

EDITORIAL NOTE: CHANGES MADE TO THIS JUDGMENT APPEAR IN [SQUARE BRACKETS].

NOTE: PURSUANT TO S 139 OF THE CARE OF CHILDREN ACT 2004, ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B, 11C AND 11D OF THE FAMILY COURT ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE <https://www.justice.govt.nz/family/about/restriction-on-publishing-judgments/>

**IN THE FAMILY COURT
AT OAMARU**

**I TE KŌTI WHĀNAU
KI TE OHA-A-MARU**

**FAM-2017-045-000060
[2018] NZFC 10043**

IN THE MATTER OF	THE CARE OF CHILDREN ACT 2004
BETWEEN	[CASSIDY BONNER] Applicant
AND	[JOEL BONNER] Respondent

Hearing: 14 December 2018

Appearances: N Sinclair for the Applicant
G O'Connor for the Respondent
N Alexander as Lawyer for the Children

Judgment: 14 December 2018

ORAL JUDGMENT OF JUDGE M B T TURNER

Background

[1] Ms [Bonner] and Mr [Bonner] are the parents of [four children].

Application

[2] The proceedings were filed by their mother on 18 October 2017, on a without notice basis. She obtained an interim parenting order which granted her day-to-day care of the children and Father supervised contact. She raised issues of Father's alcohol consumption, illicit drugs and violence towards her and the children.

[3] On 18 December 2017, the interim parenting order was varied in relation to Father's contact. Specific arrangements were made for the father to see the children, (except [the eldest child], who did not wish to see him), such contact being supervised by the paternal grandmother.

[4] The proceedings were then adjourned to April; then to August; and to today's date. What has held up a progression of matters is Father's reluctance to undertake a drug screen.

Update

[5] Father has today filed an updating affidavit which attaches the results of a drug screen undertaken by him in late November 2018. That shows a negative result for a range of illicit drugs, but a positive result for cannabis.

[6] This morning I have discussed the way forward with counsel. There is a Police investigation underway which has not been completed. That was the result of a complaint made by a social worker in relation to Father disciplining a child with a wooden baton.

[7] Lawyer for child's enquiries reveal that the investigation has not been completed. It has not been pursued with any vigour. Lawyer for child does not consider the allegations are such that it should prevent contact becoming unsupervised in due course.

[8] I stood the matter down to enable the parties to discuss Christmas arrangements and a proposal to move matters towards a final order. I am pleased to report that through that process agreement has been reached to enable the father to have “monitored” contact with the children, away from an agency, and for that to move to unsupervised and overnight contact in the event that he provides a clean drug screen.

Orders and Directions

[9] I make the following orders and directions:

- (a) I adjourn the Directions Conference to 25 January 2019 at 10.00 am, in expectation that a final order might be possible that day.
- (b) I vary the interim parenting order as follows:
 - (i) Mother is to retain day-to-day care.
 - (ii) Father is to have monitored contact with the children. The first contact is to occur on Christmas Day from 4.00 pm until concluding at 8.00 pm. Thereafter, Father is to have contact, monitored as I have noted, between 10.00 am and 8.00 pm each Thursday. The changeover point for contact is the [location deleted]. Contact is to be monitored (not closely supervised) by either of the paternal grandparents.
 - (iii) The contact arrangements are for the three younger children only. [The eldest child] is, given [their] age and views, is to be left to make [their] own arrangements with [the] father.
 - (iv) The following conditions are to attach to Father’s contact:
 - 1. Father is not to consume alcohol or illicit drugs within 12 hours of or during contact with the children.

2. Father is not to use any form any physical discipline on the children.
- (c) Father is to forthwith undertake a further hair follicle test screen and provide the results forthwith upon receipt to the Court and other counsel.
 - (d) In the event that test proves negative for all illicit drugs, the requirement for monitoring his contact can be removed, and contact can progress to overnight contact.
 - (e) Lawyer for child is authorised to then meet with the parties to endeavour to formulate an appropriate contact regime for the younger children.
 - (f) My expectation is that on 25 January next a final order will be made.
 - (g) I am satisfied, from what I have heard, reinforced by the views of all counsel, that the children will be safe in the unsupervised care if the father is not intoxicated or under the influence of illicit drugs.
 - (h) While there remains an ongoing police investigation, I accept lawyer for child's assessment that the condition which I have imposed prohibiting the use of physical discipline, meets any concern in that regard.

M B T Turner
Family Court Judge