

Fakafiliaga Magafaoa ha Niu Silani

Ko e Fakamaamaaga ke lata ma e Fakatufono Tohi ma e Levekiaga he tau Fānau 2004 (Care of Children Act)

Fakamaamaaga

Fakagahua e Fakatufono Tohi ma e Levekiaga he tau Fānau he aho 1 i a Iulai 2005. Kua huhui he Fakatufono Tohi nai e Fakatufono Levekitama he Tau 1968 (Guardianship Act).

Taute he Fakatufono Tohi nai e falu a hikihikiaga mahuiga ke he tau matafakatufono ke lata ma e –

- levekiaga he tau fānau
- tau fakatokatokaaga ma e levekiaga he tau fānau, mo e
- fakahagahaga mitaki he tau fakatokatokaaga ma e levekiaga he tau fānau.

Kua fakaholo tatai he Fakatufono Tohi e tau matafakatufono ma e tau tonuhia he tau matua ma e ha lautolu a tau fānau.

Mailoga foki he Fakatufono Tohi nai e loga he tau fānau ha Niu Silani he vahānai kua momoui hake ke he loga he tau vahega fakatokatokaaga fakamagafaoa.

Ko e tau hikihikiaga ne taute he Fakatufono Tohi

Ko e Fakatufono Tohi –

- fakamatamua e tonuhia he tau fānau
- fakaohooho fakalahi e kaufakalataha ha lautolu ke leveki e tau fānau
- mailoga e loga he tau vahega fakatokatokaaga leveki fānau he vahānai
- fai atāina atu foki ke he tau fakaholoaga he Fakafiliaga Magafaoa (Family Court), mo e
- foaki atu ke he Fakafiliaga e loga he falu a pūhala ke fakahagahaga mitaki aki e nākai munitua ke he tau poakiaga he Fakafiliaga.

LAGAKI HAKE HE FAKATUFONO TOHI MA E LEVEKIAGA HE TAU FĀNAU E TŪAGA MAFOLA MA E TAU MITAKI HE TAU FĀNAU.

Fakamalolōaga he tau tonuhiaaga he tau fānau

Fakamatamua he Fakatufono Tohi ma e Levekiaga he tau Fānau 2004, **e tau momoui he tau fānau**. Fakamalolo mai foki ke **moua mai e tau manatu** he tau fānau ke he tau fekau ke lata mo lautolu, ti ko e tau fifiliaga ma e tama, kua lata ni ke taute mo e fakagahua ke he tau magaaho kua hagahaga mitaki ke he logonaaga he tama.

Hiki foki he Fakatufono Tohi e fakavēaga mai he **tonuhiaaga** he tau mamatua ke **he tau gahua** he tau mamatua **ke lata** ma e tau fanau ha lautolu.

Fakamua e tau fānau

Kua fakamalolo fakalahi he Fakatufono Tohi nai, **e moui mo e tonuhia he tau fanau**, kua lata ke fakatū mua ke eke mo fekau mahuiga ke he ha fakatūtalaaga ki a lautolu.

Kua fakamahino mai e falu he tau matapatu manatu ke mailoga ki ai e Fakafiliaga he magaaho ka ha ha i ai e tau fifiliaga kua lata tonu ma e tau fānau –

- Ko e tau mamatua fanau mo e tau mamatua leveki he tama kua toka ai e tonuhiaaga ke leveki atu ki a lautolu mo e ke taute e tau fakatokatokaaga ma e ha lautolu a tau levekiaga, tau tupuaga mo e tau fakalaulahiaga.
- Kua lata ke hā i ai e tūmauaga ke he tau fakatokatokaaga leveki, tupuaga mo e fakalaulahiaga he tau fānau.
- Kua lata ke fakatūmau mo e fakaholo ki mua e tau matutakiaga fakafetui he tama mo e haana a magafaoa po ke magafaoa laulahi.
- Kua lata ke hā i ai e kaufakalataha he tau mamatua fanau, tau mamatua leveki mo e falu foki kua lauia ke he levekiaga he tama.
- Kua lata e tama ke fai puipuiaga mai he tau vahega ekefakakelea kehekehe oti, mo e
- Kua lata ke fakatūmau mo e fakaholo ki mua e tūaga tonuhia fakatagata he tama, fakalataha mo e ha lautolu a tau aga mo e tau mahani fakamotu, vagahau motu mo e lotu foki.

Fanogonogoaga ke he tau fānau

Ko e tau fifiliaga ne taute he Fakafiliaga Magafaoa ki lalo hifo he Fakatufono Tohi liga to fai lauiaga ke he tau momoui he tau fānau he tau aho takitaha pihia foki mo e ha lautolu a tau fakafetuiaga mo e ha lautolu a tau mamatua. Kua fakamalolō he Fakatufono Tohi foou e talahauaga kua lata he tama kua lauia ke he tau fakaholoaga he Fakafiliaga Magafaoa, ke foaki age taha magaaho ki a ia, ke talahau haana a tau manatu ke he tau mena kua lata ke taute, tuga e, ko hai ke fano a ia ke nofo ai. Ko e Iki Fakafili ke mailoga fakalahi e tau manatu he tama he magaaho ka taute ai e fifiliaga.

Ko e Loea ma e tama

Ki lalo hifo he Fakatufono foou, to tūmau nī e Fakafiliaga Magafaoa ke fifili e taha loea pauaki ke lagomatai e tama kaeke ke hoko atu e tau fekau ke lauia ai a ia i loto he Fakafiliaga.

Ko e gahua he loea ke –

- eke a ia mo hukui he tama ke he Fakafiliaga mo e ha fakafetuiaga mo e ha lautolu a tau mamatua
- moua e tau talahauaga he tama mo e, ke fakailoa atu ke he Iki Fakafili
- mailoga ko e tau fekau oti haggao ke he moui he tama, kua tuku atu ke he Fakafiliaga ke taute e fifiliaga, mo e
- fakamaama e fakaholoaga he Fakafiliaga ke he tama, ti pihia foki mo e fifiliaga he Iki Fakafili he magaaho fakahiku.

Kaeke kua manako ke moua foki falu a talahauaga, kumi atu ke he laupepa **Lawyer for the Child (Loea ma e Tama)**.

Maeke he tau fānau ke ole ke taute e taha liu fanogonogo ke he tau fifiliaga he Fakafiliaga Magafaoa kua lauia ai a lautolu

Hā i ai ke he Fakatufono Tohi e tonuhia he tau fanau ke liu fanogonogo e loga he tau fifiliaga i lalo hifo he Fakatufono Tohi kua lauia ai a lautolu – tuga e tau “parenting orders” (tau poakiaga leveki tama).

To fakamaama he loea ke he tama e haana a tonuhia ke liu fanogonogo. To lagomatai he loea ke fakamooli e tau liu fanogonogo kua manako e tama ki ai.

Maeke he tau fānau ke ole ke he Fakafiliaga ke liu kitekite ke he tau fifiliaga he tau mamatua fanau mo e tau mamatua leveki

Maeke he tama kua 16 mo e ki luga e tau tau moui ke ole atu ke he Fakafiliaga Magafaoa ke fifili e fekau kaeke kua nā kai fiafia a lautolu ke he tau fifiliaga mahuiga kua taute he ha lautolu a tau mamatua fanau po ke tau mamatua leveki.

Fakaoti mai e levekiaga ke he tama he 18 e tau tau moui

Muitua atu ke he Fakatufono Tohi, fakaoti mai haana a levekiaga he 18 e tau tau moui (mahani ke kaupā mai he 20). Maeke foki e levekiaga ke oti kaeke kua faitaane po ke faihoana e tama 16 po ke 17 e tau tau moui, “civil union” (nonofo taane po ke hoana) po ke kamata ke nonofo kapitiga (kua lata ke fai tohi fakamooli fakamua e matua fanau po ke matua leveki to taute e taha he tau mena nai).

Muitua e 18 tau ke he tau fakavēaga ha Niu Silani mo e tau tauteaga he lalolagi ki lalo hifo he United Nations Conventions on the Rights of the Child (Maveheaga he tau Kautū Kaufakalataha ma e tau Tonuhiaaga he Tama).

Fakaohohoaga ke lata ma e kaufakalataha ke leveki e tau fānau

Mai he “tau tonuhia” ke he “tau fekau ke taute”

Mamafa lahi e Fakatufono Tohi foou ke he **tau fekau** kua lata he tau mamatua ne tokoua ke taute ma e ha laua a tau fānau ka e nā kai hagaa ke he ha laua a tau **tonuhia** ko e tau mamatua.

Mailoga e hikiaga nai ke he tau kupu ne fakaaoga he Fakatufono Tohi foou. Pehē mai he Fakatufono Tohi foou, maeke he tau mamatua ke fai **levekiaga** ke he ha lautolu a tau fānau mai **he taha aho ke he taha aho** ka e nā kai ke **nonofo mo lautolu** e tau fānau. Maeke he tau mamatua ne ua ke kaufakalataha ke he levekiaga he tau aho takitaha, ke fakatokatoka e tau magaaho ke he pūhala kua hagahaga mitaki ma e ha lautolu a tau fānau mo e tau fekafekauaga he magafaoa.

To fakaohoho fakalahi ke he tau mamatua kua nā kai fai levekiaga ke he ha lautolu a tau fānau mai he taha aho ke he taha aho, ke fai **matutakiaga** ("contact") mo lautolu. Mahani e tauteaga nai fakamua ke talahau ko e pūhala **matutaki** ("access").

Kua huhui he Fakatufono Tohi e tau poakiaga lagomatai mo e tau poakiaga pūhala matutaki, aki e **‘parenting orders’** (tau poakiaga leveki tama).

Levekiaga he tau fānau – ko e gahua taute mau

Fakamahino mai foki he Fakatufono Tohi e **tūmauaga** he tau gahua ke taute he tau mamatua. Kaeke kua nonofo kehekehe e tau mamatua, kua lata a laua tokoua ke

fakatūmau e levekiaga ke he ha laua a tau fānau, pete he nākai nofomau e taha matua mo e tau fānau.

Fakaohoho ke he tau mamatua ke taute ni e lautolu e tau fakatokatokaaga ke lata ma e levekiaga he ha lautolu a tau fānau

Fakaohoho fakalahi e Fakatufono Tohi foou ke kaufakalataha mo e talia he tau mamatua ke he tau fakatokatokaaga ke lata ma e levekiaga he ha lautolu a tau fānau. Ma lautolu oti kua lauia ai, mua atu ke he tau fānau, kua lata ke tālaga nī he tau mamatua ha lautolu a tau fakatokatokaaga. Kua lata ke ole nī he tau mamatua ke fai matutakiaga mo e Fakafiliaga Magafaoa kaeke kua fetoko a lautolu ke he levekiaga he tau fānau mo e nākai maeke i a lautolu ke fakaoti e fetoko po ke lagomataiaga ne taute he Fakafiliaga.

Maeke he tau mamatua, kaeke kua manako, ke taute ni e lautolu ha lautolu a tau fakatokatokaaga ma e levekiaga he tau fānau, ke taute e “**parenting agreement**” (maveheaga levekitama). Maeke a lautolu ke ole ke he Fakafiliaga ke taute e taha “**Court Order**” (Poakiaga he Fakafiliaga), kua fakavē ke he maveheaga.

Ke moua falu a talahauaga foki, kikite ke he laupepa **Parenting Agreements (Maveheaga Levekitama)**.

Ko e heigoa e fakahikuaga ka nākai fetataiaki e tau mamatua?

Kaeke kua nākai fetataiaki e tau mamatua ke he tau mena mitaki ma e ha laua a tau fānau, maeke a laua ke ole ke he Fakafiliaga Magafaoa ke lagomatai. To kamata fakamua e Fakafiliaga ke taute taha **fakatūtalaaga nakai totogi tupe** ke moua e taha pulotu ke fakahagahaga mitaki ha laua a tau kehekeheaga he tau manatu.

Ke moua falu a talahauaga foki, kikite ke he laupepa **Counselling (Fakatutalaaga Fakatonutonu)**.

Ko e heigoa e fakahikuaga ka nākai moua e laua e fetataiaki ke he fakatūtalaaga fakatonutonu?

Kaeke ke nākai kautū e fakatūtalaaga fakatonutonu, maeke he taha matua po ko laua tokoua ke taute e tohi ole ke he Fakafiliaga Magafaoa ke moua e poakiaga levekitama . Fā mahani e Fakafiliaga ke taute e “**mediation conference**” (fakatūtalaaga fakamafola). Maeke he Iki Fakafili he Fakafiliaga Magafaoa po ke pulotu taute mafola he falu a magaaho, ke lagomatai e tau mamatua ke moua e fetataiaki.

Ke moua falu a talahauaga foki, kikite ke he laupepa **Mediation Conference (Fakatūtalaaga Fakamafola)**.

Tauteaga he Fakafiliaga ke he Poakiaga levekitama – ko e tauteaga fakahiku

Kaeke ke nākai kautū e fakatūtalaaga fakatonutonu po ke gahua taute mafola, ko e fakahikuaga ke taatu e fekau ke he Fakafiliaga. Ka oti e Fakafiliaga ti taute ai e “**parenting order**” (poakiaga levekitama). Fakamahino e poakiaga ke he, ko hai ke –

- leveki e tau fānau **he tau aho takitaha** mo e tau magaaho fē, mo e
- kaeke kua leveki he taha matua he tau aho takitaha, ko e tau magaaho fē mo e tau pūhala fē he taha matua ke **matutaki** ai mo e tau fānau.

Fifili fēfē he Fakafiliaga?

Ko e fekau mua mo e uho he Fakafiliaga ke mailoga ki ai, **ko e levekiaga ke he tama** he magaaho ka fifili ai ko e taute nakai e poakiaga levekitama mo e ko e heigoa e tau mena kua lata ke hahā i ai.

Maeke he Fakafiliaga ke moua e taha fakailoaaga tohi mai he taha pulotu, ke fifili aki e fekau – tuga e fakailoaaga tohi mai he pulotu ke he tau manamanatuaga (psychologist), po ke fakailoaaga hagai ke he tupumaiaga he tama. Maeke foki he Fakafiliaga ke ole atu ke he taha tagata gahua (social worker) mai he “Child, Youth & Family Services” (Faahi Gahua ma e tau Fānau, Tau Fuata mo e tau Magafaoa), ke taute e taha fakailoaaga tohi.

Maeke he matua ke ole ke he Fakafiliaga ke fanogonogo ke he taha ka talahau e tupumaiaga he tama mo e aoga fēfē e tau talahauaga nai ke he tau fifiliaga he Fakafiliaga kua ole ki ai ke taute.

Ke moua falu a talahauaga, kikite ke he laupepa **Parenting Orders** (Poakiga Levekitama).

Tauteaga ke Aoga e Poakiaga Levekitama

Kaeke ke nākai muiua e taha matua ke he tau talahauaga he poakiaga levekitama, ko e mena fakamua ne fā mahani e Fakafiliaga ke taute, ko e fakakite atu e tau mamatua ke he matagahua **fakatonutonu**, ke lali ke fakahagahaga mitaki nī e lautolu ha lautolu a tau fekehekeheaki.

Kaeke ke nākai koutu e tauteaga nai, ti fai tauteaga fakahiku foki e Fakafiliaga ke taute falu a poakiaga ke lata ma e fekau. Maeke he tauteaga nai, ke tukutuku hifo ki lalo e tau magaaho ke nonofo ai e tau mamatua mo e ha lautolu a tau fānau po ke totogi tupe fakavē e matua ke he Fakafiliaga, ka e maeke he tau tupe nai ke galonoa kaeke ke nākai muiua a lautolu ke he poakiaga. Ke moua falu a talahauaga foki, kikite ke he laupepa “**Breaches of Parenting Orders**” (Holia he tau Poakiaga Levekitama).

Mailogaaga he tau fakatokatokaaga kehekehe ma e levekiaga he tau fānau

Ko e tau fānau i Niu Silani he vahānai, kua momoui hake ke he tau vahega fakatokatokaaga magafaoa kehekehe loga. Tuga e tau fānau kua leveki tokoua e tau mamatua ki ai, lautolu he magafaoa po ke magafaoa laulahi, po ke tau hoa tatai (nonofo e taane mo e taane po ke fifine mo e fifine).

Ko e gahua he magafaoa mo e magafaoa laulahi

Fakamahino mai he Fakatufono Tohi e mahuiga ke fakatūmau mo e fakamalolō e matutakiaga he tau fānau mo e magafaoa laulahi.

Fakaohooho foki a lautolu he magafaoa mo e falu a hologa magafaoa, ke leveki mo e akonaki e tau fānau.

Maeke a lautolu he magafaoa mo e falu a hologa magafaoa ke moua e fakamooliaga mai he Fakafiliaga Magafaoa, ke ole ke he Fakafiliaga ke moua e poakiaga levekitama.

Maeke he tau mamatua ke fifili e haana a hoa foou ke eke mo matua leveki

Kaeke kua fai hoa foou e matua ne kua lagomatai ke leveki e tau fānau, fakatai ke he taha e tau, maeke he matua ke fifili e hoa nai ke eke mo matua leveki kua fakamooli fakamatafakatufono ma e ha laua a tau fānau.

Ko e mahani ke moua e fakamooliaga mai he taha matua. Ko e Ofisa Gahua he Fakafiliaga Magafaoa (Family Court Registrar) kua lata a ia ke kitia fakamua kua fai laupepa fifili kua tauteute. Kua lata a lautolu ke mailoga kua hahā i ai e tau talahauaga kua lata, hako e pepa ne fakapuke, mo e nākai fai mena ke tauhele aki e fifiliaga.

Tahamaka nī e hoa foou kua maeke ke fifili ko e matua leveki ke he pūhala nai. Ka e pete ia, maeke ke taute e taha tohi ole ke he Fakafiliaga Magafaoa ke fifili foki e falu ke eke mo tau mamatua leveki.

Ke moua falu a talahauaga foki, kikite ke he laupepa "**Parents Appointing New Partners as Guardians**" (fifiliaga he tau mamatua e tau hoa foou ke eke mo tau mamatua leveki).

Laulahi he Atāina he Fakafiliaga Magafaoa

Fakamaamaaga

Fakaatā he Fakatufono Tohi e tau tagata ke iloa e tau mena tutupu i loto he Fakafiliaga Magafaoa. Mailoga foki ke fakatūmau e Fakafiliaga ke eke mo tauteaga ke maeke he tau mamatua fanau mo e tau mamatua leveki ke moua e atāina ke fakatūtala e tau fekau vihi mo e uka mo e nākai fai maiamainā.

Fakalatahaaga he tau tagata lagomatai ki loto he Fakafiliaga

Kaeke ke oatu e tau mamatua ke moua lagomatai fakatonutonu po ke ha tauteaga fakafetui ti taatu e taha tagata ke eke mo tagata lagomatai - tuga e hoa fou, ko e kapitiga po ke matakainaga, tuga a nai - fakaatā he Fakatufono Tohi e tagata ia ke fakalataha atu ke he Fakafiliaga.

Maeke foki he Iki Fakafili ke fakaatā falu a tagata ke fakalataha atu ke he Fakafiliaga ke eke mo tau tagata lagomatai ke he tau mamatua. Ke moua falu a talahauaga, kikite ke he laupepa "**Appearing in the Family Court**" (Fakalatahaaga ke he Fakafiliaga Magafaoa).

Maeke he tau tagata fakapūloa tala ke fakalataha ke he tau Fakafiliaga

Fakaatā he Fakatufono Tohi e tau tagata fakapūloa tala ke fakalataha ke he Fakafiliaga he Fakafiliaga Magafaoa kua taute ki lalo hifo he Fakatufono Tohi.

Ka e taha e mena, fakamahao nī e tau mena kua maeke i a lautolu ke fakapūloa. Nākai maeke a lautolu ke tohi e ha higoa tagata po ke ha talahauaga ne ligaliga ke fakakite aki e tau fānau, tau mamatua po ke falu kua lauia ke he Fakafiliaga tuga e tau tagata lagomatai mo e tau fakamooli.

MAEKE HE IKI FAKAFILI KE FEKAU E TAU TAGATA KE Ō KEHE MAI HE FAKAFILIAGA

Fai malolō foki e Iki Fakafili ke poaki atu ki a lautolu oti he fakafiliaga, ka e toka nī a lautolu kua lago ki ai e fekau mo e ha lautolu a tau loea, ke toka e fakafiliaga he ha magaaho nī he fakafiliaga.

TOHIAAGA HE TAU FIFILIAGA

Tohia e falu a fifiliaga he Fakafiliaga Magafaoa he website he fakafiliaga (www.justice.govt.nz/family), ka e uta kehe e tau higoa ke ua iloa a lautolu e tau tagata kua lauia ai. Ko e fifiliaga hagaaio ia ke he fifiliaga tohi he Iki Fakafili ke he ha fekau - fakalataha mo e haana a tau manamanatuaga mo e tau fakatutalaaga ke he matafakatufono kua lauia ai.

Tau Tagata Fakahokohoko

Maeke he Fakafiliaga Magafaoa ke moua taha tagata fakahokohoko ke fakalataha atu ke he tauteaga fakatonutonu, fakatūtalaaga fakafetui mo e Fakafiliaga. Ke moua foki falu a talahauaga, tūtala ke he Takitaki he Fakafiliaga Magafaoa (Family Court Coordinator), po ke taha ofisa gahua he Ofisa Fakafiliaga Magafaoa he matakavi ne nofo ai a koe.

Tagata Fakamaama Matafakatufono

Ko e ha tagata kua manako loea ka e nākai fāhia ke totogi e loea, maeke ke moua taha tagata lagomatai ke totogi e tau tupe fakavē he loea (**legal aid**). Ko e tauteaga hanai ne totogi he fakatufono e taha vala po ke totogi oti e tau kaitalofa he loea (ko e falu a magaaho to liu a koe ke totogi taha vala po ke totogi atu oti e tupe nei).

Maeke a koe ke moua e falu a talahauaga ke he tagata fakamaama matafakatufono ke he pūhala –

- matutaki atu ke he Ofisa Legal Services Agency he matakavi kua nofo ai a koe (kikite ke he tau laupepa lanu moana i mua he pepa telefoni ne tohia ai e tau faahi gahua he fakatufono)
- ahiahi atu ke he Legal Services Agency website he www.lsa.govt.nz. po ke
- finatu ke he taha loea ke fakatūtala ke moua ai e taha tagata fakamaama matafakatufono.

Moua e tagata lagomatai fakamaama matafakatufono ke he tau fakafiliaga oti i loto he tau Fakafiliaga Magafaoa ka e nākai lauia e vevehe hoana po ke taane.

Manako talahauaga po ke hātakiaga foki nakai?

Ke moua falu a talahauaga po ke hātakiaga foki hāgaa ke he Fakatufono Tohi ma e Levekiaga he tau Fānau 2004 (Care of Children Act 2004) ti matutaki atu ke he website he Fakafiliaga Magafaoa (www.justice.govt.nz/family), matutaki atu ke he loea magafaoa (www.familylaw.org.nz), ofisa matafakatufono he matakavi ne nofo ai a koe, po ke Ofisa Fakafiliaga Magafaoa ne tata atu ki a koe.

Fakamua e Tau Fānau Haau