

DESTITUTE PERSONS AMENDMENT

EXPLANATORY NOTE

At the present time the father of an illegitimate child may be ordered to pay expenses incidental to the birth and also (if the child has died before the order is made) the funeral of the child. He may also be ordered to pay for the future maintenance and up to £50 for the past maintenance of the child.

This Bill empowers a Magistrate to order him also to pay for the maintenance of the mother for a period of up to five years after the birth of the child where her pregnancy or need to care for the child wholly or partially prevents her from supporting herself. Whether he should do so and if so what amount should be fixed is left entirely to the discretion of the Magistrate having regard to the facts of the case but he is required to have regard to all the circumstances of the case and satisfy himself that such an order would, in the circumstances, be just and proper.

A similar discretion is vested in him to make maintenance orders where the defendant calls evidence of others from which it could be inferred that any one of them could be the father of the child. In these circumstances it is not possible to make an "affiliation" order, i.e., that the defendant or any other single person is the father of the child, but if the Magistrate concludes that he not only could but would have made such an order if this evidence had not been given, he may order whatever liability he could have imposed on the defendant in the absence of this evidence to be shared amongst all those who, on that evidence, could have been responsible. They must first, however, be made formal defendants to the proceedings, which could give them proper standing, with rights of representation, cross-examination, etc.

As the child could, in later life, be harmed by the inferences that might be drawn from such an order, special provisions are included to maintain its privacy.

Dr Finlay

DESTITUTE PERSONS AMENDMENT

ANALYSIS

Title		2. Maintenance of mother
1. Short Title		3. New section added

A BILL INTITULED

An Act to amend the Destitute Persons Act 1910

BE IT ENACTED by the General Assembly of New Zealand
in Parliament assembled, and by the authority of the same,
5 as follows:

1. Short Title—This Act may be cited as the Destitute
Persons Amendment Act 1966 and shall be read together with
and deemed part of the Destitute Persons Act 1910 (herein-
after referred to as “the principal Act”).

10 **2. Maintenance of mother**—(1) Section 8 of the principal
Act is hereby amended by adding to subsection (4) the
following further paragraph:

15 “(d) Such sum or sums as the Magistrate thinks fit and
which, having regard to all the circumstances of
the case, he thinks just and proper, on account of
the maintenance of the mother of the child owing
to her inability to support herself as a result of
her pregnancy, or, after the birth of the child,
20 as a result of her having to care for the child (and
whether such inability may be total or partial):

Provided that no order made under this subsection shall enure for and bind the defendant for a longer period than five years after the birth of the child."

(2) Section 9 of the principal Act is hereby amended by adding to subsection (4) the following proviso: 5

"Provided that the Magistrate may, if he thinks fit, and if, having regard to all the circumstances of the case, he thinks it just and proper to do so, order the defendant to pay, in such manner and at such times as the Magistrate directs (but for a period no longer than fourteen days after the conclusion of the complainant's pregnancy) such sum or sums as he thinks fit on account of the past or future maintenance of the complainant owing to her inability to support herself as a result of her pregnancy, whether such inability may be total or partial." 10 15

3. New section added—The principal Act is amended by adding, after section 9, the following new section:

"9A. Magistrate may make other orders and against more than one person—(1) If, on the hearing of any complaint under this part of the Act the Magistrate is satisfied that he could, and in all the circumstances would have made an affiliation order against the defendant but for the fact that evidence was given by another person or persons which satisfied him that he or one of them could be the father of the child referred to in the complaint, whether born or unborn, the Magistrate may adjourn the hearing and order that such person or persons, or any of them, be joined as a defendant or defendants in the proceedings, and on such adjournment he may make such interim order for maintenance and against such persons as is hereinafter provided in respect of final maintenance orders. 20 25 30

(2) At the resumed hearing the Magistrate may direct that all or any of the evidence then given be reheard and when the hearing has been completed the Magistrate may, if he thinks fit, and if, having regard to all the circumstances of the case, he thinks it just and proper to do so, order the original defendant and such person or persons (or any of them) to make such payments as he could have directed them to make if he had, in proper proceedings by the complainant against him or each of them, made an affiliation order. 35 40

(3) Every order made under the last preceding subsection shall be for the amount or amounts that would have been appropriate on the making of an affiliation order, and if made against more than one person shall specify the portion thereof
5 to be paid by each person against whom it is made.

(4) Where any such order is made against more than one person the names of such persons shall not be disclosed by any person having knowledge of them by virtue of his official position except pursuant to an order of the Magistrate's
10 Court, and as far as is practicable such names shall be referred to in official records by their initials."

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document provides a detailed overview of the reporting and communication processes. It describes how data is synthesized into clear and concise reports that are accessible to all relevant stakeholders.

4. The fourth part of the document discusses the role of technology in modern data management and analysis. It explores how advanced software solutions can streamline workflows and improve the accuracy of data processing.

5. The fifth part of the document addresses the challenges and risks associated with data management. It offers practical strategies for mitigating these risks and ensuring the long-term integrity and security of the organization's data assets.

6. The sixth part of the document provides a summary of the key findings and recommendations. It reiterates the importance of a data-driven approach and offers actionable insights for improving organizational performance.

7. The seventh part of the document includes a list of references and sources used in the research. This section provides a clear path for readers who wish to explore the topics discussed in more detail.

8. The eighth part of the document contains a glossary of key terms and definitions. This helps to ensure that all readers have a common understanding of the terminology used throughout the document.

9. The ninth part of the document provides a detailed appendix of supporting data and documents. This section is intended to provide additional context and evidence for the findings presented in the main body of the report.

10. The tenth part of the document is a concluding statement that summarizes the overall purpose and significance of the report. It expresses the hope that the information provided will be valuable and helpful to the organization and its stakeholders.