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IN THE FAMILY COURT
AT CHRISTCHURCH

I TE KŌTI WHĀNAU
KI ŌTAUTAHI

FAM-2023-009-000885
[2023] NZFC 8182

IN THE MATTER OF	THE CARE OF CHILDREN ACT 2004
BETWEEN	[GRACE FIELD] Applicant
AND	[STEWART AMES] Respondent

Hearing:	26 July 2023
Appearances:	J Guest for the Applicant B Thomas and M Sandom for the Respondent
Judgment:	2 August 2023

JUDGMENT OF JUDGE M J HUNT

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[1] The parties are the parents of [Jarrod Ames-Field], born [date deleted] 2019. What is at issue in these proceedings is the application of the Hague Convention[1] to the circumstances of the parties and [Jarrod].

[1] As reflected in the relevant provisions of the Care of Children Act 2004.

[2] [Ms Field] is a United States citizen and wishes to return to the United States with [Jarrod]. She says any dispute about care arrangements for [Jarrod] can be resolved there. [Ms Field]'s application is opposed by [Mr Ames] who wishes the issues of care, contact and any relocation/return to the United States with [Jarrod] to be resolved in New Zealand. This case is somewhat unusual for a Hague Convention matter in that both parties and [Jarrod] are in New Zealand and have been since April 2022.

[3] In the background, there are proceedings under the Care of Children Act 2004 and an application for a parenting order by [Mr Ames]. There is an interim agreement dated 8 May 2023,[2] involving a 2/2/5/5 care arrangement spread across a two week cycle. It is not genuinely in dispute that [Mr Ames] is the father of [Jarrod] although there is also a paternity application by him as he was not registered as the father at birth.

[4] The essential facts are that the parties met when [Ms Field] was involved in [study] at the University of Canterbury in New Zealand from 2017-2019. Their relationship started in 2018 and was not of long standing when [Ms Field] became pregnant in early 2019. She suspended her studies for a mix of reasons and returned to the United States. [Jarrod] arrived a little early on [date deleted] 2019.

[5] [Mr Ames] did not arrive in the USA in time for the birth but did arrive shortly afterwards and remained there for about two months. He had remained in contact with [Ms Field] and the intention that he would be present at or about the time of birth is not in dispute. However, the extent to which he was involved in the care of [Jarrod] after [Jarrod]'s birth and before his return to New Zealand is not common ground.

[6] Subsequent to that, the impact of COVID-19 and the ongoing discussions between the parties meant that [Ms Field] did not return to New Zealand until [date deleted]April 2022. The question of her intent in doing so is one of the key issues in this case.

[2] Exhibit A affidavit [Mr Ames] 27 June 2023.

[7] The hearing, as is required in Hague Convention matters,[3] was scheduled and proceeded with an emphasis on timeliness on the basis of the affidavit evidence of the parties and submissions with a focus on the issues identified in the application and notice of defence. The notice of defence was amended on 24 July to identify that only two key aspects that were in issue.

[8] To the extent there are conflicts in the parties' evidence, I am mindful that this has been a submissions-only hearing and the evidence has not been tested through cross-examination. The approach where there is contested evidence in this setting is explained by the Court of Appeal in *Basingstoke v Groot:*[4]

> [39] We consider that the approach of Butler-Sloss LJ is too extreme. The fact that the evidence has not been tested must be taken into account. However, the standard of proof remains on the balance of probabilities and Butler-Sloss LJ's approach risks raising that standard. In our view, deciding on conflicts of evidence is done in the usual way, taking into account such factors as any independent extraneous evidence, consistency of the evidence (both internally and with other evidence) and the inherent probabilities. This Court has said that, where it is necessary to assess parental purpose in order to decide on questions of habitual residence, this is to be assessed not only on the basis of the subjective intentions of the parents but also on the "objective manifestations of the intent": see *SK v KP* at [75]. Courts will thus no doubt be inclined to attach more weight to the contemporaneous words and actions of the parents (and any independent evidence) than to their bare assertions in evidence as to the position — see *Re H (minors) (abduction: acquiescence)* [1998] AC 72 at 90 per Lord Browne-Wilkinson.
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> [40] After assessing the evidence in the normal way, the court must decide, on the basis of all of the evidence, whether the applicant has proved the matters set out in s 105 of the Care of Children Act (in this case habitual residence) on the balance of probabilities. We recognise that there may be cases where it is not possible, after making due allowance for the absence of cross-examination, to resolve the conflicts of evidence. If that is the case, then the applicant will have failed to discharge the burden and the application will be refused. Such cases would, in our view, be relatively rare. The Judge should, however, articulate why and to what extent the evidence of the parties is accepted or rejected and the effect that this has on the determination. This was not done adequately here: see [44] of the judgment (set out at [22] above). This means that, even absent the mistake on onus, there would have been some difficulty in ascertaining the reasons for the Family Court decision.

[9] I am mindful of this approach but also that inevitably in cases such as this, where each party has a different desired outcome, affidavits and recollections can

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[3] Care of Children Act, s 107.
[4] *Basingstoke v Groot* [2007] NZFLR 363, [2006] 26 FRNZ 707 (CA).

become somewhat revisionist and selective when highlighting past events and/or putting events into a broader context. In that regard a large body of information has been supplied, in particular by [Ms Field], but some of it appears somewhat out of a context. For example, communications which were annexed between herself and others[5] said to document her intentions so far as travel to New Zealand was concerned are not put into any sort of broader context that would assist in understanding their significance or relevance to the issues I have to decide.

The issues

[10] The grounds for opposing the order are identified in the amended notice of defence dated 24 July. They are that:

(a) [Jarrod] was not habitually resident in the United States immediately before his removal;[6] and

(b) There is a grave risk that [Jarrod]'s return would:

(i) expose him to a physical or psychological harm; and

(ii) would otherwise place him in an intolerable situation.

[11] Previous issues in the initial defence of whether there had been removal or otherwise and whether the proceedings were within time were not pursued and are not addressed in this decision save in relation to the timing of the retention that I address only as part of the context when considering habitual residence.

The law

[12] The way in which the issues have been identified and refined gives rise to two discrete enquiries. The first relates to whether or not the applicant can satisfy the Court

[5] Exhibit R affidavit 8 May 2023 – a selection of text exchanges with an unknown third party said to demonstrate an intention to return to the USA after completion of the [qualification] – but lacking reference to the recipient and appearing to be dated well prior to the return to New Zealand – 27.4.2020 appears on the document.

[6] Removal includes retention, Care of Children Act, s 95.

that the grounds for return are made out under s 105 and, the second, whether the affirmative ground for refusal of an order under s 106(1)(c) is made out.

[13] Pursuant to s 105(1) the parent seeking the return of the child must establish that:

(a) The child is present in New Zealand;

(b) The child was removed from another contracting state in breach of that person's rights to custody in respect of the child;

(c) At the time of that removal those rights of custody were actually being exercised by that person or would have been so exercised but for the removal; and

(d) The child was habitually resident in that other contracting state immediately before the removal.

[14] It is not argued that (a), (b) and (c) are not established.

[15] If there is a dispute as to the child's habitual residence the onus remains on the applicant to show on the balance of probabilities that the country from which the child was removed was the child's habitual residence at the time of removal.[7]

[16] Although s 95[8] refers to the concept of habitual residence, this phrase is not defined in any statute or in the Hague Convention itself.

[17] The assessment of whether a particular country is a child's habitual residence is a factual enquiry necessarily tailored to the particular circumstances of the individual case. Parental purpose is not determinative, and the focus has to be on the child's actual situation and his/her connection with and integration in the relevant

[7] *Basingstoke v Groot* [2007] NZFLR 363 at [10].
[8] Care of Children Act.

country. Notably, Courts have also rejected the argument that in the case of a young child their habitual residence is inevitably that of the principal caregiver.[9]

[18] The principles relating to habitual residence were summarised in *Punter v Secretary for Justice*[10] confirming *SK v KP*.[11] In summary, these are:

(a) Habitual residence involves a broad factual enquiry that should take into account all relevant factors including settled purpose, the actual and intended length of the stay, the purpose of the stay, the strength of ties to the relevant countries, the degree of assimilation in the country, and cultural, social and economic integration;

(b) Settled purpose is very important but not necessarily decisive and should not override the underlying reality of the connection between the child and the particular country;

(c) Policy issues should be openly identified and weighed but must not obscure the factual nature of the enquiry.

[19] The second aspect relied upon is the affirmative defence by [Mr Ames] that the return would expose the child to physical or psychological harm and would otherwise place the child in an intolerable situation. The assessment of whether the child would be exposed to such a grave risk or situation is intensely fact specific.

[20] The cases that have dealt with this make plain that the Hague Convention itself is based on the Court acting in the best interests of children and that in deciding whether a return should be made, the best interests of the children should always be at the forefront of the Court's assessment.

[21] The term "grave" qualifies the risk and not the harm to the child. It indicates the risk must be real and reach a level of seriousness such that it is properly categorised

[9] *Langdon v Wyler* [2017] NZHC 2535; *O v R* [2018] NZHC 2696.
[10] *Punter v Secretary for Justice* [2007] 1 NZLR 40 at [88].
[11] *SK v KP* [2005] 3 NZLR 590.

as grave. The level of harm must amount to an intolerable situation, being a situation that an individual child should not be expected to tolerate.

[22] The wording of this provision is such that it is forward-looking, and it focuses on the circumstances of the child upon return and what might then prevail. To that extent a view of past behaviours may be relevant. In this case reliance on past patterns of behaviour and [Ms Field]'s acknowledged mental health diagnosis are said to be factors.

Submissions

[23] The submissions for both applicant and respondent were economical and focused. For the applicant the submission is that much of the evidence can be put to one side and that a number of relevant facts[12] are uncontested, those facts being that:

(a) The parties are [Jarrod]'s parents.

(b) [Jarrod] was born in the United States and raised by his mother in the United States from September 2019 to April 2022.

(c) [Jarrod] and his mother only came to New Zealand because of university study for which a limited immigration approval covered her presence here until the end of November 2023.

(d) There were no signs of any change of plan or any difficulty with [Jarrod] and his mother returning to the United States in November until his father took steps in April of this year specifically refusing to return him to his mother and applying to this Court for an order preventing removal.

(f) The parents have had a difficult relationship throughout [Jarrod]'s life.

[12] Para 6 a-f inclusive.

[24] The submissions on habitual residence are to the effect that there is no "real" issue that [Jarrod]'s habitual residence remained in the United States. [Jarrod] has spent over half his life in the United States and at the time of retention in New Zealand his return to the United States was imminent, both planned and required by his immigration status. His parents have not lived together during their stay in New Zealand and appear to have obvious difficulties. It is said there is no evidence at all for a change of habitual residence. Specifically, [Jarrod] was brought to New Zealand for the purpose of university study and that is said not to be in dispute.

[25] It is submitted for [Ms Field] that the unilateral retention by [Mr Ames] cannot change habitual residence and, therefore, in the absence of any change of intention by [Ms Field], [Jarrod]'s habitual residence could not have changed from the United States.

[26] The issue of grave risk is responded to on the basis that it too is unsustainable and the concerns which are expressed regarding the mother's mental health and any risks associated are equally well addressed in the United States if not actually better addressed than in New Zealand. A comparison to the scenario of [Jarrod] remaining in New Zealand highlights that the concern about risk of return is not tenable because there is agreement regarding shared care i.e., [Jarrod] is safe in his mother's care.

[27] The submissions for [Mr Ames] focus on the revised notice of defence, specifically [Jarrod]'s habitual residence was not the United States at the time of the retention and that it is possible for a child to become habitually resident in a new jurisdiction, even when the new residence is intended to be for a one-off, limited, or defined period.

[28] The focus of such enquiry as a broad factual one is emphasised. Emphasis is placed on the level of engagement achieved between [Mr Ames] and [Jarrod] upon the return to New Zealand. It is described as a unique circumstance where the child has been living in New Zealand for one year and three months, which overwhelmingly shows the child's settlement in New Zealand and establishes a strong connection to New Zealand and a weaker connection to the United States.

Analysis

Date of Retention

[29] This was not a specific issue in terms of the pleadings, but it is relevant in terms of the factual context about how long [Jarrod] was to remain in New Zealand and therefore the extent, if any, that is relevant to the analysis of habitual residence. I do note I was cautioned not to place too much emphasis on time spent in New Zealand by Mr Guest.

[30] [Ms Field]'s initial plan on return in April 2022 was to remain in New Zealand up to November 2023 to complete her study. This is reflected in her visa timeframes and study programme. The evidence/information is that her study programme is not yet complete and not likely to be completed by that date. However, an earlier return is now contemplated with study possibly to be completed remotely.[13]

[31] This case falls into the category where there has been an "anticipatory breach" around April when [Ms Field] travelled to Australia. [Mr Ames] retained [Jarrod] at that time and sought orders preventing [Jarrod]'s subsequent removal from New Zealand.

[32] The subsequent re-establishment of an agreed care regime was facilitated through counsel and resulted in the agreement for shared care. [Mr Ames], by his actions, made plain his intention that [Jarrod] not return to the United States until care and contact were resolved because of his anxiety that [Jarrod] would be removed to the United States without any real consultation with him. He was right about that. I note though that [Jarrod] remains where he was intended or likely to be at the present point in time.

[33] In the overall assessment of matters, one of those factors that I bring to bear is that it was envisaged by [Ms Field] that she would be in New Zealand up to November 2023. [Mr Ames] maintains that if her study had required longer or the relationship had worked out then an extension would have been sought.[14] I think that is likely

[13] This came from oral submissions.
[14] Para 33 affidavit of [Mr Ames] 27 June 2023.

correct provided she thought she would remain in control and have the choice to leave with [Jarrod] whenever she chose. While the date of retention was April the plan was for a longer stay.

[34] Mr Guest's point in that regard was that [Ms Field]'s plans, and visa were not extended and that reflected the settled intent to return to the United States on or before November 2023 and not to remain in New Zealand. I consider that reflects the final breakdown of the relationship and the emerging concern that remaining for a longer period in New Zealand might lead to difficulties for any ultimate return once her study was completed. In effect [Mr Ames] forced her hand by his actions but until then her plans were more fluid.

Habitual residence

[35] Much was said in the hearing about habitual residence, and it is the decisive consideration in this case. The factual nature of the enquiry is plain, and statements of principle have to be applied with caution to avoid becoming arbitrary without regard to the key and relevant facts.[15]

> The Court is guided in its assessment by a range of factors, including the actual and intended length of stay in a state, the purpose of the stay and whether there was a settled purpose, the strength of ties to the state and to any other state, the degree of assimilation to the state, including living and schooling arrangements, and cultural, social and economic integration.

I also note the caution:[16]

> The court must look at the situation from the child's view of the world rather … than a parent centred approach

[36] It was accepted that there does not have to be a plan to live indefinitely or permanently. The Court of Appeal said:[17]

> Some defined periods may be so long that it would be unrealistic to argue that there is not intended to be a change in habitual residence … Equally some periods of absence from an existing habitual residence would clearly

[15] *Gurnani v Gurnani* [2017] NZFC 9986 at [22].
[16] Supra para 25.
[17] *Punter v Secretary for Justice* [2004] 2 NZLR 28 at [88].

> be too short for there to be a tenable argument that there is intended to be a change in habitual residence.

[37] There is no dispute that [Ms Field] is a United States citizen and that [Jarrod] was born there and from September 2019 to April 2022 was resident in the United States. The extent to which a planned return at an earlier time was impacted by COVID-19 is not entirely clear but I am satisfied that it did have a material impact and in doing so extended the period of time spent in the United States in a way that was not anticipated or planned.

[38] Importantly, [Ms Field] remained intent on returning to New Zealand to complete her [qualification], notwithstanding any misgivings about Christchurch or possibilities about where she might ultimately permanently settle. The conversations with others about possible preferences are provided without any context but do highlight the preference for the University of Canterbury as the place she wished to study and notably in response to a question about splitting time between the United States and Christchurch she says, "I think mostly New Zealand".[18]

[39] The applicant also says of the situation regarding the relationship with [Mr Ames] that:[19]

> While [Stewart] and I tried to work on our relationship after April 2022, he always knew I intended to return with [Jarrod] to the United States. Our relationship ended for good in early 2023 after I learned that [Stewart] lied to me about the woman he lived with and the fact he fathered a child with this woman after [Jarrod] was born and working on trauma bonds with my current UC counsellor.

[40] Furthermore, she exhibits[20] an exchange that she refers to as:[21]

> In early April 2023 [Stewart] and I had a conversation that provided both of us some closure to our romantic relationship. We both acknowledged that we could have handled issues differently. We both acknowledged that we were dating other people (I am dating [name deleted] and [Stewart] is in a relationship with [name deleted]) and we tried to be amicable for the sake of [Jarrod].

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[18] Exhibit R, page R2.
[19] Paragraph 4 affidavit 8 May.
[20] Exhibit Y.
[21] Paragraph 5.

[41] It is said by [Ms Field] that there was a clear shared intent and agreement that [Jarrod] and [Ms Field] would return to the United States effectively at a time of her choosing. However, [Ms Field]'s adult life seems marked by a number of different educational opportunities and consequent living arrangements including [university deleted], [college deleted], a summer position in [country deleted], and [study] in [Australia]. Enrolment at the University of Canterbury occurred in November 2017 which was said then to run until October 2020 but was disrupted by issues with her study, pregnancy and COVID-19 restrictions.

[42] Reviewing the circumstances and considering the mix of relevant considerations, I conclude that [Ms Field] had mixed motives and purpose when returning to New Zealand. She could complete her studies but also follow through the possibility that the relationship with [Mr Ames] might be capable of reconciliation in a way that better facilitated either shared parenting or a family environment for [Jarrod]. Where that would end up was not settled or certain. What her future employment night look like was also unclear.

[43] Consistent with the mixed purpose and intention for the return to New Zealand, arrangements were made for [Mr Ames] to have regular and significant involvement with [Jarrod]. From April/May 2022 to April 2023 there were regular overnight visits and daily and weekly visits, including a period where [Jarrod] was looked after while [Ms Field] was at a work conference overseas from 13-18 April 2023.

[44] The final conclusion to the parties' relationship and [Mr Ames]'s actions resulted in the firm resolve for [Ms Field] to return to the United States. Her options were mixed in terms of where she might reside in the United States with options relating to her mother, who is unwell, and her father, who lives at a distance from her mother. It was not a return to any established or settled situation that had been placed on pause.

[45] The commitment by [Ms Field] to New Zealand is such that it cannot be characterised as short-term or transitory. While there was some uncertainty about the ultimate duration and outcome for the adults, I consider the time period is very significant having regard to [Jarrod]'s age and circumstance. In that regard, applying

a child focus is relevant. The time period was always likely to traverse timing of a significant part of [Jarrod]'s preschool education and, depending on the completion or otherwise of the [study], might have easily transitioned into a period of schooling as well as creating an important and significant connection with his father.

[46] This all contributes to establishing habitual residency in New Zealand for [Jarrod]. While there is suggestion that [Jarrod] has been unsettled in terms of the living arrangements made for his care over the time in New Zealand I consider there has been some fundamental continuity of involvement for both parents. For [Jarrod] there has been a routine of places and people he is familiar with as part of his habitual environment and routine.

[47] Between October 2022 and April 2023, the discussions about parenting arrangements were subject to [Ms Field]'s insistence, on her account,[22] that she retain the ability to return to the United States but without being clear as to when. However, between April and October 2022 there appears to have been no discussion, or after October no actions to give effect to that intent. Tickets were not purchased and the subsequent failure to renew visas can be construed as self-fulfilling by [Ms Field] and of little significance in terms of the assessment I must make of habitual residence for [Jarrod].

[48] The significance of the shift to New Zealand in April 2022 is reinforced given the circumstances of [Ms Field]'s mother, who had been gravely ill and is said to remain gravely ill. Leaving her mother in that situation indicates the importance of the return not just to studying but to New Zealand in general and is consistent with it being long planned no matter what was happening in the United States.

[49] A longstanding intention to relocate to complete the [qualification], the decision to do so, continuing discussions about the relationship and agreements about care arrangements all contribute to satisfy me that [Jarrod] can properly be said to have been habitually resident in New Zealand at the time he was retained in April of 2023.

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[22] Para 5.

[50] [Ms Field] has not completed her [qualification]. I consider that faced with the prospect of a shared parenting arrangement or the ongoing stay becoming increasingly significant and limiting her ability to move, she has decided not to complete her study in the way she planned. This suggests her imminent departure is more motivated by a desire to retain control and exclude [Mr Ames] than it is by a clear and settled purpose to return to the United States regardless of what happened in New Zealand.

[51] [Ms Field] has not established that [Jarrod] retained his habitual residence in the United States. The key points in terms in my findings are:

(a) [Ms Field] travelled to New Zealand with mixed motives, purpose and intent. Completing her study was a focus and motivation but so too was the prospect that the relationship with [Mr Ames] might reconcile and importantly the opportunity for [Jarrod] to establish and enjoy a relationship with [Mr Ames]. There were aspects of her plans that were finite in terms of the study visa ending in November 2023 as a projected term for her study period. However, the possibility of the stay being extended or having a more indeterminate nature for any of those reasons is entirely plausible and inconsistent with [Jarrod] retaining his habitual residence in the United States. I do not accept the characterisation of the personal relationship between the parties as a by-the-way or merely incidental aspect of the return. I consider that fostering the relationship despite the difficulties was a live issue and had been for some time. It was disrupted by COVID-19 but ultimately given effect to and was part of the plan to return to New Zealand.

(b) The situation in the United States was not one where accommodation, living arrangements or settled circumstances remained in place or were simply left on hold. The evidence of [Ms Field]'s father is of support being provided to [Ms Field] in the event of a return but there is no clear evidence about what that would look like or when it would occur. There was no retention of accommodation, no arrangements for continuation of study or employment, or a level of detail that is at all consistent with [Ms Field]'s life in the United States being placed on

pause for a finite period while she completed her studies in New Zealand.

(c) [Ms Field]'s affidavit[23] makes plain that there are a variety of arrangements in either [two states of the United States] which might be implemented but nothing that is clear-cut suggesting a life on hold in the United States.

(d) The situation so far as [Jarrod] is concerned having regard to his age and circumstance is settled. Regular contact with his father has been established. Pre-school and living arrangements are, having regard to a child's sense time and place, very likely to be firmly embedded in his memory, routine and world view. Applying a child-focused view of the world, [Jarrod] would have limited recollection of, or ongoing connection to, the United States. I note the ongoing video contact that he enjoys with his grandfather but that is no more than might be expected where family are at a distance.

(e) A factor in this matter is the length of time that has passed since return. Mr Guest was at pains to emphasise that it is only one consideration and not all important, but it is a relevant factor. I consider the circumstances to be consistent with a settled purpose to remain for an extended period. In combination with the possibility that the period could be extended if study and/or personal circumstances required it was of a duration such that it cannot be said that the United States remained the habitual residence. I am mindful of [Ms Field]'s emphatic view that she would always wish to return to the United States but notwithstanding her mother's ill health, the difficulties in the relationship with [Mr Ames] and the view she said she had about Christchurch, she returned to Christchurch intending to remain for up to 20 months and possibly longer. This lends more credit to [Mr Ames]'s proposition that a longer-term stay was in contemplation and

[23] Para 14.

that [Ms Field]'s definite intention to return only crystallised when it became clear that the parties would not resume a relationship and her freedom to do whatever she wanted without restriction was at risk.

(f) The principles of the Hague Convention do not exist in an abstract sense. They are not simply to be applied without regard to the reality of the situation. Should [Ms Field] return to the United States the contact that is occurring between [Jarrod], and his father would immediately be disrupted. A determination about care and contact would not have been made because this case is only about venue, but it would be most unlikely [Jarrod] would retain any significant or meaningful level of connection to [Mr Ames] or anything like the relationship that currently exists.

(g) The Hague Convention proceedings would effectively pre-determine the final outcome of a relocation application. That is not its purpose. To return [Jarrod] now would, on its face, ignore the potential serious implications of relocation without exploring them thoroughly. The venue for determination of the relocation is more appropriately New Zealand where both parties reside where there are no impediments, on the face of it, to [Ms Field] continuing to reside her[24] and where the merits of her proposal can be considered as opposed to Hague Convention policy being applied to circumvent or determine any relocation case.

Grave Risk

[52] This aspect relies heavily on the concerns regarding [Ms Field]'s mental health. There are acknowledged difficulties for her, but I do not find this aspect made out.

[24] While there was no discussion about her Visa there was no assertion that she faced any present direction to leave by Immigration.

[53] The grave risk must arise from the planned return, and I am not satisfied that it does. While the risk is that a return will mean in real terms an end to the relationship, I do not consider that is the sort of risk that is contemplated.

[54] My decision about habitual residence means this point is not determinative.

Outcome

[55] The applicant has not been able to discharge the onus to establish that the child is habitually resident in the United States and, therefore, the application for return under the Hague Convention provisions is declined. The order preventing removal is to remain.

[56] The Care of Children Act proceedings will now need to be resolved. Plainly this will include the wish to relocate.

[57] A prehearing conference is now to be scheduled for the remaining applications.

[58] Costs are reserved. I would not have thought this was a case for costs but if there is any application it is to be filed within 15 working days and any reply within 15 working days. Costs will be determined on the papers.

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Judge M J Hunt
Family Court Judge | Kaiwhakawā o te Kōti Whānau
Date of authentication | Rā motuhēhēnga: 02/08/2023