



# Protocol for remote participation in Family Court proceedings

Chief District Court Judge – 20 March 2025

Issued pursuant to s24 (3)(i) District Court Act 2016

## Cover Notes

- 1 This protocol identifies where the default mode of appearance in the Family Court will be remote. For all other hearings in the Family Court the default mode of appearance will be in person.
- 2 While this protocol sets defaults, how a hearing proceeds is ultimately a matter for determination by the presiding judge.<sup>1</sup> The presiding judge may determine that for a particular hearing more or less use should be made of remote participation than is envisaged by these defaults. That determination should be made having regard to the circumstances of the hearing, relevant legislation and Objectives and principles on the use of Remote Participation in Court Proceedings which can be found on [Te Pa](#)
- 3 Where the default is “remote”, this will ordinarily mean that the judge and the registrar are in court or chambers, with all other participants appearing by remote means. Remote participation means participation by Audio-Visual Link (AVL), unless specified (or directed) otherwise.
- 4 These defaults have been set with particular regard to the nature of the work in the Family Court. The Family Court work has, as its overall focus, the need to protect and promote justice for vulnerable persons (e.g children, those lacking capacity, victims of family harm). The work of the Family Court differs from that of other

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<sup>1</sup> The term ‘presiding judge’ is used consistently throughout the protocol to refer to the judicial officer presiding over the hearing. This term is used because in most situations covered by the protocol the presiding judicial officer will be a judge. However, where another judicial officer is authorised by statute to preside over one of the types of hearing covered by the protocol, the protocol applies equally to them, and the term ‘presiding judge’ should be read to include these other judicial officers.



jurisdictions in that it is quasi inquisitorial, and tasked with supporting families to resolve issues themselves. The Family Court only determines matters after all efforts at a conciliatory approach are exhausted. This involves a complex and nuanced process, tailored for each case.

- 5 The Te Ao Mārama Best Practice Framework is being implemented across the Family Court. The approach taken in the protocol has been adopted against the backdrop of the Te Ao Mārama principles. However, in particular courts (for example, those already with community/iwi-based organisations providing wrap around services in court), Te Ao Mārama principles may prompt a different default; for example, from a remote to an in-person appearance. The protocol will be updated as appropriate as the Te Ao Mārama Best Practice Framework is implemented across the Family Court.

#### **Hearings where the default mode of appearance for participants will be remote**

1. All without notice applications (on the National eDuty platform).
2. All chambers work (on eBox platform). This includes:
  - a. almost all (uncontested) PPPR work
  - b. all IDCCR work
  - c. case management reviews
  - d. aged case review
  - e. consent orders and directions.
3. Dissolution (on the papers conducted almost solely by the registry).
4. Mental Health (Compulsory Assessment and Treatment) Act hearings:
  - a. S34C extension of community treatment orders (patient's consent is required)
  - b. S83 Appeals from Review Tribunal
  - c. Applications for compulsory treatment orders (community treatment or inpatient) where the patient lives or is being treated at a significant distance from the nearest court conducting the hearing, making travel difficult for their mental wellbeing.
  - d. S16 reviews where the patient lives or is being treated at a significant distance from the nearest court conducting the hearing, making travel difficult for their mental wellbeing.
5. Substance Addiction (Compulsory Assessment and Treatment) Act 2017 review hearing under s29 (c) or s34(1) and interview (s75(3) (AVL only, not audio).

6. Property (Relationships) Act 1976, Family Protection Act 1955, Family Proceedings Act 1980 (e.g spousal maintenance, separation, and dissolution orders):
  - a. First rule 175 (FCR) conference (subsequent conferences as per judicial direction)
  - b. Submissions only interim or interlocutory hearings (e.g interim spousal maintenance, discovery).
7. Child Support Act 1991
  - a. Applications for departure order.
8. Adoption Act 1955
  - a. Hearings conducted under the Family Court Protocol for the Adoption by New Zealand-Based Intended Parents of Children Born by Surrogacy Overseas.
9. Call overs for long cause (one day +) and short cause (under one day) fixtures.
10. Hearings where a party / witness is overseas or lives a reasonable distance from the court (e.g International child abduction (Hague Convention) where the applicant (via the Central Authority) is overseas).
11. Single issue interlocutory (submissions only) hearings (e.g s139A Care of Children Act 2004).



**Heemi Taumaunu**  
**Chief District Court Judge**

Date	20 March 2025
Signed by	Chief District Court Judge Heemi Taumaunu
Review date	20 March 2026