

We have been asked to circulate the following update on the operation of the Auckland Family Courts.

#### **Update from Judge Goodwin**

There has been some readjustment from the email sent earlier this week to the way we will operate next week. We have a very large number of courts running next week (27 across the week, in addition the family registry has responsibility for tribunals, which are running next week), so the registry is under considerable pressure at the moment. They continue to do an outstanding job, considering they are on reduced numbers.

The following will apply next week:

1. Papakura and Pukekohe will be sitting. Indeed there is heavy usage of both courts.
2. All short cause hearings, half day hearings and settlement conferences will be called over on Monday at Manukau District Court. There are two call over courts operating. I appreciate this is short notice and there will be double ups for a number of counsel. The judges sitting will be aware of that difficulty.
3. List courts for COCA and OT will be in person. There has not been the time to convert them to individual time slots, so they will be heard at 10am, 11.45am, 2.15pm and 3.45pm. Anyone who wishes to be heard by teleconference, please contact the registry. Given the possibility of numbers, it may be prudent to advise parties that their attendance is not required unless essential, although, of course,

they are entitled to be there if they wish to be. If any matters can be dealt with by joint memoranda, then please file them so they can be dealt with in chambers.

### **Update from Judge de Jong**

#### **Auckland and North Shore Courts**

1. Many thanks to all lawyers in our district for working co-operatively and diligently to ensure the Family Court has been able to continue operating as well as it has during Alert Level 3. The transition has been almost seamless.
2. We are due to move to Alert level 2 next week. We have all been there before.
3. We will continue to deal with mental health hearings in the Auckland region by AVL until further notice.
4. For the time being, we will continue conferencing by teleconference/AVL whenever possible. You will receive an amended notice with contact details.
5. Short cause and long cause hearings will continue to be heard in person, and/or AVL by prior arrangement. For hygiene reasons witnesses are invited to take an affirmation rather than use the bible. Lawyers should ensure their client/witnesses have a copy of the relevant affidavits where there is no bundle of documents. It is preferable that exhibits are emailed to the registrar to minimise unnecessary handling.
6. We will continue to have teleconferences/AVL call overs for short cause hearings in advance of the hearing day so that hearings can continue to be staggered.
7. Settlement conferences will be convened in a courtroom, or larger conference room, to ensure social distancing is maintained.
8. It is important to stay away from the Court building if you are unwell. Masks and cleaning products remain available in the Court building.
9. The above arrangements may need to be reviewed during Alert Level 2 especially if restrictions are varied by the government.

10. Click [here](#) to access the Family Court Level 2 protocol.
  
11. By next week everyone should be in a position to file affidavits in the usual way, especially affidavits in support of without notice applications. You are reminded that the amendment to the Oaths and Declarations Act allows an oath, affirmation or declaration to be administered using an audio visual or audio link where it is “impossible” or “impracticable” to otherwise administer. This is particularly relevant to a deponent in covid-19 isolation. Links to the relevant legislation are provided below:

[Epidemic Preparedness Notice \(Oaths and Declarations Act 1957\) Immediate Modification Order 2020](#)

[Family Court \(Emergency\) Amendment Rules 2020](#)

#### **Unprocessed on notice applications for the Auckland Metro Family Courts**

1. You will be aware from the last FLS forum that there has been an issue about the number of unprocessed on notice applications for Auckland Metro Courts (Auckland, Waitakere, Northshore, Manukau, Papakura and Pukekohe). We receive about 10 to 12 new on notice applications each day. At one stage there were over 200 applications waiting to be processed.
  
2. I am informed the back log has now been cleared. As of yesterday afternoon there were 13 applications waiting to be processed and they are all current. This achievement is due to the extraordinary efforts of registry staff in a targeted approach that has been supported by the Principal Family Court Judge Jackie Moran. Steps have been taken to ensure the registry processes on notice applications in a timely manner and the situation will continue to be monitored.
  
3. You are welcome to contact your local FLS regional representative if you have any further concerns or queries.

*Kath Moran*  
*FLS Manager*