



OIA-CE-2024-02411

29 July 2024

Paul King  
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Tēnā koe Paul

Thank you for your email, received on 21 June 2024, to Oranga Tamariki—Ministry for Children (Oranga Tamariki) requesting information on the legal basis for visitation arrangements. 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.*

On 1 July 2024, you sent the following clarification for your request:

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*In response to your request for specific information regarding a particular case, I must clarify my initial inquiry. I sought general information about the legal basis for a situation where a father, who is an ex-husband, is being compelled to share his visitation time with his children with his ex-wife.*

*Specifically, I would like to understand which law or regulation mandates this arrangement.*

*I believe it is unnecessary to provide the specific names of the individuals involved for you to offer the relevant OIA information. Additionally, I am hesitant to disclose any names due to concerns about potential repercussions for the parents involved, as the Ministry of Children has mandated this outcome.*

Sections 5, 7, and 13 of the [Oranga Tamariki Act 1989](#) impose obligations on Oranga Tamariki to facilitate contact and strengthen family relationships for tamariki we are involved with, but we cannot and do not oblige parents to take actions regarding contact. Generally, the Family Court sets out access or imposes conditions under the Care of Children Act 2004 (including [section 48](#)) or the Oranga Tamariki Act 1989 (including [section 121](#)).

Typically, Oranga Tamariki will not have any involvement in contact arrangements for children who are not in the care or custody of Oranga Tamariki. Oranga Tamariki only has involvement in contact arrangements for children who are not in the care or custody of Oranga Tamariki in particular circumstances, and generally where there are concerns about the safety or wellbeing of a child. For example, Oranga Tamariki may be involved in wardship arrangements where we are tasked with taking specific actions as directed by and on behalf of the Court, or in developing Family Group Conference plans that include contact arrangements as part of the agreed plan to respond to care or protection concerns. In both cases, Oranga Tamariki would not be able to force parents to comply with the arrangement.

The Family Court may at times seek advice or reports from Oranga Tamariki under sections 131A and 132 of the Care of Children Act 2004 respectively, to help inform decisions on applications before the court. Section 131A requires us to provide brief written advice about the nature and extent of any involvement we have had with the parties. Section 132 requires us to provide a report on an application for guardianship of a parenting order. You can find out more about this here:

- [Family Court | Practice Centre | Oranga Tamariki](#)
- [Information to the Family Court – section 131A | Practice Centre | Oranga Tamariki.](#)

You can find out more about how we fulfil our obligation under sections 5, 7 and 13 to facilitate contact and strengthen family relationships for tamariki who are in the care or custody of Oranga Tamariki on the Oranga Tamariki website here:

- [Whānau connections](#)
- [Supporting whānau connections | Practice Centre | Oranga Tamariki](#)

In relation to the specific example you raise, I am not able to comment further without knowing the specific circumstances. Where Oranga Tamariki have a role in facilitating

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access for parents or whānau the exact nature of those arrangements, including who would be present, will depend on the unique situation of the child, their whānau and the reason Oranga Tamariki is involved. If you have a specific situation that you would like us to look into, I would be happy to arrange for this to be independently reviewed through our complaints team.

Oranga Tamariki may make the information contained in this letter available to the public by publishing this on our website with your personal details removed.

I trust you find this information useful. Should you have any concerns with this response, I would encourage you to raise them with Oranga Tamariki. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Information about this is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or by contacting them on 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'ND', with a stylized flourish extending from the end.

Nicolette Dickson

**Te Tumu Tauwhiro | Chief Social Worker**  
**Deputy Chief Executive | Professional Practice**