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**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

**CIV-2025-404-950
[2025] NZHC 2148**

UNDER	the Care of Children Act 2004
IN THE MATTER	of an appeal against a decision of the Family Court at North Shore
BETWEEN	PAR Appellant
AND	SJF Respondent

Hearing: 31 July 2025

Appearances: M Flannagan and R Darby for Appellant
T Homes for Respondent
L Kenny Lawyer for Child

Judgment: 31 July 2025

**ORAL JUDGMENT OF BECROFT J
[As to appeal of Interim Parenting Order]
IN THE FORM OF A LETTER TO CLAUDE**

Solicitors/Counsel:
Hibiscus Law, Auckland
Vallant Hooker & Partners, Auckland
L Kenny, Silverdale

Dear Claude¹

[1] I am writing to you to let you know what has been agreed between your mother and father today. This has been with the help of Ms Kenny, your lawyer. You know her as Leanne. Your parents' lawyers have also helped.

[2] The good thing to say is that your mother and father have agreed about this. I think that is positive. I hope that reassures you.

[3] This case is about you and your future. So, I am writing to you personally as a way of recording the decisions, rather than giving you a more formal legal decision. The lawyers have agreed this would be helpful. I hope it is clear.

[4] You will remember that back last year in November a Family Court Judge made a temporary order that you and your younger sister would go to [an overseas city] where your father lived. He was already looking after your older brother.

[5] The Judge thought that would be in your best interests. You could live with both your brother and your sister. And you would be connected to your father's culture and language. That Judge made a very careful and thoughtful decision.

[6] Another reason the Judge made that decision is that at the time (you will remember) he understood that you agreed to going to [the overseas city]. I think that was what you wanted then.

[7] After that decision, you began to change your mind. I do not know the exact reasons, but you made that clear to Leanne, your lawyer. And in January, when it came to getting on the plane to [the overseas city], you would not do it. In fact, you would not even get into your mother's car to go to the airport. It seems that for a little while you ran away from home.

¹ All names and identifying details have been anonymised.

[8] A few weeks later, another Family Court Judge decided that the temporary order for you to live in [the overseas city] should stand. She issued a warrant—a court order—to put you on the plane, by force if necessary.

[9] When the Judge met you and explained her decision to you, as I understand it, you got very upset. You hit the wall of the room you were in. You needed to be calmed down. The Judge had to leave very quickly.

[10] The decision was appealed the very next day, 21 February 2025. Your mother's lawyer wanted to argue that your voice had not been properly taken into account. I am sorry the appeal has taken so long to get before this Court.

[11] When children are involved, these delays are wrong and unacceptable. I want you to know that.

[12] Before the appeal today, I heard that you wanted to talk to me. This does not happen often in the High Court. But you are 14-and-a-half years old. Your views are important. That is what the law says. All the lawyers agreed that interviewing you would be the right thing to do. So did your mum and your dad. So, I talked to you for about 45 minutes in the Court with the Court Registrar present and with Leanne, your lawyer, here as well.

[13] I enjoyed doing that. It was good to meet you.

[14] All I need to do in this letter is to summarise what you said.

[15] The main thing is, you made clear that you do not want to leave Auckland. You do not want to go to [the overseas city]. You want to stay here so that you can go to school to be with your friends and play rugby. You said that you will not get onto the plane. No one could make you do that, and you were not going to go. You were very clear about that. You said that to me several times. I understood it.

[16] You said you would go to [the overseas city] but only for holidays and knowing that you would come back.

[17] You said that things are better this term at [your school]. You know that there are still improvements to make in your behaviour, but things are going better than in the last two terms. You are taking two tablets for your ADHD every morning, and your brain feels calmer. You like PE. You do not like maths. (And, as I said, neither did I at your age.)

[18] You also said that you do not like your parents—particularly your father—saying bad things about the other parent. You told me some of the things that your father had said. You said the last one happened about a week ago, but it has stopped since then because your lawyer wrote about your concerns in her report. You said you will only go on holiday to [the overseas city] if your father stops talking badly about your mum and saying bad things about her.

[19] You said a lot more than that but that is the summary.

[20] Before the hearing started, I passed your views onto the lawyers and your parents. They listened carefully. I also said that I had made clear to you that you do not have the job or the burden or the responsibility to decide this case. I said you were caught up in the middle. It is not your problem.

[21] The good thing to tell you Claude is that your mother and father and the lawyers thought it would be good for them to talk about how the appeal could be sorted. They wanted to talk together and agree as much as they could.

[22] I want to tell you now what was agreed.

[23] First, and this is what you will most want to know, you will be staying in Auckland with your mother and going to school here until the Family Court case about your care is finally decided.

[24] You know that what is being decided now is just a temporary decision until the Court can finally decide your case later this year. The Court thought back in November last year that decision could be made in November this year, but no date has been set.

[25] The second thing that was decided was that you would go to [the overseas city] for the school holidays. This year there are different dates for the New Zealand school holidays and the [overseas country] holidays. I think it is very important you have the best time to see your brother and your younger sister. That time will be when they are not at school. Also, it is important that you are able to see and have a good time with your father who is a [redacted]. He wants to spend time with you. He wants to do things with you. He knows you like things like swimming, and he wants to try to improve his relationship with you. He knows that you do not want him to say bad things about your mother. And he has said he will not.

[26] I need to tell you two other things about that. First, your mother has said she will pay for your airfare. That shows that she thinks it is right for you to go to [the overseas city] during the holidays. You will know that three times previously your father has paid for airfares, but you have not got on the plane. And he has not been able to get those airfares back.

[27] The second thing to say is that I know this is not an ideal time for you to go and perhaps you would rather go during the New Zealand school holidays. And this may affect you playing in the summer Tag competition which, I understand, starts at the end of August. So, I know you may be disappointed about this. But it will mean that you will be able spend good time with your family in [the overseas city]. And I think it is important that you do so. I hope you understand why the decision has been made. This is a one-off. It will affect your schooling if you were to miss two weeks of the school term again. But in Year 10, it can be managed and your Dean, [redacted], has agreed that it can be done.

[28] You will be excited to know (not) that some schoolwork can be prepared that you can take with you. It will be good if you can do a little bit of that work in [the overseas city] and your father has said he will try to help you with it.

[29] I want you to know what we had decided in my words.

[30] Both your mum and dad have promised me that they will make this work. And they have promised to the Court that they will not say bad things about each other in your presence or in the presence of any of the rest of the family. And I should say I have told your dad, and I am telling him now, that if your dad can do his best to stop your sister from saying bad things about your mother as well, that you would like that.

[31] I do not know when the final Court decision will be, but we are all very hopeful it will be at the end of this year. I will do all I can with the Auckland Family Court to have your case treated urgently.

[32] One of the things that has been agreed is that you will contact your father on video calls on Wednesdays and Sundays at 7.00 pm New Zealand time. This will be in private and uninterrupted. Just you and your dad. But you can talk to him at any other time or text him if you want.

[33] Now that this appeal has been sorted, and as your father has promised not to say bad things about your mother, I hope you may be able to talk to him more often. How often, is up to you. When that starts, is up to you. But I do know that your father does want to talk to you and does love you.

[34] Leanne will explain all this to you again. But you need to know I have listened carefully to your views and have factored them into this decision. And another Judge will want to hear from you when the final decision is made.

[35] I think Leanne will be able to explain everything to you. However, if you wanted to write to me, or if you wanted Leanne to write to me, that would be fine.

[36] Can I say Claude it was very nice to meet you. I enjoyed meeting you. Like you, I hope the Warriors do a lot better in the next couple of weeks. And I agree that try by Leka Halasima was 10/10. As I said to you, I thought it was 11/10.

[37] Sport is important. You keep up your involvement in sport. That will give you a good basis to do well in life. I am glad you enjoy it. Maybe one day I will sit in my lounge and watch Claude [surname redacted] play for the Warriors. That would make me and all of us very, very happy and proud of you.

[38] I wish you well for the future.

Warm regards

Justice Andrew Becroft

High Court, Auckland