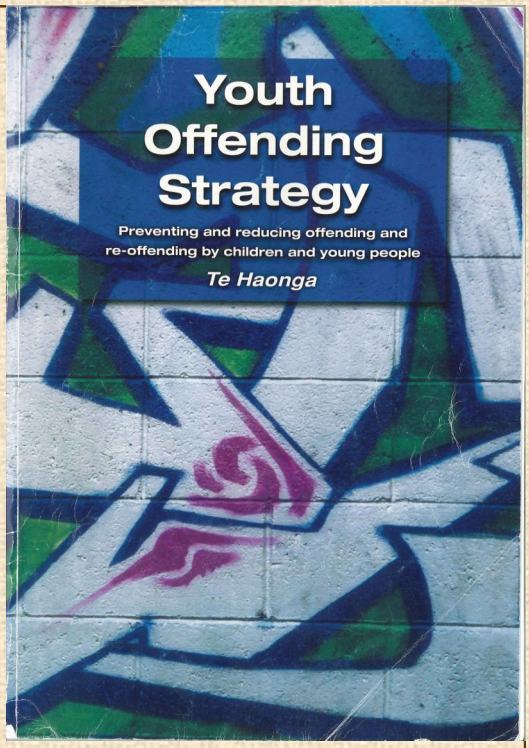
"Court in the Act"
A regular newsletter for the entire youth justice community
THE YOUTH COURT OF NEW ZEALAND | TE KŌTI TAIOHI O AOTEAROA

Editorial: Opportunity Knocks for Youth Justice

This edition of Court in the Act could not be coming to you at a more exciting time for youth justice in New Zealand.



The new "Youth Crime Action Plan" will replace the 2002 Youth Offending Strategy"

A recent count in this office suggests that government and non-government agencies are currently undergoing at least 17 pieces of work which either relate directly to, or have implications for, youth justice. The agencies that we took into account were the Ministriesof Justice, Social Development, Education, Health, Police, Child, Youth and Family and the Children's Commissioner.

The potentially harmonising piece of work, which engages all of these agencies, is the new Youth Crime Action Plan. On 28 June 2012, the Hon. Chester Borrows (Minister for Courts) announced a review of the 2002 Youth Offending Strategy. The result of this was the development of the Youth Crime Action Plan, due out by the end of March 2013. There are six key objectives in the Plan's terms of reference, including improving efforts to intervene in youth offending earlier, particularly with young Māori, and creating a framework to help whānau and community groups develop innovative local solutions. Consultations have occurred around the country with community groups and some relevant individuals in the youth justice sector. You can read more about the Youth Crime Action Plan on page 2 in our "breaking news" section.

New to *Court in the Act* this edition, is our "What do you do?" section. In this section, we ask somebody in the sector about what they do in their role! This edition's profile is on Jo Claridge, Clinical Team Leader of Welltrust. If you have an idea for someone you would like to see profiled in the future, get in touch with me (emily.bruce@justice.govt.nz).

Don't forget also that you can get in touch with us anytime with ideas for Court in the Act : be it a letter to the editor, or an idea for an article. Your ideas are always welcome, and indeed, encouraged!

-Emily Bruce, Research Counsel to Principal Youth Court Judge

New Youth Crime Action Plan

What is the Youth Crime Action Plan?

On 28 June 2012, the Hon. Chester Borrows announced an "extensive review" of the 2002 Youth Offending Strategy. The Youth Offending Strategy set out a governance structure for the youth justice sector, and made recommendations for the improvement of youth justice services in New Zealand, grouped around "seven key focus areas".

Minister Borrows has stated that the new Youth Crime Action Plan, which will replace the Youth Offending Strategy, will "improve support for and coordination between frontline youth justice staff, service providers, families, schools and communities. It will identify what's working well in the current system – as well as areas where there is room for improvement – and come up with practical solutions that make a real difference in communities and the lives of young people."

What are the terms of reference?

The terms of reference are reproduced in full on the next page. There are six key objectives, including improving efforts to intervene in youth offending earlier, particularly with young Māori, and creating a framework to help whānau and community groups develop innovative local solutions.

Minister Borrows has also stated that the Action Plan will draw on information from various initiatives, such as reviews of family group conferences and Youth Offending Teams, evidence about the impact of the first two years of the Fresh Start reforms, the Select Committee inquiry on child offending and the Green Paper on Vulnerable Children.

Youth Court

Who is being consulted?

Officials have been consulting with frontline practitioners, non-government organisations, experts and other interested parties who regularly work with child and youth offenders. In addition, extensive consultation is being held with Māori through a reference group and a series of hui across the country.

Diversionary programmes/community work

Submissions

The final day for submissions was 14 September. While you may technically be out of time, if you have a submission to make, we hope that you will still do so (by emailing Ycapideas@justice.govt.nz), given that it is such an important opportunity to contribute to the reinvigoration of the approach to youth offending. We would be hopeful that your submission could still be considered.

All images on this page from <*www.teara.govt.nz/*> *Continued*

Terms of Reference for Youth Crime Action Plan

Purpose

The Minister and Associate Minister of Justice have requested that youth justice officials work together and in consultation with the youth justice sector to develop a Youth Crime Action Plan (the Action Plan). The purpose of the Action Plan is to support youth justice services and frontline practitioners and to contribute to the delivery of the Government's Better Public Services goal of reducing youth crime. This will also support the Government's wider goal of reducing rates of offending and victimisation.

Objectives

Key objectives of the Action Plan will be to develop practical and focused improvements to the youth justice system, which will: • Increase opportunities for early and sustainable exits from the youth justice system, particularly for Māori. • Reduce the flow through the youth justice system by improving integration between agencies and NGO partners to intervene in youth offending earlier, particularly with Māori young people and their whānau. • Improve data collection and use to better understand flows through the youth justice system and intervention effectiveness, with particular emphasis on Courts, Police and CYF. • Improve delivery of interventions and services to ensure they are properly coordinated and improve outcomes. • Create an outcomes framework that enables whānau and community groups to develop innovative local solutions. • Improve how agencies work together to prevent children and young people from offending and reoffending.

In scope

Changes to the systems and services within the youth justice system to reduce the youth crime rate, including: • Engaging with Health and Education on the contributions these agencies will make. • Reviewing Youth Offending Teams based on feedback from consultation. • Considering lessons learned from the Social Sector Trials. • Legislative changes to the Children, Young Persons and their Families Act required to support the Action Plan.

Interdependent Work Streams

The following current government initiatives are critical levers to reducing child and youth crime and so are relevant to the Action Plan, but may or may not be specifically addressed under it – • Broader work on vulnerable children and their families identified through the White Paper. • Youth Services Welfare Package. • Police Youth Policing Plan 2012 – 2015. • New Zealand Police Prevention First Strategy. • Improvements to family group conferences being led by the Chief Social Worker. • The government's response to the Select Committee report into the identification, rehabilitation, and care and protection of child offenders. • National Youth Forensic Service. • Evaluation of the Rangatahi Courts.

Timeframes

28 June 2012 Minister Borrows announces work to commence on the Action Plan • March 2013 Cabinet decision and release of Action Plan

Communications

Key agencies (CYF, MSD, Police, and TPK) co-ordinated by the Ministry of Justice will ensure that key stakeholders and communities of interest are aware of the development of the YCAP.

Consultation and engagement with the community • Engagement and reporting back to key NGO and community stakeholders including the Youth Justice Independent Advisory Group and the Principal Youth Court Judge will occur in the development stage of the Action Plan. • Officials will provide weekly oral reports to the Associate Minister for Social Development/Justice (Youth Justice) on progress in drafting the new Action Plan. Engagement with the Ministers of Social Development, Justice, Police and Māori Affairs will occur as necessary.

The Action Plan is the shared responsibility of the key agencies (CYF, MSD, Police, and TPK) co-ordinated by the Ministry of Justice.

Continued

Consultation Questions for Youth Crime Action Plan

Prevention

- What crime prevention initiatives are working well in communities? And where? What is working well for Māori in particular?
- How would you describe your experience with the youth justice system and the different programmes and services you have experienced?
- How could we address the needs of high risk children and young people before they commit an offence?
- How do we identify the right people and levers in the community to prevent youth crime?
- How do we increase positive engagement with community, family, school and peer groups?
- How do we improve the identification of and effective response to health and education issues?

Diversion

- What is needed to ensure Māori have equal access to diversion or alternative action?
- Where are diversionary approaches working well? What are the barriers to diversion?
- Are there specific barriers to diversion for Māori?
- How can diversion be effective for victims as well as offenders?
- How can we leverage community resources to be available at the diversionary stage?
- How should we increase the participation of families/whānau and communities in delivering diversion?
- What information is difficult for NGO services to access so that they can deliver the right services in the right way to young people and their family/whānau?

Family Group Conferences

- How can we improve outcomes for young Māori?
- Has the FGC model achieved the goals of the CYPF Act (1989)?
- What are the viable alternatives to the FGC model?

Youth Court

- What does the Youth Court offer that a young person could not get elsewhere in the system?
- How can we keep young people in the community?
- How can we reduce the number of Māori in Youth Court and custody?
- How can we improve outcomes for young Māori in the Youth Court?
- How do we ensure a good transition back to the community following a Youth Court order?
- What assessments and services are needed to support Youth Court outcomes?
- How can we increase access to services for young people with mental health needs?
- How can we improve outcomes for young Māori in the Youth Court?

Continued

What do you do?

In this edition, Court in the Act profiles Jo Claridge, Clinical Team Leader of WellTrust. WellTrust is a team of alcohol and other drug specialists. They serve young people aged 10-19 years in the Greater Wellington region who have, or think they may have, alcohol or other drug issues. Jo manages WellTrust's team of counselling staff, and has recently begun regularly sitting in the Lower Hutt Youth Court.

1. Describe an average day on the job for you? (if that's even possible!!)

For me each day is different, depends on what may have happened the day before or what issues staff or clients are struggling with. My main role is to support the staff of 7 counsellors, day to day man aging of the place and I have a case load of ten clients. Most days I will see a client or two, work with staff members around their concerns with their clients, updating policies or writing reports.

2. Do you work with other agencies in your role? If so, who?

There are a number of different agencies we work with. Our main job involves working with second-dary schools across the Wellington Region. Each counsellor has about 5 schools they attend each week, working with the students who have alcohol and/or drug problems. We also work closely with police, having two social workers employed by the police to work with our clients who are involve with the police. As part of this we work out of a couple of police stations. We also work closely with Child, Youth and Family Youth Justice Teams in the Wellington region. They refer clients for comprehensive alcohol and drug reports, on-going counselling and referrals to residential services. More recently I have been attending Youth Court in Lower Hutt, doing screenings, making recommendations and reporting back on how our clients are doing. We also are constantly building relationships with other youth services in the Wellington Region like ICAFS, CAHMS, Vibe, KYS, Evolve, and Challenge2000.

3. What do you love about your role/what's the highlight?

I love working with other agencies, building on new ideas on how to improve our services and increase better outcomes for our youth. I also love how diverse my role is, to be able to continue working with clients as well as managing a great team of counsellors.

Jo Claridge

4. What are the most challenging aspects of your role?

The most challenging is trying to meet the demand for our service, with limited resources and funding. I can often see the limitations of what we currently do and have the ideas to improve or develop our service, but I am unable to due to no money and not enough resources. I constantly have to think outside the box and push my staff to work over and above their means.

5. From your perspective, what are the biggest challenges facing the youth justice sector? Are there any solutions you would propose?

I think the biggest challenge is funding. There is never enough money to go around and this limits what options are out there for our youth. I think that all services involved need to come together and develop new fresh ideas to plug the gaps. We spend so much time fighting for funding between different ministries in government, and between services that we have forgotten what is important.

6. What in the youth justice system can we be particularly proud of?

I am new to the youth justice system, but I see a real passion for youth and people are willing to go out of their way to help a young person make the right decision and head back on the right way.

WellTrust
YOUTH ALCOHOL & DRUG SERVICE

Special Report

"Youth Advocates deliver crucial protection of young people's rights"

- Dr Alison Cleland

I have had the privilege of conducting empirical research with youth justice practitioners in four Youth Court sites in Aotearoa. I was overwhelmed by the positive response to requests for interview: of the 36 youth advocates in the sites, 34 agreed to be interviewed. Thanks to a Law Foundation grant, the transcribed data was entered into a specialist software programme. This meant I could analyse the information in-depth and examine themes. The report – **"Youth Advocates in Aotearoa/New Zealand's Youth Justice System"** – is now available. The report demonstrates the specialisation of the youth justice bar and the importance and complexity of the youth advocate's role.

The majority of the youth advocates had practised as criminal barristers and half also had family law experience, before they began taking young clients' cases. As a whole, the youth advocates whom I interviewed were extremely experienced in Aotearoa's youth justice system: fourteen had over 20 years and ten between 10 and 19 years experience in the system. There was also an impressive range of experience in related fields: 10 in direct work with young people, 6 in mental health, 4 in law enforcement and 2 in education.

To deliver young people's rights to participation in the youth justice process, the system must have a mechanism to ensure that young people understand the charges against them and the consequences for them of "not denying" those charges. The report demonstrates that the youth advocates' role is that crucial mechanism. Young people's understanding of language and comprehension of criminal law concepts is often extremely limited. The youth advocates I interviewed talked about the strategies they had developed for overcoming barriers to communicating with the young people. They described establishing rapport and making sure that their clients knew that they were working for them. They explained how they dealt with whanau members who tried to influence the young people or pressure them into accepting charges. They gave numerous examples of how they explained complex legal concepts – such as "party to" an offence – that frequently arose in their work with young clients.

Alison Cleland at the launch of her report

Judge Andrew Becroft

Source: University of Auckland

One of the report's key findings is that the role of the youth advocate is complex, with several diverse aspects. The criminal defence lawyer aspect of the role was to the fore when discussing defences to the charges and tackling over-charging, which youth advocates said was fairly common. If the youth advocates were satisfied that their clients could safely "not deny" the charges, the mentor aspect of their role became more prominent. The interviews showed the advocates going to extraordinary lengths to explain the purposes of the family group conference (FGC) and the possible outcomes for the young people. They talked of providing emotional support in the process, helping to build confidence ahead of the FGC and encouraging the young clients to think about what they might do to repair the damage caused by the offending. At FGCs, youth advocates described sometimes adopting a protector role – to stop bullying of their clients by other participants or to avoid disproportionate punishments appearing in plans.

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. This research provides strong evidence that youth advocates in Aotearoa are able to deliver youth justice rights because they have a unique specialisation. Their role is challenging and complex. It is therefore extremely disappointing and worrying that current proposals in the Legal Assistance (Sustainability) Amendment Bill deny the need for this specialisation. The proposals would replace the present youth advocate court appointment process with approval by the Secretary of Justice. The specialist eligibility criteria that presently require youth advocates to be able to communicate with young clients and to understand the unique nature of the youth justice system would be replaced with generic criteria in the legal services regulations. These regulations do not recognise the special needs of young clients or the specialist knowledge and skills that are essential for their advocates.

The Legal Assistance (Sustainability) Bill denies that youth justice legal work is specialised. Once the principle of necessary specialisation is denied, we face a significant threat to the successful operation of our youth justice system. That threat is that the system will no longer respond adequately to the needs of young people. The ability to respond in ways that engage young people has been the key to allowing them to take responsibility for their actions and to move on. It will be a terrible irony if a Bill that claims to be concerned with "sustainability" becomes the mechanism by which the sustained excellence of our Youth Advocates is undermined.

The report is available free of charge from alison.cleland@auckland.ac.nz and online at www.youthlaw.co.nz/wp-content/uploads/Youth-Advocates-in-Aotearoa-2012.pdf

"You are 16, but not going on 17"

Judge Andrew Becroft , Principal Youth Court Judge

The slightly altered lines to the well known song in the ***Sound of Music*** refer, in this case, to New Zealand not including 17 year olds within its youth justice system This has been a matter of ongoing international criticism. Indeed, at the recent meeting of the South Pacific Council of Youth and Children's Courts, held in Brisbane in August (of which New Zealand is a member), the matter was squarely raised. Within the South Pacific, only Queensland and New Zealand do not include 17 year olds within the jurisdiction of their youth justice systems. By way of background, Great Britain, Canada and the majority of US states include 17 year olds. And given that we have signed the United Nations Convention on the Rights of the Child, which includes 17 year olds in the definition of children, it might be expected that our legislation would reflect that.

As one of the two New Zealand delegates, I was asked what was the principled reason for New Zealand not including 17 year olds? I noted that it was both difficult for me to provide such an answer, and that it was entirely a matter for New Zealand's legislature to address.

Equal criticism was directed at Queensland's failure to include 17 year olds. It stands alone of all Australian states. The most recent Australian state to include 17 year olds in its youth justice system was Victoria, in 2006. After an initial influx of 17 year olds, Victoria reports that there are now more 16 year olds than 17 year olds appearing in its Youth Courts.

It is perhaps appropriate that I record the comments of the President of the Children's Court of Queensland Judge Michael Shanahan, in his annual report 2010 / 2011. He clearly addresses the issue as follows:

"Seventeen Year Olds"

"In November 2010 the Judges were consulted about a proposal that the Youth Justice Act 1992 be amended so that 17 year olds are dealt with under the provisions of that Act rather than as adults. They responded that there would be no appreciable impact on the workings of the Childrens Court of Queensland on the basis that 17 year olds in relevant matters were already dealt with in the District Court of Queensland and that there would be a corresponding decrease in the work of the District Court. As all Childrens Court Judges hold dual commissions as District Court judges, there should be no impact on the work of the two courts as a whole.

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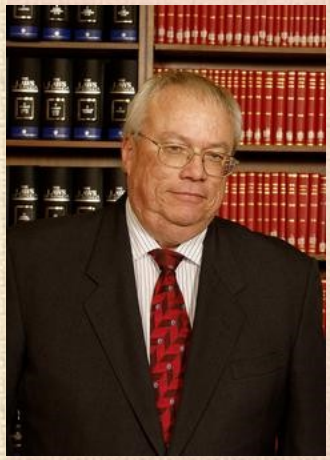

Judge Michael Shanahan, President, Children's Court, Queensland

When the Juvenile Justice Act 1992 (Qld) was introduced, it contained s 6 (1) which provided that the Governor-in Council could, by regulation, fix a day after which a person will be a child for the purposes of the Act if the person has not turned 18 years of age. The Explanatory Notes to the Bill indicated that the Government was "committed to increasing the upper age limit to the age of majority". The Notes went on to state that because there were significant resource implications associated with including 17 year old persons in the juvenile justice system, it was "not possible to give effect to this commitment immediately".

Section 6(1) is maintained in the current *Youth Justice Act 1992.* The regulation has never been made.

In both the Tenth and Twelfth Annual Reports, the President, Judge O'Brien recommended that the age of a child for the purposes of the Act should be increased to eighteen. He wrote,

"In Queensland, young people are not lawfully permitted to vote or drink alcohol until they reach the age of eighteen yet, at the age of seventeen, their offending exposes them to the full sanction of the adult criminal laws. There are, I believe, real concerns involved with the potential incarceration of seventeen year olds with more seasoned and mature adult offenders. The United Nations Convention on the Rights of the Child considers a person as a child until he/she reaches the age of eighteen and other Australian States have adopted a similar approach."

In the Twelfth Annual Report he noted that Queensland remained the only major jurisdiction in Australia which adheres to an age limit of seventeen for juvenile offenders and again urged that the matter receive careful consideration.

In *R v Loveridge* [2011] QCA 32 the Court of Appeal considered an application for leave to appeal against a sentence of three years imprisonment with parole fixed after eight months, imposed on a seventeen year old who pleaded guilty to an offence of armed robbery.

By a majority, the Court of Appeal refused the application. In her dissenting judgement McMurdo P had this to say

[1] This appeal highlights the difficulty facing Queensland judges when sentencing 17 year olds for serious criminal offences.

....

[5] At 17, under the United Nations Convention on the Rights of the Child ("the Convention") he is a child. Australia signed the Convention on 22 Au gust 1990 and ratified it on 17 December 1990 . Under the Convention, the best interests of the child must be a primary consideration in all actions taken concerning the child, including when dealing with a child for criminal offences. Further, every child deprived of liberty is to be separated from adults unless it is considered in the child's best interests not to do so.

[6] These principles are given effect in general terms in the Youth Justice Act 1992 (Qld), but they apply only to the sentencing of a "child" as defined in that Act, that is, "a person who has not turned 17 years". This definition of "child" contrasts with that under most other Queensland legislation where a child is "an individual who is under 18". Queensland is now the only Australian jurisdiction where 17 year old offenders are dealt with, contrary to the Convention, in the adult criminal justice system and so can be sent to adult correctional facilities. In all other Australian States and Territories, offenders un der the age of 18 are sentenced within the youth justice system and are placed in youth detention centres. This Queensland anomaly has been criticised by commentators who argue that Queensland is in breach of its obligations under the Convention.

[7] The Committtee on the Rights of the child has also expressed concerns about this anomaly in the Queensland criminal justice system. It has been recommended that 17 year olds should be removed from the Queensland adult criminal justice system and that Queensland should bring its system of juvenile criminal justice into line with the Convention and other related United Nations standarsds. The Committee has provided further guidance on children and the juvenile justice system in its General Comments. These included a reminder to State parties that every person under 18 should be dealt with in the juvenile criminal justice system and a

recommendation that States should change laws to ensure the application of the rules of juvenile criminal justice to individuals under the age of 18. (Footnotes omitted).

Exposing seventeen year olds to the dangers of an adult prison is, in my view, unacceptable. Prospects of rehabilitation must also be diminished because of contact with adult offenders. In all other legal respects in Queensland the age of majority is eighteen. The comments made by President of the Court of Appeal have substantial force. In terms of consistency with other Australian jurisdictions, compliance with international obligations and the negative impacts of requiring a seventeen year old to be held in an adult prison, I urge that the original commitment detailed during the introduction of the Act in 1992 be given effect

-Michael Shanahan
President, Childrens Court of Queensland"

At the same conference, the Commissioner for Children and Young People for Queensland, Elizabeth Fraser, also presented a paper entitled "A case of injustice- 17 year olds in Queensland's adult prisons". She too was very critical regarding Queensland's failure regarding that state's child and youth justice system, noting that "the position has not changed in Queensland despite changes in every other jurisdiction over recent years ... and despite there being no evidence to suggest that this acts in the best interests of these young people or the community." In her presentation, she detailed the services and rights that 17 year olds are denied through being refused access to the juvenile justice system.

Electronically Monitored Bail

In 2009 (issue 41), Court in the Act looked in detail at electronic bail monitoring (EM Bail).

EM bail is an option for people charged in both adult and youth jurisdictions. However, is barely exercised for young people. In this edition, we provide a short summary of electronic bail, and an article from Judge Becroft detailing its relevance to the Youth Court.

What is EM Bail?

Defendants charged with an offence may be remanded in custody, at large or on bail into the community, with or without conditions. In 2006, a new alternative to custodial remand was introduced: the option of electronic monitoring as a condition of bail for defendants who would otherwise have been remanded in custody.

EM Bail is managed by the Police. It allows pre-trial remand offenders to reside at home wearing an electronic monitoring anklet bracelet. This bracelet allows for the person's movements to be monitored and recorded 24 hours a day. If the person goes beyond the monitored vicinity of the unit for an unapproved reason an alarm will be raised, and the Police respond.

Who is eligible for EM Bail?

Any person remanded in custody can apply for EM bail. However, applications are determined by the Courts on a case by case basis, following assessment and report-back by Police or other pertinent prosecuting agency, in which the requirements of the Bail Act 2000 and public safety are paramount.

How is the decision whether to use EM Bail made?

The defendant or his/her lawyer firstly applies for EM Bail. Non-sworn police staff, called EM bail assessors and located in Police Prosecutions Service offices around the country help manage applications by defendants for release on EM bail. EM Bail assessors undertake an inquiry to inform the Court as to the suitability of the application.

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In their inquiry, EM Bail Assessors check out factors relating to the proposed EM bail residence, such as cell phone coverage and distance from the nearest 24-hour police station. The assessor must seek consent from the occupants of the proposed residence. The views of the victim(s) are also sought, and a range of other enquiries undertaken. Assessors identify the risks to community safety, to specific persons such as victims and witnesses and to the integrity of the court process that may be posed by release on bail, e.g., risk of further offending. They then evaluate whether those risks may be mitigated by electronic monitoring.
The report-back will say whether Police or the pertinent prosecuting agency consider EM bail feasible and suitable and, if so, put forward possible bail conditions.

Courts then determine the outcome of the application.

Electronic Bail Monitoring and the Youth Court

- Judge Andrew Becroft, Principal Youth Court Judge
- January, 2009

EM Bail is a policy initiative and is also available for use in the Youth Court. It is seldom being used in the Youth Court, but there is absolutely no reason why it can't be used. There is no apparent bar to a youth advocate applying for a young person to be admitted to EM Bail. There is certainly no legislative bar. The police will consider any application on its merits.

Factors to consider in respect of any EM Bail application by a young person:

1. Only those remanded into one of the three CYFS youth justices residences under s238(1)(d) would qualify.
2. This would be the only initial pathway into the EM Bail programme. Such young people would already have had time in a residence. They would have had time to settle, and other options for their custody would be available for consideration.
3. The Police would need at least 15 to 20 days to carry out full assessment as to the availability of an EM Bail release, although with the input of experienced Youth Aid Officers the time frame may be considerably shorter.
4. EM Bail would only be a part, and not the primary part, of an overall comprehensive release package, which would involve some form of community-based support and monitoring.
5. A home-based 24-hour a day, seven day a week curfew on EM Bail would probably not work given that young people are still maturing, and developmentally are at a stage where they would be prepared to take risks and act spontaneously etc. Effective 'home detention', which this sort of EM Bail would constitute, would be unworkable for more than a week. For EM Bail to work, there would need to be access to community-based programmes and support, probably provided by CYFS.
6. It could be argued that if such support/ supervision could be put together, then EM Bail would simply be window dressing and that such a release on community supported bail, by itself, would be sufficient. This argument overlooks the reality that EM Bail is more than cosmetic. The system has integrity. Bail breaches are rapidly investigated and would result in re-entry back into a CYFS residence — on the basis that the ongoing risks of absconding would be too great. Most police concerns about the existing supported bail programmes usually relate to the integrity of any curfew and the unavailability of supported bail/supervision in the evening. EM Bail might satisfy many existing police concerns about the use of supported bail programmes.
7. An EM Bail release from a s238(1)(d) remand could be in combination with entry into the supervised bail programme, but with the additional element of a curfew being monitored and enforced through EM Bail.
8. EM Bail would not be available to those remanded in a police cell. There would not be time for the package and assessment process to be put together.

NOTE. If ten young people remanded in a CYFS residence under s283(1)(d), were admitted to EM Bail, there may be up to 600 to 100 bed nights saved, which would indirectly have a significant, if not dramatic, effect on reducing the need for police cell remands of young people.

Upcoming

"Youth Justice Practice Issues—an Update"

-Upcoming webinar—Wednesday 17 October, 1pm

If you would like the opportunity to join with others in the youth justice sector nationwide, learn from some of the best in the field and ask the big questions about changes in the youth justice sector, whilst at the same time not moving from your desk, this is the opportunity to grab!! At 1pm on 17 October, the New Zealand Law Society Continuing Legal Education (CLE) is bringing you an exciting webinar : "Youth Justice Practice Issues – an Update".

What is a Webinar?

A webinar is an online seminar. A live presentation is streamed, in real time, which you can watch from your computer. The opportunity is also available, during the presentation, to email through questions which will be answered in real time.

Who's invited?

Youth Advocates, Lay Advocates, Police Youth Aid officers and other youth justice sector staff.

Who's presenting?

Presenters are:

- Judge Andrew Becroft (Principal Youth Court Judge);
- Aaron Lloyd (Senior Solicitor, Ministry of Social Development); and
- Fergus More (Youth Advocate, Scholefield Cockroft Lloyd, Invercargill).

What's the Webinar About?

"Fresh Start", the shorthand for the changes introduced by amending legislation on 1 October 2010, was designed to make improvements to the youth justice system. Now is the time to find out whether the availability of longer orders, new orders and extending the Youth Court jurisdiction to 12 and 13 year olds has truly been a fresh start.

Have the longer orders worked as intended? What is the new developing best practice? What is the experience with parenting, mentoring and drug and alcohol orders? Where can improvements be made? What has the experience been of 12 and 13 year olds being brought into the Youth Court jurisdiction?

What will you learn?

- What has happened with s 283(o) orders under Fresh Start
- What has happened with supervision with residence and with activity and how this can inform best practice
- How to take the best advantage of the potential of mentoring, parenting and drug and alcohol Orders
- What is actually happening with 12 and 13 year olds prosecuted in the Youth Court
- About breaches and the using available responses including judicial monitoring
- How Lay Advocates are helping with outcomes – when they are used
- How to use the Information Sharing Protocol between the Family and Youth Courts.

How Do I Register?

You can sign up here: www.lawyerseducation.co.nz/shop/Live%20Webinars%202012/Youth%20Justice%20Practice%20Issues%20-%20an%20update or email **Dick Edwards** (dick.edwards@lawyerseducation.co.nz) for further information.

Registrations close on **Tuesday 16 October**. Please note that all participants who register 5 days in advance will receive a background booklet. Later registration may mean that your materials do not arrive in time.

Fees are:

$91 – NZLS members and NZLS Associate members
$121 – Non-members.

Key Details

What? NZ Law Society CLE Webinar- ***"Youth Justice Practice Issues – An Update"***
When? Wednesday 17 October, 1pm.
Where? Your office, or anywhere you like!
Who? Anyone involved in the youth justice sector in New Zealand
How? Register at www.lawyerseducation.co.nz/shop/Live%20Webinars%202012/Youth%20Justice%20Practice%20Issues%20-%20an%20update by Tuesday 16 October.

Guest Contribution

"The Teen Commandments"

-Peter Clague, Executive Principal, Kristin School , Albany, Auckland

1. Thou shalt remember why it's called a "Dining" table: Eat together as a family every day. Yes, yes, yes I know you're all busy modern people and those work calls are important and you think there's educational value to be had from eating together in front of the TV news and blah blah blah. There is a warehouse full of research to prove that this single daily habit strengthens families more than any other. So just do it.

2. Thou shalt seize the talkable moment.: For a species that is compulsively obsessed with digital connection, teens are remarkably difficult to communicate with. By all means, take the "if you can't beat 'em, join 'em" approach and try emailing, texting, Skyping, Tweeting or instant messaging your child if you wish. But if they ever appear beside you and look like they might be open to a bit of old-fashioned face-to-face talking, seize the opportunity. No matter what time of the day or night and regardless of what important task you are doing, drop everything and converse with them. And remember, it's a talkable moment, not a teachable moment. Listen, don't lecture.

3. There shalt be no other driver than thyself: You wouldn't give your car keys to a jellyfish. Or a sloth. Or a crazed Marmot monkey. Why would you give them to a teenager? Just because their legs are now longer enough to reach the pedals, doesn't mean that their brains big enough to see the consequences. If you don't believe me, buy yourself an fMRI scanner and have a look inside your son or daughter's skull. The space that is reserved for consistently wise decision-making is currently unoccupied.

4. Thou shalt say No...: The aforementioned space in your child's brain is actually being filled in gradually, but it won't be fully operational until they are well into their twenties. Until then, YOU are their pre-frontal cortex. Or, as it has been beautifully dubbed, 'the area of sober second-thought.' You are the bit of their brain that is missing. So don't ask them "Where was your brain???" when they've done something monumentally stupid – the part that mattered was still in your head. Which is why you get to say 'No' on their behalf.

5. Banish false idols: As per the 3rd Commandment, if your kids aren't driving themselves around, you probably still are. Therefore, this is the perfect time to enact the 2nd Commandment and talk to them without the usual digital distractions. Make your car an ipod-free zone. Try to role-model not using mobile phones whilst driving, and demonstrate that the radio actually has an off-switch. Instead, use the time to chat. Teens especially love car talks because they don't have to make embarrassing eye-contact and they know that you are too pre-occupied watching the road to have a meltdown at what they tell you. So make car journeys a sort of conversational sanctuary, where anything can be asked or expressed without fear. Let them remember that the best advice comes not from Facebook, Justin Bieber, or Jenny's oldest sister's ex-boyfriend, but from their Mum or Dad.

6. Thou shalt not hack their Facebook account.: No. Really. No. Not ever.

7. Thou shalt not covet thy neighbour's children.: It's ok to let your kids see you gazing enviously at the neighbour's new pool. It's ok to wish out loud that you had your boss' office. It's even ok to reflect ruefully on how you were once thinner, or fitter, or less wrinkled. But it is not ok to draw comparisons between your children. If you want your teens to aspire to greater things, holding up the example of the nerd next door or the sports jock down the street is not the way to impel them. Worse still are the words "Why can't you be like your brother?" Nothing erodes the fragile teenage self-image faster than the implied message "I wish you were someone else."

8. As ye reap, so shall ye sow: You have no need to repeatedly point out your teenager's failings – at this age, they are highly capable of doing that all by themselves. Similarly, just because they screw up their face and try to dodge your compliments, persist. Every piece of praise sticks.

9. Wouldst thou confess thy entire adolescence to thy teenager? Enough said. Let he who is without sin etc etc.

10. Thou shalt let a few go through to the keeper: And lastly, nowhere is it written that you have to play every ball that your teenager bowls at you. Consistency is very important when parenting, but you don't have to be perfect. Occasionally, it's ok to step to one side and let a transgression slip past unchallenged.

Stop Press

Latest Research and Developments

Source: www.teara.govt.nz

New Zealand

- **Alison Cleland** "Youth Advocates in Aotearoa New Zealand's Justice System: Exploring the Roles, Functions and Responsibilities of Lawyers for Young People" (University of Auckland and New Zealand Law Foundation, 2012) <www.youthlaw.co.nz/wp-content/uploads/Youth-Advocates-in-Aotearoa-2012.pdf>
- **Nessa Lynch** (NZ) and **Liz Campbell** "Competing Paradigms? The Use of DNA Powers in Youth Justice" (2012) 12(1) Youth Justice at 3.
- **Office of the Children's Commissioner Expert Advisory Group on Solutions to Child Poverty** "Issues and Opinions Paper" (August 2012) <www.occ.org.nz/publications/child_poverty>.
- **Youthlaw** "Out of School, Out Of Mind The Need for an Independent Education Review Tribunal" (August 2012) <www.youthlaw.co.nz/wp-content/uploads/Out-of-School-Out-of-Mind-web1.pdf>.

International

- **Tim Bateman** "Who Pulled the Plug? Towards an Explanation of the Fall in Child Imprisonment in England and Wales" (2012) 12 (1) Youth Justice at 36.
- **Roberta Evans** "Parenting Orders: The Parents Attend yet the kids still offend" (2012) 12 (2) Youth Justice at 101.
- **Elly Farmer** "The age of criminal responsibility: developmental science and human rights perspectives" (2011) 6 (2) Journal of Children's Services at 86. <www.emeraldinsight.com/journals.htm?articleid=1938108>.
- **Robin T Fitzgerald and Peter J Carrington** "Disproportionate Minority Contact in Canada: Police and Visible Minority Youth" (2011) 53(4) Canadian Journal of Criminology and Criminal Justice at 449.
- **Simon Flacks** "Youth Justice Reform: Redressing Age Discrimination Against Children?" (2012) 12(1) Youth Justice at 19.
- **Laura Kelly** "Representing and Preventing Youth Crime and Disorder:Intended and Unintended Consequences of Targeted Youth Programmes in England" (2012) 12 (2) Youth Justice at 101.
- **David Maimon, Olena Antonaccio and Michael T French** "Severe Sanctions, Easy Choice? Investigating the Role of School Sanctions in Preventing Violent Offending" (2012) 50 (2) Criminology at 495.
- **Andrew McGrath and Don Weatherburn** "The Effect of Custodial Penalties on Juvenile Reoffending" (2012) 45(1) Australian and New Zealand Journal of Criminology at 26.
- **Pamela Snow and Martine Powell** "Youth (In)Justice: Oral Language Competence in early life and risk for engagement in antisocial behaviour in adolescence" (Trends and Issues in Criminal Justice, No 435, Australian Institute of Criminology, April 2012). <www.aic.gov.au/publications/current%20series/tandi/421-440/tandi435.aspx>.
- **Jane B Sprott and Nicole M Myers** "Set Up to Fail: The Unintended Consequences of Multiple Bail Conditions" (2011) 53 (4) Canadian Journal of Criminology and Criminal Justice at 404 (about Youth Court in Canada).

Please note that if you know of recent research (be it articles, papers or books) that you think may be of interest to the youth justice sector, we would love to hear from you.

If you are interested in any of the articles and would like more information on them, please feel free to get in touch. We would also love to hear from you about research we should know about for upcoming editions of Court in the Act.

Remember, the Youth Justice Learning Centre lists all the youth justice training opportunities available in New Zealand, as well as a host of youth justice information, resources and links.

www.youthjustice.co.nz