[Date]

[Name and Title]

[Address]

[City]

[Salutation Type] [Caregiver’s Name]

**Permanent care of [Child or Young Person’s Name/s]**

**Application for Legal Orders for Permanent Care**

[Social Worker’s Name] has let me know that you met with your lawyer [Lawyer’s Name] for independent legal advice and that you now wish to apply for legal orders for the permanent care of [Child or Young Person’s Name/s]. You have chosen to apply for:

[DELETE ONE]:

1. A parenting order for day-to-day care and an order for additional guardianship, under the Care of Children Act 2004 (COCA); or
2. A special guardianship order, which is made together with an order for sole or additional guardianship, under the Oranga Tamariki Act 1989 (OTA).

**Proposed Guardianship Decisions and Contact Arrangements**

I understand that you would like your application to outline the following proposed arrangements:

**Guardianship Decisions:**

[DELETE]

1. All guardianship rights will continue to be shared equally with [Child or Young Person’s existing guardians].
2. All guardianship rights will continue to be shared equally with [Child or Young Person’s existing guardians] with the exception of:
   1. [INSERT EXCLUSIVE GUARDIANSHIP RIGHT (SG) / SOLE OR SPECIFIC PURPOSE GUARDIANSHIP (COCA)
3. All guardianship rights will be held exclusively by you (SG) / you are seeking to be made sole guardian (COCA) of [Child or Young Person’s Name/s]

and

1. [INSERT TERMS OF HOW GUARDIANSHIP DECISIONS WILL BE COMMUNICATED AND RESOLVED].

***This letter should not be sent until Oranga Tamariki and the caregiver/s have agreed on proposed contact arrangements.***

**Contact/Access Arrangements:**

1. [INSERT DETAILS OF CONTACT/ACCESS ARRANGEMENTS WITH ALL PARTIES AND WHĀNAU]
2. [INSERT TERMS OF CONTACT/ACCESS ARRANGEMENTS]

**Considerations for Application**

As I outlined in my first letter to you, Oranga Tamariki will only support, and fund, applications for legal orders for permanent care if we agree that the nature of the orders, and the terms – including guardianship and contact/access arrangements – are in the best interests of [Child or Young Person’s Name/s].

Decisions relating to permanent care must enhance the mana of te tamaiti and recognise the whakapapa and genealogical connections of te tamaiti. Permanent care decisions must also recognise the whanaungatanga responsibilities of family, whānau, hapū, iwi and the family group.

For all tamariki, this includes recognising their important relationships and connections, and ensuring that these are supported and maintained. These may include values, cultural beliefs and practices, and links to significant places, such as marae.

To ensure connections are supported and strengthened, permanent care decisions must enable enduring relationships for [Child or Young Person’s Name/s] with their family, whānau, hapū, iwi and family group.

Considering these principles alongside my understanding of your proposed arrangements, I support you having legal orders for the permanent care of [Child or Young Person’s Name/s]. However, at this stage I am unable to support your proposed application because I do not believe it aligns with the principles outlined above, in relation to the best interests of [Child or Young Person’s Name/s].

I am concerned that [OUTLINE CONCERNS]. The orders sought by you need to properly provide for [INSERT REASONING] – that is, shared guardianship rights and I do not see an overriding reason why this should be otherwise OR contact with whānau including … and I do not see an overriding reason why…

**Next Steps**

To progress your application past this stage, I encourage you and [Social Worker’s Name] to talk further to see how we can work together to find ways to address these concerns and amend your application and terms. I know that ensuring [Child or Young Person’s Name/s]’s needs are met is as important to you as it is to us, and together I’m hopeful we can develop solutions. It may be that [Social Worker’s Name] organises a further hui/meeting to try and agree on guardianship and/or contact arrangements that better align with the principles and best interests of [Child or Young Person’s Name/s]. Your lawyer can also contact [Oranga Tamariki Solicitor’s Name], lawyer for Oranga Tamariki, on [Phone], [Phone] or [email address] to discuss these concerns further and how they can be addressed. You may wish to provide your lawyer with a copy of this letter.

Finally, while I am not able to support your proposed application and terms at this stage, I would like to acknowledge and sincerely thank you for your commitment to [Child or Young Person’s Name/s]. Your dedication, aroha and support are making such a difference. I am very hopeful that we can continue our discussions and work towards legal orders for permanent care in your favour.

Yours faithfully,

     [Name]

Site Manager

     [Site]

Cc:      [social worker’s name]

     [Solicitor name], Legal Services, Oranga Tamariki