

GUARDIANSHIP AMENDMENT (NO. 2) BILL

EXPLANATORY NOTE

This Bill amends the Guardianship Act 1968.

Clause 2 amends the proviso to subsection (3) of section 9 (which relates to wards of Court). This proviso at present provides that the Supreme Court shall not direct any child of or over the age of 16 years to live with any person unless the circumstances are exceptional. The proposed amendment raises the age from 16 years to 18 years.

Clause 3 reduces from 18 years to 16 years the age at which a child, who is affected by a decision or by a refusal of consent by a parent or guardian in an important matter, may apply to a Magistrate for a review of the decision or refusal.

Clause 4: Under section 19 (9) of the Act the Court, in considering an application to enforce a right of custody or access, may not grant the application contrary to the wishes of the child if the child is of or over the age of 16 years unless the child is under the age of 18 years and the Court is satisfied his moral welfare so requires. The proposed amendment prohibits the granting of such an application contrary to the wishes of the child only if the child is of or over the age of 18 years.

Hon. Mr Thomson

GUARDIANSHIP AMENDMENT (NO. 2)

ANALYSIS

Title
1. Short Title
2. Wards of Court

3. Review of guardian's decision or refusal to give consent
4. Enforcement of custody and access rights

A BILL INTITULED

An Act to amend the Guardianship Act 1968

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

1. **Short Title**—This Act may be cited as the Guardianship Amendment Act (No. 2) 1971, and shall be read together with and deemed part of the Guardianship Act 1968* (hereinafter referred to as the principal Act).
- 10 2. **Wards of Court**—Section 9 of the principal Act is hereby amended by omitting from the first proviso to subsection (3) the word “sixteen”, and substituting the word “eighteen”.
- 15 3. **Review of guardian's decision or refusal to give consent**—Section 14 of the principal Act is hereby amended by omitting from subsection (1) the word “eighteen”, and substituting the word “sixteen”.

*1968, No 63

Amendments: 1969, No. 80; 1970, No. 67

4. Enforcement of custody and access rights—Section 19 of the principal Act is hereby amended by omitting from subsection (9) the words “sixteen years unless the child is under the age of eighteen years and the Court is satisfied that his moral welfare so requires”, and substituting the words “eighteen years”. 5