



## FAMILY LAW SECTION NEW ZEALAND LAW SOCIETY

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### **Swearing of affidavits**

Judge Moran has advised that there continues to be issues with unsigned affidavits. Where ever possible affidavits should be signed. While many parties may not have the ability to scan documents, some may be able to take a photo of the last page signed by them and email that to their lawyer. That could then be included as the last page of the filed document. Please note that the lawyer's certificate must specify whether the electronic copy was provided, or read, to the client and what process was adopted thereafter. This [memorandum](#) is an example of good practice and could be used as a precedent by members.

### **Urgent proposed amendment to Family Court Rules and legislation**

On Wednesday, Principal Family Court Judge Jackie Moran wrote to the FLS setting out proposed amendments to the Family Court Rules 2002, the Oaths and Declarations Act 1952 and the Mental Health (Compulsory Assessment and Treatment) Act 1992. The link to our response provided in yesterday's bulletin is now not working due to a technical issue. Click [here](#) for the FLS response to Judge Moran on the proposed amendments.

Late yesterday, Judge Moran asked the FLS to provide a draft clause to address the issue of witnessing relationship property agreements remotely. A [response](#) was prepared last night and finalised this morning, with the invaluable assistance of Helen McQueen and John-Luke Day from the Law Commission, Professor Nicola Peart, Vivienne Crawshaw QC, Kath Moran and myself. That has been sent to Judge Moran this morning. We will keep members updated on any rule or legislative changes as they develop.

## **Family Dispute Resolution**

We wanted to make sure that family lawyers were aware that FDR mediation is still taking place under alert level 4, online and by videoconference. If a parent's income has suddenly changed due to covid-19, they will likely be eligible for a free FDR service. See below for the matters currently being mediated:

- How can parents work together to keep children safe?
- How can parents talk about COVID-19 with their children?
- Should the parents stick to agreed care arrangements or is there a need to change existing care arrangements for a period of time?
- Is one parent an essential worker?
- Are the parents wanting to share the load more while they are both at home?
- If one parent can't physically see the children, how can they still maintain meaningful contact?
- How will parents share information about their own health - as well as the health of the children?
- If one parent can't see the children now, can they have extra time later?
- Economic realities – how will COVID-19 impact the family economically? Are parents worried about job losses or loss of income and child support?

And so we come to the end of our first full week in lockdown. I hope that you are all coping with the changes that this has brought with it, including use of technology, and that you are staying connected with colleagues and friends. Thank you for all your support and positive comments and a big thank you to Kath Moran for her fabulous efforts in responding to the avalanche of issues that have been arising.

*Kirsty Swadling*  
*FLS Chair*