

Below is a message from Judge Pidwell who is the acting Administrative Judge for Auckland while Judge de Jong is on leave. Below is an update from Judge Pidwell:

Dear everyone,

We are disappointed we have returned to Alert Level 3 again. We appreciate this is a stressful time for all. This entire week will be converted to previous Alert Level 3 processes in Auckland, North Shore and Waitakere.

- 1. All judicial/directions/pre-hearing conferences have been converted to telephone conferences. Counsel and parties will receive log-in information from the registry.*
- 2. Auckland settlement conferences will proceed provided the Alert Level 3 Family Court protocols can be adhered to. In particular this requires social distancing to be maintained and is dependent on the number of participants likely to attend. Waitakere is able to accommodate settlement conferences this week. Northshore settlement conferences will only proceed if a larger courtroom is available and counsel will be advised if they cannot proceed.*
- 3. Long cause fixtures will not proceed in Auckland this week. There will be a callover on Friday for those scheduled for the week commencing 8 March 2021.*
- 4. Callovers will be arranged for all short cause hearings before the hearing date to ensure suitable hearing arrangements are in place and explore the availability of AVL/VMR where necessary. In person hearings will continue as scheduled provided Alert Level 3 Family Court protocols can be complied with and in some cases it may be more appropriate to hear witnesses by AVL/VMR. Where appropriate, submissions only hearings may be conducted by telephone/AVL/VMR*
- 5. Mental Health hearings will revert to AVL/VMR.*

6. *Registry counters are closed, a drop box is available for filing but on notice applications may be filed electronically during Alert Level 3. Any urgent queries or information should be communicated using the usual registry email addresses but with URGENT marked in the subject line with the FAM reference.*
7. *You are reminded that affidavits/declarations can be sworn/declared electronically where they are impracticable to be sworn/affirmed in the usual way. Registry staff are available to take affidavits/declarations if required. There should be no need to file unsworn affidavits.*
8. *Service by bailiffs is not available during Alert Level 3. Electronic service is available in terms of rules 107A and 127A of the Family Court Rules 2002. Please ensure you take adequate instructions and file supporting evidence is filed to prove that “at the time of service, the recipient regularly used that electronic address” – rules 107A(2) and 127A(b).*

Below is a message from Judge Mahon in respect of the South Auckland Family Courts operations.

Morena everyone

1. *I am acting Family Liaison judge for South Auckland while Judge Goodwin is acting Principal Family Court Judge.*
2. *I have re-established Judge Goodwin’s information sharing group for South Auckland lawyers this week or for any longer period we are in level 3 lockdown. Practitioners in the other Auckland courts will receive separate communications via the Family Law Section from Judge Pidwell, acting Family Court Liaison judge in Auckland.*
3. *The OT list today has been converted into remote appearance via VMR and notices went out yesterday advising the allocated time slots. If we are in Level 3 next week, OT and CoCA lists will continue be dealt with in this manner.*
4. *Short cause and half day hearings scheduled for Manukau (today), Papakura (Tuesday) and Pukekohe (Wednesday) will be subject of a call-over this afternoon. Any hearings which proceed will take place in Manukau.*

5. *The settlement conference this week has been adjourned.*
6. *Judge Ginnen and I will have telephone conferences for the long cause hearings in which we are involved this week.*
7. *Judges are very aware that there will be a heightened sense of anxiety among lawyers and parties about in person appearances in the Manukau Court given the proximity of the latest outbreak. **It is important that anyone who has anxiety about an in-person appearance informs the court so alternatives can be arranged.***
8. *If you have any questions about this email or the protocols generally, please don't hesitate to contact me.*

Kath Moran
FLS Manager

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