for a declaration that *[full name of respondent]* is a step-parent of the child for the purposes of the Act.

This application is made on the following ground(s):

[State the ground(s) on which the application is made, referring to any relevant circumstances set out in section 99(4) of the Act to which the court is to have regard].

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

Signature of applicant:

Date:

To the Registrar

District Court

[place]

and

To the Respondent.

This application is filed by *[name]*, whose address for service is at *[address]*.

Form CS 4

Application for declaration that applicant is a step-parent of a child

*Section 99(2), Child Support Act 1991***(General heading—Form CS 1)**

I, *[full name]*, wish to be declared to be a step-parent of *[full name of child]* for the purposes of the Act.

I apply for a declaration to that effect.

This application is made on the following ground(s):

[State the ground(s) on which the application is made, referring to any relevant circumstances set out in section 99(4) of the Act to which the court is to have regard].

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

Signature of applicant:

Date:

To the Registrar

District Court

[place]

and

To the Respondent.

This application is filed by *[name]*, whose address for service is at *[address]*.

Form CS 5

Notice of appeal against Commissioner's decision to accept application for
formula assessment of child support

Section 100, Child Support Act 1991

CS No:

In the District Court at *[place]*

Appellant

[Full name, address, and occupation of objector]

Respondent

The Commissioner of Inland Revenue

I, *[full name]*, object to the Commissioner's decision under section 17(1) of the Act to accept an application for formula assessment of child support.

Attached is a copy of the Commissioner's notification that the application has been accepted.

The name of each child in respect of whom the application sought payment of child support, and the name(s) of the eligible custodian(s) of that child (*or* those children) are as follows:

Full name of child:

Full name of custodian:

I objected to the Commissioner on *[date]* against the Commissioner's decision to accept the application for formula assessment of child support.

The Commissioner disallowed the objection on *[date]*.

Take notice that I intend to appeal to the District Court against the Commissioner's decision to accept the application for formula assessment of child support in respect of *[full name of child(ren)]* and *[full name of custodian(s)]* on the following ground(s):

- the application was not made in respect of a qualifying child:
- the application was not made by an eligible applicant:
- the application required the payment of child support by a person who was not liable to pay child support under the Act in respect of the child.

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

Signature of appellant:

Date:

*Delete if not applicable.

To the Registrar

District Court

[*place*]

and

To the Respondent.

This notice of appeal is filed by [*name*], whose address for service is at [*address*].

Form CS 6
Order upholding or disallowing appeal made under section 100
Section 100, Child Support Act 1991

CS No:

In the District Court at [*place*]

Appellant

[*Full name, address, and occupation of objector*]

Respondent

The Commissioner of Inland Revenue

Upon appeal to it, the court upholds (*or* dismisses) the appellant's appeal against the Commissioner's decision to accept an application for formula assessment of child support in respect of the following child(ren) and the following custodian(s):

Full name of child:

Full name of custodian:

Date:

Signature:

(Registrar)

Form CS 7

Notice of appeal against Commissioner's decision to refuse to accept
application for formula assessment of child support*Section 101, Child Support Act 1991*

CS No:

In the District Court at *[place]*

Appellant

[Full name, address, and occupation of objector]

Respondent

The Commissioner of Inland Revenue

I, *[full name]*, object to the Commissioner's decision under section 17(2) of the Act to refuse to accept an application for formula assessment of child support.

Attached is a copy of the Commissioner's notification that the application has been refused.

The name of each child in respect of whom the application sought payment of child support, and the name(s) of the eligible custodian(s) of that child (*or* those children) are as follows:

Full name of child:

Full name of custodian:

I objected to the Commissioner on *[date]* against the Commissioner's decision to refuse to accept the application for formula assessment of child support.

The Commissioner disallowed the objection on *[date]*.

Take notice that I intend to appeal to the District Court against the Commissioner's decision to refuse to accept the application for formula assessment of child support in respect of *[full name of child(ren)]* and *[full name of custodian(s)]* on the grounds that—

the application was made in respect of a qualifying child; and

the application was made by an eligible applicant; and

the application required the payment of child support by a person who was liable to pay child support under the Act in respect of the child.

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

Signature of appellant:

Date:

To the Registrar

District Court

[*place*]

and

To the Respondent.

This notice of appeal is filed by [*name*], whose address for service is at [*address*].

Form CS 8
Order upholding or disallowing appeal made under section 101
Section 101, Child Support Act 1991

CS No:

In the District Court at [*place*]

Appellant

[*Full name, address, and occupation of objector*]

Respondent

The Commissioner of Inland Revenue

Upon appeal to it, the court upholds (*or* dismisses) the appellant's appeal against the Commissioner's decision to refuse to accept an application for formula assessment of child support in respect of the following child(ren) and the following custodian(s):

Full name of child:

Full name of custodian:

Date:

Signature:

(Registrar)

Form CS 9

Notice of appeal against other administrative decisions of Commissioner

Section 102, Child Support Act 1991

CS No:

In the District Court at *[place]*

Appellant

[Full name, address, and occupation of objector]

Respondent

The Commissioner of Inland Revenue

Take notice that I, *[full name]*, intend to appeal to the District Court against the Commissioner's decision dated *[date]* to *[give particulars of the appealable decision appealed against]*.

I objected to the Commissioner on *[date]* against that decision.

The Commissioner disallowed the objection on *[date]*.

The grounds of the appeal are as follows:

[State the grounds on which the application is made].

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

Signature of appellant:

Date:

To the Registrar

District Court

[place]

and

To the Respondent.

This notice of appeal is filed by *[name]*, whose address for service is at *[address]*.

Form CS 10
Order upholding or disallowing appeal made under section 102
Section 102, Child Support Act 1991

CS No:

In the District Court at [*place*]

Appellant

[*Full name, address, and occupation of objector*]

Respondent

The Commissioner of Inland Revenue

Upon appeal to it, the court upholds (*or* dismisses) the appellant's appeal against the Commissioner's decision dated [*date*] to [*state decision appealed against*].

*The court makes the following order: [*specify any order made*].

Date:

Signature:

(Registrar)

*Delete if not applicable.

Form CS 11
Notice of appeal against assessment
Section 103, Child Support Act 1991

CS No:

In the District Court at *[place]*

Appellant

[Full name, address, and occupation of objector]

Respondent

The Commissioner of Inland Revenue

Take notice that I, *[full name]*, intend to appeal to the District Court against the Commissioner's assessment of child support. Attached is a copy of the assessment.

I objected to the Commissioner on *[date]* against that assessment.

The Commissioner disallowed the objection on *[date]*.

The grounds of the appeal are as follows:

[State the grounds on which the application is made].

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

Signature of appellant:

Date:

To the Registrar

District Court

[place]

and

To the Respondent.

This notice of appeal is filed by *[name]*, whose address for service is at *[address]*.

Form CS 12
Order upholding or disallowing appeal against assessment

Section 103, Child Support Act 1991

CS No:

In the District Court at [*place*]

Appellant

[*Full name, address, and occupation of objector*]

Respondent

The Commissioner of Inland Revenue

Upon appeal to it, the court upholds (*or* dismisses) the appellant's appeal against the Commissioner's assessment of child support in respect of [*state assessment appealed against*].

*The assessment is to be corrected as follows:

Date:

Signature:

(Registrar)

*Delete if not applicable.

Form CS 13

Application for departure from formula assessment in special circumstances

Section 104, Child Support Act 1991

(General heading—Form CS 1)

I, *[full name]*, declare that I am—

*a qualifying custodian of *[full name of child(ren)]*;

*a liable parent in relation to *[full name of child(ren)]*.

A formula assessment of child support is in force in relation to the child(ren), the applicant, and the respondent. Attached is a copy of the assessment.

Take notice that I intend to apply to the District Court for an order that all or some of the provisions of the Act relating to the formula assessment of child support be departed from in relation to *[full name of child(ren)]*. I apply for an order *[state precisely the nature of the order sought, referring to the relevant provision of section 106 of the Act]*.

This application is made on the following ground(s):

[State the ground(s) on which the application is made, referring to—

(a) *any relevant grounds for departure set out in section 105(2) of the Act that exist; and*

(b) *the reasons why it would be—*

(i) *just and equitable as regards the child(ren), the applicant, and the respondent; and*

(ii) *otherwise proper,—*

to make a particular order of the type specified in section 106 of the Act].

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

Signature of appellant:

Date:

*Delete whichever is inapplicable.

To the Registrar

District Court

[place]

and

To the Respondent.

This application is filed by *[name]*, whose address for service is at *[address]*.

Form CS 14
Order for departure from formula assessment

Section 106, Child Support Act 1991

(General heading—Form CS 1)

Upon application made to it under section 104 of the Act, the court orders that the provisions of the Act relating to formula assessment of child support be departed from in relation to [*full name of child(ren)*].

The order(s) made is (*or are*) as follows:

The order shall—

*apply for the period of time beginning on [*date*] and ending with [*date*]; or

*terminate when [*specify the event the occurrence of which will cause the order to terminate*].

Date:

Signature:

(Registrar)

*Delete whichever is inapplicable.

Form CS 15
Application for order for provision of child support in form of lump sum
Section 108, Child Support Act 1991

(General heading—Form CS 1)

I, *[full name]*, declare that I am—

*a qualifying custodian of *[full name of child(ren)]*;

*a liable parent in relation to *[full name of child(ren)]*

A formula assessment of child support is in force in relation to the child(ren), the applicant, and the respondent. Attached is a copy of the assessment.

Take notice that I intend to apply to the District Court for an order that the respondent (*or* applicant) provide child support for the child(ren) otherwise than in the form of periodic amounts paid to the applicant (*or* respondent). I apply for an order *[state precisely the nature of the order sought]*.

This application is made on the following ground(s):

[State the ground(s) on which the application is made, referring to the reasons why it would be—

(a) *just and equitable as regards the child(ren), the applicant, and the respondent; and*

(b) *otherwise proper;—*

to make a particular order of the type specified in section 109(2) of the Act].

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

*There is (*or* there is not) a pending application made to the court under section 104 of the Act in relation to the child(ren), the applicant, and the respondent to be heard and determined.

or

*Attached is a copy of an order in force under section 106 of the Act in relation to the child(ren), the appellant, and the respondent.

Signature of appellant:

Date:

*Delete whichever is inapplicable.

To the Registrar

District Court

[place]

and

To the Respondent.

This application is filed by [*name*], whose address for service is at [*address*].

Form CS 16
Order for provision of child support in form of lump sum

Section 109(2), Child Support Act 1991

(General heading—Form CS 1)

Upon application made to it under section 108 of the Act, the court orders that the respondent (*or* applicant) provide child support for [*full name of child(ren)*] otherwise than in the form of periodic amounts paid to the applicant (*or* respondent).

The order(s) made is (*or* are) as follows:

[*specify*]

*The child support ordered to be paid under this order shall be credited against the respondent's (*or* applicant's) liability to pay child support under the formula assessment for any period for which this order relates, and for that purpose—

- *(a) the child support ordered to be paid under this order has an annual value of \$ [*amount*] and the annual rate of child support payable under any relevant formula assessment is to be reduced, but not below \$520, by that amount; or
- *(b) the child support ordered to be paid under this order is to count for [*amount*]% of the annual rate of child support payable under any relevant formula assessment.

or

*The child support ordered to be paid under this order shall not be credited against the respondent's (*or* applicant's) liability to pay child support under the formula assessment.

The period to which this order relates begins on [*date*] and ends with [*date*].

Date:

Signature:

(Registrar)

*Delete whichever is inapplicable.

Form CS 17

Application for order to discharge (*or suspend or revive or vary*) an order
made under section 106 or section 109 of the Act

Section 112, Child Support Act 1991

(General heading—Form CS 1)

I, *[full name]*, declare that I am—

*a qualifying custodian of *[full name of child(ren)]*;

*a liable parent in relation to *[full name of child(ren)]*;

*the Commissioner of Inland Revenue (*or an employee of the Crown appearing for the Commissioner of Inland Revenue*).

An order dated *[date]* made under section 106 (*or section 109*) of the Act is in force in relation to *[full name of child(ren)]*. Attached is a copy of the order.

Take notice that I intend to apply to the District Court for an order to discharge (*or suspend or revive or vary*) the order.

This application is made on the following ground(s):

[State the ground(s) on which the application is made, referring to—

(a) *the reasons why it would be—*

(i) *just and equitable as regards the child(ren), the qualifying custodian, and the liable parent concerned; and*

(ii) *otherwise proper;—
to make the order; and*

(b) *in the case of an application for variation, the matters as to which the court must be satisfied under section 112(4) of the Act*].

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

Signature of applicant:

Date:

*Delete those that are inapplicable.

To the Registrar

District Court

[place]

and

To the Respondent.

This application is filed by *[name]*, whose address for service is at *[address]*.

Form CS 18

Order to discharge (*or suspend or revive or vary*) an order made under section 106 or section 109 of the Act

Section 112, Child Support Act 1991

(General heading—Form CS 1)

Upon application made to it under section 112 of the Act, the court orders that the order of the court dated [date] made under section 106 (*or* section 109) of the Act in relation to [full name of child(ren)]—

- *(a) be discharged; or
- *(b) be suspended wholly (*or* in part) until a further order (*or* until [specify date] *or* until [specify the happening of a future event]); or
- *(c) be revived wholly (*or* in part); or
- *(d) be varied in the following way:

Date:

Signature:

(Registrar)

*Delete those that are inapplicable.

Form CS 19
Application for order to set aside a voluntary agreement
Section 113, Child Support Act 1991

(General heading—Form CS 1)

I, [full name], declare that I am a party to an agreement dated [date].

Attached is a copy of the agreement.

Take notice that I intend to apply to the District Court for an order to set aside the agreement on the ground—

- ***(a)** that my concurrence was obtained by fraud (*or* undue influence); or
- ***(b)** that I was influenced in my decision to enter into the agreement by a mistake that was material to me.

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

*I also apply for an order [state precisely the nature of any order sought which the court is empowered to make under section 113(3) of the Act].

Signature of applicant:

Date:

*Delete if inapplicable.

To the Registrar

District Court

[place]

and

To the Respondent.

This application is filed by [name], whose address for service is at [address].

Form CS 20
Order to set aside voluntary agreement

Section 113, Child Support Act 1991

(General heading—Form CS 1)

Upon application made to it under section 113 of the Act, the court orders that the agreement dated [*date*] made between the applicant and the respondent be set aside.

*The court makes the following order: [*specify any order made under section 113(3) of the Act*].

Date:

Signature:

(Registrar)

*Delete if inapplicable.

Form CS 21
Application for urgent maintenance order
Section 116, Child Support Act 1991

(General heading—Form CS 1)

I applied to the Commissioner on [date] for formula assessment of child support in respect of [full name of child(ren)]. The respondent is the person from whom the application sought payment of child support. Attached is a copy of that application.

I am not a social security beneficiary.

Take notice that I intend to apply to the District Court for an order that the respondent pay periodic or other amounts towards the maintenance of [full name of child(ren)]. I apply for an order [state precisely the nature of the order sought].

[Full name of child(ren)] is (or are) in urgent need of financial assistance because—
[Set out sufficient information to inform the court of the facts relied upon in support of the application].

Signature of applicant:

Date:

To the Registrar

District Court

[place]

and

To the Respondent.

This application is filed by [name], whose address for service is at [address].

Form CS 22
Urgent maintenance order
Section 116, Child Support Act 1991

(General heading—Form CS 1)

Upon application to it, the court orders that the respondent pay \$[*amount*] per week (or per month) (or [*specify the amount(s) to be paid*]) towards the maintenance of [*full name of child(ren)*].

The order shall apply for the period of time beginning on [*date*] and ending with [*date*]—

Except that the order shall not apply after—

- (a) the final determination under the Act that child support is not payable for the child; or
- (b) if a determination is made under the Act that child support is payable for the child, the receipt by the applicant of, or on account of, the first payment of such child support.

Date:

Signature:

(Registrar)

Form CS 23
Application for suspension order
Section 117, Child Support Act 1991

(General heading—Form CS 1)

A proceeding for [*specify order sought*] was instituted in the District Court on [*date*] (or an objection was made by [*full name of objector*] under Part 6 of the Act on [*date*]).

Take notice that I intend to apply to the District Court for an order suspending (or altering) the liability of [*full name*] to make payments under the Act pending the hearing and final determination of the proceeding.

This application is made on the following ground(s):

[*State the ground(s) on which the application is made*].

I say:

[*Set out sufficient information to inform the court of the facts relied on in support of the application*].

Signature of applicant:

Date:

To the Registrar

District Court

[*place*]

and

To the Respondent.

This application is filed by [*name*], whose address for service is at [*address*].

Note

Where the application may, in accordance with section 117(5) of the Act, be made and dealt with *ex parte*, amend the form accordingly.

Form CS 24
Suspension order

Section 117, Child Support Act 1991

(General heading—Form CS 1)

Upon application to it, the court orders that the liability of [*full name*] to make payments under the Act be suspended (*or* be varied as follows: [*specify*]) pending the hearing and final determination of the proceeding for [*specify*] instituted in the District Court on [*date*] (*or* of the objection by [*full name of objector*] made under Part 6 of the Act on [*date*]).

This order is subject to the following terms and conditions:

[*Specify any terms and conditions*].

*this order operates for the period beginning on [*date*] and ending with [*date*]; or

*this order operates until the decision of the court determining the proceeding becomes final.

Date:

Signature:

(Registrar)

*Delete whichever is inapplicable.

Form CS 25
General application on notice

(Where form of application not otherwise provided in these rules)

(General heading—Form CS 1)

I, [full name], apply for an order [state precisely the nature of the order sought] on the following grounds:

[State the grounds on which the application is made, referring to the Act or rule relied on and following closely the wording of the Act or rule].

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

Signature of applicant:

Date:

To the Registrar

District Court

[place]

and

To the Respondent.

This application is filed by [name], whose address for service is at [address].

Form CS 26
Notice of application to respondent

rr 15(2)(d), 45(1)(a)

CS No:

In the District Court at [*place*]

To

An application (see the attached copy) has been filed in this court by [*full name*]. The order or orders sought by the applicant are specified in the application.

Notice of defence

If you wish to defend the application, you must, within 21 days after the date on which you receive this notice,—

- (a) file a notice of defence and an accompanying affidavit in this office of the court; and
- (b) serve a copy of the notice of defence and a copy of the accompanying affidavit on the other party to the proceedings. The copies may be delivered to the address for service given by the applicant.

You should note that if you do not file and serve a notice of defence and accompanying affidavit within that time you may not be able to defend the application. On the day of the hearing of the application, should you appear, the Judge may—

- (a) allow you to take part in the hearing of the application only on such terms as the Judge thinks fit; or
- (b) decline to allow you to take part.

You should also note that the Judge may make an order against you for costs properly incurred as a consequence of your failure to file and serve a notice of defence and accompanying affidavit within time.

If you do not file and serve a notice of defence and accompanying affidavit, the case may proceed without further notice to you.

Address for service

If you do not wish to defend the application but you do wish to know what is happening, you should—

- (a) file in this office of the court a notice giving the address of a place in New Zealand at which documents can be left for you; and
- (b) serve a copy of the notice on the other party to the proceedings. That copy may be delivered to the address for service given by the applicant.

Assistance

A lawyer will prepare a notice of defence for you. If you want a lawyer but think you cannot afford one, you should contact an office of the District Court immediately. You

may also see a specimen form of the notice of defence at any office of the District Court.

Liability as a witness

Even if you take no action, the court may summon you as a witness to help it deal with the application.

Copies of orders

You will get a copy of any orders made against you. However, any order will probably be in force from the time it is made. The fact that you have not got a copy of the order will not be an excuse for not obeying it.

Advice

If you need help, consult a lawyer or contact a District Court office immediately.

Office hours

The office of the District Court is open from [time] to [time] on Mondays to Fridays inclusive.

Date:

Signature:

(Registrar)

Schedule 1 form CS 26: amended, on 3 August 2009, by rule 7(1) of the Child Support Amendment Rules 2009 (SR 2009/187).

Form CS 27

Notice of application to respondent residing outside New Zealand

r 15(2)(d)

CS No:

In the District Court at *[place]*

To

An application (see the attached copy) has been filed in this court by *[full name]*. The order or orders sought by the applicant are described in the application.

Jurisdiction of court

The court may make an order for *[specify]* where *[set out bases for jurisdiction in respect of each order sought following closely the relevant provisions of the Act]*.

Notice of defence

If you wish to defend the application or be heard on it you should, either directly or through a lawyer in the place where you are, send authority to a lawyer in New Zealand, by air mail, instructing him or her to act for you. If you wish to defend the application, you must, within *[specify]* days of receiving this notice,—

- (a) file a notice of defence and an accompanying affidavit in this office of the court; and
- (b) serve a copy of the notice of defence and a copy of the accompanying affidavit on the other party to the proceedings. The copies may be delivered to the address for service given by the applicant.

You should note that if you do not file and serve a notice of defence and accompanying affidavit within that time you may not be able to defend the application. On the day of the hearing of the application, should you appear, the Judge may—

- (a) allow you to take part in the hearing of the application only on such terms as the Judge thinks fit; or
- (b) decline to allow you to take part.

You should also note that the Judge may make an order against you for costs properly incurred as a consequence of your failure to file and serve a notice of defence and accompanying affidavit within time.

If you do not file and serve a notice of defence and accompanying affidavit, the case may proceed without further notice to you.

Address for service

If you do not wish to defend the application but you do wish to know what is happening, you should—

- (a) file in this office of the court a notice giving the address of a place in New Zealand at which documents can be left for you; and

- (b) serve a copy of the notice on the other party to the proceedings. That copy may be delivered to the address for service given by the applicant.

Copies of orders

You will get a copy of any orders made against you. However, any order will probably be in force from the time it is made. The fact that you have not got a copy of the order will not be an excuse for not obeying it.

Advice

If you need help, consult a lawyer in the place where you are immediately. If you intend to employ a lawyer in New Zealand, you should ask about your eligibility for legal aid in this country.

Date:

Signature:

(Registrar)

Schedule 1 form CS 27: amended, on 3 August 2009, by rule 7(2) of the Child Support Amendment Rules 2009 (SR 2009/187).

Form CS 28
Ex parte application

rr 16(4), 46(1)(b)

(General heading—Form CS 1)

I, [full name], apply *ex parte* for an order [state precisely the nature of the order sought] on the following grounds:

[State the grounds on which the application is made, referring to the Act or rule relied on and following closely the wording of the Act or rule].

I say:

[Set out sufficient information to inform the court of the facts relied on in support of the application].

Signature of applicant:

Date:

To the Registrar

District Court

[place]

This application is filed by [name], whose address for service is at [address].

[In cases where an appearance is necessary or required, the Registrar is to complete the following appointment for hearing]:

Date of hearing

I hereby appoint [date] at [time] at the District Court at [place] for the hearing of the above application.

Date:

Signature:

(Registrar)

Form CS 29
Notice of defence

r 22(1)

*Child Support Act 1991***(General heading—Form CS 1)**

I, [full name], of [address], [occupation], give notice that I intend to defend the application for [specify the order(s) opposed].

- 1 [State whether the facts given in the application are accepted or rejected. If any facts are rejected, state reasons.]
- 2 [Set out sufficient information to inform the court of the facts relied on by the defence.]
- 3 [Set out any facts relating to the application or to the circumstances which have existed or are existing between the parties which the court should be told about.]

Signature of respondent:

Date:

To the Registrar

District Court

[place]

and

To the Applicant.

This notice is filed by [name], whose address for service is at [address].

Form CS 30
Notice of intervention

r 44

Section 125, Child Support Act 1991

(General heading—Form CS 1)

I, [full name], of [address], [occupation], hereby intervene in the above proceedings.

I am—

*the Commissioner of Inland Revenue:

*the custodian of [full name of child(ren)] who is(are) the child(ren) in respect of whom child support is sought:

*a person by whom (or from whom) financial support is sought.

Signature of person intervening:

Date:

To the Registrar

District Court

[place]

and

To the Applicant.

and

To the Respondent.

This notice is filed by [name], whose address for service is at [address].

Note

The person intervening now becomes a party to the proceedings.

Form CS 31
Application for fixture

r 25(2)

*Child Support Act 1991***(General heading—Form CS 1)**

We (*or I*) apply for a fixture for the hearing of the application to which the applicant and the respondent are parties.

A notice of defence has been filed.

or

The time for filing a notice of defence has expired.

All interlocutory matters have been completed. [*Delete where this application is not signed by or on behalf of all parties to the action.*]

We (*or I*) believe that the application is in all respects ready for hearing.

The estimated duration of the hearing is [*specify*].

Signature:

((Solicitor for) applicant)

Date:

Signature:

((Solicitor for) respondent)

Date:

To the Registrar

District Court

[*place*]

The fixture is made under the authority conferred on me by rule 25(2)(b) of the Child Support Rules 1992.

Date:

Signature:

(Registrar)

Date and time of fixture:

Form CS 32
Order for substituted service

r 37C(2)(b)

(General heading—Form CS 1)

On application made to it, the court orders that—

- (a) service on the respondent of the application for [*specify each application or declaration applied for*] by a method permitted or required under these rules be dispensed with; and
- (b) service on the respondent instead be effected by [*specify the way in which service is to be effected, for example, by social media or advertisement*]; and
- (c) the time within which the respondent may file a notice of defence to the application or a request for an appearance is fixed at [*number*] days from [*specify, for example, the date of publication of the advertisement*].

Date:

Signature:

(Registrar)

Schedule 1 form CS 32: replaced, on 1 September 2017, by rule 5 of the Child Support Amendment Rules 2017 (LI 2017/185).

Form CS 33
Notice by advertisement

r 37C(3)

In the District Court at [*place*]

To [*full name*], [*occupation*], formerly of [*address*].

[*Full name*], has filed an application against you for the following orders:

[*specify*]

A copy of the application, with a notice containing information for you, may be obtained from my office. If you do not file a notice of defence to the application on or before [*date*] the case may proceed without your being heard.

Date:

Signature:

(Registrar)

Any person knowing the whereabouts of the abovenamed [*name*] is asked to bring this notice to his (*or* her) attention.

Schedule 1 form CS 33 heading: amended, on 1 September 2017, by rule 6 of the Child Support Amendment Rules 2017 (LI 2017/185).

Form CS 34
Affidavit of advertising

r 37E(1)

Child Support Act 1991

(General heading—Form CS 1)

I, [full name], of [occupation], make oath and say:

- 1 I am [details of occupation, etc],
- 2 Notice to the respondent of the application for [specify] (a copy of which notice is annexed hereto and marked with the letter “A”) was duly advertised in the following newspapers: [state names of newspapers, where published, and dates of publication].
- 3 Extracts which are taken from the above newspapers and which contain the advertisements are hereto annexed and marked with the letters “B” and “C”.
- 4 The newspapers in which the advertisements were published and the respective dates of publication are as follows:
Extract “B” [newspaper, date of publication]
Extract “C” [newspaper, date of publication]

Signature of deponent:

Sworn at [place, date], before me—

Signature:

(Registrar or Justice of the Peace or solicitor of the High Court)

Schedule 1 form CS 34 heading: amended, on 1 September 2017, by rule 7 of the Child Support Amendment Rules 2017 (LI 2017/185).

Form CS 35
Order for discovery of documents

r 39(2)

(General heading—Form CS 1)

To the Applicant (*or* Respondent)

You are ordered to file an affidavit stating whether certain documents are in your possession or power, or whether they have been in your possession or power.

The specific matters in relation to which discovery of documents is required are as follows:

- 1
- 2
- 3

The affidavit must be filed within 7 days of service of this order upon you.

You must serve a copy of the affidavit on [*full name*], the party who applied for this order.

Date:

Signature:

(Registrar)

Form CS 36
Affidavit of documents

r 39(3)(a)

(General heading—Form CS 1)

I, *[full name]*, of *[address]*, *[occupation]*, make oath and say:

- 1 I have in my possession or power the documents specified in the first and second parts of Schedule 1 of this affidavit.
- 2 I object to producing the documents specified in the second part of Schedule 1 of this affidavit on the grounds that: *[here state upon what grounds the objection is made and verify the facts as far as may be]*.
- 3 I have had, but have not now, in my possession or power the documents specified in Schedule 2 of this affidavit.
- 4 To the best of my knowledge and belief, the documents specified in Schedule 2 of this affidavit are in the possession of the persons specified in that schedule in relation to the documents.
- 5 According to the best of my knowledge, information, and belief, I have not now and have never had in my possession or power, or in the possession or power of my solicitor or agent, or of any other person on my behalf, any document relating to the matters specified in the order for discovery, or any of them, except the documents set forth in Schedules 1 and 2 of this affidavit.

Schedule 1

Part 1

Part 2

Schedule 2

Signature of deponent:

Sworn at *[place, date]*, before me—

Signature:

(Registrar *or* Justice of the Peace *or* solicitor)

Form CS 37
Declaration of financial means and their sources

rr 19(1), 38(2)(a)

Section 234(2)(d), Child Support Act 1991

(General heading—Form CS 1)

I, [full name], of [address], [occupation], solemnly and sincerely declare that my financial means and their sources are as set out below.

- 1 My income for the 52 weeks immediately preceding the date of this declaration was as follows: [Use “Nil” where applicable.]

Item	Particulars	\$
(a)	salary, wages, or other personal earnings from [state employer]:	
(b)	gross income from business:	
(c)	amount received from boarders (including children over 16 years of age):	
(d)	rents from property (including rooms let):	
(e)	compensation or damages received:	
(f)	superannuation, pension, or benefit (including any from overseas):	
(g)	dividends and interest:	
(h)	all other sources of income [specify]:	
	Total income in the 52 weeks	\$

- 2 My assets (both in New Zealand and elsewhere) are as follows:

Item	Particulars	\$
(a)	land and buildings [state address and capital value]:	
(b)	money in bank accounts [specify banks]:	
(c)	money not in bank or invested:	
(d)	money lent or in hands of any person [name and address]:	
(e)	government stock, shares, debentures, or bonds [state details]:	
(f)	plant and machinery [state details]:	
(g)	livestock [state details]:	
(h)	interest in business, stock in trade, or venture of any kind [state details]:	
(i)	motor vehicles [state details]:	
(j)	any other property or assets not specified above, including interest in any estate [state details]:	
	Total assets	\$

3 The property specified in items [*specify*] of clause 2 of this declaration is mortgaged, or otherwise secured to [*full name*] of [*address*] for the sum of \$ [*amount*]

4 My expenses for the 52 weeks specified in clause 1 of this declaration were as follows:

Item	Particulars	\$
(a)	income tax:	
(b)	insurance and superannuation:	
(c)	medical and hospital benefits:	
(d)	rent:	
(e)	rates:	
(f)	mortgage payments:	
(g)	repairs on home:	
(h)	food and household supplies:	
(i)	electricity, gas, and fuel:	
(j)	telephone:	
(k)	laundry and cleaning:	
(l)	clothing:	
(m)	child maintenance, care, and education:	
(n)	maintenance for previous marriage partner:	
(o)	entertainment:	
(p)	fares:	
(q)	car maintenance, running, and registration:	
(r)	hire purchase payments:	
(s)	other expenses [<i>specify</i>]:	
	Total expenses in the 52 weeks	\$

5 Separate income for the 52 weeks of members of household whose expenses are included:

- (a) [*list full names, ages, and relationship of all such members of household*]
- (b) [*list details of separate income of any such member of household*]

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signature:

Declared at [*place, date*]

Signature:

(solicitor *or* Justice of the Peace [*or other person authorised to take a statutory declaration*])

Form CS 38
Request for issue of warrant to seize property
Section 183, Child Support Act 1991

To the Registrar

District Court

[*place*]

I [*full name,*] of [*address*], [*occupation*], request the issue of a warrant to seize property under section 183 of the Act against the respondent.

[*Set out details of the financial support that is payable by the person under the Act*].

I certify—

- (a) that payments of financial support are in arrear and unpaid for not less than 14 days; and
- (b) that there is now due and owing by way of financial support the sum of [*amount*] up to [*date*].

Signature:

Date:

Request filed: [*date, time, initials*]

Warrant issued: [*date, time, initials*]

Schedule 1 form CS 38 heading: replaced, on 14 April 2014, by rule 5(1) of the Child Support Amendment Rules (No 2) 2013 (SR 2013/407).

Schedule 1 form CS 38: amended, on 14 April 2014, by rule 5(2) of the Child Support Amendment Rules (No 2) 2013 (SR 2013/407).

Form CS 39
Warrant to seize property
Section 183, Child Support Act 1991
(General heading—Form CS 1)

To every bailiff and constable

Financial support due by the respondent under the Act is, at the time of the issue of this warrant, in arrear and unpaid for not less than 14 days.

I direct you forthwith to levy or cause to be levied the sum of [*amount*], and the costs of the execution of this warrant, by seizure and sale of any of the respondent's goods and chattels, except the respondent's necessary tools of trade to a value not exceeding \$500 and the respondent's necessary household furniture and effects, including the wearing apparel of the respondent and any members of the respondent's family, to a value not exceeding \$2,000.

In pursuance of that direction you are also authorised to seize and take away, and deliver to the Registrar of this court, any money, bank notes, bills of exchange, promissory notes, bonds, specialities, or other securities for money belonging to the respondent.

You are directed to pay what you levy to the Registrar of this court and to make return of what you do by virtue of this warrant immediately upon the execution thereof.

If no sufficient goods or money can be found or if the respondent cannot be found, you are required to report back to this court and to state what your inquiries have shown.

Date:

Signature:

(Judge)

Notes

Sale by auction

Goods seized in execution under this warrant are to be sold by public auction unless a court otherwise orders.

Restriction on sale

No goods seized in execution under this warrant are to be sold until the expiration of a period of at least 7 days next following the day on which the goods were seized unless—

- (a) the goods are of a perishable nature; or
- (b) the person whose goods have been seized so requests in writing.

Power of entry

For the purpose of executing this warrant, you may at any time enter on any premises, by force if necessary, if you have reasonable cause to believe that the property in respect of which it is issued is on those premises. If any person in actual occupation of the premises requires you to produce evidence of your authority, you must produce this warrant before entering on the premises.

Endorsements

A request was made to the court for the issue of this warrant at [*specify*] minutes past the hour of [*specify*] on [*date*] by [*full name*].

Signature:
(Registrar)

This warrant was received by me on [*date*], at [*time*].

Signature:
(bailiff *or* constable)

[*Form 75 in the District Courts Rules 1948 is to be endorsed hereon where necessary.*]

Schedule 1 form CS 39 heading: replaced, on 14 April 2014, by rule 6(1) of the Child Support Amendment Rules (No 2) 2013 (SR 2013/407).

Schedule 1 form CS 39: amended, on 14 April 2014, by rule 6(2) of the Child Support Amendment Rules (No 2) 2013 (SR 2013/407).

Schedule 1 form CS 39: amended, on 14 April 2014, by rule 6(3) of the Child Support Amendment Rules (No 2) 2013 (SR 2013/407).

Form CS 40
Charging order

Section 184, Child Support Act 1991

(General heading—Form CS 1)

The court is satisfied that the respondent has a liability to pay financial support under the Act.

The court is satisfied that the respondent is entitled to the following property: [*here describe property to be charged, and, if the order is to bind the Crown, particulars as required by section 186 of the Act*].

The court orders that the money payable or to become payable by the respondent by way of financial support shall be a charge upon the property described above and, subject in the case of any real property to registration of a duplicate or copy of this order under the seal of the court against the appropriate title to the land (*or as the case may require*) the property is charged in favour of [*full name*] to whom for the time being and from time to time the money is or becomes payable.

Date:

Signature:

(Registrar)

Form CS 41
Receiving order

Section 187, Child Support Act 1991

(General heading—Form CS 1)

On [date] an order was made that money payable or to become payable by the respondent by way of financial support shall be a charge upon the following property to which the respondent is entitled:

[Here describe the property charged.]

That charge is in favour of [full name], being the person to whom for the time being and from time to time the money is or becomes payable.

The court is satisfied that payments of financial support under the Act due by the respondent are in arrear and unpaid and that there is due and payable the sum of \$ [amount].

*And is satisfied that a copy of the charging order has been registered against the appropriate title to the land described above (or as the case may be)

†And is satisfied that a copy of the charging order has been served on the respondent

‡And that the proposed receiver has entered into and filed a bond to the satisfaction of the Registrar for the due administration of his or her receivership.

The court orders that [full name and description of receiver] be the receiver of [here describe terms of order].

Subject to the provisions of the Act, all money received by the receiver in the exercise of his or her powers shall, after payment of all expenses incurred by him or her and of such remuneration (if any) as may be allowed by the court (or, where Public Trust is receiver, as fixed by regulations under the Public Trust Act 2001) be held by the receiver in trust—

- (a) to pay and satisfy all money from time to time accruing due, by way of financial support:
- (b) to hold the residue of the money so received until the charging order or this receiving order is discharged, or the court sooner directs, and thereupon to pay it to the person who would be entitled to the money if no such charging or receiving order was in force.

Date:

Signature:

(Registrar)

*Delete if charging order does not include a charge over any real property.

†Delete if order not made on *ex parte* application.

‡Delete if the receiver is Public Trust, the Māori Trustee, or a trustee company within the meaning of the Trustee Companies Act 1967.

Note

The receiving order will expire on the payment of all arrears due under the Act, together with the payment in advance of all money to become payable under the Act during the succeeding 6 months period.

Schedule 1 form CS 41: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Schedule 1 form CS 41: amended, on 1 March 2002, pursuant to section 152(1) of the Public Trust Act 2001 (2001 No 100).

Schedule 1 form CS 41: amended, on 1 March 2002, pursuant to section 168(1) of the Public Trust Act 2001 (2001 No 100).

Form CS 42
Summons to attend examination as to means and default
Section 190, Child Support Act 1991

(General heading—Form CS 1)

To

You are liable to pay financial support under the Act.

The amount of \$[*amount*] was in arrear and unpaid on [*date*].

You are summoned to appear at [*time*] on [*date*] at the District Court at [*place*] to be examined orally as to your means and as to the reasons for your failure to pay the financial support in arrear. If you pay the above amount before the above date you need not appear for examination.

You must bring to the hearing any books, papers, and documents relating to your debts and to your failure to pay.

Date:

Signature:

(Registrar)

The office of the District Court is open from [*time*] to [*time*] on Mondays to Fridays inclusive.

Notes

Representation by a lawyer

You may be represented at the examination by a lawyer if you wish.

Failure to appear

If you fail to appear in answer to this summons, a warrant may be issued for your arrest.

Advice

If you need help, consult a lawyer or contact a District Court office immediately.

Form CS 43

Warrant to arrest respondent for examination as to means and default

Section 190(4), Child Support Act 1991

(General heading—Form CS 1)

To every constable

A summons was issued requiring the respondent to appear on [date] at the District Court at [place] to be examined as to the respondent's means and as to the reasons for the respondent's failure to pay financial support due under the Act.

The examination was adjourned to [specify] [delete if not applicable].

The summons could not be served (or the respondent did not appear).

I direct you to arrest the respondent and bring the respondent before the court as soon as possible.

If you believe that the respondent cannot be brought before the court within 72 hours after the arrest of the respondent, you need not execute the warrant immediately.

Date:

Signature:

(Judge)

Form CS 44
Summons to witness to attend examination

Section 192(1), Child Support Act 1991

(General heading—Form CS 1)

To

[*Full name*] has been summoned to appear to be examined orally as to his (*or her*) means and as to his (*or her*) reasons for failure to pay financial support due under the Act.

I believe—

*that you have possession of books, papers, or documents relating to the affairs or property of the respondent; or

*that you are capable of giving information concerning the respondent's income from any sources or concerning the respondent's expenditure.

You are summoned to appear as a witness at the examination at [*time*] on [*date*] at the District Court at [*place*].

*You are required to bring with you and produce [*set out details of the book, paper, or document*].

Date:

Signature:

(Registrar)

*Delete if inapplicable.

Notes

Travelling expenses

If you are required to travel more than 20 kilometres to attend the examination you are entitled to a sum for expenses.

Failure to appear

If you fail to appear in answer to this summons, a warrant may be issued for your arrest.

Advice

If you need help, consult a lawyer or contact a District Court office immediately.

Form CS 45

Warrant to arrest witness for attendance at examination of respondent

*Section 192(4), Child Support Act 1991***(General heading—Form CS 1)**

To every constable

[*Full name*], of [*address*], [*occupation*], was summoned to appear on [*date*] at [*place*] as a witness at an examination as to the means of the respondent and as to the reasons for the respondent's failure to pay financial support due under the Act.

The witness failed to appear.

I am satisfied—

- (a) that the summons was duly served on the witness; and
- (b) that the witness was not required to travel more than 20 kilometres to attend the examination (*or* that expenses in accordance with the prescribed scale were tendered to the witness).

I direct you to arrest the witness, [*full name*], and bring him (*or* her) before the court as soon as possible.

If you believe that the witness cannot be brought before the court within 72 hours after the arrest of the witness, you need not execute the warrant immediately.

Date:

Signature:

(Judge)

Form CS 46

Warrant to arrest respondent for attendance at contempt proceedings

Section 196(5), Child Support Act 1991

(General heading—Form CS 1)

To every constable

It is alleged that—

- (a) the respondent has or has had sufficient means to pay money payable under the Act but has refused or failed to do so; and
- (b) other methods of enforcing payment have been considered or tried and that they are inappropriate or have been unsuccessful.

As a result an application has been made under section 196(2) of the Act.

The application (with its supporting affidavit) was served on the respondent but the respondent did not attend the hearing of the application on [*date*] at [*place*].

or

The application (with its supporting affidavit) could not be served on the respondent.

I direct you to arrest the respondent and bring the respondent before the court as soon as possible.

If you believe that the respondent cannot be brought before the court within 72 hours after the respondent's arrest, you need not execute the warrant immediately.

Date:

Signature:

(Judge)

Note

The warrant will cease to have effect if the amount due under the Act is paid.

Form CS 47

Ex parte application for issue of warrant for arrest of respondent*Section 199, Child Support Act 1991*

CS No:

In the District Court at [*place*]

Applicant

The Commissioner of Inland Revenue

Respondent

[*Full name, address, and occupation*]

I—

*am the Commissioner of Inland Revenue; or

*[*full name*], am an employee of the Crown and am appearing for the Commissioner of Inland Revenue.

I make oath and say that—

- 1 The respondent has a liability to pay financial support under the Act.
- 2 I have reasonable cause to believe that the respondent is about to leave New Zealand with intent to avoid payment of that liability.

I apply for the issue of a warrant for the arrest of the respondent.

Signature of applicant:

Sworn before me at [*place, date*]

Signature:

(Registrar *or* Justice of the Peace *or* solicitor)

*Delete whichever is inapplicable.

To the Registrar

District Court

[*place*]This application is filed by [*name*], whose address for service is at [*address*].

Form CS 48
Warrant for arrest of absconding respondent

Section 199, Child Support Act 1991

CS No:

In the District Court at [*place*]

Applicant

The Commissioner of Inland Revenue

Respondent

[*Full name, address, and occupation*]

To every constable

I am satisfied that—

- 1 The respondent has a liability to pay financial support under the Act.
- 2 The respondent is about to leave New Zealand with intent to avoid payment of that liability.

(*There being no District Court Judge available and the case appearing to be one of urgency) I direct you to arrest the respondent and bring the respondent before a District Court as soon as possible.

Date:

Signature:

(Judge *or* Registrar (not being a constable))

*Delete if not inapplicable.

Schedule 2
Provisions of the District Courts Rules which do not apply to
proceedings under the Act

r 5(4)

Rules 9A, 26, 30, 33, 34, 35, 48–58 (in respect of infants as parties to proceedings under the Act), 75, 83, 84, 85(1), (4), 87, 89, 90, 94, 95, 96, 143, 147, 155, 161, 164, 165, 167, 174, 175, 176, 177, 178, 179, 180, 190, 212, 213, 236A–236I, 246, 264–278A, 313, 314, 316, 319, and 335.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 26 March 1992.

Reprints notes

1 *General*

This is a reprint of the Child Support Rules 1992 that incorporates all the amendments to those rules as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Child Support Amendment Rules 2017 (LI 2017/185)

Child Support Amendment Rules (No 2) 2013 (SR 2013/407)

Child Support Amendment Rules 2013 (SR 2013/172)

Child Support Amendment Rules 2009 (SR 2009/187)

Māori Trustee Amendment Act 2009 (2009 No 12): section 30(2)(a)

Corrections Act 2004 (2004 No 50): section 207

Child Support Amendment Rules 2002 (SR 2002/259)

Public Trust Act 2001 (2001 No 100): sections 152(1), 168(1)