



18 AUG 2015

Wiremu Bayliss  
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Dear Mr Bayliss

Thank you for your email of 28 June 2015 asking, under the Official Information Act, under what circumstances the guardianship of biological parents can be terminated, what sections of the legislation this is done under and what this means for the child. You also go on to ask if the caregiving families, who may be additional guardians, are able to adopt the child in these circumstances.

I am pleased to advise that there is information publicly available on these matters. The Family Justice website at <http://www.justice.govt.nz/family-justice/about-children/guardians-and-guardianship/appointing-or-removing-a-guardian> has information on the appointment and removal of guardians. Child, Youth and Family's on-line Practice Centre also has some key information about guardianship at [www.practicecentre.cyf.govt.nz/policy/caring-for-children-and-young-people/key-information/custody-guardianship-and-wardship.html](http://www.practicecentre.cyf.govt.nz/policy/caring-for-children-and-young-people/key-information/custody-guardianship-and-wardship.html).

The law on guardianship is complex and there are a number of different types of guardians. In summary, guardianship is governed by the Care of Children Act 2004. The Family Court can appoint new guardians, remove guardians or settle disputes between guardians.

Under Section 29 of the Care of Children Act 2004 the Family Court may make an order removing a parent as guardian of a child where it is satisfied either that the parent is for some grave reason unfit to be guardian, or that they are unwilling to be a guardian. In any such circumstance there are several options available to support the child or young person's permanent care arrangements where necessary.

Any guardianship decision by the Court will be unique to the child's individual circumstances, but in all such decisions the most important factors are the child's welfare and best interests, and you will need to seek legal advice on this.

I trust that this response is helpful to you.

Yours sincerely

Nadine Kilmister  
General Manager  
Office of the Chief Executive