

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 MANUKAU**

**FAM-2015-092-001009
[2016] NZFC 2835**

IN THE MATTER OF	THE CHILDREN, YOUNG PERSONS, AND THEIR FAMILIES ACT 1989
BETWEEN	CHIEF EXECUTIVE OF THE MINISTRY OF SOCIAL DEVELOPMENT Applicant
AND	KN JH Respondents
AND	TN BORN ON [DATE DELETED] 2014 Child or Young Person the Application is about

Hearing: 7 April 2016

Appearances: C Mutavdzic for the Chief Executive
Respondents appear in Person
J Davies as Lawyer for the Child

Judgment: 7 April 2016

ORAL JUDGMENT OF JUDGE I M MALOSI

[1] TN was born on [date deleted] 2014. Both of his parents are here today; JH who is 18 years old today, and KN. Each are supported by family members. As it turns out Mother is supported by her aunty JC who has also been appointed as her litigation guardian. Father is here with his own father, his brother, two sisters and an aunty.

[2] I see that there was good family support from both sides at the family group conference which was held on 30 March 2016. I do not underestimate for a moment how difficult it must have been for these two families to come together and to focus on TN and agree that he should live with his mother in the same house as his maternal aunty and uncle, SC and IC. The plan incorporates access with Father and his whānau and provides a clear but careful way forward. It is supported by Ms Davies, who is Lawyer for Child.

[3] Ms Cowan was appointed as Counsel to Assist on this matter. Given the outcome of the report in respect of Mother which puts her IQ at average or above average, the appointment of Counsel to Assist is terminated with the thanks of the Court.

[4] I see no need for the appointment of JC as litigation guardian to continue; particularly now that Mother is 18 years old. Her support of course will continue for Mother, but the litigation guardian appointment is terminated.

[5] The s 78 interim custody order is discharged.

[6] I make a declaration on the grounds set out in s 14(1)(a) and (b) and make a s 101 custody order in favour of the Chief Executive.

[7] I direct a review in six months' time and for the sake of clarity, the decision for Mother to now be able to take part in proceedings in her own right is made pursuant to Rule 90A Family Court Rules 2002.

[8] What does that mean in plain English? Well everything you agreed on at the family group conference gets a big tick, and we will have a review in six months' time to see where things are at.

I M Malosi
Family Court Judge