

**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.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 TAUPO**

**FAM-2015-069-000139
[2016] NZFC 2376**

IN THE MATTER OF	THE CARE OF CHILDREN ACT 2004
BETWEEN	LIZZIE JACOBS Applicant
AND	RANA TAME First Respondent
AND	TE PURA WIHONE Second Respondent

Hearing: 22 March 2016

Appearances: D Grantham for the Applicant
No appearance by or for the First Respondent
No appearance by or for the Second Respondent

Judgment: 22 March 2016

ORAL JUDGMENT OF JUDGE J F MUNRO

[1] Today is a formal proof hearing in relation to Lizzie Jacob's application for a parenting order for the day-to-day care of Whetu Taimana, born [date deleted] 2012 and for the appointment of additional guardian.

[2] Whetu has lived with Ms Jacobs since the end of 2014 because both of Whetu's parents are serving long prison sentences for drug offending. As I understand it they were sentenced in 2015. Mr Tame was sentenced to five years and three months for drug trafficking offences on 26 August 2015. Ms Wihone was sentenced to six years' imprisonment

[3] It is entirely appropriate that Ms Jacobs be granted the day-to-day care of Whetu and it is necessary for her to be appointed an additional guardian. The issue is one of contact and I have had Ms Jacobs give some brief evidence about that. She proposes that while the parents are imprisoned, contact would be indirect by telephone, mail and otherwise as can be arranged. She does not intend to take Whetu to prison to see her parents. She proposes that when the parents are released she would encourage supervised contact on her terms and that would be supervised by herself.

[4] I am satisfied that Ms Jacobs could adequately and appropriately supervise that contact but in my view if either parent seeks to have any unsupervised contact, it will be important for them to file an application in Court at which stage I would anticipate that lawyer for Whetu would be appointed and consider carefully not only safety issues for Whetu but the fact that by then she will have been living with Ms Jacobs for some years and careful thought would need to be given to whether in fact it would be in Whetu's best interests to return to the care of her parents. That is something to be considered at the time.

[5] For now I am satisfied that what Ms Jacobs proposes is appropriate. Accordingly, I make a parenting order granting Lizzie Jacobs the day-to-day care of Whetu Taimana, born [date deleted] 2012 reserving indirect contact to the parents, Mr Tame and Ms Wihone by way of telephone calls, postal communications and other indirect contact as may be arranged. While the parents are in prison, on their release from prison any contact with Whetu is to be supervised by Ms Jacobs or a

person nominated by Ms Jacobs and that supervision will be on terms as agreed to by Ms Jacobs. There is to be no unsupervised contact by either parent without further order of the Court.

J F Munro
Family Court Judge