

<http://legislation.knowledge-basket.co.nz/gpacts/public/text/1989/an/024.html>

Children, Young Persons, and Their Families Act 1989

Commenced: 1 Nov 1989

Title

- 1 Short Title and commencement
- 2 Interpretation
- 3 Act to bind the Crown

I: General Objects, Principles, and Duties

- 4 Objects
- 5 General Principles: Principles to be applied in exercise of powers conferred by this Act
- 6 Welfare and interests of child or young person deciding factor

General Duties

- 7 Duties of Director-General
- 8 Parents and others to be informed of decisions
- 9 Interpreters
- 10 Duty of Court and counsel to explain proceedings
- 11 Duty of Court and counsel to encourage and assist child or young person to participate in proceedings
- 12 Duty of medical practitioner to minimise distress to child or young person

II: Care and Protection of Children and Young Persons

- 13 Principles
- 14 Definition of child or young person in need of care or protection

Reporting of Child Abuse

- 15 Reporting of ill-treatment or neglect of child or young person
- 16 Protection of person reporting ill-treatment or neglect of child or young person
- 17 Investigation of report of ill-treatment or neglect of child or young person
- 18 Referral of care or protection cases to Care and Protection Co-ordinator or Youth Justice Co-ordinator by Social Workers or members of the Police
- 19 Referral of care or protection cases to Care and Protection Co-ordinator by other persons or by Court

Family Group Conferences

- 20 Convening of family group conferences
- 21 Care and Protection Co-ordinator to consult family, whanau, or family group on convening of family group conference
- 22 Persons entitled to attend family group conference
- 23 Care and Protection Co-ordinator to ensure that relevant information and advice made available to family group conference
- 24 Care and Protection Co-ordinator to ascertain views of persons unable to attend family group conference
- 25 Notification of convening of family group conference
- 26 Procedure at family group conference
- 27 Department to provide administrative services to family group conference

28 Functions of family group conference

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

30 Care and Protection Co-ordinator to seek agreement to decisions, recommendations, and plans of family group conference

31 Procedure where no agreement possible

32 Records of decisions, recommendations, and plans of family group conferences to be made available to interested persons

33 Department to maintain records of proceedings of family group conferences

34 Director-General to give effect to decisions, recommendations, and plans of family group conference

35 Police to comply with decisions, recommendations, and plans of family group conference

36 Family group conference may reconvene to review its decisions, recommendations, and plans

37 Proceedings of family group conference privileged

38 Proceedings of family group conference not to be published

Powers to Remove Child or Young Person

39 Place of safety warrants

40 Warrant to remove child or young person

41 Person executing warrant to produce evidence of authority and identity

42 Search without warrant

43 Placement of child or young person placed in custody of Director-General

44 Parent or guardian may apply for release of or access to child or young person

45 Child or young person placed in custody of Director-General to be brought before Court within 5 days unless sooner released

46 Powers of Court where application made under section 44 or child or young person brought before Court under section 45

47 Social Worker or member of Police to furnish report to Commissioner where child or young person released before required to be brought before Court

48 Unaccompanied children and young persons

Medical Examination of Child or Young Person

49 Court may order medical examination of child or young person

50 Ex parte application for order for medical examination

51 Court may impose conditions on order for medical examination

52 Medical practitioner to prepare report on examination

53 Medical examination of child or young person at request of Social Worker

54 Child or young person entitled to have adult present

55 Restrictions on internal examinations and examinations under general anaesthetic

56 Medical practitioner to prepare report on examination

57 Social Worker to make report to Director-General

58 Fees for reports prepared under section 52 or section 56

Production of Documents Relevant to Investigation

59 Application for production of documents relevant to investigation of whether child or young person in need of care or protection

60 Ex parte application for order for production of document

61 Court may order document to be produced

62 Section 61 to apply notwithstanding any enactment or rule of law

63 Right to remove, retain, and make copies of document produced under section 61

- 64 Document produced under section 61 not to be used for any other purpose
- 65 Use of documents in subsequent proceedings
- 66 Government Departments may be required to supply information

Proceedings in Respect of Children and Young Persons in Need of Care or Protection

- 67 Grounds for declaration that child or young person is in need of care or protection
- 68 Application for declaration that child or young person is in need of care or protection
- 69 Joint applications
- 70 No application to be made unless family group conference has been held
- 71 Court may make declaration in absence of proof of responsibility for neglect or ill-treatment of child or young person
- 72 Court not to make declaration unless family group conference held
- 73 Court not to make declaration unless satisfied that child's or young person's need for care or protection cannot be met by other means

Counselling

- 74 Court may require parties to undergo counselling
- 75 Counsellor to arrange meeting and submit report on outcome
- 76 Fees
- 77 Privilege

Custody of Child or Young Person Pending Determination of Application for Declaration

- 78 Custody of child or young person pending determination of application
- 79 Persons who may be granted custody under section 78
- 80 Effect of order made under section 78
- 81 Powers of Director-General under order made under section 78
- 82 Director-General may return child or young person to person who previously had care

Orders Under this Part of this Act

- 83 Orders of Court on making of declaration
- 84 Power to make other orders where declaration made on ground of child's offending
- 85 Recall to come before Court

Services Orders

- 86 Services orders

Restraining Orders

- 87 Restraining orders
- 88 Interim restraining orders
- 89 Offence to contravene restraining order or interim restraining order
- 90 When restraining order shall cease to have effect

Support Orders

- 91 Support orders
- 92 Interim support orders
- 93 Duty to provide support
- 94 Duty of Director-General to appoint Social Worker to provide support
- 95 Conditions of support order or interim support order
- 96 Power of Court to impose additional conditions

97 Court may impose conditions in respect of parent, guardian, etc., of child or young person

98 Court not to impose condition requiring medical treatment without person's consent

99 Person or organisation providing support to child or young person to report to Court

100 Failure to observe conditions of support order

Custody Orders

101 Custody orders

102 Interim custody orders

103 Court may impose conditions to facilitate return of child or young person

104 Effect of custody order

105 Living arrangements for child or young person placed in custody of Director-General

106 Living arrangements where child or young person placed in custody of Iwi Authority, Cultural Authority, or Director of Child and Family Support Service

107 Person in whose custody child or young person is placed may determine access rights in absence of Court order

108 When custody order shall cease to have effect

109 Custody to revert on expiry of order

Guardianship Orders

110 Guardianship orders

111 Person not to be appointed as guardian without consent

112 Director-General may be appointed as guardian for specific purpose

113 Court may impose conditions to facilitate return of child or young person

114 Effect of guardianship order

115 Disputes between guardians

116 Review of guardian's decision or refusal to give consent

117 When guardianship orders to cease to have effect

118 Reversion of guardianship on expiry or discharge of guardianship order

119 Guardianship of child or young person on death of person appointed as guardian under this Act

Effect of Custody and Guardianship Orders on Jurisdiction Under Guardianship Act 1968

120 Restriction on making of guardianship, custody, and access orders under Guardianship Act 1968

Access and Exercise of Other Rights

121 Court may make orders for access and exercise of other rights by parents and other persons

122 Enforcement of access rights

123 Power of entry

124 Person executing warrant to produce evidence of authority and identity

Variation and Discharge of Orders

125 Application for variation or discharge of orders made under this Part of this Act

126 Persons who may apply for variation or discharge of order

127 Court may vary or discharge order

Plans for Children and Young Persons

128 Court to obtain and consider plan for child or young person before making certain orders

129 Court to direct who is to prepare plan

130 Content of plans

131 Adjournment for purposes of obtaining plan

132 Access to plans

133 Court may order plan not to be disclosed

134 Court to set date for review of plan

135 Review of plan

136 Access to reports and revised plans

137 Court to consider report and make directions

138 Court to set date for further review of plan

Agreements for Care of Children and Young Persons

139 Agreements for temporary care of children and young persons by Director-General, Iwi Authority, Cultural Authority, or Child and Family Support Service

140 Agreements for extended care of children and young persons by Director-General, Iwi Authority, Cultural Authority, or Child and Family Support Service

141 Agreements for extended care of severely disabled children and young persons

142 Agreements with controlling authorities of homes registered under Disabled Persons Community Welfare Act 1975

143 All parents or guardians not required to be party to agreement

144 Agreement not to be made without consent of child or young person

145 Agreement not to be made without approval of family group conference

146 Form and terms of agreements

147 Further restrictions on making of agreements

148 Effect of agreements

149 Agreement may provide for consent to medical treatment

III: Provisions Relating to Procedure in Respect of Proceedings Under Part II

Courts Having Jurisdiction Under Part II

150 Jurisdiction of Family Courts

151 Jurisdiction of District Courts in cases of urgency

Service of Applications

152 Service of application for declaration

153 Notice of application for declaration to be given to child or young person

154 Service of application for variation or discharge of order

155 Court may dispense with service

Attendance of Parties at Hearing

156 Court may require party to attend hearing

157 Court may require child or young person to attend hearing

Joint Hearings

158 Applications may be heard together

Appointment of Persons to Represent Child or Young Person or Assist Court

- 159 Appointment of barrister or solicitor to represent child or young person
- 160 Appointment of barrister or solicitor to assist Court
- 161 Further provisions relating to barrister or solicitor appointed under section 159 or section 160
- 162 Payment of barrister or solicitor appointed under section 159 or section 160
- 163 Appointment of lay advocate
- 164 Further provisions relating to lay advocate
- 165 Payment of lay advocate

Attendance at Hearings and Right to Make Representations

- 166 Persons entitled to be present at hearing of proceedings in Family Court
- 167 Child or young person may give evidence in private
- 168 Other powers of Court to hear proceedings in private or exclude persons not affected
- 169 Right to make representations

Mediation Conferences

- 170 Calling of mediation conference
- 171 Objectives of mediation conference
- 172 Procedure at mediation conference
- 173 Presiding Judge to make record of proceedings at mediation conference
- 174 Power of presiding Judge to make consent orders
- 175 Power to require attendance at mediation conference
- 176 Privilege
- 177 Presiding Judge may hear subsequent proceedings

Reports

- 178 Medical, psychiatric, and psychological reports
- 179 Further provisions relating to medical, psychiatric, and psychological examinations
- 180 Fees for reports prepared under section 178
- 181 Court may order examination to be carried out in psychiatric hospital
- 182 Release of child or young person from psychiatric hospital where detention no longer required
- 183 Review of order made under section 178 or section 181
- 184 Court may indicate matters to be dealt with in report
- 185 Sections to have effect in place of section 121 of Criminal Justice Act 1985
- 186 Report by Social Worker
- 187 Cultural and community reports
- 188 Privilege for reports
- 189 Adjournment for purposes of obtaining report
- 190 Reports may be made orally
- 191 Access to reports
- 192 Court may order report not to be disclosed
- 193 Right to tender evidence on report
- 194 Court may call person making report as witness

Miscellaneous Provisions

- 195 Evidence
- 196 Special provisions applying to disclosure of communications to medical practitioner
- 197 Standard of proof
- 198 Special provisions applying to applications for declaration on ground of child's offending
- 199 Power of Court to call witnesses

- 200 Court to ensure that application for declaration that child or young person in need of care or protection dealt with promptly
- 201 Adjournments
- 202 Orders by consent
- 203 Costs
- 204 Rehearings
- 205 Preventing removal of child or young person from New Zealand
- 206 Offence to take child or young person out of New Zealand where proceedings pending
- 207 Vexatious proceedings

IV: Youth Justice

Principles

- 208 Principles

Warnings and Formal Police Cautions

- 209 Consideration of warning as alternative to prosecution
- 210 Administration of warning
- 211 Formal Police caution
- 212 Notice of warning or caution
- 213 Evidence of warnings and formal Police cautions and of offences to which they relate not admissible in criminal proceedings

Arrest of Child or Young Person Without Warrant

- 214 Arrest of child or young person without warrant

Rights of Children and Young Persons When Questioned, Charged with Offence, or Arrested

- 215 Child or young person to be informed of rights before questioned by enforcement officer
- 216 Enforcement officer to explain rights to child or young person who is to be charged with offence
- 217 Rights to be explained to child or young person who is arrested
- 218 Explanations to be given in manner and language appropriate to age and level of understanding of child or young person
- 219 Explanations not required if child or young person already informed of rights
- 220 Other enactments requiring information or particulars not affected

Provisions Relating to Admissibility of Statements Made by Children and Young Persons

- 221 Admissibility of statements made by children and young persons
- 222 Persons who may be nominated for the purposes of section 221 (2) (b) or (c)
- 223 Section 221 not to apply where statement made before requirements of that section can be met
- 224 Reasonable compliance sufficient
- 225 Other enactments relating to admissibility of statements or confessions, or requiring information or particulars to be given, not affected
- 226 Evidence of communications during consultation not admissible

Entitlement to Consult Barrister or Solicitor

227 Child or young person at enforcement agency office for questioning in relation to commission or possible commission of offence or arrested entitled to consult with barrister or solicitor

228 Entitlement of child or young person to consult with barrister or solicitor where taken to hospital following arrest or questioned at hospital

Notification of Parents and Other Persons Where Child or Young Person Being Questioned or Is Arrested

229 Parents or guardians or other persons to be informed where child or young person at enforcement agency office for questioning in relation to commission or possible commission of offence or is arrested

230 Evidence of communications during visit not admissible

231 Persons who may be nominated for the purposes of section 229 (1) (a)

232 Notice of offence with which child or young person charged to be given to parents or guardians or other persons having care of child or young person

Breath-alcohol and Blood-alcohol Provisions of Transport Act 1962 Not Affected

233 Breath-alcohol and blood-alcohol provisions of Transport Act 1962 not affected

Custody of Child or Young Person Following Arrest or Pending Hearing

234 Custody of child or young person following arrest

235 Child or young person who is arrested may be placed in custody of Director-General

236 Young person who is arrested may be detained in Police custody

237 Child or young person who is arrested to be brought before Court as soon as possible

238 Custody of child or young person pending hearing

239 Restrictions on power of Court to order child or young person to be detained in custody

240 Conditions of bail

241 Review of orders made under section 238

242 Order under section 238 sufficient authority for detention of child or young person

243 Other powers to grant bail not affected

Powers Under Immigration Act 1987 Not Affected

244 Immigration Act 1987 (other than sections 126 (4) and 142) not affected

Prosecution of Children and Young Persons

245 Proceedings not to be instituted against young person unless Youth Justice Co-ordinator consulted and family group conference held

246 Procedure where young person arrested and brought before Court

247 Youth Justice Co-ordinator to convene family group conference

248 Family group conference not required in certain cases

249 Time limits for convening of family group conferences

250 Youth Justice Co-ordinator to consult family, whanau, or family group on convening of family group conference

251 Persons entitled to attend family group conference

252 Child or young person in custody to be permitted to attend family group conference

253 Notification of convening of family group conference

254 Youth Justice Co-ordinator to ascertain views of persons unable to attend family group conference

255 Youth Justice Co-ordinator to ensure that relevant information and advice made

available to family group conference

256 Procedure at family group conference

257 Department to provide administrative services to family group conferences

258 Functions of family group conference

259 Family group conference to ascertain whether child or young person admits offence

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

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

262 Youth Justice Co-ordinator to make record of decisions, recommendations, and plans of family group conference

263 Youth Justice Co-ordinator to seek agreement to decisions, recommendations, and plans of family group conference

264 Procedure where no agreement possible

265 Records of decisions, recommendations, and plans of family group conference to be made available to interested persons

266 Department to maintain records of proceedings of family group conferences

267 Enforcement agencies to comply with decisions, recommendations, and plans of family group conference

268 Director-General to give effect to decisions, recommendations, and plans of family group conference

269 Director-General may provide financial assistance to enable decisions, etc., of family group conference to be carried out

270 Family group conference may reconvene to review its decisions, recommendations, and plans

271 Proceedings of family group conference privileged and not to be published

Jurisdiction of Youth Courts

272 Jurisdiction of Youth Court

273 Manner of dealing with summary offences and indictable offences (other than purely indictable offences)

274 Manner of dealing with purely indictable offences or where person elects jury trial

275 Young person may forego right to jury trial and elect to have proceedings determined by Youth Court

276 Young person may plead guilty and elect to be dealt with by Youth Court

277 Provisions applicable where young person charged jointly with person who is not a young person

278 Parent or guardian may be summoned to appear when young person charged with offence

279 Court to consider recommendations of family group conference

280 Court may refer case to Care and Protection Co-ordinator to determine whether matter should be dealt with under Part II

Disposal of Proceedings in Youth Court

281 Court not to make orders unless family group conference held

282 Power of Court to discharge information

283 Orders of the Court

284 Factors to be taken into account on sentencing

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

286 Person or organisation not to be required to supervise young person without consent

287 Reparation limited to direct loss

288 Order not to be made in respect of parent or guardian unless given opportunity to be

heard

289 Restriction on imposition of supervision with activity order

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

291 Transfer of other charges to District Court for sentence

292 Whole or part of fine may be awarded to victim of offence suffering physical or emotional harm

293 Effect of order imposing fine or requiring payment of compensation or restitution or forfeiture of property

294 Demerit points

295 Recall to come before Court

Expiry of Orders

296 Expiry of orders

Powers of Court Where Young Person Already Subject to Order Made under this Part

297 Powers of Court in dealing with young person subject to order made under this Part of this Act

Community Work Order

298 Community work order

299 Failure to comply with community work order

300 Variation or cancellation of community work order

301 Procedural provisions relating to application under section 300

302 Application of Accident Compensation Act 1982 to young persons performing work under community work order

303 Effect of subsequent sentence

Provisions Relating to Supervision Orders and Supervision With Activity Orders

304 Duty of Director-General to provide for supervision

305 Conditions of supervision order

306 Power of Court to impose additional conditions

307 Supervision with activity order

308 Conditions of supervision with activity order

309 Failure to observe conditions of supervision order or supervision with activity order

310 Suspension, cancellation, and variation of supervision order or supervision with activity order

Supervision With Residence Orders

311 Supervision with residence order

312 Effect of supervision with residence order

313 Court may make orders for access and exercise of other rights by parents and other persons

314 Director-General may release young person from custody before expiry of supervision with residence order

315 Supervision with residence order to cease to run if young person absconds

316 Court may cancel supervision with residence order if young person absconds

317 When supervision with residence order ceases to have effect

318 Search without warrant

319 Medical treatment of young person in custody of Director-General

Reports on Effectiveness of Orders

320 [Report to be made to Court on effectiveness of certain orders](#)

V: Provisions Relating to Procedure in Youth Court

General

321 [Application of District Courts Act 1947 and Summary Proceedings Act 1957](#)

322 [Time for instituting proceedings](#)

Youth Advocates

323 [Appointment of Youth Advocate to represent child or young person](#)

324 [Further provisions relating to Youth Advocate](#)

325 [Payment of Youth Advocate](#)

Lay Advocates

326 [Appointment of lay advocate](#)

327 [Functions of lay advocate](#)

328 [Further provisions relating to lay advocate](#)

Attendance at Hearings and Right to Make Representations

329 [Persons entitled to be present at hearing](#)

330 [Right to make representations in Youth Court](#)

Arrangements for Hearings in Youth Courts

331 [Matters before Court to be dealt with separately](#)

332 [Arrangements for hearing of proceedings in Youth Court](#)

Reports

333 [Medical, psychiatric, and psychological reports](#)

334 [Report by Social Worker](#)

335 [Report to be accompanied by plan](#)

336 [Court may obtain cultural or community report](#)

337 [Reports may be made orally](#)

338 [Privilege for reports](#)

339 [Access to reports and plans under this Part of this Act](#)

Written Statement of Terms of Orders

340 [Written statement of terms of certain orders to be given to young person](#)

VI: Appeals

Appeals from Decisions of Family Courts

341 [Appeals from decisions of Family Courts](#)

342 [Procedure for bringing appeal](#)

343 [Notice of appeal to be given to local Director of Social Welfare](#)

344 [Notice of appeal not to affect orders unless Court otherwise directs](#)

345 [Interim custody order pending appeal](#)

346 [Procedure on appeal](#)

347 [Appeal to Court of Appeal on question of law](#)

348 [Determination of appeals](#)

- 349 Court may refer appeals back for reconsideration
- 350 Decision of High Court and Family Court to be sent to Director-General

Appeals from Decisions of Youth Court

- 351 Appeals from decisions of Youth Court by young person
- 352 Appeal by parents or guardians or other persons having care of young person
- 353 Appeal by persons other than young person dealt with in Youth Court
- 354 Appeal on a point of law only
- 355 Application of Part IV of Summary Proceedings Act 1957
- 356 Effect of notice of appeal on certain orders
- 357 Application of section 329 to hearing of appeal
- 358 Presence of young person at hearing of appeal
- 359 Presence of parents at hearing of appeal from decisions of Youth Court
- 360 Notification of appeal and result of appeal to local Director of Social Welfare

VII: Children and Young Persons in Care of Director-General or Other Persons or Bodies

- 361 Application of sections 362, 364, 365, 387, 390 to 392, 394, and 395 of this Act

Placement of Children and Young Persons

- 362 Children and young persons may be placed in care of approved persons
- 363 Payment to person or organisation providing care

Residences

- 364 Authority to establish residences
- 365 Director-General may place children and young persons in residences
- 366 Closing of residences and transfer of residents

Secure Care

- 367 Secure care
- 368 Grounds for placement in secure care
- 369 Notice to be given where child or young person placed in secure care
- 370 Time limits on detention in secure care
- 371 Application for approval for continued detention in secure care
- 372 Registrar may authorise continued detention in secure care until application is determined
- 373 Persons entitled to be present at hearing of application under section 371
- 374 Right to make representations
- 375 Hearing to be held in residence wherever practicable
- 376 Court may authorise continued detention in secure care
- 377 Renewal of approval for continued detention in secure care
- 378 Notification of decision of Court
- 379 Review of decision to grant or renew approval
- 380 Application for review of detention in secure care
- 381 Notice of application for review of detention in secure care
- 382 Disposal of application for review of detention in secure care
- 383 Review of refusal of application

Discipline

- 384 Discipline of children and young persons in residences

Absconding by Children and Young Persons

- 385 [Children and young persons who abscond](#)
- 386 [Search warrants](#)

Financial Matters

- 387 [Director-General empowered to make payments for benefit of children and young persons](#)
- 388 [Financial and other assistance in respect of children and young persons subject to orders made under this Act](#)
- 389 [Financial and other assistance in other cases](#)
- 390 [Power to control finances of young persons under guardianship or in custody](#)
- 391 [Imposition of charge to meet expenses of providing care for children and young persons](#)
- 392 [Manager may be appointed under Protection of Personal and Property Rights Act 1988 to manage property of children and young persons subject to guardianship or custody order](#)

Maintenance

- 393 [Recovery of cost of maintenance of children and young persons in care](#)

Limitation on Tortious Liability

- 394 [Limitation upon tortious liability of Director-General, Iwi Authorities, Cultural Authorities, Child and Family Support Services, and other persons having care of child or young person](#)

Reporting of Deaths

- 395 [Police to be notified of deaths](#)

VIII: Provisions Relating to Iwi Authorities, Cultural Authorities, Child and Family Support Services, and Community Services

Iwi Authorities, Cultural Authorities, and Child and Family Support Services

- 396 [Approval of Iwi Authorities, Cultural Authorities, and Child and Family Support Services](#)
- 397 [Restrictions on granting of approval](#)
- 398 [Director-General not to decline application without giving applicant opportunity to make submissions](#)
- 399 [Revocation of approval](#)
- 400 [Assessment of Iwi Authorities, Cultural Authorities, and Child and Family Support Services](#)
- 401 [Powers of person carrying out assessment of Iwi Authority or Cultural Authority or Child and Family Support Service](#)
- 402 [Convener of Iwi Authority or Cultural Authority to have power of decision for purposes of this Act](#)

Community Services

- 403 [Approval of Community Services](#)
- 404 [Director-General not to decline application without giving applicant opportunity to](#)

make submissions

405 [Revocation of approval](#)

406 [Financial assistance to Community Services](#)

407 [Director-General may contract with Community Services for provision of services](#)

408 [Assessment of Community Services](#)

409 [Powers of person carrying out assessment of Community Service](#)

IX: Commissioner for Children

Appointment and Functions

410 [Commissioner for Children](#)

411 [Functions of Commissioner](#)

Proceedings of Commissioner

412 [Powers of Commissioner](#)

413 [Commissioner may regulate own procedure](#)

414 [Commissioner not to make adverse comment unless opportunity to be heard given](#)

415 [Annual report](#)

Conditions of Employment

416 [Appointment of Commissioner](#)

417 [Term of office and conditions of employment of Commissioner](#)

418 [Removal from office](#)

419 [Superannuation or retiring allowances](#)

Miscellaneous Provisions

420 [Proceedings privileged](#)

421 [Commissioner deemed to be official](#)

422 [Money to be appropriated by Parliament for purposes of this Part of this Act](#)

X: Miscellaneous Provisions

Care and Protection Co-ordinators and Youth Justice Co-ordinators

423 [Appointment of Care and Protection Co-ordinators](#)

424 [Duties of Care and Protection Co-ordinator](#)

425 [Appointment of Youth Justice Co-ordinators](#)

426 [Duties of Youth Justice Co-ordinator](#)

427 [Delegation of functions of Care and Protection Co-ordinator or Youth Justice Co-ordinator to Social Worker](#)

Care and Protection Resource Panels

428 [Care and Protection Resource Panels](#)

429 [Functions of Care and Protection Resource Panels](#)

430 [Care and Protection Resource Panels may regulate own procedure](#)

431 [Annual report](#)

432 [Fees and allowances](#)

Youth Courts

433 [Establishment of Youth Courts](#)

434 [Principal Youth Court Judge](#)

435 [Designation of Youth Court Judges](#)

436 [District Court Judge may exercise jurisdiction in absence of Youth Court Judge](#)

Miscellaneous Provisions Relating to Proceedings Under this Act

437 [Notice of proceedings and orders to be given to parents or guardians or other persons having care of child or young person](#)

438 [Restriction on publication of reports of proceedings](#)

439 [Proceedings not invalid because of mistake as to age](#)

440 [Proceedings not to be questioned for want of form](#)

441 [Court may determine age of child or young person in absence of evidence](#)

442 [No Court fees payable](#)

443 [Issue and execution of warrants](#)

444 [Liability of persons providing reports](#)

445 [Witnesses expenses](#)

Offences

446 [Offences](#)

Regulations

447 [Regulations](#)

448 [Rules of procedure](#)

XI: Amendments to Other Enactments, Repeals, Savings, and Transitional Provisions

Amendments to Other Enactments

449 [Consequential amendments](#)

450 [Adoption Act 1955 amended](#)

451 [Department of Social Welfare Act 1971 consequentially amended](#)

452 [Local Government Act 1974 consequentially amended](#)

453 [Summary Offences Act 1981 amended](#)

454 [Criminal Justice Act 1985 amended](#)

455 [Child Care Regulations 1985 consequentially amended](#)

Repeals and Savings

456 [Repeals and savings](#)

Transitional Provisions

457 [Complaints](#)

458 [Informations](#)

459 [Guardianship orders](#)

460 [Plans and reports to be furnished to Court in respect of orders deemed to be guardianship orders under this Act](#)

461 [Review of orders deemed to be guardianship orders under this Act](#)

462 [Applications for review of guardianship orders](#)

463 [Supervision orders](#)

464 [Applications for review of supervision orders](#)

465 [Complaints for failure to observe conditions of supervision order](#)

466 [Agreements for control of child or young person by the Director-General](#)

467 [Homes registered or deemed to be registered under Part IX of Children and Young Persons Act 1974](#)

- 468 [Agreements for assumption of care of child or young person by manager of home or recognised system of foster care](#)
469 [Administration of property by Public Trustee](#)

Schedule(s)

- 1 [FIRST SCHEDULE: Provisions Applied to Youth Courts and to Proceedings in Such Courts](#)
2 [SECOND SCHEDULE: Enactments Amended](#)
3 [THIRD SCHEDULE: Enactments Repealed](#)

I: General Objects, Principles, and Duties

General Objects

4. Objects---The object of this Act is to promote the well-being of children, young persons, and their families and family groups by---
- (a) Establishing and promoting, and assisting in the establishment and promotion, of services and facilities within the community that will advance the wellbeing of children, young persons, and their families and family groups and that are--
 - (i) Appropriate having regard to the needs, values, and beliefs of particular cultural and ethnic groups; and
 - (ii) Accessible to and understood by children and young persons and their families and family groups; and
 - (iii) Provided by persons and organisations sensitive to the cultural perspectives and aspirations of different racial groups in the community:
 - (b) Assisting parents, families, whanau, hapu, iwi, and family groups to discharge their responsibilities to prevent their children and young persons suffering harm, ill-treatment, abuse, neglect, or deprivation:
 - (c) Assisting children and young persons and their parents, family, whanau, hapu, iwi, and family group where the relationship between a child or young person and his or her parents, family, whanau, hapu, iwi, or family group is disrupted:
 - (d) Assisting children and young persons in order to prevent them from suffering harm, ill-treatment, abuse, neglect, and deprivation:
 - (e) Providing for the protection of children and young persons from harm, ill-treatment, abuse, neglect, and deprivation:
 - (f) Ensuring that where children or young persons commit offences,---
 - (i) They are held accountable, and encouraged to accept responsibility, for their behaviour; and
 - (ii) They are dealt with in a way that acknowledges their needs and that will give them the opportunity to develop in responsible, beneficial, and socially acceptable ways:
 - (g) Encouraging and promoting co-operation between organisations engaged in providing services for the benefit of children and young persons and their families and family groups.

Cf. 1974, No. 72, s. 3

5 Principles to be applied in exercise of powers conferred by this Act

General Principles

5. Principles to be applied in exercise of powers conferred by this Act---Subject to section 6 of this Act, any Court which, or person who, exercises any power conferred by or under this Act shall be guided by the following principles:

- (a) The principle that, wherever possible, a child's or young person's family, whanau, hapu, iwi, and family group should participate in the making of decisions affecting that child or young person, and accordingly that, wherever possible, regard should be had to the views of that family, whanau, hapu, iwi, and family group:
- b) The principle that, wherever possible, the relationship between a child or young person and his or her family, whanau, hapu, iwi, and family group should be maintained and strengthened:
- (c) The principle that consideration must always be given to how a decision affecting a child or young person will affect---
 - (i) The welfare of that child or young person; and
 - (ii) The stability of that child's or young person's family, whanau, hapu, iwi, and family group:
- (d) The principle that consideration should be given to the wishes of the child or young person, so far as those wishes can reasonably be ascertained, and that those wishes should be given such weight as is appropriate in the circumstances, having regard to the age, maturity, and culture of the child or young person:
- e) The principle that endeavours should be made to obtain the support of---
 - (i) The parents or guardians or other persons having the care of a child or young person; and
 - (ii) The child or young person himself or herself--- to the exercise or proposed exercise, in relation to that child or young person, of any power conferred by or under this Act:
- (f) The principle that decisions affecting a child or young person should, wherever practicable, be made and implemented within a time-frame appropriate to the child's or young person's sense of time.

Cf. 1974, No. 72, ss. 4A-4C; 1983, No. 129, s. 3

6. Welfare and interests of child or young person deciding
factor---

Where, in the administration or application of this Part or Part II or Part III or Part VI (other than sections 351 to 360) or Part VII or Part VIII of this Act, any conflict of principles or interests arises, the welfare and interests of the child or young person shall be the deciding factor.

II: Care and Protection of Children and Young Persons

Family Group Conferences

13 Principles

13. Principles---Subject to sections 5 and 6 of this Act, any Court which, or person who, exercises any powers conferred by or under this Part or Part III or sections 341 to 350 of this Act shall be guided by the following principles:

- (a) The principle that children and young persons must be protected from harm, their rights upheld, and their welfare promoted:
- (b) The principle that the primary role in caring for and protecting a child or young person lies with the child's or young person's family, whanau, hapu, iwi, and family group, and that accordingly---
 - (i) A child's or young person's family, whanau, hapu, iwi, and family group should be supported, assisted, and protected as much as possible; and
 - (ii) Intervention into family life should be the minimum necessary to ensure a child's or young person's safety and protection:
- (c) The principle that it is desirable that a child or young person live in association with his or her family, whanau, hapu, iwi, and family group, and that his or her education, training, or employment be allowed to continue without interruption or disturbance:
- (d) Where a child or young person is considered to be in need of care or protection, the principle that, wherever practicable, the necessary assistance and support should be provided to enable the child or young person to be cared for and protected within his or her own family, whanau, hapu, iwi, and family group:
- (e) The principle that a child or young person should be removed from his or her family, whanau, hapu, iwi, and family group only if there is a serious risk of harm to the child or young person:
- (f) Where a child or young person is removed from his or her family, whanau, hapu, iwi, and family group, the principles that,---
 - (i) Wherever practicable, the child or young person should be returned to, and protected from harm within, that family, whanau, hapu, iwi, and family group; and
 - (ii) Where the child or young person cannot immediately be returned to, and protected from harm within, his or her family, whanau, hapu, iwi, and family group, until the child or young person can be so returned and protected he or she should, wherever practicable, live in an appropriate family-like setting---
 - (A) That, where appropriate, is in the same locality as that in which the child or young person was living; and
 - (B) In which the child's or young person's links with his or her family, whanau, hapu, iwi, and family group are maintained and strengthened; and
 - (iii) Where the child or young person cannot be returned to, and protected from harm within, his or her family, whanau, hapu, iwi, and family group, the child or young person should live in a new family group, or (in the case of a young person) in an appropriate family-like setting, in which he or she can develop a sense of belonging, and in which his or her sense of continuity and his or her personal and cultural identity are maintained:
- (g) Where a child or young person cannot remain with, or be returned to, his or her family, whanau, hapu, iwi, and family group, the principle that, in determining the person in whose care the child or young person should be placed, priority should, where practicable, be given to a person---
 - (i) Who is a member of the child's or young person's hapu or iwi (with preference being given to hapu members), or, if that

is not possible, who has the same tribal, racial, ethnic, or cultural background as the child or young person; and

(ii) Who lives in the same locality as the child or young person:

- (h) Where a child or young person cannot remain with, or be returned to, his or her family, whanau, hapu, iwi, and family group, the principle that the child or young person should be given an opportunity to develop a significant psychological attachment to the person in whose care the child or young person is placed:
- (i) Where a child is considered to be in need of care or protection on the ground specified in section 14 (1) (e) of this Act, the principle set out in section 208 (g) of this Act.

Cf. 1974, No. 72, s. 4

14. Definition of child or young person in need of care or protection---

1) A child or young person is in need of care or protection within the meaning of this Part of this Act if---

- (a) The child or young person is being, or is likely to be, harmed (whether physically or emotionally or sexually), ill-treated, abused, or seriously deprived; or
- (b) The child's or young person's development or physical or mental or emotional wellbeing is being, or is likely to be, impaired or neglected, and that impairment or neglect is, or is likely to be, serious and avoidable; or
- (c) Serious differences exist between the child or young person and the parents or guardians or other persons having the care of the child or young person to such an extent that the physical or mental or emotional wellbeing of the child or young person is being seriously impaired; or
- (d) The child or young person has behaved, or is behaving, in a manner that---
 - (i) Is, or is likely to be, harmful to the physical or mental or emotional wellbeing of the child or young person or to others; and
 - (ii) The child's or young person's parents or guardians, or the persons having the care of the child or young person, are unable or unwilling to control; or
- (e) In the case of a child of or over the age of 10 years and under 14 years, the child has committed an offence or offences the number, nature, or magnitude of which is such as to give serious concern for the wellbeing of the child; or
- (f) The parents or guardians or other persons having the care of the child or young person are unwilling or unable to care for the child or young person; or
- (g) The parents or guardians or other persons having the care of the child or young person have abandoned the child or young person; or
- (h) Serious differences exist between a parent, guardian, or other person having the care of the child or young person and any other parent, guardian, or other person having the care of the child or young person to such an extent that the physical or mental or emotional wellbeing of the child or young person is being seriously impaired; or
- (i) The ability of the child or young person to form a significant psychological attachment to the person or persons having the care of the child or young person is being, or is likely to be, seriously impaired because of the number of occasions on which the child or young person has been in the care or charge of a person (not being a person specified in subsection (2) of this section) for the purposes of maintaining the child or young person apart from the child's or young person's parents or guardians.

(2) The persons referred to in subsection (1) (i) of this section are

as follows:

- (a) Any person who has custody of the child or young person pursuant to the order of any Court, whether or not that Court is a Court within the meaning of this Act:
- (b) Any person who has the child or young person in that person's care---
 - (i) Pursuant to an agreement under section 139 or section 140 or section 141 or section 142 of this Act; or
 - (ii) For the purpose of adoption, and the requirements of section 6 of the Adoption Act 1955 are being complied with:
- (c) Any person who is caring for the child or young person in---
 - (i) Any residential accommodation provided for children or young persons by a registered school within the meaning of the Education Act 1964:
 - (ii) A licensed private hospital:
 - (iii) An institution under the control of the Department of Health, an Area Health Board, or a Hospital Board:
 - (iv) An institution within the meaning of the Area Health Boards Act 1983 or the Hospitals Act 1957:
 - (v) A hospital within the meaning of the Mental Health Act 1969.

Cf. 1974, No. 72, s. 27 (2); 1977, No. 126, s. 7 (1)

15. Reporting of ill-treatment or neglect of child or young person---

Any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, neglected, or deprived may report the matter to a Social Worker or a member of the Police.

16. Protection of person reporting ill-treatment or neglect of child or young person---

No civil, criminal, or disciplinary proceedings shall

lie against any person in respect of the disclosure or supply by that person pursuant to section 15 of this Act of information concerning a child or young person (whether or not that information also concerns any other person), unless the information was disclosed or supplied in bad faith.

17. Investigation of report of ill-treatment or neglect of child or young person---

(1) Where any Social Worker or member of the Police receives a report pursuant to section 15 of this Act relating to a child or young person, that Social Worker or member of the Police shall, as soon as practicable after receiving the report, in consultation with a Care and Protection Resource Panel, undertake or arrange for the undertaking of such investigation as may be necessary or desirable into the matters contained in the report.

(2) Where, after an investigation under subsection (1) of this section into the matters contained in a report under section 15 of this Act, the Social Worker or member of the Police to whom the report was made reasonably believes that the child or young person to whom the report relates is in need of care or protection, that Social Worker or member of the Police shall, as soon as practicable, notify a Care and Protection Co-ordinator of those matters in accordance with section 18 of this Act.

(3) Where any person receives a report pursuant to section 15 of this Act relating to a child or young person, that person shall, as soon as

practicable after---

- (a) That report is investigated under subsection (1) of this section;
or
- (b) A decision is made not to investigate the report,---

unless it is impracticable or undesirable to do so, inform the person who made the report whether or not the report has been investigated and, if so, whether any further action has been taken with respect to it.

18 Referral of care or protection cases to Care and Protection Co-ordinator or Youth Justice Co-ordinator by Social Workers or members of the Police

18. Referral of care or protection cases to Care and Protection Co-ordinator or Youth Justice Co-ordinator by Social Workers or members of the Police---

(1) Where any Social Worker or member of the Police believes, after inquiry, that any child or young person is in need of care or protection (other than on the ground specified in section 14 (1) (e) of this Act), that Social Worker or member of the Police shall forthwith report the matter to a Care and Protection Co-ordinator, who shall convene a family group conference in accordance with section 20 of this Act.

(2) Where any Social Worker suspects that any child is in need of care or protection on the ground specified in section 14 (1) (e) of this Act, that Social Worker may refer the matter to the appropriate enforcement agency.

(3) Where any enforcement officer believes, after inquiry, that any child is in need of care or protection on the ground specified in section 14 (1) (e) of this Act, that enforcement officer shall forthwith report the matter to a Youth Justice Co-ordinator, who after consulting with that enforcement officer, and if that enforcement officer believes that the making of an application for a declaration under section 67 of this Act in respect of that child is required in the public interest, shall convene a family group conference in accordance with section 247 of this Act.

19. Referral of care or protection cases to Care and Protection Co-ordinator by other persons or by Court---

(1) Where---

- (a) After inquiry, any body or organisation (including a Government department or other agency of the Crown, or a local authority) concerned with the welfare of children and young persons; or
- (b) In any proceedings, any Court---

believes that any child or young person is in need of care or protection, that body, organisation, or Court may refer the matter to a Care and Protection Co-ordinator.

(2) Every Care and Protection Co-ordinator to whom a case is referred pursuant to subsection (1) of this section shall, where it appears to

that Care and Protection Co-ordinator to be necessary to do so,---

- (a) Except where paragraph (b) of this subsection applies, convene a family group conference in accordance with section 20 of this Act; or
- (b) Where the child is believed to be in need of care or protection on the ground specified in section 14 (1) (e) of this Act, report the matter to the appropriate enforcement agency; or
- (c) Take such other action as is appropriate in the circumstances.

(3) For the purposes of determining whether or not it is necessary to convene a family group conference pursuant to subsection (2) (a) of this section, a Care and Protection Co-ordinator may arrange for a case to be investigated by a Social Worker.

20. Convening of family group conferences---

Where, pursuant to this

Part of this Act, a Care and Protection Co-ordinator is authorised or required to convene or reconvene a family group conference, that Care and Protection Co-ordinator shall, subject to section 21 of this Act, fix the date on which and the time and place at which the conference is to be held.

21. Care and Protection Co-ordinator to consult family, whanau, or family group on convening of family group conference---

Every Care and Protection Co-ordinator shall, before convening any family group conference pursuant to this Part of this Act in respect of any child or young person,---

- (a) Consult with a Care and Protection Resource Panel; and
- (b) Make all reasonable endeavours to consult with the child's or young person's family, whanau, or family group in relation to---
 - (i) The date on which, and the time and place at which, the conference is to be held; and
 - (ii) The persons who should attend the conference; and
 - (iii) The procedure to be adopted at the conference,---and, subject to section 22 of this Act, shall, so far as it is practicable and consistent with the principles of this Act, give effect to the wishes of the child's or young person's family, whanau, or family group in relation to those matters.

22 Persons entitled to attend family group conference

22. Persons entitled to attend family group conference---(1) 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:

- (a) The child or young person in respect of whom the conference is held, unless the Care and Protection Co-ordinator convening the conference is of the opinion that---
- (i) The attendance of that child or young person would not be in the interests of that child or young person, or would, for any other reason, be undesirable; or

(ii) The child or young person would be unable, by reason of its age or level of maturity, to understand the proceedings:

(b) Every person who is---

(i) A parent or guardian of, or a person having the care of, that child or young person; or

(ii) A member of the family, whanau, or family group of 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:

(c) The Care and Protection Co-ordinator who is convening the conference, or any Care and Protection Co-ordinator who is acting for that person:

(d) Where the conference has been convened on the basis of a report under section 18 (1) of this Act from a Social Worker or a member of the Police, that Social Worker or member of the Police, or any Social Worker or member of the Police who is acting for that person:

(e) Where the conference has been convened on the basis of a referral of a matter under section 19 (1) (a) of this Act by any body or organisation, a representative of that body or organisation:

(f) Where the conference has been convened or reconvened, for the purposes of section 145 of this Act, in respect of a child or young person, a representative of the person who has the care of that child or young person pursuant to an agreement to which that section applies, or who it is proposed should have the care of that child or young person pursuant to such an agreement:

(g) Where the child or young person is under the guardianship of the High Court pursuant to section 9 of the Guardianship Act 1968, any person appointed as agent for the Court pursuant to that section, or any representative of that person:

(h) Any barrister or solicitor or lay advocate representing the child or young person:

(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 of this Act.

(2) No person to whom paragraph (c) or paragraph (d) or paragraph (e) or paragraph (f) or paragraph (h) of subsection (1) of this section applies is entitled to be present at any family group conference during any discussions or deliberations held among the members of the family, whanau, or family group of the child or young person in respect of whom the conference is held, unless those members request any such person to be present.

23 Care and Protection Co-ordinator to ensure that relevant information and advice made available to family group conference

(1) Every Care and Protection Co-ordinator who convenes a family group conference under this Part of this Act shall take all reasonable steps to ensure that all information and advice required by the conference to carry out its functions are made available to the conference.

(2) Subject to section 22 of this Act, where it is appropriate for any person (including a member of a Care and Protection Resource Panel) to attend a family group conference for the purpose of conveying to that conference any information or advice required by the conference to carry out its functions, that person may attend that conference for that purpose, but may otherwise attend the conference only with the agreement of the conference.

24 Care and Protection Co-ordinator to ascertain views of persons unable to attend family group conference

(1) Every Care and Protection Co-ordinator who convenes a family group conference under this Part of this Act shall take all reasonable steps to ascertain the views of the following persons in relation to the matters to be considered at the conference:

(a) Any person who is excluded from attendance at the conference pursuant to paragraph (a) (i) or paragraph (b) of section 22 (1) of this Act:

(b) Any person who is entitled to attend the conference but who has notified the Care and Protection Co-ordinator that he or she or it is unable, for any reason, to do so.

(2) Where, in respect of any family group conference, a Care and Protection Co-ordinator ascertains the views of any person pursuant to subsection (1) of this section, that Co-ordinator shall ensure that those views are made known at that conference.

25 Notification of convening of family group conference

(1) Subject to subsection (2) of this section, every Care and Protection Co-ordinator who convenes a family group conference under this Part of this Act shall take all reasonable steps to ensure that notice of the date on which, and the time and place at which, the conference is to be held is given to every person who is entitled to attend that conference.

(2) No notice is required to be given pursuant to subsection (1) of this section to any person whose whereabouts cannot, after reasonable enquiries, be ascertained.

(3) Every notice required by subsection (1) of this section shall be given a reasonable time before the conference is to be held.

(4) Failure to notify any person in accordance with this section shall not affect the validity of the proceedings of a family group conference unless it is shown that the failure is likely to have materially affected the outcome of that conference.

26 Procedure at family group conference

(1) Subject to this Part of this Act, a family group conference may regulate its procedure in such manner as it thinks fit.

(2) Subject to section 5 (f) of this Act, a family group conference may from time to time be adjourned to a time and place determined by the conference.

27 Department to provide administrative services to family group conference

The Department shall provide such administrative services as may be necessary to enable a family group conference to discharge its functions.

28 Functions of family group conference

The functions of a family group conference convened under this Part of this Act are as follows:

(a) To consider, in relation to the child or young person in respect of whom the conference was convened, such matters relating to the care or protection of that child or young person as the conference thinks fit:

(b) Where the conference considers that the child or young person in respect of whom it was convened is in need of care or protection, to make such decisions or recommendations, and to formulate such plans, in relation to that child or young person as the conference considers necessary or desirable, having regard to the principles set out in sections 5, 6, and 13 of this Act:

(c) To review from time to time---

(i) The decisions and recommendations made, and the plans formulated, by that conference:

(ii) The implementation of any such decisions, recommendations, and plans.

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

(1) A family group conference convened under this Part of this Act may make such decisions and recommendations and formulate such plans as it considers necessary or desirable in relation to the care or protection of the child or young person in respect of whom the conference was convened.

(2) In making such decisions and recommendations and formulating such plans, the conference shall have regard to the principles set out in sections 5, 6, and 13 of this Act.

(3) Every Care and Protection Co-ordinator who convenes a family group conference shall cause to be made a written record of the details of the decisions and recommendations made, and the plans formulated, by that conference pursuant to this section.

30 Care and Protection Co-ordinator to seek agreement to decisions, recommendations, and plans of family group conference

(1) Where a family group conference makes any decision or recommendation, or formulates any plan, pursuant to section 29 (1) of this Act or subsection (4) of this section, the Care and Protection Co-ordinator who convened that conference shall,---

(a) Where the conference was convened under section 18 (1) of this Act on the basis of a report from a Social Worker or a member of the Police,--- (i) Communicate that decision, recommendation, or plan to that Social Worker or member of the Police (or any person acting for that Social Worker or that member of the Police), and to every person who will be directly involved in the implementation of the decision, recommendation, or plan; and (ii) Seek the agreement of that Social Worker or member of the Police (or any person acting for that Social Worker or that member of the Police), and of every other person to whom that decision, recommendation, or plan is communicated pursuant to subparagraph (i) of this paragraph, to that decision, recommendation, or plan: (b) Where the conference was convened under section 19 (2) (a) of this Act on the basis of a referral from any body, organisation, or Court,--- (i) Communicate that decision, recommendation, or plan to that body, organisation, or Court, and to every person who will be directly involved in the implementation of that decision, recommendation, or plan; and (ii) Seek the agreement of that organisation or body, and of every other person (other than a Court) to whom that decision, recommendation, or plan is communicated pursuant to subparagraph (i) of this paragraph, to that decision, recommendation, or plan. (2) Where, pursuant to paragraph (a) (i) or paragraph (b) (i) of subsection (1) of this section, a Care and Protection Co-ordinator meets with any person, body, organisation, or Court for the purpose of communicating to that person, body, organisation, or Court any decision, recommendation, or plan made or formulated by a family group conference, the Care and Protection Co-ordinator may be accompanied by a person nominated by that family group conference. (3) Where a Care and Protection Co-ordinator is unable to secure agreement, under subsection (1) of this section, to a decision, recommendation,

or plan made or formulated by a family group conference, the Care and Protection Co-ordinator may, for the purpose of enabling that conference to reconsider that decision, recommendation, or plan, reconvene that conference. (4) Any family group conference reconvened under subsection (3) of this section may confirm, rescind, or modify its previous decision, recommendation, or plan, or rescind its previous decision, recommendation, or plan and make or formulate a new decision, recommendation, or plan. (5) Any decision, recommendation, or plan confirmed or modified under subsection (4) of this section, and any new decision, recommendation, or plan made or formulated under that subsection, shall be deemed to have been made or formulated pursuant to section 29 of this Act.

31 Procedure where no agreement possible

31. (1) Where---

- (a) The members of a family group conference are unable to agree on what decisions, recommendations, or plans should be made in relation to the child or young person in respect of whom the conference was convened; or
- (b) A Care and Protection Co-ordinator is unable to secure agreement under section 30 of this Act to the decisions, recommendations, and plans made or formulated by a family group conference,--- the Care and Protection Co-ordinator who convened the conference---
- (c) Shall,--- (i) Where the conference was convened under section 18 (1) of this Act on the basis of a report from a Social Worker or a member of the Police, make a report on the matter to that Social Worker or member of the Police; or (ii) In any other case, report the matter to a Social Worker:
- (d) Shall, where proceedings have been commenced under this Act in any Court in relation to the child or young person in respect of whom the conference was convened, report the matter to that Court:
- (e) Shall, in every case, consult with a Care and Protection Resource Panel.

(2) Where a Care and Protection Co-ordinator makes a report, under subsection (1) (c) (i) or (ii) of this section, to any Social Worker or member of the Police, that Social Worker or member of the Police may take such action under this Act as that person considers appropriate.

32 Records of decisions, recommendations, and plans of family group conferences to be made available to interested persons

32. Records of decisions, recommendations, and plans of family group conferences to be made available to interested persons---(1) Every Care and Protection Co-ordinator who convenes a

family group conference under this Part of this Act shall ensure that a copy of every record made pursuant to section 29 (3) of this Act in relation to that conference is given or sent to---

- (a) The child or young person in respect of whom the conference was convened, unless the child or young person would be unable, by reason of its age or level of maturity, to understand the contents of the record; and
- (b) Every person who is a parent or guardian of that child or young person or has the care of that child or young person; and
- (c) Any barrister or solicitor or lay advocate representing the child or young person; and
- (d) Any other person who is or will be directly affected by any decision, recommendation, or plan detailed in that record; and
- (e) Where there is an appropriate Iwi Authority or Cultural Authority with respect to the child or young person, that Authority; and
- (f) The appropriate Care and Protection Resource Panel.

(2) Where any child or young person is the subject of any proceedings under this Act before any Court, a copy of the record made pursuant to section 29 (3) of this Act in respect of any family group conference held in relation to that child or young person shall be made available to that Court.

33 Department to maintain records of proceedings of family group conferences

33. Department to maintain records of proceedings of family group conferences---(1) Every written record made pursuant to section 29 (3) of this Act in relation to a family group conference shall be kept at the District Office of the Department nearest to where the conference is held.

(2) The following persons shall have access to any such record: (a) Any person to whom a copy of that record is required to be sent pursuant to section 32 of this Act: (b) Any Care and Protection Co-ordinator: (c) Any Social Worker: (d) Any other person who, in the opinion of a Care and Protection Co-ordinator, has a genuine and proper interest in the matter.

(3) Nothing in this section limits or affects the Official Information Act 1982.

34 Director-General to give effect to decisions, recommendations, and plans of family group conference

34. Director-General to give effect to decisions, recommendations, and plans of family group conference---(1) The Director-General shall consider every decision, recommendation, or plan that is made or formulated by a family group conference pursuant to this Part of this Act (other

than a decision, recommendation, or plan to which the agreement of a Social Worker is not secured under section 30 of this Act), and, unless it is clearly impracticable or clearly inconsistent with the principles set out in sections 5, 6, and 13 of this Act, shall give effect to that decision, recommendation, or plan by the provision of such services and resources, and the taking of such action and steps, as are necessary and appropriate in the circumstances of the particular case.

(2) The Director-General may, from time to time, make such grants or provide such financial assistance as may be necessary to give effect to any decision, recommendation, or plan made or formulated by a family group conference pursuant to this Part of this Act.

35 Police to comply with decisions, recommendations, and plans of family group conference

35. Police to comply with decisions, recommendations, and plans of family group conference---Where--- (a) Any decision, recommendation, or plan is made or formulated by a family group conference; and (b) Agreement to that decision, recommendation, or plan has been secured under section 30 of this Act; and (c) The implementation of that decision, recommendation, or plan involves any action on the part of the Police,--- unless it is clearly impracticable or clearly inconsistent with the principles set out in sections 5, 6, and 13 of this Act to do so, it is the duty of the Police to give effect to that decision, recommendation, or plan by the taking of such action and steps as are necessary and appropriate in the circumstances of the particular case.

36 Family group conference may reconvene to review its decisions, recommendations, and plans

36. Family group conference may reconvene to review its decisions, recommendations, and plans---(1) Where any decision, recommendation, or plan is made or formulated by a family group conference pursuant to this Part of this Act, the Care and Protection Co-ordinator who convened that conference may from time to time, at that Co-ordinator's own motion or at the request of at least 2 members of that conference, reconvene that conference for the purpose of reviewing that decision, recommendation, or plan.

(2) Sections 20 to 35 of this Act shall apply, with all necessary modifications, with respect to every family group conference reconvened under this section.

37 Proceedings of family group conference privileged

37. Proceedings of family group conference privileged---(1) No evidence shall be admissible in any Court, or before any person acting judicially, of any information, statement, or admission disclosed or made in the course of a family group conference.

(2) Nothing in subsection (1) of this section applies to a record made by a Care and Protection Co-ordinator under section 29 (3) of this Act.

38 Proceedings of family group conference not to be published

38. Proceedings of family group conference not to be published---(1) Subject to subsection (2) of this section, no person shall publish any report of the proceedings of any family group conference.

(2) Nothing in subsection (1) of this section applies to the publication of--- (a) Statistical information relating to family group conferences: (b) The results of any bona fide research relating to family group conferences.

(3) In no case shall it be lawful to publish, in any report of the proceedings of any family group conference, 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 family group conference.

(4) Every person who contravenes subsection (1) or subsection (3) of this section commits an offence and is liable on summary conviction,--- (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.

IV: Youth Justice

Prosecution of Children and Young Persons

245 Proceedings not to be instituted against young person unless Youth Justice

Co-ordinator consulted and family group conference held

Prosecution of Children and Young Persons

245. Proceedings not to be instituted against young person unless Youth Justice Co-ordinator consulted and family group conference held---(1) Where a young person is alleged to have committed an offence, and the offence is such that if the young person is charged he or she will be required pursuant to section 272 of this Act to be brought before a Youth Court then, unless the young person has been arrested, no information in respect of that offence shall be laid

unless--- (a) The informant believes that the institution of criminal proceedings against the young person for that offence is required in the public interest; and (b) Consultation in relation to the matter has taken place between--- (i) The informant, or a person acting on the informant's behalf; and (ii) A Youth Justice Co-ordinator; and (c) The matter has been considered by a family group conference convened under this Part of this Act.

(2) Notwithstanding anything in subparagraph (i) of paragraph (b) of subsection (1) of this section, where the informant is not an enforcement officer, the consultation required by that paragraph shall be consultation between a Youth Justice Co-ordinator and an enforcement officer authorised in that behalf by the informant.

Cf. 1974, No. 72, s. 26; 1977, No. 126, s. 6 (1)

246 Procedure where young person arrested and brought before Court

246. Procedure where young person arrested and brought before Court---Where a young person is arrested for an offence (other than murder or manslaughter or a traffic offence not punishable by imprisonment) and is brought before a Youth Court to answer the charge, the following provisions shall apply: (a) If, after consulting with the barrister or solicitor representing the young person or with a Youth Advocate, the young person denies the charge, then the charge shall be dealt with in accordance with sections 273 to 276 of this Act: (b) In any other case the Court shall not enter a plea to the charge but shall--- (i) Direct a Youth Justice Co-ordinator to convene a family group conference in relation to the matter; and (ii) Adjourn the proceedings until that family group conference had been held.

247 Youth Justice Co-ordinator to convene family group conference

247. Youth Justice Co-ordinator to convene family group conference---Where--- (a) Pursuant to section 18 (3) of this Act, a Youth Justice Co-ordinator is required to convene a family group conference; or (b) After any consultations under section 245 (1) (b) of this Act in relation to any offence alleged to have been committed by a young person, a Youth Justice Co-ordinator is notified by an enforcement officer that the intended informant desires that the young person be charged with that offence; or (c) Pursuant to section 246 (a) of this Act, a young person denies a charge and the Court makes an order under section 238 (1) (d) or (e) of this Act for the detention of the young person pending the determination of the charge; or (d) Pursuant to section 246 (b) (i) of this Act, a Youth Justice Co-ordinator is directed by a Court to convene a family group conference; or (e) A charge against a young person is proved before a Youth Court, and a family group conference has not had an opportunity to consider ways in which the Court might deal with the young person for the offence that forms the basis of that charge,--- a Youth Justice

Co-ordinator shall, subject to sections 248 to 250 of this Act, fix the date on which and the time and place at which a family group conference is to be held.

248 Family group conference not required in certain cases

248. Family group conference not required in certain cases---(1) Nothing in section 245 (1) (c) or section 246 (b) or section 247 (b) or (d) or (e) or section 281 of this Act requires a family group conference to be held in respect of any offence alleged or proved to have been committed by a young person if--- (a) The offence is alleged or proved to have been committed on a date that is earlier than the date on which--- (i) The young person was convicted and sentenced in the High Court or a District Court; or (ii) A Youth Court made an order under section 283 of this Act in respect of that young person--- for any other offence (not being an offence the maximum penalty for which is less than the maximum penalty that may be imposed in respect of the first-mentioned offence); and (b) The young person is subject to a full-time custodial sentence or a community-based sentence (as those terms are defined in section 2 (1) of the Criminal Justice Act 1985), or to any order made under any of paragraphs (k) to (o) of section 283 of this Act; and (c) A Youth Justice Co-ordinator is of the view that the holding of a family group conference would serve no useful purpose and the members of the family or whanau or family group of the young person agree with that view.

(2) Nothing in subsection (1) of this section applies if the holding of a family group conference is necessary for the purpose of considering whether a young person should be required to make reparation for any offence.

(3) Where--- (a) A family group conference has been convened pursuant to section 247 of this Act in relation to any offence alleged or proved to have been committed by a child or young person; and (b) Before the family group conference has made any decision, recommendation, or plan pursuant to section 260 of this Act in relation to that offence, that child or young person is alleged or proven to have committed any other offence (being an offence in respect of which a family group conference would be required to be held pursuant to section 247 of this Act),--- the family group conference may make in respect of the latter offence any decision, recommendation, or plan that it is empowered to make under section 260 of this Act, and it shall not be necessary to convene a separate family group conference in relation to that latter offence.

249 Time limits for convening of family group conferences

249. Time limits for convening of family group conferences---(1) Every family group conference to which section 247 (a) of this Act applies shall be convened not later than 21 days after the date on

which the Youth Justice Co-ordinator received the report in relation to which the family group conference is required to be held.

(2) Every family group conference to which paragraph (b) of section 247 of this Act applies shall be convened not later than 21 days after the date on which the notification referred to in that paragraph is received by the Youth Justice Co-ordinator.

(3) Every family group conference to which section 247 (c) of this Act applies shall be convened not later than 7 days after the date on which the Court made the order under section 238 (1) (d) or (e) of this Act for the detention of the young person pending the determination of the charge.

(4) Every family group conference to which section 247 (d) of this Act applies shall be convened,--- (a) Where the young person in respect of whom that conference is to be held is detained in custody pursuant to an order under section 238 (1) (d) or (e) of this Act, not later than 7 days after the date of the making of that order; or (b) In any other case, not later than 14 days after the date on which the direction requiring that conference to be held was given.

(5) Every family group conference to which section 247 (e) of this Act applies shall be convened not later than 14 days after the date on which the Court finds that the charge against the young person is proved.

(6) Every family group conference to which subsection (3) or subsection (4) (a) of this section applies shall be completed within 7 days after it is convened, unless there are special reasons why a longer period is required.

250 Youth Justice Co-ordinator to consult family, whanau, or family group on convening of family group conference

250. Youth Justice Co-ordinator to consult family, whanau, or family group on convening of family group conference---Every Youth Justice Co-ordinator shall, before convening any family group conference pursuant to this Part of this Act in respect of any 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--- (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,--- and, subject to sections 249 and 251 of this Act, shall, so far as it is practicable and consistent with the principles of this Act, give effect to the wishes of the child's or young person's family, whanau, or family group in relation to those matters.

251 Persons entitled to attend family group conference

251. Persons entitled to attend family group conference---(1) 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:

- (a) The child or young person in respect of whom the conference is held:
- (b) Every person who is--- (i) A parent or guardian of, or a person having the care of, that child or young person; or (ii) A member of the family, whanau, or family group of that child or young person:
- (c) The Youth Justice Co-ordinator who is convening the conference, or any Youth Justice Co-ordinator who is acting for that person:
- (d) The informant or intended informant in the proceedings for the offence or alleged offence to which the conference relates, or a representative of that person:
- (e) If the informant or intended informant in those proceedings is not an enforcement officer acting in that capacity, a representative of the appropriate enforcement agency:
- (f) Any victim of the offence or alleged offence to which the conference relates, or a representative of that victim:
- (g) Any barrister or solicitor or Youth Advocate or lay advocate representing the child or young person:
- (h) A Social Worker, in any case where--- (i) The Director-General is a guardian of the child or young person; or (ii) The Director-General is entitled to custody of the child or young person pursuant to the Guardianship Act 1968 or under any order or agreement made under Part II of this Act; or (iii) The Director-General is required, pursuant to an order made under section 91 of this Act, to provide support to the child or young person; or (iv) The young person is under the supervision of the Director-General pursuant to an order made under section 283 (k) or section 307 or section 311 of this Act:
- (i) Where an Iwi Authority or a Cultural Authority or the Director of a Child and Family Support Service--- (i) Is a guardian of the child or young person; or (ii) Is entitled to custody of the child or young person pursuant to the Guardianship Act 1968 or under any order or agreement made under Part II of this Act,--- a representative of that Authority or of the Director:
- (j) Where the young person is subject to a community-based sentence (as that term is defined in section 2 (1) of the Criminal Justice Act 1985),--- (i) A probation officer: (ii) In the case of a young person who is subject to a sentence of community service (within the meaning of that Act), a representative of the employing authority on whose behalf the young person is required to perform any service for the purposes of the sentence: (iii) In the case of a young person who is subject to a sentence of supervision (within the meaning of that Act), any person or agency, or a representative of any person or agency, providing any course that the young person is required to

undertake as a condition of the sentence: (iv) In the case of a young person who is subject to a sentence of community care (within the meaning of that Act), any person or agency, or a representative of any person or agency, conducting the programme that the young person is required to undergo pursuant to the sentence:

(k) Where the child or young person is under the guardianship of the High Court pursuant to section 9 of the Guardianship Act 1968, any person appointed as agent for the Court pursuant to that section, or a representative of that person:

l) Where the child or young person is subject to an order made under section 91 of this Act, a representative of the person or organisation required, pursuant to that order to provide support to that child or young person:

(m) Where the young person is under the supervision of any person (not being the Director-General), or any organisation, pursuant to an order made under section 283 (k) or section 307 of this Act, that person or a representative of that organisation:

(n) Where a community work order made under section 283 (l) of this Act is in force with respect to the young person, the Social Worker or person or a representative of the organisation supervising the order:

(o) Any other 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 250 of this Act.

(2) No person to whom any of paragraphs (c) to (n) (other than paragraph (k)) of subsection (1) of this section applies is entitled to be present at any family group conference during any discussions or deliberations held among the members of the family, whanau, or family group of the child or young person in respect of whom the conference is held, unless those members request any such person to be present.

252 Child or young person in custody to be permitted to attend family group conference

252. Child or young person in custody to be permitted to attend family group conference---(1) Any child or young person who is entitled to attend a family group conference pursuant to section 251 (1) (a) of this Act and who is detained in the custody of the Director-General or the Police or in any penal institution shall be permitted to attend that conference, unless it is impracticable for the child or young person so to attend.

(2) Nothing in subsection (1) of this section entitles any child or young person to whom this section applies to attend a family group conference otherwise than subject to such reasonable

conditions as may be necessary to prevent the child or young person from absconding while the child or young person is attending that conference.

(3) Where a child or young person to whom this section applies is entitled to attend a family group conference and wishes to do so, the person having the custody of the child or young person shall, without further authority than this section, cause that child or young person to be taken to the place where that conference is to be held for the purpose of attending the conference.

253 Notification of convening of family group conference

253. Notification of convening of family group conference---(1) Subject to subsection (2) of this section, every Youth Justice Co-ordinator who convenes a family group conference shall take all reasonable steps to ensure that notice of the date on which, and the time and place at which, the conference is to be held is given to every person who is entitled to attend that conference.

(2) No notice is required to be given pursuant to subsection (1) of this section to any person whose whereabouts cannot, after reasonable enquiries, be ascertained.

(3) Every notice required by subsection (1) of this section shall be given a reasonable time before the conference is to be held.

(4) Failure to notify any person in accordance with this section shall not affect the validity of the proceedings of a family group conference unless it is shown that the failure is likely to have materially affected the outcome of that conference.

254 Youth Justice Co-ordinator to ascertain views of persons unable to attend family group conference

254. Youth Justice Co-ordinator to ascertain views of persons unable to attend family group conference---(1) Every Youth Justice Co-ordinator who convenes a family group conference shall take all reasonable steps to ascertain the views of any person who is entitled to attend the conference but who has notified the Youth Justice Co-ordinator that he or she or it is unable, for any reason, to do so.

(2) Where, in respect of any family group conference, a Youth Justice Co-ordinator ascertains the views of any person pursuant to subsection (1) of this section, that Co-ordinator shall ensure that those views are made known at that conference.

255 Youth Justice Co-ordinator to ensure that relevant information and advice made available to family group conference

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 shall take all reasonable steps to ensure that all information and advice required by the conference to carry out its functions are made available to the conference.

(2) Subject to section 251 of this Act, where 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 the agreement of the conference.

256 Procedure at family group conference

256. Procedure at family group conference---(1) Subject to this Part of this Act, a family group conference may regulate its procedure in such manner as it thinks fit.

(2) Subject to sections 5 (f) and 249 (6) of this Act, a family group conference may from time to time be adjourned to a time and place determined by the conference.

257 Department to provide administrative services to family group conferences

257. Department to provide administrative services to family group conferences---The Department shall provide such administrative services as may be necessary to enable a family group conference to discharge its functions.

258 Functions of family group conference

258. Functions of family group conference---A family group conference convened under section 247 of this Act shall have such of the following functions as are appropriate in the circumstances of the particular case:

(a) Where the conference is convened under paragraph (a) of that section,--- (i) To consider, in relation to the child in respect of whom the conference was convened, such matters relating to the care or protection of that child as the conference thinks fit; and (ii) Where the conference considers that the child is in need of care or protection, to make such decisions or recommendations, and to formulate such plans, in relation to that child as the conference considers necessary or desirable, having regard to the principles set out in sections 5, 6, and 13 of this Act:

- (b) Where the conference is convened in relation to an alleged offence in respect of which proceedings have not been commenced under this Part of this Act, to consider whether the young person should be prosecuted for that offence or whether the matter can be dealt with in some other way, and to recommend to the relevant enforcement agency accordingly:
- (c) Where the young person in respect of whom the conference is convened is detained in the custody of the Director-General or the Police pending the determination of a charge, to make a recommendation to the Court in relation to the custody of the young person pending that determination:
- (d) Where the conference is convened in relation to an offence in respect of which proceedings have been commenced under this Part of this Act, to consider whether the offence alleged to have been committed by that young person should be dealt with by the Court or whether the matter can be dealt with in some other way, and to recommend to the Court accordingly:
- (e) Where the charge against the young person is admitted or proved, to consider how the young person should be dealt with for that offence, and to recommend to the Court accordingly.

259 Family group conference to ascertain whether child or young person admits offence

259. Family group conference to ascertain whether child or young person admits offence---(1) Every family group conference convened under this Part of this Act (other than a family group conference convened under paragraph (c) or paragraph (e) of section 247 of this Act) shall seek to ascertain whether the child or young person in respect of whom the conference is held admits any offence alleged to have been committed by that child or young person.

(2) Where the child or young person does not admit the offence, or the family group conference is unable to ascertain whether the child or young person admits the offence, the conference shall not make or formulate any decision, recommendation, or plan if that decision, recommendation, or plan cannot be made or formulated without assuming that the child or young person committed the offence.

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

260. Family group conference may make decisions and recommendations and formulate plans---(1) Subject to section 259 (2) of this Act, a family group conference convened under this Part of this Act may make such decisions and recommendations and formulate such plans as it considers necessary or desirable in relation to the child or young person in respect of whom the conference was convened.

(2) Except as provided in section 258 (a) (ii) of this Act, in making such decisions and recommendations and formulating such plans, the conference shall have regard to the principles set out in section 208 of this Act.

(3) Without limiting the generality of subsection (1) of this section, a family group conference may--- (a) Recommend that any proceedings commenced against the child or young person for any offence should proceed or be discontinued: (b) Recommend that a formal Police caution should be given to the child or young person: (c) Recommend that an application for a declaration under section 67 of this Act should be made in respect of the child: (d) Recommend appropriate penalties that might be imposed on the young person: (e) Recommend that the child or young person make reparation to any victim of the offence.

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

261. Family group conference may make decisions, recommendations, and plans relating to care or protection of child or young person---(1) Where any family group conference convened under this Part of this Act considers that the child or young person in respect of whom that conference is held is in need of care or protection (within the meaning of section 14 of this Act), that conference may, with the prior agreement of a Care and Protection Co-ordinator, make or formulate such decisions, recommendations, and plans as it considers necessary or desirable in relation to the care or protection of the child or young person.

(2) Every such decision, recommendation, or plan shall be deemed to have been made or formulated pursuant to section 29 of this Act, and the provisions of sections 30 to 38 of this Act shall apply, so far as applicable and with all necessary modifications, with respect to the decision, recommendation, or plan.

(3) Every family group conference to which this section applies shall be deemed, for the purposes of Parts II and III of this Act, to be a family group conference convened pursuant to Part II of this Act.

262 Youth Justice Co-ordinator to make record of decisions, recommendations, and plans of family group conference

262. Youth Justice Co-ordinator to make record of decisions, recommendations, and plans of family group conference---Every Youth Justice Co-ordinator who convenes a family group conference shall cause to be made a written record of the details of the decisions and recommendations made, and the plans formulated, by that conference pursuant to section 260 or section 261 of this Act.

263 Youth Justice Co-ordinator to seek agreement to decisions, recommendations, and plans of family group conference

263. Youth Justice Co-ordinator to seek agreement to decisions, recommendations, and plans of family group conference---(1) Where a family group conference makes any decision or recommendation, or formulates any plan, pursuant to section 260 of this Act or subsection (4) of this section, the Youth Justice Co-ordinator who convened that conference shall---

(a) Where the conference was convened under section 247 (a) of this Act on the basis of a report from an enforcement officer,--- (i) Communicate that decision, recommendation, or plan to that enforcement officer (or any person acting for that enforcement officer), and to every person who will be directly involved in the implementation of the decision, recommendation, or plan; and (ii) Seek the agreement of that enforcement officer (or any person acting for that enforcement officer), and of every other person to whom that decision, recommendation, or plan is communicated pursuant to subparagraph (i) of this paragraph, to that decision, recommendation, or plan:

(b) Where the conference was convened under section 247 (b) or (d) or (e) of this Act,--- (i) Communicate that decision, recommendation, or plan to the informant or intended informant in the proceedings for the offence or alleged offence to which the conference relates (or to any person acting for that informant or intended informant), and to every person who will be directly involved in the implementation of the decision, recommendation, or plan; and (ii) Seek the agreement of that person, and of every other person to whom that decision, recommendation, or plan is communicated pursuant to subparagraph (i) of this paragraph, to that decision, recommendation, or plan:

(c) Where the conference was convened under section 247 (c) of this Act, communicate that decision, recommendation, or plan to the Court.

(2) Where, pursuant to paragraph (a) (i) or paragraph (b) (i) of subsection (1) of this section, a Youth Justice Co-ordinator meets with any person for the purpose of communicating to that person any decision, recommendation, or plan made or formulated by a family group conference, the Youth Justice Co-ordinator may be accompanied by a person nominated by that family group conference.

(3) Where a Youth Justice Co-ordinator is unable to secure agreement, under subsection (1) of this section, to a decision, recommendation, or plan made or formulated by a family group conference, the Youth Justice Co-ordinator may reconvene that conference for the purpose of enabling that conference to reconsider that decision, recommendation, or plan.

(4) Any family group conference reconvened under subsection (3) of this section may confirm, rescind, or modify its previous decision, recommendation, or plan, or rescind its previous decision, recommendation, or plan and make or formulate a new decision, recommendation, or plan.

(5) Any decision, recommendation, or plan confirmed or modified under subsection (4) of this section, and any new decision, recommendation, or plan made or formulated under that subsection, shall be deemed to have been made or formulated pursuant to section 260 of this Act.

264 Procedure where no agreement possible

4. Procedure where no agreement possible---(1) Where--- (a) The members of a family group conference are unable to agree on what decisions, recommendations, or plans should be made in relation to the child or young person in respect of whom the conference was convened; or (b) A Youth Justice Co-ordinator is unable to secure agreement under section 263 of this Act to the decisions, recommendations, and plans made or formulated by a family group conference,--- the Youth Justice Co-ordinator who convened the conference shall--- (c) Adjourn the proceedings of the family group conference; and (d) Where the conference was convened under section 247 (a) or (b) of this Act, report the matter to the appropriate enforcement agency; and (e) Where the conference was convened under section 247 (d) or (e) of this Act, report the matter to the Court.

(2) Where a Youth Justice Co-ordinator makes a report under subsection (1) (d) of this section to an enforcement agency, any enforcement officer may take such action under this Act as that officer considers appropriate.

265 Records of decisions, recommendations, and plans of family group conference to be made available to interested persons

265. Records of decisions, recommendations, and plans of family group conference to be made available to interested persons---(1) Every Youth Justice Co-ordinator who convenes a family group conference shall ensure that a copy of every record made pursuant to section 262 of this Act in relation to that conference is given or sent to--- (a) The child or young person in respect of whom the conference was convened; and (b) Every person who is a parent or guardian of that child or young person or has the care of that child or young person; and (c) Any barrister or solicitor, Youth Advocate, or lay advocate representing the child or young person; and (d) The informant or intended informant in the proceedings for the offence or alleged offence in respect of which the conference was held; and (e) If the informant or intended informant in those proceedings is not an enforcement officer acting in that capacity, the appropriate enforcement agency; and (f) Any victim of the offence or alleged offence in respect of which the conference

was held; and (g) Any other person who is or will be directly affected by any decision, recommendation, or plan detailed in that record; and (h) Where there is an appropriate Iwi Authority or Cultural Authority with respect to the child or young person, that Authority.

(2) Where the child or young person is the subject of proceedings under this Part or Part II of this Act, a copy of the record made pursuant to section 262 of this Act shall be made available to the Court that is hearing those proceedings.

266 Department to maintain records of proceedings of family group conferences

266. Department to maintain records of proceedings of family group conferences---(1) Every written record made pursuant to section 262 of this Act in relation to a family group conference shall be kept at the District Office of the Department that is nearest to where the conference is held.

(2) The following persons shall have access to any such record: (a) Any person who is required, by section 265 of this Act, to be sent a copy of that record: (b) Any Youth Justice Co-ordinator: (c) Any Social Worker: (d) Any other person who, in the opinion of a Youth Justice Co-ordinator, has a genuine and proper interest in the matter.

(3) Nothing in this section limits or affects the Official Information Act 1982.

267 Enforcement agencies to comply with decisions, recommendations, and plans of family group conference

267. Enforcement agencies to comply with decisions, recommendations, and plans of family group conference---Where--- (a) Any decision, recommendation, or plan is made or formulated by a family group conference under section 260 of this Act; and (b) Agreement to that decision, recommendation, or plan has been secured under section 263 of this Act; and (c) That decision, recommendation, or plan relates to any offence alleged or proved to have been committed by the young person in respect of whom that conference was held; and (d) The implementation of that decision, recommendation, or plan involves any action on the part of any enforcement agency,--- unless it is clearly impracticable or clearly inconsistent with the principles set out in sections 5 and 208 of this Act, it is the duty of that agency to give effect to that decision, recommendation, or plan by the taking of such action and steps as are necessary and appropriate in the circumstances of the particular case.

268 Director-General to give effect to decisions, recommendations, and plans of family group conference

268. Director-General to give effect to decisions, recommendations, and plans of family group conference---(1) Where--- (a) Any decision, recommendation, or plan is made or formulated by a family group conference under section 260 of this Act; and (b) The implementation of that decision, recommendation, or plan involves any action on the part of the Director-General,--- the Director-General shall consider that decision, recommendation, or plan, and, unless it is clearly impracticable or clearly inconsistent with the principles set out in sections 5 and 208 of this Act, shall give effect to that decision, recommendation, or plan by the provision of such services and resources, and the taking of such action and steps, as are necessary and appropriate in the circumstances of the particular case.

(2) Where the Director-General considers that it is clearly impracticable or clearly inconsistent with the principles set out in sections 5 and 208 of this Act to give effect to any decision, recommendation, or plan made or formulated by a family group conference, the Director-General shall notify that fact to a Youth Justice Co-ordinator, who may reconvene the family group conference for the purpose of considering whether to make or formulate any other decision, recommendation, or plan.

(3) Sections 250 to 269 of this Act shall apply, with all necessary modifications, with respect to every family group conference reconvened under subsection (2) of this section.

269 Director-General may provide financial assistance to enable decisions, etc., of family group conference to be carried out

269. Director-General may provide financial assistance to enable decisions, etc., of family group conference to be carried out---The Director-General may, from time to time, make such grants or provide such financial assistance as may be necessary to give effect to any decision, recommendation, or plan made or formulated by a family group conference pursuant to section 260 of this Act.

270 Family group conference may reconvene to review its decisions, recommendations, and plans

270. Family group conference may reconvene to review its decisions, recommendations, and plans---(1) Where any decision, recommendation, or plan is made or formulated by a family group conference pursuant to this Part of this Act, a Youth Justice Co-ordinator may from time to time, at that Co-ordinator's own motion or at the request of at least 2 members of that conference, reconvene that conference for the purpose of reviewing that decision, recommendation, or plan.

(2) Sections 250 to 269 of this Act shall apply, with all necessary modifications, with respect to every family group conference reconvened under this section.

271 Proceedings of family group conference privileged and not to be published

271. Proceedings of family group conference privileged and not to be published---Sections 37 and 38 of this Act (which relate to privilege and the publication of the proceedings of a family group conference) shall apply, with all necessary modifications, with respect to every family group conference convened or reconvened under this Part of this Act.