

# Breaches of a Parenting Order

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LEGAL MATTERS



A Parenting Order sets out the basis on which separated parents will fulfil their parenting role, if they have not been able to agree between themselves, without the need for the court to get involved.

There are a number of ways the court can deal with a breach of the terms of a Parenting Order. The options available under the Care of Children Act are:

**1. ADMONISHMENT**  
The court can admonish (formally reprimand) a party who has breached a Parenting Order.

The impact of an admonishment is both a warning to the party that they need to abide by the terms of the order, as well as creating a formal record of the party's behaviour.

In giving an admonishment a judge might also advise a party that further breaches will result in more serious enforcement steps being taken.

**2. BOND**  
The court can order a party to

enter into a bond, where they must pay a certain amount of money in to the court.

The court will set out a number of conditions, and if any of those conditions are breached then some or all of the money paid will be forfeited to the Crown or used to meet the costs of another party to the order.

**3. VARY OR DISCHARGE THE ORDER**

The court can also vary the terms of a Parenting Order, or even discharge it altogether, as a response to one or more breaches of that order.

For example, the court could add extra conditions, reduce the amount of time the child or children was to spend with one of the parties, or even completely flip the care arrangements, so that the child goes from living primarily with one party to primarily with the other.

**4. ISSUE A WARRANT**

In more serious cases the court can issue a warrant to enforce the terms of an order. This would usually involve the police or a social worker going and uplifting the child or children from one party in order to return them to the other parent. This is generally a last resort in situations where



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**5. CONTEMPT OF COURT**

In some limited and serious cases the judge might also feel that it is necessary to punish a party for contempt of court for a deliberate breach or obstruction of a Parenting Order. In very serious cases this can result in a period of imprisonment.

In deciding on whether to formally respond to a breach of a Parenting Order the court must consider a number of issues.

The most important consideration is whether it is in the best interests of the child or children for the breach to be addressed formally.

The court will also look at the seriousness of the breach, whether it is a single breach or part of a pattern, and whether the proposed actions are likely to have the desired effect of reducing the likelihood of further breaches.

Additionally, when considering a bond the court must consider the ability of the breaching party to pay a bond. **Column courtesy of RAINEY COLLINS LAWYERS** phone 0800 733 484 [www.rainey-collins.co.nz](http://www.rainey-collins.co.nz). If you have a legal inquiry you would like discussed in this column please email Alan at [knowsley@raineycollins.co.nz](mailto:knowsley@raineycollins.co.nz)

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