

Children, Young Persons, and Their Families Amendment Bill (No 6)

Government Bill

As reported from the Social Services
Committee

Commentary

Recommendation

The Social Services Committee has examined the Children, Young Persons, and Their Families Amendment Bill (No 6) and recommends, by majority, that it be passed with the amendments shown.

Introduction

This bill makes changes to the Children, Young Persons, and Their Families Act 1989 (the principal Act), relating to the care and protection of children and young persons, youth justice, and child offending, and addresses out-of-home care for children and young persons with disabilities. It also increases the upper age covered by the care and protection and youth justice systems to include young persons aged 17.

The recommended amendments set out below would not make major changes to the bill, but would rather clarify its intentions and address some important omissions.

Access to complaints procedures

Clause 5(1) requires the chief executive to have procedures to address complaints from children, young persons, or their family groups. We recommend that this clause be amended to clarify that caregivers would also be able to access these complaints procedures. This amendment would ensure that caregivers are a priority for Child, Youth and Family; we believe that their right to make complaints regarding children in their care should be made absolutely clear in the bill. We also recommend amending clause 5 to define “caregiver” as a person or organisation in whose charge the chief executive has placed a child or young person under section 362 of the principal Act.

Responses to reports of child abuse

Clause 10 is intended to ensure a proper response to each child abuse report received, and to allow the responses of Child, Youth and Family to be co-ordinated with those of non-governmental organisations. We recommend amending new section 17B(e) as inserted by clause 10 to insert “or member of the police”. New section 17B requires social workers or members of the police to bear in mind certain matters when responding to child abuse reports, but paragraph (e) inadvertently omits to mention members of the police when requiring them to have regard to any other matters they may deem relevant.

New procedures for dealing with child offending

We recommend several amendments to clause 18 regarding offending by children.

We are aware that new section 73F as inserted by clause 18 might be interpreted to mean that civil proceedings as well as criminal proceedings must be commenced using an information under the Summary Proceedings Act 1981. As it may be inappropriate to commence proceedings in a civil jurisdiction this way, we recommend that new section 73F(2) to (5) be omitted, and consider this issue would be dealt with better by an amendment to the Family Court Rules.

We also recommend an amendment to new section 73I in clause 18 requiring the Court, where practicable, to appoint for a child offender in criminal cases a barrister and solicitor who is qualified for appoint-

ment as a youth advocate under the principal Act. We believe that this amendment is necessary for practical reasons, as youth advocates are more likely than most lawyers who appear in the Family Court to be experienced in criminal proceedings. Furthermore, given that offending must be proved to a criminal standard, experienced criminal lawyers should, where possible, represent children charged with committing criminal offences.

Young people charged jointly with adults

Clause 33 of the bill amends section 277, which currently states that the Youth Court can decide where a preliminary hearing of proceedings involving a young person jointly charged with an adult can be heard. We are concerned that this would result in significant disadvantage to young people, and therefore we recommend amending section 277 so that it is subject to section 274. This should make it clear that cases where a young person is jointly charged with an adult for purely indictable offences, and cases tried by a jury, must be heard in the Youth Court and not an adult Court. We note previous uncertainty regarding the interaction of sections 274 and 277 as they relate to this issue, and believe this change would clarify the matter and prevent further confusion.

Remission from custodial orders

We recommend a change to new clause 46 dealing with the convening or reconvening of family group conferences to consider a young offender's early release from custodial orders, to make its intention clearer. As introduced, new section 314B(3) requires a youth justice co-ordinator to convene or reconvene a family group conference once an extended supervision with residence order is made; and it is unclear whether this requirement could be waived in the specific circumstances set out in section 248 as to when a conference can be waived. To clear up any confusion, we recommend amending new section 314B(3) so that section 248 would not apply to family group conferences convened or reconvened pursuant to new section 314A(3)(a). This would make it clear that conferences convened or reconvened under new section 314A(3)(a) could not be waived under any circumstances.

Liquor infringement notices

At present there is uncertainty over whether young people under the age of 17 should be prosecuted in the Youth Court or an adult court for an offence resulting in a liquor infringement notice. These notices are issued when someone under 18 years of age is caught purchasing liquor from licensed premises, found in a restricted area on licensed premises, or caught drinking liquor in a public place. As these notices are meant to be diversionary in effect, we recommend amending the bill by inserting new clauses 32A and 54A to make it clear that non-imprisonable offences under the Sale of Liquor Act 1989 and under section 38(3) of the Summary Offences Act for which an infringement notice may be given will not come under the jurisdiction of the Youth Court, but an adult court.

We believe this amendment would make the use of such notices more effective, as the Police would be able to deal with these offences more quickly than the youth aid process allows, and more able than they are at present to ensure the offending has a consequence for the offender. We also note that such an amendment would bring liquor infringement notices into line with the way traffic infringement notices for young persons are dealt with by the courts.

Victims offered information on offender's progress

We recommend that clause 32 be amended so that the title of new section 269A clearly indicates that the chief executive has a duty to inform victims of a child or young offender's progress, if the victims so wish. As it currently stands, the section title could be interpreted to mean the chief executive has discretionary power, rather than a duty, to inform. This amendment would also make it clear that victims do not have to receive information if they do not want to, a point we consider should be made clearer since some victims would undoubtedly not wish to be kept informed at all.

Victims entitled to effectiveness reports

We recommend that clause 47, which allows the informant and the victim of a child or youth offender to receive a copy of an effectiveness report, be amended to clarify that section 339 of the principal Act applies to these reports. Section 339 enables a court to limit the disclosure of reports provided to it, and we believe that making ef-

fectiveness reports subject to this section would afford some judicial protection for young offenders' privacy, particularly if some information in the report is irrelevant or should not be disclosed.

Commencement clause

We recommend amending clause 2 to provide for clause 10 of the bill, which deals with responding to reports of child abuse, to come into force on 1 August 2009, rather than three months after the date on which the bill receives the Royal assent, as is currently stated in clause 2(5). Child and family assessments will be available from all Child, Youth and Family sites by July 2009. It is therefore important that differential response provisions come into force at the same time. We also recommend that clause 2 be amended so that new clause 53A comes into force on 1 August 2009. New clause 53A is a consequential amendment relating to new sections 17 and 17A, which deal with initial assessments to reports of child abuse and actions following the initial assessments. In addition, we recommend that the commencement date for the other provisions of the bill covered by clause 2(5) be changed to 1 April 2009, rather than three months after the date on which the bill receives Royal assent, to ensure that the legislation would come into force on a fixed and convenient date.

Transitional and technical amendments

We recommend a number of transitional and technical amendments.

Technical amendments

We recommend that new section 73G of clause 18 be amended to clarify that the reference to "criminal proceedings" in youth justice principles should be interpreted as including reference to child offender proceedings under new section 73F. We also recommend that new section 73N of this clause be amended to clarify that the new grounds for making restraining orders against an adult who has promoted, directed, induced, or profited from child offending are additional to, not substituted for, existing powers for making a restraining order as set out in section 87 of the principal Act.

In addition, we recommend inserting new clause 32B to amend section 274(2)(a) of the principal Act to provide for the application of

Part 5A of the Summary Proceedings Act to preliminary hearings in the Youth Court.

Transitional amendments

We recommend inserting clause 75, which creates a regulation-making power to provide for transitional and savings provisions relating to the effect on 17-year-olds currently before the courts of raising the upper age of the definition of a “young person”. It would be possible to apply regulations to any stage of criminal proceedings prior to sentencing, and regulations would be able to specify the court the proceedings are to continue in, limit the sentencing powers of the court, apply provisions to the District and High Courts as though they were Youth Courts, and allow different treatment based on specified criteria. The purpose of any regulation made under this clause would be to ensure that 17-year-olds currently before a court gain the benefit of reduced penalties as required by the New Zealand Bill of Rights Act 1990 and the Sentencing Act 2002. The regulation-making power would expire three years after it came into force, although there is no requirement for regulations to have an expiry date. We were told this amendment could only improve the prospects of the young people it would affect. The clerk of committee raised a concern about the appropriateness of using regulations for this purpose and we questioned the policy advisers and Parliamentary Counsel about it. We were assured that young people affected by this clause would not suffer disadvantage because of it, but rather that their position would be safeguarded. We consider that the law should ensure it protects the best interests of young people.

We also recommend a number of other transitional amendments to the bill.

Appendix

Committee process

The Children, Young Persons, and Their Families Amendment Bill (No 6) was referred to the committee on 5 March 2008. The closing date for submissions was 28 April 2008. We received and considered 41 submissions from interested groups and individuals. We heard 26 submissions.

We received advice from the Ministry of Social Development.

Committee membership

Russell Fairbrother (Chairperson)

Judith Collins (Deputy Chairperson)

Sue Bradford

Bob Clarkson

Hon George Hawkins

Dr Paul Hutchison

Hon Steve Maharey

Lynne Pillay

Heather Roy

Katrina Shanks

Judy Turner

**Children, Young Persons, and Their
Families Amendment Bill (No 6)**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

text deleted by a majority

Hon Ruth Dyson

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Part 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Children, Young Persons, and Their Families Amendment Act (No 6) **2007**.
- 2 Commencement** 5
(1) The following provisions come into force on a date to be appointed by the Governor-General by Order in Council:

- (a) **sections 4(2) and 51(2), and Part 2 of Schedule 1** (on including 17-year-olds in the definition of young person for provisions on care or protection):
- (b) **sections 4(3) and 51(3), and Parts 3 and 4 of Schedule 1** (on including 17-year-olds in the definition of young person for provisions on youth justice): 5
- (c) **sections 18, 19, 21, and 54, and Schedule 2** (on child offending):
- (d) **sections 23, 25(2)(b), 26, and 49** (on young persons' transition from care to independence): 10
- (e) **sections 34, 41(2) and (3), and 43** (on the splitting of sentencing in relation to supervision with activity orders and supervision with residence orders):
- (f) **sections 35(1), 37, 42, and 56, and Schedule 3** (on the new extended supervision with activity order): 15
- (g) **sections 29(1), 35(2), 38(2), 44, 46, and 57, and Schedule 4** (on the new extended supervision with residence order).
- (2) One or more orders may be made under **subsection (1)** bringing different provisions into force on different dates. 20
- (3) However, every date appointed under **subsection (1)** must be after the day specified in **subsection (5)**.
- (3A) Sections 10 and 53A come into force on 1 August 2009.**
- (4) **Section 51(4)** comes into force on the earlier of the following dates: 25
- (a) the date on which the provisions specified in **subsection (1)(a)** come into force; and
- (b) the date on which the provisions specified in **subsection (1)(b)** come into force.
- (5) The rest of this Act comes into force on ~~the day that is 3 months after the date on which this Act receives the Royal assent.~~ **1 April 2009.** 30
- 3 Principal Act amended**
- This Act amends the Children, Young Persons, and Their Families Act 1989. 35

Part 1**Substantive amendments to principal Act***Definitions amended and inserted***4 Interpretation**

- (1) Section 2(1) is amended by repealing the definition of **young person** and substituting the following definition: 5
- “**young person**,—
- “(a) in Parts 2 to 3A, means a boy or girl of or over the age of 14 years and under the age of 17 years:
- “(b) in Parts 4 and 5 and sections 351 to 360, means a boy or girl of or over the age of 14 years and under the age of 17 years: 10
- “(c) in every other provision, refers to a boy or girl to whom that provision applies by virtue of him or her being, or having been, a young person within the meaning of **paragraph (a) or (b)**: 15
- “(d) despite **paragraphs (a) to (c)**, does not include a person who is or has been married or in a civil union”.
- (2) **Paragraph (a)** of the definition of **young person** in section 2(1) is amended by omitting “17” and substituting “18”. 20
- (3) **Paragraph (b)** of the definition of **young person** in section 2(1) is amended by omitting “17” and substituting “18”.
- (4) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:
- “**chief social worker** means the chief social worker appointed or designated under **section 7A** 25
- “**child and family assessment** means an assessment—
- “(a) of the circumstances of the following persons for the purpose of identifying the care or protection needs (if any) of a child or young person: 30
- “(i) the child or young person:
- “(ii) his or her parents or guardians:
- “(iii) any other persons for the time being having the care of the child or young person; and
- “(b) that includes an assessment of the needs of the persons referred to in **paragraph (a)(i), (ii), and (iii)** and the identification of measures that, if implemented, may 35

help to avoid or mitigate risk to the safety and well-being of the child or young person”.

Duties of chief executive

5 Duties of chief executive

- (1) Section 7(2) is amended by inserting the following paragraph after paragraph (e): 5
- “(ea) establish and make known procedures to—
- “(i) receive complaints by children and young persons in respect of whom action has been taken under this Act or their families, whanau, ~~or~~ family groups, or caregivers; and 10
- “(ii) promptly hear and determine any complaints; and
- “(iii) take appropriate action in respect of a complaint that is wholly or partly upheld.”. 15
- (2) Section 7 is amended by adding the following subsections:
- “(3) In performing all or any of his or her duties under **subsection (2)**, the chief executive may arrange for a review under **section 7C** of any practice or procedure of the department.
- “(4) For the purposes of this section, **caregivers** means persons or organisations in whose charge the chief executive has placed children or young persons under section 362.” 20

Appointment and functions of chief social worker and practice reviews

6 New sections 7A to 7C inserted 25

The following sections are inserted after section 7:

“**7A Chief social worker**

- “(1) The chief executive must appoint or designate a social worker to be chief social worker.
- “(2) The chief social worker has the following functions: 30
- “(a) to provide professional leadership to social workers and other employees of the department exercising functions or powers under this Act:
- “(b) to conduct practice reviews under **section 7C**:
- “(c) to perform any other function from time to time given to him or her by the chief executive for the purpose of 35

promoting the interests of children and young persons and their families, whanau, or family groups.

“7B Delegation of functions of chief social worker

- “(1) The chief social worker may, from time to time, delegate any function of the chief social worker set out in **section 7A** to any employee of the department (being an employee who is, in the chief social worker’s opinion, suitable by reason of his or her training and experience to carry out that function). 5
- “(2) Every delegation under **subsection (1)**— 10
- “(a) must be in writing;
- “(b) may be given on such terms and conditions as the chief social worker thinks fit;
- “(c) is revocable in writing at will by the chief social worker or the chief executive.
- “(3) Subject to any terms or conditions imposed by the chief social worker, an employee to whom any functions or powers are delegated under **subsection (1)** may exercise those functions or powers as if they had been conferred on that person directly by this Act and not by delegation. 15
- “(4) Every person purporting to act pursuant to any delegation under **subsection (1)** must, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation. 20
- “(5) No delegation under **subsection (1)** affects or prevents the exercise of any function or power by the chief social worker who made the delegation. 25
- “(6) Any delegation under **subsection (1)**, until it is revoked by the chief social worker or the chief executive, continues in force according to its tenor, despite the chief social worker by whom the delegation was made having ceased to hold office. 30

“7C Practice reviews

- “(1) The chief executive must from time to time arrange for the chief social worker or any other person to conduct a review of any practice of the department in relation to this Act if in the chief executive’s opinion— 35
- “(a) the review is in the public interest; or

- “(b) a review is required for the purpose of improving the professional performance of social workers or other employees of the department in regard to matters under this Act; or
- “(c) the review will otherwise promote the best interests of children and young persons or of their families, whanau, or family groups. 5
- “(2) In **subsection (1), practice** includes a procedure, and a policy of the department that applies to any practice or procedure, including any practice in relation to a particular case or class of cases. 10
- “(3) Section 86 of the State Sector Act 1988 (which relates to protection from liability) applies to a person conducting a review under **subsection (1)** who is not an employee of the department as if that person were an employee. 15
- “(4) No evidence is admissible in a Court, or before a person acting judicially, of any information, statement, or admission disclosed or made by any person to the person conducting a review under **subsection (1)** and no disciplinary proceedings lie against any person in respect of any act or omission to which any such information, statement, or admission applies. 20
- “(5) No person may publish in any report of the proceedings of a review under **subsection (1)**—
- “(a) any information, statement, or admission disclosed or made by any person to the person conducting that review: 25
- “(b) any particulars that are identifiable by any person (other than the person to whom those particulars relate) as particulars relating to any particular person who was the subject of, or a participant in, that review. 30
- “(6) **Subsection (5)(a)** does not apply to any findings of fact—
- “(a) of the person conducting the review; and
- “(b) that do not identify, and that are unlikely to lead to the identification of, any other person.
- “(7) Every person who contravenes **subsection (5)** commits an offence and is liable on summary conviction,— 35
- “(a) in the case of an individual, to a fine not exceeding \$2,000:

“(b) in the case of a body corporate, to a fine not exceeding \$10,000.”

7 Transitional provision for chief social worker

(1) This section applies to the person who, on the commencement of this section, holds under the State Sector Act 1988 the position of chief social worker of the department. 5

(2) After that commencement, that person must be treated as if he or she were appointed as chief social worker—

(a) under **section 7A** of the principal Act (inserted by **section 6** of this Act); and 10

(b) for the rest of any period for which, and under the same terms and conditions under which, that person held under the State Sector Act 1988 the position of chief social worker of the department.

Views of child or young person 15

8 New section 11 substituted

Section 11 is repealed and the following section substituted:

“11 Child’s or young person’s participation and views

“(1) This section applies to the following proceedings and processes: 20

“(a) proceedings under this Act in a District Court, Family Court, or Youth Court, and proceedings in the High Court, Court of Appeal, or Supreme Court on an appeal (other than on a point of law only) against a decision, finding, or order under this Act of a District Court, Family Court, or Youth Court: 25

“(b) proceedings of a family group conference convened under this Act:

“(c) the preparation or review of a plan in respect of a child or young person (a **planning process**) under this Act: 30

“(d) the taking of any other action or making of any other decision (an **other process**) under this Act that would or does significantly affect a child or young person who is the subject of that process.

“(2) In proceedings or a process to which this section applies,— 35

- “(a) the child or young person must be encouraged and assisted to participate in the proceedings or process to the degree appropriate to his or her age and level of maturity unless that participation would, in the opinion of the person specified in **subsection (3)**, be inappropriate having regard to the matters to be heard or considered; and 5
- “(b) the child or young person must be given reasonable opportunities to express views on matters affecting the child or young person; and 10
- “(c) any views the child or young person expresses (either directly or through a representative) must be taken into account.
- “(3) The duties imposed by **subsection (2)(a) and (b)** must be performed— 15
- “(a) for proceedings before a Court, by the Judge or other person presiding and by the barrister or solicitor representing the child or young person:
- “(b) for proceedings of a family group conference, by the person responsible for convening the conference: 20
- “(c) for a planning process, by the person directed by the Court to prepare or review the plan:
- “(d) for any other process, by the person responsible for taking the action or making the decision.
- “(4) This section is not limited by section 5(d) (which sets out a principle relating to ascertaining, considering, and giving weight to the wishes of the child or young person).” 25

Protection for supplier of information

- 9 New section 16 substituted** 30
Section 16 is repealed and the following section substituted:
- “16 Protection of person providing information for purposes of this Part or Part 3 or 3A**
- “(1) No civil, criminal, or disciplinary proceedings lie against any person in respect of the disclosure or supply, or the manner of the disclosure or supply, by that person for the purposes of this Part, or Part 3 or 3A, of information concerning a child or young person (whether or not that information also concerns 35

- any other person) if the disclosure or supply was made in accordance with **subsection (2)** unless it was made in bad faith.
- “(2) Information may be disclosed or supplied by any person—
- “(a) under section 15:
 - “(b) for the purposes of an investigation under section 17^{am} ~~initial assessment under section 17 or an investigation or a child and family assessment under section 17A:~~ 5
 - “(c) under section 19:
 - “(d) during consultation under section 21:
 - “(e) for the purpose of any proceedings under this Part, or Part 3 or 3A: 10
 - “(f) for the purposes of preparing any plan under section 128 or reviewing any plan under section 135:
 - “(g) for the purposes of preparing any report under section 178, 186, or 187.” 15

Responses to reports of child abuse

10 New sections 17 to 17F substituted

Section 17 is repealed and the following sections are substituted:

- “**17 Initial assessment of report of ill-treatment or neglect of child or young person** 20
- “(1) Immediately after receiving a report under section 15, a social worker or a member of the police must undertake or arrange for the undertaking of an initial assessment of—
- “(a) the matters contained in the report; and 25
 - “(b) the risk of harm to the child or young person raised by those matters.
- “(2) Any person undertaking (all or any part of) an initial assessment may have regard to information that—
- “(a) is held or obtained by the department or the police— 30
 - “(i) for the purpose of making the assessment; or
 - “(ii) for any other purpose; and
 - “(b) relates to the child or young person, his or her parents or guardians, or any other persons for the time being having care of the child or young person. 35
- “(3) No further action on a report is required if the initial assessment indicates that any or all of the following apply to it:

- “(a) there is no substance to it or it discloses no risk that the child or young person is in need of care or protection:
- “(b) it raises only matters already reported to a social worker or member of the police that are already being or have been dealt with under this Act.

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“**17A Actions following initial assessment**

- “(1) As soon as practicable after the completion of an initial assessment into a report under section 15, any social worker authorised by the chief executive to take action under this section must, unless under **section 17(3)** no further action on the report is required, take 1 or more of the following actions that he or she considers appropriate to the circumstances of the case:

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- “(a) undertake or arrange for the undertaking of any investigation that may be necessary or desirable into the matters contained in the report:

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- “(b) undertake or arrange for another social worker or an assessment provider to undertake a child and family assessment in respect of the child or young person and the matters contained in the report:

- “(c) refer the child or young person to some other person, body, organisation, or department, or a group of persons, bodies, organisations, or departments working collaboratively, for the purposes of assessing the need for and, where appropriate, providing, any services, facilities, or assistance of the kind referred to in section 4(a), (b), or (d) that the initial assessment indicates may be necessary or desirable to any or all of the following persons:

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- “(i) the child or young person:

- “(ii) his or her parents or guardians:

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- “(iii) any other person for the time being having care of the child or young person:

- “(d) arrange for the taking of any other action and steps under section 7(1).

- “(2) As soon as practicable after the completion of an initial assessment into a report under section 15, the member of the police who received the report (or any other member of the police)

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must, unless under **section 17(3)** no further action on the report is required, either—

“(a) take action under **subsection (1)(a)**; or

“(b) refer the report and initial assessment to a social worker who may take any or all of the actions specified under **subsection (1)** that he or she considers appropriate to the circumstances of the case. 5

“(3) A social worker or member of the police who takes action under **subsection (1)(a)** must, as soon as practicable after the investigation has commenced, consult with a care and protection resource panel in relation to the investigation. 10

“(4) As soon as practicable after completing an initial assessment under **section 17** or making a decision to take or not to take action under this section, a social worker or member of the police must, unless it is impracticable or undesirable to do so, inform the person who made the report under section 15 whether any further action has been taken in respect of it. 15

“(5) In this section and **section 17D**, **assessment provider** means any body or organisation approved under section 396 or community service approved under section 403 authorised by the chief executive to undertake child and family assessments. 20

“**17B Matters to which social worker or member of police must have regard**

In deciding under **section 17A(1), 17A(2), or 17E(3)** what actions are appropriate to the circumstances of the case, the social worker or member of the police must have regard to— 25

“(a) the findings of the initial assessment; and

“(b) if the initial assessment indicates that the child or young person may be in need of care or protection,—

“(i) the ground in section 14(1) that is relevant; and 30

“(ii) the severity and duration of the harm the child or young person is suffering or is likely to suffer; and

“(c) the extent to which the child’s or young person’s parent or guardian or other person for the time being having care of the child or young person is likely to co-operate in a child and family assessment; and 35

- “(d) whether the provision of any services to the child or young person or his or her parent or guardian or other person caring for the child or young person would or could lessen or prevent harm to the child or young person; and 5
- “(e) any other matters that the social worker or member of the police considers relevant.
- “**17C Action following investigation under section 17A(1)(a)**
- “(1) This section applies to a social worker or member of the police who— 10
- “(a) undertakes an investigation under **section 17A(1)(a)** into the matters contained in a report under section 15; and
- “(b) as a result of that investigation reasonably believes that the child or young person to whom the report relates is in need of care and protection. 15
- “(2) The social worker or member of the police must, as soon as practicable, notify a care and protection co-ordinator of that belief in accordance with section 18(1).
- “(3) This section does not limit section 18(2) or (3). 20
- “**17D Child and family assessments under section 17A(1)(b)**
- “(1) An assessor must undertake a child and family assessment under **section 17A(1)(b)** in accordance with all the requirements the chief executive has for the time being specified for the purposes of this subsection. 25
- “(2) An assessor undertaking a child and family assessment must consider the child’s or young person’s health and education needs.
- “(3) While undertaking and after completing a child and family assessment, an assessor may, with the agreement of the proposed recipient, provide or arrange for the provision of services to any or all of the following people: 30
- “(a) the child or young person:
- “(b) his or her parents or guardians:
- “(c) any other persons for the time being having care of the child or young person. 35

“(4) **Assessor**, in this section and **sections 17E and 17F**, means a social worker who, or an assessment provider that, is undertaking a child and family assessment under **section 17A(1)(b)**.

“**17E Referral back to social worker**

“(1) Before embarking on, or at any stage during, a child and family assessment, an assessor who is not a social worker may refer the report back to the social worker who arranged for the assessment to be undertaken for further action under **subsection (3)**.

“(2) A referral back under **subsection (1)** must be accompanied by the assessor’s reasons for making the referral back. 10

“(3) A social worker to whom a case is referred back (or another social worker) must either—

“(a) decide, with the consequence in **subsection (4)**, that all or any of the matters in **section 17(3)(a) and (b)** apply to the report; or 15

“(b) take 1 or more of the actions specified in **section 17A(1)** that he or she considers appropriate to the circumstances of the case.

“(4) A decision under **subsection (3)(a)** has the consequence that the report is one on which no further action is required. 20

“**17F Procedure after child and family assessment completed**

“(1) This section applies if an assessor—

“(a) has completed a child and family assessment; and

“(b) believes on reasonable grounds that the child or young person to whom the assessment relates is in need of care or protection (other than the ground in section 14(1)(e)). 25

“(2) An assessor who is a social worker must, as soon as practicable, notify a care and protection co-ordinator of that belief in accordance with section 18(1). 30

“(3) An assessor who is not a social worker must, as soon as practicable,—

“(a) give notice of those matters to a social worker; or

“(b) refer the matter to a care and protection co-ordinator under section 19. 35

“(4) This section does not limit section 18(2) or (3).”

Family group conferences

- 11 New section 20A inserted**
The following section is inserted after section 20:
- “20A Time limits for completing family group conference** 5
Every family group conference to which this Part applies must, so far as it is practicable and consistent with section 6, be completed within 30 working days after the requirement to convene it arose.”
- Consultation with child or young person on
convening care and protection family group
conference* 10
- 12 New section 21 substituted**
Section 21 is repealed and the following section substituted:
- “21 Care and protection co-ordinator to consult child or
young person and family, whanau, or family group on
convening of family group conference** 15
- “(1) Every care and protection co-ordinator must, before convening
a family group conference under this Part in respect of a child
or young person,—**
- “(a) consult with a care and protection resource panel; and** 20
**“(b) make all reasonable endeavours to consult with the
child or young person, if practicable, and with the
child’s or young person’s family, whanau, or family
group, in relation to the matters in subsection (2).**
- “(2) The matters are—** 25
**“(a) the date on which, and the time and place at which, the
conference is to be held; and**
“(b) the persons who should attend the conference; and
“(c) the procedure to be adopted at the conference.
- “(3) The care and protection co-ordinator must, so far as it is prac-
ticable and consistent with the principles of this Act and sub-
ject to section 22, give effect to the wishes of the child or young
person, and the wishes of the child’s or young person’s family,
whanau, or family group, in relation to the matters in subsec-
tion (2).”** 30 35

*Care and protection family group conference:
support persons for child or young person, and
who may attend reconvened conference*

13 Persons entitled to attend family group conference

- (1) Section 22(1) is amended by omitting “Subject to subsection (2) of this section, the following persons are entitled to attend a family group conference convened under this Part of this Act” and substituting “The following persons are entitled, subject to subsection (2), to attend a family group conference convened under this Part”. 5 10
- (2) Section 22(1)(i) is repealed and the following paragraphs are substituted:
- “(i) any person whose attendance at that conference is in accordance with the wishes of the family, whanau, or family group of the child or young person as expressed under section 21 unless the care and protection co-ordinator convening the conference is of the opinion that that person’s attendance would not be in the interests of the child or young person, or would be undesirable for any other reason: 15 20
- “(j) any person who attends the conference at the request of the child or young person and for the purpose only of supporting during the conference the child or young person unless the care and protection co-ordinator convening the conference is of the opinion that that person’s attendance would not be in the interests of the child or young person, or would be undesirable for any other reason.” 25
- (3) Section 22 is amended by inserting the following subsections after subsection (1): 30
- “(1A) A person referred to in subsection (1) who does not, for any reason, attend any meeting of a family group conference is not solely by reason of that non-attendance precluded from attending any subsequent meeting of that family group conference, or any meeting of the family group conference reconvened under section 36. 35
- “(1B) If a person to whom **subsection (1A)** applies wishes to attend a meeting of a family group conference or reconvened family group conference and has not been given notice of the

convening of the conference under section 25, the care and protection co-ordinator must consult with the persons referred to in **section 21(1)(b)** for the purpose of ascertaining whether the person has entitlement to attend the conference.”

- (4) Section 22 is amended by adding the following subsection: 5
“(3) A person who attends a family group conference under **paragraph (j)** of subsection (1) is not a member of the conference.”

Health and education advice

14 Care and protection co-ordinator to ensure that relevant information and advice made available to family group conference 10

Section 23 is amended by repealing subsection (1) and substituting the following subsection:

- “(1) Every care and protection co-ordinator who convenes a family group conference must take all reasonable steps to ensure that all information and advice the co-ordinator considers is required by the conference to carry out its functions (including information and advice relating to the health and education needs of every child or young person in respect of whom the conference is convened) is made available to the conference.” 20

Functions of family group conference

15 Functions of family group conference

Section 28 is amended by adding the following subsection as subsection (2):

- “(2) **Subsection (1)(b)** does not prevent the conference from making decisions or recommendations, or formulating plans, in relation to a child or young person if the conference has considered whether, but is unable to agree that, the child or young person is in need of care and protection.” 25

Views of child or young person

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16 Family group conference may make decisions and recommendations and formulate plans

Section 29 is amended by adding the following subsection:

“(4) The written record must, wherever practicable, record the child’s or young person’s views in relation to any plans formulated by the family group conference.”

*Sharing of information by government and
non-government bodies and organisations*

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17 New section 66A inserted

The following section is inserted after section 66:

**“66A Government and non-government bodies and
organisations may share information relating to care and
protection of children and young persons**

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“(1) This section applies to bodies or organisations (including the department, any other State sector agency, or a local authority) concerned with the welfare of children and young persons.

“(2) A body or organisation (**A**) may disclose to any other body or organisation (**B**) any information in A’s possession relating to the safety or wellbeing of any child or young person if—

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“(a) B is to, or is proposing to,—

“(i) conduct an investigation under section 17~~initial assessment under section 47 or an investigation or a child and family assessment under section 47A:~~

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“(ii) provide services of a kind authorised under this Act to a child or young person or to any parent or guardian or other person having the care of the child or young person:

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“(iii) convene or provide information or advice to a family group conference under this Part:

“(iv) take or defend any proceedings under this Part, or Part 3 or 3A:

“(v) prepare any plan under section 128 or review any plan under section 135:

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“(vi) prepare any report under section 178, 186, or 187:

“(vii) make any other decision or exercise any other power in relation to a child or young person under this Part, or Part 3 or 3A; and

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“(b) A believes on reasonable grounds that the disclosure is necessary to enable B to act in relation to the matter

concerned in a manner that will best promote the welfare and interests of the child or young person.

- “(3) In this section—
- “**local authority** has the same meaning given to it in section 5(1) of the Local Government Act 2002 5
- “**State sector agency** means any part of the State Services as defined in section 2 of the State Sector Act 1988, any Crown entity within the meaning of section 7 of the Crown Entities Act 2004, and any State enterprise within the meaning of section 2 of the State-Owned Enterprises Act 1986.” 10

Child offending

18 New heading and sections 73A to 73O inserted

The following heading and sections are inserted after section 73:

- “*Procedures for dealing with child offending* 15
- “**73A Sections 73B to 73O apply only to certain children**
Sections 73B to 73O apply only to a child of or over the age of 10 years and under 14 years, and references in those sections to a child must be construed accordingly.
- “**73B Overview of child offending procedures** 20
- “(1) The procedures for dealing with offending (other than murder or manslaughter) by a child are specified in, or affected by, the following provisions (which are listed in an order in which they often arise for application, and which specify or affect those procedures because of their own terms or because of **sections 73F to 73I**): 25
- “(a) sections 5, 6, and 13 (principles):
- “(b) sections 9 to 11 (interpreters, duty of Court, and child’s participation and views):
- “(c) section 208 (youth justice principles): 30
- “(d) sections 209 to 213 (warnings and formal police cautions):
- “(e) section 233 (breath-alcohol and blood-alcohol provisions of Land Transport Act 1998):
- “(f) section 214 (arrest without warrant): 35

- “(g) sections 215 to 231 (questioning and admissibility of statements):
 - “(h) section 232 (notice of offence):
 - “(i) sections 234, 235, and 237 (custody following arrest or pending hearing): 5
 - “(j) sections 18(2) and 19(2)(b) (referring matter to appropriate enforcement agency):
 - “(k) **sections 73C** (referral of child offending cases to youth justice co-ordinator) and **73D** (no application under **section 73F** to be made unless family group conference has been held): 10
 - “(l) sections 247 to 261 (provisions relating to family group conference):
 - “(m) **sections 73E to 73O** (provisions relating to applications, determinations, and orders): 15
 - “(n) sections 78 to 82 (custody pending determination of proceedings):
 - “(o) sections 86A (interim services orders), 88 (interim restraining orders), and 92 (interim support orders):
 - “(p) sections 150 and 151 (jurisdiction of Family Courts, and of District Courts in cases of urgency): 20
 - “(q) sections 152 to 155 (service of applications):
 - “(r) sections 156 and 157 (attendance at hearing):
 - “(s) sections 159 to 162 (appointment of barrister or solicitor to represent child or to assist Court): 25
 - “(t) sections 163 to 165 (appointment of lay advocate):
 - “(u) sections 166 to 169 (attendance at hearings and right to make representations):
 - “(v) sections 178 to 194 (relating to reports):
 - “(w) section 198 (special provisions, relating to evidence and the applicable standard of proof, applying to applications for a determination under **section 73E**): 30
 - “(x) sections 200 to 204 (relating to adjournments, rehearings, and other procedural matters):
 - “(y) sections 437 to 445 (relating to notice of proceedings and orders, publication of reports, validity of proceedings, fixing age, Court fees, warrants, liability, and witnesses’ expenses): 35
- “(2) This section is intended only as a guide.

- “**73C Referral of child offending cases to youth justice co-ordinator**
- “(1) An enforcement officer who, after inquiry, believes that a child is in need of care or protection on the ground in section 14(1)(e) must unless **subsection 73D(4)** applies forthwith report the matter to a youth justice co-ordinator. 5
- “(2) A youth justice co-ordinator who receives a report under **subsection (1)**—
- “(a) must consult with the enforcement officer who made the report; and 10
- “(b) must, if that enforcement officer believes that making an application under **section 73F** is in the public interest, convene a family group conference under section 247.
- “**73D No application under section 73F to be made unless family group conference has been held** 15
- “(1) No application under **section 73F** may be made unless a family group conference—
- “(a) has been held under Part 4 in relation to the matter that forms the ground on which the application is made; or
- “(b) is not required by this subsection in accordance with **subsection (2)**. 20
- “(2) A family group conference is not required by **subsection (1)** if—
- “(a) the applicant believes that the interests of the child in respect of whom the application is made require that an interim restraining order be granted as a matter of urgency, and an application for an order of that kind is made at the same time as the application under **section 73F**; or 25
- “(b) an application for a custody order under section 78 is made at the same time as the application under **section 73F**, and the applicant believes— 30
- “(i) that it is not possible to make suitable alternative arrangements for the custody of the child in respect of whom the application is made pending determination of the application; or 35

- “(ii) that it is in the public interest that the child be held in custody pending the determination of the application.
- “(3) This section applies whether or not a child has been arrested.
- “(4) An enforcement officer who considers that it is not practicable to comply with **section 73C(1)** before making an application under **section 73F** in accordance with **subsection (2)** must comply with **section 73C(1)** as soon as possible after the application is filed in the Court. 5
- “(5) If an application under **section 73F** is made in accordance with **subsection (2)** without a family group conference having been held, the Registrar must forthwith refer the application to a youth justice co-ordinator for the purposes of convening a family group conference under section 247. 10
- “**73E Determination and orders in respect of child offending** 15
- “(1) On an application under **section 73F** the Court may, subject to sections **73H(2)** and 198, make a determination that a child is in need of care or protection on the ground specified in section 14(1)(e) and, if the Court does so, it may, subject to **section 73L**, make all or any of the orders specified in **sections 73M and 73N**. 20
- “(2) An application under **section 73F** must if possible be heard and determined by a Family Court Judge who is also designated under section 435 as a Youth Court Judge.
- “(3) **Subsection (2)** does not limit section 151 (jurisdiction of District Courts in cases of urgency). 25
- “**73F Application for determination, etc, under section 73E**
- “(1) An application for a determination and orders under **section 73E(1)** in respect of a child may be made, in accordance with the rules of Court, by— 30
- “(a) a social worker; or
- “(b) a member of the police; or
- “(c) with the leave of the Court, any other person.
- ~~“(2) An application for a determination and orders under **section 73E(1)** in respect of a child may be made by filing an information— 35~~

- ~~“(a) in form 1 of Schedule 2 of the Summary Proceedings Act 1957 (with any necessary modifications) and completed by the applicant as if the applicant were an informant; and~~
- ~~“(b) alleging that the child has committed an offence or offences the number, nature, or magnitude of which is such as to give serious concern for the child’s wellbeing; and~~
- ~~“(c) specifying the details of the alleged offending; and~~
- ~~“(d) that may, but need not, contain an application under section 78 for an order for custody of the child pending the determination of the proceedings; or an application for interim orders under any of sections 86A, 88, and 92; or both.~~
- ~~“(3) The following sections of the Summary Proceedings Act 1957 apply (with any necessary modifications) to an information referred to in **subsection (2)**:~~
- ~~“(a) section 14 (time for laying information);~~
- ~~“(b) section 15 (information to be in prescribed form and upon oath);~~
- ~~“(c) section 17 (information to contain sufficient particulars).~~
- ~~“(4) An information referred to in **subsection (2)** must be served under sections 152 to 155 (rather than under sections 24 to 29 of the Summary Proceedings Act 1957) as if it were an application for a declaration under section 67 that the child is in need of care or protection.~~
- ~~“(5) **Subsections (2) to (4)** do not prevent an application for a determination and orders under **section 73E(1)** in respect of a child from being made in accordance with rules of court of the kind referred to in section 448(2)(c).~~
- “73G Youth justice principles apply to application**
- ~~“(1) Section 208 applies, with all necessary modifications, to—~~
- ~~“(a) an application made, or proposed to be made, under **section 73F**; and~~
- ~~“(b) the child to whom that application relates.~~
- “(1A) In section 208 a reference to **criminal proceedings** includes an application under **section 73F**.

“(2) **Subsection (1)** does not limit sections 5, 6, and 13.

“**73H Determination not to be made unless family group conference held**

“(1) The Court must not make a determination under **section 73E** unless a family group conference has been held under Part 4 5 in relation to the matter that forms the ground of the relevant application under **section 73F**.

“(2) If an application is made under **section 73F**, the Court may, at any stage of the hearing of that application, on the application of any party to the proceedings or of its own motion, direct 10 a care and protection co-ordinator to convene a family group conference in relation to the matter that forms the ground of the application.

“**73I Procedural provisions applying to application**

“(1) Part 3 (except sections 158, 170 to 177, 195, 197, and 199) 15 applies to an application under **section 73F** as if it were an application for a declaration under section 67 that the child is in need of care or protection.

“(2) Where the Court is required to appoint a barrister or solicitor under section 159, the Court must, if practicable, appoint a 20 barrister or solicitor who is qualified to be appointed as a youth advocate under section 323.

“**73J Child to attend hearing unless excused**

“(1) A child in respect of whom an application under **section 73F** is made must attend every hearing of the application unless 25 excused from attending by the Court.

“(2) The Court may, to ensure that the child is present at a hearing of the application, exercise all or any of the powers conferred by section 157(1) and (2) (and if the Court does so, section 30 157(3) and (4) apply accordingly).

**“73K Custody of child pending determination of application:
conditions**

- “(1) A Court making a custody order under section 78 pending the determination of an application under **section 73F** may make the order subject to all or any of the following conditions: 5
- “(a) a condition that the child must not reside at a specified address, or with a specified person:
 - “(b) a condition that the child must not associate with any specified person, or with persons of any specified class:
 - “(c) a condition that the child must avoid contact with any specified witness, or with any specified victim of an offence to which the application relates: 10
 - “(d) a condition that the child must not during specified hours be absent from the place where he or she resides:
 - “(e) any other conditions the Court thinks fit to reduce the likelihood of further offending by the child. 15
- “(2) **Subsection (1)** does not limit section 78(3).
- “(3) On an application for the purpose by a person specified in **subsection (4)**, or on its own motion, the Court may make an order varying, or revoking (with or without replacement by), a condition imposed under **subsection (1)**. 20
- “(4) An application under **subsection (3)** may be made only by all or any of the following persons:
- “(a) the child:
 - “(b) the barrister or solicitor representing the child: 25
 - “(c) a parent or guardian or other person having the care of the child:
 - “(d) a party to any proceedings in a Court under Part 2 in relation to the child.
- “(5) A Registrar may exercise the power conferred by **subsection (3)** if the applicant for the determination and orders under **section 73E(1)** does not object. 30

“73L Court not to make orders unless satisfied child’s need for care or protection cannot be met by other means

The Court must not make orders under **section 73E** unless it is satisfied that it is not practicable or appropriate to provide care or protection to the child by any other means, including the implementation of any decision, recommendation, or plan 35

made or formulated by a family group conference convened in relation to the child.

“73M Orders on application under section 73E

- “(1) A Court that under **section 73E** makes a determination that a child is in need of care or protection on the ground in section 14(1)(e) may, under **section 73E(1)**, make all or any of the following orders: 5
- “(a) an order admonishing the child:
- “(b) an order directing the child, or a parent or guardian of the child, to pay a sum the Court thinks fit by way of reparation to any person (other than the child) the Court is satisfied has suffered emotional harm or the loss of or damage to property through or by means of the child’s offending: 10
- “(c) an order directing the child, or a parent or guardian or other person having the care of the child, to deliver to the person who appears to the Court to be entitled to it any property in the possession of the child or in the possession of any person for the child: 15
- “(d) an order for the forfeiture of property to the Crown in any case where the forfeiture of that property would have been obligatory or could have been ordered under any enactment applicable to the offence if the child were an adult and had been convicted of an offence by a District Court. 20 25
- “(2) Any sum ordered to be paid under an order specified in **subsection (1)(b)** in respect of the loss of or damage to property is limited to the cost of replacement or (as the case may require) the cost of repair, and must not include any loss or damage of a consequential nature. 30
- “(3) No order specified in **subsection (1)(b)** may be made under **section 73E(1)** against the chief executive, or any other person, who has been appointed to be a guardian of the child under section 110.
- “(4) No order specified in **subsection (1)** may be made under **section 73E(1)** in respect of a parent or guardian of the child unless that parent or guardian— 35

- “(a) has been informed by the Court of the proposal to make the order; and
- “(b) has been given an opportunity to make representations to the Court.
- “(5) Every order under **subsection (1)(b)** has effect— 5
- “(a) as if made by a District Court; and
- “(b) as if any sum ordered to be paid had been adjudged to be paid on conviction.
- “(6) The enforcement of an order under **subsection (1)(b)** is the responsibility of a Family Court and its officers; and for that purpose— 10
- “(a) any officer of a District Court may act as an officer of a Family Court:
- “(b) a Family Court and its officers have, respectively, all the powers of a District Court and its officers: 15
- “(c) Part 3 of the Summary Proceedings Act 1957 applies—
- “(i) as if every reference in it to a District Court Judge were a reference to a Family Court Judge exercising jurisdiction in a Family Court; and
- “(ii) as if every reference in it to the defendant were a reference to the person (or every person) against whom the order was made; and 20
- “(iii) with all other necessary modifications:
- “(d) if brought before a Family Court under section 88 of the Summary Proceedings Act 1957, the child concerned is entitled to be accompanied by his or her parent or guardian or other person having the care of the child concerned: 25
- “(e) the child concerned is not liable to imprisonment for failing to comply with the order: 30
- “(f) no costs, expenses, or fees are payable in respect of enforcing the order.
- “(7) **Subsection (5)** is subject to **subsection (6)**, and **paragraph (c) of subsection (6)** is subject to **paragraphs (d) to (f)** of that subsection. 35
- “73N **Additional orders**
- “(1) A Court that under **section 73E** makes a determination that a child is in need of care or protection on the ground in section

- 14(1)(e) may, under **section 73E(1)**, make (in addition to, or instead of, making any order specified in **section 73M(1)**) all or any of the following orders:
- “(a) an order discharging from the proceedings without further order the child, or a parent or guardian or other person having the care of the child, or both: 5
 - “(b) an order that the child, or any parent or guardian or other person having the care of the child, or both, come before the Court, if called upon within 2 years of the making of the order, so that the Court may take further action under this section: 10
 - “(c) an order requiring all or any of the following to receive counselling from any person or persons, and subject to any conditions, the Court specifies:
 - “(i) the child: 15
 - “(ii) a parent or guardian or other person having the care of the child:
 - “(iii) a person in respect of whose conduct a restraining order or an interim restraining order was sought or made in the proceedings: 20
 - “(d) a services order under section 86:
 - “(e) a restraining order under section 87 against a person ~~who the Court is satisfied has—~~, in particular, if the Court is satisfied that the person has—
 - “(i) promoted the offending to which the determination relates; or 25
 - “(ii) directly or indirectly offered any inducement to the child that led to that offending; or
 - “(iii) taken any part in directing or controlling that offending or the child’s involvement in that offending; or 30
 - “(iv) directly or indirectly profited from that offending:
 - “(f) a support order under section 91:
 - “(g) a custody order under section 101: 35
 - “(h) an order under section 110 appointing a guardian of the child.
- “(2) Sections 74 to 77 apply to an order specified in **subsection (1)(c)** and made by the Court under **section 73E(1)**,—

- “(a) as if it were a direction made under section 74(1); and
- “(b) with all necessary modifications.

“73O Recall to come before Court

- “(1) The Court making under **section 73E(1)** an order specified in **section 73N(1)(b)** may, at any time during the duration of the order, direct the issue to the person in respect of whom the order was made of a summons, in a form prescribed for the purposes of this subsection by rules of court, to appear before the Court. 5
- “(2) An application for the issue of a summons under **subsection (1)** may be made only by all or any of the following: 10
 - “(a) a social worker:
 - “(b) a member of the police:
 - “(c) the applicant in the proceedings in which the order was made. 15
- “(3) If a person appears before the Court on a summons issued under **subsection (1)**, the Court may consider the matter and, after taking into account such factors as may be relevant since the making of the order, make all or any of the orders specified in **sections 73M and 73N** except— 20
 - “(a) an order specified in **section 73M(1)(b)**; and
 - “(b) if an order specified in **section 73N(1)(b), (c), or (d)** was made in the first instance, any such order.”

19 Effect of custody order

- Section 104(3) is amended by inserting the following paragraph after paragraph (b): 25
- “(ba) may exercise that authority from time to time in order to return a child who is found to be in breach of any condition of the order (being a condition imposed under **section 73K(1)**) to the person with whom or residence at which he or she should be in order to comply with that condition.” 30

Views of child or young person

20 Content of plans

- (1) Section 130 is amended by adding the following paragraph: 35

- “(g) contain, wherever practicable, the child’s or young person’s views on the matters in paragraphs (a) to (f) and any other matters covered by the plan.”
- (2) Section 130 is amended by adding the following subsection as subsection (2): 5
- “(2) **Subsection (1)(g)** does not limit **section 11**.”

Child offending

21 Court to set date for review of plan

Section 134(2) is amended by inserting the following paragraph after paragraph (a): 10

- “(ab) if the order is made in respect of a child determined under **section 73E(1)** to be in need of care or protection on the ground in section 14(1)(e), not later than 6 months after the making of the order unless the Court, having regard to whether the offending behaviour that led to the order being made has ceased, otherwise directs:” 15

Agreements for temporary care of children and young persons

22 Agreements for temporary care of children and young persons by chief executive, iwi social services, etc 20

Section 139 is amended by repealing subsection (2) and substituting the following subsections:

- “(2) An agreement made pursuant to **subsection (1)** may be extended with the agreement of the parent or guardian or other person having care of the child or young person— 25
- “(a) for one further period of up to 28 days if that person is, or will be, unable to resume the care of the child or young person at the end of the period during which the child or young person is in the care of any person pursuant to **subsection (1)**; or 30
- “(b) for further periods of up to 28 days at a time if the extension is necessary—
- “(i) to enable a family group conference that has been convened or is required to be convened under this Part to be completed; or 35

- “(ii) to enable any person to make an application to a Court under this Part that includes or is accompanied by an application under section 78.
- “(3) An extension under **subsection (2)** ceases to have effect,—
- “(a) in the case of a child or young person to whom **subsection (2)(b)(i)** applies, at the close of the later of the following dates:
- “(i) the date on which the family group conference is completed:
- “(ii) if the conference has made decisions, recommendations, or plans, the date on which the process of seeking agreement to those decisions, recommendations, or plans under section 30 is completed:
- “(b) in the case of a child or young person to whom **subsection (2)(b)(ii)** applies, at the close of the date on which the application to the Court under section 78 is heard and determined.”

Transition from care to independence

- 23 Agreements for extended care of children and young persons by chief executive, iwi social service, etc** 20
- (1) Section 140(1) is amended by adding “; or” and also by adding the following paragraph:
- “(d) with the agreement of any person referred to in subsection (1)(a) to (c) or any other person approved by the chief executive for the purposes of this paragraph, place a young person aged 15 years or more in the care of that person for the purpose of assisting the young person to achieve independence.” 25
- (2) Section 140 is amended by adding the following subsection: 30
- “(3) Despite subsection (2), an agreement under this section made in respect of a young person aged 15 years or more under **subsection (1)(d)** may from time to time be extended for any period not exceeding 12 months that has been approved at a family group conference but that period must end on or before the day on which the young person attains the age referred to in section 108(c).” 35

*Disabled children and young persons, and
transition from care to independence***24 Agreements for extended care of severely disabled
children and young persons**

Section 141(3) is amended by omitting “2 years” in each place 5
where it appears and substituting in each case “1 year”.

**25 Agreement not to be made without approval of family
group conference**

(1) Section 145(1) is amended by repealing paragraph (c) and sub- 10
stituting the following paragraph:

“(c) a care and protection co-ordinator issues a certificate to
the effect that—

“(i) the requirements of paragraphs (a) and (b) have
been complied with; and

“(ii) in the case of an agreement under section 141 or 15
142—

“(A) the requirements of **subsection (2A)**
have been met; and

“(B) the co-ordinator is satisfied that, having regard 20
to sections 4, 5, 6, and 13, the agree-
ment is an appropriate care option for the
child or young person.”

(2) Section 145(2) is amended by—

(a) omitting “may” and substituting “must, if the question 25
arises,”; and

(b) adding the following paragraph:

“(c) whether an agreement entered into under section 140
for the purposes of assisting a young person to achieve
independence should be extended or terminated.”

(3) Section 145 is amended by inserting the following subsections 30
after subsection (2):

“(2A) A family group conference convened or reconvened to con-
sider whether an agreement under section 141 or 142 should be
entered into or extended or terminated must consider whether
the agreement is an appropriate care option for the child or 35
young person concerned, having regard to the consideration
in **subsection (2B)**.

“(2B) The family group conference must consider the availability of services and supports (including services and supports funded by the Ministry of Health or funded or provided by other disability or family support services) of the kind necessary to maintain the child or young person in the care of his or her parents or guardians or persons having the care of the child or young person.” 5

26 Further restrictions on making of agreements

Section 147 is amended by adding the following subsection:

“(3) This section does not apply if an agreement under section 140 is to be made— 10
“(a) in respect of a young person aged 15 years or more; and
“(b) for the purpose of assisting the young person to achieve independence.”

Strengthening victims’ provisions

15

27 Principles

Section 208 is amended by repealing paragraph (g) and substituting the following paragraph:

“(g) the principle that— 20
“(i) in the determination of measures for dealing with offending by children or young persons, consideration should be given to the interests and views of any victims of the offending (for example, by encouraging the victims to participate in the processes under this Part for dealing with offending); 25
and
“(ii) any measures should have proper regard for the interests of any victims of the offending and the impact of the offending on them:”.

Consulting child or young person on who from family, etc, should attend youth justice family group conference, and strengthening victims’ provisions

30

28 New section 250 substituted

Section 250 is repealed and the following section substituted: 35

“250 Consultation on convening of family group conference

- “(1) Every youth justice co-ordinator must, before convening a family group conference under this Part in respect of a child or young person, make all reasonable endeavours to consult with the child’s or young person’s family, whanau, or family group in relation to the following matters: 5
- “(a) the date on which, and the time and place at which, the conference is to be held; and
 - “(b) the persons who should attend the conference; and
 - “(c) the procedure to be adopted at the conference. 10
- “(2) The youth justice co-ordinator must, so far as it is practicable and consistent with the principles of this Act, and subject to **subsections (3) to (5)** and to sections 249 and 251, give effect to the wishes of the child’s or young person’s family, whanau, or family group in relation to the matters in **subsection (1)(a) to (c)**. 15
- “(3) The youth justice co-ordinator must also, if practicable, consult the child or young person in relation to the persons from the child’s or young person’s family, whanau, or family group who should attend the conference and, in convening the conference, must take into account, in relation to that matter, the child’s or young person’s views. 20
- “(4) The youth justice co-ordinator must also make all reasonable endeavours to consult with the persons specified in **subsection (5)** in relation to the date on which, and the time and place at which, the conference is to be held and, in convening the conference, must take into account, in relation to those matters,— 25
- “(a) the views of the person or persons consulted; and
 - “(b) in particular, the needs of any victim of the offence or alleged offence to which the conference relates. 30
- “(5) The persons are any victim of the offence or alleged offence to which the conference relates and either,— 35
- “(a) for a conference required to be convened under section 18(3), the applicant or intended applicant for a declaration under section 67 in relation to the child to whom the conference relates; or
 - “(b) for any other proceedings or proposed proceedings for the offence or alleged offence to which the conference

relates, the informant or intended informant in those proceedings.”

*Youth justice family group conferences,
supervision orders, and strengthening victims’
provisions*

5

29 Persons entitled to attend family group conference

(1) Section 251(1) is amended by inserting the following paragraph after paragraph (h):

“(ha) in the case of a conference convened or reconvened pursuant to **section 314A(3)(a)**, the manager of the residence in which the young person is in the custody of the chief executive pursuant to an order under **section 311A** or some other member of staff of the residence authorised by the manager to act on his or her behalf.”

10

(2) Section 251 is amended by inserting the following subsection after subsection (1):

15

“(1A) A person referred to in subsection (1) who does not, for any reason, attend any meeting of a family group conference is not solely by reason of that non-attendance precluded from attending any subsequent meeting of that family group conference, or any meeting of the family group conference reconvened under section 270.”

20

(3) Section 251 is amended by repealing subsection (2) and substituting the following subsection:

“(2) If, under subsection (1)(f), a victim of an offence or alleged offence attends a family group conference in person or, as the case may be, by a representative, that victim or representative may be accompanied by any reasonable number of persons (being members of the victim’s or representative’s family, whanau, or family group, or any other persons) who attend the conference for the purpose only of providing support to that victim or representative.”

25

30

*Making information and advice on child's or
young person's health and education available
to youth justice family group conference*

30 New section 255 substituted

Section 255 is repealed and the following section substituted: 5

**“255 Youth justice co-ordinator to ensure that relevant
information and advice made available to family group
conference**

“(1) Every youth justice co-ordinator who convenes a family group
conference must take all reasonable steps to ensure that all in- 10
formation and advice the co-ordinator considers is required by
the conference to carry out its functions (including information
and advice relating to the health and education needs of every
child or young person in respect of whom the conference is
convened) is made available to the conference. 15

“(2) If it is appropriate for any person to attend a family group
conference for the purpose of conveying to that conference any
information or advice required by that conference to carry out
its functions, that person may attend that conference for that
purpose, but may otherwise attend the conference only with 20
the agreement of the conference.

“(3) **Subsection (2)** is subject to section 251.”

*Consent of care and protection co-ordinator not
required*

**31 Family group conference may make decisions,
recommendations, and plans relating to care or protection
of child or young person** 25

Section 261(1) is amended by omitting “, with the prior agree-
ment of a care and protection co-ordinator,” and substituting 30
“, if it has received information and advice on care and protec-
tion matters under **section 255(1)**,”.

Strengthening victims' provisions

32 New section 269A inserted

The following section is inserted after section 269:

“269A Chief executive ~~may inform victims to ascertain whether victims wish to be informed of progress in implementing decisions, recommendations, and plans~~

“(1) This section applies to any action or steps to be taken or completed by the child or young person in respect of whom a family group conference was convened— 5

“(a) under any decision, recommendation, or plan made or formulated by the family group conference and to which agreement is obtained under section 263; and

“(b) by way of penalty or reparation for an offence. 10

“(2) The chief executive must take reasonable steps—

“(a) to ascertain whether the victim of the offence wishes to be notified of the child’s or young person’s progress in taking that action or completing those steps; and

“(b) if so, to ensure that the victim of the offence is notified from time to time of that progress. 15

“(3) The chief executive’s duty under **subsection (2)** must be performed by another person if that other person—

“(a) was nominated for the purpose by the family group conference; and 20

“(b) has agreed to perform that duty.”

32A Jurisdiction of Youth Court

Section 272(3) is amended by inserting the following paragraph after paragraph (b):

“(ba) an offence under the Sale of Liquor Act 1989 or section 38(3) of the Summary Offences Act 1981 that is not punishable by imprisonment and is one for which an infringement notice may be issued; or”. 25

32B Manner of dealing with purely indictable offences or where person elects trial by jury 30

Section 274(2)(a) is amended by omitting “Part 5” and substituting “Parts 5 and 5A”.

*Clarifying relationship between provisions***33 Provisions applicable where young person charged jointly with person who is not a young person**

Section 277 is amended by adding the following subsection:

~~“(6) Proceedings, in this section, includes a preliminary hearing to which section 274 applies.”~~ 5

“(6) This section is subject to section 274.”

*Enhancing Youth Court orders, and transfer to District Court for sentencing***34 Power of Court to discharge information** 10

Section 282 is amended by repealing subsection (3) and substituting the following subsections:

“(3) If it is satisfied that the charge against the young person is proved, the Court may make an order under any of the provisions of paragraphs (e) to (j) of section 283— 15

“(a) when it discharges the information; or

“(b) at any earlier time after it completes the inquiry referred to in subsection (1).

“(4) The Court must not exercise the power in **subsection (3)(b)** unless section 281(1) is complied with.” 20

35 Orders of the Court

(1) Section 283 is amended by inserting the following paragraph after paragraph (m):

“(ma) make an extended supervision with activity order under **section 307A**.” 25

(2) Section 283 is amended by inserting the following paragraph after paragraph (n):

“(na) make an extended supervision with residence order under **section 311A**.”

(3) Section 283(o) is amended by inserting “or in the case of a young person who is of or over the age of 14 years and against whom the charge proved is a purely indictable offence,” after “years,” 30

Transfer to District Court for sentencing

36 Restrictions on power of Court to make certain orders under section 283

Section 285 is amended by repealing subsection (6) and substituting the following subsection: 5

“(6) The Court may make an order under section 283(o) (that the young person be brought before a District Court for sentence or decision) despite section 290 if—

“(a) but for subsection (5)(b) or (c) of this section, the Court would have made an order under any of the following: 10

“(i) section 283(l) (community work order under section 298):

“(ii) section 283(m) (supervision with activity order under section 307):

“(iii) section 283(n) (supervision with residence order under section 311); and 15

“(b) the Court considers that it would not be appropriate to make an order under any of paragraphs (a) to (k) of section 283 as an alternative to such an order; and

“(c) the order is made in respect of a young person— 20

“(i) of or over the age of 15 years; or

“(ii) of or over the age of 14 years and against whom the charge proved is a purely indictable offence.”

Supervision orders

37 New section 289A inserted 25

The following section is inserted after section 289:

“289A Restriction on imposition of extended supervision with activity order

The Court must not make an order under **paragraph (ma)** of section 283 unless— 30

“(a) the nature and circumstances of the offence are such that, but for the availability of that order, the Court would have considered making an order under paragraph (m) of that section; and

“(b) it considers that an order under paragraph (m)— 35

“(i) would not be adequate to reduce the risk of the young person reoffending; and

- “(ii) would not provide the young person with a sufficient period of activity and supervision directed at rehabilitation and reintegration; and
“(c) the young person has been assessed as suitable for the order.” 5

38 Restrictions on imposition of supervision with residence or transfer to District Court for sentence

- (1) The heading to section 290 is amended by inserting “**supervision or extended**” before “**supervision**”.
- (2) Section 290 is amended by inserting the following subsections after subsection (1):
- “(1A) No order may be made under **paragraph (na)** of section 283 in respect of a young person unless—
- “(a) the Court is satisfied that—
- “(i) the offence is a purely indictable offence; or 15
“(ii) because of the special circumstances of the offence or the young person, an order under paragraph (n) of that section would be clearly inadequate; and
- “(b) the Court considers that a longer period in the custody of the chief executive than would be provided under an order under paragraph (n) is required in respect of the offence. 20
- “(1B) In **subsection (1A)(a)(ii)**, **special circumstances** includes whether the young person has been subject to a previous order under section 283(n).” 25

Expiry of Youth Court orders

39 New section 296 substituted

Section 296 is repealed and the following section substituted:

- “**296 Expiry of orders** 30
“(1) In this section,—
“**commencement date** means the date on which this section comes into force
“**specified order** means—
“(a) an order under section 283(c) (to come before the Court, 35
if called upon within 12 months after the making of the

- order, so that the Court may take further action under section 283):
- “(b) an order under section 283(k) (placing the young person under the supervision of the chief executive or a specified person or organisation): 5
 - “(c) an order under section 283(l) (a community work order under section 298):
 - “(d) an order under section 283(m) (a supervision with activity order under section 307):
 - “(e) an order under section 283(n) (a supervision with residence order under section 311). 10
- “(2) If it does not expire sooner, a specified order made on or after the commencement date expires at the latest of the times specified in whichever of the following paragraphs applies to the order: 15
- “(a) if it is an order under section 283(c), 12 months after it is made:
 - “(b) if it is an order under section 283(l), when the period specified under section 298(2)(a) (and within which the community work must be performed) expires: 20
 - “(c) if it is an order under section 283(n), when the period specified in the order required by section 311(2) expires:
 - “(d) if it is a specified order of any kind, 6 months after whichever of the following events occurs last:
 - “(i) the order is made: 25
 - “(ii) the young person in respect of whom it is made attains the age of 17 years.
- “(3) If it does not expire sooner, a specified order made before the commencement date expires 6 months after the young person in respect of whom it is made attains the age of 17 years.” 30

Consent of young person not required

40 Community work order

Section 298(1) is amended by omitting “, with the consent of the young person,”.

*Supervision orders***41 Supervision with activity order**

- (1) Section 307(1) is amended by omitting “, with the consent of the young person,”.
- (2) Section 307(2) is amended by inserting “, or at any time before that order expires,” after “time”.
- (3) Section 307 is amended by inserting the following subsection after subsection (2):
- “(2A) If, under subsection (2), the Court does not make an order under section 283(k) at the same time as it makes the order under subsection (1), the Court may—
- “(a) fix a date on which it will consider making an order under section 283(k); and
- “(b) adjourn the proceedings to that date.”
- (4) Section 307(3) is amended by omitting “shall” and substituting “must where practicable”.

42 New section 307A inserted

The following section is inserted after section 307:

“307A Extended supervision with activity order

- “(1) If a charge against a young person is proved before a Youth Court, the Court may make an order placing the young person under the supervision of the chief executive or such person or organisation as may be specified in the order for a period specified in the order and of at least 3 months but not exceeding 6 months, and imposing either or both of the following conditions:
- “(a) that the young person attend and remain at, for such weekday, evening, and weekend hours each week and for such number of months as the Court thinks fit, any specified centre that is approved by the department, and take part in such activity as may be required by the person in charge of the centre:
- “(b) that the young person undertake any specified programme or activity.
- “(2) If the Court makes an order under **subsection (1)** in respect of a young person, it must at the same time, or at any time before that order expires, make an order under section 283(k) placing

that young person under the supervision of the chief executive or such person or organisation as is specified in the order for such period specified in the order (and not exceeding a total of 12 months when combined with the period of the order made under **subsection (1)**) as the Court determines, and any order made under that section comes into force on the expiry of the order made under **subsection (1)**. 5

“(3) If, under **subsection (2)**, the Court does not make the order under section 283(k) at the same time as it makes the order under **subsection (1)**, the Court must— 10

“(a) fix a date on which it will consider making the order under section 283(k); and

“(b) adjourn the proceedings until that date.

“(4) Where, in respect of any young person, the Court makes an order under **subsection (1)** and, pursuant to **subsection (2)**, makes an order under section 283(k), both orders must where practicable place the young person under the supervision of the same person or organisation.” 15

43 Supervision with residence order

(1) Section 311(2) is amended by inserting “, or at any time before that order expires or the young person is released from custody under section 314,” after “time”. 20

(2) Section 311 is amended by inserting the following subsection after subsection (2):

“(2A) If, pursuant to subsection (2), the Court does not make the order under section 283(k) at the same time as it makes the order under subsection (1), the Court must— 25

“(a) fix a date on which it will consider making the order under section 283(k); and

“(b) adjourn the proceedings until that date.” 30

44 New sections 311A and 311B inserted

The following sections are inserted after section 311:

“311A Extended supervision with residence order

“(1) If a charge against a young person is proved before a Youth Court, the Court may make an order placing the young person in the custody of the chief executive for a period of 6 months. 35

- “(2) If the Court makes an order under **subsection (1)**, it must, at any time before that order expires or the young person is released from custody under **section 314A**, make an order under section 283(k) placing the young person under the supervision of the chief executive for such period specified in the order (and at least 6 months but not exceeding 12 months) as the Court determines. 5
- “(3) An order made under section 283(k) may be subject to the following conditions in addition to those conditions that may be imposed under section 306: 10
- “(a) that the young person reside at an address specified by the Court:
- “(b) that the young person undertake any specified programme or activity.
- “(4) The Court must, when it makes an order under **subsection (1)**,— 15
- “(a) fix a date on which it will consider making the order under **subsection (2)**; and
- “(b) adjourn the proceedings to that date.
- “(5) The order made under section 283(k) comes into force on the earlier of— 20
- “(a) the expiry of the order made under **subsection (1)**; and
- “(b) the date on which the young person is released from the custody of the chief executive pursuant to an order under **section 314A**. 25
- “311B Review of supervision order made under section 311A(2)**
- “(1) If, under **section 311A(2)**, the Court makes an order under section 283(k) placing the young person under the supervision of the chief executive for a period of not less than 8 months, the Court must fix a date for review of the plan prepared in accordance with section 335 in respect of the order. 30
- “(2) The date fixed under **subsection (1)** must not be later than 6 months after the order comes into force.
- “(3) The review of the plan must be conducted— 35
- “(a) in accordance with sections 134(3) to (5), 135(1), (3) (except paragraph (d)), and (5), and 136, which apply—

- “(i) as if references to a plan prepared in accordance with section 128 were references to a plan prepared in accordance with section 335; and
“(ii) with all other necessary modifications; and
“(b) in accordance with **subsection (4)**. 5
- “(4) If a report is furnished to the Court pursuant to section 135(1) (as applied by **subsection (3)(a)**) in respect of the review of the plan prepared in relation to a young person, the Court must consider the report and the accompanying revised plan, and, after giving such persons (if any) as it thinks fit an opportunity 10 to be heard, may do either or both of the following things:
“(a) exercise, in relation to the order under section 283(k) in force, any of the powers set out in section 310(3) as if an application had been made under that subsection:
“(b) if the Court considers that the report furnished under 15 section 135, or the revised plan, or both, are inadequate, direct the person who prepared the report to furnish to the Court a further report, or a further revised plan, or both, with or without indicating to that person any specific matter that it requires to be dealt with in that report 20 or plan.
“(5) For the purposes of providing advice to the person required to review a plan under **subsection (1)**, a youth justice co-ordinator must, not later than the 5 months after the supervision order has been in force, reconvene the family group 25 conference held pursuant to **section 314A(3)(a)**.”

45 Chief executive may release young person from custody before expiry of supervision with residence order

Section 314 is amended by repealing paragraph (a) and substituting the following paragraph: 30

- “(a) the chief executive is satisfied that in the period during which the young person has been in the custody of the chief executive—
“(i) the young person’s behaviour and compliance with any obligations placed on the young person 35 by the plan prepared under section 335 have been satisfactory; and

“(ii) the young person has not committed any further offence; and”.

46 New sections 314A and 314B inserted

The following sections are inserted after section 314:

- “**314A Court may release young person from custody before expiry of extended supervision with residence order** 5
- “(1) The Court may order that a young person who has been placed in the custody of the chief executive pursuant to an order under **section 311A** be released from that custody.
- “(2) No order under **subsection (1)**— 10
- “(a) may be made unless the Court is satisfied that—
- “(i) the young person has not committed any further offence in the period during which the young person has been in the custody of the chief executive; and 15
- “(ii) the young person has not absconded during that period; and
- “(iii) the young person’s behaviour and compliance with any obligations placed on the young person by the plan prepared under section 335 have been satisfactory: 20
- “(b) may be made unless the Court has regard to any decisions, recommendations, or plans made or formulated by the family group conference convened or reconvened pursuant to **subsection (3)(a)**: 25
- “(c) may take effect earlier than 4 months after the young person has been in the custody of the chief executive under the order under **section 311A**.
- “(3) In respect of any young person who is in the custody of the chief executive pursuant to an order under **section 311A**, the chief executive must,— 30
- “(a) as soon as practicable after the young person has been in the custody of the chief executive under the order for 3 months, direct a youth justice co-ordinator to convene or reconvene a family group conference for the purpose 35 of considering whether to make a recommendation that the young person be released from that custody; and

- “(b) as soon as practicable after the completion of the conference, but not later than 10 days before the date fixed by the Court under **section 311A(4)**, file with the Registrar of the Court that made that order a report relating to the matters set out in **subsection (2)(a)** and give a copy of the report to the young person and to any barrister or solicitor representing the young person. 5
- “(4) If the chief executive does not file the report referred to in **subsection (3)(b)** by the time set out in that section, any of the following persons may, at any time before the order expires, make an application to the Court that made the order for the exercise of the power conferred by **subsection (1)**: 10
- “(a) the young person:
- “(b) a parent, guardian, or person who, but for the order, would have the care of the young person: 15
- “(c) any barrister or solicitor representing the young person.
- “(5) The Registrar must,—
- “(a) after receiving a report under **subsection (3)(b)**, make arrangements for the Court that made the order to conduct a hearing to consider the making of an order under **subsection (1)** on the date fixed under **section 311A(4)**; or 20
- “(b) as soon as practicable, after receiving an application under **subsection (4)**, make arrangements for the Court that made the order, or another Court, to conduct a hearing to consider the making of an order under **subsection (1)**. 25
- “(6) The Registrar must give notice of the hearing to the chief executive and to the persons referred to in **subsection (4)(a), (b), and (c)**. 30
- “**314B Provisions relating to family group conferences convened or reconvened to consider release under section 314A**
- “(1) No meeting of a family group conference convened or reconvened pursuant to **section 314A(3)(a)** may proceed unless a person referred to in **section 251(1)(ha)** is present, but nothing in this subsection applies to discussion or deliberations of the kind referred to in section 251(4). 35

- “(2) A family group conference convened or reconvened pursuant to **section 314A(3)(a)** must also consider what conditions should be placed on the order under section 283(k) that takes effect when the young person is released from custody and may make recommendations accordingly. 5
- “(3) Sections 247 and 249 to 271 apply with all necessary modifications to a family group conference convened or reconvened pursuant to **section 314A(3)(a)**.”

Strengthening victims’ provisions

- 47 Report to be made to Court on effectiveness of certain orders** 10
- (1) Section 320 is amended by repealing subsection (5) and substituting the following subsection:
- “(5) Any person who, or organisation that, under this section furnishes a report to the Court must send a copy to— 15
- “(a) the informant in the proceedings in which the order was made; and
- “(b) any victim of an offence in respect of which the order was made; and
- “(c) the appropriate youth justice co-ordinator; and 20
- “(d) the young person to whom the report relates; and
- “(e) the parent or guardian or other person having the care of the young person; and
- “(f) the barrister or solicitor or youth advocate representing the young person.” 25
- (2) Section 320 is amended by adding the following subsection:
- “(6) Section 339 applies to every report furnished to the Court pursuant to this section.”
- 48 Persons entitled to be present at hearing** 30
- Section 329(1) is amended by inserting the following paragraphs after paragraph (c):
- “(ca) a victim of the offence or alleged offence, or a representative of that victim:
- “(cb) if a victim of the offence or alleged offence is a child or young person, a parent or guardian of that victim, unless 35
the parent or guardian is charged with the commission

of, or convicted or found guilty of, or pleads guilty to,
the offence concerned:

- “(cc) any reasonable number of people who accompany a person described in **paragraph (ca) or (cb)** to give him or her support.”

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Transition from care to independence

49 New heading and sections 386A to 386C inserted

The following heading and sections are inserted after section 386:

“Transition from care to independence

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“386A Person qualifying for advice or assistance defined

A **person qualifying for advice and assistance**, in **section 386B**, means a person resident in New Zealand—

- “(a) who is a young person who is 15 years old or older and to whom any of paragraphs (a) to (d) of section 361 applies and has applied for at least 3 months; or
“(b) who is younger than 25 years old and who was, at any time after attaining the age of 15 years but while still a young person, a person to whom any of paragraphs (a) to (d) of section 361 applied for at least 3 months.

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“386B Duty of chief executive, iwi social service, etc, in respect of persons qualifying for advice and assistance

- “(1) If a person qualifying for advice and assistance is in the care or custody of the chief executive, an iwi social service, a cultural social service, or the director of a child and family support service, it is the duty of the person or organisation in whose care or custody that person is to—

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- “(a) consider what advice and assistance the person will need to become and remain independent after he or she leaves care or custody; and

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- “(b) to provide, or arrange for the provision of, that advice and assistance to the person to the extent that it reasonably relates to the period before the person leaves care or custody.

- “(2) If requested by the person qualifying for advice and assistance to provide advice and assistance, it is the duty of the chief ex-

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- ecutive to provide, or arrange for the provision of, such advice and assistance as the chief executive considers necessary to promote the welfare and independence of that person after he or she leaves care or custody under any agreement or order referred to in any of paragraphs (a) to (d) of section 361. 5
- “(3) Without limiting **subsection (2)**, advice and assistance given under that subsection may include any of the following:
- “(a) the provision of information:
 - “(b) assisting the person to obtain accommodation, enrol in education or training, or obtain employment: 10
 - “(c) financial or legal advice:
 - “(d) counselling:
 - “(e) in exceptional circumstances, financial assistance of the following kinds:
 - “(i) contributing to the expenses incurred by the 15
young person in living near the place where he
or she is or will be—
 - “(A) employed or seeking employment; or
 - “(B) receiving education or training; or
 - “(ii) making a grant to enable him or her to meet ex- 20
penses connected with his or her education or
training.
- “(4) Before deciding whether a person requires financial assistance for the purpose of education or training, the chief executive must— 25
- “(a) consider the eligibility of the person qualifying for the advice and assistance for a student allowance under the Student Allowances Regulations 1998 or a student loan; and
 - “(b) provide any assistance the person requires to apply for a student allowance or a student loan. 30
- “(5) If the chief executive is assisting a person under **subsection (2)** by making a contribution or grant with respect to a course of education or training, he or she may— 35
- “(a) continue to do so even though the person reaches the age of 25 years before completing the course; and
 - “(b) disregard any interruption in the person’s attendance on the course if he or she resumes it as soon as is practicable.

“386C Financial and other assistance in certain cases

- “(1) The chief executive must, from time to time, make grants or provide financial assistance to any person (a **carer**) for the purpose of assisting the carer to continue to care for any young person— 5
- “(a) who, by reason that he or she has attained the age referred to in section 108(c), has ceased to be subject to—
- “(i) an agreement made under any of sections 140, 141, and 142; or
- “(ii) an order made under section 86, 91, 101, or 110; 10
and
- “(b) who, immediately before the agreement or order referred to in **paragraph (a)**, was—
- “(i) in the carer’s care pursuant to the agreement or order; or 15
- “(ii) in the carer’s charge under section 362; or
- “(iii) in the carer’s day-to-day care pursuant to a parenting order under the Care of Children Act 2004; and
- “(c) who is enrolled in and attending a course of secondary education; and 20
- “(d) who continues to reside with the carer.
- “(2) For the purposes of **subsection (1)**,—
- “(a) the chief executive must provide to the carer the same level of financial assistance (if any) as he or she was receiving before the agreement or order referred to in **subsection (1)(a)** ceased to apply; and 25
- “(b) the **level of financial assistance** includes the value of any services or resources the carer was receiving under any order under section 86 or 91. 30
- “(3) If it has not earlier ended, the obligation in **subsection (1)** ends with the close of 31 December in the year in which the young person attains the age of 18 years.”

Strengthening victims’ provisions

- 50 **New sections ~~437A~~ and ~~437B~~ 437B and 437C inserted** 35
The following sections are inserted after section 437:

“437B Notice of decisions in Youth Court proceedings to be given to victims

If any information for an offence is heard and determined by a Youth Court, the informant must as soon as is practicable give notice to any victim of the offence to which the information relates of decisions made by the Court in the proceedings. 5

“437C Notice of decisions of Family Court in child offending proceedings to be given to victims

If an application under **section 73F** is heard and determined by a Family Court, the applicant must as soon as is practicable give notice to any victim of the offence to which the application relates of decisions made by the Court in the proceedings.” 10

Part 2**Consequential amendments and
transitional provisions**

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51 Amendments consequential on amendments to section 2(1) (definition of young person)

- (1) The enactments specified in **Part 1 of Schedule 1** are amended in the manner indicated in **Part 1 of Schedule 1**.
- (2) The principal Act is amended in the manner indicated in **Part 2 of Schedule 1**. 20
- (3) The enactments specified in **Parts 3 and 4 of Schedule 1** are amended in the manner indicated in **Parts 3 and 4 of Schedule 1**.
- (4) Section 10A(a) of the Summary Offences Act 1981 is amended by omitting “17” and substituting “18”. 25

52 Amendments consequential on new section 11 (child’s or young person’s participation and views)

- (1) Section 144 is amended by adding the following subsection:
“(4) Subsection (3) does not limit **section 11**.” 30
- (2) Section 187 is amended by inserting the following subsection after subsection (3):
“(3A) Subsection (3) does not limit **section 11**.”

**53 Criminal Records (Clean Slate) Act 2004 amended
consequentially on new sections 17 to 17F**

- (1) This section amends the Criminal Records (Clean Slate) Act 2004.
- (2) Section 19(3) is amended by repealing paragraph (f) and substituting the following paragraph: 5
- “(f) the eligible individual’s criminal record or information about an eligible individual’s criminal record is relevant—
- “(i) to an investigation under **section 17A(1)(a)** of the Children, Young Persons, and Their Families Act 1989 of a report under section 15 of that Act of ill-treatment or neglect of a child or young person; or 10
- “(ii) to a child and family assessment under **section 17A(1)(b)** of that Act of— 15
- “(A) the matters contained in a report under section 15 of that Act of ill-treatment or neglect of a child or young person; and
- “(B) the risk of harm to the child or young person raised by those matters; or 20
- “(iii) in relation to any procedure under Part 2 of that Act arising from an investigation or a child and family assessment (including, without limitation, holding a family group conference or a Family Court’s consideration of an application for a declaration that a child or young person is in need of care or protection); or” 25

53A Amendments consequential on new sections 17 and 17A (initial assessments) 30

- (1) **Section 16(2)(b)** of the principal Act (as substituted by **section 9** of this Act) is amended by adding “, or an initial assessment under **section 17**, or an investigation or child and family assessment under **section 17A**.”
- (2) **Section 66A(2)(a)(i)** of the principal Act (as inserted by **section 17** of this Act) is amended by adding “, or an initial assessment under **section 17**, or an investigation or a child and family assessment under **section 17A**.” 35

**54 Amendments consequential on new sections 73A to 73O
(child offending)**

- (1) The principal Act is amended in the manner indicated in **Part 1 of Schedule 2**.
- (2) The enactment specified in **Part 2 of Schedule 2** is amended in the manner indicated in **Part 2 of Schedule 2**. 5

54A Summary Proceedings Act 1957 amended consequentially on amendment to section 272 of principal Act (jurisdiction of Youth Court)

- (1) This section amends the Summary Proceedings Act 1957. 10
- (2) Section 20A(13) is amended by adding “or an offence under the Sale of Liquor Act 1989 or section 38(3) of the Summary Offences Act 1981 that is not punishable by imprisonment and is one for which an infringement notice may be issued”.
- (3) Section 88(3AA) is amended by repealing paragraph (a) and substituting the following paragraph: 15
- “(a) the fine was imposed in respect of—
- “(i) a traffic offence (as defined in section 2(1) of the Children, Young Persons, and Their Families Act 1989) not punishable by imprisonment; or 20
- “(ii) an offence under the Sale of Liquor Act 1989 or section 38(3) of the Summary Offences Act 1981 that is not punishable by imprisonment and is one for which an infringement notice may be issued; and”. 25

55 Amendment consequential on new section 277(6)

Section 274 is amended by adding the following subsection:

- ~~“(3)~~ **A preliminary hearing to which this section applies is, under section 277(6), a proceeding for the purposes of section 277.”** 30

56 Amendments consequential on new section 307A (new extended supervision with activity order)

The principal Act is amended in the manner indicated in **Schedule 3**.

- 57** **Amendments consequential on new section 311A (new extended supervision with residence order)**
The principal Act is amended in the manner indicated in **Schedule 4**.
- 58** **Transitional provision for services, support, and custody orders** 5
- (1)** This section applies to the following orders made before the commencement of **sections 4(2) and 51(2)**:
- (a)** a services order made under section 86(1) of the principal Act: 10
- (b)** a support order made under section 91(1) of the principal Act:
- (c)** a custody order made under section 101(1) of the principal Act.
- (2)** An order described in **subsection (1)** expires when the child or young person attains the age of 18 years unless the order expires earlier or has already ceased to have effect. 15
- 59** **Transitional provision for applications for declaration that child or young person in need of care or protection** 20
- Every application made before the commencement of **sections 73A to 73O** of the principal Act (as inserted by **section 18** of this Act) for a declaration that a child or young person is in need of care or protection on the ground set out in section 14(1)(e) of that Act is to be continued as if it were an application for a determination and orders under **section 73F** of that Act. 25
- 60** **Transitional provision for extended supervision with activity order**
- If a charge against a young person is proved before a Youth Court and that charge relates to an offence committed before the commencement of **sections 35(1) and 42** of this Act, the Youth Court may make an extended supervision with activity order under **section 307A** of the principal Act (as inserted by **section 42**) only if the young person consents to the making of that order. 30 35

61 **Transitional provision for extended supervision with residence order**

If a charge against a young person is proved before a Youth Court and that charge relates to an offence committed before the commencement of **sections 35(2) and 44** of this Act, the Youth Court may make an extended supervision with residence order under **section 311A** of the principal Act (as inserted by **section 44**) only if the young person consents to the making of that order.

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62 **Application of provision relating to time limits for family group conferences**

Section 20A of the principal Act (as inserted by **section 11** of this Act) only applies to a family group conference required to be convened on or after the commencement of **section 11**.

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63 **Transitional provision relating to attendance at family group conferences**

Section 22 of the principal Act (as amended by **section 13** of this Act) applies to all family group conferences required to be convened under Part 2 of the principal Act, whether required to be convened or reconvened before, on, or after the commencement of **section 13**.

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64 **Application of provision relating to making information and advice available to family group conferences**

(1) **Section 23** of the principal Act (as amended by **section 14** of this Act) only applies to a family group conference convened after the commencement of **section 14**.

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(2) Section 23 of the principal Act, as in force immediately before the commencement of **section 14** of this Act, continues to apply to a family group conference convened before the commencement of **section 14**.

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65 **Transitional provision relating to functions of family group conferences**

Section 28 of the principal Act (as amended by **section 15** of this Act) applies to family group conferences that have

been convened but not completed before the commencement of **section 15**.

66 Transitional provision relating to extending agreements for temporary care

Section 139 of the principal Act (as amended by **section 22** of this Act) applies to agreements for temporary care entered into before the commencement of **section 22**. 5

67 Transitional provision relating to reduced maximum period for agreement for extended care of severely disabled

Nothing in **section 24** reduces the term of any agreement entered into under section 141 of the principal Act before the commencement of **section 24**. 10

68 Application of provision relating to consultation requirement on family group conferences

(1) Section 250 of the principal Act (as substituted by **section 28 of this Act) only applies to a family group conference required to be convened under Part 4 of the principal Act on or after the commencement of **section 28**.** 15

(2) Section 250 of the principal Act, as in force immediately before the commencement of **section 28 of this Act, continues to apply to a family group conference required to be convened under Part 4 of the principal Act before the commencement of **section 28**.** 20

69 Transitional provision relating to entitlement to attend family group conferences

If, before the commencement of this section, a person who is entitled to attend a family group conference does not attend that family group conference, then section 251 of the principal Act (as amended by **section 29** of this Act) applies. 25
30

- 70** **Application of provision relating to provision of information and advice**
- (1) **Section 255** of the principal Act (as substituted by **section 30** of this Act) only applies to a family group conference convened after the commencement of **section 30**. 5
- (2) **Section 255** of the principal Act, as in force immediately before the commencement of **section 30** of this Act, continues to apply to a family group conference convened before the commencement of **section 30**.
- 71** **Application of provision relating to notification of victims** 10
- Section 269A** of the principal Act (as inserted by **section 32** of this Act) only applies to decisions, recommendations, or plans made or formulated by a family group conference on or after the commencement of **section 32**.
- 72** **Transitional provision relating to transfer of young person of or over age of 14 years and under age of 15 years to District Court** 15
- If a charge relating to an indictable offence against a young person who is of or over the age of 14 years and under the age of 15 years is proved before the Youth Court and that charge relates to an offence committed before the commencement of **section 35(3)** of this Act, the Youth Court may enter a conviction and order that the young person be brought before a District Court for sentence or decision under section 283(o) of the principal Act (as amended by **section 35(3)**) only with the young person's consent. 20 25
- 73** **Transitional provision relating to release of young person from chief executive's custody**
- The conditions for release from the chief executive's custody set out in section 314 of the principal Act, as in force immediately before the commencement of **section 45** of this Act, continue to apply to a supervision with residence order made under section 311 of the principal Act before the commencement of **section 45**. 30

74 Transitional provision relating to provision of effectiveness report

Section 320 of the principal Act (as amended by **section 47** of this Act) applies to any report required to be furnished under section 320 that is not completed before the commencement of **section 47**. 5

75 Regulations for transitional and savings purposes

(1) The Governor-General may, by Order in Council, make regulations prescribing transitional or savings provisions relating to **section 4(3) (which amends the definition of young person to increase the upper age to include persons of 17 years in relation to youth justice provisions in the principal Act) and **section 51(3), and Parts 3 and 4 of Schedule 1** (which makes amendments consequential on amendments to the definition of young person).** 10 15

(2) The purpose of regulations made under **section (1) is to ensure that persons aged 17 years who are subject to criminal proceedings before a District Court or the High Court on the date that **section 4(3), section 51(3), and Parts 3 and 4 of Schedule 1** come into force receive the benefit of the principles set out in section 25(g) of the New Zealand Bill of Rights Act 1990 and section 6 of the Sentencing Act 2002, and to provide for related matters.** 20

(3) Any transitional or savings provision prescribed by regulations made under **subsection (1) may, without limitation,—** 25

(a) apply to any stage of criminal proceedings before a District Court or the High Court before the defendant or accused has been sentenced:

(b) specify in which court the proceedings are to continue:

(c) despite the Sentencing Act 2002, limit the sentencing powers of the court in which the proceedings are to continue: 30

(d) apply provisions of the principal Act to criminal proceedings in a District Court or the High Court as if that court were a Youth Court and the judge of that court a Youth Court Judge: 35

(e) specify different treatment by reference to the stage of proceedings or the period between the commencement

of the proceedings and the commencement of **section
4(3).**

- (4) This section expires on the close of the day that is 3 years after
the commencement of this section.
-

Schedule 1 **s 51(1), (2), (3)**
Amendments consequential on
amendments to section 2(1) (definition of
young person) 5

Part 1

Amendments to other enactments related to
new definition of young person in section
2(1) of principal Act

Criminal Justice Act 1985 (1985 No 120) 10

Section 142A(3): repeal and substitute:

“(3) For the purposes of this section,—

“(a) **child** and **residence** have the same meanings as they
have in the Children, Young Persons, and Their Families Act 1989; and

“(b) **young person** has the same meaning as it has in Part 4
of that Act.” 15

Intellectual Disability (Compulsory Care and Rehabilitation)
Act 2003 (2003 No 116)

Definition of young person in section 5: repeal and substitute: 20

“**young person** has the same meaning as it has in Part 4 of the
Children, Young Persons, and Their Families Act 1989.”

Legal Services Act 2000 (2000 No 42)

Section 8(6): omit “(as those terms are defined in section 2(1) of the
Children, Young Persons, and Their Families Act 1989)”. 25

Section 8: add:

“(7) In subsection (6), **child** has the same meaning as in section
2(1) of the Children, Young Persons, and Their Families Act
1989, and **young person** has the same meaning as it has in Part
4 of that Act.” 30

Summary Proceedings Act 1957 (1957 No 87)

Section 88(3AA)(b): omit “within the meaning of that Act” and sub-
stitute “(which, in this paragraph, has the same meaning as it has in
Part 4 of that Act)”.

Part 1

Amendments to other enactments related to new
definition of young person in section 2(1) of
principal Act—*continued*

Summary Proceedings Act 1957 (1957 No 87)—*continued*

Section 205(2): omit “within the meaning of the Children, Young Persons, and Their Families Act 1989”.

Section 205: add:

“(3) In subsection (2), **child** has the same meaning as in section 2(1) of the Children, Young Persons, and Their Families Act 1989, and **young person** has the same meaning as it has in Part 4 of that Act.” 5

Part 2

Amendments to principal Act related to
including 17-year-olds for provisions on
care or protection 10

Section 48(3)

Omit “17” and substitute “18”.

Section 108(c)

Omit “17” and substitute “18”. 15

Section 207B

Paragraph (a) of the definition of **young person**: omit “17” and substitute “18”.

Part 3

Amendment to principal Act related to
including 17-year-olds for provisions on
youth justice 20

Section 296

Omit “17” in each place it appears and substitute in each case “18”.

Part 4

Amendments to other enactments related
to including 17-year-olds for provisions on
youth justice

Immigration Act 1987 (1987 No 74)	5
Section 62(1)(a): omit “17” and substitute “18”.	
Section 128(6)(a): omit “17” and substitute “18”.	
Section 128B(7)(a): omit “17” and substitute “18”.	
Section 140(4): omit “17” and substitute “18”.	
Privacy Act 1993 (1993 No 28)	10
Item relating to Details of hearings under the heading Ministry of Justice records in Schedule 5: omit “17” in each place where it appears and substitute in each case “18”.	
Summary Proceedings Act 1957 (1957 No 87)	
Section 20A(13): omit “17” and substitute “18”.	15

Schedule 2	s 54
Amendments consequential on new sections 73A to 73O (child offending)	
Part 1	5
Amendments to principal Act	
Section 13(i)	
Omit “principle set out in section 208(g) of this Act” and substitute “principles set out in section 208”.	
Section 17C(3)	10
Omit “or (3)” and substitute “or 73C ”.	
Section 17F(4)	
Omit “or (3)” and substitute “or 73C ”.	
Section 18(3)	
Repeal.	15
Section 67	
Omit “of this Act” and substitute “other than on the ground in section 14(1)(e)”.	
Section 70(1)	
Omit “(or, in the case of an application on the ground specified in section 14(1)(e) of this Act, under Part 4 of this Act)”.	20
Section 70(2)(ba)(i)	
Repeal.	
Section 70(3)	
Repeal and substitute:	25
“(3) If, pursuant to paragraph (a), (b), or (ba) of subsection (2), an application for a declaration under section 67 is made without a family group conference having been held, the Registrar must forthwith refer the application to a Care and Protec-	

Part 1
Amendments to principal Act—*continued*

Section 70(3)—*continued*

tion Co-ordinator for the purposes of convening a family group conference.”

Section 72(1)

Omit “of this Act (or, in the case of an application on the ground specified in section 14(1)(e) of this Act, under Part 4 of this Act)”.

Section 78(2)(c)

Omit “for a declaration under section 67 of this Act” and substitute “under **section 73F** for a determination under **section 73E**”.

Section 84

Repeal. 10

Section 85(2)

Omit “section 83 or section 84 of this Act” and substitute “**section 73M, 73N, or 83**”.

Omit “section 83(1)(b) of this Act” and substitute “sections **73N(1)(b)** and 83(1)(b)”.

Omit “section 84(1) of this Act” and substitute “**section 73M(1)**”.

Section 86(1)

Omit “of this Act” and substitute “or a determination under **section 73E**”.

Section 86A

Omit “of this Act” in the first place where it appears and substitute “or a determination under **section 73E**”.

Omit “of this Act” in the second place where it appears.

Section 87(1)

Omit “of this Act” and substitute “or a determination under **section 73E**”.

Part 1

Amendments to principal Act—*continued***Section 87(1)**—*continued*

Insert “or determination” after “that declaration”.

Insert “(being a person referred to in **section 73N(1)(e)** in the case of a determination made under **section 73E**)” after “the order”.

Section 88

Omit “of this Act” in the first place where it appears and substitute “or a determination under **section 73E**”. 5

Omit “of this Act” in the second place where it appears.

Section 91(1)

Omit “of this Act” and substitute “or a determination under **section 73E**”. 10

Section 92

Omit “of this Act” in the first place where it appears and substitute “or a determination under **section 73E**”.

Omit “of this Act” in the second place where it appears.

Section 95(d)

15

Insert “or determination” after “declaration”.

Section 96(1)(a)

Insert “or determination” after “declaration” in the first place where it appears.

Section 96(1)(a)(iii)

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Omit “declaration” and substitute “determination”.

Section 101(1)

Omit “of this Act” and substitute “or a determination under **section 73E**”.

Part 1
Amendments to principal Act—*continued*

Section 102(1)

Omit “of this Act” in the first place where it appears and substitute “or a determination under **section 73E**”.

Omit “of this Act” in the second place where it appears.

Section 110(1)

5

Omit “of this Act” and substitute “or a determination under **section 73E**”.

Section 125(1)(b)

Omit “section 83(1)(c) of this Act” and substitute “**section 73N(1)(c)**, or under section 83(1)(c),”.

10

Section 125(1)(c)

Omit “section 84(1)(b) of this Act” and substitute “**section 73M(1)(b)**”.

Section 126(f)

Omit “of this Act” in the first place where it appears and substitute “or a determination under **section 73E**”.

15

Omit “of this Act” in the second place where it appears.

Section 127(1)(c) and (ca) and (2)(d) and (da)

Omit “or section 84(1) of this Act” and substitute in each case “or, as the case requires, **section 73M or 73N**”.

20

Section 137(1)(b)

Omit “section 83(1) or section 84(1) of this Act” and substitute “**section 73M or 73N** or 83”.

Section 170(1)

Omit “of this Act (other than on the ground specified in section 14(1)(e) of this Act)”.

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Part 1
Amendments to principal Act—*continued***Section 186(1)**

Omit “of this Act” in the first place where it appears and substitute “or a determination under **section 73E**”.

Omit “section 83(1) or section 84(1) of this Act” and substitute “**section 73M or 73N** or 83”.

5

Heading to section 198

Omit “**declaration**” and substitute “**determination**”.

Section 198(1) and (2)

Omit “declaration under section 67 of this Act on the ground specified in section 14(1)(e) of this Act” and substitute in each case “determination under **section 73E**”.

10

Section 199(1)

Omit “declaration under section 67 of this Act on the ground specified in section 14(1)(e) of this Act” and substitute “determination under **section 73E**”.

15

Section 247(a)

Omit “section 18(3) of this Act” and substitute “**section 73C(2)(b)**”.

Section 250(5)(a)

Omit “section 18(3), the applicant or intended applicant for a declaration under section 67” and substitute “**section 73C**, the applicant or intended applicant under **section 73F** for a determination under **section 73E**”.

20

Section 260(3)(c)

Omit “of this Act” and substitute “, or an application for a determination under **section 73E**”.

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Part 2

Amendment to other enactment

Summary Proceedings Act 1957 (1957 No 87)

Section 87A(1)(a): insert “or a Family Court” after “Youth Court”.

Schedule 3		s 56
Amendments consequential on new section 307A (new extended supervision with activity order)		5
Section 251(1)(h)(iv)		
Insert “or section 307A ” after “section 307”.		
Section 251(1)(m)		
Insert “or section 307A ” after “section 307”.		
Section 281(2)(c)		10
Insert “or an extended supervision with activity order” after “activity order”.		
Section 283(k)		
Add “or, in the case of an order made under section 307A(2) , for a period authorised by that subsection”.		
		15
Section 285		
Subsection (1): insert “or paragraph (ma) ” after “paragraph (m)”.		
Subsection (5): insert “or paragraph (ma) ” after “paragraph (m)”.		
Subsection (6)(a): insert after subparagraph (ii):		
“(ii) section 283(ma) (extended supervision with activity order under section 307A):”.		
		20
Section 286		
Insert “or paragraph (ma) ” after “paragraph (m)”.		
Section 289		
Insert “ paragraph (ma) or” before “paragraph (n) of that section”.		
		25
Section 296(1)		
Insert after paragraph (d) of the definition of specified order :		
“(da) an order under section 283(ma) (an extended supervision with activity order under section 307A):”.		

Section 296(2)

Insert after paragraph (b):

“(ba) if it is an order under **section 283(ma)**, when the period specified in the order required by **section 307A(2)** expires:”.

5

Section 304

Insert “or **section 307A(1)**” after “section 307(1)”.

Section 308

Subsection (1): insert “or **section 307A(1)**” after “section 307(1)”.

Subsection (2): insert “or **section 307A(1)**” after “section 307(1)”.

10

Heading to section 309

Add “or extended supervision with activity order”.

Section 309(1)

Insert “or **section 307A**” after “section 307”.

Section 310

15

Subsection (1): insert “or **section 307A**” after “section 307”.

Subsection (3): insert “or **section 307A**” after “section 307”.

Subsection (5): insert “or **section 307A**” after “section 307”.

Section 320

Subsection (2): insert “or **section 307A**” after “section 307”.

20

Subsection (2): insert “or **section 307A(2)**” after “section 307(2)”.

Section 334(2)

Insert “or **paragraph (ma)**” after “paragraph (m)”.

Section 335(1)

Insert “or **paragraph (ma)**” after “paragraph (m)”.

25

Section 340

Subsection (1): Insert “or **paragraph (ma)**” after “paragraph (m)”.

Section 352(a)

Insert “or **(ma)**” after “or (m)”.

Section 356(1)

Insert “or **paragraph (ma)**” after “paragraph (m)”.

Section 358(1)

Insert “or **paragraph (ma)**” after “paragraph (m)”.

5

Section 360(1)

Insert “or **paragraph (ma)**” after “paragraph (m)”.

Section 388(1)(a)

Insert “or **section 307A**” after “section 307”.

10

Schedule 4

s 57

**Amendments consequential on new
section 311A (new extended supervision
with residence order)**

5

Section 251(1)(h)(iv)

Insert “or **section 311A**” after “section 311”.

Section 281(2)(d)

Insert “or an extended supervision with residence order” after “resi-
dence order”.

10

Section 283(k)

Add “or, in the case of an order made under **section 311A(2)**, for a
period authorised by that subsection”.

Section 285

Subsection (1): insert “or **paragraph (na)**” after “paragraph (n)”. 15

Subsection (5): insert “or **paragraph (na)**” after “paragraph (n)”.

Subsection (6)(a): omit subparagraph (iii) and substitute:

“(iii) section 283(n) (supervision with residence order
under section 311):

“(iv) **section 283(na)** (extended supervision with
residence order under **section 311A**); and”.

20

Section 290(3)

Insert “or **paragraph (na)**” after “paragraph (n)”.

Section 296(1)

Definition of **specified order**: add:

25

“(f) an order under **section 283(na)** (an extended supervi-
sion with residence order under **section 311A**).”

Section 296(2)

Insert after paragraph (c):

“(ca) if it is an order under **section 283(na)**, when the period specified in the order required by **section 311A(2)** expires:”.

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Heading to section 312

Add “or extended supervision with residence order”.

Section 312

Subsection (1): insert “or **section 311A**” after “section 311”.

Subsection (2): insert “or **section 311A(1)**” after “section 311(1)”. 10

Subsection (3): insert “or **section 311A**” after “section 311”.

Section 313(1)

Insert “or **section 311A**” after “section 311”.

Section 315

Insert “or **section 311A(1)**” after “section 311(1)”. 15

Heading to section 316

Insert “or extended supervision with residence order” after “order”.

Section 316

Subsection (1): insert “or **section 311A**” after “section 311”. 20

Subsection (2): insert “or **section 311A(2)**” after “section 311(2)”.

Heading to section 317

Insert “or extended supervision with residence order” after “order”.

Section 317

25

Subsection (1): insert “or **section 311A(1)**” after “section 311(1)”.

Subsection (2): insert “or **section 311A(1)**” after “section 311(1)”.

Section 319

Insert “or **section 311A**” after “section 311”.

Section 320

Subsection (2): insert “or **section 311A(2)**” after “section 311(2)”.

Subsection (3): insert “or **section 311A(1)**” after “section 311(1)”. 5

Section 334(2)

Insert “or **paragraph (na)**” after “paragraph (n)”.

Section 335(1)

Insert “or **paragraph (na)**” after “paragraph (n)”.

Section 340(1)

10

Insert “or **paragraph (na)**” after “paragraph (n)” in each place where it appears.

Section 352(a)

Insert “or **(na)**” after “(n)”.

Section 356(1)

15

Insert “or **paragraph (na)**” after “paragraph (n)”.

Section 358

Subsection (1): insert “or **paragraph (na)**” after “paragraph (n)”.

Subsection (2): omit “of this Act” and substitute “or **(na)**”.

Section 360(1)

20

Insert “or **paragraph (na)**” after “paragraph (n)”.

Section 361(h)

Insert “or an extended supervision with residence order made under **section 283(na)**” after “section 283(n)”.

**Children, Young Persons, and Their
Families Amendment Bill (No 6)**

Section 389(a)(ii)

Insert “or **section 283(na)**” after “section 283(n)”.

Legislative history

3 December 2007
5 March 2008

Introduction (Bill 183–1)
First reading and referral to Social Services
Committee
