

**NOTE: PURSUANT TO S 139 OF THE CARE OF CHILDREN ACT 2004,  
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.GOVT.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 WHANGAREI**

**FAM-2013-011-000059  
[2016] NZFC 2373**

IN THE MATTER OF      THE CARE OF CHILDREN ACT 2004  
  
BETWEEN                      LAYLA MCKAY  
   Applicant  
  
AND                              IVANA MCKAY  
   PHILLIP HUFF  
   Respondent

Hearing:                      18 March 2016

Appearances:              Applicant appears in Person  
   No appearance by or for the Respondents  
   T Manuel-Belz as Lawyer for the Children

Judgment:                    18 March 2016

---

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

---

[1] This morning I have met Layla McKay, she is the applicant for a final parenting order as to day-to-day care. The children who are the subject of these proceedings are Padma McKay-Huff born [date deleted] 2007 and her brother Cohen McKay-Huff born [date deleted] 2007. The children's parents are Phillip Huff and Ivana McKay.

[2] The children have been in the day-to-day care of the applicant and her husband for an extended period of time now. I have heard directly from Mrs McKay and she has described the circle of support that she draws upon from within the family.

[3] Currently the children's mother, Ivana, is back living in the maternal grandparents' home but it is understood she maintains a relationship of sorts with Tyrone Bones. There are a wide range of concerns around Tyrone Bones and perhaps they are best summarised as his drug use and in particular his use of methamphetamine but also he lives a young person's party lifestyle which is simply unsafe for the children and their mother. The children themselves articulate a resistance to any form of relationship with Mr Bones and that is because they have experienced, sadly, at first hand the risks that he poses.

[4] The children have regular with their father, Phillip Huff. This is arranged through the paternal grandfather. Mr Huff has contact in the home of the paternal grandfather every three weeks and this has been quite successful in terms of maintaining, supporting and developing the children's relationship with their father and paternal whanau.

[5] I am going to make a number of comments in this decision so that there are clear boundaries for the parents that Mrs McKay can rely on in terms of a Court order. Cohen has vulnerabilities particular to him. He is autistic and requires an additional level of care and support both in the school environment and at home.

[6] It has come to the knowledge of the maternal family that, just in fairly recent times, Phillip Huff has become a patched member of the Head Hunters. I intend to

make a condition of his care and contact with the children that at no time he wears his patched jacket because it is so important for that aspect of his lifestyle to be separate and away from the children. It also means that his care of the children at contact must be supervised or within the home of the paternal grandfather.

[7] It is free for Mr Huff to make his own decisions as to how he chooses to live his life but there should be no adverse or ill effect for the children. One of the concerns being that Cohen who is autistic can quite quickly absorb what is going on around him and for the maternal grandmother she does not want Cohen to see this as a way of life that he is expected or should follow.

[8] The maternal grandparents have acted protectively throughout. They have managed to negotiate ongoing care and contact with both parents and that is in the face of a number of concerns around lifestyle choices that the parents have made for themselves. Those decisions though should never impact on the children.

[9] I make a final parenting order as to day-to-day care in favour of Layla McKay. A term of the order is that contact occurs between the children and their father, Mr Phillip Huff, and a condition of that contact is it occurs in the home of the paternal grandparents and at no time should Mr Huff wear his patched jacket around the children.

[10] In addition I make provision for contact between the children and Ivana McKay. It is a condition of Mother's contact with the children that there is a complete prohibition on any contact with Tyrone Bones.

[11] It is a condition of the parents' contact with the children that at all times they are drug and alcohol free.

[12] The parents are on notice that in the event that these conditions are breached by them then Ms McKay may choose to suspend their contact with the children until such time she can be satisfied contact can safely occur.

[13] I have considered guardianship of the children. Given the vulnerabilities, although the parents will not see these as frailties, I think that there is a really good chance in the future that either one or both parents may not be available to be called upon for guardianship decisions to be made on behalf of the children and accordingly I make an order appointing Layla McKay an additional guardian of the children. It is important that decisions can be made for the children as to their education, their health and their overall wairua and development.

[14] These proceedings are now at a close.

S M R Lindsay  
Family Court Judge