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**IN THE FAMILY COURT  
AT WHANGAREI**

**FAM-2015-088-000292  
[2016] NZFC 1956**

IN THE MATTER OF	THE STATUS OF CHILDREN ACT 1969
BETWEEN	BRADY ARAMA Applicant
AND	ERIKA BLAIR Respondent

Hearing:	9 March 2016
Appearances:	T Egan for the Applicant No appearance by or for the Respondent
Judgment:	9 March 2016

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**ORAL JUDGMENT OF JUDGE S M R LINDSAY**

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[1] This morning a formal proof hearing has proceeded in the Family Court at Whangarei. Mr Brady Arama as the applicant for a declaration as to non-paternity. The child who is the subject of the application is Emerson Blair born [date deleted] 2000. The respondent mother named in these proceedings is Erika Blair.

[2] Mr Brady Arama has provided a sworn affidavit to the Court dated 3 July 2015, and in addition I heard evidence from him at this formal proof hearing. There is no doubt in Mr Brady Arama's mind that he is not the child's father. Mr Arama acknowledges he signed the child's birth certificate because at the time he believed:

- (a) The parties would continue to have a long and enduring relationship.
- (b) That he did not want a child whom he would take on the role as a hands-on caregiver and parent to be fatherless in the eyes of the law.

[3] The applicant Mr Arama's evidence is unequivocal that he and Ms Blair were in a sexual relationship between the period March 2000 and September 2000. At that time they were living together in [location deleted]. However, the respondent mother was pregnant before the relationship had even commenced and certainly before the commencement of any sexual relationship. It was very early in the parties' relationship that she explained being pregnant and that she was pregnant to another gentleman whom she named as Mr Manu Te Nana. Mr Manu Te Nana had been living in Auckland, but had contacts with whānau in [location deleted].

[4] At the time Mr Arama signed the birth registration details after Emerson was born on [date deleted] 2000. He saw it as wanting to avoid Emerson being "fatherless" and essentially he hoped it was the right thing to do for this infant child. The parties' relationship ended in September 2000. The parties physically moved apart. Some six months later Mother and child, and Mother's older child to another relationship, relocated to Australia.

[5] Mr Arama's recollection is that a couple of months before Mother's relocation with her two to Australia, she approached him and explained she believed

it important that his name be removed from Emerson's birth registration details. The parties talked openly and candidly about the fact and the reality that Mr Arama was not the child's biological father. A short while later, but after Mother had relocated, Mr Arama signed what he believed a document reporting to Births, Deaths and Marriages for removal of his details as biological father. Whatever steps have been taken by the respondent mother do not appear to have included notification of Births, Deaths and Marriages in New Zealand that Mr Arama was not Emerson's biological father.

[6] Some years after Mother and her two children had relocated to Australia, Mr Arama was approached by the Australian equivalent of the Child Support Agency in respect of child support payments. Mr Arama endeavoured to take legal steps with regards to removal of his details from Emerson's birth registration, but came up against a brick wall.

[7] The legal advice he received indicated that it was essential he provide a physical address for the respondent and until he was able to do so would be unable to proceed with the declaration for non-paternity. At that time Mr Arama had neither the financial means to pursue the respondent's whereabouts, nor the financial means to undertake any legal work to resolve the issue of non-paternity.

[8] In the background the Child Support Agency of Australia was pursuing a debt from Mr Arama for unpaid arrears and maintenance and ongoing child support. Mr Arama's evidence, being at times he was left over with only about \$8 to his name because of the deductions and he was reliant on his partner to financially support him.

[9] Mr Arama's evidence is clear there has been no physical contact between himself and Emerson around the time of separation and at that time the baby was about four weeks old. There has been no ongoing contact or emotional support required by Mother for the care and development of Emerson. Seemingly, there have been no steps taken by the respondent mother to best legally remedied the incorrect recording of details of the child's biological father. Instead, it seems the

respondent mother has derived a financial benefit through the Child Support Agency in Australia.

[10] Meanwhile, Mr Arama learnt that over the years Mr Manu Te Nana's parents were travelling to Australia to visit Emerson and seemingly, a relationship had developed between Emerson and her paternal whānau. He infers that there is now a relationship between Manu and his daughter Emerson.

[11] The application for non-paternity was subject to an application for substituted service. The order as to substituted service issued on 20 October 2015 before the Court is an affidavit of service confirming service of the proceedings as directed at the last known address via registered mail; that occurred in late December 2015. Despite service of the application there have been no steps taken by the respondent Mother to oppose or defend these proceedings.

[12] I have considered the evidence before the Court and also the additional updating evidence from Mr Arama and I am entirely satisfied that a declaration as to non-paternity shall today issue.

[13] I authorise the release of this decision to the Australian authorities responsible for recovering child support from Mr Arama. It is clear that this gentleman is not the child's biological father and although there is an outstanding liability, I ask the Australian authorities to consider the following:

- (a) The immediate suspension of ongoing weekly deductions from Mr Arama's income.
- (b) Consideration for rescinding any past liability against Mr Arama. I make this request being aware that the debt may be somewhere in the vicinity of over \$30,000, but given the unequivocal evidence of Mr Arama which has been accepted by the Family Court in Whangarei, that he cannot be and is not the father of Emerson Blair, then this debt is not his to bear.

[14] That completes my decision today.

S M R Lindsay  
Family Court Judge