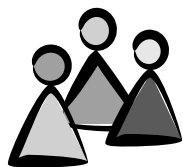




Legal **information** for  
**PREGNANT** TEENAGERS



Wellington  
Community Law Centre

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The Wellington Community Law Centre provides free legal advice, education, information and an advocacy service. It aims to satisfy the unfulfilled legal needs of the community, to demystify the law, and empower people to solve their own legal problems. The Wellington Community Law Centre produces a range of publications about law-related matters.

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**This booklet, although written for pregnant teenagers and their family/whanau, also provides legal information for all pregnant women and their families. We advise you to contact your Family Planning Clinic, your doctor or school counsellor for medical or counselling information and services.**

## **introduction**

This booklet contains information about the legal aspects of your pregnancy. Although there are no laws that say when you can or when you cannot become pregnant you will find that there will be lots of times throughout your pregnancy where you will have to make 'legal' decisions. For instance, there are procedures required by the law that have to be followed if you decide to have an abortion or if you decide to have your baby adopted. There are also laws that can have implications on the rights of your baby's father to have a say in the upbringing of your child.

While there are many legal issues relating to your pregnancy, the law will not be able to answer all your questions. It is important that you get information and advice from people you trust. This may come from your Family Planning clinic, your school counsellor, your doctor or midwife, the social work department of your hospital, or family and friends. Try to talk to a number of different people so that you can explore different options, and reach a decision that feels right for you. If you are not sure who to talk to, your local Citizens Advice Bureau will be able to give you some contacts. Call 0800 FOR CAB (0800 367 222).

## definitions

**Abortion (also referred to as termination):** A medical or surgical procedure to end a pregnancy.

**Adoption:** A legal process by which a parent/child relationship is created between people who are not related by blood.

**Allege:** To say something is true without having proved it.

**Birth certificate:** An official document identifying a person by name, date of birth, place of birth and parent(s).

**Certifying consultants:** Doctors who have been certified by the Abortion Supervisory Committee to authorise or decline the performance of an abortion.

**Consent:** Give permission; agree voluntarily.

**Contact:** Being able to see and spend time with a child, and participate in the child's life. (Contact used to be called "access").

**Counsellor:** A person trained to give guidance on personal problems.

**Court:** In this booklet means the Family Court.

**Child, Youth and Family:** The government agency responsible, among other things, for making sure children are protected from abuse and neglect. Child, Youth and Family also has Adoption Services.

**Day-to-day care:** Having responsibility for a child's daily living arrangements, such as where they live, their safety, making sure they get to school and that they are properly fed. (Day-to-day care used to be called "custody".)

**Embryo:** Stage of development from fertilisation of the egg until the beginning of the third month of pregnancy.

**Family assistance:** A system of tax credits for low income families with dependent children; includes family support.

**Foetus:** Stage of development from beginning of third month of pregnancy until birth.

**Foster care:** When day-to-day care of a child is provided by someone other than the birth parents. Foster parents do not usually have any legal rights over the child.

**Guardianship:** The responsibility and right to make the important decisions about a child's upbringing; includes decisions about things such as education, religion, the child's name, medical decisions and where a child will live.

**Medical records:** Personal health information that is kept on file by health professionals.

**Obstetrician:** A doctor who specialises in dealing with pregnancy.

**Open adoption:** An agreement that there will be ongoing communication between the birth mother and adoptive parents, cannot be legally enforced.

**Parenting order:** An order made by the Court about who will have the day-to-day care of a child and who can have contact with the child.

**Paternity:** Proof of fatherhood of a child.

**Severely abnormal:** Incapable of living an independent life or of guarding yourself against serious exploitation or common physical dangers.

# pregnancy options counselling

If you find out you are pregnant you can get pregnancy options counselling to help you decide what you want to do. There are a number of services that provide free counselling and support, for example, Pregnancy Counselling Services. Family Planning or your doctor can refer you to a counselling service. An experienced counsellor will explain the options available and help you to explore your feelings about each option.

# abortion

## What is abortion?

An abortion is a surgical or medical procedure to terminate (end) a pregnancy by removing the embryo or foetus from a woman's womb before it is mature enough to survive outside the woman's body.

## When is it legal to have an abortion?

In New Zealand an abortion is legal if it is authorised by two doctors who are certifying consultants (you can get a referral to these doctors from your GP or Family Planning clinic). Certifying consultants will only authorise an abortion if your circumstances meet the legal grounds.

The legal grounds for an abortion up to 20 weeks of pregnancy are that:

- continuing the pregnancy will result in serious danger to your life or physical or mental health, or
- there is a big risk the child would be seriously abnormal, or
- the pregnancy is a result of incest, or
- you are severely subnormal.

Other factors that can be taken into consideration are:

- your age
- if you are pregnant as a result of rape

If you are more than 20 weeks pregnant an abortion is only legal if it is necessary to save your life or to prevent serious permanent injury to your physical or mental health.

### **Where are abortions carried out?**

Abortions must be carried out in a licensed clinic or hospital. Clinics or hospitals with limited licences can perform abortions for pregnancies of up to 12 weeks.

For pregnancies over 12 weeks an abortion must be carried out in a clinic or hospital with a full licence.

### **Do I need my parents' permission to have an abortion?**

No, you can consent to have an abortion at any age.

### **Does my boyfriend or partner have to consent to the abortion?**

No, it is your decision.

### **Can my parents or guardians force me to have an abortion?**

No. It's up to you to decide. You are legally entitled to refuse to have an abortion, no matter how old you are. Your parents cannot force you to have an abortion.

### **Who can I talk to about whether to have an abortion?**

In New Zealand it is a legal requirement that counselling services must be available to all women considering an abortion. Many clinics or hospitals include counselling for women accessing their abortion services. You could also ask your doctor or Family Planning clinic for information about pregnancy counselling services.

It is a good idea to talk things through as early as possible as the timing of your decision can affect your options.

## **adoption**

### **What is adoption?**

Adoption is a legal process where a person or a couple takes over the responsibility for the care and parenting of another person's child, and they bring that individual up as their own child. Adoption ends the legal relationship between the child and his or her birth parents and it gives the adoptive parents all the powers and responsibilities of a birth parent. The birth parents no longer have the legal right to see or spend time with the child or to decide how the child will be brought up.

### **Will my child know if they have been adopted?**

If a child is adopted, their original birth certificate is closed and a new birth certificate is made. The new birth certificate records the adoptive parents as the parents as if the child was born to them. The fact that the child is adopted will only be recorded on the birth certificate if the adoptive parents have requested the words 'adoptive parents' after their names. Otherwise, it will be up to the adoptive parents to decide what they tell the child and when.

In some situations birth parents and adoptive parents agree to an open adoption. This is where there is ongoing contact between the birth parents and the adoptive family. For more information see "What is meant by 'open adoption'?" in this section.

If the adoption is a closed adoption, once the child reaches the age of 20 they can apply for a copy of their original birth certificate and take steps to find out about their birth parents.

## **What is meant by “open adoption”?**

Open adoption means that there is an agreement between the birth parents and the adoptive parents to have ongoing contact. It will be up to the birth parents and adoptive parents to decide on the details of the arrangement, such as the type of contact with the child and how often it will happen. There is an increasing trend towards this type of adoption.

The legal process for an open adoption is still the same and so are the legal consequences. This means that any contact agreement that is made in an open adoption cannot at present be legally enforced. You have no legal right to have contact with your child if you give your child up for adoption. If the adoptive parents decide to stop passing information to you, or move somewhere where it is not possible for you to have regular contact with your child, there may be little you can do. You will be relying on the adoptive parents' goodwill to allow you to keep contact.

## **Who can I talk to about adoption?**

You can talk to an experienced adoption counsellor, who will be able to help you work through your feelings and make your own decision. Child, Youth and Family Adoption Services employ adoption counsellors, as does Barnardos. You could also talk to family members and friends that you trust, or to your doctor or midwife.

## **If I want to adopt out my child, do I need a lawyer?**

Because adoption is a legal process you will need a lawyer. Your local Community Law Centre or Citizens Advice Bureau will be able to give you names of experienced family lawyers.

## **Will I have to pay the lawyer?**

No. Lawyer's fees will be paid by the adoptive parents.

## **Can my parents or guardians force me to give my baby up for adoption?**

No. It is your decision. An adoption cannot go ahead unless you, as the child's mother, consent in writing. For your consent to be legal you have to wait at least 10 days after your baby is born before you give consent. Your consent must be witnessed by a lawyer who must also sign that he or she has fully explained the legal consequences of the adoption to you before you signed the consent.

If you are pressured to consent, it is possible that the Court may say your consent is not legal. However, it is very rare for the Court to overturn consent once it has been given. You need to consider very carefully whether to sign the consent.

## **If I decide to give my baby up for adoption, can I change my mind?**

You cannot consent to the adoption until the child is 10 days old. You can change your mind up until the point you sign the written consent and it is filed in the Court or handed over to the adoptive parents or their lawyer. Once you have signed the consent, it is very difficult and rare for the Court to reverse the adoption. You need to consider very carefully whether to sign the consent.

## **Does the baby's father have to give consent for adoption?**

The father's consent is only required if one of the following situations applies:

- he was married to you or in a civil union with you any time from when you got pregnant until when the baby is born
- he lives with you as a de facto partner any time from when you got pregnant until when the baby is born
- he has been appointed a guardian of the baby by the Court (for information see the section on "Guardianship")
- the Court thinks his consent should be required

A father does not have to wait until the baby is 10 days old to give his consent. He can give it immediately after the baby is born. If there is any doubt about whether a father's consent is needed, the Court will decide.

## **Are there any ways in which I can be forced to give my baby up for adoption?**

If you abandon, neglect or continually ill-treat your baby, or are proven to be unfit through a physical or mental disability to care for your child, the Court could make an order saying your consent was not needed. This is very rare and can only happen in very serious cases. The Court would only do this if you had been offered support from agencies such as Child, Youth and Family and were still not able to care for your child with the additional support offered.

The aim of the Children, Young Persons and Their Families Act 1989 is to keep a child within the family whenever possible. Child, Youth and Family would try to help you to keep your baby or to keep in touch with your baby – perhaps by placing your baby in a long term fostering arrangement, preferably with another family member (for information see the section on “Foster Care”).

## **If my child is adopted, can I have any say in how my child will be brought up?**

You have the right to say that you want your child to be brought up within a particular religion. Otherwise, you no longer have the right to decide how your child is brought up. This becomes the legal right of the adoptive parents.

In rare situations it may be possible for you to be appointed an additional guardian for your child (for information see the section on “Guardianship”). This would mean you would still have some say in your child’s upbringing. This would only happen in exceptional circumstances, perhaps to maintain a child’s cultural identity. You would need to talk to a lawyer about this and it may mean you have to pay legal costs over and above what would normally be paid by the adoptive parents.

## **Who decides who will adopt my baby?**

You have the right to choose the adoptive family for your child. Child, Youth and Family Adoption Services will be able to provide profiles for a range of different families. It is possible to arrange an adoption privately but the law requires that the prospective adoptive parents must first be assessed through Child, Youth

and Family Adoption Services. Before making an adoption order the Court would also have to be satisfied that the adoptive parents will be suitable people to look after the child and that the adoption will be in the best interests of the child.

### **Can my parents adopt the baby?**

If you consent to this, yes they can. Legally then, your baby would become your brother or sister. You may like to explore your feelings about this with an experienced counsellor.

### **What about the father's family? Could they try and adopt my baby?**

Yes, but you still have to give your consent the same way that you do for any other adoptive parents.

### **I am not sure I can care for my baby – but I don't want to give him or her up for adoption either. What other legal options do I have?**

There are a variety of care arrangements you could consider. However, the main legal alternative to adoption is for the Court to appoint additional guardians for the child and give those people the day-to-day care of the child (for information see the section on "Guardianship"). The additional guardians will be responsible for the care of your child and will have the legal right to make decisions about your child's upbringing. Sometimes this will happen in the context of a foster care arrangement (for information see the section on "Foster Care").

Unlike adoption where your legal relationship with your child ends, in this situation you would still be a legal guardian of your child. This means you can continue to be involved in decisions about your child's upbringing. In deciding whether to appoint an additional guardian, the Court must treat the welfare and best interests of the child as the first and most important consideration.

## **f O s t e r C a r e**

### **What is foster care?**

Foster care is when a child's day-to-day care is provided by someone other than the child's birth parents. Foster care may be given by family, other people you know, or people arranged through Child, Youth and Family. Foster care can be for a short or longer term.

### **What legal rights do foster parents have over my child?**

Foster care describes a care arrangement, rather than a legal status. The particular legal arrangement will depend on the circumstances. When foster care is arranged through Child, Youth and Family, the Court will grant Child, Youth and Family additional guardianship and day-to-day care of your child. This then gives Child, Youth and Family the right to place your child in a foster care arrangement.

Foster parents will be responsible for caring for your child, but they do not have any legal rights over your child – you remain your child's legal guardian. If a foster family have had your child in their care for a long period of time they could apply to the Court for additional guardianship and for day-to-day care, in place of Child, Youth and Family. You would still remain a guardian unless the Court decided you were no longer fit to be a guardian. The situation has to be very serious for the Court to decide to remove someone as a guardian, so this does not happen very often. (For more information see the section on "Guardianship").

### **Do I have to pay for my child to get foster care?**

Foster parents appointed by Child, Youth and Family or arranged through a foster care agency are usually paid a government-funded allowance for giving foster care.

If your child is placed in an informal foster care situation (perhaps with family or

friends), you will have to work out with the people providing care whether they expect any payment from you for the care of your child.

## **te whāngai**

Te whāngai describes an informal adoption situation where a child is cared for within that child's whānau or extended family according to tikanga Māori (Māori custom). The child who is placed in this kind of care arrangement is called a whāngai and the carer is the matua whāngai (foster parent). Usually the relationship with the child's birth parents is still maintained. Te whāngai arrangements are not formally recognised by the law, so like foster care, te whāngai describes a care arrangement rather than a legal status. This means the birth mother remains the legal guardian of the child.

## **paternity**

### **What is paternity?**

Paternity is the legal word for fatherhood of a child.

### **Why is paternity important?**

Establishing paternity can be important for many reasons including the psychological and emotional wellbeing of those involved and the child's sense of personal identity. It is also very important because it can affect a number of legal rights and responsibilities, for example:

- a father's entitlement to day-to-day care of or contact with a child
- a mother's entitlement to receive the full Domestic Purposes Benefit (DPB)

- a father's responsibility for paying Child Support
- a child's right to inherit property from the person they believe is their father
- a child's right to New Zealand citizenship (if this is based on the father's citizenship)

## **How does paternity affect the Domestic Purposes Benefit (DPB)?**

If a woman who is getting the DPB does not establish the paternity of her child, Work and Income can reduce her benefit payment. Work and Income want to know who the father is so that he can be made to pay Child Support to IRD (for information see the section on "Financial Help").

If you are on the DPB and you are unable to or you decide not to tell Work and Income who the father of your child is you will receive less money per week. However, in some cases the benefit won't be reduced, for example:

- you don't know who the father is (in which case you will need to talk to Work and Income and explain your situation), or
- your child was conceived as a result of sexual violation or incest, or
- to name the father would put you or your child at risk of violence

## **How is paternity established?**

There are a number of ways paternity can be established:

- a man is legally presumed to be the father of a child if he was married to the child's mother at the time of the child's birth, or if the child was born within 10 months of the marriage ending (but this can be disputed in Court)
- a man is named on the child's birth certificate as the father of the child (this can also be disputed in Court)
- a man signs an Acknowledgement of Paternity, which is also signed by the mother and is witnessed by a lawyer
- a Court makes a Paternity Order or a Declaration Of Paternity stating that a man is the father of a child

## **Can I put the father's name on my baby's birth certificate without his permission?**

If you and the father are married, in a civil union or de facto relationship with each other, either of you can sign the birth registration form and can fill in the other person's details. In other situations the father can only be named on your child's birth certificate if he personally signs the birth registration form, or he gives written permission, also signed by you, to put his name on the birth certificate.

## **My baby's father refuses to acknowledge paternity. What can I do?**

You can make an application for a Paternity Order in the Court. You will need a lawyer to help you do this. A Paternity Order is conclusive evidence of paternity for Child Support and DPB applications.

## **Is there a time limit on applying for a Paternity Order?**

Usually you have to apply for a Paternity Order before your child turns six years old. You might be able to make a later application if the man you believe is the father:

- admits he is your child's father, or
- within two years before you make an application, he:
  - lives with you in a de facto relationship, or
  - contributes towards your child's upbringing (this can include financial support or gifts)

## **Can anyone else apply for a Paternity Order on my behalf?**

Yes. If you are under 16 years, anyone who has the role of providing you with day-to-day care can apply for a Paternity Order (for example, if you are still living at home your parents could apply). Alternatively, you can give your written consent for a social worker to make the application on your behalf.

## **Can a man apply for a Paternity Order declaring him to be the father of my child?**

A man cannot apply for a Paternity Order, but he can apply to the Court or the High Court for a Declaration of Paternity. He can also apply for a declaration of non-paternity – stating that he is not the father of your child.

## **How does the Court establish paternity?**

The Court will look at things like:

- the history of your relationship with the alleged father and whether other people knew about your relationship
- the likely dates of sex with the alleged father compared with the date of the baby's birth
- whether or not you had any other sexual partners around the time of your child's conception (to establish whether anyone else could be the child's father)
- whether the alleged father has acknowledged paternity, either through his words or actions

Often, the Court will recommend that DNA tests be done to help determine paternity. These involve either blood samples or mouth swab samples being taken from you, from the alleged father, and from your child. The samples are then sent to a specialist laboratory for tests to compare DNA. The tests determine if the man is more likely than not to be the father of your baby or if he is unlikely to be the father.

## **Do I have to pay for DNA testing?**

Usually you will share the costs of DNA testing with the alleged father. If paternity is established, your lawyer could ask for your share of the costs to be paid back to you by the father.

If you cannot afford your legal costs you may be able to get legal aid to cover part of the cost of the DNA testing. Legal aid is financial help provided by the government to help people who can't afford to pay their legal costs (for information see the section on "Legal Help").

## **What if the person I think is the father refuses to undergo DNA testing?**

The alleged father can refuse to have the test, but the Court can take his refusal into account in making its decision. The Court could consider that he is refusing because he is likely to be the father and doesn't want it proved. If the alleged father refuses testing, but other factors point to him being the father, the Court can decide that a standard of reasonable proof has been reached and make a Paternity Order.

## **Can I give my baby his or her father's surname even if the father refuses to acknowledge him or her?**

In general you can register your baby with any name you choose, as long as it is not offensive, unreasonably long, or an official title or rank. You can discuss this with Births, Deaths and Marriages (of the Department of Internal Affairs) on freephone 0800 22 52 52.

# **guardianship**

## **What is guardianship?**

Guardianship of a child means having the duties, powers, rights, and responsibilities that a parent has for bringing up the child. The father and the mother of a child are usually joint guardians of the child. Parents are often referred to as natural guardians. However, in some circumstances the mother may be the sole guardian of the child (for information see "Am I my child's guardian?" and "Is the father of my child a guardian?" in this section).

## **What are the responsibilities of a guardian?**

A guardian's responsibilities include providing day-to-day care for the child, contributing to the child's intellectual, emotional, physical, social, cultural and

other personal development and helping to make the important decisions in a child's life.

The important decisions guardians make about their child's upbringing include naming a child, where a child will live, decisions about a child's education, religion and medical treatment. This may mean deciding these things on behalf of a child, or, if the child is old enough, helping the child make decisions about the important things affecting him or her.

### **Am I my child's guardian?**

As a mother, you are always the natural guardian of your child (unless the baby was conceived by assisted human reproduction (AHR), in which case different rules apply).

### **Is the father of my child a guardian?**

The father is a natural guardian only if you were married, in a civil union, or living together in a de facto relationship any time between when the baby was conceived and when the baby was born. (Note: Slightly different rules apply to de facto couples if your baby was conceived before 1 July 2005. If your relationship with the baby's father was or is a de facto relationship, he will only be the child's guardian if he was living with you when the baby was born.)

If a child's father is not a natural guardian, then he can become a guardian of the child if both you and he agree in writing to record him as the father on your child's birth certificate, or if he applies to the Court to become a guardian. The Court must appoint him a guardian if he applies, unless it would not be in the welfare and best interests of the child. If you did not think he should be a guardian, it would be up to you to prove that it wouldn't be in the child's best interests for him to be a guardian. For example, if the father had been violent or abusive, this may be a reason for him not to be appointed a guardian.

## **What happens if the father and I split up? Is he still a guardian?**

If the father is a natural guardian, or he has been added as a guardian by the Court or by signing the birth certificate, then he remains a guardian, even if you are not together. This means you need to talk to each other about the important decisions about bringing up your child and make the decisions together.

## **What happens if guardians disagree?**

If guardians cannot agree on decisions about a child, they can ask for counselling through the Court to try to resolve the disagreement or make an application to the Court for directions. The welfare and best interests of the child will guide the Court in any decision it makes.

## **When does guardianship end?**

You remain a guardian of your child until the first of any of the following happens:

- your child reaches 18 years of age
- your child gets married or enters into a civil union
- your child lives with another person in a de facto relationship

Guardianship also ends if a guardian is removed by the Court, but this happens very rarely (for information see “When can guardians be removed?” in this section).

## **Can anyone else be a guardian of my child?**

Usually it is the natural biological parents of a child that are the child’s guardians, but additional guardians can be appointed by the Court if one or both of the parents apply. In deciding whether to appoint an additional guardian, the Court must treat the welfare and best interests of the child as the first and most important consideration.

The Court or Child, Youth and Family may sometimes be appointed a guardian of a child, if the natural guardians are not fulfilling their responsibilities towards the child.

### **Does this mean I could appoint my parents as additional guardians?**

Yes, if you want your parents to help you with bringing up your child you can apply to the Court for them to be appointed as additional guardians. If the father is a guardian, he would have to agree to them being appointed. If he doesn't agree, the application would need to go to a full Court hearing and the Court would decide.

You need to remember that once your parents are appointed guardians they will remain guardians, unless there is a very serious reason why they should be removed. This means that, until your child turns 18, you will need to work together to make decisions about your child's upbringing.

### **If my child is living with the additional guardians, do I still have a say in how my child is brought up?**

You are still a legal guardian of your child. This means you must be involved in all important decisions concerning your child, even if your child is no longer living with you.

### **If I have a new partner, can he or she become a guardian to my child?**

In some situations you may be able to appoint a new spouse or partner as an additional guardian. Your new partner would have to have been sharing day-to-day care of your child for at least one year. The child's father would also have to agree to the appointment, even if he is not a guardian himself.

There are also a number of restrictions that apply. For example, your new partner will not be eligible to be appointed if he or she has been involved in Court cases about the care of children, or has been the alleged abuser in a domestic violence case, or has been convicted of an offence involving harm to

children. There are also restrictions stopping your new partner being appointed as an additional guardian if you or your child have been involved in various Court cases or the child already has an additional guardian.

### **When can guardians be removed?**

A guardian can be removed if the Court is satisfied that there is a serious reason that the person is unfit to be a guardian, or the person is not willing to be a guardian. The removal would also have to be in the child's best interests. It is only in very rare and serious situations that a parent would be removed as a child's guardian.

## **day-to-day care and contact**

### **What is day-to day care?**

Day-to-day care means having responsibility for the child's daily living arrangements, such as where the child lives, the child's safety, making sure the child gets to school and that he or she is properly fed. Day-to-day care used to be called custody.

### **What is contact?**

Contact means the child spending time with a parent or another person who does not have day-to-day care of the child. Contact used to be called access.

### **Do I have automatic day-to-day care of my child?**

Responsibility for day-to-day care is linked to guardianship. As the mother of the child you are the legal guardian and so you are responsible for the child's day-

to-day care. However the father may also be a legal guardian (for information see the section on “Guardianship”). If he is a guardian, he will also have a say in the day-to-day care of the child. If you and the father are not living together both of you need to decide how your child will be cared for.

### **What if the father of my child and I can’t agree on day-to-day care?**

You can get free counselling and mediation through the Court to try to help you come to a decision. If you can’t reach an agreement you can ask the Court to decide and to make a parenting order. A parenting order says who has the role of providing day-to-day care and who can have contact. It can also set out how care arrangements will work, for example, whether day-to-day care is shared and when and how any contact will happen. The Court will only get involved in deciding arrangements for the care of children as a last resort.

### **How does the Court decide about the care arrangements for a child?**

In making a decision about the care arrangements for a child, the first and most important consideration for the Court is the welfare and best interests of the child. The Court recognises the importance of both parents being involved in the child’s life and will make arrangements that provide for a continued relationship with both parents unless this is not in the child’s best interests.

### **If I make an agreement with the father of my child, how do I make sure he sticks to it?**

If you and the father have reached an agreement about the care of your child, you can apply to the Court to have the agreement made into a court order. You will need a lawyer to help you with this (for information see the section on “Legal Help”). The agreement can then be enforced like any other court order. The Court can also make a range of orders penalising him for not sticking to the conditions of a parenting order.

## **Can someone else, for example my parents or the father's parents, apply for a parenting order?**

Other people, such as extended family members, may be able to get permission from the Court to apply for a parenting order. There are also specific situations where another family member may be eligible to apply. For example, if the father of your child has been refused contact with the child by the Court, or he is making no attempt to have contact, then his parents are eligible to apply for a parenting order. In deciding about day-to-day care and contact the Court will always consider what is in the best interests of the child.

## **What if the father has been violent to me or my child?**

Violence against you or your child is a crime. You could report this to the Police and you can also get legal protection against domestic violence by getting a Protection Order (for information see the section on "Protection from Domestic Violence"). If you have a Protection Order against the father, he won't be allowed to live with or see you or your child, unless you agree.

If the father has been violent the Court will not give him day-to-day care of your child and he will not be allowed contact with your child (other than supervised contact), unless the Court is satisfied that your child will be safe. Supervised contact means that contact with your child will be supervised or overseen by an approved organisation, or by a suitable person approved by the Court, such as a relative or friend of the family.

# **protection from domestic violence**

## **What is domestic violence?**

Domestic violence is violence between people in a domestic relationship. A domestic relationship can include a boyfriend and girlfriend relationship,

spouses, partners, flatmates and family relationships. Domestic violence includes physical, sexual and psychological abuse.

Psychological abuse does not have to involve physical contact. It includes things like intimidation, harassment, damage to property and threats of abuse.

## **What is a Protection Order?**

A Protection Order is a legal order granted by the Court. This order is the main way that the law tries to protect people from future domestic violence.

## **Who can apply for a Protection Order?**

Anyone who has suffered domestic violence can apply for a Protection Order. The person who applies for a Protection Order is called the applicant.

In some cases, if you need help, another person might be able to apply on your behalf. If you are under 16 years of age you will need an adult to act as your representative. If you are 16 years old you can choose either to apply through a representative or make your own application.

## **Who can a Protection Order be made against?**

A Protection Order can be made against any person who is or has been in a domestic relationship with you. The person the application is made against is called the respondent. A Protection Order cannot, however, be made against someone who is under 17 years, unless they are or have been married, in a civil union, or a de facto relationship. This means that if the father of your child is under 17 and he has been violent to you, you will only be able to apply for a Protection Order against him if he is or was married, in a civil union or de facto relationship, either with you or with someone else.

## **Will a Protection Order protect my child?**

If your child usually lives with you then he or she will be covered by the Protection Order.

## **If I get a Protection Order and the respondent is also the child's guardian, will he be able to have contact with my child?**

If it is proven that the respondent has used physical or sexual abuse against you or your child, the Court will not let the respondent have day-to-day care of the child. The Court will also not allow the respondent to have contact with your child (other than supervised contact), unless the court is satisfied that your child will be safe. Supervised contact means that contact with your child will be supervised or overseen by an approved organisation, or by a suitable person approved by the Court, such as a relative or friend of the family.

## **How will a Protection Order help?**

A Protection Order sets out a number of conditions that the person who has been violent towards you must follow. These include:

- Non-violence conditions – The respondent must not physically, psychologically, or sexually abuse or threaten to abuse you, your child, or anyone else protected by the Protection Order. They must not damage or threaten to damage your property or encourage anyone else to do these things.
- Non-contact conditions – The respondent must not make any form of contact with you (for example, visiting, telephoning, writing or texting) unless it is an emergency, or if contact is allowed under a parenting order or agreement.
- Attend a stopping violence programme.
- Weapons and firearms – The respondent must hand in any weapons (legal or illegal).

If the respondent breaches the Protection Order they are breaking the law. The Police can arrest him or her.

## **What proof does the Court need to grant a Protection Order?**

You will have to provide evidence to the Court to prove “on the balance of probabilities” (that it is more likely than not to be true) that the respondent is using or has used domestic violence against you or your child. The Court must also be satisfied that the Protection Order is necessary for your protection.

## **Do I need a lawyer to apply for a Protection Order?**

Applying for a Protection Order can be a challenging process, especially if the person who has been violent towards you challenges your application. While it is possible to apply for a Protection Order on your own, it is generally recommended that you use a lawyer.

## **How much will it cost to apply for a Protection Order?**

There is no application fee for a Protection Order but if you use a lawyer, you will need to pay the lawyer's fees.

If you are on a benefit or low income you may be eligible for legal aid. Legal aid is financial help provided by the government to help people who can't afford to pay their legal costs (for information see the section on "Legal Help").

## **Will the respondent know I am making an application for a Protection Order?**

Not necessarily. If the situation is urgent an application can be made without giving the respondent notice and the Court can grant a temporary Protection Order quickly. This is called an ex parte or without notice application. A temporary Protection Order lasts for three months, but if the respondent doesn't defend this, it will become a final permanent order.

If the application is made on notice then the respondent is told about your application before the Court makes a decision. This means the respondent has a chance to defend the application. Your lawyer will be able to help you decide what type of application to make.

## **If I apply for a Protection Order against the person I am living with, then do I have to move out?**

No, you don't have to move out. Initially you might go somewhere else to keep safe, like the Women's Refuge, but you can apply to the Court for a Property Order that will give you the right to live in the house that you shared with the respondent, and will require the respondent to move out.

## **What can I do if the respondent breaks the conditions of the Protection Order?**

Breaching a Protection Order is a criminal offence. You should report any breach to the Police. As well as being charged with breaching the Protection Order, the respondent can also be charged with any other crime committed at the same time, for example, assault.

The police may arrest the respondent, and charge him or her with breaching the Protection Order. The maximum penalty for breaching a Protection Order is six months in prison or a \$5000 fine (or two years in prison if they have been convicted of three offences in three years).

## **What if I don't want to have a Protection Order in place any more?**

You can apply to the Court to have the Protection Order cancelled (discharged). The judge will need to be convinced that the order is no longer needed for your protection.

# **child, youth and family issues**

## **What is Child, Youth and Family?**

Child, Youth and Family is the government agency responsible for making sure children and young people aged between 0 and 17 years are safe and are protected from abuse and neglect. Child, Youth and Family tries to help families to find ways to care for their children and provides care and protection for children when families are unable to properly care for them.

## **Can Child, Youth and Family help me if I'm not sure whether I can care for my child?**

If you want to keep your baby, but don't know how you will be able to care for him or her, Child, Youth and Family can arrange a Family Group Conference to explore different care arrangements (for information see "What happens at a Family Group Conference?" in this section).

Child, Youth and Family will try to help keep a child within the family whenever possible. Child, Youth and Family will be able to try and assist you to keep your baby or to keep in touch with your baby – perhaps by placing your baby in a long term foster care arrangement, preferably with another family member (for information see the section on "Foster Care"). If you are your child's guardian, any decisions made at the Family Group Conference or through Child, Youth and Family would require your agreement (for information see the section on "Guardianship").

## **What if someone complains to Child, Youth and Family about how I am looking after my child?**

The complaint will be investigated by a social worker and/or the Police. As part of the investigation a social worker or a Police officer will come and talk to you and your family to try and find out if there is any basis for the complaint, for example if there has been any abuse or neglect of your child. The social worker or Police officer must decide whether or not they believe that your child is in need of care or protection.

## **If someone complains to Child, Youth and Family about my parenting, can I find out who it was?**

No. That person's name is protected under the Privacy Act.

## **What happens if Child, Youth and Family decides my child is not in need of care and protection?**

No further action will be taken. However, if you are having difficulties with looking

after your child and you need some support, Child, Youth and Family can call a family meeting to work out a solution to stop the problem becoming more serious.

### **What happens if Child, Youth and Family believes my child is in need of care and protection?**

If Child, Youth and Family decide your child is in need of care and protection, they will organise a Family Group Conference to sort out how your child will be protected and cared for. Steps will also be taken to make sure your child is safe. This can include the child being removed from your home to protect him or her from harm.

### **What happens at a Family Group Conference?**

A Family Group Conference is a meeting for you and your family to discuss with social workers and others what needs to be done to make sure your child is safe and well cared for.

Firstly, all the people involved in the Family Group Conference share information about what has been happening and what the issues are. You and members of your child's extended family then talk privately about how your child can be cared for and kept safe. The family reports back its decisions and everyone has to decide and agree on whether there is a care and protection problem and whether the proposed plan will keep the child safe.

If agreement cannot be reached, the case may go to the Court for a solution to be worked out.

### **Can Child, Youth and Family take my child away from me?**

If you abuse or neglect your child and Child, Youth and Family believe it is necessary for your child's protection that he or she be removed from you, Child, Youth and Family can apply to the Court for a warrant to remove your child from you. The Police can also take your child away without a warrant if they believe he or she is in danger of injury or death.

## **What happens to my child if Child, Youth and Family removes him or her from me?**

Your child would be placed in the care of Child, Youth and Family and the matter would be taken to Court within five days. The Court will decide whether your child should be returned to your care, give the day-to-day care of your child to another appropriate person, or make a declaration that your child is in need of care and protection, along with various Court orders to make sure your child is safe. In general a Family Group Conference must also be held before the Court decides to make a declaration.

## **Can I see my child if Child, Youth and Family removes him or her from my care?**

You could apply to the Court to have contact with your child. The Judge would make a decision based on the best interests of your child and would look at all the circumstances of the case.

## **If the Court places my child in the care of someone else, will I ever be able to have my child back?**

It will depend whether your child will be safe in your care and on what is in your child's best interests. The Court can order you to go to counseling or order that support or services be provided to your child. The Court might allow your child to be returned to your care if you have support. If your situation improved and you felt you could properly care for your child, you could apply to the Court to have your child back in your care. The Court would investigate all the circumstances before making a decision.

## **criminal issues**

### **Will criminal proceedings be started against my baby's father if I had sex before I was 16?**

This depends on the circumstances. If the baby's father is under 17 years of age, and you had sex willingly, it is unlikely that Police Youth Aid would feel it was in the best interests of either of you to charge him with an offence. However, if he is over 17 he could be charged because it's a criminal offence to have sex with a female under 16 years of age, even if you were willing.

The Police are more likely to prosecute if there is a larger age gap and they think you may have been pressured into having sex.

If you did not have sex willingly, the man committed an extremely serious crime (called rape) and you should talk to someone you trust about this.

## **financial support**

### **What is Child Support?**

Child Support is money paid by a parent who is not living with their child (the "liable parent") for the financial support of that child. The Child Support Scheme is administered by Inland Revenue Child Support.

### **Can I apply for Child Support?**

You can apply for Child Support against a liable parent if you are the sole or principal caregiver of your child, or you share the care of your child equally with another person.

## **Will the father of my child be liable to pay Child Support if he doesn't live with me and my child?**

He will be liable to pay Child Support if any of the following applies:

- his name appears on the birth certificate as the father
- he is a legal guardian of your child or has been appointed a guardian by the Court
- he has admitted paternity in writing
- a Paternity Order has been made against him
- he has been declared the father by a specified court or public authority in another country

## **My child's father is still at school. Will he be liable to pay Child Support?**

Yes, if he falls into one of the above categories. The Child Support Act doesn't give an exemption because the father is still at school. However, he will probably only be liable to pay the minimum amount of Child Support.

## **What if he refuses to pay?**

It will accumulate as a debt until he starts earning or receiving a benefit. At that stage Inland Revenue Child Support can authorise his employer or Work and Income to make automatic deductions from his wages or benefit.

## **How long does he have to keep on paying Child Support?**

He has to keep paying Child Support until your child turns 19 years old, or your child gets married, or enters a civil union or de facto relationship, or your child becomes financially independent.

## **How much Child Support will he have to pay?**

There is a formula for working out how much Child Support he will have to pay. The formula looks at his income, the number of children he is supporting,

whether he shares care of your child, and also takes into account a living allowance for him.

## **Will I be able to get financial support from Work and Income?**

Whether or not you are eligible for any financial support from Work and Income will usually depend on your income, your family circumstances, whether or not you have a partner and your age. Always discuss your case thoroughly with staff at Work and Income. Your individual circumstances are extremely important and should be taken into account. You can also get additional support and information from your local benefit rights service, Citizens Advice Bureau or Community Law Centre.

Possible Work and Income benefits you may be eligible for include:

- Independent Youth Benefit – for people aged 16 or 17, without children, who are in school, training, actively looking for work or unable to work temporarily because of sickness, injury, pregnancy or disability, and who can't live with their parents or get financial support from them or anyone else. You may be eligible for the Independent Youth Benefit while you are pregnant but you would stop being eligible once your baby is born because this benefit is not available if you have a dependent child.
- Sickness Benefit – for people who are not working because of sickness, injury, pregnancy or disability. You may be able to get a Sickness Benefit from your 27th week of pregnancy, or earlier if you have complications. Your payments can continue for up to 13 weeks after the birth of your child if you are caring for the child.
- Domestic Purposes Benefit – for sole parents not living with a partner and who are aged 18 years or older, or who have been legally married or in a civil union.
- Emergency Maintenance Allowance – for sole parents who do not qualify for the Domestic Purposes Benefit and cannot receive any other benefit. If you are 16 or 17 you may qualify for an Emergency Maintenance Allowance if your parents refuse or are unable to support you.

## **Can I get any financial help if I want to continue my education after my baby is born?**

If you are eligible for the Domestic Purposes Benefit or the Emergency Maintenance Allowance and want to continue with your education at either school, university, polytechnic or some other educational institution approved by NZQA (New Zealand Qualifications Authority), you may be eligible to receive a Training Incentive Allowance. This is money that can be paid towards your course costs, books, transport, childcare and other course-related costs.

## **What are Working for Families Tax Credits?**

Working for Families Tax Credits (previously called Family Assistance) are payments made by Work and Income (if you're on a benefit) or Inland Revenue (if you're working) to families with dependent children. These payments are to help with your day-to-day family costs and are designed to make it easier to work and raise a family. There are a range of different types of payments.

To be eligible for Working for Families Tax Credits you must be the principal caregiver for your child and be aged 16 years or older. If you are under 16 and living with your parents, they might be able to claim Working for Families Tax Credits for both you and your baby. However, if your parents are receiving the Unsupported Child's Benefit or a Foster Care Allowance for your child they may be entitled to In-Work Tax Credit (previously called in-work payment) but they are not entitled to any other Working for Families Tax Credits for your child.

# **education**

## **Do I have to continue with my education if I am pregnant or have a baby?**

The Education Act 1989 says that you must continue with your education by attending a registered school until you are 16 years of age. This is the case even if you are pregnant and even after you have had your baby.

## **Can the school ask me to leave because I'm pregnant?**

No. It is against the law for your school to ask you to leave because you are pregnant or are parenting a child. You have a right to your education.

## **Can I take my baby to school?**

At some schools there are childcare facilities at the school or nearby. If there are no childcare facilities you will need to make your own arrangements for the care of your child. You should discuss your circumstances with your school counsellor.

You could also consider changing schools or look at other options for continuing your education like:

- Teenager/mother education units – these are special education units for teenage mums where you are supported as a student and as a parent. There is usually childcare on-site and sometimes you can take your baby to class too.
- Correspondence School – this means you study at home using books and tapes. You can organise your study around caring for your child.

# **living independently**

## **I'm pregnant and I want to move into a flat with my boyfriend. Can my parents stop me?**

If you are under 16, you can only leave home if your parents agree and they make adequate arrangements for your care (for example, accommodation, clothing, food and medical care).

Once you have had your 16th birthday you do not need your parent's permission to leave home. However, your parents remain your legal guardians until you are 18 and if they have serious concerns about how you are living, they could apply to the Court for an order directing you to return home or to live somewhere else.

It will have to be a serious situation as the Court will not normally make an order for someone over the age of 16. If you decide to live independently you will have to consider how you would manage financially. The Independent Youth Benefit is not available if you have a dependant, and you would not be entitled to either the Domestic Purposes Benefit or the Emergency Maintenance Allowance if you are living in a “marriage-type relationship” (for information see the section on “Financial Support”).

### **What can I take with me when I leave home?**

You can take:

- personal clothing and toiletries
- anything you have bought with your own money
- any gifts made to you
- any items bought especially for you
- personal documents, for example, school reports, birth certificate
- anything your parents have agreed you can take

### **Can I sign a lease agreement if I’m under 18?**

Yes, but you will probably find that some landlords are reluctant to rent a flat to you, because there can be difficulties in enforcing a contract against people under 18. Because of this you may find that a landlord will want your parents or some other adult to sign the lease agreement as guarantors. This means they become liable for any unpaid rent or damage to property.

## **e m p l o y m e n t**

### **If I’m working, can I get fired because I’m pregnant?**

Your employer can’t discriminate against you because you are pregnant. This means they can’t fire you or treat you less favourably than another person because of your pregnancy.

## **If I'm finding my work hard can I ask my employer to give me different duties?**

Yes, you should discuss this with your employer. If being pregnant means you cannot do your job properly or safely, your employer may temporarily transfer you to another job. If your employer can't find other suitable work for you, you may be asked to go on parental leave early. However, this will not affect your leave entitlements.

## **Can I get any time off work while I'm pregnant or to care for my baby when he or she is born?**

Yes, the most common leave you can apply for is parental leave. To apply you must have worked for the same employer for at least six months before the expected date of your baby's birth and have worked for a certain number of hours a week. There are different entitlements available depending on whether you meet this six-month criteria or if you have worked for the same employer for at least 12 months, the 12-month criteria.

## **What are the different types of leave I can get from work?**

There are different types of leave available to workers who are pregnant or who are caring for a baby. Unless otherwise stated, these different types of leave are available whether you meet the six-month criteria or the 12-month criteria.

- Special leave – an entitlement to take a total of up to ten days unpaid special leave for reasons connected with your pregnancy, for example, midwife or doctor's appointments.
- Maternity leave – an entitlement to unpaid leave of up to 14 weeks over the time your baby is due. Up to 6 weeks of the 14 weeks can be taken before your baby's expected due date.
- Extended leave (unpaid parental leave) – an entitlement to unpaid leave of up to 52 weeks (including the 14 weeks maternity leave or paid parental leave). This is only available if you have worked for your employer for at least 12 months. Extended leave can be shared between you and your partner, but the total leave taken must not be more than 52 weeks. You can take leave at the same time or take it one after the other.

- Paid parental leave – an entitlement to 14 weeks paid leave (this must be taken at the same time as any unpaid leave you take). You will get paid whichever is the lower of your usual weekly pay or an amount set by the government. You can transfer all or part of your paid parental leave to your partner as long as he or she is also eligible. Paid parental leave is a government-funded scheme. To receive paid parental leave you must apply to your employer for parental leave, and then apply to Inland Revenue for parental leave payments.

### **Are there any reasons that paid parental leave payments will end?**

Payments will continue for 14 weeks, but can end earlier if you:

- transfer your entitlement, or part of your entitlement, to your partner
- return to work before the end of the paid parental leave period
- resign from your job
- are employed on a fixed-term agreement that expires during the paid parental leave period

### **Can my partner take any time off work to help me when the baby arrives?**

If your partner meets the 12-month criteria then he or she is entitled to unpaid leave of up to two weeks around the time of the birth of your child (or one week if they only meet the six-month criteria). Your partner could also take extended leave (for information see “What are the different types of leave I can get from work?” in this section). Your partner does not need to be the father of the child to be eligible to take leave.

### **Can I go back to my job after my baby is born?**

When you are on leave your employer usually has to keep your job open for you until you come back to work. They can hire a temporary replacement but this person must be told their position is only temporary. However, your employer may be able to permanently replace you if your position is a key job in the organisation.

If your job cannot be kept open during the time you're on parental leave, your employer must give you preference for re-employment after your parental leave ends. This means you get the first chance to take a similar job if it comes up.

## health issues

### **What health care can I get while I'm pregnant?**

You can get health care and support from a midwife or doctor from early pregnancy up until four to six weeks after your baby is born – this is called maternity care. Pregnant women are required to choose a Lead Maternity Carer (LMC) who coordinates their maternity care. Your LMC could be a midwife, a doctor or a specialist obstetrician.

### **Do I have to pay for visits to a doctor or midwife?**

Most maternity care from your doctor or midwife is free, however you may have to pay for antenatal or childbirth education classes (there are usually free options available) and you may have to pay for an ultrasound scan. If you choose to go to a private obstetrician you will have to pay, but if you are referred then that will be free as well.

After your baby is born, Plunket can give you free advice about caring for your baby and visits to the doctor are often free for children under six years.

### **What if I am an overseas student?**

You are only eligible for free maternity care if you are a New Zealand citizen, or a permanent resident, or your partner is a New Zealand citizen, or a permanent resident. If you are not eligible you may be charged for medical help during your pregnancy, labour, birth, and for care after your baby arrives.

## **Can a doctor or midwife pass on information to my parents?**

The information you give your doctor is personal and your doctor cannot pass information about you or your treatment to anyone else without your consent, except in specific circumstances.

The doctor or midwife might be able to pass on your information if you are under 17 and they think you have been physically or sexually abused. If this is the case the doctor or midwife could report it to the Police or to Child, Youth and Family, but not to your parents. If a doctor or midwife has reasonable grounds to believe that there is a serious and immediate risk of harm to you (whether self-harm or harm caused by a third person), they may be able to inform your parents or other appropriate authorities if this would help keep you safe.

Your doctor or midwife is under a professional obligation to keep any information about you confidential. If you have any concerns about information being passed to your parents or guardian, discuss this with your doctor or midwife.

## **Can I see my medical records?**

Yes, and you can ask for a copy.

## **Can anyone else see my medical records?**

Only the staff who are involved with your medical care or with the administration of the medical clinic. They are not allowed to disclose your information to another person unless it is part of your treatment or you give consent.

## **What if I am not happy with my doctor or midwife?**

You can change your doctor or midwife without giving a reason. You can give permission to your new doctor or midwife to get your medical notes from your previous doctor or midwife. However, you should always feel free to talk to your doctor or midwife about anything that is bothering you or that you are uncomfortable about. Remember, also, that you can take a friend or support person along with you when you visit your doctor or midwife.

## **Is there anywhere I can complain if I am not happy with my medical treatment?**

Yes, you can complain directly to the Health and Disability Commissioner, the Medical Council of New Zealand, or the New Zealand College of Midwives (about a midwife). However, if you are unhappy with your treatment it may be helpful for you to discuss this with a friend, family member, or other support person, or with a Health and Disability Consumer Advocate (free phone: 0800 555 050). They could then help you make a complaint.

## **g e t t i n g   l e g a l   h e l p**

### **How can I find a lawyer?**

The best way is by word of mouth among your friends and family. Community Law Centres, Citizens Advice Bureaux and the Law Society should also be able to give details of local lawyers. Make sure that the lawyer you choose is experienced in the area of law you need help with.

### **Are there things I can do to help prepare for seeing a lawyer?**

It is a good idea to write down all the things you want to know and what you would like the lawyer to do for you. It can also be helpful to write down what has happened and any dates of events you can remember. This will help the lawyer understand the facts and can give you confidence when talking about your situation. It may also be helpful to take a support person along.

### **How much do lawyers cost?**

Lawyers' fees can vary quite a lot. If you've been to see a lawyer and you've agreed that the lawyer will take some action for you, the lawyer has to give you information about how the fees are worked out, and what the work is likely to cost. If you are on a benefit or low income you may be eligible for legal aid. You

can also often get free initial legal advice at a Community Law Centre. If you do not qualify for legal aid, some Community Law Centres may be able to provide ongoing legal help.

### **What is legal aid?**

Legal aid is a government-funded scheme that enables people with limited financial resources to have the advice and assistance of a lawyer. Most family law matters are covered by civil legal aid. Legal aid generally works like a loan and people granted legal aid are usually required to repay some or all of it.

You will need to give your lawyer information about your income, assets and expenses so that he or she can complete the application form. The application form will then be sent by your lawyer to the Legal Services Agency who will decide if you should get legal aid.

### **When can I get legal aid?**

Civil legal aid is available for nearly all civil disputes, from seeing a lawyer until the case is decided in Court. Legal aid is not available just for getting legal advice. You must be planning on taking your case to Court, even if you manage to settle the dispute out of Court. Civil legal aid is available for most matters in the Family Court, except dissolution of marriage (divorce).

### **What things are taken into account in deciding whether I should get legal aid?**

The Legal Services Agency will take into account the following factors:

- your financial circumstances (if you have a partner, his or her finances will also be taken into account unless the dispute is with your partner)
- whether there are reasonable grounds for taking or defending or being part of the proceedings
- the cost of the case weighed against the possible benefit
- your chance of winning the case
- whether the grant of legal aid is justified

## **Will I have to pay any money towards the legal aid?**

If you are granted legal aid you may have to pay some or all of it back. How much you will have to repay will depend on your income and property, how much your case costs, and how much money (if any) you win from your case. If you're on a benefit and you don't own anything significant then it's unlikely that you'll have to repay your legal aid.

## **At what age can I apply for civil legal aid?**

If you are under 16 years of age you can get legal aid, but usually an adult (someone aged 20 years or older) has to apply on your behalf. The adult must sign a statement saying they will make any repayments that the Legal Services Agency requires towards your legal aid.

If you are 16 years of age or older, you can apply for legal aid yourself. You will be responsible for making any repayments that are required.

## **Will my parents' finances be taken into account?**

If you are under 20 years and you're living with and being supported by your parents, the Legal Services Agency can take your parents' finances into account when deciding if you should get legal aid and whether you will have to repay any of it. However, your parents' finances can be ignored if you are not living with them or you're supporting yourself.



## **OTHER RESOURCES AVAILABLE FROM THE WELLINGTON COMMUNITY LAW CENTRE**

### **Legal Reference Manual**

**A practical guide to New Zealand law as it applies in everyday situations  
Updated 2008**

The Legal Reference Manual is a comprehensive A4 loose-leaf binder that sets out legal information in a form that is easily accessed and understood by the everyday user. The Legal Reference Manual deals with various aspects of community and personal life and tries to provide answers to common legal questions.

### **Rape Survivors' Legal Guide**

**Updated 2003**

The Rape Survivors' Legal Guide is a comprehensive plain language resource for rape survivors, which provides answers to over 200 questions about the court process for a rape trial and other legal issues for rape survivors. Originally produced in 1993, the Guide has been significantly updated and extended to include new material and has been produced in a manageable and discrete A5 booklet format.

### **Schools and the Right to Discipline**

**A Guide for Parents**

**Updated 2005**

The aim of this book is to strengthen the partnership between home and school. This fourth edition updates education law and provides access to further information through relevant websites.



Wellington  
Community Law Centre

PO Box 24-005, Wellington 6142

Tel (04) 499 2928

Email: [info@wclc.org.nz](mailto:info@wclc.org.nz)

or visit the website at [www.communitylaw.org.nz](http://www.communitylaw.org.nz)