

1 July 2024

Paul King
fyi-request-27324-2d7ab0f9@requests.fyi.org.nz

Tēnā koe Paul

Thank you for your email of 21 June 2024 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting information regarding visiting arrangements for separated parents with their children. Your request has been considered under the Official Information Act 1982 (the Act).

You have requested:

Can you please tell me what Act and section of that Act in New Zealand Law that the Ministry of Children is using to force some fathers to share their visits with their children with their ex-wife? I need to know the exact Act and Section of that Act that the Ministry of Children is using to justify this situation.

I have an example of this happening and I cannot find any section of our Law which entitles the department to force this situation on the father. Please confirm that you know this is happening? If you do not know it is happening then please state that in your answer you do not know it is happening. If you also believe it would be unlawful then please state that in your answer.

Divorce law and practice would suggest that this situation should not be forced on the parents. Please supply at what level of the Ministry of Children this decision is being taken and by whom?

If you do not answer this question I will file in the Family Court to have the question answered and your lack of an answer under the OIA will form part of the evidence for that filing.

If you refuse the information and there has to be further costs in the Family Court then I will be asking for the Ministry to pay these costs due to their refusal to supply the information required by law in a timely manner.

Please supply the number of instances the Ministry of Children knows are being forced into this situation for the Family Court to address as I am sure the Ministry will not want to be acting unlawfully.

Your original request will need to be clarified or amended to enable us to respond. Please note, any clarification or amendment of a request is considered to be a new request for the purpose of calculating the maximum statutory timeframe for response—see section 15(1AA) of the OIA.

In particular, we would like to clarify the following with you:

- Identifying information, such as the names and dates of the parents and children you refer to in your example. This information would enable us to check our records, determine what relevant information we hold and assist us in responding to your questions.
- Can you please describe what you mean when you refer to sharing visits? For example, does this mean the children are in non-whānau care arrangements and the parents in question have only been able to visit the children at the same time? (i.e. together during the same visits).
- Are the children in the example you refer to in the custody of Oranga Tamariki, or are there any custody orders in place issued by the Family Court under the Care of Children Act?

Please note that if you wish to raise a complaint regarding your experience with Oranga Tamariki, you can do so by calling 0508 326 459 (0508 FAMILY), or by submitting your complaint via an online form on the Oranga Tamariki website. You can find guidance on submitting a complaint, as well as the online form, on our website here: <https://www.orangatamariki.govt.nz/about-us/contact-us/feedback/>.

If you could please email the further information requested above through to ويا_requests@ot.govt.nz.

Nāku noa, nā



Julie Miller
General Manager
Monitoring and External Relationships