

**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 THAMES**

**FAM-2015-075-000096  
FAM-2016-075-000012  
[2016] NZFC 2473**

IN THE MATTER OF	THE CHILDREN, YOUNG PERSONS, AND THEIR FAMILIES ACT 1989
BETWEEN	THE CHIEF EXECUTIVE OF THE MINISTRY OF SOCIAL DEVELOPMENT Applicant
AND	ST First Respondent
AND	KG SG Second Respondents
AND	FG BORN ON [DATE DELETED] 2015 Child or Young Person the Application is about

Hearing: 23 March 2016

Appearances: K Lellman for the Chief Executive  
First Respondent Appears in Person  
S Coffey for the Second Respondents  
C Flynn as Lawyer for Child

Judgment: 23 March 2016

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**ORAL JUDGMENT OF JUDGE S J COYLE**

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[1] This is a hearing in relation to FG born [date deleted] 2015. F is currently the subject of a s 78 custody order and there is before the Court an application for a declaration that F is in need of care and protection pursuant to s 14(1)(a) and (b) of the Act.

[2] A plan and report dated 11 March has been filed which envisages the making of a s 101 custody order and the discharge of the s 78 custody order. In the intervening period F's maternal grandparents have made application under the Care of Children Act 2004 for a parenting order in relation to F. There is agreement today that that application may be premature as there needs to be further investigation enquiries as to whether there is a possibility of F being placed with either of her parents if they make the necessary changes. Six months have been proposed but following further discussion there is agreement that both sets of proceedings can come back in June.

[3] The Care of Children Act applications need to be consolidated with the CYPF proceedings and Ms Flynn who is the counsel for F under the CYPF applications needs to have her appointment extended to include the COCA applications. Against that background:

- (a) I make a declaration that FG born [date deleted] 2015 is in need of care and protection pursuant to s 14(1)(a) and (b).
- (b) I record that the plan dated 11 March 2016 is adequate.
- (c) I make an order that F is to be in the custody of the Chief Executive of the Ministry of Social Development pursuant to s 101 of the Act.
- (d) As a consequence of making the s 101 order I discharge the s 78 custody order in favour of the Chief Executive.
- (e) I direct that the applications by Mr and Mrs G for a parenting order filed under the Care of Children Act are to be consolidated with the CYPF proceedings.

- (f) I further direct that Ms Flynn's appointment as lawyer for F is to be extended to include the Care of Children Act applications.
  
- (g) I direct that a review plan be filed and that the grandparents' application be called at an issues conference to be called on 14 June at 12.00 noon. I make that direction on the basis that it is anticipated the FGC will be reconvened in May. If that date proves to be too premature then I would ask that counsel file a joint memorandum with the Court asking for a further adjournment and that can then be granted and directions made accordingly in chambers.

S J Coyle  
Family Court Judge