

Care of children: Stopping a child being taken out of Aotearoa New Zealand



Published: March 2024

What you will find in here

Page number:



What this Easy Read is about.....3



Taking a child out of Aotearoa
New Zealand.....8



Stopping a child from being taken
out of Aotearoa New Zealand 11



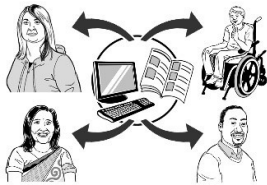
What the Family Court can do..... 16



What to do if a child has already
been taken out of Aotearoa
New Zealand..... 18



Places where you can get
support 20



Where to find more information..... 31

What this Easy Read is about



This Easy Read document has been written by the Ministry of Justice.



This Easy Read document has information about what you need to know if you are going through the **Family Court**.



The **Family Court** is a court that assists New Zealanders with family matters.



There are 58 Family Courts throughout New Zealand.



You can find more Easy Read information about the care of children and the Family Court on this **website**:

www.justice.govt.nz/care-of-children/resources



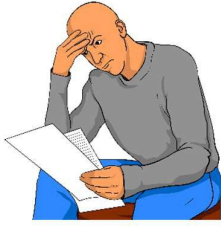
This is a long Easy Read document.

Some things you can do to make reading it easier are:



- read it a few pages at a time
- set aside some quiet time to look at it
- have someone read it with you to support you to understand it.

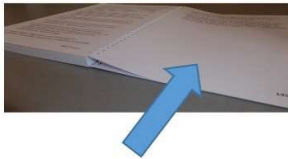




While this document has been written in Easy Read there is still a lot of complex information.



It is a good idea to get further advice.



On **pages 20 to 30** you can find information about places where you can get advice and support.



If you or someone you know does not feel safe right now you can:

- phone the police on **phone: 111**
- contact **Are You OK** on:



phone: 0800 456 450

website: www.areyouok.org.nz



Are You OK is an information service that can help you if you:

- are being hurt by someone
- see someone being hurt
- want to stop hurting someone.



You can also find more information on the Ministry of Justice **website**:

www.justice.govt.nz/family-violence



There are lots of phone numbers in this Easy Read document.



If you find it hard to use the phone the **New Zealand Relay** service is for people who are:

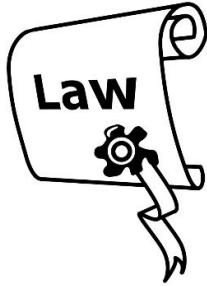
- Deaf / hard of hearing
- deafblind
- speech impaired / find it hard to talk.



You can find out more about the New Zealand Relay service at:

www.nzrelay.co.nz

Taking a child out of Aotearoa New Zealand



It is breaking the law to take a child / children out of Aotearoa New Zealand if:

- it goes against a court order
- there is a court case about the child / children coming up
- another person is about to apply for a court order.



This includes travelling overseas for a holiday.



If there are court orders then the **legal guardians** and all people named must say yes to a child being taken out of Aotearoa New Zealand.



A **legal guardian** is an adult who is responsible for caring for a child / children.



Court orders include:

- Parenting Orders
- Order to Settle a Dispute between Guardians.



A **Parenting Order** is made by the Family Court to decide:

- who will have day to day care of a child / children
- how someone that does not have day to day care can spend time with a child / children.

An **Order to Settle a Dispute between Guardians** is made by the Family Court to settle **disputes** between parents / guardians.

A **dispute** means parents / guardians are not able to come to an agreement about things such as:

- medical care / treatment
- religion
- changes to the surname / family name of the child / children.

Stopping a child from being taken out of Aotearoa New Zealand

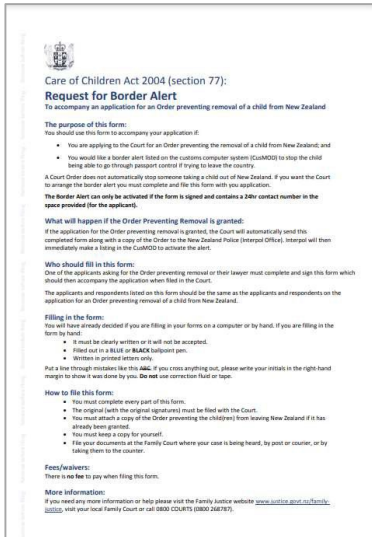


If you want to stop someone from taking a child / children out of Aotearoa New Zealand you can apply to the Family Court for an **Order Preventing Removal**.



Order Preventing Removal is a court order that means:

- a child / children cannot be taken overseas
- passports / travel documents can be taken by the Family Court.



If you want an **alert** to be sent to border staff you will also need to fill in a **Border Alert Request form**.

An **alert** means it will come up as a red flag on the border computer system that the child /children cannot leave Aotearoa New Zealand.



You can find the Border Alert Request form on the Ministry of Justice website:

www.justice.govt.nz/assets/border-alert-request.pdf



You can also phone the Ministry of Justice to ask for the form to be posted to you:

0800 224 733



A judge will look at the Order Preventing Removal application before making a decision.



If an Order Preventing Removal is given then the Police and **border staff** can be told about the Order to stop the child / children being taken overseas.



Border staff are people who work at airports.



An Order Preventing Removal stays in place until either:

- the child turns 16 years old

or

- someone applies to a judge to cancel it.





Anyone can apply for an Order Preventing Removal.



Most of the time the people who apply for an Order Preventing Removal are:

- a parent / legal guardian of the child / children
- the other spouse / partner of the child's / children's parent
- whānau / family of the child / children
- carers or people who have day to day contact with the child / children under a court order.





If the Court makes an Order Preventing Removal the child / children cannot be taken out of Aotearoa New Zealand by anyone.

This includes the person who applied for the Order.

What the Family Court can do



To stop someone taking a child / children out of Aotearoa New Zealand the Family Court can:

- take all passports / travel documents for the child / children
- take all passports / travel documents for the person who planned to take the child / children overseas
- order that the child / children cannot be taken out of Aotearoa New Zealand:



- for a set amount of time

or

- until the court makes another court order.



To stop someone taking a child / children out of Aotearoa New Zealand the Family Court can also issue a **warrant**.



A warrant is a legal document made by a judge that is given to the Police or social worker.

It outlines:

- what must happen to the child / children to keep them safe
- who the child / children must stay with even if for a short time until the court deals with the case.

What to do if a child has already been taken out of Aotearoa New Zealand



You need to do something quickly if you are worried about a child / children that may have been taken out of Aotearoa New Zealand without **permission**.



Permission means that everyone involved has agreed to the child / children travelling overseas.

The Central Authority can help you understand your options.

You can phone the Central Authority
at the Ministry of Justice:



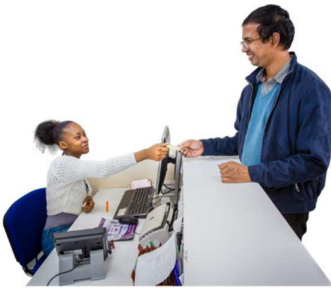
- if you are in Aotearoa New Zealand – phone **04 918 8800**
- if you are outside Aotearoa New Zealand – phone **+64 4 918 8800**

Places where you can get support



1. Family Court

The Family Court has **staff** that can assist people with the forms needed and next steps.



Staff are people who work at the Family Court.



Staff include:

- Kaiārahi / Family Court Navigators
- Family Court Co-ordinators
- Front counter staff.





Staff at the Family Court **cannot** give you legal advice.

You can talk to Court staff by:

- visiting the Family Court closest to you
- emailing:

kaiarahi@justice.govt.nz

- calling the Ministry of Justice on:

0800 224 733



2. Citizens Advice Bureau

Citizens Advice Bureau is also sometimes called **CAB**.



CAB can assist you to:

- understand your rights
- fill out forms.



To find out more information about CAB you can:

- go to this website:

www.cab.org.nz

- call this phone number:

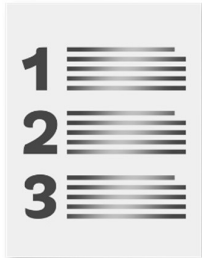
0800 367 222





3. Family Services Directory

The Family Services Directory:

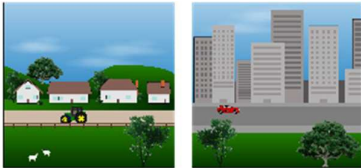


- has a list of support services that can assist whānau / family across Aotearoa New Zealand

- is an information service about all kinds of services such as:



- counselling
- housing / somewhere to live
- help with the cost of living such as food
- disability support
- transport.





To find out more information about Family Services Directory you can:

- visit their website:

www.familyservices.govt.nz



- call this phone number:

0800 211 211



4. CCS Disability Action

CCS Disability Action provides information and support to:



- disabled people
- their whānau / family.

To find out more information about CCS Disability Action you can:



- visit this website:

www.ccsdisabilityaction.org.nz

- email:

info@ccsDisabilityAction.org.nz



- phone:

0800 227 200



5. 1737: Need to Talk

At 1737: Need to Talk you can talk to a counsellor by:



- calling: **1737**
- texting: **1737**



1737: Need to Talk is open all day / night.



If the 1737 number does not work from your phone you can call this number:

0800 1737 1737



You can find out more about 1737: Need to Talk on this **website**:

www.1737.org.nz



6. Lifeline Aotearoa

At Lifeline you can talk to a trained counsellor by:



- calling: **0800 543 354**
- texting: **4357**



Lifeline is open all day / night.



You can find more information about Lifeline on their website:

www.lifeline.org.nz



7. Skylight

At Skylight you can talk to a trained counsellor.



You can talk to a counsellor if you are going through a difficult time.



You can phone:

0800 299 100



You can find more information about Skylight on their website:

www.skylight.org.nz



8. 0800 What's Up

0800 What's Up is a counselling service for:



- tamariki / children
- rangatahi / young people.



Children and young people can:

- phone:

0800 942 8787

- chat online at:

www.whatsup.co.nz



You can find more information about 0800 What's Up on their **website**:

www.whatsup.co.nz



9. Youthline

Youthline is a counselling service for:



- tamariki / children
- rangatahi / young people.



Children and young people can:

- phone: **0800 376 633**
- text: **234**
- chat online:



www.youthline.co.nz



You can find more information about Youthline on their website:

www.youthline.co.nz

Where to find more information



The Ministry of Justice has more information about parenting arrangements on their website:

www.justice.govt.nz/care-of-children



You can also talk to someone at the Ministry of Justice by calling:

0800 224 733



This information has been written by
Tāhū o te Ture – Ministry of Justice.



It has been translated into Easy Read
by the Make it Easy Kia Māmā Mai
service of People First New Zealand
Ngā Tāngata Tuatahi.



The ideas in this document are not the
ideas of People First New Zealand Ngā
Tāngata Tuatahi.



Make it Easy uses images from:

- Changepeople.org
- Photosymbols.com
- SGC Image Works
- Huriana Kopeke-Te Aho
- T. Wood.



All images used in this Easy Read
document are subject to copyright rules
and cannot be used without
permission.