



Family Protection and Support Regulations 2017

His Excellency, Tom Marsters

Queen's Representative

Order in Executive Council

At Avarua, Rarotonga this **21st** day of **November** 2017

Present:

His Excellency the Queen's Representative in Executive Council

Pursuant to section 152 of the Family Protection and Support Act 2017, His Excellency the Queen's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations—

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Regulations

- 1 Title**
These regulations are the Family Protection and Support Regulations 2017.
- 2 Commencement**
These regulations come into force on 1 December 2017.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
Act means the Family Protection and Support Act 2017
form means a form of the relevant number set out in the Schedule
working day means any day except a Saturday, a Sunday, or a public holiday.
- (2) Any term or expression that is defined in the Act and used, but not defined, in these regulations (such as **court**, **Secretary**, **support order**) has the same meaning as in the Act.

Part 1
General

4 Front page of documents filed in court

- (1) The front page of every document filed in court under the Act must be in form G1.
- (2) The first document filed by a party (whether an application, a response, or any other document) must have the note in form G2 attached to or marked on the front page.

5 Prescribed forms

- (1) If these regulations prescribe a form for a particular document, the document must be in that form.
- (2) If no form is prescribed by these regulations, a person may use any other form provided for in the Code of Civil Procedure of the High Court 1981 or approved for the purpose by the Registrar.

6 Applications

- (1) An applicant who files in court an application for an order, or for the variation or discharge of an order, must,—
- (a) at the time of filing, pay the fee prescribed by the High Court Fees, Costs and Allowances Regulations 2016; and
 - (b) unless the application may be made without notice, serve the application as required by section 140(2) of the Act on—
 - (i) all other parties; and
 - (ii) any other person specified by the court.
- (2) If, before the application is served, the Registrar sets down the matter for a hearing, the applicant must give notice of the date, time, and place of the hearing when he or she serves the application on the other parties.

7 Form of application to vary or discharge order

- (1) Every application to vary or discharge an order must—
- (a) be in form G3; and
 - (b) attach a copy of the order sought to be varied or discharged; and
 - (c) if the application is to vary an order, show the variation sought; and
 - (d) include the fee prescribed by the High Court Fees, Costs and Allowances Regulations 2016.

- (2) An application for leave to apply for the variation or discharge of any of the following orders must be on form G4:
 - (a) a supervision order (under section 61(2)(c) of the Act);
 - (b) a care order (under section 64(2)(c) of the Act);
 - (c) a protection order (under section 105(c) of the Act).

8 Responding to an application

- (1) If a person who is served with an application wishes to respond to it, he or she must file a response in form G5.
- (2) If a hearing has been scheduled, the response must be filed at least 1 working day before the hearing.
- (3) The person filing a response must serve it on every other party as soon as practicable and, if a hearing has been scheduled, at least 1 working day before the hearing.
- (4) Form G5 may also be used to request a hearing, make submissions, or give notice of an intention to appear at a hearing of the application.

9 Orders, etc, issued by court

Every order or other process issued by the court must be served by the court on the party or parties required to be served.

10 Proof of service

Proof of service by a party must be way of,—

- (a) in the case of personal service, by an affidavit of service; and
- (b) in the case of email service, by production of a copy of an electronic record that confirms that the document sent was opened in the recipient's mailbox.

Part 2 Divorce

11 Application for divorce made by one party

- (1) An application for divorce made by only 1 party to the marriage must be made on form D1.
- (2) If the other party files a response objecting to the application within 2 weeks after the application is served, the Registrar must set down the matter for hearing.
- (3) If the other party does not file and serve a response within 2 weeks after the application is served, the court may make a decision on the application without a hearing.

12 Joint application for divorce

- (1) An application for divorce made by both parties jointly must be made on form D2.
- (2) The court may make a decision on the application without a hearing.

13 Divorce order

Every divorce order must be in form D3.

Part 3

Domestic and child support

14 Support orders

- (1) An application for domestic support, child support (including support for an adult child), or both must be in form S1A and be accompanied by a statement of financial means in form S2.
- (2) An application for a childbearing expenses order must be in form S1B.
- (3) When an application for any support order is filed, the Registrar must—
 - (a) schedule a hearing for the application that is at least 1 month after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to both parties.
- (4) A support order (whether for domestic support, child support, or childbearing expenses) must be in form S3.

15 Variation or discharge of support order

If an application is made for the variation or discharge of a support order, the Registrar must—

- (a) schedule a hearing for the application that is at least 1 month after the application is filed; and
- (b) give notice of the date, time, and place of the hearing to both parties.

16 Support enforcement orders

- (1) An application for a support enforcement order must be in form S4.
- (2) Any response by the other party must be filed in court no later than 2 weeks after the date on which the application was served.
- (3) If a response is filed, the Registrar must—
 - (a) schedule a hearing for the application that is no more than 2 weeks after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to both parties.
- (4) A support enforcement order must be in form S5.

17 Paternity orders

- (1) An application for a paternity order must be in form S6.
- (2) When an application for a paternity order is filed, the Registrar must—
 - (a) schedule a hearing for the application that is no later than 1 month after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to all parties.
- (3) If the court recommends that a DNA parentage test be carried out on a child, the consent form to be used for or by the child is form S7.
- (4) A paternity order must be in form S8.

Part 4

Parenting arrangements

18 Parenting plans

- (1) Every parenting plan must be in form P1.
- (2) An application for registration of a parenting plan must be in form P2.

19 Review of parenting plan

- (1) An application for review of a parenting plan must be in form P3.
- (2) When an application for a parenting plan is filed, the Registrar must—
 - (a) schedule a hearing for the application that is no more than 2 weeks after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to both parties.

20 Parenting orders

- (1) An application for a parenting order must be in form P4.
- (2) When an application for a parenting order is filed, the Registrar must—
 - (a) schedule a hearing of the application that is no later than 2 weeks after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to all parties.
- (3) A parenting order must be in form P5.

21 Directions on major long-term issues

- (1) An application for a direction from the court on major long-term issues concerning a child must be in form P6.
- (2) When an application for a direction from the court on major long-term issues is filed, the Registrar must—
 - (a) schedule a hearing of the application that is no later than 2 weeks after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to both parties.
- (3) A direction from the court on major long-term issues must be in form P7.

22 Parenting enforcement order

- (1) An application for a parenting enforcement order must be in form P8.
- (2) The Registrar must—
 - (a) schedule a hearing of the application that is no later than 2 weeks after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to both parties.
- (3) A parenting enforcement order must be in form P9.
- (4) If the court directs the person in breach of the order to deposit a bond into court, the Registrar must issue a receipt for the amount deposited.

23 Warrant for return of child

A warrant under section 45 of the Act for the return of a child must be in form P10.

Part 5

Care and protection

24 Temporary care arrangements

Every temporary care arrangement must be in form C1.

25 Safety warrant for custody and delivery of child

- (1) An application under section 54 of the Act for a safety warrant for the custody and delivery of a child must be in form C2 and may be made without notice.
- (2) A safety warrant issued under section 54 of the Act (which places a child who is in need of care and protection in the care of the Ministry of Internal Affairs) must be in form C3.

26 Supervision orders

- (1) An application for a supervision order must be in form C4 and may be made without notice.
- (2) If the application is served, it must be served on—
 - (a) every parent and caregiver of the child to whom it relates; and
 - (b) any other person who is providing day-to-day care of the child.
- (3) When an application for a supervision order is filed, the Registrar must—
 - (a) schedule a hearing of the application that is no later than 1 week after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to all parties.
- (4) A supervision order must be in form C5.

27 Care orders

- (1) An application for a care order must be in form C4 and may be made without notice.
- (2) If the application is served, it must be served on—
 - (a) every parent and caregiver of the child to whom it relates; and
 - (b) any other person who is providing day-to-day care of the child.
- (3) When an application for a care order is filed, the Registrar must—
 - (a) schedule a hearing of the application that is no later than 1 week after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to all parties.
- (4) A care order must be in form C6.

28 Contact order authorising contact

- (1) An application under section 68(2)(a) of the Act (for a contact order authorising contact with a child who is under care and protection) must be in form C7:
- (2) The application must be served on—
 - (a) every person who was served with the care order relating to the child under care and protection; and
 - (b) the lawyer appointed to represent the child (if any).
- (3) If an application for a contact order authorising contact is filed, the Registrar must—

- (a) schedule a hearing of the application that is no later than 1 week after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to all parties served with the application.
- (4) A contact order authorising contact between a person and a child under care and protection must be in form C9.

29 Contact order prohibiting or restricting contact

- (1) An application under section 68(2)(b) of the Act (for a contact order prohibiting or restricting the contact of a person with a child who is under care and protection) must be in form C8.
- (2) The application must be served on—
 - (a) every person who was served with the care order relating to the child under care and protection; and
 - (b) the lawyer appointed to represent the child (if any).
- (3) If the matter is urgent, the application may be made without notice.
- (4) Unless the application is made without notice, when an application for a contact order granting contact is filed, the Registrar must—
 - (a) schedule a hearing of the application that is no later than 1 week after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to all parties served with the application.
- (5) A contact order prohibiting or restricting contact between a person and a child under care and protection must be in form C10.

30 Variation or discharge of supervision, care, or contact order

- (1) If an application is made for the variation or discharge of a supervision order, a care order, or a contact order, the Registrar must—
 - (a) schedule a hearing for the application that is—
 - (i) if the matter will be heard by a Justice, no more than 1 month after the application is filed; and
 - (ii) if the matter will be heard by a Judge, no more than 2 months after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to all parties.
- (2) The application, and the notice of hearing, must be served on any lawyer for the child (if appointed) as well as on the parties to the original order.
- (3) However, subclauses (1) and (2) do not apply if all parties (and any lawyer for the child) have consented to the application, in which case the application may be determined on the papers.

31 Weekly amount payable to caregiver

The weekly amount payable under section 66(2) of the Act to a caregiver appointed under section 65(d) of the Act is \$265.00.

32 Consent to examinations

- (1) A consent given under section 71 of the Act by any person to undergo a medical or psychological examination must be in form C11.

- (2) A consent given by a child under section 73 of the Act must be in form C12.

33 Form of kaveinga a te kopu tangata

Every kaveinga a te kopu tangata must contain all the information set out in form C13 and may, but need not, be in that form.

Part 6 Domestic violence

34 Protection orders

- (1) An application for a protection order must be in form V1 and may be made without notice.
- (2) An application for a protection order may be completed by—
- (a) the applicant herself or himself; or
 - (b) the court, having received the application orally or in some other form from the applicant; or
 - (c) another person on behalf of the applicant (under section 97(2) of the Act).
- (3) An application by a child for leave to apply for a protection order must be in form G4.
- (4) A temporary protection order must be in form V2.
- (5) A final protection order made at a hearing must be in form V3.

35 Police safety orders

Every police safety order must be in form V4.

36 Application for compensation

- (1) An application for compensation under section 119 or 120 of the Act must be in form V5.
- (2) If an application for compensation is filed, the Registrar must—
- (a) schedule a hearing of the application that is no later than 2 weeks after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to both parties.
- (3) An order for payment of compensation must be in form V6.

Part 7 General and miscellaneous provisions

37 Appointment of lawyer or representative for the child

An order under section 128 or 129 of the Act to appoint a lawyer or representative for a child must be in form M1.

Overseas orders

38 Registering overseas orders

- (1) An application under section 130(1) of the Act to register an overseas order must be in form M2.

- (2) When an overseas order is registered under section 130(1) of the Act, or is varied under section 130(2) of the Act, the Registrar must give notice of the registration or variation to the liable party.
- (3) An application to deregister a registered overseas order must be in form M3.
- (4) Any application to vary or deregister a registered overseas order must be served on any other party to the order who is in the Cook Islands.
- (5) If a party who is served with the application to vary or deregister files a response within 1 month after the application is served,—
 - (a) the response must be served on the applicant; and
 - (b) the Registrar must schedule a hearing of the application and give notice of the date, time, and place of the hearing to all parties.

Preventing removal of child from Cook Islands

39 Warrant to take custody of child

A warrant issued under section 132(2)(a) of the Act to take custody of a child to prevent removal from the Cook Islands must be in form M4.

40 Order to surrender tickets or travel documents

- (1) An order under section 132(2)(b) of the Act to surrender tickets or travel documents must be in form M5.
- (2) When an application to discharge an order to surrender tickets or travel documents is filed, the Registrar must—
 - (a) schedule a hearing of the application that is no later than 2 weeks after the application is filed; and
 - (b) give notice of the date, time, and place of the hearing to both parties.

Transitional provisions

41 Transitional provisions

- (1) This regulation applies to **existing proceedings**, being proceedings that could be dealt with under the Act but that have been commenced under the previous legislation.
- (2) After the Act comes into force, these regulations and the forms prescribed in them must be used for existing proceedings as far as possible and with any necessary modifications.
- (3) However, for 1 month after the Act comes into force, the Registrar may accept for filing any form that is the equivalent of a form provided in these regulations, as long as—
 - (a) the form would have been accepted for filing under the previous legislation; and
 - (b) use of the form does not disadvantage any party.

Schedule

r 3

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Form G1

r 4(1)

Front page to be attached to every document filed under Family Protection and Support Act 2017

Matter number (if known):

In the High Court of the Cook Islands

Civil Division

At [*place*]:

Name of applicant:

Other names (if known) used by the applicant:

Address/place where applicant lives:

Occupation:

Name of respondent:

Other names (if known) used by the respondent:

Address/place where respondent lives:

Occupation:

Name of any other person to be served:

Address/place where any other person to be served lives:

Occupation:

Note

If this is the first document you are filing in court, you must add the note in form G2 to this page.

Form G2

r 4(2)

Note to go on first document filed by party

1 In these proceedings, I am (*tick one*):

- ☐ the applicant
- ☐ the respondent
- ☐ another party

2 My contact details are:

Full name:

Occupation:

Address/place where I live:

Phone number:

Email address:

Address for service (if different from address above):

3 I am/am not represented by a lawyer.

4 My lawyer is/is not authorised to accept service on my behalf.

5 My lawyer's contact details are:

Name of lawyer or firm:

Address:

Phone number:

Email address:

Note to person completing the form

You must complete this note and include it on the first page of the first document you file in court in connection with these proceedings.

Form G3

r 7

Application to vary or discharge order

1 I apply to vary/discharge:

[identify the order you want to vary or discharge, and attach a copy of it]

2 I am:

[identify who you are in relation to the order, eg, the person who the order is for or against, or someone else]

3 This application relates to the following child/children*:

[name, date of birth, and gender of each child]

**Omit if inapplicable.*

I say on oath that *(continue on separate page if necessary):**

**Omit if inapplicable.*

4 the order should be discharged because:

I say on oath that *(continue on separate page if necessary):**

**Omit if inapplicable.*

5 the variation I propose, and the reason for the variation, is:

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor, or by the Registrar or Deputy Registrar of the court.

You must attach a copy of the order you want to vary or discharge.

Form G4

rr 7(2), 34(3)

Application for leave to apply

Sections 61(2)(c), 64(2)(c), 97(4), and 105(c), Family Protection and Support Act 2017

1 I, *[name]*, apply for leave to apply for *[tick the one that applies]*:

- ☐ the discharge or variation of a care order
- ☐ the discharge or variation of a supervision order
- ☐ a protection order
- ☐ the discharge or variation of a protection order.

I say on oath that:

2 I am entitled to apply for leave.

3 My reason for making this application is as follows (*continue on separate page if necessary*):

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

The following people may apply for leave using this form:

- for the discharge or variation of a care order (under section 64(2)(c) of the Act) – any person other than the Secretary or the child subject to the order
- for the discharge or variation of a supervision order (under section 61(2)(c) of the Act) – any person other than the supervisor or the child subject to the order

- for a protection order (under section 97(4) of the Act) – a child
- for the variation or discharge of a protection order (under section 105(c) of the Act) – any person who is not the respondent or the protected person.

Form G5

r 8(1)

Notice of response

- 1 This notice of response relates to: *[identify type of document, eg, application for divorce, application for variation of parenting order]*
- 2 In these proceedings, I am *[tick one]*:
 - ☐ the applicant
 - ☐ the respondent
 - ☐ another party.
- 3 I wish to *[tick those that apply]*:
 - ☐ respond as set out below
 - ☐ attend the hearing set down for *[date]*
 - ☐ appear and be heard at the hearing set down for *[date]*.

I say on oath that my response to the application is as follows (*continue on separate page if necessary*):

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor, or by the Registrar or Deputy Registrar of the court.

Form D1

r 11(1)

Application for divorce by one party only

*Sections 9 and 10(1), Family Protection and Support Act 2017*I, *[name]*, apply for a divorce order.**I say on oath that:**

- 1 The name of my husband/wife is *[name]*.
- 2 The marriage took place on *[date]* at *[place]*.
- 3 I/My husband/wife have lived/has lived in the Cook Islands for at least two years before the date of this application.
- 4 I have been separated from my husband/wife for at least 12 months. The period of separation started on or about *[date]*.
- 5 During the period of separation *[tick one]*—
 - ☐ there was no reconciliation
 - ☐ there was a reconciliation for a total of weeks/months.

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*At: *[place]**Note to person completing the form*

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Attach a certified copy of the marriage certificate.

The court will issue a divorce order only if you have been separated from your husband or wife for at least 12 months.

A period of separation begins when—

- a joint application for divorce is made (but the application is not granted); or
- when an application for divorce by one party is served on the other party; or
- when the parties cease living together.

A separation period continues after an application for divorce is made even if the parties continue to reside in the same residence or even if one party provides domestic services to the other.

If the parties reconcile during a separation period and subsequently separate again, the period of reconciliation is not included in the calculation of the separation period.

A period of separation immediately before a reconciliation must be included in the calculation of the separation period if the parties subsequently separate again.

Form D2

r 12(1)

Joint application for divorce order

Sections 9 and 10(2), Family Protection and Support Act 2017

We apply for a divorce order under section 9(b) of the Family Protection and Support Act 2017.

Details of wife:

- Full name
- Occupation
- Date of birth
- Address

Details of husband:

- Full name
- Occupation
- Date of birth
- Address

We each say on oath [*tick whichever applies*]:

- ☐ We have not been separated for at least 12 months.
- ☐ We have been separated for at least 12 months and—
- The period of separation started on or about [*date*]; and
 - During the period of separation—
 - there was no reconciliation; or
 - there was a reconciliation for a total of weeks/months
- ☐ Neither of us live/at least one of us lives on a permanent basis with a child of the marriage.

Sworn/affirmed by:

Signature of wife:

Signature of husband:

Witnessed by: [*name*]

Signature of witness:

On: [date]

At: [place]

Note to persons completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Attach a certified copy of the marriage certificate.

The court will issue a divorce order if you have been separated from your husband or wife for at least 12 months (whether or not either of you live with a child of the marriage on a permanent basis).

If you have not been separated for at least 12 months, the will not issue a divorce order if either of you live with a child of the marriage on a permanent basis.

The court may (but need not) issue a divorce order if you have not been separated for at least 12 months and neither of you live with a child of the marriage on a permanent basis.

A period of separation begins when—

- a joint application for divorce is made; or
- when an application for divorce by one party is served on the other party; or
- when the parties cease living together.

A separation period continues after an application for divorce is made even if the parties continue to reside in the same residence or even if one party provides domestic services to the other.

If the parties reconcile during a separation period and subsequently separate again, the period of reconciliation is not included in the calculation of the separation period.

A period of separation immediately before a reconciliation must be included in the calculation of the separation period if the parties subsequently separate again.

Form D3

r 13

Divorce order

Section 10, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*.

On: *[date]*

The marriage between the following parties, solemnised on *[date]*, is dissolved as from the date of this order:

- *[name of wife]*
- *[name of husband]*

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

Form S1A

r 14(1)

Application for domestic support and/or child support order

Sections 16 and 20, Family Protection and Support Act 2017

1 I, *[name]*, apply for a support order for *[tick those that apply]*:

- ☐ domestic support
- ☐ child support
- ☐ child support for an adult child.

I say on oath that *(continue on separate page if necessary): [complete all of the following that apply]*

2 I am:

- ☐ the divorced or separated spouse or partner of the respondent
- ☐ married to, or in a de facto relationship with, the respondent.

3 My financial means are as set out in the attached Form S2 (Statement of Financial Means).

4 I am the parent/caregiver/other concerned person with respect to the following child/children:

[name, date of birth, and gender of each child]

5 I have parental responsibility for the following child/children:

[name of each child]:

6 The following child has/children have the following health status, disability, or other special needs:

[for each child, state their health status and whether they have any disability or other special need]

7 I do/do not have suitable accommodation for that child/those children.

8 I have the following other dependants (ie, persons who, by reason of age, disability, or infirmity, rely on my material support):

[for each person, give the name, age, and reason why the person is a dependent]

- 9 The following child of mine is/children of mine are, or will soon be, adult and requires/require support from me to enable them to complete their education, or because of mental or physical disability:

[for each child who is or soon will be an adult, give their name, age, and reason why he or she requires support]

- 10 I have the following health status, disability, or other special needs:

- 11 My employment status is:

[state the nature of the paid work or occupation, the place of work, and approximate hours of paid work each week]

- 12 I am or will be eligible for the following pensions, allowances, or benefits:

[identify each pension, allowance, or benefit, when you became or will become eligible for it, and the rate or amount payable]

- 13 I have made the following financial and non-financial contributions to my spouse or partner's income, earning capacity, property, or financial resources:

- 14 I was married or in a de facto relationship with the respondent for *[period]*. My earning capacity was affected as a result of the marriage or de facto relationship because:

- 15 I have/do not have access to, use of, and control over, native lands, resources, and hunting and fishing grounds as follows:

- 16 The following additional factors support my application *[see note below for the factors that the court will take into account]*:

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

The following factors are relevant to the court when determining the amount, if any, of domestic support:

- (a) the age and state of health of each spouse or partner:
- (b) the income, earning capacity, property, and financial resources of each spouse or partner:
- (c) whether either spouse or partner has parental responsibility for a child or has any dependants:
- (d) the ability of each spouse or partner to support—
 - (i) herself or himself; and
 - (ii) any child for whom he or she has parental responsibility; and
 - (iii) any dependants:
- (e) the eligibility of either spouse or partner for a pension, allowance, or benefit, whether the fund or scheme was established, or operates, within or outside the Cook Islands, and the rate of any such pension, allowance, or benefit that is being paid, or will be paid, to either spouse or partner:
- (f) the extent to which the payment of support to a spouse or partner would increase the earning capacity of that person by enabling the person to—
 - (i) undertake a course of education or training; or
 - (ii) establish a business; or
 - (iii) obtain an adequate income property:
- (g) the extent to which the spouse or partner who has applied for support has made financial or non-financial contributions to the other party's—
 - (i) income; or
 - (ii) earning capacity; or
 - (iii) property; or
 - (iv) financial resources:
- (h) the duration of the marriage or the de facto relationship and the extent to which it has affected the earning capacity of the spouse or partner who has applied for support:
- (i) the degree to which one spouse or partner has access to, the use of, and control over native lands, resources, and hunting and fishing grounds that results in material benefits to that person that are not equally shared by the other spouse or partner:
- (j) any fact or circumstance that, in the opinion of the court, the justice of the case requires to be taken into account.

The following factors are relevant to the court when determining the amount, if any, of child support and child support for an adult child:

- (a) the need to provide suitable accommodation for the child:
- (b) the age and health of the child, including any special needs of the child:
- (c) the educational or training needs of the child:
- (d) the financial circumstances of the child:
- (e) the availability and cost of suitable child-care facilities or services:
- (f) the needs and resources of the person from whom child support is sought:
- (g) the needs and resources of any caregiver or caregivers:
- (h) the previous commitments of the person from whom child support is sought to pay support to any other child or person, if the court regards these as relevant:
- (i) any fact or circumstance that, in the opinion of the court, the justice of the case requires to be taken into account.

Form S1B

r 14(2)

Application for childbearing expenses support order

Section 19, Family Protection and Support Act 2017

- 1 I, *[name]*, apply for a support order for childbearing expenses.
- 2 The childbearing expenses relate to a child delivered (whether alive or stillborn) on or about *[date]*.
- 3 I am *[tick one]*:
 - ☐ the mother of the child
 - ☐ a person applying in respect of the deceased mother of the child.

I say on oath that *(continue on separate page if necessary):*
[omit any of the following that do not apply]

- 4 I/the mother incurred the following expenses (including medical expenses) during the pregnancy or relating to the delivery of the child:
- 5 The child was stillborn or died as a result of the birth and the expenses of the child's funeral were as follows:
- 6 The mother died as a result of the pregnancy or birth and the expenses of the mother's funeral were as follows:

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Form S2

r 14(2)

Statement of financial means

- 1 My income for the 52 weeks immediately preceding the date of this statement was as follows:

Item	Particulars of income	Amount (NZ\$)
a	Gross salary, wages, or other personal earnings	
b	Gross income from business	
c	Gross rents	
d	Gross income from boarders	
e	Benefits, pensions	
f	Dividends, interest	
g	Domestic support, child support	
h	Compensation or damages	
i	All other sources	

- 2 My assets, both in the Cook Islands and elsewhere, are as follows:

Item	Particulars of assets	Value (NZ\$)
a	Land and buildings	
b	Money in accounts with banks or other financial institutions	
c	Money not in bank or invested	
d	Money lent or in the hands of any other person	
e	Investments in stocks, shares, or other financial instruments	
f	Plant and machinery	
g	Business, including stock in trade, intellectual property, goodwill	
h	Livestock	
i	Motor vehicles (including all road vehicles, boats, and planes)	
j	Superannuation	
k	Household contents and personal items	
l	Any other property or assets, including any interest in the estate of a deceased person	

- 3 The following property (which is also listed above) is mortgaged or otherwise secured as follows:

Item	Particulars of property	Amount of mortgage or other security over the property
a		
b		
c		

- 4 My expenses for the 52 weeks immediately preceding the date of this statement were as follows:

Item	Expense	Cost (NZ\$)
a	Income tax	
b	Insurance and superannuation	
c	Rent and/or mortgages	
d	Rates	
e	Food and household supplies	
f	Education costs, including school fees	
g	Medical and dental costs	
h	Loan repayments	
i	Electricity, gas, and fuel	
j	Telephone and internet	
k	Clothing	
l	Other costs associated with maintenance of children	
m	Vehicle costs, including registration, running, and maintenance	
n	Hire purchase	
o	Loan repayments	
p	Other expenses (<i>specify</i>)	

- 5 The expenses of the following people are included in clause 4:

[list names, ages, and relationship of all people whose expenses are included in clause 4 (for example, a spouse or partner, parent, or child)]

- 6 The income of the people listed above is as follows:

[for each person listed in clause 4 who has income, list the person's name, amount of income in NZ\$, and particulars of the income]

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

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Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

You must complete this form and attach it to an application for a domestic support order, a child support order, or both, and to any application to vary or discharge one of those orders.

Form S3

r 14(4)

Support order

Sections 17, 19, and 23, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*.On: *[date]*To: *[name]*

Address/place:

Occupation:

- 1 You are required to pay support to *[name]*:
- 2 The support is as follows *[omit any of the following that do not apply]*:
 - (a) domestic support *[set out the following]*:
 - *the amount or value of support*
 - *the form of payment*
 - *when, or at what frequency, it will be paid*
 - *how and where it will be paid*
 - *any other conditions applying.*
 - (b) childbearing expenses *[set out the following]*:
 - *the amount or value of support*
 - *the form of payment*
 - *when, or at what frequency, it will be paid*
 - *how and where it will be paid*
 - *any other conditions applying.*
 - (c) child support *[set out the following]*:
 - *the child or children in respect of whom the support is to be provided*
 - *the amount or value of support*
 - *the form of payment*
 - *when, or at what frequency, it will be paid*

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- *how and where it will be paid*
- *any other conditions applying.]*

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: [date]

Form S4

r 16

Application for support enforcement order

Section 24(1), Family Protection and Support Act 2017

- 1 I, *[name]*, apply for an order to enforce a support order made in my favour on *[date]*.
- 2 Under that order, I am entitled to *[tick those that apply]*:
 - ☐ domestic support
 - ☐ childbearing expenses
 - ☐ child support
 - ☐ support for an adult child.
- 3 I attach *[tick those that apply]*:
 - ☐ a copy of order I am seeking to enforce
 - ☐ a draft support enforcement order (in Form S5) identifying which of the enforcement mechanisms referred to in section 24(2) of the Act I seek.

I say on oath that (*continue on separate page if necessary*):

- 4 I require a support enforcement order because:

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Form S5

r 16(4)

Support enforcement order

Section 24, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*.On: *[date]*

This order relates to the following person, who is liable to pay support under a support order issued by *[identify the court]* on *[date]* to pay support to *[name of person entitled to receive support]*:

*[name of liable person]*To *[tick those that apply]*:

- ☐ the employer of the liable person, who is *[name of employer]*
- ☐ the bank at which the liable person has an account, which is *[name of bank]*
- ☐ any police officer.

Order to employer*

You are required to deduct the amount of *[specify]* from the weekly wages of the liable person and pay that amount to *[name]* by *[specify how the payments must be made]*.

Order to bank*

You are required to deduct the amount of *[specify]* from the bank account of the liable person, which is *[specify bank account details]* and pay that amount to *[name]* by *[specify how the payments must be made]*.

Order to police officer*

You are required to seize valuable goods (which may include fish, meat, taro, and livestock, including pigs, goats, and chickens) owned by the liable person to the value of *[specify]* and deliver them to *[name]* at *[address/place]*.

**Omit any that do not apply.*

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By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: [*date*]

Form S6

r 17(1)

Application for paternity order

Section 25, Family Protection and Support Act 2017

- 1 I, *[name of applicant]*, apply for a paternity order to determine whether *[name of alleged father]* is:
- ☐ my father
 - ☐ the father of a child named *[name]*.
- 2 I am *[tick the one that applies]*:
- ☐ the child, and my age is []
 - ☐ the alleged father
 - ☐ the mother of the child
 - ☐ a caregiver of the child.
- 3 I attach *[tick those that apply]*:
- ☐ a copy of my/the child's birth certificate
 - ☐ a copy of any relevant marriage certificate.

I say on oath that *[tick the one that applies]*:

- ☐ when I was conceived or born, my mother was married to, or in a de facto relationship with, the alleged father.
- ☐ when the child was conceived or born, I was married to, or in a de facto relationship with, the child's mother.
- ☐ when the child was conceived or born, I was married to, or in a de facto relationship with, the alleged father.
- ☐ when the child was conceived or born, the child's mother was married to, or in a de facto relationship with, the alleged father.
- ☐ the alleged father and my/the child's mother were not married or in a de facto relationship when I/the child was conceived or born, but I believe the alleged father is my father/the father of the child for the following reasons:

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Matters that are relevant to this application are—

- who is named as the father of the child on the child's birth certificate
- who was married to, or in a de facto relationship with, the mother when the child was conceived or born.

Consent to DNA parentage test

Section 30, Family Protection and Support Act 2017

Matter number:

Consent is given for a DNA parentage test to be carried out on the following child:
[name, date of birth, gender, and address of child]

This consent is given by *(tick the one that applies)*:

- ☐ *[name of parent or caregiver of child]*
- ☐ *[name of child].*

Signature:

Date:

Note to person completing the form

The child may give consent only if the court considers the child to be of an age and maturity to understand the consequences of consenting to DNA testing as part of parentage testing.

Form S8

r 17(4)

Paternity order

Section 27, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division.

On: *[date]*

This order relates to the following child:

[name, date of birth, and gender of child]

The court declares that *[name]* is the father of the child.*

The court declares that *[name]* is not the father of the child.*

**Omit the statement that does not apply.*

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

Form P1

r 18(1)

Parenting plan template

Section 36, Family Protection and Support Act 2017

- 1 This parenting plan concerns the following child/children:
[name, date of birth, and gender of each child]

- 2 It is made between the following parties:
[identify the parties, who may be either or both parents and any other person involved in the care of the child or children]

- 3 The following people are to be caregivers of the child/children, on the conditions set out below:
[identify, for each child, the name of the child, the name of the caregiver, and any conditions applying]

- 4 If there are disputes between the parties about the terms or operation of this plan, we will use the following process to resolve them:
[identify the process]

- 5 If we wish to change the plan, we will use the following process:
[identify the process]

- 6 Additional matters concerning each child or any child:
[list any additional matters, such as the following:
 - the time the child is to spend with any specified person
 - the allocation of parental responsibilities for the child
 - the form of consultation that persons with parental responsibility are to have with one another about decisions to be made in the exercise of that responsibility
 - the communication and the means of communication the child is to have with other persons
 - any other aspect of the welfare, best interests, and development of the child, or any other aspect of parental responsibility for the child.]

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Form P2

r 18(2)

Application to register parenting plan

Section 37, Family Protection and Support Act 2017

We *[names]* apply to register the attached parenting plan relating to:

[name, date of birth, gender, and address of each child]

Signature:

Date:

Signature:

Date:

Form P3

r 19(1)

Application for review of parenting plan

Section 38, Family Protection and Support Act 2017

- 1 I, *[name]*, apply for a review of a parenting plan registered on *[date]* and concerning:

[name, date of birth, and gender of each child].

- 2 I seek to have the plan *[tick the one that applies]*:

- ☐ varied as per the attached revised plan
- ☐ discharged
- ☐ confirmed.

- 3 I attach a copy of the registered parenting plan.

I say on oath that the proposed variation and the reason for it are as follows
(*continue on separate page if necessary*):

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Form P4

r 20(1)

Application for parenting order

Section 39, Family Protection and Support Act 2017

1 I, [name], apply for a parenting order with respect to the following child/children:
[name, date of birth, and gender of each child]

2 In relation to each child I am [tick the one that applies]

Complete this part of the form for each child

- ☐ the mother
- ☐ the father
- ☐ a representative
- ☐ a member of the family (other than a parent)
- ☐ another person concerned in the welfare, best interests, and development of the child/children.*

**Attach evidence that the court has given leave for you to apply*

3 I am or have been a protected person under a protection order or a police safety order*.

**Omit if this does not apply.*

4 I attach:

- a draft parenting order
- a copy of any other order(s) relating to the child/children that this application relates to.

I say on oath that *(continue on separate page if necessary):*

5 The reason I am applying for this order is:

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Form P5

r 20(3)

Parenting order

Section 40, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

To: *[identify parties]*

- 1 This parenting order concerns the following child/children:
[name, date of birth, and gender of each child]
- 2 The following people are the caregivers of the child/children and have the role of providing day-to-day care at the times given below:
- 3 No caregiver may restrict contact between the following child/children and the person/people given below:
- 4 Contact between the child and *[tick the one that applies]*
☐ *[name]* is prohibited
☐ *[name]* is restricted, as follows:
[specify conditions applying to contact with child]
- 5 The court directs that:
[specify directions on any specific question arising in connection with any aspect of parental responsibility].
- 6 The following persons must seek the consent of the court before taking any steps indicated:
[specify persons and steps]
- 7 The following conditions apply to contact between the child and any other person:
[identify the person and when, where, and for how long contact is permitted or restricted, and any other conditions applying.]

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: [date]

Note to parties to this order

You must comply with this parenting order. If you do not, the other party, or another person, may apply for a parenting enforcement order against you. A parenting enforcement order may vary, reduce, or prohibit contact between you and a child named in this order. It may also require you to deposit a bond not exceeding \$5,000 in the court as an assurance that you will not breach this parenting order again.

Application for direction on major long-term issues

Section 35, Family Protection and Support Act 2017

- 1 I, *[name]*, apply for the direction of the court concerning major long-term issues affecting the following child/children:

[name, date of birth, and gender of each child]

- 2 I have parental responsibility for the child/children, along with *[name of respondent]*.
- 3 I and *[name of respondent]* do not agree on one or more major long-term issues affecting the child/children named above.

I say on oath that *(continue on separate page if necessary):*

- 4 The issue(s) we do not agree on, and my preferred solution, are as follows, for the reasons given:

Sworn/affirmed by:

Signature:

Witnessed by *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Major long-term issues are issues about the care, welfare, and development of the child of a long-term nature. They include (but are not limited to) issues about the following:

- the child's education (both current and future):
- the child's religious and cultural upbringing:
- the child's health:
- the child's name:
- changes to the child's living arrangements that will make it significantly more difficult for the child to spend time with a parent or other family member.

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Form P7

r 21(3)

Direction of court on major long-term issues

Section 35, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

To: *[identify parties]*

This order concerns the following child/children:

[name, date of birth, and gender of each child]

On the application of *[name of applicant]*, and having considered the response by *[name of respondent]**, the court gives the following direction concerning the following major long-term issue(s) affecting the child/children:

**Omit if not applicable.*

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

Application for parenting enforcement order

Section 44(1), Family Protection and Support Act 2017

- 1 This application relates to a parenting order concerning the following child/children:
[name, date of birth, and gender of each child]
- 2 The respondent [name] is not complying, or has not complied, with the order.
- 3 I, [name], therefore apply for a parenting enforcement order [tick those that apply]—
 - ☐ restricting contact between [name of each child concerned] and the respondent in the manner set out below
 - ☐ requiring the respondent to pay a bond into court as an assurance that he/she will not breach the order again.
- 4 I attach [tick the one that applies]
 - ☐ a copy of the parenting order
 - ☐ a draft parenting enforcement order.

I say on oath that (*continue on separate page if necessary*):

- 5 The ways in which the respondent is not complying, or has not complied, with the order are as follows:

Sworn/affirmed by:

Signature:

Witnessed by: [name]

Signature of witness:

On: [date]

At: [place]

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Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Form P9

r 22(3)

Parenting enforcement order

Section 44(2), Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*On: *[date]*To: *[name of person]*

Address/place:

Occupation:

- 1 The court is satisfied that you have breached the parenting order attached to this order relating to the following child/children:

[name, date of birth, and gender of each child]

- 2 The contact permitted between you and *[name of child/children]* under that order is varied as follows:

[set out variation, reduction, or prohibition of contact]

- 3 You are directed to deposit a bond of *[amount]* into court as an assurance that you will not breach the parenting order again.

The bond must be deposited with the Registrar/Deputy Registrar who will provide you with a receipt.

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]**Note to person to whom this order applies*

If you have paid a bond and you breach the order again, the court may direct that any costs incurred by the other party are satisfied from the bond, or that some or all of the bond is forfeited to the Crown.

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If the parenting order is discharged or expires, whatever is left of the bond will be refunded to you.

Form P10

r 23

Warrant for return of child

Section 45, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division , at *[place]*.On: *[date]*To: *[a police officer/name of person]*

- 1 You are required to take immediate custody of
[name of child]
- 2 The child is likely to be in the custody of *[name, address/place, occupation]* , who is a party to a parenting order and who I am satisfied has breached the order by not returning the child to another caregiver named in the parenting order.
- 3 You must deliver the child to: *[name,, address/place, and occupation of another caregiver named in the parenting order]*.

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]**Note to person executing warrant*

The child you take into custody under this warrant may find the process extremely distressing. You must take all reasonable steps to reduce or mitigate the trauma to the child while executing this warrant.

While executing this warrant, you must display evidence of your identity, provided by the Ministry of Internal Affairs, and must carry this warrant.

Form C1

r 24

Temporary care arrangement

Sections 52, 53, 65, 66, and 67, Family Protection and Support Act 2017

- 4 This temporary care arrangement is in respect of:
[name, date of birth, and gender of child]
- 2 This arrangement places the child in the care of the Ministry of Internal Affairs.
- 3 The term of this arrangement is *[period]/until [date]*.
- 4 During the term of this arrangement, the following is/are appointed as caregiver(s) of the child: *[name of caregiver(s)]*.
- 5 The following conditions apply with respect to the child during the term of this arrangement:
[set out any conditions relating to the following:
 - *the education, social, and religious needs of the child*
 - *the services and assistance for the benefit of the child*
 - *the responsibilities of the parents, caregivers, and any other person providing day-to-day care of the child immediately before this arrangement is made*
 - *details of who may or may not have contact with the child while this arrangement is in force, including when, where, and for how long contact is permitted or prohibited. (See sections 65(c) and 67 of the Family Protection and Support Act 2017.)]*

Form C2

r 25(1)

Application for safety warrant

Section 54, Family Protection and Support Act 2017

- 1 I apply for a safety warrant in respect of the following child:
[name, date of birth, gender, and address/place of child]
- 2 I am satisfied that the child is in urgent need of care and protection and requires placement in the care of the Ministry of Internal Affairs.
- 3 The child is in urgent need of care and protection because: *[set out the grounds in section 48 of the Act that apply]*:
- 4 I am *[tick the one that applies]*:
 - ☐ the Secretary of the Ministry of Internal Affairs
 - ☐ a police officer.

Signature of police officer/Secretary of the Ministry of Internal Affairs:

Date:

Form C3

r 25(2)

Safety warrant to take immediate custody of child

Section 54, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*.

On: *[date]*

To: *[any police officer/named person]*

- 1 You are required to take immediate custody of *[name of child]*.
- 2 You must then deliver the child to *[name]* at *[address/place]*.
- 3 You are authorised to:
 - enter and search, by force if necessary, any residence, building, vehicle, premises, or place where you believe the child to be; and
 - remove or detain the child, by force if necessary; and
 - place the child in the care of the Ministry of Internal Affairs.

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

Note to person executing warrant

The child you take into custody under this warrant may find the process extremely distressing. You must take all reasonable steps to reduce or mitigate the trauma to the child while executing this warrant.

While executing this warrant, you must display evidence of your identity, provided by the Ministry of Internal Affairs, and must carry this warrant.

Form C4

rr 26(1) and 27(1)

Application for supervision order or care order

Sections 56 and 62, Family Protection and Support Act 2017

- 1 I, *[name]*, Secretary of the Ministry of Internal Affairs, apply for a supervision order/care order in respect of:
[name, date of birth, gender, and address of each child]

- 2 This application is made with/without notice to the respondent(s).
I believe on reasonable grounds that the child/each child is, or is likely to be, in need of care and protection, and *[tick the one that applies]*—
 - ☐ *[for a supervision order]* I am satisfied that a supervision order is in the best interests of the child/children.
 - ☐ *[for a care order]* I am satisfied that it is in the best interests of the child/children to be placed in the care of the Ministry of Internal Affairs.

- 3 I attach:
 - an affidavit setting out the basis of this application, including:
 - the grounds in section 48 of the Act for believing the child/children is/are in need of care and protection; and
 - (if relevant) the reasons for making the application without notice
 - a draft proposed supervision order/care order.

Signature:

Name:

Date:

Form C5

r 26(4)

Supervision order

Section 57, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

To: the Secretary of the Ministry of Internal Affairs

- 1 This supervision order is made in respect of
[name, date of birth, and gender of each child]
- 2 You must appoint a person to supervise the child.
- 3 The conditions of the order are as follows:
[set out any conditions – see section 58 of the Act]

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

Form C6

r 27(4)

Care order

Section 6(2)(a), Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*On: *[date]*

To: the Secretary of the Ministry of Internal Affairs

- 1 This care order is made in respect of:
[name, date of birth, and gender of child].
- 2 The child named above is now in the care of the Ministry of Internal Affairs.
- 3 This order expires when the child turns 18 (ie, on *[date]*), unless it is sooner discharged.
- 4 You **are/* are not authorised to prohibit or impose restrictions on the contact that any specified person may have with the child.

**Select one.*

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

Form C7

r 28(1)

Application for contact order authorising contact with child

Section 68(3), Family Protection and Support Act 2017

- 1 This application is in respect of the following child, who is in the care of the Ministry of Internal Affairs:
[name, date of birth, and gender of child]
- 2 I, *[name]*, apply for a contact order under section 68(2)(a) of the Act authorising contact between me and the child.
- 3 I am *[state relationship or connection to child]*
- 4 I attach a copy of all relevant documents (such as a parenting order or care order).

I say on oath that *(continue on separate page if necessary):*

- 5 The reason a contact order authorising contact should be made is:

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the Court.

Form C8

r 29(1)

Application for contact order prohibiting or restricting contact with child

Section 68(2)(b), Family Protection and Support Act 2017

- 1 This application is in respect of the following child, who is in the care of the Ministry of Internal Affairs:
[name, date of birth, and gender of child]

- 2 I, *[name]*, apply for a contact order under section 68(2)(b) of the Act *[tick the one that applies]*
 - ☐ prohibiting contact between the child and the respondent
 - ☐ restricting contact between the child and the respondent.

- 3 The relationship or connection of the respondent with the child is: *[describe]*

- 4 I am *[tick the one that applies]*:
 - ☐ the Secretary
 - ☐ the child
 - ☐ another person who has leave of the court to apply.

- 5 (If restrictions on contact are sought) The restrictions on contact that I apply for are as follows:

- 6 I attach a copy of all relevant documents (such as a parenting order or care order).

- I say on oath** that *(continue on separate page if necessary)*:

- 7 The reason why contact should be prohibited, or restrictions on contact should be imposed, is as follows:

Sworn/affirmed by:

Signature:

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Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Form C9

r 28(4)

Contact order authorising contact with child

Section 68(2)(a), Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

To: *[name of person authorised to have contact]*

Address/place:

Occupation:

- 1 This contact order is in respect of the following child, who is in the care of the Ministry of Internal Affairs:
[name, date of birth, and gender of child]
- 2 You are authorised to have contact with the child.
- 3 The following conditions apply to any contact you may have with the child while the child continues in the care of the Ministry of Internal Affairs:
[describe any applicable conditions].

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

Form C10

r 29(5)

Contact order prohibiting or restricting contact with child

Section 68(2)(b), Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

To: *[name of respondent]*

Address/place:

Occupation:

- 1 This contact order is in respect of the following child, who is in the care of the Ministry of Internal Affairs:

[name, date of birth, and gender of child]

- 2 Either *[tick the one that applies]*:

- ☐ you are prohibited from having contact with the child while the child continues in the care of the Ministry of Internal Affairs.
- ☐ the following conditions apply to any contact you may have with the child while the child continues in the care of the Ministry of Internal Affairs:
[describe any applicable conditions].

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

Form C11

r 32(1)

Consent to undergo medical or psychological examination

Section 71(2), Family Protection and Support Act 2017

Matter number:

1 I am [*tick one*]:

- ☐ a parent of the child who is the subject of these proceedings
- ☐ a caregiver or proposed caregiver of the child who is the subject of these proceedings.

2 I agree to undergo a medical/psychological examination, for the purpose of these proceedings, at the direction of the court.

Signature:

Date:

Form C12

r 32(2)

Consent by child (of age and maturity to give consent) to
internal examination

Section 73(1)(b), Family Protection and Support Act 2017

Matter number:

- 1 I am the child who is the subject of these proceedings.
- 2 I agree to an internal medical examination by a registered medical practitioner of my genitals and/or anus.

Signature of child:

Date:

Form C13

r 33

Template for kaveinga a te kopu tangata

Sections 81 and 82, Family Protection and Support Act 2017

This kaveinga a te kopu tangata relates to:

*[name, date of birth, and gender of each child]*Participants in the uipaanga kopu tangata: *[list names]*Place where uipaanga kopu tangata is held: *[place]*

Date of uipaanga kopu tangata when this kaveinga a te kopu tangata is agreed:

*[date]**We have met together at an uipaanga kopu tangata and agree the following matters in respect of the child/children named above:*

- 1 That the child/children is/are in need of care and protection on the following grounds: *(list the grounds in section 48 of the Act that apply)*
- 2 Name of person(s) with parental responsibility for the/each child:
- 3 If more than one person has parental responsibility for the/each child:
 - the allocation of those parental responsibilities:
 - form of consultation between persons with parental responsibilities:
- 4 Name(s) of caregiver(s) of the/each child:
- 5 Responsibilities of the/each caregiver:
- 6 Other persons specifically authorised to have contact with the/each child:
- 7 Conditions of contact (when, where, and for how long):
- 8 Persons who are prohibited from having contact with the/each child:
- 9 Objectives for the/each child (including timeframes):

2017/10

10 Services, assistance, and support to be provided to the/each child and/or the caregiver(s), and who will provide this:

11 Responsibilities of the/each child:

12 Process for resolving disputes about this kaveinga a te kopu tangata:

13 Any other matters (eg, relating to the education, employment, recreation, or welfare of the/each child):

14 Date of review of kaveinga a te kopu tangata (optional):

Signature of chairperson:

Signature of each participant of uipaanga kopu tangata:

Signature of representative of Ministry of Internal Affairs:

Form V1

r 34(1)

Application for protection order

Section 97, Family Protection and Support Act 2017

- 1 The applicant for this order is *[name]*.
- 2 The application is made against *[name of respondent]*.
- 3 The respondent lives, or is likely to be found, at *[give details]*:
- 4 *(If this application is completed on behalf of the applicant)* The person making the application is *[name]* and the written consent (if given) of the applicant is attached.
- 5 *(If this application was made by the applicant orally or in some other way and then reduced to writing by the court)* A description of how this application was made and how the application was reduced to writing is attached.

I say on oath that:

- 6 I am /the applicant is in the following kind of domestic relationship with the respondent (eg, married to the respondent, the respondent's brother, the respondent's mother):
- 7 The grounds for this application are that *[tick those that apply]*:
 - ☐ the respondent has committed domestic violence against me/ the applicant
 - ☐ I / the applicant fear(s) that the respondent will commit domestic violence against me/her/him.
- 8 The circumstances giving rise to this application are:
- 9 This application is signed by *[tick the one that applies]*:
 - ☐ the applicant
 - ☐ the person completing the application on behalf of the applicant
 - ☐ the person who reduces an application to writing.

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

The court may make a protection order without giving notice to the respondent if the court is satisfied that

- the applicant and the respondent are in a domestic relationship; and
- the respondent has committed domestic violence against the applicant, or the applicant has reasonable grounds to fear that the respondent will commit domestic violence; and
- the delay that would be caused by proceeding on notice would or might risk harm to the applicant or any child residing with the applicant.

An applicant is in a domestic relationship with a respondent if the applicant:

- is or was married to, or in a de facto relationship with, the respondent; or
- is or was in a close personal relationship with the respondent; or
- has a child with the respondent; or
- is a family member of the respondent; or
- is a domestic worker of the respondent; or
- is dependent on the respondent for help with an activity of daily living because of disability, illness, or impairment; or
- shares or recently shared the same residence with the respondent; or
- is a child who ordinarily resides, or has resided, with the respondent; or
- is a child who regularly stays or resides, or has regularly stayed or resided, with the respondent.

Domestic violence includes:

- physical abuse:
- sexual abuse:
- economic abuse:

- emotional, verbal, or psychological abuse:
- stalking:
- causing the death of, or injury to, an animal, even if the animal is not the applicant's property:
- doing anything that reasonably makes the applicant fear personal injury or damage to property:
- threatening to do any of the above:
- doing any of the above to another person who the applicant is in a domestic relationship with.

A detailed description of what counts as domestic violence is in sections 91 to 96 of the Act 2017.

Form V2

r 34(4)

Temporary protection order

Section 101, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

To: *[name of respondent]*

Address/place:

Occupation:

The court makes a temporary protection order against you in favour of: *[name of protected person]*.

1 You must immediately:

- surrender any weapon in your possession or control to the person who serves this order; and
- vacate any residence occupied by the protected person.

2 While this order is in force, you must not:

- physically, sexually, emotionally, verbally or psychologically abuse a protected person:
- stalk a protected person:
- economically abuse a protected person, or damage, sell, give away, or otherwise dispose of any property of a protected person:
- enter or remain on any land or building occupied by a protected person:
- trespass on any land or building where a protected person is:
- make any contact with a protected person (whether orally or in writing, including by phone, text, or email).

3 The following special conditions are also imposed under section 103 (about weapons) and 104 (about shared residence) of the Family Protection and Support Act 2017:

[insert any other conditions]

- 4 If you have contact rights with a child named in the order, those rights are suspended while this order is in force.

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: [date]

Note to respondent

This is a temporary order that is made without notice to you.

This order will become final 3 months after it is made unless it is discharged before that.

Before the order becomes final, you may apply to the court for a hearing to determine whether to:

- vary or discharge the order:
- replace this temporary order with a final order:
- discharge this order:
- vary or discharge any conditions imposed under section 103 or 104 of the Family Protection and Support Act 2017.

If you request a hearing, the court Registrar will schedule a pre-trial conference and give you notice of when and where it will be held and an explanation of the purpose of the conference and your rights. A full hearing will be scheduled to be held within the following 2 weeks. A final protection order may be made at that hearing, even if you do not attend it.

If this order requires you to surrender any weapons, they will only be returned to you when this order expires or is discharged by the court.

If you breach this order you commit an offence and are liable to either or both:

- community service of up to 12 months
- a fine of up to \$500.

If you breach it again, you may be liable to a minimum term of imprisonment of 12 months and up to 3 years' imprisonment.

Form V3

r 34(5)

Final protection order

Section 100(2), Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*

On: *[date]*

To: *[name of respondent]*

Address/place:

Occupation:

The court makes a final protection order in favour of: *[name of protected person]*.

- 1 If you have not already done so, you must immediately:
 - surrender any weapon in your possession or control to the person who serves this order; and
 - vacate any residence occupied by the protected person.
- 2 While this order is in force, you must not:
 - physically, sexually, emotionally, verbally or psychologically abuse a protected person:
 - stalk a protected person:
 - economically abuse a protected person, or damage, sell, give away or otherwise dispose of any property of a protected person:
 - enter or remain on any land or building occupied by a protected person:
 - trespass on any land or building where a protected person is:
 - make any contact with a protected person (whether orally or in writing, including by phone, text, or email).
- 3 The following special conditions are also imposed under section 103 (about weapons) or 104 (about shared residence) of the Family Protection and Support Act 2017:
[insert any other conditions]

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: [date]

Note to respondent

You may apply to the court at any time to vary or discharge this order.

If you have contact rights with a child named in the order, those rights are suspended while this order is in force.

If this order requires you to surrender any weapons, they will only be returned to you when this order expires or is discharged by the court.

If you breach this order you commit an offence and are liable to either or both:

- community service of up to 12 months; or
- a fine of up to \$500.

If you breach it again, you may be liable to a minimum term of imprisonment of 12 months and up to 3 years' imprisonment.

Form V4

r 35

Police safety order

Sections 108 and 110, Family Protection and Support Act

To: *[name of respondent]*

Address/place:

Occupation:

- 1 This police safety order is in respect of the following protected person(s):
[name, gender, and, if a child, date of birth of each protected person]
- 2 I am satisfied that: *[tick those that apply]*
 - ☐ In respect of a protected person who is an adult:
 - you are in a domestic relationship with the person and
 - you have committed an act of domestic violence against the person; or
 - the person has reasonable grounds to believe that you will commit an act of domestic violence
 - ☐ in respect of a protected person who is a child:
 - domestic violence is, has been, or is likely to be committed; and
 - the child's welfare has been, or is likely to be, adversely affected by the domestic violence.
- 3 You must immediately:
 - surrender to me any weapon in your possession or control; and
 - vacate any residence occupied by a protected person.
- 4 This order lasts for 5 days from when it is served. It will expire at *[time]* on *[date]*.
- 5 While this order is in force, with respect to each protected person named in the order, you must not:
 - physically, sexually, emotionally, verbally or psychologically abuse the person:
 - stalk the person:
 - economically abuse the person, or damage, sell, give away, or otherwise dispose of any property of the person:

- enter or remain on any land or building occupied by the person:
- trespass on any land or building where the person is:
- make any contact with the person (whether orally or in writing, including by phone, text, or email).

6 If you have contact rights with a child who is a protected person, those rights are suspended while this order is in force.

Name and rank of police officer making this order:

Signed:

Date:

Note to respondent

Any weapons you surrender to me will be returned to you when this order expires.

If you breach this order you commit an offence and are liable to either or both:

- community service of up to 12 months; or
- a fine of up to \$500.

If you breach it again, you may be liable to a minimum term of imprisonment of 12 months and up to 3 years' imprisonment.

Form V5

r 36(1)

Application for compensation

Sections 119 and 120, Family Protection and Support Act 2017

1 I, [name] [tick the one that applies]:

- ☐ am a protected person under a protection order issued [date and place of issue of protection order]
- ☐ I have applied for a protection order.

2 I apply for [tick those that apply]

- ☐ compensation for injuries and losses
- ☐ compensation for expenses incurred in establishing a separate household.

I say on oath that (*continue on separate page if necessary*):

3 The injuries and losses that I have suffered as a result of acts of domestic violence are:

4 The amount of compensation claimed is:

5 The expenses that I have incurred, or that will be incurred, in establishing a separate household, which may include the costs of providing reasonable temporary accommodation and moving costs are:

Sworn/affirmed by:

Signature:

Witnessed by: [name]

Signature of witness:

On: [date]

At: [place]

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Form V6

r 36(3)

Order for payment of compensation

Sections 119 and 120, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*.

On: *[date]*

To: *[name]*

Address/place:

Occupation:

1 A protection order made against you on *[date]* names the following person as a protected person: *[name]*

2 You are required to pay compensation to the protected person as follows:

(a) *as compensation for injuries and losses sustained by the protected person, you are required to *[set out the details of the order for compensation]*.

(b) *as compensation for expenses incurred by the protected person in establishing a separate household, you are required to *[set out the details of the order for compensation]*.

Omit if inapplicable.

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

Form M1

r 37

Order appointing lawyer or representative for child

Sections 128 and 129, Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*.On: *[date]*To: *[name of lawyer or representative appointed]*

1 This order relates to:

*[name, date of birth, gender, and address of each child]*2 You are appointed *[tick the one that applies]*☐ under section 128 of the Act as the lawyer of the child/children:☐ under section 129 of the Act as a representative for the child/children.

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]**Note to lawyer or representative*This matter will come before the court on *[date]*.If you are required to provide a report, it must be filed on or before *[date]*.

Form M2

r 38(1)

Application to register overseas order

Section 130(1), Family Protection and Support Act 2017

- 1 I, *[name]*, apply to register the attached overseas order, in order to give it force in the Cook Islands.
- 2 This application relates to an order whose subject is the following child/children:
[name, date of birth, and gender fo each child]
- 3 I request that the order be varied in order to ensure its effective operation in the Cook Islands.
- 4 I attach:
 - a certified copy of the overseas order
 - a certificate signed by an officer of a court in the overseas country that states that the order is, at the date of the certificate, enforceable in the overseas country
 - information indicating that the following are or will shortly be present in the Cook Islands *[tick those that apply]*:
 - ☐ *[name]*, a party to the order
 - ☐ *[name]*, who is the subject of the order
 - ☐ *[name]*, who is providing day-to-day care of the child who is the subject of the order.

I say on oath that the order needs to be varied as follows in order to ensure it can operate effectively in the Cook Islands (*continue on separate page if necessary*):

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

The overseas orders that may be registered are overseas parenting orders, overseas support orders, overseas protection orders, and any equivalent order (whatever it is called).

Form M3

r 38(3)

Application to deregister overseas order

Section 130(3), Family Protection and Support Act 2017

- 1 I *[name of applicant]* apply to deregister an overseas order that was registered on *[date]*.
- 2 I attach a copy of the registered overseas order.
- 3 I **say on oath that** the reasons that the order should be deregistered are as follows (*continue on separate page if necessary*):

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

Note to person completing the form

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Form M4

r 39

Warrant for custody of child to prevent removal from Cook Islands

Section 132(2)(a), Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*.

On: *[date]*

To: *[any police officer/named person]*

- 1 You are required to take immediate custody of *[name of child]*.
- 2 You must place the child in the care of the Ministry of Internal Affairs by delivering him/her to *[name]* at *[address/place]*.

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

Note to police officer/named person

The child you take into custody under this warrant may find the process extremely distressing. You must take all reasonable steps to reduce or mitigate the trauma to the child while executing this warrant.

While executing this warrant you must display evidence of your identity, provided by the Ministry of Internal Affairs, and must carry this warrant.

Form M5

r 40(1)

Order to surrender tickets or travel documents

Section 132(2)(b), Family Protection and Support Act 2017

Matter number:

Order issued by the High Court of the Cook Islands, Civil Division, at *[place]*.

On: *[date]*

To: *[name]*

Address/place:

Occupation:

- 1 This order relates to the following child/children:

[name, date of birth, and gender of each child]

- 2 In order to prevent the removal of the child/children, you are required to surrender the following documents to a police officer:

[identify the tickets or travel documents of the person, or of any child that the court believes is about to be removed from the Cook Islands by the person]

- 3 The documents must remain surrendered until: *[specify a date or period]*

- 4 The following conditions are imposed:

[specify any conditions relating to the surrendered documents]

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

Note for recipient of order

You may apply to the court for the discharge of this order.

The order will be discharged if the court is satisfied that the circumstances that made it necessary to require the documents to be surrendered no longer exist.

Aukino Tairea

Clerk of the Executive Council

These regulations are administered by the Ministry of Justice.

These regulations were made on the _____ day of _____ 2017.
