

Lay Advocate and Court Registry Handbook

Youth Court

Fourth Edition | May 2023




MINISTRY OF
JUSTICE
Tabu o te Ture

New Zealand Government

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Foreword

Judge Becroft – *Foreword to First Edition*

Much about the Children, Young Persons and their Families Act 1989 (the Act) was visionary, innovative and indeed world leading. That Act ushered in a quiet revolution. Young offenders were to be dealt with, in the words of Judge Fred McElrea, “according to a new paradigm”. Pioneering new principles well ahead of their time were introduced; important principles which are still absolutely relevant today. Foremost is the twin emphasis on accountability and also responses which address the needs of the young offender and the causes of offending. Other key principles include the strong focus on police led, community based diversion wherever possible rather than charging; the importance of family, whānau and victim involvement; the Family Group Conference as a key decision-making mechanism for serious cases (delivered with a restorative justice approach); community involvement in the process; reduced reliance on institutionalisation and incarceration; and rehabilitative, wraparound, community-based sentences as a priority. In the intervening 25 years a significant part of the original vision has been realised.

However, there are aspects of the Act that are still to be delivered. It has yet to reach its full potential. We can get much more out of the Act. For instance, mechanisms to allow Māori communities to look after their own rangatahi have not eventuated – see the unutilised “remand” provisions in s238(1)(d) for young offenders to be delivered into the custody of an approved Iwi Social Service. See also the little-used provision for cultural or community reports in s336. Arguably, the most glaring failure of all has been the non-use of the provisions creating the quite new role of lay advocates.

Lay advocates were included in the Act as set out in ss326-328A. They have no known counterpart in any other legislation anywhere in the world. Lay advocates were legislatively created to serve two principal, but not exclusive, functions.

Firstly, as part of the vision to improve cultural information about young offenders and their families that is provided to the Youth Court. The aim is that lay advocates will ensure that cultural factors are genuinely factored into decision-making. Secondly, as a means of facilitating more meaningful involvement of families in the Youth Justice process. Lay advocates are to ensure that family/whānau interests and views are properly represented and advocated for.

Despite this visionary new role created for the Youth Court and funded by the state, irrespective of means, lay advocates were simply not used in the Youth Justice process in any meaningful way. Not until 2008, that is. In that year, New Zealand’s first Rangatahi Court was launched. Lay advocates played a crucial role in the operation of that court. Thirteen more Rangatahi Courts and two Pasifika Courts followed (as at June 2016).

Such has been the demonstrable value of lay advocates in the Rangatahi Courts, and the Youth Justice process generally, they quickly became ‘mainstreamed’ into many Youth Courts throughout New Zealand. Lay advocates are now an established and growing part of the Youth Court process and are adding real value to it. Reports provided by lay advocates often uncover family issues and dynamics that Oranga Tamariki social workers cannot penetrate.

Families – and increasingly, hapū and iwi – are given a voice by lay advocates, relieving youth advocates of the dual, and often conflicting, tasks of presenting the views of young offenders and their families. Insightful advice as to cultural factors involved in the offending, or necessary as part of any subsequent intervention package, is being provided. Lay advocates are galvanising families to become involved in the Youth Court process – a key principle of the Act.

The growing appointment and use of lay advocates constitutes one of the biggest changes in Youth Court operations in the last 20 years. More lies ahead. We look forward to trained, expert lay advocates being available for families and as specialist cultural advisers in all Youth Courts in New Zealand. In one sense lay advocates may become the “conscience” of the Youth Court – and a true community voice in the process.

With that in mind, I congratulate the Ministry of Justice for initiating the first Lay Advocates Handbook, and then providing an update by way of the Second Edition. It is the first attempt to codify and detail the boundaries, intricacies and challenges of this role. It will provide valuable guidance for lay advocates and will encourage consistent practice. Together with this Handbook will come consistent and regular training programmes for lay advocates. I not only congratulate those behind this publication but I also thank them for their hard work and support of the Youth Court. The vision of the 1989 Act is one step closer to fruition thanks to their efforts.

One final concluding comment. In my view, it should perhaps be observed that the statutory name ‘lay advocate’, viewed through a 2016 lens, now seems a little outdated. Of course, we must adhere to the statutory language. That language, however, could convey the wrong impression in today’s climate. Lay advocates are no well-meaning amateurs, untrained do-gooders, or second-tier participants in the process. Rather they might be better understood as ‘community advocates’, ‘cultural advocates’, or ‘family/whānau advocates’. They will be highly trained in other walks of life and/or experienced in working with young people and their families/whānau, hapū and iwi. They will inevitably be highly respected within their communities. If Māori, they should and will come to the role with the mandate from, and support of the relevant hapū and iwi. And they will have a highly-developed knowledge of different cultural perspectives and values. They have the potential to significantly contribute to the Youth Court process and to become a vital and independent voice in the process. Lay advocates, as described in, and I hope assisted by, this valuable little Handbook are thus helping to usher in a new era for Youth Justice in Aotearoa New Zealand.

Judge Andrew Becroft

Former Principal Youth Court Judge of New Zealand, 2001 – 2016

Judge Walker – *Foreword to Second Edition*

The role of the lay advocate gives life to the statutory requirement that families/whānau, hapū, and iwi be central to Youth Justice decision-making. I would like to pay tribute to those who have advocated for the role and ensured its continued expansion. In particular, I would like to acknowledge the dedication of the former Principal Youth Court Judge Andrew Becroft to ensuring that lay advocates did not remain an unused legislative concept, but instead were brought to the heart of Youth Justice decision-making – as the law had always intended.

I would also like to acknowledge and thank those who have developed this Handbook. As the role of the lay advocate becomes increasingly entrenched in the Youth Justice process, it is important that lay advocates be supported to deliver a consistent, best-practice approach across New Zealand. This resource will undoubtedly help with meeting this challenge.

Finally, I would like to acknowledge you, our lay advocates. You have proved that the concept of the lay advocate was indeed visionary. Thank you for your invaluable contributions to the Youth Justice process.

Judge John Walker
Principal Youth Court Judge of New Zealand

Introduction to Youth Justice

The Oranga Tamariki Act 1989 ('the Act') governs the New Zealand Youth Justice system and the Youth Court's place in it, as well as the law regarding children and young persons who need care and protection.

When it was first enacted, the Act introduced a new and innovative approach to youth offending. Two features of the new approach stand out. The first is a strong emphasis on addressing young people's offending through community-based approaches where possible, as an alternative to charging and bringing young people to court. The second is using the family group conference ('FGC') as the primary decision-making forum and by including victims in that process, providing the opportunity to take a restorative justice approach.

On 1 July 2019, fundamental changes were made to the Act, including new purposes at s 4, which are to promote the wellbeing of young persons and their families, whānau, hapū and iwi. The purposes are to be achieved by requiring those who exercise powers under the Act to comply with detailed and comprehensive general principles, as well as specific care and protection and youth justice principles.

It is clear the amendments to the Act require a renewed focus and more sophisticated and nuanced understanding and application of tikanga Māori concepts, such as recognising mana tamaiti, whakapapa and the practice of whanaungatanga. A practical commitment to the Treaty of Waitangi is required by everyone, with Oranga Tamariki's Chief Executive having a particular duty to do so.

Four primary considerations that apply to all Youth Court proceedings in s 4A are:

- 1) the wellbeing and best interests of the young person;
- 2) the public interest (which includes public safety);
- 3) the interests of any victim; and
- 4) the accountability of the young person for their behaviour.

In applying those considerations, everyone involved, including Lay Advocates, must be guided by the general principles in s 5 of the Act, which include encouraging and assisting young people to participate; holding the wellbeing of a young person at the centre of decision-making that affects them; and recognising the young person's place within family, whānau, hapū and iwi.

Lay Advocates should familiarise themselves with the general purposes, principles and also the Youth Justice principles in s 208 of the Act as they provide further guidance. These include the principle that measures for dealing with offending should be designed to strengthen the family, whānau, hapū and iwi and foster their ability to develop their own means of dealing with offending by the young person. It is also important to be familiar with the United Nations Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. The Act now requires that the rights of young people under those Conventions must be respected and upheld.

The age of criminal responsibility

The law recognises that the capacity of a child or young person to understand and be held responsible for their actions develops over time. This is reflected by different ages being set for different levels of criminal responsibility:

- The age of criminal responsibility in New Zealand is 10 years. No criminal prosecution can be brought against a child under the age of 10 (Section 21, Crimes Act 1961).
- Children under the age of 10 who offend are dealt with in the Care and Protection system. Children in this age group who offend are considered to be in need of care, rather than incarceration or punishment.
- Children aged 10 to 13 years who are accused of a crime are also mostly dealt with in the Care and Protection system (Section 14(1)(e), Oranga Tamariki Act 1989).
- However, children aged 10 to 13 years charged with murder or manslaughter are treated as a 'young person' and transferred to the High Court for trial (Sections 272(1)(a), 275(1)(a) and 275(2)(b), Oranga Tamariki Act 1989).
- Children aged 10 to 13 years cannot be convicted of an offence unless they know that the act or omission was wrong, or that it was contrary to law (Section 22, Crimes Act).
- Young persons aged 14 to 16 years can be prosecuted in the Youth Court for any offence.
- Young persons aged 17 years charged with less serious offences are now dealt with in the Youth Court. 17-year olds charged with the most serious offences continue to be dealt with by adult courts. A list of offences dealt with in the adult court is contained in Schedule 1A, Oranga Tamariki Act 1989.

Responses to offending

The Oranga Tamariki Act 1989 encourages diversion from criminal proceedings for young people and aims to address the underlying causes of offending. It is only where the nature and circumstances of the offending dictate that stronger measures are required, that these should be imposed to protect the safety of the public. Accordingly, young offenders cannot be arrested unless certain tightly drawn conditions are met.

Like the adult jurisdiction, it is expected that minor and first offenders will be diverted from prosecution by means of an immediate (street) warning. Where further action is thought necessary, the Police can refer a child or young person to the Police Youth Aid section (a specialist unit dealing only with children and young people) for follow up. Depending on the case, this may involve a warning in the presence of the parents, an apology to the victim, and/or a sanction (such as community work).

If the Police believe that a warning is insufficient and instead intend to charge the child or young person in the Youth Court, they may refer the matter to a Youth Justice coordinator for the purposes of holding a Family Group Conference (FGC).

In cases where the Police have arrested and charged a child or young person with an offence, the matter will be brought before the Youth Court. This usually occurs in cases regarding serious offending. The Youth Court will refer matters to an FGC if there is a non-denial or a charge is proved before making a decision.

The following websites have been used for reference material:

- [districtcourts.govt.nz/youth-court](https://www.districtcourts.govt.nz/youth-court)
- [communitylaw.govt.nz](https://www.communitylaw.govt.nz)
- [orangatamariki.govt.nz](https://www.orangatamariki.govt.nz)

The Family Group Conference

A Family Group Conference (FGC) is facilitated by a Youth Justice coordinator from Oranga Tamariki—Ministry for Children. The purpose of an FGC is to consider matters relating to the child or young person's offending and to make decisions or recommendations that ensure they accept responsibility and are held accountable for their offending. There is also a strong emphasis on rehabilitating the child or young person.

There are six situations in which an FGC must be convened:

- child offender care and protection
- intention to charge by Police
- custody conference
- Court directed – 'not denied'
- orders to be made by Youth Court
- Youth Court Judge's discretion at any stage of the proceedings.

Parties included in an FGC are the Police, the young offender and their family/whānau, any victims, Lay Advocates, Youth Advocates, other Youth Justice professionals, and any invited persons.

Introduction to Youth Court

The Youth Court is part of the District Court. You will find a Youth Court in almost every place in Aotearoa New Zealand that has a District Court.

Most young people who get into trouble with the law don't come before the Youth Court. Police will usually deal with low-level offending in the community by issuing a warning, or undertaking an Alternative Action Plan. This might include paying for damage, doing community work, writing an apology letter and/or attending counselling.

When a young person commits a serious offence, they may be directed to a Youth Court to come before a Youth Court Judge. Youth Courts deal with all serious offending committed by a young person other than murder and manslaughter. Murder and manslaughter cases will begin in the Youth Court before being transferred to the High Court. The Youth Court doesn't deal with traffic offending.

The Judge will have received special training to deal with young people. The process will depend on the age of the child or young person:

- Most young people in the Youth Court will be between 14-17 years old; however, 12 and 13-year olds will be included if they are charged with particularly serious offences
- Since 1 July 2019, the Youth Court now includes 17-year olds who have been charged with an offence. If the charge is particularly serious (such as aggravated robbery), it will be transferred to the District Court after the young person's first appearance in the Youth Court. These offences are called 'Schedule 1A' offences.

If it is proven that a young person did commit the offence, the Youth Court has a range of responses available. These include discharging a young person to detention in a secure Youth Justice residence if they have already completed a Family Group Conference plan. In very serious cases, the Youth Court may transfer the case to the District Court for sentence.

Youth Court hearings are less formal than District Court hearings. For example, the Judge will call the child or young person by their first name and the courtroom is usually arranged in a 'horseshoe' shape to encourage people to talk (see diagram on page 12). A Youth Court hearing has several people in attendance who would not usually attend a District Court hearing, such as:

- Police Youth Aid
- Youth Advocate (a specialist lawyer for the child or young person)
- Lay Advocate
- social worker (Oranga Tamariki)
- alcohol and drug clinician or youth forensic services (Ministry of Health)
- education officer (Ministry of Education)
- Youth Justice court supervisor (Oranga Tamariki)
- the child or young person's family/whānau.

Youth Court hearings are closed to the public. Other than the court officials and lawyers, only certain people can attend as described above with the inclusion of the victim, their representative and support people.

The media can attend the hearing, but isn't allowed to publish any report of the proceedings except with the Judge's permission. If leave is given to publish, identifying details, such as the name of the child or young person and their family/whānau, are prohibited from being reported in the media.

The child or young person and their family/whānau only come into the courtroom when their name is called for the hearing. Once their case has been heard, they must all leave the courtroom.

Rangatahi and Pasifika courts

Some places also have specialist courts to help young people, such as Rangatahi or Pasifika courts. Rangatahi courts operate in the same way as the Youth Court but are held on marae and follow Māori cultural processes. Pasifika courts are held in Pasifika churches or community centres and follow Pasifika cultural processes.

Rangatahi and Pasifika courts are designed to help Māori and Pasifika youth engage in the Youth Justice process. They're also designed to involve Māori and Pasifika families and their communities in the Youth Justice process. The courts work within the Youth Court legal structure. The same laws and consequences apply as they would in the Youth Court. A child or young person of any ethnicity can elect to attend the Rangatahi or Pasifika court, provided they agree to comply with the respective cultural processes of these courts.

A young person will not go directly to a Rangatahi or Pasifika court, but instead will be referred by a Judge in the Youth Court. Referrals are made on a case-by-case basis and the child or young person and their family/whānau must agree to have future appearances held at a Rangatahi or Pasifika court. After an agreed referral, the young person will have their Family Group Conference plan monitored in the Rangatahi or Pasifika court, instead of it being monitored in the Youth Court.

Youth Court Process

Sometimes, a Family Group Conference (FGC) is held before the child or young person comes to court to decide whether the matter can be dealt with by 'Alternative Action' (Police diversion), or whether a charge needs to be laid in the Youth Court. This is known as the Intention to Charge FGC.

If the Intention to Charge FGC decides that a charge should be laid in court, the child or young person will be given a time and date to appear in court for the first time. Sometimes if a child has been arrested, they'll proceed directly to the Youth Court without an Intention to Charge FGC.

The Judge must direct that an FGC take place if an Intention to Charge FGC has not been held, for example, if the child or young person was arrested and brought directly to court. A court-ordered FGC takes place after a child or young person has appeared in the Youth Court and accepts responsibility for the charge brought against them.

The child or young person must have a lawyer with them at their hearing. The Judge will appoint a specialist youth lawyer (called a Youth Advocate) free of charge, which is managed by the Court Registry. However, the child or young person can also choose to pay for their own lawyer if they want to.

When their hearing starts, the Youth Advocate will be asked by the Judge whether the child or young person accepts or denies the charge.

If the child or young person:

- **denies** the charge, the Judge will set a date to come back for a defended hearing
- **does not deny** the charge, the case is adjourned/remanded to a new court date to allow a Youth Justice Coordinator to arrange an FGC to make a plan.

The Judge will also appoint a Lay Advocate to support the child or young person and their family/whānau in court if appropriate.

The FGC plan will include recommendations for how the child or young person can take responsibility for what they did and how to make sure they don't reoffend. The plan may also recommend a referral to either the Rangatahi or Pasifika courts. The Judge will review and then approve or amend the plan that was made at the FGC. The Judge will remand the case to the next appropriate sitting in the Youth Court (including Rangatahi or Pasifika court if elected). The child or young person may be required to regularly come back to court so the Judge can ensure they're completing the plan.

More information about the Youth Court can be found at:

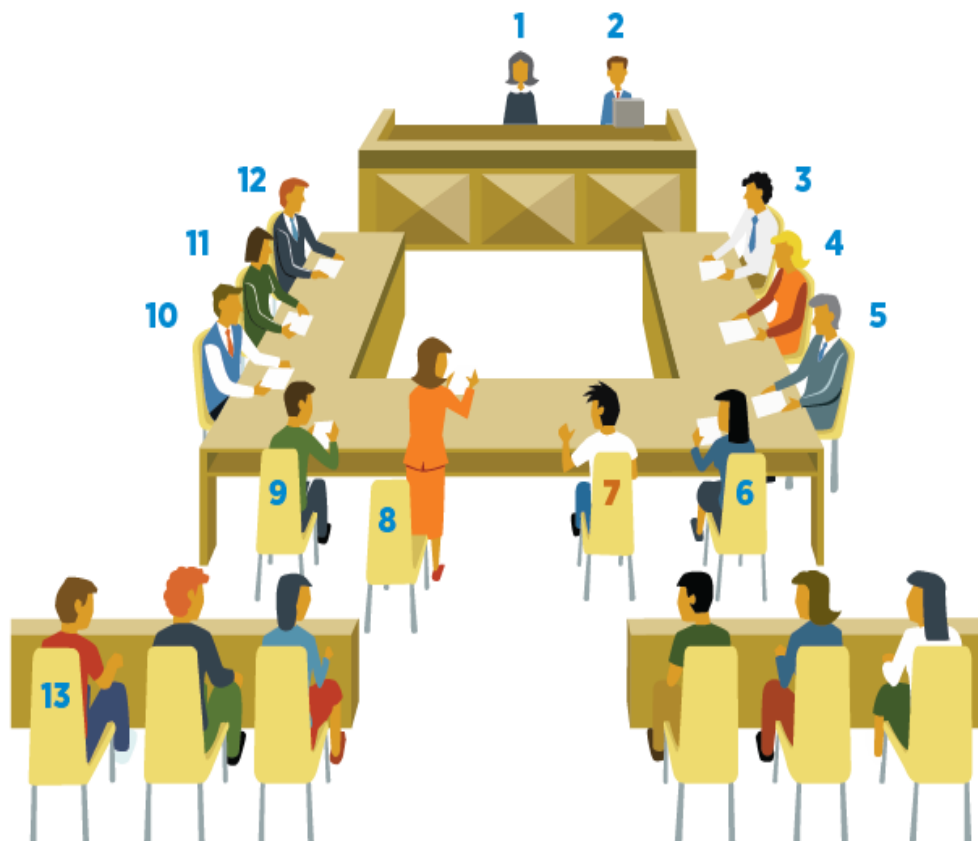
districtcourts.govt.nz/youth-court

Key roles in the Youth Court

It is vital that Youth Court participants understand their role and the roles of others.

Below is a list of who is in the courtroom and an image of the court set-up.

1. Judge
2. Court Taker
3. Prosecutor
4. Youth Aid Officer (New Zealand Police)
5. Other invited party
6. Youth Advocate
7. Young person
8. Lay Advocate
9. Social worker (Oranga Tamariki—Ministry for Children)
10. Alcohol and drug clinician, or youth forensic services worker
11. Education Officer
12. Youth Justice Court Supervisor (Oranga Tamariki—Ministry for Children)
13. Young person's family/whānau



Lay Advocates in the Youth Court

The increase in numbers of appointments and use of Lay Advocates constitute one of the biggest changes in Youth Court operations in the last 10 years. Lay Advocates are now an established and growing part of the Youth Court process and are adding real cultural value by galvanising whānau, hapū and iwi and their equivalents to engage in the process.

Lay Advocates are statutorily appointed under section 326 of the Oranga Tamariki Act 1989 (the Act) to appear in support of a child or young person appearing in court. As a statutory appointment, Lay Advocates are not employed by, or contracted to, the Ministry of Justice or the Court.¹ Lay Advocates are an independent service provider and are not covered by the Employment Relations Act 2000.

In part, section 326(2) of the Act states the Court shall, where practical, assign a Lay Advocate who has appropriate standing in the culture of the child or young person. That Lay Advocate shall have standing by reason of personality, cultural background, knowledge and/or experience to enable that person to carry out their duties under the Act.

Lay Advocates will either be appointed to a specific Youth Court or a group of courts in a defined geographic area (Justice Services Area). An appointed Lay Advocate can be assigned to a case at any point after a charge has been laid in the Youth Court, but usually after the child or young person does not deny the charge. The Court Registry usually manages the assignment of a Lay Advocate to a case.

Key Youth Justice working partnerships

Lay Advocates work closely with a range of Youth Justice partners:

- Youth Court Judges
- fellow Lay Advocates
- Ministry of Justice – Court Registry staff, management and court security
- New Zealand Police – Youth Advocates, forensic health professionals, education officers
- Oranga Tamariki—Ministry for Children – social workers, youth justice workers
- family/whanau, including kaumatua/kuia and Pasifika elders
- Department of Corrections or Youth Justice residences
- communication assistants
- youth workers and youth navigators
- hapū and iwi

¹ Section 12 of the Interpretation Act 1999 sets out that the power to appoint includes the power to remove and suspend from office.

Key functions of Lay Advocates in the Youth Court jurisdiction

A Lay Advocate has two key functions as set out in section 327 of the Oranga Tamariki Act 1989:

1. To ensure that the court [Judge] is made aware of all cultural matters that are relevant to the proceedings; and
2. To represent the interests of the child or young person's whānau, hapū, 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.

The role of the Lay Advocate is not to duplicate the responsibilities of other Youth Justice agencies (social workers, education officers, Police, or health professionals) or to step in and fill a gap if those functions are not adequately performed.

To be clear, the Lay Advocate role within the Youth Court does **not** extend to:

- negotiating courses for the child or young person, or education services
- arranging and/or supervising community work
- transporting a child or young person to and from counselling programmes and attendance at any appointments
- transporting to and from and/or watching sports events the child or young person is involved with
- transporting to and from the Youth Court
- providing legal advice and interpreting services.

Note:

- Obligations agreed to by the Lay Advocate under a Family Group Conference Plan are considered voluntary and cannot be invoiced for.
- Advocating for, and attendance with, the young person and their family/whānau at Work and Income, with social workers, Immigration New Zealand, or other social service meetings on a voluntary basis cannot be invoiced for.

Being assigned to a case

The Lay Advocate role is self-managing and will require a person to manage their time commitment in accordance with the work brief and under the express guidance of the Court.

The role of a Lay Advocate is not a full-time role and the workload will vary according to the needs of the Court. There is no guarantee about the frequency of assignments and the Court has no obligation to provide ongoing and consistent assignment to cases.

Lay Advocates are not assigned to every Youth Court case. The Judge during a court sitting may direct that a Lay Advocate be assigned to a case. The Court Registry may select an appropriately matched Lay Advocate from the pool to be assigned to the case. On occasion, the Judge may request a specific Lay Advocate to be assigned.

Where possible, the Judge or Court Registry will appoint a person who has appropriate standing in the culture of the child or young person. The Court will consider the personality, cultural background, knowledge and experience of that person so they can carry out his or her duties.

It is critical that the Lay Advocate meets the requirement of section 326(2) of the Oranga Tamariki Act 1989 (the Act) by having "sufficient standing in the culture of the child or young person". Other factors the Court Registry may consider include cultural match, expertise/experience or current workloads.

Once a direction is made to assign a Lay Advocate, the Court Registry will email the appointed person a letter. The letter will include the details of the child or young person, a work brief, and the case's billable hours' allowance. The letter will also ask for the Lay Advocate to confirm by return email that they accept, or do not accept, the terms of the appointment. The Court Registry will also send a letter to the child or young person advising of the Lay Advocate appointment. The letter will also briefly outline the role of a Lay Advocate

A Lay Advocate may also be assigned for a child or young person when a case that started in the Youth Court is being appealed to the District Court or High Court, or if there has been a remand under section 238(1)(d) of the Act.

Key activities

The following section serves as a guide about the respective role and responsibilities of the Lay Advocate in the Youth Court.

Attendance at Court

Lay Advocates are expected to be present at all court hearings of the child or young person. The Lay Advocate will provide information through a written report to the Court about all cultural matters relating to the child or young person, their whānau, hapū, and iwi (or equivalent).

At subsequent court hearings, the Judge will ask the Lay Advocate for a verbal update on the work or progress made since the last appearance. The update should mirror the key points as raised in the written report already submitted to the Court, or any update between court appearances.

When in Court, good practice includes consideration of how the courtroom operates, knowing how to present yourself professionally, how to interact with the Judge and communicate with other professionals present.

Good court etiquette requires that you address the Judge and other professionals in the court appropriately. For example, address the Judge as "Your Honour", "Sir", or "Ma'am", and stand when you are speaking.

A tidy and professional style of dress is required in the courts. If you're unsure of what is appropriate, please speak to the court registry. Mobile phones are not to be used within the courtroom and should be on silent or turned off.

See appendix 5 (page 37) for a detailed court etiquette guide used by court registry staff.

Report Writing

Once appointed, Lay Advocates are expected to provide a written report to the Court prior to the hearing, and thereafter as required by the Judge. The report should contain information about the child or young person's background (including family/whānau, hapū, iwi or other cultural and/or community ties). The Lay Advocate will often be asked by the Judge to speak about the contents of their report in Court.

Any subsequent report should provide an update of the child or young person's progress since the last hearing. The information contained in these reports can assist the Judge and elders in the Rangatahi and Pasifika courts to draw connections to the child or young person's family/whānau. The pepeha (a way of introducing yourself in Māori) or equivalent needs to have a prominent place at the beginning of the report.

All reports must be provided to the Court Registry at least **three working days** before the child or young person's next appearance. This allows the Judge time to read the report prior to the hearing and for referral to the Rangatahi and Pasifika courts if required.

Lay Advocate reports will also be distributed to other entitled parties for the hearing under the Oranga Tamariki Act 1989.

Participation in Family Group Conferences

Lay Advocates are expected to engage with the Family Group Conference (FGC) process. A Lay Advocate will encourage participation of the child or young person and their whānau, hapū and iwi (or their equivalent) during the FGC process. Lay Advocates may also be required to speak on, or advocate for, the views of the child or young person's family/whānau, where these are not articulated or understood.

The proceedings and discussions at an FGC are privileged (confidential) and are not to be published. The privilege and confidentiality provisions ensure that all discussions within the FGC can be frank and uninhibited. Telling anyone about what was said at an FGC or people's views as expressed is prohibited. Discussion of any statement or admission made at an FGC is not permitted and should not be spoken about in Court proceedings.

The Lay Advocate has a responsibility to ensure that a referral to Rangatahi or Pasifika courts is discussed where appropriate and an informed decision made.

Meeting with child or young person and their family/whānau

Lay Advocates are expected to meet and develop a strong relationship with the child or young person, their family/whānau and where applicable, hapū and iwi. The Lay Advocate will help them understand the court process and to further encourage wider participation of family/whānau.

The frequency of an initial meeting, and any further meetings, is at the discretion of the Lay Advocate. However, the Lay Advocate should consider an environment in which the child or young person and their family/whānau will be comfortable. The Lay Advocate should also engage with the child or young person and their family/whānau at a time that ensures the Court is provided with up-to-date information.

Lay Advocates shall ensure that an appropriate parent or guardian is present at any visits. Unannounced visits are discouraged and are rarely considered appropriate.

Relationship management

Lay Advocates should maintain professional and collaborative relationships with all stakeholders in the Youth Justice sector. To build a collaborative model it's important to listen carefully to individuals, and to understand information without misinterpretation. It's also important to be willing to learn about the parties you're meeting and to help them understand the Lay Advocate role.

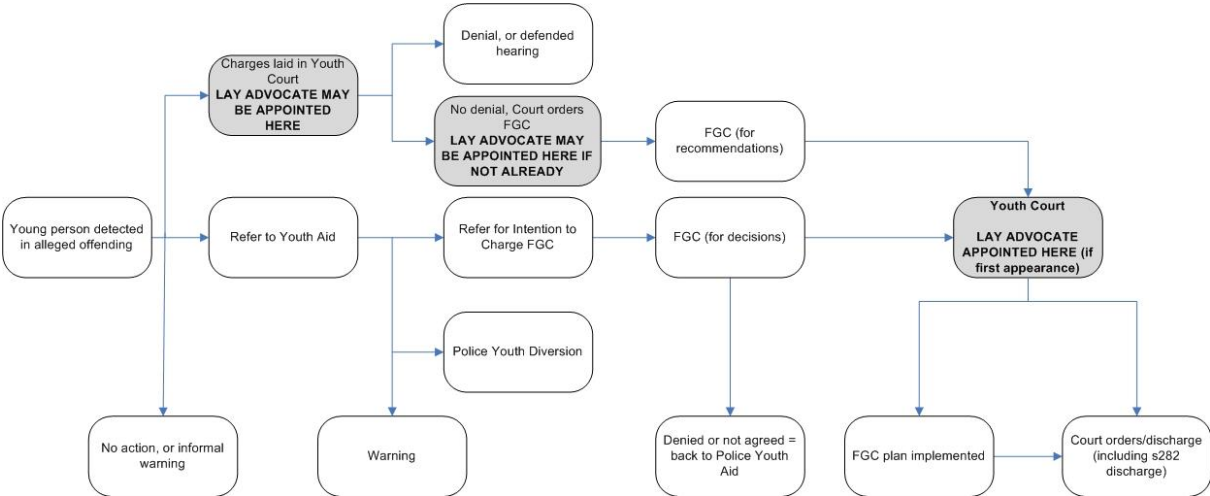
In some circumstances, a key relationship may involve talking to a wide range of iwi members, cultural groups and organisations linked to the young person's ethnicity or cultural values. It's important that a Lay Advocate have some understanding of values relating to the young person's culture, and to enter any discussions with an open mind.

The end of assignment

An assignment will end in any of the following circumstances:

- the Family Group Conference plan is complete, and the Youth Court has made a final decision on the outcome of the charge
- the child or young person indicates to the Court that they don't want or need the Lay Advocate to be involved
- the case is transferred to another court, or another Lay Advocate is appointed
- the Judge directs that a Lay Advocate is no longer required.

Lay Advocate pathway into the Youth Court



Note: This map is for Lay Advocates' use only. It is intended to be a summary of key aspects of the Youth Justice process. It does not show the full number or extent of pathways through the Youth Justice system.

The appointment process

From time to time, the Service Manager may advertise locally for new Lay Advocates. The Service Manager will organise the interviews for potential Lay Advocates after a shortlisting process has taken place. This process is done in consultation with the relevant Administrative Youth Court Judge (AYCJ).

A panel will be appointed to consider applications for the role of Lay Advocate. The selection panel may consist of a Youth Court Judge, the Service Manager, a Police Youth Aid Officer, an Oranga Tamariki representative, a Youth Advocate and local kaumatua or another appropriate representative as determined by the Administrative Youth Court Judge. All persons seeking appointment will be interviewed by the panel.

Please note: In special circumstances, the AYCJ may appoint a Lay Advocate on their own volition. Accordingly, an appointment of the Lay Advocate may not require a panel to be convened for an interview.

Police Vetting and ID cards

Police vetting

As part of the appointment process, a Lay Advocate is required to undertake a New Zealand Police Vetting Service check. The Police Vetting Service provides criminal history checks and other relevant information on people that provide care to children and vulnerable members of society.

Under the Vulnerable Children Act 2014, the Ministry of Justice is required to vet existing Lay Advocates every three years.

If a result is returned from a Police Vetting Service check, that information should be made available to the Administrative Youth Court Judge (AYCJ) who will decide on the appointment of that person as a Lay Advocate. The AYCJ will record their decision by way of a file note on the Lay Advocate's appointment file.

ID cards

Once appointed, a Lay Advocate will be issued with a Lay Advocate ID card, which will be valid for 3 years. They are required to carry their ID card when performing the duties of the role and should be prepared to provide the ID card as confirmation of their identity.

Any lost ID cards must be reported to the local Court Service Manager.

All cards must be returned to the Court Registry upon termination, resignation, or if a Lay Advocate role is being renewed for another 3 years.

Process to renew your police vetting and ID card

Every 3 years, Lay Advocates will be required to undergo police vetting, as well as renew their ID card. This is because police vetting only lasts 3 years.

Regional Service Delivery Operations Support will advise Lay Advocates three months before their police vetting and ID card expire. Allowing three months will ensure that there is plenty of time to complete the renewal process before both expire, but also allow them to continue accepting assignments.

Please see the below for an outline of the process:

1. Regional Service Delivery Operations Support will email advising if a Lay Advocates police vetting, and Lay Advocate ID need to be renewed. This will outline key information, forms to complete, and timeframes (as highlighted below).
 - a. The police vetting consent form can be downloaded from police.govt.nz/advice-services/businesses-and-organisations/nz-police-vetting-service/forms-and-guides

They must provide:

- pages 2-3 of the Police Vetting consent form, and
2 forms of ID – one primary ID and one secondary ID. One ID must be a photo.

Note: More information about the Police Vetting Service, and current vetting timeframes are available on their website (typically, police vetting takes a minimum of 20 working days): police.govt.nz/advice-services/businesses-and-organisations/nz-police-vetting-service.

- b. They must complete the Lay Advocate ID application form. Attach a passport photo that meets the standard requirements set out by Department of Internal Affairs. Please refer to the [DIA's passport photograph guidelines](#) for more information.

Note: Once Regional Service Delivery Operations Support have received the Lay Advocates police vetting results, they will issue a new Lay Advocate ID card. Typically, this will take a minimum of 10 working days.

2. Lay Advocates will send their completed forms for both the police vetting and the ID application through to: RSDOperationsSupport@justice.govt.nz.
3. What they can expect:
 - a. Their local court will be advised of the result of their police vetting.
 - b. The new ID card will be sent to their local registry. The registry will contact the Lay Advocate to collect it. When they pick their ID card up, they will need to sign the terms and conditions of having the ID, as well as return their old ID.

Review of appointments to the role

Every three years, there will be a review of existing Lay Advocate lists. The Service Manager from the Court Registry organises the review in consultation with the relevant Administrative Youth Court Judge (AYCJ). The Service Manager will notify all Lay Advocates of the proposed review.

The Service Manager will send a letter to all current Lay Advocates asking them to indicate whether they wish to be considered for reappointment. Those interested in reappointment must provide an 'expression of interest to be reappointed' covering letter and a current CV. A response is to be provided within 25 working days.

The Service Manger may also choose to advertise locally, calling for expressions of interest for the role. Interested persons are to provide an 'expression of interest' covering letter and a CV within 28 working days.

A review panel is established to conduct the review and will include:

- a local Youth Court Judge
- a senior Youth Advocate
- a Police Youth Aid Officer

- a representative from Ministry for Children—Oranga Tamariki
- a kaumatua or kuia.

The Service Manager will send the list of all those seeking to be appointed to the review panel for consideration. The review panel will consider:

- the recent performance of the Lay Advocate (if appropriate)
- their ability to relate to a child or young person
- their knowledge of the Oranga Tamariki Act 1989
- their knowledge of tikanga/culture
- their ability to write a cultural report
- any other reasons considered relevant to an appointment.

The review panel will assess reappointment candidates on the papers provided and may conduct interviews if necessary. Upon a decision, the panel will make a recommendation to the local AYCJ. On receipt of the panel's recommendations, the AYCJ will consider the recommendation and approve or modify the list as appropriate. Reappointment of existing Lay Advocates may be subject to specified conditions; for example, that specific training and mentoring programmes must be completed. This shall also apply to any new Lay Advocate.

The panel is not bound by any presumption of reappointment of current Lay Advocates to the reviewed list. It may balance the need for experienced Lay Advocates against the need to refresh the list with new Lay Advocates from time to time.

In the event of an applicant not being included on the Lay Advocate list, the applicant may apply to the AYCJ within one month of the date of the decision for the matter to be reconsidered, providing reasons. The AYCJ will review its decision in light of any new information and confirm or change its earlier decision.

Note: Lay Advocates appointed twelve months prior to the commencement of the review may be excluded from this process.

Standards

Professional integrity and responsibility are central to the maintenance of public and government confidence in the Ministry of Justice and Courts in general.

While standards provide an outline of what is expected of Lay Advocates, they are not a substitute for care, consideration and common sense. Lay Advocates shall exercise good judgement based on integrity and honesty in every action taken representing the Court, and in all situations where their actions could reflect on it.

It is important that Lay Advocates respect other professionals and the roles they are required to do. If a Lay advocate disagrees with a decision of another professional, it should not be debated in public or in front of the young person and their family/whānau.

Standards also relate to actions and activities outside work. As a general principle, personal activities that don't interfere with the performance of official duties or reflect on the integrity or standing of the Court are of no concern. However, the Court has a legitimate interest where private activities have the potential to discredit the Court or otherwise harm its reputation.

Lay Advocates shall have utmost regard to the confidentiality of judicial information and to security requirements. In the delivery of services, Lay Advocates must not breach, interfere with, or prejudice the independence of the judiciary by:

- attempting to involve, lobby, or influence individual Judges about decisions or matters that fall within the management responsibilities of the Ministry of Justice or the judiciary (except where such communication is required to deliver the services you are providing)
- behaving inappropriately with the judiciary, such as attempting to discuss with a Judge the details of a case that the Judge is or has been involved with, unless required to do so for work purposes.

If a situation arises where there could appear to be a conflict of interest (no matter how remote), Lay Advocates should notify the Court Registry as soon as possible.

The Service Manager will be responsible for deciding the action required to resolve or manage the situation. Similarly, Lay Advocates must advise the Service Manager of personal circumstances that may (or may appear to) compromise their ability to meet responsibilities to the Court.

Lay Advocates shall be open and honest regarding matters relevant to an appointment and must not withhold or misrepresent information about conduct or suitability for ongoing appointments. Lay Advocates are expected to foster and maintain effective working relationships with colleagues, Youth Justice team members, Court Registry staff and the judiciary.

Lay Advocates are expected to always act lawfully in both their work and private lives. Actions by Lay Advocates that infringe upon or break the law can harm the reputation of the Lay Advocate role.

If a Lay Advocate is subject to any Police investigation, charged with or convicted of any criminal offence (except an infringement offence), or becomes subject to any court order in relation to a criminal matter, they must inform the Service Manager at the earliest opportunity.

All breaches and alleged breaches of the law by Lay Advocates are of concern, particularly where they involve dishonesty, breaches of trust, or violence. Similarly, they may need to report any involvement in civil proceedings in a court or tribunal that could constitute a conflict of interest or other breach.

If a Lay Advocate is unsure how to respond to an issue, they should contact the local Service Manager for guidance.

Confidentiality

Lay Advocates have a duty to respect and protect information. This includes only using information for its intended purpose and complying with all legislative requirements, including those set out in the Privacy Act 1993 and the Oranga Tamariki Act 1989.

Much of the information Lay Advocates have access to is confidential and sensitive. This includes, but is not limited to, court information and other agency reports. The Lay Advocate must take proper care with the use, exchange, storage, disclosure, and disposal of all information (whether in electronic or written form) to ensure it always remains secure and is

used only for its intended purpose. This includes any information that could be used to make a link between the individual and the information.

Lay Advocates should observe others' rights to privacy and confidentiality and not breach these. This means only disclosing information held by the Court to people lawfully entitled to receive that information, and only disclosing information when authorised to make such disclosures. If a Lay Advocate is unsure whether a person requesting information is lawfully entitled to receive that information, they should refer the matter to the Court Registry.

Information can be kept secure by:

- using a password or encryption on your computer
- not leaving confidential documents where other people might see them
- not discussing case details in public places such as court waiting rooms
- making phone calls at a time and a place where you will not be overheard
- being particularly watchful when travelling with court documents.

All hard copy documents must be returned directly to the Court Registry for secure destruction when a case has concluded. If sensitive information has been downloaded to a computer, ensure that it has been deleted securely. Documents that require destruction include:

- copies printed for reading off-line
- duplicated documents attached to emails
- copies saved in personal drives, laptops, personal computers, or removable storage devices
- working files containing paper copies
- information stored in any other form or format.

Lay Advocates are entitled to receive specialist reports provided to the court relating to the case they are assigned, for example, psychologist, psychiatrist, social worker, health and education reports. This is subject to any direction made by a judge in a specific case.

Section 333 reports (psychologist, psychiatrist reports) may come with certain directions from a judge that specified parts may not be released to certain people. It is critical that these restrictions are adhered to by Lay Advocates. The reports remain confidential and the content must not be disclosed to any party (including the young person or their family/whānau) without the consent of the Court. Any disclosure could be detrimental to the physical, mental or emotional wellbeing of the young person or other persons to whom the report relates.

Lay Advocates must ensure all reports are securely stored so they cannot be accessed or viewed by another person. In certain cases, it may be appropriate that the reports are viewed only at the Court, and reports must be returned to the Court for destruction when no longer required or the assignment has ended.

Reporting privacy breaches

If a Lay Advocate thinks someone else has seen documents or information relating to a case, they must:

- immediately report the issue to the Court Registry
- take all reasonable measures to retrieve the documents or prevent the information from spreading

- work with the Court Registry and anyone they have notified (Ministry of Justice National Office, the Police) to help them investigate the incident
- check with the Court Registry before letting the child or young person/people affected, and their family/whanau, know what has happened.

Preserving confidentiality and adherence to privacy is one of the most important parts of the Lay Advocate role and there is an expectation to maintain very high standards. Failing to do so can result in a Lay Advocate being permanently removed or suspended from the role/pool.

More information about privacy can be found at:

[privacy.org.nz](https://www.privacy.org.nz)

Complaints procedure

Concerns or complaints about the conduct of a Lay Advocate can be made to the relevant Court Registry. All complaints will be investigated and may result in removal from the Lay Advocate pool. A fair and transparent process will be undertaken when investigating such complaints.

The procedure below sets out what will happen if a complaint is received:

- the Service Manager shall advise the Lay Advocate in writing that a complaint has been received as soon as practicable
- the Service Manager may discuss the matter directly with the Lay Advocate, develop a written plan and recommendation to resolve the issue, and may inform the local Judge
- if the Service Manager is unable to resolve the complaint, they may refer the matter to a local Judge for their consideration and guidance
- if the complaint raises a substantial matter, the Judge may refer the complaint to a panel for consideration.

Complaints referred to a panel for consideration

The Service Manager or Manager Justice Services will advise the Lay Advocate in writing that the complaint against them will be considered by the panel.

When a complaint is referred to a panel, the Lay Advocate has 21 working days to make any submissions and representations in writing, after which point the panel will convene. The time period starts when the Lay Advocate is notified by the Court.

The Administrative Youth Court Judge (AYCJ) for the region may choose to suspend the Lay Advocate from the pool in the interim, pending investigation and resolution of the complaint. If this suspension occurs while appointed to a case, it will be necessary to cease the Lay Advocate's involvement for the period of the investigation. This will usually mean that another Lay Advocate is appointed to the case.

The panel is comprised of four representatives:

- a senior criminal lawyer
- the Ministry of Justice Service Manager or delegate

- two of the following: Police Youth Aid officer, representative from Oranga Tamariki—Ministry for Children, or a Youth Advocate, and if appropriate, local kaumātua or another cultural representative.

The panel must keep the Lay Advocate informed of the nature and details of the complaint and ensure they are given the opportunity to be represented and heard by the panel.

Following deliberations, the panel may recommend to the AYCJ that the Lay Advocate be:

- suspended for a specified time from the lay advocate pool, or
- retained on the lay advocate pool but subject to reasonable conditions for a specified period, or
- removed from the lay advocate pool.

The grounds upon which Lay Advocates can be removed or suspended from the pool include:

- professional misconduct in carrying out duties as a Lay Advocate, such as breaking confidentiality
- conduct which, in the opinion of the panel, is likely to bring the Court into disrepute
- failure to carry out duties of a Lay Advocate responsibly and competently
- promotion of illegal or inappropriate practices, such as physical discipline
- conduct unbecoming of a Lay Advocate or inconsistent with the role description.

Once the AYCJ has reached its decision based on the panel's recommendations, the Justice Service Manager shall communicate the decision/s, including reasons for the decision/s, to the Lay Advocate.

Complaints by Lay Advocates

If a Lay Advocate wishes to raise an issue or make a complaint, their first point of contact is the Court Registry. The Court Registry will try to resolve the issue, or if unable to do so will refer the matter to the Administrative Youth Court Judge.

Health and Safety

The Ministry of Justice (the Ministry) is committed to continuous improvement to achieve excellence in the management of health and safety. A Lay Advocate, while not a Ministry staff member, is considered a worker under the Health and Safety at Work Act 2015. The Ministry, therefore, recognises that it has a responsibility to ensure, as far as reasonably practicable, the health and safety of a Lay Advocate is maintained while they are performing the functions of this Court-appointed role.

Prior to being appointed to the role, a Lay Advocate will be taken through the key elements of risk identification and management as part of their induction. The induction will cover off the risks associated with the Lay Advocate role, what can be done to keep safe, and the tools the Ministry has in place to help Lay Advocates achieve this.

What the Health and Safety Work Act 2015 requires of a Lay Advocate

While carrying out the functions of the role, a Lay Advocate, as a worker under section 45 ('Duties of workers') of the Health and Safety at Work Act 2015 (HSWA), must:

- take reasonable care for their own health and safety
- take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons
- comply, as far as they are reasonably able, with any reasonable instruction that is given by the Ministry or Court Registry to allow the Ministry to comply with the HSWA or the Ministry's regulations
- co-operate with any reasonable policy or procedure of the Ministry relating to health or safety at the workplace that has been notified to them.

Keeping safe in the Lay Advocate role

The safety and wellbeing of Lay Advocates is paramount to the Court. A key focus for a Lay Advocate should always be on keeping themselves safe. As is the case with all roles, there are risks associated with the Lay Advocate role that need to be managed. The risks particularly relate to:

Working alone

- Needing to manage stressful situations or behaviour (e.g. aggression, violence, intoxication) while unaccompanied

Driving

- Driver fatigue
- Driver distraction
- An increased chance of accidents in extreme weather and/or due to poor road conditions

See appendix 4 for a detailed Safe Driving Guide (page 38)

Entering private properties	<ul style="list-style-type: none"> • Being confronted by unrestrained dogs • Visiting a property with a gang association • Being exposed to drug manufacturing • Being unfamiliar with the layout of the property in case they need to leave quickly
Working from remote locations	<ul style="list-style-type: none"> • Inability to access emergency services quickly if needed, due to the location of the property or property access issues

Identifying and managing risks associated with the role

To manage safety and wellbeing, a Lay Advocate should treat each meeting as unique and follow a process to identify and manage the associated risks. The following steps will help a Lay Advocate to identify any potential risks:

- ask the Court Registry to run a check in the HASARD database (system used by bailiffs to easily access alert information) for alerts or incidents relating to the address or the child/young person
- check with the key contacts (Youth Advocate, social worker and the Police Youth Aid Officer) to see if there is anything of cause for concern at the address
- confirm with the Police that the address is not of concern to them.

Lay Advocates can carefully prepare for the meeting by completing the Pre-Visit Assessment Guide. See appendix 2 (page 34). The form prompts a Lay Advocate to identify actions that can be taken to reduce the likelihood and consequences of their safety and wellbeing being compromised.

The Pre-Visit Assessment Guide will also help to determine where the meeting needs to be held. If a box is ticked for any of the risk areas included on the Guide, then a Lay Advocate should consider holding the meeting in a public place.

Lay Advocates should consider completing the assessment if planning to meet with a child/young person and their family/whānau for the first time, or if they haven't visited within the past 28 days.

It is recommended that before going to a meeting, a Lay Advocate should tell someone their destination and expected time of return.

An additional Health and Safety Checklist has been designed to assist with other health and safety considerations upon arriving at a property. See appendix 3 (page 35).

Stay alert throughout the meeting and continue to reassess for risk

It is important to note that risk assessment responsibilities do not end once the Pre-Visit Risk Assessment and the Health and Safety Checklist have been completed. These resources help gather initial information to identify risks associated with a visit and the actions to take to mitigate those risks. However, situations can and do change quickly. For this reason, it is

essential that a Lay Advocate stays alert and continually reassesses the situation throughout the meeting.

***'If in doubt, get out' - Safety is paramount.
If feeling unsafe at any time, end the meeting and leave.***

Review and close-off after returning from the meeting

Lay Advocates should always review how the meeting went. If an incident occurred on the way to or from the meeting, or at the meeting itself (even if it did not result in an injury), the Lay Advocate must inform the Court Registry as soon as possible.

The types of incidents that need to be reported include, but are not limited to, harassment, threatening or aggressive behaviour, violence, intoxication, suspicious behaviour, unrestrained dogs, vehicle accidents or near misses, slips or trips etc. Incidents also include 'near misses'. The Registry will log any incidents in the Ministry's health and safety management tool, Haumarū.

Haumarū allows the Ministry and the Court to better understand our working environment through gathering information. Haumarū allows people to manage the current situation as well as allowing the Ministry and the Court to reduce the potential for further incidents and harm to Lay Advocates, people we work alongside, and members of the public.

Any issues or incidents relating to the address should be sent by the Court Registry to the National Service Delivery (NSD) Operations Support team to be entered in the HASARD database.

NSD can be contacted at: NSDOpsSupport@justice.govt.nz

Assistance programme

The Ministry recognises that there are often situations occurring at home and work that can be difficult to manage.

The Ministry offers an Employee Assistance Programme (EAP) that can be accessed 24 hours a day, 7 days a week. EAP provides confidential counselling that can help manage conflict, stress, anxiety, depression or any type of emotional difficulty resulting from the tasks a Lay Advocate undertakes on behalf of the Court. The service offers meetings with experienced, independent counsellors, and has a range of counsellors and psychologists available nationwide. Lay Advocates can access EAP and request counselling for help managing both personal and professional matters.

EAP can be contacted by phoning 0800 327 669 or booking online at: eapservices.co.nz/request-an-appointment

Attending counselling and any information disclosed during a counselling session is confidential and will not be disclosed to the Ministry. In some situations, information will be disclosed if there has been documented prior discussion, agreement, and consent given by the Lay Advocate

before attending counselling. Providers of counselling do have a duty to report concerns to the Ministry if they have cause to believe there is a risk of harm.

Up to three counselling sessions are available. In some instances, further sessions can be approved if required.

EAP does not include the provision for professional supervision.

Payment, expenses and invoicing

A Lay Advocate is required to invoice the Court monthly for work completed. The current fee payable is \$100 per half day (4 hours), \$200 per full day (8 hours), or on a pro-rata basis at \$25 per hour, including GST. Lay Advocates, as self-employed individuals, are responsible for their own tax. Lay Advocates may also be required to register for GST. If you're unsure about tax obligations, you can seek further guidance from Inland Revenue.

ird.govt.nz

Lay Advocates will not be remunerated for work they undertake that is outside their role, the Court's brief and allocated hours for the duration of the case.

The letter of appointment from the Court will inform the Lay Advocates that they have been allocated 30 hours of work at a total cost of \$750 and up to \$250 of reimbursements for parking (receipt required) and mileage.² This is a fixed amount for the duration of the case, approximately four months. Lay Advocates may claim up to 30 minutes per youth/per month for the preparation of invoices and extension requests.

It is important that Lay Advocates and the Court have a common understanding about what to do to reduce the likelihood of any unexpected costs. If the agreed 30 hours for the duration of the case needs to be extended due to complexities, this will need to be approved by the Court prior to undertaking additional tasks (see information on extensions on the next page).

Lay Advocates will be able to claim a one-off total payment of \$50 per case for administration costs. This is for photocopying, stationery, ink, accounts, using the home for business, and the costs associated with making phone calls (top-ups, use of minutes). For clarification on whether something is an administrative expense, please speak to the Court Registry.

Payments for the services of Lay Advocates to a case are met by the Ministry's non-departmental costs account (crown funds). The management of this account is governed by the Public Finance Act 1989, which places strict obligations around dealing with public money. The Ministry has a financial policy that sets out general administrative and oversight arrangements designed to maintain appropriate standards of integrity and responsible management for funds.

The Ministry will conduct invoicing audits. Lay Advocates will be contacted should any concerns arise.

² Mileage rate is set by Inland Revenue and is subject to change. For more information please refer to: ird.govt.nz/business-income-tax/expenses/mileage-rates/

The level of information the Court requires for the purposes of approving an invoice is no different from that required from other professionals (lawyers, psychologists, psychiatrists, health professionals) who are appointed by the Judge. In line with IRD standards, the information a tax invoice must show is in accordance with standard invoice practices.

The Court Registry is responsible for approving invoices in accordance with the scope of the Lay Advocate role and within the brief of work provided.

All invoices must contain:

- a GST number if appropriate
- the Lay Advocate's name, address, and bank account details
- the Court file number (CRI)
- a Court reference number (six-character reference number supplied by the Court Registry at the time of ordering. The reference number must start with either M, P or C followed by a five-digit number, for example M12345)
- the name of the child or young person (i.e. must be for one client/case only)
- dates for which the work was undertaken
- itemised hours with details and description of the work undertaken
- tax receipts attached for all disbursements being claimed
- space for the Court to note their approval on the document.

It is important to note the following:

- invoices must be in PDF format, with only one invoice per PDF
- no part of the invoice can be part of a previous invoice - dates cannot overlap
- the invoice amount shall not exceed the total amount set out in the assignment or extension letter
- the Court will not approve payment for incorrect or incomplete invoices, including services which are not part of Lay Advocate duties (Court staff will contact you if the invoice is incorrect or incomplete).

Invoices that have reference numbers starting with:

- M or P should be emailed directly to accounts.payable@justice.govt.nz for processing
- C should be emailed directly to crownaccounts.payable@justice.govt.nz for processing.

An invoice template has been developed to use, which covers all the details the Court requires to approve payment. See appendix 6 (page 40). If claiming under a company, use this template as guide.

The Court Registry will not approve payment for incorrect or incomplete invoices, including services which are not part of Lay Advocate duties. The Court Registry will contact the Lay Advocate by phone or email if there are any concerns.

Invoices must be sent in by the 20th of the month following the work that has been carried out. For example, work completed in January should be billed for by 20 February.

Extensions

If for any reason, due to the complexity or longevity of a case, it is identified that the work will exceed the 30 hours allocated, a request to the Court for an extension is required. The extension must be requested before the initial allocated amount has been fully used.

The request needs to be made in writing and must include:

- case number
- name of the young person
- reason/s for the extension
- number of estimated additional hours required and activities
- any administrative expenses and estimated mileage.

If additional work is undertaken without having an extension approved, any invoice(s) for that additional work will not be accepted or paid by the Court Registry. Refer to the activity guide on the next page for the level of detail required for the request.

Extension requests can be attached and emailed direct to the Court Registry key contact person (Case Manager). This will be considered on a pro-rata basis and you will be contacted if there are any questions.

Below is an example of the activities within the function of the Lay Advocate role which can also be used to populate information on an **invoice** or an **extension**:

Date	Description	Time (mins)
3/10	Receive email from Court assigning me to Bob as Lay Advocate, noting the next date, confirmation back to the Court Registry	5
	Emailing Youth Aid & Oranga Tamariki requesting relevant information	10
4/10	Phone whānau to arrange appointment and briefly explain role	5
	Email Oranga Tamariki Coordinator about Family Group Conference (FGC)	5
	Receive and consider information from Youth Aid	15
5/10	Receive and consider information from Oranga Tamariki	10
10/10	Prepare for whānau hui	15
11/10	Meet with whānau – explain role and take notes	60
13/10	Prepare for FGC	20
14/10	Attend FGC – represent young person & advise on cultural matters including attendance at Te Kōti Rangatahi	60
17/10	Work on pepeha for young person	30
18/10	Review and consider FGC	15
	Make follow up appointment with whānau to complete information gathering & discuss FGC	10

19/10	Meet with whānau	45
20/10	Prepare & file report	60
	Confirm with whānau filing of the report and finalising pepeha	15
23/10	Attend TKR and follow up whānau	90
6/11	Follow up with whānau and progress with FGC tasks	15
	Follow up stakeholders with FGC obligations	10
20/11	Follow up with whānau. Complete and file updated report with Court	45
24/11	Attend TKR for supporting disposal of case	60
3/10-24/11	Attendance as Lay Advocate for Bob	10hrs
Disbursements		
1.	Mileage	
2.	Report Writing \$50	

Appendix 1: Report Template



Please note that this template is intended as a guide only.

Youth Court / Rangatahi Court / Pasifika Court *(Circle applicable court)*

Report Date: _____

Youth Court Case Number (CRI): _____

Date of Hearing: _____

Name of Young Person (rangatahi) _____

Preferred Name: _____

Date of Birth: _____

Ethnicity (if known): _____

Name of Lay Advocate: _____

Contact (for Lay Advocate): _____

About the Young Person Genealogy (whakapapa)

1. Who is the young person?

2. What are their family/whānau connections?

3. Where are they from?

4. Education/Qualities/Goals/Interests:

Progress update

5. What significant events have happened since the last appearance?

6. Is there any other significant information that the Court needs to know?

Ongoing work/activities

7. What is the focus for the young person leading up to their next court date?

Lay Advocate Signature

Note: Reports are due to the Court Registry three working days before the court sitting date.

Appendix 2: Pre-visit Assessment Guide

Complete this form if you are planning to meet with a child/young person and their family/whānau for the first time, or if you haven't visited within the past 28 days.

Case Reference:	
Name of Lay Advocate:	
Date and time of proposed visit:	
Information gathering	Tick
I have asked the Court Registry to run a check in the HASARD database for alerts or incidents relating to the address or the child/young person.	
I have checked with the lawyer, social worker and the Police to see if there is anything of cause for concern at the address.	
I have checked with the Police and, after making inquiries via their databases, they have confirmed that the address is not of interest to them.	
I have, using Google Street View, carried out an initial visual check of the surroundings (including confirming you can park your car so that it can't be blocked in).	
Risk assessment	Tick
I have identified that the address is isolated (over one hour away, poor mobile coverage, I could not summon help in an emergency).	
I have identified that the address is a known gang house, or someone at the address has a known gang affiliation.	
I am aware that someone at the address is affiliated with drugs.	
I am aware that someone at the address is violent, aggressive and/or erratic in their behaviour.	
I have identified that there are known aggressive dogs, or potentially aggressive dog breeds on the property.	
I am aware that someone at the address has misused firearms or other weapons.	
I am aware that someone at the address has a known contagious medical condition.	

If you identify any of the above risks while gathering information, you should consider holding the meeting in a public place (e.g. at the Court).

I have completed my pre-visit assessment in relation to the child/young person and their family/whānau. I have decided where the meeting needs to be held (i.e. a public place or the child/young person's home) and I have noted the actions I need to take to mitigate the risks I have identified.	
Based on my assessment, the meeting will be held at:	A public place <input type="checkbox"/> The child/young person's home <input type="checkbox"/>
Signature of Lay Advocate:	
Date completed:	

The completed form may be emailed to the Court Registry for it to be placed on the court file; or retained as part of your personal records.

Appendix 3: Health and Safety Checklist

This checklist will prompt you to work through the health and safety considerations of visiting a child/young person and their family/whānau, so that you are fully prepared for the meeting.

Complete just before leaving for the meeting:	Tick
I know the route I will take to get to and from the meeting place (factoring in road conditions in the area and weather watches/warnings currently in place).	
I have provided a responsible person with my mobile number and the location of visit. They have recorded my vehicle details (year, make, model, colour). We have discussed when I will check in with them, and what they will do if I am not back when expected.	
I have my 'Lay Advocate' identification card with me.	
I have saved emergency numbers into my mobile phone so they can be dialled quickly.	
My mobile phone is fully charged and I will keep it on me at all times during the meeting.	
I will keep my car keys on my person at all times during the meeting (in a pocket, rather than in a bag).	
I have confirmed that a parent or appropriate guardian will be at the meeting location when I arrive for the meeting.	
I understand that if the child/young person's parent or appropriate guardian is not present at the location the meeting is taking place, then the meeting will need to be rescheduled.	
Where the meeting is being held at a private address, I have confirmed with the parent or guardian that dogs on the property will be restrained prior to the meeting (and I will seek to confirm this before stepping onto the property).	
I have a light source with me (e.g. mobile phone torch or flashlight on mobile phone) in case of low light conditions. I have a reflective vest and emergency triangle in my car in case of accident or emergency.	
All items I'm leaving in the car during the meeting have been secured out of sight.	
I understand that I should not turn my back on anyone during the meeting, and should if at all possible choose to sit in a location where I can make a quick exit if necessary.	
I'm aware that if at any time I start to feel like something isn't right or I'm feeling uneasy, I will end the meeting and leave quickly.	

While at the meeting, proceed with caution and continue to assess risk:

- Be alert to sounds of conflict coming from the house and don't enter if you hear any.
- Identify exit points in the house and situate yourself close to an exit if possible.
- Note layout of the property and possible routes from the house to your car.
- Check your mobile phone for a signal when you arrive at the address.
- Take care to avoid dressing in gang colours.
- Don't present your back to anyone and restrict opportunities for someone to grab you. (e.g. tie long hair up; don't wear a tie, necklace, or scarf)
- Learn to identify early warning signs of distress and techniques to diffuse aggression.
- Know your physical/verbal limitations.

- Be alert to signs of drug use, or a possible clan lab.
(e.g. sweet/bitter chemical odours from the house, lab equipment, excess containers)
- Have alcohol-based hand sanitiser in your car and use it after the visit.

***‘If in doubt, get out’ – Your safety is paramount.
If you start to feel unsafe at any time, end the meeting and leave.***

Complete after returning from the meeting:	Tick
I have informed the person who was aware of my travel plans that I have returned (i.e. if I don't live with them, I have called them to say I'm back).	
I have raised with the Case Officer any concerns I have about one or more aspects of the meeting (including but not limited to aggressive behaviour, suspicious or unusual behaviour, something unusual about the meeting location, dogs etc).	

Appendix 4: Safe driving guide

The New Zealand Transport Authority (NZTA) has identified that safer driving is significantly impacted by the following factors:

- Speed
- Alcohol or drug-affected driving
- Driver fatigue
- Driver distraction
- Giving way at intersections
- Safety belts

Speed

Driving speed affects how quickly a person can respond to hazards, and the likelihood of sustaining a serious injury in a crash. It is essential to adjust the speed of a vehicle to suit the driving conditions, whether these are due to:

- *Traffic conditions* – e.g. high traffic volumes, other road users such as trucks, cyclists or horse-riders, parked cars.
- *Road conditions* – e.g. bumpy, narrow and/or winding roads, ice or gravel on road surfaces.
- *Weather/lighting conditions* – e.g. fog, wind, rain, snow, bright sunlight, low light conditions.

Driver fatigue

Driving while fatigued increases the amount of time it will take to identify and respond to hazards while driving. Driving while fatigued also interferes with the ability to concentrate and make good decisions. Some tips on avoiding driver fatigue include:

- Not driving if feeling tired, unwell or taking medication that makes someone feel drowsy (note that even over-the-counter medication can have this impact).
- Avoiding driving long distances after a full day's work.
- Taking regular breaks if driving some distance (and stopping for a rest immediately if a person becomes aware that they are feeling tired or drowsy).
- Staying away from fatty or sugary foods while driving, as these can make a person feel sleepy.

Driver distraction

According to the NZTA, anything that diverts concentration for more than two seconds when driving can significantly increase the chances of being involved in a serious crash. Some tips on avoiding driver distraction include:

- Checking windscreen and mirrors are clean and making adjustments to the car's mirrors, car seat, radio etc. before setting off on the journey.
- If required, pulling over to consult a map for directions.
- ALWAYS turning off mobile phones when driving.
- If required, pulling over to make a call on a mobile phone.
- If required, pulling over to eat or drink (instead of while driving).

More information and practical advice on a range of safe driving topics can be found on NZTA's website: nzta.govt.nz/safety

Appendix 5: Court etiquette guide

Youth Courts will generally operate in a way that encourages young people and their families to participate in the court process. Youth Courts will often operate in a less formal way than the District Court, while still preserving the dignity of the process.

General courtroom etiquette

- Each court sitting will usually be formally opened by the court taker or a court attendant.
- Everyone in the courtroom must stand until the Judge is seated. Judges will wear a judicial robe in the Youth Court but not in Rangatahi Court.
- Most Judges give a general greeting to those who are assembled prior to sitting down.
- The dress code for court is tidy and professional.
- Cell phones must be turned off at all times when you are in the courtroom. Tablets and laptops are generally permitted if they are required for the court process and they are silent.
- Any reports or other documents that need to be presented to the Judge in court for consideration on the day must be given to the Court Taker in advance.
- Stand up if spoken to by the Judge in court and identify yourself and your role.
- Stand when speaking and also when answering questions unless invited by the Judge to remain seated.
- Do not move around the courtroom or have side conversations while the Judge or anyone else is speaking.
- Abide by the direction of the Judge at all times.
- Speak clearly – the acoustics in courts are not always user-friendly.
- At all times, it is the Judge who is in control of the process, and the Judge's directions should guide you in understanding any local practices.
- Judges are addressed as Sir or Ma'am, Your Honour or 'Judge'.
- While the Court is sitting, all are expected to show respect for the Court process at all times.
- Do not discuss matters not connected to the case with other people present at the hearing.
- You must stand when the Judge leaves the courtroom.
- There will be local practices that will make a difference to how the Youth or Rangatahi Court operates.

Etiquette outside the courtroom

- Outside the courtroom, the Judge is correctly referred to as His/Her Honour Judge [surname] or Judge [surname], unless invited by the Judge to address them in any other way.
- When interacting with agencies, e.g. Police, Defence counsel, Oranga Tamariki, it is in your capacity as a court representative.

- When interacting with family/whanau, it is in your capacity as a court representative and you must produce your letter of appointment for the case that you are assigned to. You should also have some personal identification, e.g. driver's licence.

Additional resources

More information can be found on the Ministry of Justice website:

justice.govt.nz/courts/going-to-court/without-a-lawyer/representing-yourself-civil-high-court/what-to-expect-in-the-courtroom

The New Zealand Law Society also provides helpful advice:

lawsociety.org.nz/practice-resources/practice-briefings/Addressing-members-of-the-Judiciary.pdf

lawsociety.org.nz/practice-resources/new-zealand-law-society-guide-for-new-lawYERS/appearing-in-courts-and-tribunals

Appendix 6: Lay Advocate claim template

Name of person represented _____
 Court file number (CRI) _____
 Lay Advocate's name and firm _____
 Lay Advocate's address _____
 Lay Advocate's contact number _____
 Invoice date _____
 Invoice period _____
 (e.g. from xx date to xx date)
 Invoice number _____
 GST number _____
 Bank account number _____

Details of claim

Hourly rate (incl. GST)

Please provide a breakdown of the work completed – specifying the tasks to be carried out and the time estimated for each task

Date	Description of work completed	Rate	Hours	Total
3/10/2016	Receive email from Court assigning me to Bob as a Lay Advocate and diaring next date	\$25	5min	\$2.08
11/10/2016	Meet with whānau – explain role and take notes	\$25	1hr	\$25.00

Disbursements (e.g. parking, mileage, photocopying and attach receipts/invoices where applicable)

Date	Description of work completed	Rate	Hours	Total
11/06/2016	E.g. Mileage to visit whānau at home (12 km each way)	\$0.72/k	24km	\$17.28

*Total GST must be calculated and added manually where applicable

Mileage can be charged at the rate specified by Inland Revenue

Total fees (incl. GST)	\$ 44.36
Total GST* (if applicable)	\$ 0.00
Total amount (incl. GST)	\$ 44.36

Lay Advocate

I certify that I have not received or claimed payment in respect of the time herein from any other organisation or person, and further certify that I will not make such a claim in the future.

Lay Advocate signature _____ Date _____

For official use only

Court file number, invoice period, person represented	Responsibility Centre	Natural Account	Total amount of claim
			\$

Prepared by (name) _____ Signature _____

Payment authorised by (name) _____ Signature _____

Appendix 7: Roles of other Youth Court professionals

Principal Youth Court Judge – The Governor-General must, on the advice of the Attorney General, appoint a Principal Youth Court Judge. The Principal Youth Court Judge is responsible for ensuring the orderly and timely discharge of the business of the Court in consultation with the Chief District Court Judge.

Youth Court Judges – these are specialist District Court Judges who are chosen for their training, experience and understanding of the importance of different cultural perspectives and values in relation to children and young people.

Registrar, Deputy Registrar (Case Officer, Court Taker - registry staff) – every court has a registrar and many courts also have several deputy registrars who are able to exercise most of the powers of a registrar, as permitted by legislation. Registrars, including Deputy Registrars, are statutory appointments and are able to exercise specified jurisdiction of the court, including considering applications, court taking duties, managing case records against appointments of Youth Advocates, Lay Advocates, psychiatrists and psychologists.

Prosecutor – the person taking the court action. In the Youth Court, the prosecutor is nearly always the Police, often a Youth Aid Officer.

Police Youth Aid Officer – Police Youth Aid Officers determine the best course of action for each offender by using a Police risk screening model, which helps them develop targeted interventions that aim to address the reasons behind the crime. The aim is to keep young people out of the formal court system. To ensure this happens, interventions include working alongside community groups and organisations dedicated to helping the offenders and their families.

Youth advocates – a lawyer appointed by the Court to represent a child or young person charged with a criminal offence who is appearing in the Youth Court. The youth advocate is provided free of charge, and irrespective of the financial means of the child, young person, or the family. A child or young person may choose their own lawyer. If their chosen lawyer is not approved as a youth advocate, the cost of that representation must be met by the child/young person and their family.

Youth Justice Coordinator – this person is employed by Oranga Tamariki—Ministry for Children (Oranga Tamariki) to manage the Family Group Conference (FGC) process. This includes contacting the family/whānau, victim or anyone that may contribute to the FGC, facilitating the conference, and recording the outcome.

Social workers (Oranga Tamariki) – may also be appointed to provide additional support through the FGC process, assess needs, and ensure completion of the Family Group Conference plan.

Lay advocate – a child or young person may also have a lay advocate. This is a person appointed by the Court who is not a lawyer. Their job is to support a child or young person and their family/whānau in court, make sure that the Court knows about all relevant cultural matters,

and represent the interests of a child or young person's family/whānau if they are not already represented.

Court Attendants – The Court Attendant is employed by the Ministry of Justice and assists the CourtTaker in the smooth running of the Court and ensures that cases are ready to proceed.

Education Officer – Education Officers, usually Ministry of Education employees, provide reports about young people's education history, attendance and behaviour.

Alcohol and Drug Clinician – Some Youth Courts have an Alcohol and Drug forensic worker available. This is generally funded by a District Health Board or by an iwi or other cultural group. The purpose of the worker is to provide assessments and treatment recommendations for the young person. In some courts, a report is directed before the Family Group Conference so the report is available for consideration by the family/whānau group. In others, the Judge will direct a report at a later stage.

Youth Forensic Services – Youth Forensic Services provides mental health assessments for young people with a known or suspected mental health disorder who are engaged in offending behaviours and involved with the justice system. Referrals can be accepted from Oranga Tamariki, Police, Courts or youth advocates. This service is funded by the District Health Board on a regional basis. Forensic health nurses also sit in some Youth Courts.

Appendix 8: Youth Court outcomes

Sections 282 and 283 of the Oranga Tamariki Act 1989 establish the following responses available to the Court. More detail on each order can be found in the Oranga Tamariki Act 1989, at: legislation.govt.nz

Section 282 – discharge as if the charge was never laid (this often follows successful completion of the family group conference plan)

Section 283 Responses – can be made at any stage in the proceedings	
<p>Group 1 Responses</p> <p>discharge (s283(a))</p> <p>admonishment (s283(b))</p>	<p>Group 4 responses</p> <p>supervision (s283(k))</p> <p>community work (s283(l))</p>
<p>Group 2 Responses</p> <p>order to come before the Court for further action if called on (s 283(c))</p> <p>fine (s 283(d))</p> <p>contribution to costs (s283(e))</p> <p>reparation (s 283(f))</p> <p>restitution (s 283(g))</p> <p>forfeiture of property (s 283(h))</p> <p>disqualification from driving (s 283(i))</p> <p>confiscation of motor vehicle (s 283(j))</p>	<p>Group 5 Response</p> <p>supervision with activity (s283(m))</p>
<p>Group 3 Responses</p> <p>parenting education programme (s283(ja))</p> <p>mentoring programme (s283(jb))</p> <p>alcohol or drug rehabilitation programme (s283(jc))</p>	<p>Group 6 Response</p> <p>supervision with residence (s283(n))</p>
	<p>Group 7 Response</p> <p>conviction and transfer to the District Court for sentencing (s283(o))</p>

Appendix 9: Youth Justice terminology guide

Adjourn / Adjournalment – Put off a hearing for another day or time

Admit – Agree to having broken the law. When someone says they did the crime they are charged with, they are admitting the charge. This usually happens at a Family Group Conference and is confirmed in the Youth Court.

Admonish – Formally warn a young person. A Youth Court Judge can do this when it has been proved that the young person committed a criminal offence or they agree that they did. These days this is rarely done as a sentence on its own. It is usually part of what a Judge will say at some stage of the process to every young person.

Affirmation – A promise that something is right or true, made by someone without any religious beliefs. A young person can affirm instead of taking an oath. An affirmation is just as serious as an oath.

Application – A request for the Court to make an order, direction, or decision.

Applicant – Someone who asks the Court to do something by making an application.

Bail – Letting someone out of custody, usually with the offender's promise to do certain things. The law says how long young people can be kept in custody. A Youth Court Judge can let a child or young person out on bail. There are two types of bail: Police bail and court bail. Police bail is when the Police take a young person into custody then decide to release them before they go to court for the first time. They might do this if the person has been arrested without a warrant, or if it's a summary offence and they can't take the person to court straight away.

Court bail is when a person's case cannot be decided in court the first time they appear, and the Judge decides to release them. The Youth Court can allow court bail for summary offences and purely indictable offences. The Judge can say a child or young person may be released only if certain things happen, such as they mustn't be away from home, or do anything without the permission of their parents or guardians or whoever looks after them.

If bail is not granted, the Judge might say the person has to stay in a Oranga Tamariki—Ministry for Children (Oranga Tamariki) care home, or, if this is not possible or appropriate, in Police custody.

Bench warrant – The permission of a High Court or District Court Judge to arrest someone for a criminal offence.

Charging document – An official document which lists the criminal offence(s) a person has been charged with and is produced when someone is arrested.

Charge – An accusation that a person has committed a criminal offence (broken the law).

Child – A person aged 10 to 14 years on the day they are said to have committed the criminal offence. Most offending by children is dealt with as a Care and Protection issue in the Family Court. However, children aged 10 and over can be charged with murder or manslaughter, and 12 and 13-year olds can be charged where the offending is serious or persistent.

Closed court – Court sessions the general public is not allowed to attend, when the Court is closed and only certain people are allowed in.

Community work – Work a young person can be ordered to do to make up for offending. It has to be good for the community and supervised by a social worker. The young person can be ordered to do between 20 and 200 hours' work in the 12 months after the order is made.

Counsel for child – A lawyer appointed by the Court to represent a child or young person in the Family Court. It is usually a barrister or solicitor whom the Court appoints and who represents the child or young person in Family Court proceedings.

Criminal offence – Something someone does (or in some cases, does not do) that the law says can be punished; a crime.

Curfew – The time someone must stay indoors at a particular address. This may be something a young person has to do as part of their bail conditions.

Case to answer – There is a case to answer when the Judge decides that the prosecution has provided enough evidence to prove that the accused could have committed the crime. This means that the Judge has decided that there is enough evidence to raise the question, 'did you commit the crime?' The defendant will then need to appear in court to 'answer' the prosecution's case with their own evidence. The prosecution is still required to prove the case 'beyond reasonable doubt'.

Defendant – Someone charged with committing a criminal offence.

Deny / denying / denied – A young person is denying an offence when they say they didn't break the law or commit the crime they've been charged with.

Direction / application for direction – When someone who is going to take part in a trial asks the Court to make an order for directions about a case, it's called making an application for direction.

Family Group Conference (FGC) – A private meeting between a young person the Police believe has committed a crime, their family/whānau and support people, the Police and others.

If the FGC is arranged by a Care and Protection Coordinator, people will talk about the child or young person's situation and make suggestions about what should happen.

If the FGC is arranged by a Youth Justice Coordinator, people will talk about whether the young person admits the charge. If the young person does admit the charge, they'll discuss how he or she can make up for what they did, and be helped to avoid breaking the law again.

Fine – An amount of money a person has to pay. A Youth Court Judge can order a young person to pay a fine when they admit the charge against them, or if the charge has been proven. This is called a court fine. A Judge can fine someone for drink-driving, disorderly behaviour, or theft. The fine can be the whole sentence or just part of it.

Forfeiture – Taking property away from someone. A Youth Court Judge can order a young person to give up property they own if they break the law.

Hearing – A meeting for a Judge to hear a case and decide what to do about it. It usually means only a Judge is there. When there is a jury as well, it's called a trial.

Judge Alone trial (JAT) – A Judge-Alone trial is held when a defendant says they didn't commit the criminal offence with which they've been charged. It's held before a Judge, with no jury. The prosecution must give evidence that proves the person committed the offence. The defendant gets a chance to put their side of the story and hear the prosecution's evidence. When the Judge has heard all the evidence, he or she decides if the prosecution has proved beyond reasonable doubt that the defendant did commit the offence.

Not denied – A case where a young person does not say they did not commit the offence they've been charged with (i.e. they do not deny it). When a case is not denied, it's usually followed by an FGC, where they have a chance to admit the charge.

Not proven – A case is not proven when a Judge decides the prosecution has not shown beyond a reasonable doubt that the young person committed the criminal offence they were charged with.

Oath – A promise made in front of an official that something is true or right. An oath is based on the religious beliefs of the person making it. A Christian would swear an oath on the Bible, and a Muslim on the Koran.

Order – When a Judge tells someone what they have to do. If a charge against an accused young person has been proven or if the accused young person has admitted a charge then, depending how serious the criminal offence is, the Youth Court Judge may make an order. This will say what tasks the person has to carry out to make up for their offending. Orders can include restitution or forfeiture, reparation, fine, supervision, community work, supervision with activity, and supervision with residence. If the case is a traffic offence, the Judge may order a young person's case be moved to the District Court for sentencing. The Youth Court Judge may also order a young person to be disqualified from driving for a traffic offence.

Proven – A case is proven when the Youth Court Judge decides the prosecution has shown beyond reasonable doubt that the young person has committed the offence they have been charged with. In an adult court, this is called being found guilty.

Remand – To put someone in custody, or let them go on bail during an adjournment of a court case. This only happens for serious offences that mean the person might go to prison. The law says the Youth Court Judge must be sure of certain things before he or she orders a child or young person into custody.

Reparation – A Youth Court order that the defendant pay some money as compensation. The money is to help put right what the victim suffered because of the offence.

Restitution – Returning someone's property to them. A Youth Court Judge can make an order for restitution if a young person admits the charge against them, or if the charge has been proven, and the criminal offence is serious.

Statutory appointment – An appointment made by a Judge in court under legislation, which begins when the Judge directs the appointment be made and ends when the case finishes.

Summons – A document telling someone they must appear in court on a particular day. If they do not appear after getting a summons, the Court can punish them or issue a bench warrant to arrest them, so they have to appear. A witness who ignores a summons to appear in court for a case where a crime has been committed might be sent to prison.

Supervision – Being put in the charge of the Chief Executive of Oranga Tamariki—Ministry for Children or someone else. The Youth Court Judge can order this if a young person has admitted the charge against them, or if the charge has been proven and the criminal offence is serious. It can mean:

- the young person can be visited at their home by a social worker or whoever was put in charge of their supervision
- the young person has to report to the social worker or whoever was put in charge of their supervision
- the young person mustn't live anywhere that the social worker or person put in charge of their supervision says they shouldn't live
- the young person has to keep on going to the work that the social worker or whoever was put in charge of their supervision says they have to
- the young person has to make sure the social worker or whoever was put in charge of their supervision always knows where they're living
- the young person mustn't see or get in touch with anyone the social worker or the person put in charge of their supervision has said in writing they don't want them to contact.

Supervision with Activity – Having to go to weekday, evening, or weekend activities, or a programme set by a supervisor, for up to three months. A Youth Court Judge can then order supervision if a young person has admitted the charge against them, or if the charge has been proven, and the criminal offence is serious. The Judge can make a supervision order that lasts up to three months, and begins after the young person has finished the activities or programme of supervision with activity.

Supervision with Residence – Having to live in an Oranga Tamariki Youth Justice residence for three to six months. A Youth Court Judge makes this order if a young person has admitted the charge against them or if the charge has been proven and the criminal offence is serious. If the young person behaves well, and doesn't run away or commit any more offences, they might be allowed to leave after having spent two thirds of their allocated time in residence (for example, two months of a three-month supervision with residence order). The Judge can also order supervision for up to three months, beginning when the young person stops being in the Oranga Tamariki residence, or in the custody of the Chief Executive.

Trial – Usually means cases heard in court by a Judge and jury.

Warrant – A document giving someone a legal right to do something. A warrant usually means a document giving the Police the right to arrest someone. A Judge or (deputy) registrar may issue a warrant.

Witness – Someone who gives evidence about something in court, on oath or solemn affirmation.

Ministry of Justice
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