



FAMILY LAW SECTION NEW ZEALAND LAW SOCIETY

Family Law Section Bulletin 421 - 26 March 2020

FAQs

We have prepared a comprehensive list of [FAQs](#) for members to guide them through this time. Please read through them carefully **before** emailing the manager or your regional representative. The answer to your query will no doubt be available from this list. These will be updated as new confirmed information comes to hand. They will also be available on the home page of the [FLS website](#) so you will not need to use your username and password to access them.

Shared care arrangements

We have already provided information about shared care arrangements from ourselves and the Principal Family Court Judge. This is all the confirmed information and guidance we can give at this time. Lawyers will need to use their professional judgement in terms of their individual cases. We cannot comment on individual cases as they arise. We would suggest, however, that where parents are travelling between shared care homes, they have copy of the parenting order or agreement with them (either in hard copy or electronically on a device) in case they are stopped by police.

Swearing of affidavits

As we have previously updated members, we do not have the answer to this issue at present. However, Parliament has attended to urgent legislative amendment– Covid-19 Response (Urgent Management Measures Legislation) Bill. This, amongst other things, adds District Court Judges to the list of those who can alter the rules of the court under section 24(2)(b) of the Epidemic Preparedness Act 2006. We expect that there will be an official announcement from the Chief District Court Judge and/or the Principal Family Court Judge clearly setting out how this might be used to resolve the current issue of swearing and witnessing affidavits.

We have emailed the Principal Family Court Judge suggesting the importance of having a nationwide consistent approach rather than regional variations if possible. Once we have detail we will be communicating to family lawyers via email bulletin. Until that time we are unable to provide any further advice.

We know there are family lawyers in some regions still available to swear affidavits. We suggest you contact your [regional representative](#) in your local area first to see if anyone is able to assist. We are hoping this issue will be resolved in the next 48 hours.

Email queries

Due to the high level of email queries, we might not be able to reply to you individually, but we are reading and considering all the issues. We will do our best to provide information and guidance in response via email bulletin to all FLS members, and to the wider profession via the Law Society's covid-19 page. However, please read the FAQs before you send an email as the response to your query is highly likely to be available there.

Kirsty Swadling
Chair