

Brookers Family Law – Family Procedure

15/6/23 Update Summary

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COMMENTARY

EVIDENCE IN THE FAMILY COURT

The following recent case is mentioned in this update:

- *Roberts v Cresswell* [2023] NZCA 36 – opinion and expert evidence – use of expert non-scientific specialist knowledge or skill – witnesses and affidavits – evidence by affidavit – affidavits: general – form and content of affidavits: [EV4.1.03(4)], [EV6.4.01], [EV6.4.03].

FAMILY COURT RULES 2002

The following recently published case is mentioned in this update:

- *Petersen v Clark* [2021] NZFC 4070 – striking out and adding parties – removing parties: [FC133.02].

FAMILY PROCEEDINGS ACT 1980

The following recently published, cases are mentioned in this update:

- *Green v Hing* [2021] NZFC 4687 – court may make orders as to settled property, etc – when they may apply: [FP182.05].
- *Thorpe v Greene* [2021] NZFC 12262 – costs – Family Court proceedings: [FP171.03].

The following new commentary paragraphs have been added:

- [FP157.05] Proceedings where respondent is absent from New Zealand or cannot be found – service “in any manner whatsoever”
- [FP157.06] Proceedings where respondent is absent from New Zealand or cannot be found – relevance of other rules relating to service
- [FP168.01] Claim by respondent for relief – general
- [FP174.05] Appeals from decisions of District Court and Family Court – approach on appeal

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