

**Reprint
as at 31 March 2014**



**Care of Children Amendment Act
2008**

Public Act 2008 No 74
Date of assent 16 September 2008
Commencement see section 2

Care of Children Amendment Act 2008: repealed, on 31 March 2014, by section 152(b) of the Care of Children Act 2004 (2004 No 90).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Justice.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Care of Children Amendment Act 2008.

2 Commencement

- (1) This Act comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) One or more Orders in Council may be made appointing different dates for the commencement of different provisions and for different purposes.

Section 2: sections 1–4, 9, and 14–17 brought into force, on 18 May 2009, by the Care of Children Amendment Act 2008 Commencement Order 2009 (SR 2009/77).

3 Principal Act amended

This Act amends the Care of Children Act 2004.

4 Lawyer to act for child

- (1) Section 7(1) is amended by inserting “, or direct the Registrar of the court to appoint,” after “appoint”.
- (2) Section 7(2) is amended by inserting “or a direction” after “appointment” in the second place where it appears.

5 Interpretation

Section 8 is amended by inserting the following definitions in their appropriate alphabetical order:

“**counsellor** has the meaning given to it by section 2 of the Family Proceedings Act 1980

“**mediator** has the meaning given to it by section 2 of the Family Proceedings Act 1980”.

6 Agreements between parents and guardians

- (1) Section 40 is amended by omitting the heading and substituting the following heading: “**Agreements relating to care of children**”.
- (2) Section 40(1) is amended by repealing paragraph (a) and substituting the following paragraph:
 - “(a) may request a Registrar of a Family Court to arrange—
 - “(i) counselling in respect of a dispute relating to the agreement, under section 46G(1); or
 - “(ii) mediation in respect of a dispute relating to the agreement, under section 46H(1); and”.
- (3) Section 40 is amended by inserting the following subsection after subsection (1):

“(1A) A person who, with any other person, is proposing to enter into an agreement of the kind described in section 40(2) may request a Registrar of a Family Court to arrange—
 - “(a) counselling in respect of a dispute relating to the proposed agreement, under section 46G(2); or
 - “(b) mediation in respect of a dispute relating to the proposed agreement, under section 46H(2).”
- (4) Section 40(2) is amended by omitting “between parents or guardians of a child”.

7 Cross-heading and sections repealed

- (1) The cross-heading above section 44 is repealed.
- (2) Sections 44 to 46 are repealed.

8 New sections 46C to 46ZF and heading inserted

The following sections and heading are inserted after section 46B:

“46C Certain children may seek review of parent’s or guardian’s decision or refusal to give consent

- “(1) A child of or over the age of 16 years who is affected by a decision or by a refusal of consent by a parent or guardian in an important matter may (unless the child is under the guardianship of the court) apply to a Family Court Judge who may, if he or she thinks it reasonable in all the circumstances to do so, review the decision or refusal and make any order in respect of it that he or she thinks fit.
- “(2) A consent given by a Family Court Judge under this section has the same effect as if it had been given by the parent or guardian.
- “(3) This section does not apply where a parent or guardian refuses to give consent to a child’s marriage, civil union, or entry into a de facto relationship. In those cases, sections 18 to 20 of the Marriage Act 1955, sections 19 and 20 of the Civil Union Act 2004, and section 46A of this Act, respectively, apply instead.

“Counselling and mediation to resolve disputes

“46D Duty of lawyers to promote reconciliation and conciliation

- “(1) In all matters in issue between spouses, civil union partners, or de facto partners that are or may become the subject of proceedings under this Act, every lawyer acting for either spouse, civil union partner, or de facto partner must—
- “(a) ensure that the spouse, civil union partner, or de facto partner for whom the lawyer is acting is aware of the facilities that exist for promoting reconciliation and conciliation; and
- “(b) take such further steps as in the opinion of the lawyer may assist in promoting reconciliation or, if reconciliation is not possible, conciliation.
- “(2) Every lawyer who is acting for a spouse, civil union partner, or de facto partner, and who applies to the court to have set down for hearing any matter in issue between the spouses, civil union partners, or de facto partners under this Act, must certify on the application that he or she has carried out his or her responsibilities under subsection (1).

“46E Duty of courts as to reconciliation and conciliation

In all proceedings under this Act between spouses, civil union partners, or de facto partners for a parenting order, the court must—

- “(a) consider the possibility of a reconciliation between the spouses, civil union partners, or de facto partners, or of conciliation between them on any matter in issue; and
- “(b) take such further steps as in its opinion may assist in promoting reconciliation or, if reconciliation is not possible, conciliation.

“46F Disputes between guardians

“(1) If 2 or more guardians of a child are unable to agree on a matter concerning the exercise of their guardianship, any of them may—

- “(a) request a Registrar of a Family Court to arrange counselling in respect of their dispute; or
- “(b) request a Registrar of a Family Court to arrange mediation in respect of their dispute; or
- “(c) apply to a court for its direction.

“(2) Where a request has been made to a Registrar under subsection (1)(a), the Registrar must, on the completion of the prescribed form by the person making the request, arrange for the matter to be referred to a counsellor.

“(3) Where a request has been made to a Registrar under subsection (1)(b), the Registrar may, on the completion of the prescribed form by the person making the request, arrange for the matter to be referred to a mediator.

“(4) An application under subsection (1)(c) must be made to a Family Court unless subsection (5) applies.

“(5) An application under subsection (1)(c) must be made to a High Court, and the High Court has exclusive jurisdiction to settle the dispute, where—

- “(a) under an order of the High Court, 2 or more persons are guardians of, or have the role of providing day-to-day care for, a child, and that order has not been removed into a Family Court under section 127;
- “(b) the child is under the guardianship of the High Court.

“(6) On an application under subsection (1)(c), the court may make any order relating to the matter it thinks proper.

“46G Request for counselling by party to agreement or person proposing to enter agreement

“(1) A party to an agreement of the kind described in section 40(2) may request a Registrar of a Family Court to arrange counselling in respect of a dispute arising from another party to the agreement contravening or appearing to contravene the agreement.

“(2) A person who, with any other person, is proposing to enter into an agreement of the kind described in section 40(2) may request a Registrar of a Family Court to arrange counselling in respect of a dispute arising in connection with the terms of the proposed agreement.

“(3) Where a request has been made to a Registrar under subsection (1) or (2), the Registrar must, on the completion of the prescribed form by the person making the request, arrange for the matter to be referred to a counsellor.

“46H Request for mediation by party to an agreement or person proposing to enter agreement

“(1) A party to an agreement of the kind described in section 40(2) may request a Registrar of a Family Court to arrange mediation in respect of a dispute arising from another party to the agreement contravening or appearing to contravene the agreement.

“(2) A person who, with any other person, is proposing to enter into an agreement of the kind described in section 40(2) may request a Registrar of a Family Court to arrange mediation in respect of a dispute arising in connection with the terms of the proposed agreement.

“(3) Where a request has been made to a Registrar under subsection (1) or (2), the Registrar may, on the completion of the prescribed form by the person making the request, arrange for the matter to be referred to a mediator.

“46I Counselling where proceedings commenced

- “(1) This section applies on the filing of—
- “(a) an application under section 46F(1)(c) for a direction of the court on a guardianship matter:
 - “(b) an application under section 48 for a parenting order.
- “(2) A Family Court Judge may, if he or she thinks it expedient to do so, direct the Registrar to arrange for the matter to be referred to a counsellor.
- “(3) On receipt of a direction under subsection (2), the Registrar must arrange for the matter to be referred accordingly.
- “(4) If, not less than 28 days after the date on which the Registrar has arranged for the matter to be referred to a counsellor under subsection (3), either party requests that the application proceed, the proceedings must be continued unless the court otherwise directs.
- “(5) Nothing in subsection (4) prevents the continuation of the proceedings before the expiry of 28 days if the court, upon application to it, so directs.

“46J Mediation where proceedings commenced

- “(1) This section applies on the filing of—
- “(a) an application under section 46F(1)(c) for a direction of the court on a guardianship matter:
 - “(b) an application under section 48 for a parenting order.
- “(2) A Family Court Judge may, if he or she thinks it expedient to do so, direct the Registrar to arrange for the matter to be referred to a mediator.
- “(3) On receipt of a direction under subsection (2), the Registrar must arrange for the matter to be referred accordingly.
- “(4) If, not less than 42 days after the date on which the Registrar has arranged for the matter to be referred to a mediator under subsection (3), either party requests that the application proceed, the proceedings must be continued unless the court otherwise directs.
- “(5) Nothing in subsection (4) prevents the continuation of the proceedings before the expiry of 42 days if the court, upon application to it, so directs.

“46K Mediation conference

- “(1) This section applies where—
- “(a) an application is made under section 46F(1)(c) for a direction of the court on a guardianship matter;
 - “(b) an application is made under section 48 for a parenting order.
- “(2) Any party to the proceedings, or a Family Court Judge, may request the Registrar of the court to arrange for a mediation conference to be convened.
- “(3) On receiving a request under subsection (2), the Registrar must—
- “(a) appoint a time and place for the holding of a mediation conference in accordance with section 46L; and
 - “(b) inform each of the parties to the application of the time and place of the mediation conference and request them to attend.
- “(4) The time appointed under subsection (3)(a) must be as soon as is reasonably practicable.

“46L Procedure at mediation conference

- “(1) Each mediation conference is chaired by a Family Court Judge.
- “(2) The objectives of the conference are—
- “(a) to identify the matters in issue between the parties; and
 - “(b) to try to obtain agreement between the parties on the resolution of those matters.
- “(3) The Chairperson may from time to time adjourn the conference to a time and place to be appointed by the Chairperson.
- “(4) The Chairperson must record in writing the matters in issue at the conference, showing separately—
- “(a) those matters on which agreement is reached between the parties; and
 - “(b) those matters on which no agreement is reached between the parties.
- “(5) The Chairperson must then file his or her written record in the Family Court in which the proceedings are filed.

“46M Attendance at mediation conference

- “(1) In addition to the parties, the following persons may attend a mediation conference:
- “(a) a lawyer representing a party, if the party so requests:
 - “(b) a lawyer appointed to act for a child, if an appointment under section 7 has been made:
 - “(c) a person who the Chairperson agrees may attend as a support person for a party, if the party so requests.
- “(2) A lawyer attending a mediation conference at the request of a party may assist and advise that party.
- “(3) The Chairperson must agree to a request under subsection (1)(c) unless the Chairperson considers there is a good reason why the named support person should not be permitted to attend.
- “(4) Except to the extent provided in subsection (1), and unless the Chairperson otherwise directs, a mediation conference is held in private.
- “(5) If, during a mediation conference, the Chairperson requests a support person to leave the mediation conference, the support person must do so.

“46N Power of Chairperson to make consent orders at mediation conference

- “(1) The Chairperson presiding at a mediation conference may, by consent of the parties, make any orders that could have been made by a Family Court and that relate to an application by either party for a parenting order.
- “(2) However, where a party has no lawyer, or a party’s lawyer is not present at the conference, a consent order must not be made unless that party states expressly that the party does not wish the conference to be adjourned to provide an opportunity for legal advice to be taken.
- “(3) An order made under this section has for all purposes the same effect as if it were made by the consent of the parties in proceedings before a Family Court.

“46O Proceedings after mediation conference

The Family Court Judge who presides over a mediation conference between the parties to an application is entitled to hear any subsequent proceedings between those parties under that application unless in all the circumstances he or she decides, on his or her own motion or on the application of any party,—

- “(a) that it would be inappropriate for him or her to do so; or
- “(b) that there is some other sufficient reason for the application to be heard by another Judge.

“46P Counselling for child on making of parenting order or order relating to guardianship matter

“(1) The court may direct a child to attend counselling if the circumstances in subsection (2) exist.

“(2) The circumstances are that—

- “(a) the court is making an order under section 46F(6) or 48(1); and
- “(b) the court considers that the child is in exceptional need of assistance in accepting the terms of the order or in adjusting to any changes resulting from the terms of the order.

“(3) Where a direction is made under this section, the Registrar must arrange for the matter to be referred to a counsellor.

“46Q Request for counselling by party to parenting order

“(1) A party to a parenting order may request a Registrar of a Family Court to arrange counselling in respect of a dispute arising from another party to the order contravening or appearing to contravene the order.

“(2) Where a request has been made to a Registrar under subsection (1), the Registrar must, on the completion of the prescribed form by the person making the request, arrange for the matter to be referred to a counsellor.

“46R Request for mediation by party to parenting order

“(1) A party to a parenting order may request a Registrar of a Family Court to arrange mediation in respect of a dispute arising

from another party to the order contravening or appearing to contravene the order.

- “(2) Where a request has been made to a Registrar under subsection (1), the Registrar may, on the completion of the prescribed form by the person making the request, arrange for the matter to be referred to a mediator.

“46S Registrar may decline requests for counselling or mediation and recommend instead applications under section 68

- “(1) The Registrar may decline a request under section 46Q(1) or 46R(1) if he or she considers that arranging for the matter to be referred to a counsellor or mediator, as the case may be, is unlikely to help the parties to resolve the dispute.
- “(2) Without limiting the discretion under subsection (1), in exercising that discretion the Registrar must have regard to whether a party to the order has used violence (as defined in section 3(2) of the Domestic Violence Act 1995) against—
- “(a) another party to the order; or
 - “(b) a child in the care of another party to the order; or
 - “(c) both.
- “(3) In declining a request under subsection (1), the Registrar may recommend that any or all of the parties to the order make an application under section 68.
- “(4) This section overrides sections 46Q and 46R.

“46T Reference to counsellor

- “(1) This section applies to a referral to counselling under—
- “(a) section 46F(2);
 - “(b) section 46G(3);
 - “(c) section 46I(3);
 - “(d) section 46Q(2).
- “(2) A counsellor to whom a matter is referred must—
- “(a) arrange to meet either or both of the parties at such times and places (including the home of either party) as the counsellor thinks fit for the purposes of counselling; or

- “(b) request either or both of the parties to attend before the counsellor at a specified time and place for the purposes of counselling.
- “(3) The counsellor may meet with one of the parties, or both of the parties separately, if the counsellor considers a meeting would enable him or her to do any or all of the following:
 - “(a) clarify the main issues between the parties:
 - “(b) gather any further information that may be relevant to the conduct of the counselling:
 - “(c) determine with the parties whether, if the child who is the subject of the matter in issue wishes to do so, the child should attend 1 or more sessions of counselling.

“46U Duty of counsellors

- “(1) A counsellor to whom a matter is referred under section 46F(2), 46G(3), 46I(3), or 46Q(2) must attempt to promote conciliation between the parties.
- “(2) After carrying out his or her obligations under subsection (1), the counsellor must provide a report to the Registrar stating whether the parties have resolved the dispute.
- “(3) A report provided under subsection (2) may also state any of the following:
 - “(a) details of the understandings reached between the parties:
 - “(b) details of the matters remaining in issue between the parties:
 - “(c) a recommendation as to the next step or steps to be taken by the parties.
- “(4) The Registrar must give a copy of the counsellor’s report to each party or to each party’s lawyer.
- “(5) A recommendation made by a counsellor under subsection (3)(c) is not binding on the parties or on the court.

“46V Number of sessions of counselling

The number of sessions of counselling to be carried out in respect of a referral under section 46F(2), 46G(3), 46I(3), 46P(3), 46Q(2), or 46ZA(4) must be determined in accord-

ance with such regulations as may be made under this Act, or if no regulations apply, by the Registrar of the court.

“46W Counselling fees and expenses

Fees in respect of counselling services carried out under section 46F(2), 46G(3), 46I(3), 46P(3), 46Q(2), or 46ZA(4), and reasonable expenses incurred,—

- “(a) may be determined in accordance with regulations made under this Act; and
- “(b) are payable out of public money appropriated by Parliament for the purpose.

“46X Reference to mediator

“(1) This section applies to a referral to mediation under—

- “(a) section 46F(3):
- “(b) section 46H(3):
- “(c) section 46J(3):
- “(d) section 46R(2).

“(2) A mediator to whom a matter is referred must—

- “(a) arrange to meet both of the parties, at such times and places (including the home of either party) as the mediator thinks fit for the purpose of mediation; or
- “(b) request both of the parties to attend before the mediator at a specified time and place for the purposes of mediation.

“(3) Prior to the mediation, the mediator may meet with one of the parties, or both of the parties separately, if the mediator considers a meeting would enable him or her to do any or all of the following:

- “(a) assess whether mediation is appropriate:
- “(b) clarify the main issues between the parties:
- “(c) determine with the parties—
 - “(i) who should attend the mediation:
 - “(ii) how the mediation should proceed:
- “(d) gather any further information that may be relevant to the conduct of the mediation.

“46Y Duties of mediators

- “(1) A mediator to whom a matter is referred under section 46F(3), 46H(3), 46J(3), or 46R(2) must make every endeavour to—
- “(a) identify the matters in issue between the parties; and
 - “(b) facilitate negotiations between the parties in respect of those matters; and
 - “(c) assist the parties to reach agreement on the resolution of those matters.
- “(2) After carrying out his or her obligations under subsection (1), the mediator must provide a report to the Registrar stating whether the parties have resolved the dispute.
- “(3) A report provided under subsection (2) may also state any of the following:
- “(a) details of the resolution reached between the parties;
 - “(b) details of the matters on which resolution has not been reached between the parties;
 - “(c) a recommendation as to the next step or steps to be taken by the parties.
- “(4) The Registrar must give a copy of the mediator’s report to each party or to each party’s lawyer.
- “(5) A recommendation made by a mediator under subsection (3)(c) is not binding on the parties or on the court.

“46Z Mediation must be held in private

The only persons who may attend mediation before a mediator are as follows:

- “(a) the parties to the mediation; and
- “(b) a lawyer representing a party to the mediation, if the mediator considers that in all the circumstances attendance by a lawyer is appropriate; and
- “(c) a lawyer appointed to act for a child, if an appointment under section 7 has been made; and
- “(d) a child who is the subject of the matter in issue between the parties, if the mediator agrees; and
- “(e) a person who the mediator agrees may attend as a support person for a party, if the party so requests.

“46ZA Child who is attending mediation may request counselling

- “(1) This section applies where, under section 46Z(d), the mediator agrees that a child who is the subject of the matter in issue may attend mediation.
- “(2) The mediator must discuss with the child whether, prior to the child attending mediation, the child wishes to attend counselling for the purpose of clarifying his or her views on the matter in issue.
- “(3) If the child wishes to attend counselling, the mediator must give notice of this to the Registrar of the Family Court from whom the mediation referral was received.
- “(4) On receiving notice under subsection (3), the Registrar must arrange for the matter to be referred to a counsellor.

“46ZB Mediation may be adjourned

The mediator may from time to time adjourn the mediation.

“46ZC Duration of mediation

The duration of mediation to be carried out under section 46F(3), 46H(3), 46J(3), or 46R(2) must be determined in accordance with such regulations as may be made under this Act or, if no regulations apply, by the Registrar of the court.

“46ZD Mediation fees and expenses

Fees in respect of mediation carried out under section 46F(3), 46H(3), 46J(3), or 46R(2), and reasonable expenses incurred,—

- “(a) may be determined in accordance with regulations made under this Act; and
- “(b) are payable out of public money appropriated by Parliament for the purpose.

“46ZE Power to require attendance for counselling or mediation

- “(1) This section applies where a person fails to comply with—
- “(a) a request under section 46T(2)(b) to attend before a counsellor; or

- “(b) a request under section 46X(2)(b) to attend before a mediator; or
 - “(c) a request under section 46K(3)(b) to attend a mediation conference; or
 - “(d) a request under section 68(4)(b) to attend the hearing of an application under section 68.
- “(2) On an application for the purpose or on its own initiative, the court may issue a summons requiring the person to attend before the counsellor or the mediator, or to attend a mediation conference, at a time and place to be specified in the summons.
- “(3) Section 159 of the Criminal Procedure Act 2011 apply to a summons under this section as if it were a witness summons issued under that section.

“46ZF Privilege

- “(1) No evidence is admissible in any court, or before any person acting judicially, of any information, statement, or admission disclosed or made—
- “(a) to a counsellor or mediator exercising his or her functions under this Part; or
 - “(b) in the course of a mediation conference.
- “(2) Nothing in subsection (1) applies to—
- “(a) a report provided by a counsellor under section 46U(2); or
 - “(b) a report provided by a mediator under section 46Y(2); or
 - “(c) a record of the matters in issue at the conference made by a Chairperson under section 46L(4); or
 - “(d) a consent order made under section 46N(1), or to any proceedings for the review of such an order.
- “(3) Except to the extent that it is necessary for a counsellor or mediator to do so in the proper discharge of his or her functions, every counsellor and every mediator commits an offence and is liable on conviction to a fine not exceeding \$500 who discloses to any other person any information, statement, or admission received by or made to him or her in the exercise of his or her functions under this Part.”

Section 8: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

9 Interpretation

Section 58 is amended by repealing the definition of **approved provider** and substituting the following definition:

“**approved provider** means a supervised contact service provider who is—

“(a) approved—

“(i) by the chief executive as a Community Service under section 403 of the Children, Young Persons, and Their Families Act 1989; or

“(ii) by the Secretary; or

“(iii) by an officer of the court appointed under section 8(2) of the Family Courts Act 1980; and

“(b) nominated by the court or Registrar for the particular case.”

10 Purpose and overview of sections 64 to 80

(1) The heading to section 63 is amended by inserting “**46Q, 46R, and**” after “**sections**”.

(2) Section 63(1) is amended by inserting “46Q, 46R, and” after “sections”.

(3) Section 63(2) is amended by inserting “46Q, 46R, and” after “sections”.

(4) Section 63(2)(a) is amended by inserting “or mediation” after “counselling”.

11 Guiding consideration and principles

Section 64(1) is amended by omitting “sections 68 to 77” and substituting “sections 46ZE, 68, or 70 to 77”.

12 Sections 65 to 67 repealed

Sections 65 to 67 are repealed.

13 Section 69 repealed

Section 69 is repealed.

14 Counsel to assist court

Section 130(1) is amended by inserting “, or direct the Registrar of the court to appoint,” after “appoint”.

15 Reports from other persons

- (1) Section 133 is amended by repealing subsection (2) and substituting the following subsection:
- “(2) If satisfied that it is necessary for the proper disposition of an application, the court may—
- “(a) request a person whom the court considers qualified for the purpose to prepare a written cultural, medical, psychiatric, or psychological report on the child who is the subject of the application; or
 - “(b) direct the Registrar of the court to request a person whom the Registrar considers qualified for the purpose to prepare a written cultural, medical, psychiatric, or psychological report on the child who is the subject of the application.”
- (2) Section 133(4) is amended by omitting “the report” and substituting “a report or to direct the Registrar of the court to request a report”.

16 Attendance at hearings generally

- Section 137(6) is amended by inserting the following paragraph after paragraph (a):
- “(ab) to permit a McKenzie friend to be present; or”.

17 New section 139 substituted

Section 139 is repealed and the following section substituted:

“139 Publication of reports of proceedings

Sections 11B to 11D of the Family Courts Act 1980 apply to the publication of a report of any proceedings under this Act (other than criminal proceedings)—

- “(a) in a Family Court:
- “(b) in any other court, in which case references in those sections to the Family Court or court must be read as references to that other court.”

18 Appeals to High Court

- (1) Section 143(2) is amended by omitting “section 44 or section 46” and substituting “section 46C or 46F”.

- (2) Section 143(3) is amended by omitting “section 44 or section 46” and substituting “section 46C or 46F”.

19 Appeal to Court of Appeal

Section 145(1)(a) is amended by omitting “section 44 or section 46” and substituting “section 46C or 46F”.

20 Regulations

Section 147(2) is amended by inserting the following paragraphs after paragraph (b):

“(ba) providing for the determination of the number of sessions of counselling that may be carried out under section 46F(2), 46G(3), 46I(3), 46P(3), 46Q(2), or 46ZA(4):

“(bb) providing for the determination of the amount of fees and expenses, including minimum and maximum amounts, payable in respect of counselling services carried out under section 46F(2), 46G(3), 46I(3), 46P(3), 46Q(2), or 46ZA(4), which fees and expenses may differ according to—

“(i) the number of sessions of counselling determined to be carried out under section 46V; and

“(ii) whether counselling services are to be provided in a specified number of proceedings during a specified period:

“(bc) making provision for the determination of the duration of mediation that may be carried out under section 46F(3), 46H(3), 46J(3), or 46R(2):

“(bd) providing for the determination of the amount of fees and expenses, including minimum and maximum amounts, payable in respect of mediation services carried out under section 46F(3), 46H(3), 46J(3), or 46R(2), which fees and expenses may differ according to—

“(i) the duration of the mediation (not exceeding the maximum duration of mediation that may be carried out as determined under section 46ZC; and

“(ii) the time spent by the mediator in meeting with the parties prior to mediation; and

“(iii) the complexity of the matter in issue between the parties.”

21 Other Acts not affected

Section 148(2) is amended by omitting “66 and 69 and”.

Reprints notes

1 *General*

This is a reprint of the Care of Children Amendment Act 2008 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Care of Children Act 2004 (2004 No 90): section 152(b)

Criminal Procedure Act 2011 (2011 No 81): section 413

Care of Children Amendment Act 2008 Commencement Order 2009 (SR 2009/77)
