

# The Rangatahi Courts Newsletter

THE YOUTH COURT  
OF NEW ZEALAND

TE KŌTI TAIOHI  
O AOTEAROA

THE RANGATAHI COURTS  
OF NEW ZEALAND

NGĀ KŌTI RANGATAHI  
O AOTEAROA

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Orakei Marae, Auckland, 2013 National Rangatahi Courts' hui venue

*"We can see benefits – we have had a number through that have been part of the set up – they've done community work but they still come back. They've found a connection and we value them. They set this up [the court layout]. They've gained a sense of belonging and they keep coming back... And looking beyond – we are only as good as our follow up. We are looking at the long term thing for our kids. The biggest problem is they are disconnected."*

**-Marae coordinator, quoted in Rangatahi Courts' Evaluation**

## Editorial

Judge Heemi Taumaunu  
(Ngāti Porou, Ngāi Tahu)

National Rangatahi Courts Liaison Judge  
Te Poho-o-Rawiri Rangatahi Court Judge - Gisborne  
Hoani Waititi Rangatahi Court Judge - Waitakere

Tēnā anō koutou, e ngā rangatira o tēnā marae, o tēnā marae. Tēnā hoki tātou i o tātou tini aitua, i o tātou tini mate. E kore e mutu ngā mihi poroporoaki ki a rātou mā, te hunga kua wheturangitia, heōi anō, waiho iho rātou ki a rātou, waiho iho tātou ngā kanohi ora o rātou ki muri nei, waiho iho tātou ki a tātou. No reira, e hika mā, tēnā koutou, tēnā koutou, tēnā koutou katoa.

Welcome to this the second edition of the Rangatahi Court Newsletter. This edition previews the inaugural Rangatahi Courts National Hui to be held at Orakei Marae on 7 and 8 March 2013. The National Hui will provide an excellent opportunity to consider a number of issues including, amongst other things:

- the underlying philosophy of the Rangatahi Courts;
- the recent Evaluation of the Rangatahi Courts commissioned by the Ministry of Justice and undertaken by Kaipuke Consultants Ltd (this edition highlights the key points set out in the Evaluation); and
- best practice for Rangatahi Courts throughout the country.

A number of individual Lay Advocates have contributed their perspectives on Rangatahi Courts and some of the themes raised in their respective contributions will likely be topics for further discussion at the National hui.

We are looking forward to seeing representatives from all the Rangatahi Courts at the National hui and we are anticipating that the hui will result in productive discussions and important substantive outcomes.

Ka nui tēnā mō tēnei wā, mā te Atua tātou katoa e manaaki e tiaki. Nō reira, noho iho rā koutou i runga i ngā manaakitanga a te Runga Rawa, ka kite anō koutou ki Ōrakei marae hei te marama e tū mai nei.

# National Rangatahi Courts Hui

Orakei Marae will be hosting a world first in March of this year: the first ever national hui for everyone who works in and/or provides services to the Rangatahi and Pasifika Courts, as well as those involved in the policy and operational side of the courts within government departments.

The hui provides a unique and exciting opportunity to come together and:

- Share best practice information on the Rangatahi Courts and create best practice guidelines;
- Raise awareness of providers who can service the Rangatahi Courts;
- To energise attendees and renew the vision for the Rangatahi Courts; and
- To share, and where possible, begin the process for implementing, the recommendations of the recent evaluation of the Rangatahi Courts (see page 5 for more information).

The hui is free—there is no registration fee and food and accommodation on the marae is provided. The sole cost to attendees will be transport.

## PROGRAMME

### RANGATAHI COURT CONFERENCE AT ORAKEI MARAE, AUCKLAND, THURSDAY 7 MARCH 2013

9.30 am *Powhiri at Orakei Marae*

10.30 am *Morning tea and collect  
Registration Packs*



Orakei Marae. Source: Ministry of Justice

11.00 am

*Opening address*  
**Minister Borrows**  
*Whakawhanaungatanga*  
Each Court to have one speaker to introduce that Court

12.00 pm

*Tikanga – Ko wai au, No hea au*  
**Dr Apirana Mahuika**  
Introduction and Opening remarks: Principal Youth Court Judge Becroft

1.00 pm

*Lunch*

2.00 pm

*Best Practice in the Rangatahi Courts*  
**Lisa Davies and John Whaanga, Kaipuke Consultants Ltd** (authors: Rangatahi Courts' evaluation)  
Introduction: Judge Taumaunu

2.30 pm

*Break out groups discussion on Best Practice*  
Judges, Youth Advocates, Lay Advocates, Police, Social Workers, Pasifika Elders, Kaumatua

3.30 pm

*Afternoon tea*

# National Rangatahi Courts Hui

(Right) One of the amo (legs) on Tumutumuwhenua, the whareniui at Orakei Marae. Source: Ministry of Justice



4.00 pm *Report back facilitated by Principal Youth Court Judge Becroft*

5.00 pm *Close of day*

6.00 pm *Evening meal*

*After dinner Speaker:*  
Justice Joseph Williams  
*Introduction:* Judge O'Driscoll

## FRIDAY 8 MARCH 2013

7.30 am – 8.30 am *Breakfast*

9.00 am *Role of Rangatahi Courts Liaison Officer*  
Tony Fisher, General Manager, District Courts, Ministry of Justice  
*Introduction:* Judge Taumaunu

9.30 am *Pasifika Courts – The Way Forward*  
Judge Malosi and a graduate from Pasifika Court

10.00 am *Programme Presentations*  
Representatives from Te Poho-o-Rawiri and Hoani Waititi Rangatahi Courts –

Tikanga Maori Programmes  
Representatives from MRT – Moral Recognition Therapy

Ted Jarvis – Silver Fern Motor Sport Charitable Trust, West Auckland

*Morning Tea*

*Perspective on the Rangatahi Court: A Panel Discussion* – Lay Advocate, Youth Advocate, Police and Child Youth & Family

11.00 am  
11.30 am  
12.00 pm *Kaumatua and Kuia Perspectives on the Rangatahi Courts: A Panel discussion* – Kaumatua and Kuia

12.30 pm *Adolescent Development of Maori: Professor Chris Cunningham, Massey University*  
*Introduction:* Judge Clark

1.30 pm *Lunch*

2.30 pm *Roundup and Future Direction for Rangatahi Courts*—Principal Youth Court Judge Becroft

3.00 pm *Poroporoaki and Close of hui*

How do I register? Email Anne Molloy ([anne.molloy@justice.govt.nz](mailto:anne.molloy@justice.govt.nz)) for a registration form. Registrations will be accepted until 5pm, Thursday 22 February.

# Rangatahi Courts' Evaluation

## *"Evaluation of the Early Outcomes of Ngā Kooti Rangatahi"*

This year, the Ministry of Justice contracted Kaipuke Consultants Ltd to prepare a qualitative initial evaluation of the Rangatahi Courts. The evaluation report, entitled "Evaluation of the Early Outcomes of Ngā Kooti Rangatahi" was released on Wednesday 19 December 2012, at a launch at Hoani Waititi marae.

The evaluation involved visits to five Rangatahi Courts and was based on observations of court sittings and interviews with key informants, rangatahi and their whānau, judges, youth justice professionals and marae representatives.

The report asked the following key questions:

- how are Ngā Kooti Rangatahi being implemented in practice and perceived by rangatahi/whānau and local level stakeholders?
- what are the early observable outcomes - intended and unintended?
- what challenges exist and how can they be addressed?
- what improvements could be made to maximise the potential of Ngā Kooti Rangatahi?

The report overall is a strong endorsement of the Rangatahi Courts. It finds that:

- Operational processes guiding the implementation of Ngā Kooti Rangatahi are being delivered consistently across the five sites (with some courts implementing additional strategies considered by the evaluators to be good practice);
- Rangatahi have experienced positive early outcomes, both expected and unexpected.

This included, for example:

- High levels of attendance (by both



**Minister Pita Sharples at the launch of the Rangatahi Courts Evaluation at Hoani Waititi Marae**

rangatahi and whānau);

- Rangatahi feeling welcome and respected, understanding the court process, perceiving the monitoring process as legitimate, and having positive relationships with youth justice professionals and the marae community;
- Rangatahi showing improved positive attitudes and behaviour, and demonstrated responsibility for their offending and its impact; and
- Rangatahi nearing the end of the

# Rangatahi Courts' Evaluation

monitoring process establishing connections with the marae and taking on leadership and mentoring roles.

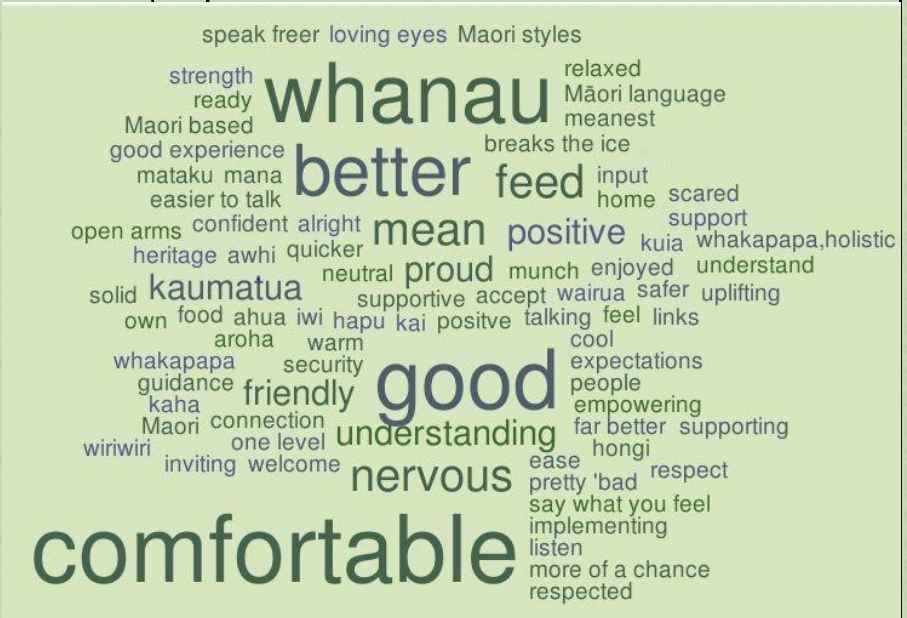
- Whanau, agencies and marae communities have experienced positive early outcomes, such as:
  - Whanau feeling respected and welcomed at Court, and understanding the Court process;
  - A number of whanau reporting a sense of being supported in their parenting role;
  - Enhanced communication and strengthened relationships within whanau;
  - Agencies reporting having had the opportunity to develop networks with the wider Māori community; build relationships with whānau; and increase their own cultural competency;
  - The Courts validating the mana and identity of the marae community and creating opportunities for people within it.

The report also suggested some good practice responses to key challenges faced by Ngā Kooti Rangatahi such as:

- Having representation from the Ministry of Education (MoE) at court sittings and having Child, Youth and Family, the Ministry of Health and MoE taking a “triage” approach to assessing education and health needs of

rangatahi prior to their court appearance (in response to the issue of young people’s education and health needs not being adequately considered/addressed prior to rangatahi appearing before the court);

- The provision of tikanga programmes by host marae (in response to a current lack of programmes);
- The provision of support programmes and services affiliated with the marae that rangatahi are able to be referred to on completion of their FGC plan (in response to a current lack of programmes).



“Wordcloud” summarising feedback from rangatahi and whanau on the courts

For a copy of the full report, see: <http://www.justice.govt.nz/publications/global-publications/r/rangatahi-court-evaluation-of-the-early-outcomes-of-te-kooti-rangatahi/publication>

# Rangatahi Courts' Evaluation

## Quotes from the Rangatahi Courts' Evaluation

*I see whānau at Ngā Kooti Rangatahi that you would never see in the Youth Court. I've seen fathers at the marae that I never knew existed.*

**-Judge**

*It was good but I stumbled on one word - the word for brother, tungāne and they looked up. And then when I said [grandfather's name] they all looked up cause that is my koro and he is famous as. I heard one of them go "I know him". -Male rangatahi)*

*Another good thing is the kaumātua making those links, like tupuna names, whakapapa links which lifts our people. It is uplifting and empowering. I sat behind [rangatahi] and I saw him sit up. I could feel his wairua coming on me.*

**- Aunty of a male rangatahi)**

*It's tougher coming here - it's not a soft option. You can see the fear and terror. You can feel it...that tension and the fear and anxiety.... but when they do it [their pepeha] it's incredible you can see the relief, pride, their self-esteem goes up hugely. They get really positive feedback. The kaumātua and nannies can link in with their whakapapa and tell them about stories that are in their blood. (CYF supervisor)*

**- CYF Supervisor**

*They are obliged to be engaged in the Rangatahi Court. They can quite easily not be engaged in the Youth Court. Similarly in a Family Group Conference if they are not challenged then they don't have to be engaged. So I think the Rangatahi Court provides an environment where they can't escape.*

**- Youth advocate**

*Here we all have different titles - but we are all at the same level. It makes them [whānau and rangatahi] feel relaxed.*

**- Marae kaumātua**

*I think the cultural processes have had an extreme benefit in being able to know exactly where you have come from so that you can appreciate who you are rather than just say - oh I'm just another statistic really.*

**-Police prosecutor)**

*That is good that they do that [have kuia and kaumātua present] because in the other one [the Youth Court], they don't do that. You listen to them because they are your elders*

**- Female rangatahi**

# Rangatahi Courts Perspectives

In the “Perspectives” section of The Rangatahi Courts Newsletter, we will speak with different people working in Nga Kōti Rangatahi Ō Aotearoa about their work. In this edition, we speak to three lay advocates in the Rangatahi Courts about their work.

## Introduction: Lay advocates

Lay advocates are non-legal advocates appointed to represent young people and their whanau, hapu and iwi in all Rangatahi Courts (and some mainstream Youth Courts).

The Children, Young Persons and their Families Act 1989 (s 327) sets out that they are to fulfil the following functions:

- (a) to ensure that the court is made aware of all cultural matters that are relevant to the proceedings:
- (b) to represent the interests of the child's or young person's whanau, hapu, and iwi (or their equivalents (if any) in the culture of the child or young person) to the extent that those interests are not otherwise represented in the proceedings.

Though our legislation has allowed for lay advocates to be appointed in all Youth Courts since 1989, this provision lay fallow for a long time – and the first use of lay advocates was in Rangatahi Courts.

Lay advocates produce reports for the Court, which will usually give detailed and useful information about the child or young person.

*“The lay advocates interact not only with the youth, but also with their whānau, providing assistance and support to what can often be viewed as a confusing process. Their cultural reports provide a significant insight into the family. They also provide a platform for discussion. That discussion must focus on empowering the family by providing support to enable the family to do better in areas where it is failing to ensure there is a proper foundation to rebuild the young person’s life.”*

- Judge (quote from “Evaluation of the Early Outcomes of Ngā Kooti Rangatahi”)

## ***Brennan Rigby—Hoani Waititi***

Thanks for the chance to share some thoughts on lay advocacy and the Youth and Rangatahi Courts.

I work in the Waitakere Youth Court and Te Kooti Rangatahi o Hoani Waititi.

My focus is always on building a relationship with the young person and their family. This doesn't always provide measurable therapeutic or behavioral outcomes, but in the long-run I find it bears fruit.

The relevant Act provides the following principal functions for lay advocates (s 326):

- (a) to ensure that the court is made aware of all cultural matters that are relevant to the proceedings:

# Rangatahi Courts Perspectives

(b) to represent the interests of the child's or young person's young person's whanau, hapu, and iwi (or their equivalents (if any) in the culture of the child or young person) to the extent that those interests are not otherwise represented in the proceedings.

I think in this respect the provisions are outdated. It is a credit to the Ministry and to those concerned that it is rare in my experience that the court needs to be informed of *cultural matters* (except in the specific cases where there is an element of particular relevance), where once that was possibly more a poignant concern. There is clearly now a strong and pragmatic focus on successful FGC completion, underscored by significant cultural engagement and understanding from most parties. So the question for me is how can a Lay Advocate contribute to that?

That might seem a strange question to ask. But I ask it in the context of another basic principle: don't step on the toes of Youth Advocates or Youth Justice Social Workers.

Youth Advocates of course play a central role in FGCs and in court, whereas YJ social workers have a very central role in FGC operations and outcomes. In terms of interacting with Youth Justice Social Workers there is generally a tension between (for example) offering to be the person calling around for community work placements and then ensuring attendance by the young person (for example), and being a person who can advocate in a broader sense for the young person and the family – a role which can be compromised if the young person in particular views you as an enforcer of prior agreements. That is to say I aim not just to advocate (often on behalf of the system and in the face of the young person) for the completion of the plan, but to advocate for the young person in whatever complex situations they might face (for example, assisting a family to deal



**The Rangatahi Court at Hoani Waititi Marae**  
Source: <http://newswirenz.wordpress.com/articles/crime-reporting/>

with a school determined to exclude or not accept a young person who has offended).

For me a part of the answer is to view the FGC plan as a stepping stone into the community and back into normal life, rather than an end in itself, and I think this is inherent in the notion of the FGC overall. There are elements which are of fundamental importance to the plan which are nonetheless not articulated in it – i.e. not tasks that have to be completed as such - and do not come to a conclusion with the plan. For example, it is intrinsically necessary for the young person to be able to maintain a functional and positive working relationship with a community work supervisor over the course of up to 200 hours of work. That skill does not leave a young person once attained. It may be clumsy to state it, but many young people lack role-models and/or skills in the area of taking responsibility for themselves and paying the kind of respect to others that is expressed in being on time for things, doing what you say you will do, and working hard for someone willing to give you a go. This extends from young people who simply do nothing for themselves to arrange any element of



# Rangatahi Courts Perspectives

their agreed plan, to those who might make two phone-calls and then give up, to those who might get as far as making arrangements only to renege at the last, and even to those who get 10 hours of work under their belts but then allow some other priorities to intervene. I believe in playing the *long-game* with young people, by role-modeling over time and demonstrating interest, trust and reliability. FGC plans do not generally take that approach.

Lastly, a matter of resources I guess. A tikanga program has now been running at Hoani Waititi Marae for some six months or more. I think this is a pivotal element - if not *the* pivotal element - in the success of Rangatahi Courts. Though, over time, I may have contributed to some young people to learning their mihi/pepeha, I have struggled to really engage them with their identity in the way I think we hope for from the Rangatahi Court. In the west Auckland case, it is rarely strictly the case that we are bringing a young person back onto their own marae, and with that dynamic altered, creating a lasting connection between the person and the location is difficult. This is undoubtedly addressed to some extent by the tikanga program. Without it I felt powerless to create the hoped-for connection in the mind of the young person, and the Rangatahi Court day was often seen - by the young person - as the same as any other.

At the very least young people have the sense of reverence most of us have when welcomed onto the marae. The great risk of the Rangatahi Court is that the opposite occurs; that the result is the embedding of any blasé attitudes, or any sense of distance from the engagement. The tikanga program means young people should arrive on the marae for Rangatahi Court feeling confident and informed about the process, and that they should be in a position to hold their own at mihimihi time. All of that is really a synonym for the young person feeling that the marae they are entering is in fact *theirs* and that they feel at home there. The power of that outcome needs no explanation.

## *Eru Findlay—Te Poho-o-Rawiri*

Ko Titirangi te maunga  
Ko Uawa te awa  
Ko Horouta te waka  
Ko Te Aitanga a Hauiti te iwi  
Ko Te Rangipureora te hapu.

Family Works Tairawhiti Social Worker Eru Findlay is a Youth Court lay advocate for Te Kooti Rangatahi o Te Poho-o-Rawiri in Gisborne. He has supported youth and their families in this role, since its inception in May 2008.

Eru says “For me, the Youth Court lay advocate role is another opportunity to help people - to put a korowai around people - whoever they are”. Eru believes that when the family is struggling, the youth will also be struggling. “Youth have wants and needs and when times are tough and the family isn’t coping with financial pressures, hope is harder for the youth to find”.

*Continued*



Eru Findlay outside Te Poho-o-Rawiri

# Rangatahi Courts Perspectives

Eru's work as a Lay Advocate allows him to encourage and nurture the relationships between whānau and young people. "The relationship between the parent and child is hurt when the child is in trouble. It can be hard work re-building the trust in their relationship".

The Rangatahi Court has given our team an opportunity to share in bringing Māori culture alive within youth justice. Eru believes that working with youth who can see no way forward, and who have no tangible goals, is about investing in our future. "Young people can change, it's about taking them through it, step by step, teaching them to access those resources that are there for them and building their resilience".

My journey as a Youth Court Lay Advocate has challenged me to develop in my work. I have also grown personally in many ways – socially, emotionally, mentally and spiritually. I enjoy sharing my learning journey with our Rangatahi and their whānau.

## **George Ngatai– Auckland Rangatahi and Youth Courts**

### **Rangatahi Court the way to go.....**

Kia ora ano tatou, it's been over two years since I was appointed as Lay Advocate for the Tamaki Makaurau (Auckland) Youth/Rangatahi Courts and over this time I have had over 40 cases to work with. What started off as working only within the Auckland City area, soon included the Waitakere and Manukau Youth/Rangatahi Courts as well.

For many lay advocates just getting used to the protocols were daunting enough. I was aware that the quicker we completed the agreed plans from FGCs the quicker the rangatahi was able to be re-engaged within their community and whanau/aiga, hapu and Iwi.

As simple as this is written it wasn't going to be easy. Working not only with the whanau/aiga, we also had to ensure that the Youth Advocate, CYF worker, counsellors, Police and other agencies were aware of who we were and what our role was.

Meeting with whanau/aiga was key and identifying whanau/aiga, hapu and Iwi links was probably the first task for us to look at who was going to support this rangatahi. If this wasn't possible then it was

looking at community support that was appropriate for the whanau aiga we had to work with.

The second thing was to ensure that the rangatahi was aware of their plan and what they had to do to complete it. I would normally explain the FGC process if this hadn't happened and talk about the benefits of attending a Rangatahi or Pasifika Court.

The rangatahi and whanau/aiga would then decide to attend either the Rangatahi or Pasifika Court as this was the place that they may feel more comfortable with. We would arrange for the rangatahi to complete community service, prepare a letter of apology for the victims and look at how much the whanau would probably need to pay for any damage occurred through the rangatahi's actions. It was also an opportunity for the rangatahi to take responsibility for their actions and we would discuss this with them and their whanau. All this was normally discussed well

*Continued*



**George Ngatai**



before an FGC if this hadn't taken place. If it had, then we would ensure that as much of the plan was completed before the rangatahi attended court.

Once we got confirmation that the rangatahi would be monitored through the Youth, Rangatahi or Pasifika Court, we would then look at developing a pepeha and working with whanau/aiga to get the relevant information for this pepeha. I would give each rangatahi a template of a pepeha which would give them an opportunity to decide whether they used my template or whether they got other whanau/aiga to assist them with it.

A first report to the court for the lay advocate was important for me as this information was normally the missing link between the Youth Advocate and staff who support the rangatahi when reporting to court. Monitoring and supporting the rangatahi and their whanau/aiga was also important and ensuring that they attend court.

The thing that would impress me the most was the change of attitude we would see with the rangatahi and their whanau/aiga once they had completed their first, second or even third appearance before the Judge. When it was time for the rangatahi to be discharged, and more than 90% of mine were with no conviction or notation, you could see the excitement of having completed what started off as a horriifying experience for them and their whanau/aiga. The pepeha was also a gage as to how the rangatahi was with their plan. If it was memorized the plan was on track, if not then the rangatahi was likely doing things they weren't supposed to. On completion it was always a day filled with emotion both happy and sad, as this was likely the last time you would see the rangatahi again. Only on 3-4 occasions have my rangatahi re-offended.

In terms of challenges that a lay advocate has to work

with: we have to remember why we are there, knowing what our role is, being able to keep the rangatahi and whanau on track regarding the plan and being able to advocate for the rangatahi and the whanau if you know things may not be going well for everyone. Its hard to not get too involved with the dynamics of the whanau. It's also been a challenge for youth advocates and professional staff to see the importance of referring to the Rangatahi or Pasifika Court. For them it may seem to be easier to use a system you are familiar with, however that system may not work for the rangatahi it was set up for.

A huge challenge for lay advocates and the Ministry of Justice would be more around how we get paid as this requires us to keep good records to be able to get paid. For some that is not a problem, however for others it is one of the reasons why they move into something more permanent.

From my experiences Rangatahi/Pasifika Courts have been the way to go for our young people. It enables rangatahi and whanau/aiga to come back to the place that their tipuna would always come back to, learn the things that their tipuna carried out all the time and be in a position to speak in their mother tongue even if it was 6-10 lines of who they are and who they represent. Being accountable for their actions would always be in the forefront. There would be a Maori/Pacific Judge, Kaumatua and Kuia or elders and predominantly Maori/pacific support staff there to talk about what would be best for each rangatahi.

I look forward to the day when every Youth Court has the opportunity to offer a choice to either attend a rangatahi or pacific court in the future.

**George Ngatai JP**  
**Lay Advocate**

