

**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 HASTINGS**

**FAM-2015-020-000339  
[2016] NZFC 2081**

IN THE MATTER OF	THE CHILDREN, YOUNG PERSONS, AND THEIR FAMILIES ACT 1989
BETWEEN	CHIEF EXECUTIVE OF THE MINISTRY OF SOCIAL DEVELOPMENT Applicant
AND	IS First Respondent
AND	IA Second Respondent
AND	TA-S born on [date deleted] 2000 D A-S born on [date deleted] 2001 O A-S born on [date deleted] 2003 Children or Young Persons the application is about

Hearing: 15 March 2016

Appearances: R Anderton for the Chief Executive  
C Scannell for the First Respondent  
No appearance by or for the Second Respondent  
D Carroll as Lawyer for the Children

Judgment: 15 March 2016

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## ORAL JUDGMENT OF JUDGE A B LENDRUM

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[1] This is the matter of T A-S, D A-S and O A-S who are aged 15, 14 and 12 respectively. These three young persons are represented by Ms Carroll. The Ministry are represented by Ms Anderton.

[2] The mother, IS, is represented by Ms Scannell. She is present in Court today with her partner, Mr HK. The children's father is IA. He was served with two applications by the Ministry, one a without notice and one on-notice on 17 and 20 December, respectively, in 2015 and he has taken no steps.

[3] The children are presently in the interim custody of the Chief Executive of the Ministry pursuant to a s 78 order made by the Court. The Ministry seeks today a s 67 declaration that the children are in need of care and protection pursuant to s 14 of the Act and a continuation of the s 78 order. The mother seeks an access order pursuant to s 121 of the Act. However, that access order is in effect a cover for her having the custody of the children.

[4] A key event has occurred recently in respect of the children and in particular in respect of T A-S. The position is that the children wish to return to live with their mother and Mr K. Ms Carroll's report records the very positive views they have of their mother and in particular Mr K. They wish that they can all live there with her and him and their three step-siblings.

[5] There are complications, however. Mother has a history of P use and indeed to her credit admitted that she took P in December last year. That is clearly a major matter of concern to the Ministry and indeed to the Court. However, I am advised by Mrs Carroll that the girls and O A-S have said that regardless they wish to be with their mother and Mr K. I am told that there was a second family group conference at which the grandparents, who do not have a similar view to the children, agreed to a process where the children would commence a return to their mother. I rather apprehend that that was an agreement in theory but an opposition in practise but that is not clearly before me yet.

[6] Most importantly, however, within very recent times, T A-S has made an acknowledged attempt on her own life. I am told by Mrs Anderton that she used Panadol. That is probably just a stroke of luck. But in any event she is here but wishes to be with her mother.

[7] I am also told by Mrs Carroll that she and D A-S have friends and acquaintances among that group of young people in [location deleted] from which there have been successful suicides occur in recent times. I consider that T A-S's recent attempt upon her own life is a most significant matter and is one which calls for a further reappraisal of the situation both for her and D A-S, and I suspect by essential addition O A-S, although Ms Carroll has no concerns for O A-S.

[8] In the circumstances what I propose to do is as follows:

- (a) There is a declaration that the children are in need of care and protection. Mother has consented to that application, Ms Carroll consents to that application and the father has taken no steps.
- (b) There will be a continuation of the s 78 interim custody order placing the children in the care of the Ministry. The transition plan that the Ministry are presently working on will remain in place until a further family group conference.
- (c) I request (but really require) the Ministry to convene a further family group conference within 14 days of today. I do that not as a criticism, and particularly not a criticism of the social worker in charge for these children, but because this recent event must be acknowledged and thought through by the family and the professionals involved with these children. A family group conference is, as I have said often before, the essential link in this chain. I ask the site manager to take all steps to ensure that this conference occurs within that timeframe.

[9] In my view this is one of the times when the Court and the Ministry must take cognisance of a young person's timeframe. Teenagers are well-known or

notorious for requiring things to be done in their time and their time is far faster than the time of the adults in their world. I do request as strongly as is possible that the family group conference occurs within the timeframe I have requested. I would like as many people as possible, who are involved with these children or their parents, to be at that conference including, in particular, Ms Scannell as counsel for mother.

A B Lendrum  
Family Court Judge