



Working with Oranga Tamariki

Oranga Tamariki is focused on ensuring that the welfare and interests of the child are given effect to. Families with mothers in prison may become involved with Oranga Tamariki if Oranga Tamariki is concerned that the best interests of the child are not being met.

When Oranga Tamariki will become involved with a family

Oranga Tamariki will become involved when one or more of the grounds in section 14 of Oranga Tamariki Act 1989 is met. These include that:

- The child is being, or likely being, harmed (physically, emotionally or sexually);
- The child's parents or guardians are unwilling or unable to care for the child; or
- The child's development, physical or mental or emotional well-being is or is likely to be impaired or neglected.

If one of these are met, this means that the child or children are in need of care or protection.

Oranga Tamariki may become aware of an issue in a number of ways, for example, it may have been involved with the family previously; a family member or friend might have notified Oranga Tamariki; or a parent themselves might ask Oranga Tamariki for help.

The Oranga Tamariki process

If Oranga Tamariki receives a notification relating to a child or children, they will investigate to determine whether the child is in need of care and protection. Oranga Tamariki may simply help the family of the child connect with other agencies and services. If the situation is serious, Oranga Tamariki may monitor the child and their caregiver, or start a Family Group Conference (FGC). In very serious situations, Oranga Tamariki may remove the child.

If a child is removed, Oranga Tamariki may place them in the care of an appropriate person, who may be a family member, or a person approved by the social worker. If this option is not appropriate, the social worker will place the child in the care of a residence run by Oranga Tamariki. A Family Group Conference (**FGC**) will then be held as soon as possible to make future arrangements for the child's care. If this does not occur quickly, the child must be brought before a Family Court within 5 days so that the Court can order that the child either be released; be placed in the day-to-day care of someone who the Court sees fit; or be placed in the *interim custody* of Oranga Tamariki. A child, parent, or guardian can appear before the Court and give their views about what the Court should order.

Family Group Conference

A FGC is a family meeting where the participants make a plan to keep a child safe. This could occur before a child is removed by Oranga Tamariki, or afterwards. A Family

Group Conference will be attended by a convener (the leader of the meeting), the child's whānau, a lawyer for child (if appointed) and the social worker. If a mother is in prison when the FGC occurs, she should talk to her case manager and social worker about the below options to have her views heard at the FGC:

- Attend under escort.
- The Oranga Tamariki Care and Protection coordinator may visit the mother and get her views.
- A support person or lawyer may be able to represent the mother's views.
- Conference call link could be set up from the prison.

At the FGC, the participants will try to come to an agreement about a care plan for the child. This care plan will include information about who is responsible for the care of the child; where they will live; what support services are needed for the child; what payments are needed to support the child; and what (if any) legal orders are needed to implement the plan. Care plans may provide for regular contact with the mother through letter writing, phone calls and visits, and more contact or care when the mother is released. Oranga Tamariki may provide money for visits if the child is being cared for a long way from where she is imprisoned. The mother should discuss prison visits at the FGC before she agrees to a plan.

If the participants cannot agree on a care plan at the FGC, Oranga Tamariki can make an application to the Family Court about what they think is the best way to proceed. The Court may then make Care and Protection Orders. These orders can relate to day-to-day care and guardianship, support for the child, counselling, restraining orders, or services provided by Oranga Tamariki or another organisation.

A mother will only be denied contact with her child where Oranga Tamariki believes it will be damaging for the child. This may occur if there is a history of abuse that has caused trauma to a child, or if a child is distressed when contacted by their mother. If the mother is refused contact, she can contest this and apply for contact through the Family Court process. If she is denied contact and she tries to contact her child, Oranga Tamariki may have a protection order issued against her (see "Protection Orders Against Mothers Who Are Incarcerated").

See [here](#) for more information and videos about Family Group Conferences.

Dispute between a parent and Oranga Tamariki

If a child is in Oranga Tamariki care while the mother is imprisoned, the Family Court will have made orders about the care and protection of the child. A parent, guardian, or young person who has been removed by Oranga Tamariki can apply to the Family Court to be released from the custody of Oranga Tamariki, to change an order, or appeal the decision to the High Court.

A guardian is responsible for making major decisions about their child's upbringing (for example, health, education, religious upbringing, travel). If Oranga Tamariki is also a guardian, then those decisions will be made jointly with them. A guardian should have enough information to make a decision on major decisions. If they disagree with a decision made by Oranga Tamariki a guardian may go to the Family Court to review that decision.

You may also complain to the Ombudsman about decisions and actions by Oranga Tamariki

For further information see <https://www.orangatamariki.govt.nz/>

Contact Oranga Tamariki on 0508 326 459 or email contact@ot.govt.nz. Urgent concerns about a child's wellbeing or safety should be directed to the Police (111).