



# Family Court (Supporting Children in Court) Legislation Act 2021

Public Act 2021 No 33  
Date of assent 16 August 2021  
Commencement see section 2

## Contents

	Page
1 Title	2
2 Commencement	2
<b>Part 1</b>	
<b>Amendments to Care of Children Act 2004</b>	
3 Amendments to Care of Children Act 2004	2
4 Section 5 amended (Principles relating to child's welfare and best interests)	2
5 Section 5A amended (Family violence to be taken into account)	2
6 Section 6 amended (Child's views)	3
7 Section 7 amended (Appointment of lawyer to represent child in proceedings)	3
8 New section 7AA inserted (Lawyer appointed to represent child must explain proceedings to child)	3
7AA Lawyer appointed to represent child must explain proceedings to child	3
9 Section 7B amended (Duties of lawyer when giving advice)	3
<b>Part 2</b>	
<b>Amendment to Family Dispute Resolution Act 2013</b>	
10 Amendment to Family Dispute Resolution Act 2013	3
11 Section 11 amended (Duties of FDR providers)	3

**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Family Court (Supporting Children in Court) Legislation Act 2021.

**2 Commencement**

- (1) This Act comes into force on the earlier of—
- (a) a date appointed by the Governor-General by Order in Council; and
  - (b) the date that is 2 years after the date on which this Act receives the Royal assent.
- (2) One or more Orders in Council may be made under subsection (1)(a) appointing different dates for different provisions.
- (3) An Order in Council made under subsection (1)(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

**Part 1****Amendments to Care of Children Act 2004****3 Amendments to Care of Children Act 2004**

This Part amends the Care of Children Act 2004.

**4 Section 5 amended (Principles relating to child's welfare and best interests)**

After section 5(f), insert:

- (g) a child must be given reasonable opportunities to participate in any decision affecting them.

**5 Section 5A amended (Family violence to be taken into account)**

After section 5A(1), insert:

- (1A) In taking into account the principle in section 5(a), the court must have regard to—
- (a) the purpose of the Family Violence Act 2018, under which an order specified in subsection (1)(b) was made; and

- (b) the principles set out in section 4 of that Act guiding the achievement of that purpose.

**6 Section 6 amended (Child’s views)**

Before section 6(1), insert:

- (1AAA) The purpose of this section is to implement in New Zealand Article 12 of the United Nations Convention on the Rights of the Child.

**7 Section 7 amended (Appointment of lawyer to represent child in proceedings)**

In section 7, insert as subsection (2):

- (2) When appointing a lawyer to represent a child, the court or Registrar must, so far as is reasonably practicable, appoint a lawyer who is, by reason of their personality, cultural background, training, and experience, suitably qualified to represent the child.

**8 New section 7AA inserted (Lawyer appointed to represent child must explain proceedings to child)**

After section 7, insert:

**7AA Lawyer appointed to represent child must explain proceedings to child**

A lawyer appointed under section 7 to represent a child must, if it is reasonably practicable to do so having regard to the age and maturity of the child, explain the nature of the proceedings to the child in a manner that the child is most likely to understand.

**9 Section 7B amended (Duties of lawyer when giving advice)**

- (1) Replace the heading to section 7B with “**Duties of lawyers**”.
- (2) In section 7B, insert as subsection (2):
- (2) Before commencing a proceeding under this Act, a lawyer must take any steps that, in the opinion of the lawyer, assist in enabling the issues in dispute to be resolved as safely, fairly, inexpensively, simply, and speedily as is consistent with justice.

## Part 2

### Amendment to Family Dispute Resolution Act 2013

**10 Amendment to Family Dispute Resolution Act 2013**

This Part amends the Family Dispute Resolution Act 2013.

**11 Section 11 amended (Duties of FDR providers)**

After section 11(2)(b), insert:

- (ba) ensure that the children who are the subject of the dispute are given any reasonable opportunities to participate in the decisions affecting them that the FDR provider considers appropriate; and

### Legislative history

6 August 2020	Introduction (Bill 323–1)
8 December 2020	First reading and referral to Justice Committee
19 May 2021	Reported from Justice Committee (Bill 323–2)
1 July 2021	Second reading
3 August 2021	Committee of the whole House
10 August 2021	Third reading
16 August 2021	Royal assent

This Act is administered by the Ministry of Justice.