

Call to avoid the pending removal of a newborn baby

Legislation	Ombudsmen Act 1975
Agency	Oranga Tamariki
Ombudsman	Chief Ombudsman Peter Boshier
Case number(s)	521905
Date	February 2020

Pending removal of newborn from hospital by Oranga Tamariki—family now willing and able to care for baby—Inquiries made and Oranga Tamariki able to make alternative arrangements—baby discharged from hospital with family

Background

The Chief Ombudsman received a call from a mother who had recently given birth by caesarean section. She and her baby were still in hospital, but baby was about to be discharged, and removed by Oranga Tamariki from the hospital.

Oranga Tamariki had obtained an order from the Court, granting them custody and allowing them to remove the newborn. That order had been granted ‘on-notice’, which meant that the mother and her family were aware of what Oranga Tamariki were seeking, and were able to participate in the Court process.

The mother agreed to the order on the basis that her family were not sure whether they could care for baby, and because there was a likelihood that baby may be born health complications.

However, baby was born healthy and family members decided that they would be willing to care for baby. The mother believed that her baby should therefore stay with her family, and not go to non-kin caregivers. She explained that she also wanted to breastfeed, and removal of baby outside of the family would prevent this. She also advised that she had not spoken to her social worker yet, but that her social worker had been talking to other family members about what was happening.

Outcome

The Chief Ombudsman is not able to reverse or investigate Court decisions.

However, just because Oranga Tamariki is granted a custody order, they do not necessarily need to take physical custody of the child. In cases like this, the Chief Ombudsman seeks information from Oranga Tamariki to see that the proper process has been followed and that arrangements have been made for things like breastfeeding, ongoing contact, and a Family Group Conference.

In this case, the Chief Ombudsman explained the mother's worries to Oranga Tamariki, and asked:

- Could baby stay in hospital while the mother was still there?
- What was happening now that family members were able to care for baby?
- What arrangements had been made to make sure the mother could still breastfeed?
- When would a family meeting or Family Group Conference take place?

Oranga Tamariki confirmed that they had already been working with the hospital so that mother and baby could spend another night together. It was able to achieve this and baby stayed with the mother for another night.

Oranga Tamariki then worked to urgently approve the family members that had agreed to care for baby. When baby was discharged from the hospital, baby was allowed to go home with family, including the father. Arrangements were also made for daily contact and breastfeeding by the mother and for a Family Group Conference to take place later. As a result, the Chief Ombudsman did not need to take any further action.

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