Version
as at 1 August 2025

Oranga Tamariki Rules 1989

(SR 1989/295)

Paul Reeves, Governor-General

Order in Council

At Wellington this 9th day of October 1989

Present:
His Excellency the Governor-General in Council

Pursuant to section 448 of the Oranga Tamariki Act 1989, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following rules.

Contents

Page

Part 1
Preliminary provisions

1	Title and commencement	5
2	Application of rules	5
3	Interpretation	5
4	Construction	6
5	Procedure and practice	7
6	Non-compliance with rules	7

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These rules are administered by Oranga Tamariki—Ministry for Children.

7 Registrar to provide assistance 7

Part 2
Records

8 Records 8
9 Searches 8

Part 3
Proceedings generally

10 Forms 9
11 Notices 9
12 Headings 10
13 Applications 10
14 Procedure on *ex parte* applications 11
15 Certificate as to holding of family group conference *[Revoked]* 11
16 Information sheet 11
17 Filing of applications 11
18 Previous documents *[Revoked]* 12
19 Proceedings commenced in wrong court 12
20 Notice of intention to appear 12
20A Non-compliance with rule 20 12
21 Amendment of application or notice of intention to appear 13
22 Notice of appointment of barrister or solicitor or lay advocate *[Revoked]* 14
23 Mediation conference *[Revoked]* 14
24 Change of Judge after mediation conference *[Revoked]* 14
25 Interlocutory applications 14
26 Judicial conferences *[Revoked]* 14
27 Setting down for hearing 14
28 Further powers of Judge to expedite proceedings 15
29 Consent to order of court 15

Part 4
Transfer of proceedings or hearing

30 Transfer of proceedings 16
31 Transfer of hearing 16
32 Transfer with or without application 17
33 Procedure on transfer 17

Part 5
Service

Service: documents to be served

34 Documents to be served 17

Service: how documents to be served

35 How documents to be served 18

Service: personal service

36 Who may carry out personal service 18
37 Personal service 19
38 Service on chief executive 19
39 Service on constable 19

Service: lawyer may accept service on behalf of person

40 Service on lawyer accepting service on behalf of person 20

Service: at address for service

41 Address for service 20
42 Service at address for service 20
43 Methods of service if address for service is lawyer's office 21
44 When and how documents under rule 43 to be treated as served 21
45 Lawyer must acknowledge document transmitted electronically 22

Service: directions

46 Directions as to service 22

Service: substituted service

46A Order dispensing with or changing service required 23

Service: proof of service

46B Proof of personal service 24
46C Proof of substituted service 25
46D Attaching copy of document to affidavit of service or certificate of service 25

Service of orders

46E Service of orders 26
46F Copy of orders to be sent to principal manager 26

Part 6
Particulars and discovery

[Revoked]

47 Further particulars *[Revoked]* 27
48 Discovery of documents *[Revoked]* 27

Part 7
Amendment

49 Amendment before service 27
50 Amending proceedings 27
51 Amendment of application 27
52 Clerical mistakes and slips 28

Part 8
Applications and directions in the course of proceedings

53 General procedure 28

54 *Ex parte* applications 29
55 Enlargement or abridgement of time 29

Part 8A
***Ex parte* restraining orders**

[Revoked]

55A *Ex parte* restraining orders *[Revoked]* 30
55B Procedure applying to *ex parte* restraining orders *[Revoked]* 30

Part 9
Evidence

56 Disclosure of evidence 30
57 Pre-hearing rulings on evidence 31
58 Mode of giving evidence *[Revoked]* 31
59 Order for production of documents 31
60 Powers of Judge or Registrar not suspended by examination of witnesses out of court 32
61 Taking evidence outside New Zealand 32

Part 10
Miscellaneous provisions

62 Court and chambers 32
63 Powers of Registrar 32
64 Witness entitled to expenses *[Revoked]* 33
65 Attendance at hearing *[Revoked]* 33
66 Enforcement of access rights *[Revoked]* 33
67 Recall to come before court *[Revoked]* 33
68 Proceedings not to abate 33

Part 11
Proceedings in respect of secure care

69 Applications 34
70 Notice of application under section 371 or section 377 34
71 Notice of application under section 380 34
72 Proof of giving of notice 35
73 Procedure where notice not given within time prescribed 35
74 Notification of decision of court 35
75 Applications in the course of proceedings 36

Schedule 1 37
Forms

Schedule 2 58
Provisions of the District Courts Rules that 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 Oranga Tamariki Rules 1989.

(2) These rules shall come into force on 1 November 1989.

2 Application of rules

(1) Subject to this rule and unless the context otherwise requires, these rules shall apply to all proceedings under the Oranga Tamariki Act 1989.

(2) Subject to rule 29, 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 151 of the Act or under section 15 of the Family Courts Act 1980; or

(b) proceedings that are transferred to the High Court under section 14 of the Family Courts Act 1980; or

(c) proceedings in respect of any maintenance agreement or maintenance order.

(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 direction as it thinks fit.

Rule 2(1): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 2(2)(a): substituted, on 21 October 2002, by rule 3 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 2(2)(aa): inserted, on 21 October 2002, by rule 3 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

3 Interpretation

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

Act means the Oranga Tamariki Act 1989

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

court,—

(a) means a Youth Court; and

(b) in the case of proceedings under Part 7 of the Act, includes a District Court

District Courts Rules means the District Courts Rules 1992 (SR 1992/109)

Judge,—

(a) means a Youth Court Judge; and

(b) in the case of proceedings under Part 7 of the Act, if neither a Family Court Judge nor a Youth Court Judge is available, includes a District Court Judge

party to the proceedings or **party**,—

(a) in relation to any application, means—

(i) the applicant; and

(ii) any person on whom a copy of the application is required to be served, or to whom notice of the application is required to be given; but

(b) does not include the child or young person to whom the application relates

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

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

(a) a reference to a Part or rule is a reference to a Part or rule of these rules:

(b) a reference in a rule to a subclause is a reference to a subclause of that rule:

(c) a reference to a numbered form is a reference to the form so numbered in Schedule 1.

(3) Expressions not defined in these rules but defined in the Act have, in these rules, the meanings so defined.

Rule 3(1) **Act**: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Rule 3(1) **court**: substituted, on 21 October 2002, by rule 4(1) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 3(1) **District Court Rules**: substituted, on 26 May 1995, by rule 2 of the Children, Young Persons, and Their Families Rules 1989, Amendment No 1 (SR 1995/91).

Rule 3(1) **Judge**: substituted, on 21 October 2002, by rule 4(3) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

4 Construction

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

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 Courts Rules that 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 the Judge thinks proper for regulating the business of the court over which the Judge presides.

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.

7 Registrar to provide assistance

Where any party to any proceedings is not legally represented, the Registrar shall ensure that assistance is reasonably available, either from that Registrar himself or herself, or from that Registrar's staff, to enable that person to complete any form required by these rules.

Part 2
Records

8 Records

(1) The Registrar of every District Court shall keep the following records:

(a) Oranga Tamariki records in such form as the chief executive of the Ministry of Justice directs from time to time, in which shall be entered a record of each application made under the Act, and of the decision on the application; and

(b) such other records as the chief executive of the Ministry of Justice directs from time to time.

(2) A minute of the decision on each application shall be signed and dated by the Judge or Registrar making the order.

Rule 8(1)(a): amended, on 13 August 2020, by rule 4 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Rule 8(1)(a): amended, on 1 October 2003, pursuant to section 14(2) of the State Sector Amendment Act 2003 (2003 No 41).

Rule 8(1)(b): amended, on 1 October 2003, pursuant to section 14(2) of the State Sector Amendment Act 2003 (2003 No 41).

9 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:

(a) a party to the proceedings, a solicitor for a party, or an agent for such a solicitor:

(b) any barrister or solicitor or Youth Advocate representing the child or young person who is the subject of the proceedings:

(c) *[Revoked]*

(d) any lay advocate appointed to appear in support of the child or young person who is the subject of the proceedings:

(e) any Care and Protection Co-ordinator:

(f) any Youth Justice Co-ordinator:

(g) the Children's Commissioner, or any person authorised by the Commissioner to act on the Commissioner's behalf:

(h) any other person who satisfies the Registrar that the person 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 any of paragraphs (a) to (h) of subclause (1) 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 any of paragraphs (a) to (h) of subclause (1) disputes the exercise by the Registrar of the power conferred on the Registrar 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.

Rule 9(1)(c): revoked, on 21 October 2002, by rule 5 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 9(1)(g): amended, on 1 August 2025, by section 25 of the Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34).

Part 3
Proceedings generally

10 Forms

(1) The forms to be used in proceedings under the Act shall be those set out 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 by these rules or by the District Courts Rules (as applied by these rules), a form may be devised by the parties or by the court, using as guides the forms prescribed by these rules and the District Courts 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 margin of at least 40 mm shall be left at the top of each page.

11 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 any person, the court or Judge or Registrar hearing the same may require such further information or matter to be stated in the notice to that person, and may impose such conditions as seem proper to the court or Judge or Registrar in the circumstances of the particular case.

12 Headings

(1) Every application, notice, order, summons, warrant, affidavit, or memorandum, and every other document filed by any party (other than a certificate, a report, or any document tendered in evidence), shall bear a proper heading.

(2) The heading, which may be in form OT 1, shall show—

(a) the distinguishing number of the application or other matter; and

(b) the full name of the child or young person to whom the application or other matter relates; and

(c) the date of birth of that child or young person; and

(d) the court in which the matter is proceeding.

Rule 12(2): amended, on 13 August 2020, by rule 5 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

13 Applications

(1) *[Revoked]*

(2) *[Revoked]*

(3) Every application shall be addressed to the Registrar of the court to which it is made.

(4) Every application must be filed together with the number of copies the Registrar directs (which number must not exceed the number of persons intended to be served) of the following documents:

(a) the application; and

(b) if the application is an application under section 371 of the Act, the information sheet required by rules 16(1) and 69(2) to accompany the application.

(5) Every application shall state—

(a) the order or declaration applied for; and

(b) sufficient particulars to show the reasons why the applicant claims that the order or declaration should be made.

(6) An application may—

(a) seek more than 1 order or declaration:

(b) relate to more than 1 child or young person, but only if the same persons or organisations are parties to the proceedings in respect of those children or young persons.

Rule 13(1): revoked, on 21 October 2002, by rule 6(1) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 13(2): revoked, on 21 October 2002, by rule 6(1) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 13(4): substituted, on 21 October 2002, by rule 6(2) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

14 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.

15 Certificate as to holding of family group conference

[Revoked]

Rule 15: revoked, on 21 October 2002, by rule 7 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

16 Information sheet

(1) Every application under section 371 of the Act must be accompanied by a duly completed information sheet in form OT 2.

(2) *[Revoked]*

(3) Where the application is to be served, a copy of the information sheet shall be served with the application.

(4) Where an information sheet filed in any court is in any material aspect incomplete, the Registrar may require the applicant to file and serve, as soon as practicable, a replacement information sheet that includes those details.

Rule 16(1): substituted, on 21 October 2002, by rule 8(1) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 16(1): amended, on 13 August 2020, by rule 6 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Rule 16(2): revoked, on 21 October 2002, by rule 8(2) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

17 Filing of applications

(1) Every application shall be filed in the District Court nearest by the most practicable route to the place where the child or young person in respect of whom the application is made resides.

(2) On the filing of the application, the Registrar shall enter the application in the records of the court.

(3) On the filing of any application that is made on notice, the Registrar shall issue, for service on each party,—

(a) a copy of the application; and

(b) *[Revoked]*

(c) a copy of the information sheet (if any) accompanying the application.

Rule 17(3)(b): revoked, on 21 October 2002, by rule 9 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

18 Previous documents

[Revoked]

Rule 18: revoked, on 21 October 2002, by rule 10 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

19 Proceedings commenced in wrong court

(1) Where proceedings are commenced in the wrong court, a Judge, on such terms and conditions as the Judge 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.

(2) Subject to subclause (1), 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.

20 Notice of intention to appear

(1) Subject to subclauses (2) to (4), in any proceedings under the Act, a party may, within 7 days after service on that party of the application and notice, file in the court and serve on the applicant or the applicant's solicitor, and on the barrister or solicitor representing the child or young person to whom the application relates, a notice of intention to appear.

(2) Every notice of intention to appear shall be in form OT 3.

(3) Where a party resides outside New Zealand, or where there is substituted service, the time after service within which that party may file a notice of intention to appear to the application shall, on application by the applicant, be fixed by the court or a Judge or by a Registrar.

(4) *[Revoked]*

(5) *[Revoked]*

Rule 20(2): amended, on 13 August 2020, by rule 7 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Rule 20(4): revoked, on 3 August 2009, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2009 (SR 2009/188).

Rule 20(5): revoked, on 3 August 2009, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2009 (SR 2009/188).

20A Non-compliance with rule 20

(1) This rule applies to a party who—

(a) is served with an application; and

(b) fails to file and serve a notice of intention to appear within the time specified in or under rule 20.

(2) If the party 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 party to be heard.

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

(a) any reason given by the party for failing to comply with rule 20; and

(b) the effect of the party's failure to comply with rule 20 on—

(i) the other parties to the proceeding:

(ii) the management of the proceeding.

(4) The Judge may—

(a) allow the party to be heard in relation to the application on such terms as the Judge thinks fit; or

(b) decline to allow the party to be heard.

(5) If the Judge allows the party 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 party for costs properly incurred in consequence of his or her failure to comply with rule 20.

(6) If the Judge declines to allow the party to be heard, the Judge may proceed with the hearing of the application as if the party had not appeared.

Rule 20A: inserted, on 3 August 2009, by rule 5 of the Children, Young Persons, and Their Families Amendment Rules 2009 (SR 2009/188).

21 Amendment of application or notice of intention to appear

(1) With the leave of the court, an applicant may file and serve an amended application, and a party may file and serve an amended notice of intention to appear at any time before the hearing.

(2) The leave of the court shall not be required under subclause (1) if the application has not been set down for hearing.

(3) When an application or notice of intention to appear is amended, the court may, at the hearing, on good cause being shown, adjourn the hearing for such time and on such terms as may be just.

22 Notice of appointment of barrister or solicitor or lay advocate

[Revoked]

Rule 22: revoked, on 21 October 2002, by rule 10 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

23 Mediation conference

[Revoked]

Rule 23: revoked, on 21 October 2002, by rule 10 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

24 Change of Judge after mediation conference

[Revoked]

Rule 24: revoked, on 21 October 2002, by rule 10 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

25 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.

26 Judicial conferences

[Revoked]

Rule 26: revoked, on 21 October 2002, by rule 10 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

27 Setting down for hearing

(1) Unless a Judge in any particular case otherwise orders, no application shall be set down for hearing—

(a) *[Revoked]*

(b) before the time for filing a notice of intention to appear has expired.

(2) Subject to subclause (1),—

(a) the application shall be set down for hearing on the filing of an application for a fixture in form OT 4 and not otherwise; and

(b) the application for a fixture shall be signed by or on behalf of—

(i) the applicant; and

(ii) the barrister or solicitor representing the child or young person in respect of whom the application is made; and

(iii) every person (if any) who has filed a notice of intention to appear.

(3) Notwithstanding subclause (2), the Registrar may set the application down for hearing where the application is not signed by all of the persons specified in that subclause if the Registrar is satisfied—

(a) that the persons who have not signed the application have refused to do so; and

(b) that none of those persons has, in the circumstances, a reasonable reason for refusing to sign the application.

(4) Where the Registrar sets the application down for hearing under subclause (3), the Registrar shall endorse the application accordingly.

(5) The Registrar shall give notice of the time and date of hearing to the parties and to the barrister or solicitor representing the child or young person in respect of whom the application is made.

(6) 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.

Rule 27(1)(a): revoked, on 21 October 2002, by rule 11(a) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 27(2): amended, on 21 October 2002, by rule 11(b) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 27(2)(a): amended, on 13 August 2020, by rule 8 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

28 Further powers of Judge to expedite proceedings

In any proceedings under the Act, the Judge may do all or any of the following things:

(a) where appropriate, deal with any application or hold conferences by way of a telephone conference link-up at the expense of 1 or more of the parties:

(b) where appropriate, deal with any application by way of telegram, facsimile transmission, telex message, or courier post at the expense of 1 or more of the parties:

(c) make such use of videotape, film projection, computers, and other equipment as the Judge sees fit in the proceedings, subject to a direction as to the manner in which the parties shall defray the costs of so doing:

(d) make arrangements for the more speedy and effective recording of evidence, subject to a direction as to the manner in which the parties shall defray the costs of so doing:

(e) appoint any person authorised in law to administer an oath to any witness giving evidence in any manner envisaged by this rule.

29 Consent to order of court

(1) Where—

(a) the making of any order, or the imposing of any condition, under Part 4 of the Act requires the consent of any person or organisation; or

(b) *[Revoked]*

the filing in the office of the court of a duly completed statement of consent in form OT 5 shall be sufficient evidence that the person by whom or the organisation by which that statement is signed or executed consents to the making of the order or, as the case requires, the imposing of the condition.

(2) Where—

(a) the court proposes to make any order under Part 4 of the Act; and

(b) either or both of the following requirements apply, namely,—

(i) the making of that order requires the consent of any person or organisation:

(ii) that order may not be made unless a particular person or organisation has been informed of the proposal or intention to make the order and has been given an opportunity to make representations to the court or to appear and be heard by the court; and

(c) that person or organisation has not consented to the making of the order,—

the Registrar shall give notice to that person or organisation specifying the order that the court proposes to make and the time and place at which the person or organisation may make representations to the court.

(3) Every notice under subclause (2) shall be in form OT 6.

Rule 29(1): amended, on 13 August 2020, by rule 9(1) of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Rule 29(1)(a): amended, on 21 October 2002, by rule 12(1) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 29(1)(b): revoked, on 21 October 2002, by rule 12(2) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 29(2)(a): amended, on 21 October 2002, by rule 12(3) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 29(3): amended, on 13 August 2020, by rule 9(2) of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Part 4
Transfer of proceedings or hearing

30 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, the Judge may order them to be transferred to that court.

31 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, the Judge may order that the hearing of the application shall take place in that other court.

32 Transfer with or without application

(1) Any transfer authorised by rule 30 or rule 31 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—

(a) all parties consent; or

(b) the transfer is required as a matter of urgency, and no Judge is available to consider it,—

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.

33 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 30 or rule 31; or

(b) *[Revoked]*

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

Rule 33(b): revoked, on 21 October 2002, by rule 13 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Part 5
Service

Part 5: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Service: documents to be served

Heading: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

34 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 17(3):

(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 34: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Service: how documents to be served

Heading: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

35 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 36 to 45.

(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 36 to 39); or

(b) service on a lawyer who accepts the document on behalf of the person (*see* rule 40); or

(c) service at the person's address for service (*see* rules 41 to 45); 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 46A, make an order for substituted service (that is, an order dispensing with, or changing, the service required by these rules).

Rule 35: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Service: personal service

Heading: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

36 Who may carry out personal service

(1) A document that must be served personally may be served by—

(a) a Registrar, bailiff, or other employee appointed under the Public Service Act 2020 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 social worker:

(g) a party's lawyer or an agent of a party's lawyer:

(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)(d), (e), or (f), no party may effect personal service, but the party may be present when service is effected.

Rule 36: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Rule 36(1)(a): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

37 Personal service

Personal service of a document may be effected by—

(a) 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; or

(b) leaving the document for the person to be served at that person's place of residence with another person who resides at that residence and who appears to be of or over the age of 18 years.

Rule 37: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

38 Service on chief executive

If the chief executive is a party to any proceedings, any document that is required to be served on the chief executive must be served—

(a) by delivering the document to the principal manager of the department for the area in which the child or young person who is the subject of the proceedings resides; or

(b) by leaving the document with any person who indicates that he or she is authorised to accept service on behalf of the chief executive.

Rule 38: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

39 Service on constable

If the person to be served is a party to the proceedings in his or her capacity as a constable, it is sufficient service to deliver the document to be served to any constable or Police employee.

Rule 39: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Service: lawyer may accept service on behalf of person

Heading: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

40 Service on lawyer accepting service on behalf of person

(1) Service of a document on a person may be effected by serving 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 40: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Service: at address for service

Heading: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

41 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 16.

(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 proceedings, 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 41: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

42 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 42: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

43 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 43: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

44 When and how documents under rule 43 to be treated as served

(1) A document posted under rule 43(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 43(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 43(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 43(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 45(1)(b).

Rule 44: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

45 Lawyer must acknowledge document transmitted electronically

(1) A lawyer to whom a document is transmitted under rule 43(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 45: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Service: directions

Heading: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

46 Directions as to service

(1) The applicant may, and must on the direction of a Registrar, make an interlocutory application without notice to the court for a direction that a person who is not a party be served, if an application is required by the Act or these rules to be served—

(a) on a person specified by the court; or

(b) on a person the court directs.

(2) However, only in the circumstances stated in subclause (3) may a Registrar direct that an application be made under subclause (1) in respect of an application—

(a) for a care or protection order under section 68 of the Act; or

(b) for a variation or discharge under section 125 of the Act.

(3) The circumstances are that it appears from the application for a care or protection order under section 68 or the application for a variation or discharge under section 125 of the Act, and any documents filed with it, or from any other documents held by the court, that a person who is not a party to the proceedings has an interest in the proceedings and should be served.

(4) An application under subclause (1) must state the reasons why the person specified in the application should be served.

(5) If the court is satisfied that the person specified in the application should be served, it must direct accordingly.

(6) This rule, so far as applicable and with all necessary modifications, applies to every application notice of which is required by the Act or these rules to be given—

(a) to any person specified by the court; or

(b) to such person or persons as the court directs.

Rule 46: replaced, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Rule 46(2)(a): amended, on 13 August 2020, by rule 10(1) of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Rule 46(3): amended, on 13 August 2020, by rule 10(2) of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Service: substituted service

Heading: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

46A 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 on whom it is 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 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) In response to the application, the Registrar may, if satisfied of the matters specified in subclause (1)(a) to (c), make an order of the kind described in subclause (2)(b).

(4) If an order for substituted service does not dispense altogether with the service required, compliance with the requirements of the order—

(a) must be treated as having the same effect as personal service; and

(b) is sufficient to comply with the service as required by these rules.

(5) If the court makes an order for substituted service requiring that a document be brought to the notice of the person to be served by an advertisement, the advertisement must be in form OT 7.

Rule 46A: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Rule 46A(5): amended, on 13 August 2020, by rule 11 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Service: proof of service

Heading: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

46B 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 in form OT 8.

(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, Police employee, or social worker, 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 46B: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Rule 46B(1)(b): amended, on 13 August 2020, by rule 12 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

46C 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 OT 9.

(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 46C: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Rule 46C(1): amended, on 13 August 2020, by rule 13 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

46D 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 46B(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 46D: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Service of orders

Heading: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

46E Service of orders

(1) The Registrar must, as soon as practicable after the making of any order (including any interim or ancillary 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 overseas, 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 46E: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

46F Copy of orders to be sent to principal manager

The Registrar must, as soon as practicable after making any order (including any interim or ancillary order) under the Act, deliver or send a copy of the order to the principal manager for the district in which the court that made the order is situated.

Rule 46F: inserted, on 1 September 2017, by rule 4 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Part 6
Particulars and discovery

[Revoked]

Part 6: revoked, on 21 October 2002, by rule 17 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

47 Further particulars

[Revoked]

Rule 47: revoked, on 21 October 2002, by rule 17 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

48 Discovery of documents

[Revoked]

Rule 48: revoked, on 21 October 2002, by rule 17 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Part 7
Amendment

49 Amendment before service

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

50 Amending proceedings

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

(a) amend any defect or error in the 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 any 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 issue to be decided by the court 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.

51 Amendment of application

(1) With the leave of the court, an applicant may file and serve an amended application at any time before the hearing.

(2) When an application is amended, the court may, at the hearing, on good cause being shown, adjourn the hearing for such time and on such terms as may be just.

52 Clerical mistakes and slips

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

Part 8
Applications and directions in the course of proceedings

53 General procedure

(1) Where by the Act or 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, the following provisions shall apply subject to the provisions of the particular sections of the Act or rule applicable to the case:

(a) the application may be made either in court or in chambers:

(b) the application shall be filed in the District Court Office and served on each of the parties (other than the applicant) not later than 3 clear days before the time appointed for the hearing of the application, unless the application may be made *ex parte* or the Judge or Registrar dispenses with notice or gives leave for shorter notice:

(c) 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:

(d) upon the hearing of the application, the Judge or Registrar may make such order as the Judge or Registrar thinks fit:

(e) 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:

(f) 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:

(g) 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:

(h) where the Registrar has made an order to which this rule applies, any party who is dissatisfied with the order 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 the Judge thinks fit:

(i) the application need not be heard by the Judge before whom other applications in the same proceedings are pending:

(j) if the Registrar is satisfied that, by reason of the absence of the Judge, any application can be more expeditiously heard and determined in some other court, the Registrar may, of his or her own motion or on the request of any 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 33) 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.

54 *Ex parte* applications

(1) An order may be made on an *ex parte* application to which rule 53 applies if the court is satisfied—

(a) that the delay that would be caused by proceeding on notice would or might entail serious injury or undue hardship; or

(b) that the delay that would be caused by proceeding on notice would or might entail risk to the personal safety of the child or young person who is the subject of the proceedings or any person with whom that child or young person is residing; or

(c) 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 by it.

(2) *[Revoked]*

(3) Any person against whom an order has been made *ex parte* under subclause (1) may at any time apply to rescind or vary the order.

(4) *[Revoked]*

(5) *[Revoked]*

(6) Nothing in this rule prevents the making of an order on an *ex parte* application in any case where any provision of the Act authorises such an application.

Rule 54(2): revoked, on 21 October 2002, by rule 18(a) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 54(3): amended, on 21 October 2002, by rule 18(b) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 54(4): revoked, on 21 October 2002, by rule 18(a) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 54(5): revoked, on 21 October 2002, by rule 18(a) of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

55 Enlargement or abridgement 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 all the parties or by the court on the application of any 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 any 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 any other party.

Rule 55(1): amended, on 21 October 2002, by rule 19 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Part 8A
Ex parte restraining orders

[Revoked]

Part 8A: revoked, on 21 October 2002, by rule 20 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

55A *Ex parte* restraining orders

[Revoked]

Rule 55A: revoked, on 21 October 2002, by rule 20 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

55B Procedure applying to *ex parte* restraining orders

[Revoked]

Rule 55B: revoked, on 21 October 2002, by rule 20 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Part 9
Evidence

56 Disclosure of evidence

(1) Subject to subclause (3), the court may, at any time before the hearing of any proceedings, order any party to file and serve on the other parties, on the barrister or solicitor representing the child or young person who is the subject of the proceedings, and on any lay advocate appointed to appear in support of that child or young person in those proceedings, a statement outlining, in reasonable detail, all or part of the evidence proposed to be tendered at the hearing by the party against whom the order is issued.

(2) The court may make an order under subclause (1) on such conditions as it thinks fit.

(3) *[Revoked]*

(4) 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 not the applicant, the court may order that the party be allowed to appear at the hearing only on such terms as the court thinks fit.

(5) *[Revoked]*

Rule 56(3): revoked, on 21 October 2002, by rule 21 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Rule 56(5): revoked, on 21 October 2002, by rule 21 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

57 Pre-hearing rulings on evidence

(1) The court may at any stage of the proceedings—

(a) make an order determining any question of admissibility of any evidence proposed to be tendered at the hearing by any party:

(b) where it is proposed that the evidence of any person should be admitted at the hearing in the form of a videotape, make an order authorising the tendering of the evidence by such means, and give such directions as it thinks fit relating to the procedure by which the videotaping of that evidence is to be carried out.

(2) Any order or direction made pursuant to subclause (1) may be varied or revoked by the court.

58 Mode of giving evidence

[Revoked]

Rule 58: revoked, on 21 October 2002, by rule 22 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

59 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 that party's 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 not the applicant, the court may order that the party be allowed to appear at the hearing only on such terms as the court thinks fit.

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

The fact that any examination is pending under rule 378 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 that the Judge or Registrar would otherwise possess in respect of the application.

Rule 60: amended, on 26 May 1995, by rule 5 of the Children, Young Persons, and Their Families Rules 1989, Amendment No 1 (SR 1995/91).

61 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.

Part 10
Miscellaneous provisions

62 Court and chambers

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.

63 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.

Rule 63(2): amended, on 1 June 2005, by section 207 of the Corrections Act 2004 (2004 No 50).

64 Witness entitled to expenses

[Revoked]

Rule 64: revoked, on 21 October 2002, by rule 22 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

65 Attendance at hearing

[Revoked]

Rule 65: revoked, on 21 October 2002, by rule 22 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

66 Enforcement of access rights

[Revoked]

Rule 66: revoked, on 21 October 2002, by rule 22 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

67 Recall to come before court

[Revoked]

Rule 67: revoked, on 21 October 2002, by rule 22 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

68 Proceedings not to abate

(1) Where any person (being a social worker or a constable acting in that capacity) is a party to any proceedings, those proceedings shall not abate merely because that person—

(a) dies; or

(b) ceases to hold office as a social worker or, as the case requires, a constable; or

(c) is for any other reason unavailable to participate in those proceedings as a party.

(2) When subclause (1) applies in respect of any proceedings, any social worker or, as the case requires, any constable may, without further authority than this rule, participate in those proceedings in the place of that other person, and those proceedings shall continue in all respects as if that social worker or constable were a party to the proceedings in the place of that other person.

Rule 68(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Rule 68(1)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Rule 68(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Part 11
Proceedings in respect of secure care

69 Applications

(1) Every application under section 371, section 372(1), section 377, section 379 (other than an application to the High Court), or section 380 of the Act shall be in form OT 10.

(2) Every application under section 371 of the Act shall be accompanied by a duly completed information sheet in form OT 2.

(3) Notice of an application under section 371 or section 377 or section 380 of the Act—

(a) shall be in form OT 11; and

(b) shall be accompanied by a copy of the application, which copy shall have endorsed on it the time and place of hearing.

Rule 69(1): amended, on 13 August 2020, by rule 14(1) of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Rule 69(2): amended, on 13 August 2020, by rule 14(2) of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Rule 69(3)(a): amended, on 13 August 2020, by rule 14(3) of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

70 Notice of application under section 371 or section 377

(1) Where written notice of an application under section 371 or section 377 of the Act is required to be given to any person, such notice shall be given—

(a) by personally delivering it to that person, or by bringing it to his or her notice if he or she refuses to accept it, at least 24 hours before the time of hearing; or

(b) by posting it in a letter addressed to that person at that person's last known or usual place of residence, at least 48 hours before the time of hearing.

(2) Where any such notice is given to any person in accordance with subclause (1)(b), the applicant shall also, where practicable, cause that person to be notified, by telephone, of the time and place of the hearing.

71 Notice of application under section 380

Where notice of an application under section 380 of the Act is required to be given to any person, that notice shall be given,—

(a) in the case of the Director of the residence in which the child or young person to whom the application relates is detained in secure care, by personally delivering it to that Director, or to any person who indicates that he or she is authorised to accept the notice on behalf of the Director, at least 24 hours before the time of hearing:

(b) in the case of any other person, by personally delivering it to that person, or by bringing it to his or her attention if he or she refuses to accept it, at least 24 hours before the time of hearing.

72 Proof of giving of notice

(1) Where notice is given of any application under section 371 or section 377 of the Act, that notice may be proved by showing the fact and the date and mode of the giving of the notice in a certificate attached to the application or a copy of it.

(2) Every such certificate shall be signed by the Director of the residence in which the child or young person to whom the application relates is detained in secure care or by a social worker acting on the Director's behalf.

(3) It shall not be necessary to prove that notice of an application under section 380 of the Act has been given to the Director of the residence in which the child or young person to whom the application relates is detained in secure care if that Director or any social worker employed in that residence appears, either personally or by a barrister or solicitor, at the hearing of the application.

(4) Where it is necessary to prove the giving of notice of an application under section 380 of the Act, it shall be proved by affidavit.

73 Procedure where notice not given within time prescribed

Where any person is given notice of an application under section 371 or section 377 or section 380 of the Act, and that notice is not given within the time prescribed by these rules, the court may—

(a) hear the application, if it is satisfied that that person is not prejudiced by that failure; or

(b) adjourn the hearing for such time and on such terms as it thinks fit.

74 Notification of decision of court

Any notice that is to be given under section 378 of the Act to any person shall be given by posting the notice—

(a) where it is to be given to the chief executive, in a letter addressed to the principal manager for the district in which the court is situated:

(b) where it is to be given to the Director of a residence, in a letter addressed to that Director at that residence:

(c) where it is to be given to any other person, in a letter addressed to that person at that person's last known or usual place of residence.

Rule 74(a): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Rule 74(a): amended, on 1 April 1992, pursuant to section 4(f) of the Social Security Amendment Act 1992 (1992 No 15).

75 Applications in the course of proceedings

(1) Where by Part 7 of the Act any application in the course of any proceedings (not being an application under section 371(1) or section 372 or section 377 or section 379 or section 380 or section 383 of the Act) is expressly or by implication authorised to be made to the court, the following provisions shall apply:

(a) the application may be made *ex parte*:

(b) the applicant shall, unless the Judge orders otherwise, make the application to the Registrar in the first instance, who shall have power to hear and determine the application:

(c) upon hearing the application, the Judge or Registrar may make such order as the Judge or Registrar thinks fit.

(2) Any party who is dissatisfied with any order made by a Registrar under this rule 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 the Judge thinks fit.

(3) An application on notice under subclause (2) shall be served on each party affected at least 24 hours before the time of hearing.

Schedule 1
Forms

r 3(2)(c)

Contents

		Page
OT 1	General heading	38
CYPF 2	Application for order (*or* declaration) on notice *[Revoked]*	39
CYPF 3	*Ex parte* application *[Revoked]*	39
CYPF 4	Certificate as to holding of family group conference *[Revoked]*	39
OT 2	Information sheet to accompany applications under Oranga Tamariki Act 1989	40
CYPF 6	Notice of application *[Revoked]*	42
OT 3	Notice of intention to appear	43
OT 4	Application for fixture	45
OT 5	Statement of consent	47
OT 6	Notice of proposal to make order	48
OT 7	Notice by advertisement	49
OT 8	Affidavit of service	50
OT 9	Affidavit of advertising	51
CYPF 14	Order for discovery of documents *[Revoked]*	52
CYPF 15	Affidavit of documents *[Revoked]*	52
CYPF 16	Summons to attend mediation conference (*or* hearing) *[Revoked]*	52
CYPF 17	Summons for attendance of child or young person at hearing *[Revoked]*	52
CYPF 18	Warrant to arrest party for attendance at hearing *[Revoked]*	52
CYPF 19	Warrant to bring child or young person before court *[Revoked]*	52
CYPF 20	Warrant to deliver child or young person to person entitled to access *[Revoked]*	53
CYPF 21	Summons, by way of recall, to appear before a Family Court *[Revoked]*	53
OT 10	Application relating to secure care	54
OT 11	Notice of application relating to detention in secure care	56
OT 12	Declaration (*or* order)	57

Form OT 1
General heading

r 12(2)

[***Where not otherwise provided in these rules***]

FAM No:

In the District Court at [*place*]

Child (or young person) the application is about

[*Full name of child or young person the application is about*], born on [*date of birth of child or young person*].

Schedule 1 form OT 1 heading (formerly titled form CYPF 1): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 1 (formerly titled form CYPF 1): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Form CYPF 2
Application for order (*or* declaration) on notice
[Revoked]

r 13(1)

Schedule 1 form CYPF 2: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form CYPF 3
Ex parte application
[Revoked]

r 13(2)

Schedule 1 form CYPF 3: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form CYPF 4
Certificate as to holding of family group conference
[Revoked]

r 15

Schedule 1 form CYPF 4: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form OT 2

Information sheet to accompany applications under Oranga Tamariki Act 1989

r 16

FAM No:

In the District Court at [*place*]

Particulars of child or young person the application is about

This information sheet accompanies application(s) about [*full name of child or young person the application is about*].

*Home address:

*Work address:

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

Age:

Date of birth:

Cultural or ethnic identity:

The child (*or* young person) the application is about is living with the following person(s):

Full name:

*Home address:

*Work address:

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

Relationship or status in relation to the child (*or* young person):

The child (*or* young person) has lived with that person for [*state period*].

The living parent(s) of the child (*or* young person) are as follows:

Full name:

*Home address:

*Work address:

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

The guardians of the child (*or* young person) are as follows:

Full name:

*Home address:

*Work address:

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

*These details may be omitted from copy to be served with application.

The child (*or* young person) is in the legal custody of [*where the child or young person is in the legal custody of the chief executive or an Iwi Authority or a Cultural*

Authority or the Director of a Child and Family Support Service or the controlling authority of a residential disability care institution (within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001), state the name and address of the person or organisation having legal custody].

The child (*or* young person) is in that custody by reason of [*state the legal authority for that custody, eg, place of safety warrant under section 39 of the Act, and give details of that legal authority, including the date of commencement, and, if granted by a court, the location of the court and the file number of the proceedings (if known)*].

The following court orders are in force in respect of the child (*or* young person): [*state the nature of the order, the date on which it was made, the court that made the order, the location of that court, and the file number of the proceedings (if known)*].

*The barrister or solicitor representing the child (*or* young person) in these proceedings is [*full name*], of [*address*].

*Delete if inapplicable.

Previous applications: [*give the file number of, or sufficient information to identify, any previous applications relating to the child or young person the application is about, and the courts where those applications were filed*].

Nature of applications

The applications are:

1

2

A family group conference *has/*has not been held in respect of the matter that forms the ground of the application(s).

A medical examination of the child or young person *has/*has not been carried out under section 50 or section 53 of the Act.

*Delete if inapplicable.

Particulars of applicant

The applicant is [*full name*], of [*address*], [*occupation*].

Home address:

Work address:

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

Relationship or status in relation to the child or young person:

Capacity in which the application is made:

Address for service

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

*This address must be a place in New Zealand where any document may be left for the applicant. It may not be the address of a post office box, document exchange, or rural delivery.

For court use:

Date stamp:

Schedule 1 form OT 2 heading (formerly titled form CYPF 5): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 2 heading (formerly titled form CYPF 5): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form OT 2 (formerly titled form CYPF 5): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 2 (formerly titled form CYPF 5): amended, on 1 October 2002, by section 58(3) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Schedule 1 form OT 2 (formerly titled form CYPF 5): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Form CYPF 6
Notice of application
[Revoked]

r 17(3)(b)

Schedule 1 form CYPF 6: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form OT 3
Notice of intention to appear

r 20(2)

Oranga Tamariki Act 1989

(General heading—Form OT 1)

I, [*full name*], of [*address*], [*occupation*], give notice that I intend to appear at the hearing of the application of [*name of applicant*].

I intend to support the application for the following order(s) or declaration(s): [*specify each order or declaration sought by the applicant in respect of which you wish to support the application*].

I intend to oppose the application for the following order(s) or declaration(s): [*specify each order or declaration sought by the applicant in respect of which you wish to oppose the application*].

I say as follows:

1 A copy of the application was served on me.

2 [*State whether you agree or disagree with the information stated in the application. If you disagree with any of the information, give your reasons for doing so*].

3 [*State why you support or oppose the application*].

4 [*State any other information relating to the application, or the circumstances of the matter, that you think the court should know about*].

My relationship or status in relation to the child (*or* young person) the application is about is as follows: [*specify*].

This notice is given in my capacity as: [*specify capacity*].

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

Signature:

Date:

To the Registrar,

District Court, [*place*]

and

To the applicant

and

To the barrister or solicitor representing the child (*or* young person) the application is about.

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

*This address must be a place in New Zealand where any document may be left for the person filing the notice of appearance. It may not be the address of a post office box, document exchange, or rural delivery.

Notes

A copy of this notice must be served on—

(a) the applicant or the applicant's solicitor; and

(b) the barrister or solicitor representing the child or young person the application is about.

Schedule 1 form OT 3 heading (formerly titled form CYPF 7): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 3 (formerly titled form CYPF 7): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 3 (formerly titled form CYPF 7): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 4
Application for fixture

r 27(2)(a)

Oranga Tamariki Act 1989

(General heading—Form OT 1)

We (*or* I) apply for a fixture for the hearing of the application.

*We are parties to the application.

or

*I am a party to the application.

We (*or* I) say as follows:

*1 A notice of intention to appear has been filed by each party.

or

*1 The time for filing a notice of intention to appear has expired.

*2 No request has been made for the convening of a mediation conference.

or

*2 The request for the convening of a mediation conference has been disposed of.

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

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

(Solicitor for) applicant:

Date:

*Solicitor for the child (*or* young person) in respect of whom the application is made:

Date:

*(Solicitor for) other party:

Date:

*Repeat if more than 1 other party.

To the Registrar

District Court [*place*]

*Delete if inapplicable.

Date and time of fixture:

Registrar:

Date:

*This fixture is made under the authority conferred on me by rule 27(3) of the Oranga Tamariki Rules 1989.

*Delete if inapplicable.

Notes

Where a notice of intention to appear has been filed, this application should be signed—

(a) by the person applying for each order or declaration; and

(b) by the solicitor for the child or young person in respect of whom the application is made; and

(c) by every person who has filed a notice of intention to appear.

If this application is not signed by all of those persons, a fixture can be made only if the Registrar is satisfied—

(a) that the persons who have not signed have refused to do so; and

(b) that none of those persons has, in the circumstances, a reasonable reason for doing so.

Schedule 1 form OT 4 heading (formerly titled form CYPF 8): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 4 (formerly titled form CYPF 8): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 4 (formerly titled form CYPF 8): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 5
Statement of consent

r 29(1)

Oranga Tamariki Act 1989

(General heading—Form OT 1)

I, [*full name*], of [*address*], [*occupation*] consent to the making of the following order (*or* the imposing of the following condition) under the Oranga Tamariki Act 1989: [*state order or condition consented to*].

This consent is given subject to the following conditions: [*state any conditions on which this consent is given*].

My relationship or status in relation to the child (*or* young person) the application is about is [*specify*].

Date:

Signed by the above-named:

[*Full name of person giving the consent*]

in the presence of—

Signature of witness:

Address:

Occupation:

Schedule 1 form OT 5 heading (formerly titled form CYPF 9): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 5 (formerly titled form CYPF 9): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 5 (formerly titled form CYPF 9): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 6
Notice of proposal to make order

r 29(3)

Oranga Tamariki Act 1989

(General heading—Form OT 1)

To

The court proposes to make the following order under the Oranga Tamariki Act 1989: [*state order proposed to be made*].

*The order may not be made without your consent.

*The order may not be made unless you have been given the opportunity to make representations to the court.

*The order may not be made unless you have been given the opportunity to appear and be heard.

The court will consider making the order at the time and place stated below. You may make representations to the court about the order then. If you wish to consent to the making of the order, you may file in the court a statement of consent in form OT 5.

*Delete if inapplicable.

Time and place of hearing

Date of hearing: [*date, time*]

Place of hearing:

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.

Registrar:

Date:

Schedule 1 form OT 6 heading (formerly titled form CYPF 10): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 6 (formerly titled form CYPF 10): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 6 (formerly titled form CYPF 10): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 7
Notice by advertisement

r 46A(5)

Oranga Tamariki Act 1989

In the District Court at [*place*]

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

[*Full name of applicant*] has filed an application about [*full name of the child or young person the application is about*] for the following order(s) or declaration(s): [*specify each order or declaration sought by the applicant*].

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 intention to appear in respect of the application on or before [*date*], the application may be dealt with in your absence.

Registrar:

Date:

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

Schedule 1 form OT 7 heading (formerly titled form CYPF 11): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 7 heading (formerly titled form CYPF 11): amended, on 1 September 2017, by rule 5 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Schedule 1 form OT 7 (formerly titled form CYPF 11): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 8
Affidavit of service

r 43(1)(b)

Oranga Tamariki Act 1989

(General heading—Form OT 1)

I, [*full name*], of [*address*], [*occupation*], swear:

1 On [*date*] I duly served on [*full name*], a party to these proceedings, a copy of the application annexed to this affidavit and marked with the letter "A" by delivering it to that party personally at [*address*].

2 At the same time I served on that party a copy of the notice annexed to this affidavit and marked with the letter "B" by delivering it to that party personally at [*address*].

3 The party is personally known to me by reason of the following facts: [*state the facts establishing personal knowledge*].

or

3 The party is not personally known to me, but I believe that the person served by me is that party by reason of the following facts: [*state the facts on which the deponent relies*].

Signature of deponent:

Sworn at [*place, date*], before me—

Registrar

Justice of the Peace

Solicitor of the High Court

Schedule 1 form OT 8 heading (formerly titled form CYPF 12): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 8 (formerly titled form CYPF 12): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 8 (formerly titled form CYPF 12): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 9
Affidavit of advertising

r 46C(1)

Oranga Tamariki Act 1989

(General heading—Form OT 1)

I, [*full name*], of [*address*], [*occupation*], swear as follows:

1 Notice to [*name of the party whose whereabouts are unknown*] of the application for [*specify the order or declaration sought*] in respect of [*full name of the child or young person the application is about*] (a copy of which notice is annexed to this affidavit and marked with the letter "A") was duly advertised as follows: [*State the name of each newspaper, and the place and date of publication*.]

2 Extracts which are taken from the above newspapers and which contain the advertisements are annexed to this affidavit and marked with the letters "B" and "C".

Signature of deponent:

Sworn at [*place, date*], before me—

Registrar

Justice of the Peace

Solicitor of the High Court

Schedule 1 form OT 9 heading (formerly titled form CYPF 13): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 9 heading (formerly titled form CYPF 13): amended, on 1 September 2017, by rule 6 of the Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184).

Schedule 1 form OT 9 (formerly titled form CYPF 13): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 9 (formerly titled form CYPF 13): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form CYPF 14
Order for discovery of documents
[Revoked]

r 48(3)

Schedule 1 form CYPF 14: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form CYPF 15
Affidavit of documents
[Revoked]

r 48(4)(a)

Schedule 1 form CYPF 15: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form CYPF 16
Summons to attend mediation conference (*or* hearing)
[Revoked]

r 65(1)

Schedule 1 form CYPF 16: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form CYPF 17
Summons for attendance of child or young person at hearing
[Revoked]

r 65(2)

Schedule 1 form CYPF 17: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form CYPF 18
Warrant to arrest party for attendance at hearing
[Revoked]

r 65(3)

Schedule 1 form CYPF 18: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form CYPF 19
Warrant to bring child or young person before court
[Revoked]

r 65(4)

Schedule 1 form CYPF 19: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form CYPF 20
Warrant to deliver child or young person to person entitled to access
[Revoked]

r 66

Schedule 1 form CYPF 20: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form CYPF 21
Summons, by way of recall, to appear before a Family Court
[Revoked]

r 67

Schedule 1 form CYPF 21: revoked, on 21 October 2002, by rule 23 of the Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253).

Form OT 10
Application relating to secure care

r 69(1)

Section 371 (or 372(1) or 377 or 379 or 380), Oranga Tamariki Act 1989

(General heading—Form OT 1)

I, [*full name*], apply—

*(a) under section 371 of the Oranga Tamariki Act 1989 for an approval authorising the continued detention of [*full name*] in secure care; or

*(b) *ex parte* under section 372(1) of the Oranga Tamariki Act 1989 for an order authorising the continued detention of [*full name*] in secure care; or

*(c) under section 377 of the Oranga Tamariki Act 1989 for the renewal of an approval granted under section 376(1) of that Act authorising the continued detention of [*full name*] in secure care; or

*(d) under section 379 of the Oranga Tamariki Act 1989 for a review of the decision of the Family Court (*or* Youth Court *or* District Court)—

  *(i) to grant an approval under section 376 of that Act authorising the continued detention of [*full name*] in secure care; or

  *(ii) to grant a renewal of an approval under section 376 of that Act authorising the continued detention of [*full name*] in secure care; or

  *(iii) to impose conditions under section 376 (*or* section 377) of that Act relating to the continued detention of [*full name*] in secure care; or

*(e) on notice (*or ex parte*) under section 380 of the Oranga Tamariki Act 1989 for a review of the decision of the chief executive to place [*full name*] in secure care.

I am making this application because [*state the reasons for the application*].

I say: [*set out sufficient information to inform the court of the facts relied on to support the application*].

*Delete if inapplicable.

Signature of applicant:

Date:

To the Registrar,

District Court, [*place*]

and

To the other parties

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

Date of hearing

I appoint [*name*] at [*date*] at the Family (*or* Youth *or* District) Court (*or* the [*name of responsible department residence*]) at [*place*] for the hearing of this application.

Registrar:

Date:

Notes

Advice

If you need help, consult a lawyer or contact a Family Court Office immediately.

Office hours

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

Information sheet

If this is an application under section 371 of the Act, a duly completed information sheet (in form OT 2) must accompany this application.

Schedule 1 form OT 10 heading (formerly titled form CYPF 22): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 10 (formerly titled form CYPF 22): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 10 (formerly titled form CYPF 22): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Schedule 1 form OT 10 (formerly titled form CYPF 22): amended, on 1 October 1999, pursuant to section 11(3) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Schedule 1 form OT 10 (formerly titled form CYPF 22): amended, on 1 October 1999, pursuant to section 11(5) of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Form OT 11
Notice of application relating to detention in secure care

r 69(3)

Section 371(2) (or 377(3) or 381), Oranga Tamariki Act 1989

(General heading—Form OT 1)

To

An application has been filed in this court by [*full name*].

A copy is attached. The order(s) or approval(s) sought by the applicant is or are specified in the application.

If you wish to appear at the hearing of the application, either to support or to oppose the application, you should appear when the application is to be heard. The date, time, and place of the hearing is stated in the application.

At any hearing of the matter, you are entitled to appear and be heard as a party to the application, and you may have a barrister or solicitor acting for you. You may be entitled to legal aid in the proceedings. You should contact a lawyer as soon as possible if you wish to have legal representation.

Registrar:

Date:

Schedule 1 form OT 11 heading (formerly titled form CYPF 23): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 11 (formerly titled form CYPF 23): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 11 (formerly titled form CYPF 23): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Form OT 12
Declaration (*or* order)

r 10

Oranga Tamariki Act 1989

(General heading—Form OT 1)

Upon application made to it the court makes the following order (*or* declaration): [*state the order or declaration made*].

This order (*or* declaration) is made pursuant to [*state the section of the Act under which the order or declaration is made*] of the Oranga Tamariki Act 1989.

*This order (*or* declaration) is made with the consent of each party to the proceedings.

*Delete if inapplicable.

Registrar:

Date:

Schedule 1 form OT 12 heading (formerly titled form CYPF 24): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 12 (formerly titled form CYPF 24): amended, on 13 August 2020, by rule 15 of the Oranga Tamariki Amendment Rules 2020 (LI 2020/158).

Schedule 1 form OT 12 (formerly titled form CYPF 24): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

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

r 5(4)

Schedule 2: substituted, on 26 May 1995, by rule 6 of the Children, Young Persons, and Their Families Rules 1989, Amendment No 1 (SR 1995/91).

Rules 5, 6, 11, 12, 30–32, 45–51, 69, 74, 83–90 (in respect of minors as parties to proceedings under the Act), 103, 112, 113, 126, 127, 130, 131–133, 135, 136, 151–167, 208, 210, 214, 219, 228, 230, 236, 239, 251–253, 255–257, 261–263, 266–272, 315, 332, 426–430, 437, 439–461, 469–472, 496(3), 577–585, 610, and 631–648.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 12 October 1989.

Notes

1 General

This is a consolidation of the Oranga Tamariki Rules 1989 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Oversight of Oranga Tamariki System Legislation Amendment Act 2025 (2025 No 34): section 25

Public Service Act 2020 (2020 No 40): section 135

Oranga Tamariki Amendment Rules 2020 (LI 2020/158)

Children, Young Persons, and Their Families Amendment Rules 2017 (LI 2017/184)

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

Children, Young Persons, and Their Families Amendment Rules 2009 (SR 2009/188)

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Corrections Act 2004 (2004 No 50): section 207

State Sector Amendment Act 2003 (2003 No 41): section 14(2)

Children, Young Persons, and Their Families Amendment Rules 2002 (SR 2002/253)

Health and Disability Services (Safety) Act 2001 (2001 No 93): section 58(3)

Department of Child, Youth and Family Services Act 1999 (1999 No 82): sections 11(3), (5), 13

Children, Young Persons, and Their Families Rules 1989, Amendment No 1 (SR 1995/91)

Social Security Amendment Act 1992 (1992 No 15): section 4(f)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2025