

Do I have to give a copy of the Forms to the other party?

NO. Only you will have to appear in front of the Magistrate on the day given to you. The Court will ask you to give the order and the Forms to the other party later. You might be asked to pay some money for the Court Order.

(Footnotes)

¹ See pamphlet on *Urgent Applications*

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COMMISSION

CHILD RECOVERY ORDER

(Getting a child back)

What is a Child recovery order?

An order given by the court which does the following;

- Requires the return of the child to a parent or guardian OR any person who has a specific issues order relating to the child.
- Allows you to stop and search any vehicle, vessel or aircraft, and to enter and search any place, to look for the child;
- Allows you to recover a child;
- Allows a person to whom a child is returned or who recovers a child, to give the child to;
 - (i) a parent or guardian who has residence/contact order of the child
 - (ii) person who has a particular issue order relating to the child; or
 - (iii) some other person on behalf of a person described in the above
- gives orders about daily care of a child until he/she is returned to another person;
- stops a person from taking the child again; or
- can arrest, without warrant, a person who again removes or takes the child.

Who can apply for recovery order?

A person who;

- (i) has a residence/contact order;
- (ii) has a particular issue order relating to the child;
- (iii) is concerned with the care, welfare or development of the child.

How do I apply for Child Recovery Order?

- Pick up and fill a *General Application Form* (FORM 12) from a Family Court Registry nearest you.
- Get a copy of the child's birth certificate and your marriage certificate (if married).
- Make 2 photocopies of each form you have filled. Take your copies of the form back to the Family Court Registry nearest you.
- The Family Court Registry staff will write a date on your form, which is when your case will be called in Court, preferably as soon as possible.¹
- You MUST appear in Court on the date given by the Family Court Registry.

What do I need to know about a recovery order?

- You have to give a sealed copy (stamped

and approved of by the Court) of the order to the person who has the child;

- It remains in force for 12 months after it was made, unless the Court orders a shorter period;
- It is against the law for any person to stop you from taking any action;
- If a person *has* stopped you without a good reason, the Court may order the person to;
 - a. pay a fine not more than \$1000;
 - b. enter into a bond (with or without surety) on conditions given by the court; or
 - c. be imprisoned for 3 months, whichever happens first.

What do I do after the child returns to the person who applied for the Order?

- You must as soon as possible inform ;
 - (i) The Registrar of the court that issued the Order; and
 - (ii) Whoever took out a location order.
 - (iii) The Family Court Registry nearest you.