

A Guide to Appointing a Partner as a Guardian



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Whitireia Community Law Centre Trust Incorporated

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Introduction

Under section 23 of the Care of Children Act 2004, an “eligible partner” of a parent may be appointed as an additional guardian of the children of that parent provided certain criteria are met.

This resource booklet uses a case study example to demonstrate how someone can appoint a partner as a guardian of their child.

The booklet contains simple forms with examples filled in by the applicant to demonstrate how to complete the documents that need to be filed at the Family Court in order to make the appointment.

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Case Study – Jane and Joe

Jane and Paul have a daughter, Stacey. Jane and Paul were in a relationship for two years and lived together for a year. They split up when Stacey was six months' old. Now Stacey is seven. She lives with Jane but visits her dad every second weekend.

Jane and Paul both have new partners. Jane has been living with Joe for three years and he helps her take care of Stacey. He would like to become her guardian so that he has some legal status in Stacey's life.

Paul has agreed to have Joe appointed as Stacey's additional guardian, so that she will have three guardians – Paul, Jane and Joe. They have each talked to Stacey and explained what it will mean and she is happy for Joe to be able to help her mum and dad make decisions about her.

Now they need to know how Joe can be made an additional guardian.



SECTION ONE – THE LAW

What is a guardian?

A guardian of a child is someone the law has given all the duties, rights, responsibilities and powers that a parent has in bringing up that child.

A guardian's responsibilities to a child include:

- providing day-to-day care for the child. This means making sure that the everyday things in the child's life are okay – things like having a safe and secure home, loving care and attention and proper arrangements for school; and
- contributing to the child's intellectual, emotional, physical, social, cultural, and other personal development; and
- helping make the big decisions in the child's life – things like where the child should live, where they go to school, what major medical treatment should happen, what their culture, language, religion or name should be.

Although most natural parents will be guardians of their children, other persons can become guardians of those children too. If a parent has a new partner who has helped care for the child for a year or more, the new partner may be able to be appointed as a guardian to the child under section 23 of the Care of Children Act.

How does a parent's new partner become an additional guardian?

Both parents must make agree to the appointment unless one of the following exceptions apply:

- if one of the parents is dead and did not appoint a guardian in a will (a testamentary guardian) and there are no other guardians, the appointment must be made by the surviving parent; or
- if the child was born using assisted human reproduction procedures and the mother is sole guardian because she did not have a partner at the time, the appointment must be made by the mother; or
- if one parent died leaving a testamentary guardian and the other parent is a guardian jointly with that testamentary guardian, the appointment must be made by the surviving guardian and the testamentary guardian.

The child or parent of a child must be a New Zealand citizen or a person ordinarily resident in New Zealand for the Court to be able to appoint an additional guardian.

Once both parents and the proposed additional guardian have agreed to the appointment, Court forms need to be filled in and returned to the Family Court. These are at the back of this booklet along with Jane and Joe's application to show how the forms must be filled in.

It is important that you read all the information in this booklet first to make sure that all the requirements are fulfilled and a section 23 application is the right way to go.

Section 23 applications

If the new partner satisfies all the restrictions listed below and **both parents agree** that appointing the additional guardian would be in the best interests of the child, an appointment can be made under section 23. This process is straightforward and can be done without a solicitor. It will not require a hearing in Court. A Registrar looks at the forms that have been filed and if they're all in order the appointment will automatically be made.

If both parents can't agree on nominating an additional guardian or if any of the restrictions apply, a section 27 application will have to be made. A section 27 application involves a Judge deciding whether a guardian should be appointed. This will only be done if the Court believes it is in the child's best interests. It is a longer process and means the parties involved will have to appear before a Judge.

This guide only applies to section 23 applications. If any of the restrictions apply or the other parent won't agree to your new partner being appointed additional guardian, you will need to talk to a solicitor or Community Law Centre about making an application for a Court-appointed guardian under section 27.

Who is eligible to become an additional guardian?

A new spouse or partner of a parent can become an additional guardian to the child if they are an "**eligible person**". A person is eligible if he or she:

- has shared responsibility for the child's day-to-day care for more than one year; and
- has never been involved in any Family Court proceedings concerning a child under the Care of Children Act, the Guardianship Act or the Children, Young Persons and their Families Act; and
- has never been the respondent or associated respondent in proceedings under the Domestic Violence Act; and
- has never been convicted of an offence involving harm to a child (where harm may involve violence, abuse, neglect or deprivation) or an offence involving child pornography.

If the additional guardian is convicted of an offence involving harm to a child after the appointment is made, the appointment becomes void.

What are the restrictions on appointments?

An additional guardian cannot be appointed if the child:

- has a Court-appointed guardian; or
- has ever been the subject of an application that they are in need of care and protection under the Children, Young Persons and their Families Act; or
- has ever been the applicant of a protection order or has been covered by someone else's protection order under the Domestic Violence Act;

or if one of the parents who is appointing the additional guardian:

- has ever been removed as a guardian of a child by the Court; or
- has been involved in Family Court proceedings concerning a child under the Care of Children Act, the Guardianship Act or the Children, Young Persons and their Families Act; or
- has been the respondent or associated respondent in proceedings under the Domestic Violence Act.

A child can only ever have one additional guardian appointed under section 23. After Joe is appointed, no one else will be able to be appointed. For example, Paul's new partner will be unable to apply to be an additional guardian later on.

How does the appointment process work?

Each person making the appointment and the proposed additional guardian must:

- take all reasonable steps to ascertain and consider any views on the appointment expressed by the child; and
- agree to the appointment in writing.



There are three documents required for the appointment:

1. an appointment of additional guardian by parents form
2. a statutory declaration from each of the parents and the proposed additional guardian
3. a copy of the additional guardian's criminal record (both in New Zealand and for any convictions overseas). The appointment is an exception to the Criminal Records (Clean Slate) Act. All convictions must be disclosed.

Blank copies of the appointment form and the statutory declarations are included at the back of this book. There is also a form to request a copy of the additional guardian's record of convictions from the Ministry of Justice. Once the copy is received, all of the documents can be submitted to any Family Court. The Family Court will only accept an application for appointment if all the documents are attached.

Each person's declaration must declare:

- whether, in his or her opinion, the appointment is conducive to the welfare and best interests of the child; and
- whether, in his or her opinion, he or she has taken all reasonable steps to ascertain and consider any views expressed on it by the child; and
- (for both parents making the application) that he or she has seen the proposed additional guardian's criminal record; and
- that, to the best of his or her knowledge, the proposed additional guardian has never been convicted of an offence of the kind referred to in s23(2)(d) (i.e. an offence involving harm to a child); and
- that, to the best of his or her knowledge, there is no reason why the proposed additional guardian is not an eligible spouse or partner of a parent (as defined in s23(2)) in relation to the child.

It is an offence under the Oaths and Declarations Act punishable by up to three years' imprisonment to make a false declaration.

When does the appointment take effect?

An appointment will only take effect when the Registrar of a Family Court has approved the form and declarations.

The Registrar can only approve the documents when he or she is satisfied:

- that the form and declarations are accompanied by the proposed additional guardian's criminal record; and
- the documents have been properly completed and appear to be in order; and
- in particular, that the Family Court case-management system appears to hold no information that would prevent the appointment.

The Registrar is not required to inquire into details of a conviction in the proposed additional guardian's criminal record. The Registrar cannot appoint an additional guardian if any of the statutory declarations required cannot be provided.

Checklist

If you can answer yes to each of these statements you should be able to make an application under section 23. If any of the statements are answered no, you should consult a lawyer or Community Law Centre for more advice.

The parent whose partner is the proposed additional guardian:

- Agrees to the appointment
- Has spoken to the child about the appointment and considered their views
- Believes that making the appointment would be in the child's best interests
- Has seen their partner's criminal record and confirmed there are no relevant offences on it
- Has made sure there are no other reasons why their partner would not be eligible to become an additional guardian
- Can confirm that they have never been
 - (a) removed as a guardian of any child by a Court; and
 - (b) involved in any Family Court proceedings involving a child under the Guardianship Act, Care of Children Act or Children, Young Persons and their Families Act; and
 - (c) a respondent or associated respondent in Domestic Violence Act proceedings

The other parent:

- Agrees to the appointment
- Has spoken to the child about the appointment and considered their views
- Believes that making the appointment would be in the child's best interests?
- Has seen the proposed additional guardian's criminal record and confirmed there are no relevant offences on it
- Has made sure there are no other reasons why the proposed additional guardian is not eligible
- Can confirm you that they have never been
 - (a) removed as a guardian of any child by a Court; and
 - (b) involved in any Family Court proceedings involving a child under the Guardianship Act, Care of Children Act or Children, Young Persons and their Families Act; and
 - (c) a respondent or associated respondent in Domestic Violence Act proceedings

The proposed additional guardian:

- Agrees to the appointment
- Has shared responsibility for the child's day-to-day care for at least a year
- Has spoken to the child about the appointment and considered their views
- Believes that becoming an additional guardian would be in the child's best interests
- Can confirm that any criminal offence they may have been convicted of does not disqualify them from becoming an additional guardian
- Can confirm that there are no other reasons why they would not be eligible to become an additional guardian
- Can confirm that they have never been
 - (a) involved in any Family Court proceedings involving a child under the Guardianship Act, Care of Children Act or Children, Young Persons and their Families Act; and
 - (b) a respondent or associated respondent in Domestic Violence Act proceedings

The child:

- Has never had a Court-appointed guardian
- Has never been the subject of an application that they are in need of care and protection under the Children, Young Persons and their Families Act
- Has never been the applicant of a protection order or been covered by anyone else's protection order under the Domestic Violence Act

SECTION TWO – JANE AND JOE’S APPLICATION

Jane and Joe have gone through the checklist and made sure that they can answer yes to each statement. They can now apply to have Joe made an additional guardian for Stacey.

Their forms are set out on the following pages as an example.

Once they have completed the forms they need to file them at their local Family Court along with the copy of Joe’s criminal record they received from the Ministry of Justice. Addresses for Family Courts are included on the back page of this book.

Note on filling out the application form

Question 2(1) of the application form requires the parents appointing the additional guardian to state whether they are both guardians and refers to section 17 of the Care of Children Act.

(1) <i>Authority to make appointment</i> As required by section 21 of the Care of Children Act 2004 (the Act), the appointment is made by [tick one]— <input type="checkbox"/> _____ and _____ the child’s parents, both of whom are guardians of the child; or <input type="checkbox"/> _____ and _____ the mother and the father of the child (if the mother is sole guardian of the child just because of section 17(2) or (3) of the Act); or
--

Section 17 says that if the child was conceived after 1 July 2005, the mother is sole guardian if she wasn’t married to, in a civil union or living in a de facto relationship with the father of the child at any time between conception and birth.

If the child was conceived before 1 July 2005, the mother is sole guardian if she wasn’t married or living with the father of the child at the time of the birth.

In the example given, if Paul and Jane hadn’t been living together when Stacey was born, Paul wouldn’t automatically be her guardian and they would need to tick the second box on the form.

If you are not sure which box you should tick for this question, ask for help at a Community Law Centre or the Family Court.

Form — Appointment of additional guardian by parents

Section 23, Care of Children Act 2004

1 Appointment of additional guardian of child

(1) *Appointment*

Joseph William Baker is appointed as an additional guardian of the child Stacey Jane Rogers on approval of this form and the other required documents by the Registrar of a Family Court.

(2) *Child who is subject of appointment*

Full name: Stacey Jane Rogers
Address: 4 Pember Street, Porirua
Date of birth: 14 September 1998
Age: 7
Gender: Male / Female

(3) *Proposed additional guardian*

Full name: Joseph William Baker
Address: 4 Pember Street, Porirua
Occupation: Builder
Date of birth: 6 March 1972
Age: 33
Gender: Male / Female

Children from current and past relationships

Full name of each child	Date of birth	Age	Gender
Jacob Mark Baker	18 July 1993	12	Male

2 Person(s) making appointment

(1) *Authority to make appointment*

As required by section 21 of the Care of Children Act 2004 (the Act), the appointment is made by [tick one]—

- Jane Melissa Rogers and Paul David Edwards, the child's parents, both of whom are guardians of the child; or
- _____ and _____, the mother and the father of the child (if the mother is sole guardian of the child just because of section 17(2) or (3) of the Act); or
- _____, a parent of the child as his or her sole guardian (either because the other parent of the child is dead, or because of the application of Part 2 of the Status of Children Act 1969); or
- the surviving parent and a testamentary guardian of the child (if, before dying, the other parent of the child appointed the testamentary guardian under section 26(1) of the Act).

(2) *Parent or testamentary guardian making appointment*

Full name: Jane Melissa Rogers
Address: 4 Pember Street, Porirua
Occupation: Administrator
Date of birth: 24 October 1975
Age: 30
Gender: Male / Female

Children from current and past relationships

Full name of each child	Date of birth	Age	Gender
Stacey Jane Rogers	14 September 1998	7	Female

*(3) *Parent or testamentary guardian making appointment*

Full name: Paul David Edwards
Address: 16 Apex Road, Lower Hutt
Occupation: Teacher
Date of birth: 28 August 1971
Age: 34
Gender: Male / Female

Children from current and past relationships

Full name of each child	Date of birth	Age	Gender
Stacey Jane Rogers	14 September 1998	7	Female
Samantha Ruth Edwards	20 June 2004	1	Female

**Delete if inapplicable.*

3 Requirements of section 22 of Act

- (1) Under section 22(1) of the Act, the appointment cannot be made unless all of the following statements apply [*tick those that apply*]. The child who is the subject of the appointment—
- does not have a testamentary guardian appointed by the Court under section 26(3) of the Act; *and*
 - does not have a guardian (either sole or additional) appointed by the Court under section 27 of the Act; *and*
 - is not, and has not been, involved in proceedings under Part 2 of the Children, Young Persons, and Their Families Act 1989; *and*
 - is not, and has not been, an applicant for, or the subject of, a protection order under the Domestic Violence Act 1995.
- (2) Under section 22(2) of the Act, the appointment cannot be made unless all of the following statements apply [*tick those that apply*]. A parent authorised by section 21 of the Act to make the appointment—
- has not already appointed an additional guardian for the child under section 23 of the Act; *and*
 - has not been deprived of his or her guardianship by an order under section 29 of the Act; *and*
 - is not, and has not been, involved in proceedings concerning a child under the Act, a former Act corresponding to the Act, or Part 2 of the Children, Young Persons, and Their Families Act 1989; *and*

- is not, and has not been, a respondent or associated respondent in proceedings under the Domestic Violence Act 1995.

(3) As required by section 22(3) of the Act, either [*tick one*]—

- the child; or
 _____ a parent of the child;—

is either [*tick one*]—

- a New Zealand citizen; or
 a person who is ordinarily resident in New Zealand.

4 Proposed additional guardian: eligibility requirements

Under section 23(2) of the Act, the appointment cannot be made unless all of the following statements apply [*tick those that apply*]. The proposed additional guardian—

- is or has been the spouse, civil union partner, or de facto partner of the parent who is making the appointment; and
 is not a parent of the child, but shares responsibility for the child's day-to-day care, and has done so for not less than 1 year; and
 is not, and has never been, involved in proceedings concerning a child under the Act, a former Act corresponding to the Act, or Part 2 of the Children, Young Persons, and Their Families Act 1989; and
 is not, and has never been, either a respondent or an associated respondent in proceedings under the Domestic Violence Act 1995; and
 has never been convicted of an offence involving harm to a child, including (without limitation)—
- an offence involving violence (that is, physical abuse or sexual abuse), ill-treatment, abuse, neglect, or deprivation in relation to a child; or
 - an offence against the Films, Videos, and Publications Classification Act 1993 involving a child pornography publication (as defined in section 23(3) of the Act).

5 Agreements to appointment

(1) *Proposed additional guardian*
I, Joseph William Baker, at Porirua on 16 November 2005 agree, in accordance with section 23(4) of the Act, to my appointment as an additional guardian of Stacey Jane Rogers.

J W Baker

Signature

(2) *Parent making appointment*
I, Jane Melissa Rogers, at Porirua on 16 November 2005 agree, in accordance with section 23(4) of the Act, to the appointment of Joseph William Baker as an additional guardian of Stacey Jane Rogers.

Jane Rogers

Signature

(3) **Other parent, or testamentary guardian, making an appointment*
I, Paul David Edwards at Lower Hutt on 22 November 2005 agree, in accordance with section 23(4) of the Act, to the appointment of Joseph William Baker as an additional guardian of Stacey Jane Rogers.

P Edwards

Signature

**Delete if inapplicable.*

Declaration of parent (~~or testamentary guardian~~) of the child required by section 23(5)(a) of the Care of Children Act 2004 for appointment of additional guardian by parents.

I, Jane Melissa Rogers of 4 Pember Street, Porirua, Administrator, solemnly and sincerely declare that:

1. In my opinion, the appointment of Joseph William Baker as an additional guardian for Stacey Jane Rogers (the "child") is conducive to the welfare and best interests of the child.
2. In my opinion, I have taken all reasonable steps to ascertain and consider any views expressed by the child on the appointment of an additional guardian.
3. I have seen the criminal record of the proposed additional guardian and to the best of my knowledge, the proposed additional guardian has never been convicted of an offence referred to in section 23 (2)(d) of the Care of Children Act 2004.
4. To the best of my knowledge I am not aware of any other reason why the proposed additional guardian is not an eligible spouse or partner (as defined in section 23 (2) of the Care of Children Act 2004) in relation to the child.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Jane Rogers
(Signature)

Declared at Porirua this 23rd day of November 2005

before me: G Arthur

Solicitor of the High Court / ~~Justice of the Peace / Registrar / Deputy Registrar of the District Court~~

Declaration of parent (~~or testamentary guardian~~) of the child required by section 23(5)(a) of the Care of Children Act 2004 for appointment of additional guardian by parents.

I, Paul David Edwards of 16 Apex Road, Lower Hutt, Teacher, solemnly and sincerely declare that:

1. In my opinion, the appointment of Joseph William Baker as an additional guardian for Stacey Jane Rogers (the "child") is conducive to the welfare and best interests of the child.
2. In my opinion, I have taken all reasonable steps to ascertain and consider any views expressed by the child on the appointment of an additional guardian.
3. I have seen the criminal record of the proposed additional guardian and to the best of my knowledge, the proposed additional guardian has never been convicted of an offence referred to in section 23 (2)(d) of the Care of Children Act 2004.
4. To the best of my knowledge I am not aware of any other reason why the proposed additional guardian is not an eligible spouse or partner (as defined in section 23 (2) of the Care of Children Act 2004) in relation to the child.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

P Edwards
(Signature)

Declared at Porirua this 23rd day of November 2005

before me: G Arthur

Solicitor of the High Court / ~~Justice of the Peace~~ / Registrar / ~~Deputy Registrar of the District Court~~

Declaration of the proposed additional guardian of the child required by section 23(5)(a) of the Care of Children Act 2004 for appointment of additional guardian by parents.

I, Joseph William Baker of 4 Pember Street, Porirua, Builder solemnly and sincerely declare that:

1. I am the proposed additional guardian of the child Stacey Jane Rogers ("the child").
2. In my opinion, the appointment of me as an additional guardian is conducive to the welfare and best interests of the child.
3. In my opinion, I have taken all reasonable steps to ascertain and consider any views expressed by the child on my appointment as his/her additional guardian.
4. To the best of my knowledge I have never been convicted of an offence referred to in section 23(2)(d) of the Care of Children Act 2004.
5. To the best of my knowledge I am not aware of any other reason why I am not an eligible spouse or partner (as defined in section 23 (2) of the Care of Children Act 2004) in relation to the child.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

J W Baker
(Signature)

Declared at Porirua this 23rd day of November 2005

before me: G Arthur

Solicitor of the High Court / ~~Justice of the Peace / Registrar / Deputy Registrar of the District Court~~

Form — Appointment of additional guardian by parents

Section 23, Care of Children Act 2004

1 Appointment of additional guardian of child

(1) Appointment

_____ is appointed as an additional guardian of the child _____ on approval of this form and the other required documents by the Registrar of a Family Court.

(2) Child who is subject of appointment

Full name: _____

Address: _____

Date of birth: _____

Age: _____

Gender: Male / Female

(3) Proposed additional guardian

Full name: _____

Address: _____

Occupation: _____

Date of birth: _____

Age: _____

Gender: Male / Female

Children from current and past relationships

Full name of each child	Date of birth	Age	Gender

2 Person(s) making appointment

(1) Authority to make appointment

As required by section 21 of the Care of Children Act 2004 (the Act), the appointment is made by *[tick one]*—

- _____ and _____
the child’s parents, both of whom are guardians of the child; or
- _____ and _____
the mother and the father of the child (if the mother is sole guardian of the child just because of section 17(2) or (3) of the Act); or
- _____, a parent of the child as his or her sole guardian (either because the other parent of the child is dead, or because of the application of Part 2 of the Status of Children Act 1969); or
- _____ and _____
the surviving parent and a testamentary guardian of the child (if, before dying, the other parent of the child appointed the testamentary guardian under section 26(1) of the Act).

(2) Parent or testamentary guardian making appointment

Full name: _____

Address: _____

Occupation: _____

Date of birth: _____

Age: _____

Gender: Male / Female

Children from current and past relationships

Full name of each child	Date of birth	Age	Gender

**(3) Parent or testamentary guardian making appointment*

Full name: _____

Address: _____

Occupation: _____

Date of birth: _____

Age: _____

Gender: Male / Female

Children from current and past relationships

Full name of each child	Date of birth	Age	Gender

**Delete if inapplicable.*

3 Requirements of section 22 of Act

- (1) Under section 22(1) of the Act, the appointment cannot be made unless all of the following statements apply *[tick those that apply]*. The child who is the subject of the appointment—
- does not have a testamentary guardian appointed by the Court under section 26(3) of the Act; *and*
 - does not have a guardian (either sole or additional) appointed by the Court under section 27 of the Act; *and*
 - is not, and has not been, involved in proceedings under Part 2 of the Children, Young Persons, and Their Families Act 1989; *and*
 - is not, and has not been, an applicant for, or the subject of, a protection order under the Domestic Violence Act 1995.
- (2) Under section 22(2) of the Act, the appointment cannot be made unless all of the following statements apply *[tick those that apply]*. A parent authorised by section 21 of the Act to make the appointment—
- has not already appointed an additional guardian for the child under section 23 of the Act; *and*
 - has not been deprived of his or her guardianship by an order under section 29 of the Act; *and*
 - is not, and has not been, involved in proceedings concerning a child under the Act, a former Act corresponding to the Act, or Part 2 of the Children, Young Persons, and Their Families Act 1989; *and*
 - is not, and has not been, a respondent or associated respondent in proceedings under the Domestic Violence Act 1995.

- (3) As required by section 22(3) of the Act, either [*tick one*]—
- the child; or
 - _____ a parent of the child;—

is either [*tick one*]—

- a New Zealand citizen; or
- a person who is ordinarily resident in New Zealand.

4 Proposed additional guardian: eligibility requirements

Under section 23(2) of the Act, the appointment cannot be made unless all of the following statements apply [*tick those that apply*]. The proposed additional guardian—

- is or has been the spouse, civil union partner, or de facto partner of the parent who is making the appointment; and
- is not a parent of the child, but shares responsibility for the child's day-to-day care, and has done so for not less than 1 year; and
- is not, and has never been, involved in proceedings concerning a child under the Act, a former Act corresponding to the Act, or Part 2 of the Children, Young Persons, and Their Families Act 1989; and
- is not, and has never been, either a respondent or an associated respondent in proceedings under the Domestic Violence Act 1995; and
- has never been convicted of an offence involving harm to a child, including (without limitation)—
 - an offence involving violence (that is, physical abuse or sexual abuse), ill-treatment, abuse, neglect, or deprivation in relation to a child; or
 - an offence against the Films, Videos, and Publications Classification Act 1993 involving a child pornography publication (as defined in section 23(3) of the Act).

5 Agreements to appointment

(1) *Proposed additional guardian*

I, _____, at _____
on _____ agree, in accordance with section 23(4) of the Act, to
my appointment as an additional guardian of _____.

Signature

(2) *Parent making appointment*

I, _____, at _____
on _____ agree, in accordance with section 23(4) of the Act, to
the appointment of _____ as an additional
guardian of _____.

Signature

(3) **Other parent, or testamentary guardian, making an appointment*

I, _____, at _____
on _____ agree, in accordance with section 23(4) of the Act, to
the appointment of _____ as an additional
guardian of _____.

Signature

**Delete if inapplicable.*

.....
6 Registrar's approval (official use only)

I, _____, Registrar of the Family Court at _____
in accordance with section 25 of the Act, *approved (*or declined to approve) this
appointment on _____.

Registrar's signature

Registrar's name

Declaration of parent (or testamentary guardian) of the child required by section 23(5)(a) of the Care of Children Act 2004 for appointment of additional guardian by parents.

I _____ of _____
(Full name) (Full residential address)

_____, _____, solemnly and sincerely declare that:
(Occupation)

1. In my opinion, the appointment of _____
(Full name of proposed additional guardian)

as an additional guardian for _____ (the "child")
(Full name of child who is subject of appointment)

is conducive to the welfare and best interests of the child.

2. In my opinion, I have taken all reasonable steps to ascertain and consider any views expressed by the child on the appointment of an additional guardian.

3. I have seen the criminal record of the proposed additional guardian and to the best of my knowledge, the proposed additional guardian has never been convicted of an offence referred to in section 23 (2)(d) of the Care of Children Act 2004.

4. To the best of my knowledge I am not aware of any other reason why the proposed additional guardian is not an eligible spouse or partner (as defined in section 23 (2) of the Care of Children Act 2004) in relation to the child.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

(Signature)

Declared at _____ this _____ day of _____ 20__

before me: _____

Solicitor of the High Court / Justice of the Peace / Registrar / Deputy Registrar of the District Court

Declaration of parent (or testamentary guardian) of the child required by section 23(5)(a) of the Care of Children Act 2004 for appointment of additional guardian by parents.

I _____ of _____
(Full name) (Full residential address)

_____, _____, solemnly and sincerely declare that:
(Occupation)

1. In my opinion, the appointment of _____
(Full name of proposed additional guardian)

as an additional guardian for _____ (the "child")
(Full name of child who is subject of appointment)

is conducive to the welfare and best interests of the child.

2. In my opinion, I have taken all reasonable steps to ascertain and consider any views expressed by the child on the appointment of an additional guardian.

3. I have seen the criminal record of the proposed additional guardian and to the best of my knowledge, the proposed additional guardian has never been convicted of an offence referred to in section 23 (2)(d) of the Care of Children Act 2004.

4. To the best of my knowledge I am not aware of any other reason why the proposed additional guardian is not an eligible spouse or partner (as defined in section 23 (2) of the Care of Children Act 2004) in relation to the child.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

(Signature)

Declared at _____ this _____ day of _____ 20__

before me: _____

Solicitor of the High Court / Justice of the Peace / Registrar / Deputy Registrar of the District Court

Declaration of the proposed additional guardian of the child required by section 23(5)(a) of the Care of Children Act 2004 for appointment of additional guardian by parents.

I _____ of _____
(Full name) (Full residential address)

_____, _____, solemnly and sincerely declare that:
(Occupation)

1. I am the proposed additional guardian of the child _____ ("the child").
2. In my opinion, the appointment of me as an additional guardian is conducive to the welfare and best interests of the child.
3. In my opinion, I have taken all reasonable steps to ascertain and consider any views expressed by the child on my appointment as his/her additional guardian.
4. To the best of my knowledge I have never been convicted of an offence referred to in section 23(2)(d) of the Care of Children Act 2004.
5. To the best of my knowledge I am not aware of any other reason why I am not an eligible spouse or partner (as defined in section 23(2) of the Care of Children Act 2004) in relation to the child.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

(Signature)

Declared at _____ this _____ day of _____ 20__

before me: _____

Solicitor of the High Court / Justice of the Peace / Registrar / Deputy Registrar of the District Court

Community Law Centre Addresses

Baywide Community Law Service
c/ Tauranga CAB, 38 Hamilton Street
Tauranga
(07) 571 6812

Community Law Canterbury
281 Madras St
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(03) 366 6870

Community Legal Advice Whanganui
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Dunedin Community Law Centre
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Dunedin
(03) 474 1922

Grey Lynn Neighbourhood Law Office
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(09) 378 6085

Hamilton District Community Law Centre Trust
109 Anglesea St
Hamilton
(07) 839 0770

Hawkes Bay Community Law Centre
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Hutt Valley Community Law Centre
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Manawatu Community Law Centre
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Mangere Community Law Centre
Shop 37, Mangere Town Centre
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(09) 275 4310

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First Floor, 303 Durham St
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Level 3, NZI House, Market St North
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(09) 309 6967

Family Court Addresses

Alexandra	Kelman Street	(03) 440 0060
Ashburton	Baring Square West	(03) 307 9060
Auckland	3 Kingston Street, 9 th Floor	(09) 916 9000
Balclutha	1 Paisley Street	(03) 419 0070
Blenheim	58 Alfred Street	(03) 520 9256
Chatham Islands	WaitangiTuku Road	(03) 305 0336
Christchurch	85 Armagh Street	(03) 962 4000
Dannevirke	5 –7 Gordon Street	(06) 952 6200
Dargaville	45 Hokianga Road	(09) 983 5460
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Feilding	Corner Kimbolton Rd & Stratford St	(06) 952 6200
Gisborne	2 nd Floor Quaypoint Building, Reads Quay	(06) 869 0340

Gore	6 Hokonui Drive	(03) 211 0650
Greymouth	4 Guinness Street	(03) 769 9130
Hamilton	Corner Anglesea & Bridge Streets	(07) 957 7700
Hastings	Corner Railway Rd & Eastbourne St	(06) 974 7330
Hawera	64-68 Princes Street	(06) 968 6500
Huntly	4-6 Glasgow Street	(07) 957 7700
Invercargill	33 Don Street, State Insurance Building	(03) 211 0650
Kaikohe	Station Road	(09) 401 5020
Kaitaia	Redan Road	(09) 983 5460
Levin	9 Bristol Street	(06) 952 6200
Lower Hutt	Laings Road	(04) 914 3140
Manukau	30 Wiri Station Rd	(09) 916 2600
Marton	23-27 Stewart Street	(06) 327 0040
Masterton	Corner Dixon Street & Park Avenue	(06) 370 0230
Morrinsville	31 Moorehouse Street	(07) 889 8300
Napier	251 Hastings Street	(06) 974 6000
Nelson	200 Bridge Street	(03) 989 2520
New Plymouth	Devon Street West, Atkinson Building	(06) 968 6500
North Shore	Cnr Don McKinnon & Corinthian Drives	(09) 916 5848
Oamaru	88 Thames Street	(03) 433 0210
Opotiki	Corner Church & Elliot Streets	(07) 315 6137
Palmerston North	436-464 Main Street	(06) 952 6200
Papakura	Cnr Great South Road & Wood Street	(09) 916 9440
Porirua	4 Hagley Street	(04) 914 3260
Pukekohe	Stadium Drive	(09) 237 0140
Rangiora	Percival Street	(03) 311 8060
Rotorua	Corner Arawa & Tutanekai Streets	(07) 921 7400
Taihape	10 Tui Street	(06) 388 1751
Taumarunui	Miriama Street	(06) 349 0740
Taupo	Story Place	(07) 921 7400
Tauranga	Harrington House, Harrington Street	(07) 928 7200
Te Awamutu	35 Roche Street	(07) 872 0180
Te Kuiti	Queen Street	(07) 878 0030
Thames	505 Queen Street	(07) 957 7700
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Tokoroa	Bridge Street	(07) 921 7400
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Whakatane	Pyne Street	(07) 306 0200
Whangarei	105 Bank Street	(09) 983 5460

Under section 23 of the Care of Children Act 2004, an “eligible partner” of a parent may be appointed as an additional guardian of the children of that parent provided certain criteria are met.

This resource booklet is a “self help” resource targeted at those people who fit the criteria for an application and do not wish to instruct a lawyer to make the application for them.

It uses a case study example to demonstrate how someone can appoint a partner as a guardian of their child and contains simple forms with examples filled in by the applicant to demonstrate how to complete the documents that need to be filed at the Family Court in order to make the appointment.

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