

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

**NOTE: PURSUANT TO S 169 OF THE FAMILY PROCEEDINGS ACT 1980, 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 HASTINGS**

**I TE KŌTI WHĀNAU  
KI HERETAUNGA**

**FAM-2020-020-000037  
[2020] NZFC 4345**

IN THE MATTER OF	THE FAMILY PROCEEDINGS ACT 1980
BETWEEN	[OLIVE MCKAY] Applicant
AND	[CONNER HOLDEN] Respondent

Hearing: 16 June 2020

Appearances: R McKenzie for the Applicant  
No appearance by or for the Respondent

Judgment: 16 June 2020

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**ORAL JUDGMENT OF JUDGE M A COURTNEY**

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[1] Ms [McKay] has made an application for a paternity order against [Conner Holden] with regard to her daughter [Rosa]. When the application was filed, Ms [McKay] was unable to provide an address for service on Mr [Holden] and an application for substituted service was made.

[2] An order for substituted service was made [in early February] for service by advertisement in [a newspaper]. That occurred, but in fact Mr [Holden] has attended

at Court on 3 March to personally uplift the proceedings for service on him. Even though he has taken that step, he has not filed anything in response to the application.

[3] Ms [McKay] tells me that she has not heard from Mr [Holden] since he was served with the documentation. The application is therefore before the Court today by way of formal proof hearing.

[4] In her affidavit in support of the application, Ms [McKay] sets out that she and Mr [Holden] were not in a relationship, but she says that she did have sex with him on two occasions in July 2017, which she is able to identify by the specific dates of 15 and 22 July. There is a medical certificate attached to Ms [McKay]'s affidavit dated 20 February 2018 which is signed by Ms [McKay]'s midwife saying that at that stage she was currently 31 weeks pregnant, which would accord with the evidence as to date of conception given by Ms [McKay].

[5] Ms [McKay] says that following [Rosa]'s birth she got in touch with Mr [Holden] but he did not wish to have his details included in the birth certificate.

[6] Over 8 and 9 November 2019, Ms [McKay] was in text communication with Mr [Holden] asking if he would be prepared to help out by providing financial assistance. He responded that he was not, but the tenor of those texts suggests that he acknowledged he was [Rosa]'s father but he did not wish to have anything to do with her. He was not denying in those texts that he was the father, simply saying comments such as, "How many times do I have to make it clear to you, I didn't or do not want anything to do with her," referring to [Rosa]. He refers to the fact that Ms [McKay] went on to give birth was her choice and one that he did not want, once again not an objection to the fact that he might be the father.

[7] Having been served with the papers, and having been personally served where he is able to read the affidavits, he has not got in touch with the Court to dispute he could be the father.

[8] I am therefore satisfied on the balance of probabilities that [Conner Holden] is the father of [Rosa McKay] born on [date deleted] 2018 and I make a paternity order reflecting that relationship.

[9] That order is now made, so that concludes the proceedings.

M A Courtney  
Family Court Judge