

12 September 2022

Section (9) (2) (a)

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Our ref: OIA 98227

Tēnā koe Section (9) (2) (a)

### Official Information Act 1982 request: Section 71 Orders issued by the Family Court

Thank you for your email of 5 August 2022, in which you requested under the Official Information Act 1982 (the Act), information regarding section 71 orders issued by the Family Court for the past 3 years. Your specific questions and my responses to these are outlined below:

*I would like to request statistical information from the family courts for the past 3 years.  
The number of section 71 of the child protection act issued by the court over the past 3 years.  
The number of custody cases in the past 3 years  
The number of custody issues that have led the courts to place Oranga Tamariki as temporary guardian.*

On 15 August 2022 we contacted you to clarify the first part of your request, as there is no section 71 of the Child Protection Act. You confirmed on the same date that your request could be clarified to the following:

*The information I (am) wanting is the number of Section 71 issued by the courts to Oranga Tamariki (Oranga Tamariki Act 1989 Children's and Young People's Well-being Act 1989).*

The Ministry does not hold the information on the number of section 71<sup>1</sup> orders issued to Oranga Tamariki by the Family Court as this level of detail is not recorded. This information may be held on the court file; however, courts are excluded from the operation of the Act under section 2(6)(a). I am therefore refusing this part of your request under section 18(g)(i) of the Act as the information is not held by the Ministry of Justice, or any other agency subject to the Act.

*The number of custody cases in the past 3 years.*

In response to this part of your request please find the information in the tables attached:

- **Table 1:** provides the number of section 68 Care or Protection Order applications filed, by application outcome, by year, between the 2019 and 2021 calendar years.

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<sup>1</sup> s71 is used for grounds to apply for child protection orders under s68.

- **Table 2:** provides the number of section 68 Care or Protection Orders, by order type, by year, between the 2019 and 2021 calendar years.

*The number of custody issues that have led the courts to place Oranga Tamariki as temporary guardian.*

The Ministry does not hold the information on the number of custody issues that have led Oranga Tamariki to become temporary guardians as this level of detail is not recorded. This information may be held on the court file; however, as covered above, courts are excluded from the operation of the Act under section 2(6)(a). I am therefore refusing this part of your request under section 18(g)(i) of the Act as the information is not held by the Ministry of Justice, or any other agency subject to the Act.

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Nāku noa, nā



Jacquelyn Shannon  
**Group Manager, Courts and Tribunals, Regional Service Delivery**

**Table 1: Number of s68 Care or Protection Order applications filed, by application outcome, by year, between 2019 and 2021 calendar years**

Application Outcome	2019	2020	2021
Application granted	252	458	357
Application still active	9	41	85
Dismissed or struck out	7	12	5
Lapsed, withdrawn or discontinued	22	42	36
<b>Total</b>	<b>290</b>	<b>553</b>	<b>483</b>

Notes:

- This data may differ from previously released or published data. This data was extracted from the case management system as at 29 August 2022.
- Calendar year is from 01 January to 31 December.
- This data only counts s68 Care or Protection Order applications filed under the Oranga Tamariki Act.
- There are a number of potential outcomes for applications:
  - Application may be granted
  - Application may be dismissed or struck out - occurs when the judge determines there is insufficient grounds to grant an Order
  - Application could lapse, be withdrawn or discontinued
    - An applicant can withdraw their application at any point (with the permission of the Court)
    - for Protection Order applications, if the respondent can't be served with (they aren't given) the temporary Protection Order the temporary Order can be extended for an additional three months to enable the respondent to be served. If they still cannot be served then the application lapses at the end of those three months.
    - if the application cannot be served (given to the respondent) then it may be discontinued
  - application may still be active – a final outcome is yet to be determined.

**Table 2: Number of s68 Care or Protection Orders, by order type, by year, between the 2019 and 2021 calendar years**

Order type	2019	2020	2021
Custody orders	250	510	412
Other orders	169	345	294
<b>Total</b>	<b>419</b>	<b>855</b>	<b>706</b>

Notes:

- This data may differ from previously released or published data. This data was extracted from the case management system as at 29 August 2022.
- Calendar year is from 01 January to 31 December.
- This data only counts orders linked to s68 Care or Protection Order applications.
- An application may have more than one order linked to it so the total count of orders will not be equal the total count of applications in Table 1.
- 'Custody orders' include the below listed order types. 'Other orders' include all other order types.

Custody order types:

- S101 Custody Order
- S102 Interim Custody Order
- S110 Additional Guardianship Order
- S110 Sole Guardianship Order
- S121 Access Order
- S121 Interim Access Order
- S205 Order Preventing Removal of Child from New Zealand
- S205(1) Warrant to Take Child
- S205(3) Discharge of Order Preventing Removal of Child
- S67 Declaration Child in Need of Care and Protection
- S78 Interim Custody Order Pending Determination of Applications for Care or Protection
- S78 Custody Order Pending Determination of Proceedings
- S78(1A) Urgent Interim Custody Order
- S86 Service Order
- S86 Interim Services Order
- S87 Restraining Order
- S88 Interim Restraining Order
- S88(2) Urgent Interim Restraining Order
- S91 Support Order
- S92 Interim Support Order
- S115 Dispute between Guardians
- S372 Order Authorising Registrar Continued Detention in Secure Care
- S372 Order Discharging Registrar Continued Detention in Secure Care
- S122 Warrant to Deliver Child or Young Person to Person Entitled to Access
- Leave - General Orders
- Discharge - General Orders