

**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  
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**IN THE FAMILY COURT  
AT INVERCARGILL**

**FAM-2013-009-001606  
FAM-2015-025-000271  
[2016] NZFC 2374**

IN THE MATTER OF      THE CARE OF CHILDREN ACT 2004  
  
BETWEEN                      WALTER SAWYER  
   Applicant  
  
AND                              SAMANTHA WYNMAN  
   Respondent

Hearing:                      21 March 2016  
  
Appearances:                A Morgan Roberts for the Applicant  
   No appearance by or for the Respondent  
   C Murdoch as Lawyer for the Children  
  
Judgment:                    21 March 2016

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**ORAL JUDGMENT OF JUDGE C L COOK**

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[1] Today has been a directions conference in regard to the Wynman-Sawyer boys, talking about the care arrangements for Isaac, whose date of birth is [date deleted] 2006, (so he is aged nine) and Archie, his date of birth is [date deleted] 2009, so he is aged six.

[2] Matters come in front of the Court today following an application made by Mr Sawyer in October of 2015. Mr Sawyer made an application to apply for a variation of the parenting order within two years and the matter was set down for a hearing so counsel could act and the matter today has been set down for a directions conference.

[3] The position is that there had been a previous parenting order which was in place from 15 October 2014, and that provided that the children would be in the day-to-day care of their mother in Christchurch and have contact with Mr Sawyer down here in Invercargill.

[4] I understand Child, Youth and Family Services became involved and the children were uplifted and have been in the care of Mr Sawyer here in Invercargill since about August 2015. The concerns are that Ms Wynman has been in a violent relationship, and there have also been concerns in regard to parenting.

[5] Ms Wynman was served with these applications on 15 February 2016 and has not taken any steps, and she has not appeared today.

[6] The position is that, as I understand, the boys are still having regular telephone contact with their mother, but the concern is the last time they had physical contact with their mother, they were exposed to a serious domestic violence incident where the refuge had to be involved.

[7] Accordingly, it is important for the parenting orders to reflect the arrangements for the boys, particularly in the circumstances where Child, Youth and Family Services have been involved. So I understand there was a family group conference which provided that the boys' mother may have contact with the boys in Christchurch and there was not necessarily any supervision component to that

contact. However, that is not a Court order and the department have no formal legal status.

[8] Given that this is a directions conference, the mother has been served and she has taken no steps, I have jurisdiction under the rules to transfer this matter to a hearing and to make a final parenting order. I am going to do so pursuant to r 416Z of the Family Court Rules 2002.

[9] Accordingly, I make a final parenting order that Mr Sawyer have the day-to-day care of both boys, and that Ms Wynman's contact with the boys will be supervised upon such terms as agreed between the parties, and such telephone contact as agreed between the parties.

[10] There is, together with this application, an application by Ms Trixie Sawyer for additional guardianship of the boys. She is the wife of the applicant, Mr Walter Sawyer. That application was joined with these proceedings. Again, Ms Wynman has been served on 15 February and has taken no steps.

[11] However, Mr and Mrs Sawyer cannot be here today. There has been a family bereavement and given the nature of that application, it is appropriate that that matter is set down for a formal proof hearing. If the matter is not pursued, then I ask Ms Morgan Roberts to file a notice of discontinuance prior to that date.

[12] Finally Mr Murdoch is thanked for his assistance to the Court and his appointment is terminated.

C L Cook  
Family Court Judge