



Stopping a child being taken overseas

If a child is being taken out of Aotearoa New Zealand, all the child's legal guardians must agree, including people named in any 'Parenting Order' or 'Guardianship Order'.

It's against the law to take a child out of Aotearoa New Zealand if:

- it goes against a 'Parenting Order'
- a case involving the child is about to go to court
- another person is about to apply for a court order.

Resources and services to help you

Apply to stop a child being taken overseas

If you want to stop someone from taking a child out of Aotearoa New Zealand, you can apply to the Family Court for an 'Order Preventing Removal'. A judge will consider your application before making a decision.

If the Family Court makes an 'Order Preventing Removal', the child is not allowed to be taken overseas. This will also stop anyone from being able to apply for a New Zealand passport for the child.

The Police and border staff can be alerted if someone tries to take the child out of Aotearoa New Zealand. If you want an alert sent to the border, you'll need to submit a 'Border Alert Request' when you apply for an 'Order Preventing Removal'

Find the application forms by:

- visiting the Ministry of Justice website
- freephone 0800 224 733 to ask for a posted copy.

Who can apply

Anyone can apply for an 'Order Preventing Removal'. Typically, people who apply are:

- a parent or legal guardian of the child
- a spouse or partner of the child's parent
- whānau (family and friends) of the child
- carers, or people who have day-to-day contact with the child under a 'Parenting Order'
- about to apply for a 'Parenting Order'.

What the Family Court can do

To stop someone taking a child overseas without permission, the Family Court can:

- take all passports and travel documents for the child and the person who planned to take the child overseas
- order that the child can't be taken out of Aotearoa New Zealand, either for a period of time or until the court makes another court order
- issue a warrant so the Police or a social worker can take the child to stay with someone who will look after them until the Court deals with the case.

A child can't be taken overseas if the Court makes an order

If the Court makes an 'Order Preventing Removal', the child can't be taken out of Aotearoa New Zealand by anyone, including the person who asked for the order.

If you need to take the child out of Aotearoa New Zealand for any reason, it might help to mention it in your application for an 'Order Preventing Removal'.

An Order Preventing Removal stays in place until the child either turns 16 years old, or someone applies for a judge to cancel it.

If a child has already been taken overseas

You should act quickly if you're worried about a child who has been taken (or kept) overseas without permission. The Central Authority is the first point of contact under the Hague Convention and can help you understand your options.

Contact the Central Authority at the Ministry of Justice:

- **Phone 04 918 8800 (or +64 4 918 8800 if you're outside Aotearoa New Zealand).**

You can get legal advice at any time

It may be helpful to talk to a lawyer to understand your rights if you're worried about a child being taken overseas. If you're not sure where to start, visit your local Community Law Centre or communitylaw.org.nz

You have the right to feel safe

You can get help if you or someone else feels unsafe:

- If you or someone else is in immediate danger call 111
- Visit justice.govt.nz/family-violence
- Visit areyouok.org.nz
- Freephone 'Are You OK' on 0800 456 450

Where to get support

In your community

Kaiārahi (Family Court Navigators), Family Court Co-ordinators and court staff can guide you when sorting out parenting arrangements but cannot give you legal advice. Kaiārahi can also connect you with community support services in your area.

Contact:

- Visit your local court
- Email kaiarahi@justice.govt.nz
- Freephone the Ministry of Justice on 0800 224 733

Organisations to help you

Citizens Advice Bureau

They help you understand your rights and fill out forms.

- Freephone 0800 367 222
- Visit cab.org.nz

Community Law Centre

They offer free, confidential one-on-one legal help for people across Aotearoa New Zealand/

- Visit communitylaw.org.nz

Family Services Directory

They have a list of support services that help whānau (family and friends) across Aotearoa New Zealand. These services range from housing to counselling.

- Freephone 0800 211 211
- Visit familyservices.govt.nz/directory/

CCS Disability Action

They provide information and support to people with disabilities and their whānau (family and friends)

- Freephone 0800 227 200
- Email info@ccsDisabilityAction.org.nz

Counselling

For professional support for mental health, or other personal issues, contact:

- Need to Talk – Freephone or text 1737 or visit 1737.org.nz
- Lifeline – Freephone 0800 543 354 or text 4357
- Skylight – Freephone 0800 299 100 or visit skylight.org.nz

For children and young people

- What's Up – Freephone 0800 942 8787
- Youthline – Freephone 0800 376 633 or text 234

If you feel unsafe

- Visit areyouok.org.nz
- Freephone 'Are You OK' on 0800 456 450