

Care of Children Act

The Care of Children Act 2004 came into force on July 1 2005.

The Act made some important changes to the laws that deal with:

- the guardianship of children
- arrangements for the care of children
- resolving disputes about the arrangements for taking care of children

The Act makes the law more consistent with the responsibilities that parents have towards their children. It also recognises that children in New Zealand are brought up in many types of family arrangements.

The Act:

- puts more emphasis on the rights of children
- encourages co-operative parenting
- recognises the many new types of family arrangements that now exist for looking after children
- provides for more openness in the Family Court processes
- gives the Court more options when dealing with breaches of Court orders.

The Act emphasises that the welfare and the best interests of children are always the first and most important issue in any debate.

- A judge must listen to the children and take their needs and wants into consideration
- The children must have an independent lawyer
- Children can appeal Family Court decisions that affect them
- Children can ask the court to review parents' and guardians' decisions
- Guardianship ends at 18. Guardianship will also end if the child is 16 or over and enters into a civil union, marriage, or de facto relationship - the child needs written consent for this.

Encouraging cooperative parenting

- The Act puts emphasis on the responsibilities that parents have rather than the rights
- The Act also uses the words 'day-to-day care' instead of 'custody', and 'contact' instead of 'access'. Parenting Orders replace Custody and Access Orders

- The Act emphasises that parents' responsibilities are on-going. Parents without day-to-day care are encouraged to have contact
- The Act encourages parents to make their own decisions about their children and formalise it with a Parenting Agreement. A Court then can make an Order based on that agreement
- If parents can't agree the Court can arrange counselling. If this is not an option then a Parenting Order can be applied for through the Family Court
- A Parenting Order is seen as the last resort and gives day-to-day care to one parent or guardian. It also formalises contact.

Recognising Different Arrangements for Children

- The Act makes it clear that it is important for children to keep their links with wider family
- It encourages wider family to participate in care and upbringing of children
- With the Family Court's permission, members of the wider family can apply to the court for a Parenting Order
- Parents can appoint a new partner as Guardian after that person has been with the children for a year. Usually they will have to get the other parent's agreement. The Family Court Registrar then checks this.

Greater openness in the Family Court

The Children's Act allows the public to know more about what goes on in Family Court. If a person wishes to bring a person with them to Family Court for support, they may do so.

- The Act allows news reporters to attend Family Court sessions. There are strict limits on what they can publish. They cannot publish names or any information that might identify anyone involved.
- The Judge has the power to remove them from the courtroom at any time