

**NOTE: PURSUANT TO S 437A OF THE CHILDREN, YOUNG PERSONS, AND THEIR FAMILIES ACT 1989, ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B TO 11D OF THE FAMILY COURTS ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE [HTTP://WWW.JUSTICE.GOV.T.NZ/COURTS/FAMILY-COURT/LEGISLATION/RESTRICTIONS-ON-PUBLICATIONS](http://www.justice.govt.nz/courts/family-court/legislation/restrictions-on-publications).**

**IN THE FAMILY COURT  
AT TAURANGA**

**FAM-2011-009-000908  
[2016] NZFC 2023**

IN THE MATTER OF	THE CHILDREN, YOUNG PERSONS, AND THEIR FAMILIES ACT 1989
BETWEEN	CHIEF EXECUTIVE OF THE MINISTRY OF SOCIAL DEVELOPMENT Applicant
AND	SC First Respondent
AND	AB Second Respondent
AND	JB Born on [date deleted] 2010 MB Born on [date deleted] 2012 Children or Young Persons this Application is About

Hearing: 9 March 2016

Appearances: R Grenfell for the Chief Executive  
No appearance by or for the First Respondent  
No appearance by or for the Second Respondent  
R Adams as Lawyer for the Children

Judgment: 9 March 2016

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**ORAL JUDGMENT OF JUDGE ANNIS E SOMERVILLE**

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[1] JB, born on [date deleted] 2012 and MB born on [date deleted] 2010 are currently living with their maternal grandfather, Mr TR. Their paternal grandfather has moved from Australia to initially live in Christchurch to help care for the boys and since then he has moved to Tauranga. He has family support and he continues to care for the boys which he has done now since the end 2012.

[2] This care arrangement provides the boys with stability and security and Mr TR's suitability to care for the boys has been considered in a s 178 report from the Ministry of Social Development. At this point in time because the mother is living in Christchurch, Mr TR does need the assistance from the Ministry for the boys to see her.

[3] The father is deceased. He died in November 2015 so that the mother is the only biological parent who is available to these children.

[4] The background to the care of these children is of real concern and has been the reason why they were placed in alternative care arrangements. There was domestic violence, alcohol, drug issues and when the children were initially moved to be in the care of their mother, the domestic violence continued.

[5] It is far better for these children to be in Tauranga than back in Christchurch and the arrangement for the care is supported by the social worker. She notes that in her report of 3 February 2016 and also by the lawyer for child who has reported on 9 March 2016. Lawyer for child has spoken to her report of that date and she notes that she has also spoken to Mr TR, and she says that Mr TR has done excellent work in settling the boys and providing them with a more secure, safe home and appropriate boundaries.

[6] At times however, both boys present significant challenges. The boys both have potentially high needs and their caregivers may require professional assistance and considerable support.

[7] The next step always in these arrangements where the children are settled is for there to be Care of Children Act 2004 orders for Home For Life. In these circumstances there is concern by the lawyer for child and by Mr TR, (the caregiver) that any orders would be premature because of the high needs of these boys, the challenges they face and the necessity of having those high needs addressed as they continue to grow older.

[8] There is a reference to the fact there may be foetal alcohol spectrum disorder so that is an issue that may need to be considered as well if that is impacting on their schooling and their development.

[9] So at this time the s 101 custody order in favour of the Chief Executive of the Ministry of Social Development and the s 110 additional guardianship order in favour of Mr TR, are to continue. There is to be a six-month review

Annis E Somerville  
Family Court Judge