



FAMILY LAW
SECTION
NEW ZEALAND LAW SOCIETY

NZLS EST 1869

Family Law Section Bulletin - Issue 135 - 31 March 2017

The Ministry of Social Development has asked the FLS to distribute this email to members.

On April 1 2017, the Ministry for Vulnerable Children, Oranga Tamariki (Oranga Tamariki) comes into existence and on the same day the Children, Young Persons and Their Families (Advocacy, Workforce and Age Settings) Amendment Act 2016 will come into effect.

Legislative Changes

There are four legislative changes that practitioners should be aware of:

- 17 year olds will now be included within section 2, 3 and 3A definitions of young person in care and protection matters. For 16 year olds turning 17, we are taking the approach that their current orders may expire when they turn 17. Oranga Tamariki is reviewing those orders and making an assessment as to whether an application need be made to extend those orders, depending on the circumstances for that young person. No decision will be made without engagement with the young person and with their family/whanau/caregivers and lawyer for the child. These reviews are being monitored on a national basis to ensure that no young person is overlooked. In rare circumstances it may be necessary to seek orders on an urgent basis. Our lawyers are available to talk

with practitioners about these issues if they have concern

- The chief executive of Oranga Tamariki has largely replaced the statutory functionary references to a social worker. For the time being at least, there should be no discernible difference as a result of this change.
- There are strengthened provisions about children's views and participation provisions in new section 11. This change enables support persons to attend court proceedings and FGCs to assist the child/young person to participate/express their views.
- There is a new requirement in section 7 for the chief executive to provide children and young persons with an opportunity to express their views for the purpose of contributing to process and service improvement.

Change of reference

Where proceedings reference the chief executive of MSD from 1 April, by virtue of section 30H of the State Sector Act 1988, that is substituted for the chief executive of Oranga Tamariki.

Legal Representation

In addition, the chief executive of Oranga Tamariki and the MSD have now reached agreement to receive some of their legal services from a shared legal service. The Solicitor-General has reviewed that agreement and has approved the sharing and authorised those solicitors to conduct certain litigation for both agencies, including representation before the Family Court.

Rule 15.2.4(c) of the Lawyers and Conveyances (Lawyers: Conduct and Client Care) Rules 2008 allow for solicitors engaged by a crown organisation to provide services to any other crown organisation but the cabinet directions on the Conduct of Crown Legal Business 2016 require the Solicitor-General's approval to provide certain services.

In practical terms this should have little impact on the conduct of proceedings because the legal staff currently working on matters will continue to do that work. The contact details of solicitors will remain the same and practitioners can expect seamless continued service.

The only visible change is in our practice name. “MSD legal services” will now be MSD and Oranga Tamariki shared legal service”. All emails and other contact details remain the same.

The same management arrangements will remain in place except that there will be a new chief legal advisor for Oranga Tamariki work. Tessa Bromwich, who is on secondment from the Crown Law Office, will be acting chief legal advisor at Oranga Tamariki. Rupert Ablett-Hampson will continue as chief legal advisor at MSD.

Below is a list of MSD and Oranga Tamariki shared legal service regional management and the responsible deputy chief legal advisor. These managers are available in the event that practitioners feel the need to escalate matters related to the conduct of proceedings.

Deputy Chief Legal Advisor – Litigation – Michelle Johansen

Ph: 03 961 4343 Mobile: 029 200 6176

Email: Michelle.Johansen002@msd.govt.nz

Postal Address: PO Box 940, Christchurch 8040

Legal Services Regional Litigation Managers

Karen Bradley

Mobile: 029 201 2428

Email: karen.bradley001@msd.govt.nz

Postal Address: PO Box 105 606, Auckland 1143

Family Court locations

Kaitaia, Kaikohe, Whangarei, Dargaville, Warkworth, North Shore, Auckland, Waitakere

Anthony Dixon

Mobile: 029 913 1267

Email: Anthony.Dickson010@msd.govt.nz

Postal Address: PO Box 97106, Manukau 2241

Family Court locations

Manukau, Papakura, Pukekohe

Tasi Malu

Mobile: 029 650 0051

Email: tasi.malu002@msd.govt.nz

Postal Address: Private Bag 12009, Tauranga 3143

Family Court locations

Huntly, Hamilton, Te Awamutu, Te Kuiti, Thames, Waihi, Morrinsville, Rotorua, Tokoroa, Taupo, Tauranga, Whakatane, Opotiki, New Plymouth, Hawera

Michelle Howard-Sager

Mobile: 029 245 9425

Email: Michelle.Howard-Sager002@msd.govt.nz

Postal Address: PO Box 836, Whanganui 4540

Family Court locations

Wairoa, Gisborne, Hastings, Napier, Waipukurau, Taumarunui, Taihape, Wanganui, Marton, Dannevirke, Feilding, Palmerston North, Levin, Masterton, Porirua, Upper Hutt, Lower Hutt, Wellington, Chatham Islands

Philip Royal

Mobile: 029 961 6175

Email: philip.royal002@msd.govt.nz

Postal Address: PO Box 940, Christchurch 8040

Family Court locations

Blenheim, Nelson, Westport, Greymouth, Christchurch, Ashburton, Timaru, Oamaru, Alexandra, Queenstown, Dunedin, Balclutha, Invercargill, Gore

Family Law Section, New Zealand Law Society, 26 Waring Taylor Street, PO Box 5041, Wellington 6145, DX SP20202 Phone: 04 472 7837 Fax: 04 463 2983