

**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-
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**IN THE FAMILY COURT
AT ROTORUA**

**FAM-2010-063-000658
[2016] NZFC 2226**

IN THE MATTER OF THE CARE OF CHILDREN ACT 2004

BETWEEN ALAYNA RAND
 Applicant

AND CONNOR SAMPSON
 Respondent

Hearing: 16 March 2016

Appearances: L MacLennan for the Applicant
 No appearance by or for the Respondent
 J Hosking as Lawyer for the Children

Judgment: 16 March 2016

ORAL JUDGMENT OF JUDGE A J TWADDLE

[1] This is an application by Alayna Rand for a final parenting order in respect of Coco, aged five and a half, and Tabitha, aged two and a half, an order discharging a non-removal order and an order authorising her to relocate the children to Brisbane.

[2] An amended interim parenting order made on 17 November last year provides that the children are to be in the day-to-day care of Ms Rand and that the children's father, Connor Sampson, was to have supervised contact at places and on terms agreed between Mr Sampson, Ms Rand and as approved by lawyer for child.

[3] Ms Rand obtained a final protection order against Mr Sampson on 14 December 2010. An order preventing the removal of the children from New Zealand was made in July last year.

[4] Mr Sampson was directed to file affidavit evidence in November, but has not done so.

[5] Ms Rand lives with the children in [location deleted]. In her updating affidavit of 4 March she said there have been ongoing issues with respect to Mr Sampson's contact with the children. He has not had contact since November, but prior to that she had concerns that his contact had not been supervised and that the children had been exposed to domestic violence, gang members and drugs. She said Mr Sampson had frequently breached the protection order. She believes Mr Sampson uses P, which causes him to act angrily and irrationally. She is fearful of Mr Sampson.

[6] Ms Rand wants to relocate to Brisbane to make a new start for herself and the children. She said she has a good support network in Brisbane, consisting of three aunts and various good friends. She would live initially with an aunt and her husband. She has been offered a job as a process worker at [name of company deleted]. The children would attend [name of school deleted], which is in the same suburb as she intends to live. Coco would start school when she turns six. She proposes that the children will return to New Zealand two or three times a year for contact with Mr Sampson and his family. She anticipates this contact will occur in

school holiday periods. She is prepared to pay for air tickets and is also open to Mr Sampson having contact by video or Skype.

[7] Given the children's fraught relationship with their father, the risks for them in having contact with their father and his recent lack of involvement in their lives, I am satisfied it would be in their welfare and best interests to move to Brisbane.

[8] With respect to the children's contact with Mr Sampson, a risk assessment is required, but the assessment cannot properly be undertaken in the absence of evidence from him.

[9] On formal proof, I make the following orders:

- (a) The non-removal order made on 20 July 2015 is discharged.
- (b) The amended interim parenting order made on 17 November is discharged.
- (c) A final parenting order as to day-to-day care providing that the children are to be in Ms Rand's day-to-day care.
- (d) Given the risk issues for the children, I make no parenting order as to contact, but leave Mr Sampson to apply to the Court if he wishes to pursue contact.
- (e) Ms Rand is authorised to take the children to Brisbane to live.
- (f) The registrar of the Court is directed to release the children's passports to Ms Rand.

A J Twaddle
Family Court Judge