

“Court in the Act”

The Youth Court; the Children, Young Persons, and Their Families Act 1989; and topical issues arising for all those involved in Youth Justice

This is the first of what I hope will be a monthly newsletter to all those involved in the Youth Justice community. Feedback, letters to the editor (I will start an open forum if there are any replies), is not only acceptable, but encouraged!

April 2002
No. 3

To plan for a year – sow a rice paddy field

To plan for a decade – plant trees

To plan for a future – nurture youth

(Indian Proverb)

WHY THIS NEWSLETTER?

I originally sent this newsletter only to Youth Court Judges. However, it has had wider circulation. It has also become obvious to me that there is no centralised communication mechanism so that all those involved in youth justice can keep in touch. The need for more co-ordinated leadership within youth justice was identified by the Ministerial Taskforce, and some clear recommendations were made. In the interim, I intend to circulate this newsletter to all those involved in the wider youth justice community. I invite feedback and contributions from any who are interested. Carol Turner, my personal assistant, phone 04.914.3446, fax 04.914.3447, will co-ordinate all the material and we will send out a newsletter monthly. A 'letters to the editor' column may result. If you can think of others who should be on the mailing list please contact Carol.

MINISTERIAL TASKFORCE ON YOUTH OFFENDING

The Taskforce, under the chairmanship of now Chief District Court Judge David Carruthers, reported to the Ministers of Justice and Social Development last December. I understand that the report of the Taskforce and the associated youth offending strategy prepared by the Taskforce, are to be released this Friday. The Taskforce provided a valuable opportunity for all agencies to reflect upon their performance, and to hear the views of those involved up and down the country. Its greater strength was that it was a true inter-agency endeavour. All agencies have signed up to the Taskforce recommendations and therefore what is agreed is likely to happen. Probably the weakness of the Taskforce was that it was difficult for those agencies to

independently critique their own performance. Only a truly independent examination of the youth justice system could have achieved this. But even with that caveat, the Taskforce, in its youth offending strategy, has provided a comprehensive set of recommendations, which if adopted will provide the opportunity for enormous improvements. In one sense, the recommendations may not be revolutionary, but a revolution was not required. That our Act, widely acclaimed internationally, has been thwarted by inadequate resourcing, inconsistency, inter-agency co-operation, and a lack of national leadership and direction. I hope that you find the youth offending strategy both realistic and challenging. Watch this space.

YOUTH OFFENDING : PUTTING THE HEADLINES IN CONTEXT

In the necessary debate about youth offending, there has been inadvertent reliance placed on selective statistics that can give a misleading picture. I have been so concerned that the real picture has been distorted, that I issued a press release last week and also prepared a background paper on the real position, as best we know it, about youth offending. I **attach** that for your interest. It may be that you are asked to speak on the topic, or to provide information about it. I hope this paper will be of assistance to you. My real concern is that reliance on one set of statistics only, for instance, Police apprehension, may mislead. In summary, the real picture seems to be that while offending increased quite significantly in the first half of the 1990s, there has been real stability since. Also, there is enormous variation within different regions of New Zealand, and in some areas, youth offending has significantly decreased where

there has been good co-operation between Government agencies and respective collaboration with local communities.

**INTERNATIONAL ASSOCIATION OF
YOUTH AND FAMILY COURT
JUDGES AND MAGISTRATES
CONGRESS : MELBOURNE, 2002**

As some of you will know, this is being held in Melbourne from 27 – 31 October 2002. While it is being organised by the International Association of Juvenile and Family Court Magistrates, it most definitely is for the entire international “Youth Justice and Care and Protection Community”. It is a truly Australasian venture. Unlike the Rugby World Cup, New Zealand and Australia are co-hosts. There is a good range of speakers, with New Zealand representation as well. Please visit the Congress website at www.youthandfamily2002.com/index.html.

Why not plan to attend? It will be a unique opportunity to meet with those involved all around the world in the issues we daily confront in New Zealand.

“ONE JUDGE ONE COURT”

Included with this newsletter is a list of every Youth Court in New Zealand together with the Judge who will be administratively responsible for the Youth Court. All the Youth Court Liaison Judges have approved of this arrangement. There is also a list of the Liaison Youth Court Judges.

It is not intended that the Judge responsible for that particular Youth Court will always sit in that Youth Court, nor indeed, usually sit in that Youth Court. Of course, those Judges in the provinces will almost always sit in that Youth Court. But for Judges in the larger cities, this may not be possible and is not expected.

However, the Judge responsible for each Youth Court will ensure that it is efficiently and effectively organised. In particular, that Judge will give particular attention to the maintenance of an appointment system (see s.331 and 332 of the Act), and will ensure that regular “inter-agency” meetings are convened for those involved in the operation of each Court. These inter-agency meetings, usually involving Police Youth Aid, CYFS, Social Workers, Youth Advocates, Court staff, and others who are regularly involved in the Youth Court, have proved extraordinarily useful in building a collaborative team approach. I am a great believer in their usefulness.

If you have any comments, constructive or otherwise, about the operation of the Youth Court in your area, please feel free to contact the relevant Youth Court Judge, through the Registrar of that Court.

**NEW PROTOCOL FOR LONG
REMANDS IN CYFS RESIDENCES
AND POLICE CELL REMANDS**

I **attach** an operational circular, finalised by the Department of Courts, as to the new procedure for dealing with Long Remands under s.238 (1)(d), and Police Cell Remands under s.238 (1)(e) of the Children, Young Persons & Their Families Act.

You will be aware of the continuing concern regarding lack of appropriate bed space for serious young offenders. The new procedure will, I hope, enable much closer monitoring of long remands in CYFS residences, and will also ensure daily monitoring of Police Cell remands.

I summarise the new protocol as follows:-

(a) LONG REMANDS (238(1)(d))

Where a long remand exceeds 35 days, within 7 days after that, a case management conference is to be set down before the Youth Court Judge with responsibility for the Youth Court which is hearing the charge. This may be by telephone conference if the Youth Court Judge is not ordinarily resident at that Court, or cannot easily travel to it. The primary purpose of the case management conference is to try to make rapid progress on all issues surrounding the case. For instance, this may be ensuring that a depositions date is set as soon possible. A follow up conference is to be scheduled at that time, ideally within 30 days of the first case management conference.

(b) POLICE CELL REMANDS (238(1)(e))

Where there has been a Police cell remand of more than three days, there must be a daily review. The matter must be called in the relevant Youth Court. Many Courts now conduct daily reviews as from the first day of the Police cell remand. This practice is to be encouraged. But what is now clear is that where the remand exceeds three days, the daily review process must commence.

**TOPICS FOR FUTURE
NEWSLETTERS:**

- Some difficult sections of the Children, Young Persons & Their Families Act – eg, s.214, s.238 (1), s.242.
- The Drugs Court
- A detailed statistical analysis of Police Cell Remands
- Some topical cases
- Other hot topics submitted by readers of this newsletter

YOUTH COURT LIAISON JUDGES

Northern Region:

Judge Jane McMeeken - Northland
Judge Heather Simpson – Greater Auckland
Judge Peter Boshier - Gisborne/East Coast

Waikato/Bay of Plenty Region

Judge Neil MacLean - Waikato
Judge Chris Harding – Bay of Plenty
Judge Paul Whitehead – Rotorua/Taupo

Central Region

Judge Barry Lovegrove – Manawatu/Wanganui
To be advised – Taranaki
Judge Mark Perkins - Hawkes Bay

Wellington Region

Judge John Walker – Wellington
Judge Pat Grace (Interim) – Nelson/Marlborough

Southern Region

Judge Trish Costigan – Canterbury/West Coast
Judge Oke Blaikie – Otago
Judge Phil Moran – Southland

JUDGES RESPONSIBLE FOR EVERY NEW ZEALAND YOUTH COURT

NORTH ISLAND

COURT	JUDGE
Kaitaia Kaikohe Whangerei Dargaville	Judge Jane McMeeken
North Shore	Judge Laurence Ryan
Waitakere	Judge James Rota
Auckland	Judge Peter Boshier
Manukau	Judge Heather Simpson
Papakura	Judge Jane Lovell-Smith
Pukekohe	Judge Stan Thorburn
Thames Morrinsville	Judge David Brown
Huntly	Judge Alex Twaddle
Hamilton	Judge Neil MacLean
Waihi	Judge Peter Rollo
Tauranga	Judge Ian Thomas
Whakatane Opotiki	Judge Chris Harding

COURT	JUDGE
Gisborne Wairoa / Ruatoria	Judge Peter Boshier
Rotorua Tokoroa Taupo	Judge Paul Whitehead
Te Awamutu Te Kuiti	Judge Anne McAloon
Palmerston North Taumarunui Ohakune Taihape	Judge Barry Lovegrove
New Plymouth Hawera	Judge Tony Fitzgerald (Interim)
Wanganui Marton	Judge Anthony Walsh
Feilding Dannevirke	Judge Greg Ross
Levin	Judge Grant Fraser
Napier	Judge Paul van Dadelszen
Hastings	Judge Mark Perkins
Waipukurau	Judge Geoff Rea
Masterton Porirua	Judge Geoff Ellis
Upper Hutt	Judge Ian Mill
Lower Hutt Wellington	Judge John Walker

SOUTH ISLAND

COURT	JUDGE
Nelson	Judge Pat Grace (Interim)
Blenheim	Judge Pat Grace
Greymouth Rangiora Westport Christchurch	Judge Trish Costigan
Ashburton Timaru	Judge Ed Ryan
Oamaru Dunedin Balclutha Alexandra	Judge Oke Blaikie
Invercargill Queenstown Gore	Judge Phil Moran