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**IN THE FAMILY COURT
AT TAURANGA**

**I TE KŌTI WHĀNAU
KI TAURANGA MOANA**

FAM-2017-079-000008

IN THE MATTER OF	THE CARE OF CHILDREN ACT 2004
BETWEEN	AXEL SCHMIDT Applicant
AND	LISA HOPFENGARTNER Respondent

Date: 27 July 2020

Appearances: Applicant Appears in Person (via telephone)
Respondent Appears in Person (via telephone)
T Gunn as Lawyer for the Child (via telephone)

MINUTE OF JUDGE C L COOK

[1] Today has been a further directions conference in regard to the care arrangements for Clara whose date of birth is 3 July 2007, so she has this month turned 13.

[2] There are original parenting applications which remain unresolved before the Court. In addition, Dr Schmidt who is Clara's father has filed a further application dated 10 May 2020. Ms Hopfengartner has filed a response which is dated 23 June 2020.

[3] As I understand and is well summarised in the latest report from Ms Gunn as lawyer for Clara what Dr Schmidt is seeking is specific periods of contact with Clara to re-establish a relationship with her. He is seeking for Clara to be placed in his sole day-to-day care and he is seeking that Clara receive therapy and counselling with an experienced therapist. Ms Gunn has recently met with Clara and updated her views and my summary of her views is as follows:

- (a) Firstly, she has expressed to her lawyer that she does not wish to have contact with Dr Schmidt.
- (b) Secondly, that she is becoming frustrated with the ongoing Court proceedings and the necessity in her view to repeatedly express views that she has already made clear.

[4] Be that as it may there is an application which needs to be resolved and given the history it is clear that there needs to be some further expert evidence.

[5] There was a direction made back on 2 February 2018 by His Honour Judge Coyle that there will be a s 133 report and there is also a direction in his brief that the psychologist, in order to give effect to the brief, is to arrange a meeting/observation between Clara and her father at such times and places as the psychologist determines as being appropriate and in the best interests of Clara.

[6] Dr Schmidt has today expressed a number of concerns. They are firstly that he has sought to have the assistance of an interpreter for further conferences and that interpreter needs to be available for the Court going forward for conferences and any hearing. Secondly, he has expressed concerns in respect of some issues of Dr Calvert's professionalism in terms of her relationship with Ms Sue Lightfoot. I have no knowledge of those issues but Dr Calvert is a Court-appointed psychologist as I understand and she remains available to complete the s 133 report should the Court direct this. It is important for us going forward that that s 133 report is to be obtained.

[7] Dr Schmidt has indicated that he is willing and available to come to New Zealand for the purposes of completing that report, but understandably given the

COVID-19 restrictions and the difficulties in entry into New Zealand there needs to be some further enquiry and the exact terms of his proposed visit to New Zealand will need to be signalled to Ms Gunn, to the Court and to Oranga Tamariki so that counselling can be recommenced and there can be preparations put in place for the s 133 report to be completed with the input of Dr Schmidt.

[8] Accordingly, what I am going to do is I am going to redirect or reactivate the direction in terms of the s 133 report to be completed. I am going to adjourn matters to a case management conference within two weeks and I ask that Dr Schmidt file a brief memoranda to the Court copied to other parties as to his exact details of his proposed time to visit New Zealand and confirmation that he has obtained a dispensation to enable him to visit New Zealand for the purposes of completing the report and the time periods in which he is intending to visit New Zealand, preferably with confirmation of dates and travel times if possible. That matter is to be referred to myself administratively.

[9] In addition, he has confirmed helpfully that he will ensure that Ms Gunn is able to communicate with him directly as Ms Gunn has been unable to email him and all her minutes have needed to be sent through the Court. He is advised that he will provide within the next 24 hours email addresses and if necessary will call Ms Gunn obviously during our business hours to confirm his details so that direct communication may occur.



C L Cook
Family Court Judge