

**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-2015-020-000298  
[2016] NZFC 2344**

IN THE MATTER OF      THE CHILDREN, YOUNG PERSONS, AND  
   THEIR FAMILIES ACT 1989

BETWEEN                      CHIEF EXECUTIVE OF THE MINISTRY OF  
   SOCIAL DEVELOPMENT  
   Applicant

AND                              JS

   TF  
   Respondents

AND                              RF-S BORN ON [DATE DELETED] 2006  
   OF-S BORN ON [DATE DELETED] 2008  
   AF BORN ON [DATE DELETED] 2009  
   MF BORN ON [DATE DELETED] 2014  
   Children or Young Persons Whom the  
   Application is About

Hearing:                      17 March 2016

Appearances:                R Anderton for the Chief Executive  
   Respondents Appear in Person  
   G Mansfield on behalf of D Kennedy as Lawyer for the  
   Children

Judgment:                    17 March 2016

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**ORAL JUDGMENT OF JUDGE A B LENDRUM**

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[1] This is the matter of RF-S, O F-S, AF and MF. The children were born respectively on [date deleted] 2006, [date deleted] 2008, [date deleted] 2009 and [date deleted] 2014. Today the children are represented by Mr Mansfield on behalf of Mr Kennedy. The Ministry are represented by Mrs Anderton with the allocated social worker Ms Stewart also present.

[2] The applications brought by the Ministry are for:

- (a) A declaration that these children are in need of care and protection pursuant to s 67 Children, Young Persons, and Their Families Act 1989.
- (b) An order placing the three older children, R, O and A in the custody of their maternal grandmother, Mrs PS.
- (c) A s 91 support order is put in place in respect of that placement.
- (d) An order placing the youngest child M in the care of the Chief Executive of the Ministry again pursuant to s 101 of the Act.

[3] The Ministry's applications and supporting affidavits are dated 16 October 2015. The children's mother is JS. The children's father is TF. The children's parents were both served by substituted service on 11 December 2015. On 9 February 2016 by letter of this Court the respondents were advised of this hearing date and if they did not attend orders might be made in their absence. However, to their credit Ms S and Mr F have appeared at Court today together with the children's maternal grandmother PS.

[4] I have had a discussion with counsel and I have also read the documentation filed by the Ministry, and most importantly and helpfully Mr Kennedy's reports of 4 December 2015 and 14 March 2016. I am satisfied on the evidence filed by the

Ministry and the report filed by Mr Kennedy that the applications before me will best advance the welfare and best interests of the children.

[5] Accordingly I make the following orders:’

- (a) A declaration that all four children are in need of care and protection.
- (b) An order that the three older children are to be placed in the custody of PS.
- (c) That a s 91 support order is made in support of that placement.
- (d) An order that the youngest child M is placed in the custody of the Chief Executive of the Ministry of Social Development.
- (e) I note that there is an implementation plan before the Court which while adequate will be amended to record the new arrangements.
- (f) The plan in respect of all children will be reviewed in six months so that it concurs with the requirements in respect of the youngest child M.

[6] The plan will be filed with the Court at which time it will be monitored to ensure that it is adequate, and finally I note that the custody orders made today followed an oral application made by Mrs Anderton as counsel for the Ministry, but with the consent of the parents who were in Court and consulted by Mrs Anderton who thereupon informed the Court of their consent to the Court making the orders for custody pursuant to s 101 of the Act.

A B Lendrum  
Family Court Judge