

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-2016-092-000044
[2016] NZFC 2836**

IN THE MATTER OF	THE CHILDREN, YOUNG PERSONS, AND THEIR FAMILIES ACT 1989
BETWEEN	CHIEF EXECUTIVE OF THE MINISTRY OF SOCIAL DEVELOPMENT Applicant
AND	DF LS Respondents
AND	KF BORN ON [DATE DELETED] 2016 Children or Young Person the application is about

Hearing: 7 April 2016

Appearances: C Mutavdzic for the Chief Executive
P Fata for the Respondent DF
No appearance by or for the Respondent LS
T Norton as Lawyer for the Child

Judgment: 7 April 2016

ORAL JUDGMENT OF JUDGE I M MALOSI

[1] This is the first call following family group conference of proceedings in relation to KF who was born on [date deleted] 2016. Ms Norton appears as Lawyer for Child and Ms Fata appears for mother DF. I accept Mother's apologies that she had intended to come to Court today but due to transport difficulties was unable to.

[2] Ms Fata has advised that her client neither consents nor opposes the applications of the Ministry today. I place on record that Ms Fata has made it clear to the Court that her client wants the opportunity to parent KF, but in the meantime wants her child to be placed with whānau.

[3] I note that Mother was at the family group conference on 7 March, and was supported by a number of whānau members. Overall there was good whānau support from both sides of the family, but I accept Ms Norton's advice to the Court that in fact there were more maternal family members there than paternal.

[4] Having regard to Mother's history of domestic violence, transiency, drug and alcohol abuse including during pregnancy, neglect and assault of her older child JK, it seems to me the grounds are well and truly made out for a declaration under s 14(1)(a) and (b). Unsurprisingly the family group conference agreed that KF was in need of care and protection and I make the declaration on those grounds accordingly.

[5] The s 78 custody order is discharged and I make a s 101 custody order in favour of the Chief Executive. That is to be reviewed in six months' time. Mother can be assured that she will have input into that review process and if at that point she seeks to have the s 101 discharged she can of course make application to the Court accordingly.

[6] Ms Fata points out that as part of the family group conference outcome Child, Youth and Family were to organise a hair follicle test on Mother, to be done in four weeks' time. There seems to be uncertainty as to whether or not "organise" meant to pay for it as well. That will need to be sorted out between the professionals, but in the event that legal aid needs to be sought for that test to be carried out, it would be

the Court's hope that approval can be granted accordingly, noting the timeframe that the test should be done within four weeks of the family group conference on 7 March. Time is ticking.

I M Malosi
Family Court Judge