

Form – Appointment of additional guardian by parents
Section 23, Care of Children Act 2004

1. Appointment of additional guardian of child

1. Appointment

.....
[full name]

is appointed as additional guardian of the child

.....
[full name]

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:

3. Proposed additional guardian

Full name:

Address:

Occupation:

Age:

Gender:

Children from current and past relationships

Full name of each child	Date of birth	Age	Gender
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.....
.....
.....
.....
.....
.....

2. Person(s) making appointment

1. Authority to make appointment

As required by section 21 of the Child Care Act 2004 (the Act), the appointment is made by

[select and complete the option that applies]

..... *[full name]*

and

..... *[full name]*

the child's parents, both of whom are guardians of the child;

or

..... *[full name]*

and

..... *[full name]*

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

..... *[full name]*

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

[select and complete if more than one person making the appointment]

3. Parent or testamentary guardian making appointment

Full name:

Address:

Occupation:

Age:

Gender:

Children from past and current relationships

Full name of each child	Date of birth	Age	Gender
.....
.....
.....
.....
.....
.....

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.

The child who is the subject of the appointment—

[select if applies]

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 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** the following statements apply.

A parent authorised by section 21 of the Act to make the appointment—

[select if applies]

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

[select the option that applies]

the child;

or

..... *[full name]*

a parent of the child;—

is either

[select the option that applies]

a New Zealand citizen;

or

a person who is ordinarily resident in New Zealand.

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

I,
[full name]

Registrar of the Family Court at
[place]

in accordance with section 25 of the Act, *approve (*or declined to approve)

this appointment on
[date]

.....
 Registrar's Signature

.....
 Registrar's name

*Registrar to delete whatever is not applicable.

Notes

Purpose of form

This form must be used for appointment of an eligible spouse or partner of a parent of a child as an additional guardian of the child under section 23 of the Care of Children Act 2004 (the **Act**). The additional guardian's appointment takes effect only when the Registrar of a Family Court approves this forms and the other required documents. A person who is not an eligible spouse or partner of a parent cannot be appointed under section 23 of the Act, but may instead apply to a family Court to be appointed and additional guardian under section 27 of the Act.

Guardian's role

A guardian's role is an important one, involving responsibility for promoting a child's welfare and best interests. When his or her appointment under section 23 of the Act takes effect, an additional guardian usually has (jointly with the other guardian or guardians of the child, and under sections 15 and 16 of the Act) responsibilities for the child including—

- having the role of providing day-to-day care for the child; and
- contributing to the child's intellectual , emotional, physical, social, cultural, and other personal development; and
- determining for or with the child , or helping the child to determine, important matters affecting the child including the child's name and any changes to it, his or her place of residence, medical treatment, education, culture, language, and religious denomination and practice.

An appointment of an additional guardian under section 23 of the Act ends when—

- the child turns 18 years, marries or enters into a civil union, or lives with another person as a de facto partner; or
- it is earlier revoked by order of a Family Court.

Completion, submission, and approval of required documents

This form is to be completed by—

- the person(s) authorized by section 21 of the Act to make the appointment (for example, the child's parents) ; and
- the proposed additional guardian.

Persons who are unsure about what it means to complete, sign, and submit this form or about the affect of appointing or being appointed as an additional guardian should seek legal advice before completing, submitting, or signing this form.

When submitted for approval under section 25 of the Act, this form must be accompanied by *[select both]*—

the associated statutory declarations specified in section 24 of the Act (as required by section 25(3)(a) of the Act, and which may be in a form approved for the purpose by the Secretary for Justice and available from the local Family Court or from—

- <http://www.justice.govt.nz/family>; and

the proposed additional guardian's criminal record (as required by section 25(3)(b) of the Act, and which must be obtained from the Privacy Unit, Ministry of Justice, National Office, PO Box 180, Wellington, or by using an application form from—

- <http://www.justice.govt.nz>

Those documents, once completed ,—

- must be submitted for approval all together; but
- may be submitted to any Family Court

Information submitted as part of this form will be used by the Registrar of the relevant Family Court, the Ministry of Justice, or both, for generating a record of the request, making inquiries related to approval, and for processing the appointment.