

Young Adult List

National Operating Guidelines

February 2024

Preface

These Operating Guidelines have been developed to support those who work in the Young Adult List. The Operating Guidelines detail how core components of the Young Adult List should operate nationally and also capture where local variances apply.

The Operating Guidelines were created to support the expansion to the Gisborne and Hamilton District Courts.

It is a living document and will be amended as required.

Young Adult List Operating Guidelines

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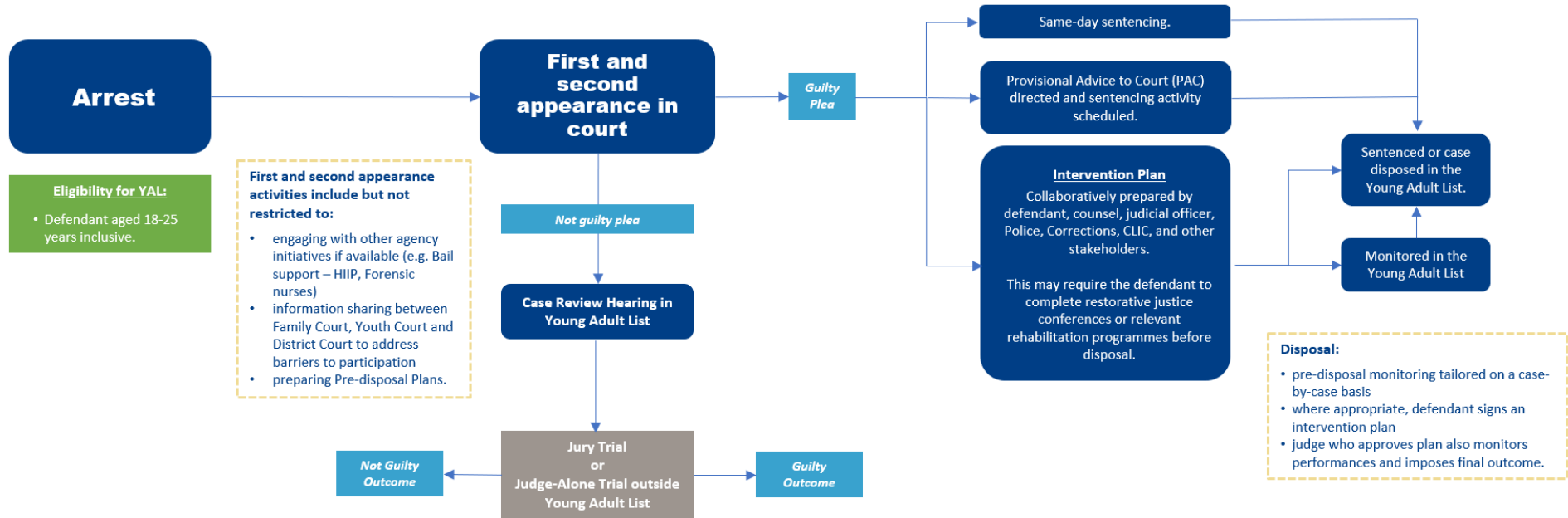
Young Adult List Overview

The Young Adult List adapts the traditional Criminal District Court process for participants aged 18 to 25, to improve their understanding of and participation in the court process; with the aim of improving access to justice and procedural fairness. A key aspect of procedural fairness in the court is the young adult understanding what is happening and being able to take part in the decision-making process.

By incorporating best practice approaches including plain language, information sharing, alternative courtroom layouts, and active solution-focused judging, the Young Adult List recognises the behavioural and neurological development of participants aged between 18 to 25 and the barriers they face to effectively participate in the court process. These barriers can include limited executive functioning, neurodiversity (such as dyslexia, traumatic brain injury or foetal alcohol spectrum disorder) and social needs.

The Young Adult List helps young adults by providing them pathways to address their offending and make positive changes through an Intervention Plan. If a young adult completes the actions on their plan, the judge will consider this at sentencing.

YOUNG ADULT LIST PROCESS MAP



OBJECTIVES:

- young adults, victims, whānau and supporters are able to properly engage and participate with the court process
- young adults, victims, whānau and supporters are able to understand the implications of each stage of the criminal process
- young adults are given the opportunity to be referred to the right interventions; and
- victims are treated with courtesy and compassion, feel safe and supported throughout the court process.

YOUNG ADULT LIST BEST PRACTICES:

- plain language to be used in court
- a dedicated multi-disciplinary team
- alternative courtroom layouts where appropriate
- better information sharing between the Youth, Family and District Courts
- solution focused judging
- referral pathways supporting better and earlier intervention.

Objectives of the Young Adult List

The primary objective of the Young Adult List is to enhance procedural fairness by:

- supporting young adults, victims, whānau and supporters to properly engage and participate with the court process
- supporting young adults, victims, whānau and supporters to understand the implications of each stage of the criminal process
- giving young adults the opportunity to be referred to the right interventions; and
- victims are treated with respect, compassion, and feel safe and supported throughout the court process

These objectives, over time, are likely to contribute to reduced re-offending among young adults. This is the long-term objective of the Young Adult List.

These objectives aim to support the wellbeing of young adults, victims, whānau and supporters in the Young Adult List. The approach used in the Young Adult List ensures all participants are provided the appropriate support as they navigate the justice system.

Eligibility for the Young Adult List Court

Eligibility

The eligibility criteria for the Young Adult List:

- aged 18 to 25 years old at the time their charges are filed
- charges were filed after the date the Young Adult List began operating at your Court
- the case must be heard at the District Court where charges were filed or the District Court where the defendant resides
- all category 2 and/or 3 offences; and
- all procedural and substantive hearings up to Judge Alone trial or Jury trial call over.

Generally, individuals aged 17 years or younger will have their case heard in the Youth Court. However, section 272 of the Oranga Tamariki Act 1989 provides for some circumstances where those aged 17 years or younger can be tried as an adult in the District Court. These individuals should be scheduled to the Young Adult List as someone aged between 18 and 25 would be.

Exclusions

Judge Alone or Jury trial cases are excluded from the Young Adult List.

The transfer of proceedings to a different court should continue to be considered pursuant to the Criminal Procedure Act and Rules. The transferring of proceedings from other courts to a Young Adult List is not supported unless the young adult lives in that court jurisdiction and has either pleaded guilty or intimated a guilty plea.

Depending on volumes and case types, there may be some minor variations for some courts.

Overnight arrests for 18 to 25-year olds will continue to be heard the next court day regardless of list type, then remanded to the next appropriate Young Adult List.

Dealing with jointly charged co-accused matters

Where charges are jointly filed and one defendant is aged 18-25 and the other is over 25, both are pleading not guilty, and the prosecution and defence counsel agree, the default position should be the co-accused are heard together in the Young Adult List (unless severance is directed by the Judge).

The processes and approaches applied in the Young Adult List will not disadvantage the co-accused who is over the age of 25. Over time, the move towards Te Ao Mārama will ensure that the full criminal jurisdiction will have best practice processes and approaches in place to the benefit of all age groups.

Police Bail and Summons

Young adults that meet the criteria for inclusion in the Young Adult List, except for overnight arrests, should be scheduled for their first appearance in the next available Young Adult List.

In the event that this has not occurred, attempts should be made to reschedule the case in advance of the scheduled first appearance. In doing so the Court Registry Officer should consider if there is sufficient notice to reschedule. If there is sufficient notice to reschedule the prosecutor will need to be advised to re-summons the defendant to the adjourned date. If there is not sufficient notice to reschedule, then the matter should be administratively adjourned when the defendant shows up to court.

The agreed length of time for what comprises 'sufficient notice to reschedule' will be determined by discussions between the local District Prosecutions Manager and Ministry of Justice court staff. It is anticipated that they will agree upon a consistent approach which can be used for all cases at that District Court.

The Court Registry Officer should create a note in CMS and keep a copy of their sent emails on the physical file to evidence the adjournment and request made to the Prosecutor.

Court Management System (CMS)

The Court Registry Officer should ensure that they keep CMS updated.

The following event types are to be used by a Court Registry Officer in the Young Adult List:

Activity	Activity Code	Event
CRI Case Review YA - DC	CYAR	YA Case Review - DC
CRI List YA - DC	CYAD	YA Bail Application - DC
CRI List YA - DC	CYAD	YA Case Review - DC
CRI List YA - DC	CYAD	YA List - DC
CRI List YA - DC	CYAD	YA Sentencing Review - DC
CRI List YA - DC	CYAD	Breach of Bail
CRI List YA - DC	CYAD	First Appearance
CRI List YA - DC	CYAD	Unscheduled Appearance
CRI List YA - DC	CYAD	Warrant to Arrest
CRI Sentencing YA - DC	CYAS	YA Disch WOC S106 Hrng - DC
CRI Sentencing YA - DC	CYAS	YA Sentence Indication - DC
CRI Sentencing YA - DC	CYAS	YA Sentencing - DC
CRI AVL YA General – DC	CYAG	AVL - YA Bail Application - DC
CRI AVL YA General – DC	CYAG	AVL - YA Case Review - DC
CRI AVL YA General – DC	CYAG	AVL - YA List - DC
CRI AVL YA General – DC	CYAG	AVL -YA Sentence Indication-DC
CRI AVL YA General – DC	CYAG	AVL - YA Sentencing - DC
CRI AVL YA General – DC	CYAG	AVL - YA Sentence Review - DC

Understanding our cohort

The Young Adult List cohort, referred to as ‘young adults’, are those aged 18 to 25 participating in proceedings in the District Court. Many of this cohort may experience barriers to effective participation for a variety of factors.

A good understanding of the Young Adult List cohort provides those working in the court with the information to better support young adults to overcome challenges they experience in a court setting and contribute to better outcomes and future life trajectory.

The Young Adult List is a court for young adults aged 18 to 25 which adjusts the normal District Court approach and processes to identify barriers to participation. This enables better support for participants and meaningful engagement. This approach also benefits all users of the court, for example the use of plain language which ensures everyone can understand and feel included in proceedings.

In the New Zealand Justice system, when a person is 18 or over and they have been charged with an offence they must attend a hearing before the District Court. When a child or young person aged 12 to 17, is charged with an offence, they appear in the Youth Court. The key differences between these courts is that the District Court is a more formal environment which treats participants as fully functioning adults, with less support available to accommodate cognitive barriers than in the Youth Court.

The reality for a high proportion of participants, is that they face barriers that prevent them from fully engaging in and understanding the court process which do not cease to exist once they turn 18.

Research shows that people with neurodiversity, brain injuries, mental health issues and other lived experiences are overrepresented as both offenders and victims throughout the Justice system (Lambie, 2020)¹. To address overrepresentation, it is important that proper processes and adequate support are in place to overcome barriers young adults experience when participating in the court process. This will enable better engagement, understanding, and enhance procedural fairness.

Characteristics of our cohort

The Young Adult List supports young adults aged 18 to 25. Research shows that participants have a high prevalence of neurodiversity and exposure to trauma and abuse.

Processes in the Young Adult List have been redesigned to adjust for the following characteristics and needs:

Executive Functioning

The human brain continues developing beyond turning 18 and usually fully develops at around 25 in most individuals. This includes the frontal lobe which is responsible for executive functioning that includes impulse control, emotional regulation, attention, and problem-solving skills. Young adults regardless of any additional neurodiversity or social

¹ Lambie, I. (2020). *What were they thinking? A discussion paper on brain and behaviour in relation to the justice system in New Zealand*. Auckland, NZ: Office of the Prime Minister's Chief Science Advisor

needs within this age group of 18 to 25 are still vulnerable to challenges and immaturity in relation to their executive functioning.

Neurodiversity

A large proportion of young adults aged 18 to 25 going through the court system have some form of neurodiversity, that may or may not be diagnosed. Neurodiversity refers to variations in the human brain affecting cognition and behaviour and includes, but is not limited to:

- **Autism Spectrum Disorder (ASD)²:** is a neurodevelopmental condition that affects cognitive, sensory, and social processing. Autism is a spectrum condition meaning some are affected more than others and no two people on the spectrum are the same.
- **Acquired Brain Injury (ABI)³:** brain damage caused by events such as, strokes and aneurysms, hypoxia, brain tumours, neurotoxic disorders – drugs and alcohol. This can affect memory, personal organisation, communication, and concentration.
- **Traumatic Brain Injury (TBI)⁴:** a brain injury resulting from a trauma to the head, neck or body, causing the brain to shake inside the skull. This can affect memory, personal organisation, communication, and concentration.
- **Dyslexia⁵:** affects language processing and can lead to difficulty with reading, writing, motor skills, short-term memory, and concentration.
- **Foetal Alcohol Spectrum Disorder (FASD)⁶:** includes a range of physical, cognitive, behavioural, and neurodevelopmental disabilities that can result from alcohol exposure during pregnancy. Common affects include intellectual and developmental disabilities, concentration, poor social understanding, hyperactivity and learning disabilities.
- **Attention Deficit Hyperactivity Disorder (ADHD)⁷:** is a neurodevelopmental delay in the prefrontal cortex responsible for controlling and filtering attention, behaviour, and emotions. ADHD is made up of three subgroups, Inattentive type, Hyperactive and Impulsive type and Combined type (combination of the first two). Common characteristics include, high activity levels, acting on impulses without thinking beforehand, restlessness and fidgeting.

² <https://www.altogetherautism.org.nz/what-is-autism/>

³ <https://www.brain-injury.nz/wp-content/uploads/2018/05/2345-02-What-is-Brain-injury-Online.pdf>

⁴ <https://www.brain-injury.nz/wp-content/uploads/2018/05/2345-02-What-is-Brain-injury-Online.pdf>

⁵ <https://www.dyslexiafoundation.org.nz/info.html>

⁶ <https://www.health.govt.nz/our-work/diseases-and-conditions/fetal-alcohol-spectrum-disorder>

⁷ <https://www.adhd.org.nz/what-is-adhd.html>

- **Communication Disorders:** such as Speech and Sound disorder, Childhood-Onset Fluency Disorder (Stuttering) and Language disorder. This can affect behaviour, difficulties with reading and writing, adjusting to changes in routine and making friends.
- **Intellectual Disability⁸:** a permanent impairment that affects communication, self-care, home living and social skills. This can affect understanding complex information, developing new skills and communicating.

Neurodiversity can make it difficult for young adults to effectively engage in a traditional court setting, due to the lack of adequate understanding, support and accommodations for neurodiversity.

Social Needs

Many young adults going through the court system face social barriers and vulnerabilities that need to be accommodated for in court. The Young Adult List actively involves young adults', victims, whānau and support persons to increase confidence and mana in a court setting so they can engage in a more meaningful way. The Young Adult List multidisciplinary team, and communication assistants also play an important role to facilitate communication for young adults.

Victims

Overview

The objectives of the Young Adult List ensure that victims can properly engage, participate and understand each stage of the court process. Victims should be treated with respect and compassion and must be made to feel safe and supported throughout the court process.

Named victims of those who are charged and appearing in the Young Adult List can:

- attend any Young Adult List Court hearings including the sentencing
- be informed about the defendant's progress through the Young Adult List
- provide their views to the Young Adult List Court (via the Court Victim Advisor, Police or a nominated person)
- provide their Victim Impact Statement to the court and request to read it at sentencing
- choose to be involved in a restorative justice conference with the defendant (where applicable)

⁸ <https://ihc.org.nz/what-intellectual-disability>

- be informed about the final outcome including any reparation which has been ordered
- be advised of other services, entitlements and financial assistance to which they may be entitled; and
- depending on the court, victims attending court have the option to choose to sit with the Court Victim Advisor in the body of the court during the List. Victims can sit in the public gallery should they prefer.

Court Victim Advisors

Court Victim Advisors are Ministry employees and advise victims of the progress of their case through the court, and their rights in this process. Court Victim Advisors work to ensure that victims understand the Court system and the specialist nature of the Young Adult List Court.

Under the Victims Right Act 2002, it is the role of Police Prosecutions to provide the victim's views to the court. This Act enables a victim to provide their views on certain proscribed matters. These include name suppression, bail and the matters contained in a Victim Impact Statement. The legislation suggests that this information should be submitted to the Court by a Prosecutor.

Restorative Justice

Restorative Justice must be explored upon entry of a guilty plea in the District Court to an offence where there is an identifiable victim. A victim can choose whether they wish to participate in this process. If they do, there is a presumption that the young adult will attend a restorative justice meeting, at the discretion of the Judge. The standard referral process is used in the Young Adult List Court.

Scheduling the Young Adult List

Scheduling the Young Adult List

To ensure optimal use of judicial time, Ministry resources and the availability of a multidisciplinary team, a separate block of time from the general list is allocated for hearing Young Adult List cases. A separate block of time can either be scheduled on a specific list day or can be allocated a specific time block each day in the standard criminal list.

Where a dedicated day is allocated to young adults, the court will still see all age groups for arrest and bail events. This ensures there is no delay in access to justice. The Young Adult List will be structured in a way to ensure those critical events for all ages continue to be heard.

Each court will work with the national and local scheduling teams to determine the best approach to scheduling the Young Adult List based on the needs, volumes, resourcing and capacity of each court.

Structure of the Young Adult List

The most effective way of structuring the Young Adult List is to consider timetabling by appearance type, noting that arrests and bail applications for all ages will need to be factored into the Young Adult List day. This approach supports consistency for the multidisciplinary team and young adults. The structure of the Young Adult List in each court will be dependent on the needs and volumes of each court.

Throughout the Young Adult List, some matters may be stood down so a young adult can receive assessments, support, and services. When setting the structure of the Young Adult List, consideration should be given to accommodating time in the list for this approach.

Remote Appearances

As a result of the COVID pandemic response, it may be necessary for the Court to conduct some appearances remotely. Participants scheduled to appear in the Young Adult List should be prioritised, where practicable, for in person appearances at court. This is to ensure they can receive any appropriate support they need. If all hearings are being held remotely, the Young Adult List will sit within standard Judge's List and incorporate as many best practice elements as possible, such as the use of plain language.

Court Taking

The Court Registry Officer will need to be available to the Duty Lawyer and other agencies prior to the Young Adult List commencing. Courtroom setup will therefore need to begin early enough to ensure they have time to do this.

For example, if court starts at 10am, the Court Registry Officer may need to begin setting up at 9am. Each court will need to determine their own timetabling based on their needs.

The Duty Lawyer may enquire about any Youth Court history and who the previous youth advocate was. The *Young Adult List Court Cover Sheet* will provide this information (see appendix 1)

The Duty Lawyer will complete the *Young Adult List Duty Lawyer Checklist* (see appendix 2). The checklist will be provided to the assigned lawyer at second (and subsequent) hearings. Where the checklist is stored and who is responsible for ensuring it is transferred from the Duty Lawyer to the assigned lawyer will depend on the court.

Sensitive Information Form

There is a tool that any agency (including the defence lawyers, Prosecution, Probation and support agencies) can use when wanting to disclose information without requesting a closed court – the ‘Sensitive Information Form’. The form provides the ability for specific information to be “referred” to, but by using codes and will eliminate the need to close Court.

The Court Registry Officer will be handed a copy of the form which must be given directly to the judicial officer. It should then be retained on the court file, immediately behind the *Charging Documents* for any future use when requested.

This form is in the appendix as item number 3.

Presiding Judges

The Young Adult List will typically have one or two lead Judges in each court, with secondary Judges to provide coverage as needed. This ensures consistency of approach in the way the Young Adult List is run and a smooth transition to embedding the best practice approaches that support the Young Adult List. This will be dependent on the judicial resourcing capacity for each court.

Depending on the needs and volumes of a particular court, community magistrates may also preside over the Young Adult List for matters that fall within their jurisdiction. The community magistrates’ lists will incorporate as many best practice elements as possible, such as the use of plain language and alternative courtroom layouts.

Identifying young adults

When charges are filed with the court, Court Registry Officers will check the defendant’s eligibility to participate in the Young Adult List using the online calculator at <https://www.calculator.net/age-calculator.html>

The young adult’s date of birth will be entered into the calculator. If they meet the age criteria of 18 to 25 years and meets the other eligibility criteria outlined above, the defendant should be allocated to the Young Adult List. If the criteria has been met, the Court Registry Officer will need to stamp the *Court Document* and *Court Copy* with the Young Adult stamp.

Legal representation

Continuity of legal representation

The Young Adult List recognises that characteristics such as mental health conditions, acquired brain injuries, alcohol and drug dependencies, and learning and developmental differences are common among young adults and could affect procedural fairness.

To accommodate this, where a defendant has a long-standing relationship of mutual trust with a previous youth court lawyer (Youth Advocate), they may request that this lawyer represents them. The Duty Lawyer can help them request this at the time of their legal aid application.

If the defendant does not have Youth Court history or does not want their previous youth advocate to represent them, the usual legal aid process applies, and a lawyer will be assigned as per Legal Aid's rotational assignment policy.

Making an application for Legal Aid for Youth Advocate

The Duty Lawyer will write the name of the lawyer, strike 'I don't know' and write 'Youth Advocate' (as shown below). Where this is noted, the Legal Aid Services will make an exception to rotational assignment and assign the youth advocate as counsel.

Court details

31 Where will your case be heard?

Location (town, city) Court type (eg District Court) Type of hearing (eg case review)

Complete question 32 if you are applying for **appeal or parole** proceedings, you are facing charges that have a maximum sentence of **more than 10 years in prison** or you were advised by a Police Detention Legal Assistance (PDLA) lawyer.

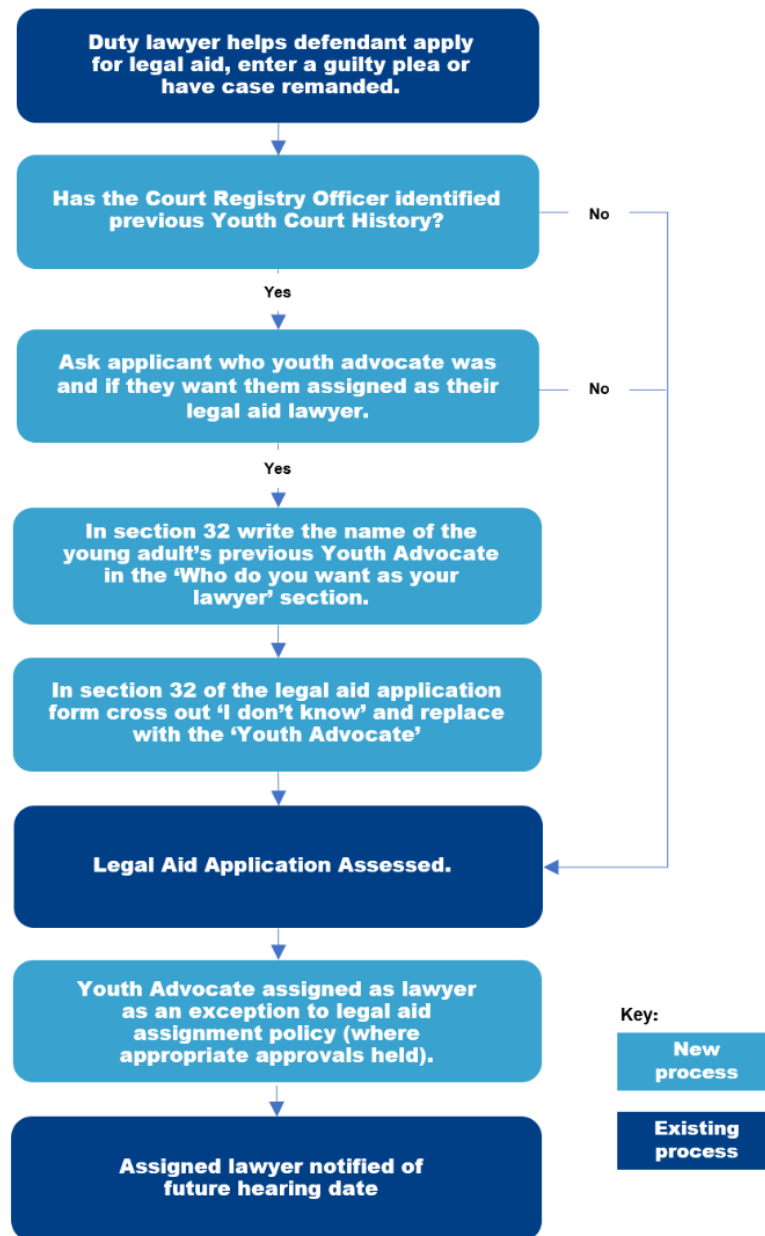
32 Who do you want as your lawyer?

Name My PDLA lawyer **Youth Advocate** ~~I don't know~~

Please **sign here** to confirm that you want to choose this lawyer:

Click View → Tools → Fill & Sign → Place Signature

To learn how to sign a PDF document, go to: <https://helpx.adobe.com/reader/using/sign-pdfs.html>



Duty lawyer assistance and applying for legal aid

A Duty Lawyer will assist the young adult before and during their first appearance. They will assist with applying for legal aid, entering a plea, or having a case remanded.

On receipt of the application for legal aid, Legal Aid Services will assign on rotation a legal aid lawyer or if requested the previous Youth Advocate. The assigned legal aid lawyer will be notified of the future hearing date.

Information sharing

The Young Adult List relies on information sharing between the Youth, Criminal and Family jurisdictions to operate successfully.

Judicial Information Sharing Protocol

A Judicial Information Sharing Protocol has been developed recording the express agreement of the Chief District Court Judge, the Principal Family Court Judge and the Principal Youth Court Judge about information sharing in the Young Adult List (see appendix 4 for a copy of the Protocol).

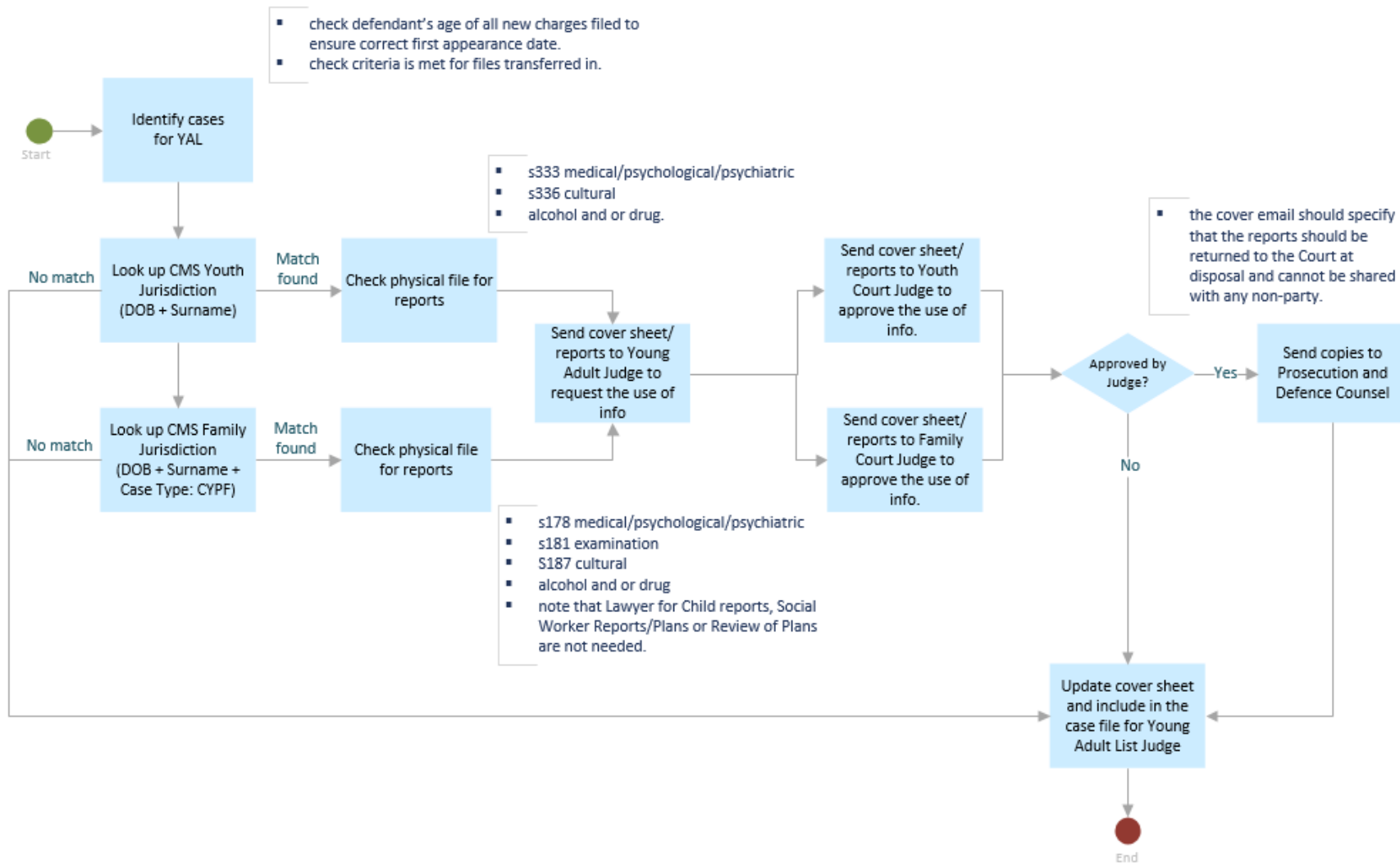
The purpose of the Judicial Information Sharing Protocol is to increase the court's understanding of the young adult's background to identify barriers which might affect their participation in court and to enhance the court's ability to make evidence-based decisions about the most appropriate responses to their case.

If a young adult has history with the Youth Court and in some cases the Family Court, their existing records will be accessed to create an information pack of relevant health reports for the presiding Judge. An example of a relevant report is a section 333 medical, psychological, or psychiatric report. This ensures the court can accommodate any previously identified issues, and any providers or third-party assistance (e.g. appointed lawyers, social workers, advocates) can be kept consistent throughout the process. The Court Registry Officer will request this information using the email to request family and youth court file template in appendix 5.

Information received from the Family and Youth Court jurisdictions will in most cases be shared with the Prosecution and Defence Counsel on the principle of natural justice. **Only information that is relevant to understanding the young adult's barriers to participation will be shared.** The Judge will decide what information is provided to Prosecution and Defence Counsel. The Court Registry Officer will send this information to the parties using the coversheet in appendix 6. Upon completion of the District Court proceedings, the party that the report(s) has been distributed to, must return these reports in person to the registry for destruction.

There is no requirement to get consent from the young adult to share these reports. However, they should not be shared with a non-party to proceedings unless consent of the young adult has been obtained.

YOUNG ADULT LIST – INFORMATION SHARING PROCESS



Court room layout

Alternative courtroom layouts should be considered for the Young Adult List. The layout should be designed in a way to facilitate meaningful engagement of all participants. It is a minimum requirement for the Defence Counsel to stand next to the young adult they are representing. Where participants are not in custody, the Judge may consider them sitting outside the dock, seated or standing next to counsel. Participants who are in custody should appear from the dock. This ensures that the young adult has the confidence to speak and ask their lawyer questions. Where possible, moving whānau and support people close to and clearly visible to the defendant should be considered.

Key elements to consider for an alternative courtroom layout for the Young Adult List are:

- Grouping support agencies and locating them to the same side of the courtroom as the defendant
- Allocating a hotseat next to the dock for the defendant's lawyer to relocate to when their client is appearing
- The provision for family/whānau support person(s) to sit within the court and in line of sight of the defendant, on an invitational basis as per the Judge's discretion; and
- If victims are present, the courtroom layout will accommodate their needs so they can participate and feel safe.

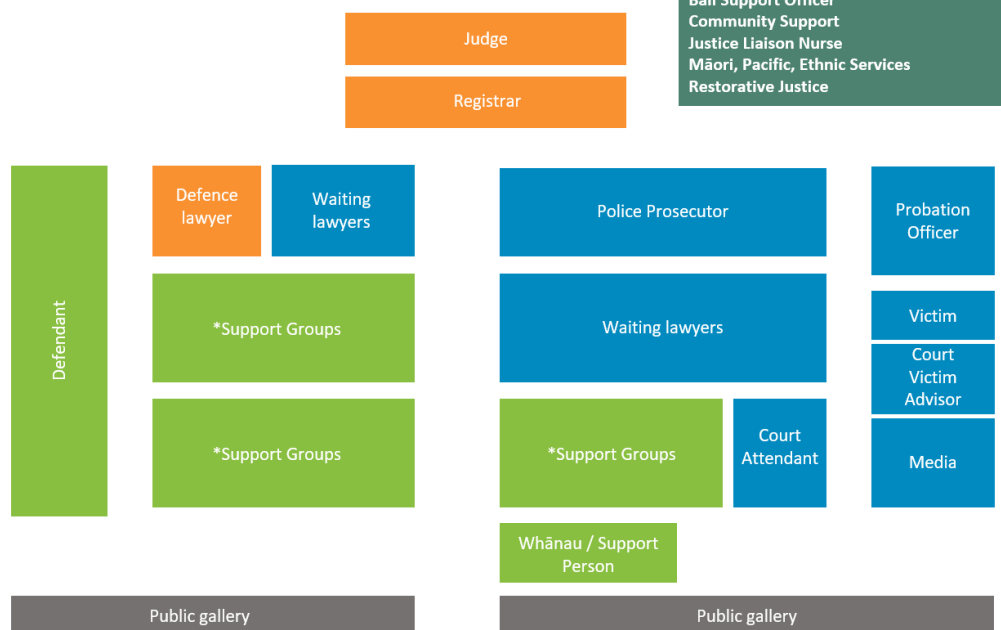
The layout will be dependent on each court site and what is possible within the allocated courtroom. When determining courtroom layouts, consultation will be undertaken with the Ministry of Justice's Health, Safety and Security Team and other agencies to ensure that the health and safety of everyone in court is considered appropriately.

Courtrooms with custodial access must be used for the Young Adult List.

Where possible meeting spaces should be made available for members of the multidisciplinary team to facilitate increased collaboration.

Below is an example of an alternative courtroom layout for the Young Adult List Court:

POSSIBLE COURTROOM LAYOUT



Courtroom maintenance

Each court may wish to place a sign on each chair and desk in the courtroom indicating who sits where. An example of a sign has been included as appendix 7. Each court will need to modify the signs based on which members of the multidisciplinary team are appearing at their court. On the days when specific agencies are not in court, the court may wish to turn these signs face down.

Court Registry Officers should ensure that in each courtroom there are multiple folders of documents, containing all templated forms used in the Young Adult List. The following is a list of documents which should be in each courtroom folder, however some courts may wish to include additional documentation:

- Young Adult List - Information for legal professionals and support agencies (this document will be tailored to your court).
- Young Adult List court criteria
- Courtroom layout for your court
- Information Sharing Protocol – appendix 4
- Young Adult List Information Sharing additional information – appendix 8
- a biography of each agency in court
- Duty Lawyer Checklist (multiple copies) – appendix 2
- Young Adult List Proposed Bail Conditions (multiple copies) – appendix 9

- Sensitive Information Form (multiple copies) – appendix 3
- a list of other agencies available in your local community.

Please note that some items have not been included in the appendix as these will be different for each court.

Plain language

Purpose

Legal jargon is commonly used in all court proceedings. As a result, often participants do not understand what is happening and what is required of them, for example compliance and understanding of their bail conditions. A key component of The Young Adult List is the use of plain language by all members of the multidisciplinary team in the court. If legal jargon must be used, then a clear definition should be provided to the defendant.

A key aspect of procedural fairness in the court is that defendants and victims should understand what's happening and understand the implications of any decisions made in the court process. To enable this, the use of plain language in the courtroom recognises the learning and developmental differences in young adults that could affect procedural fairness.

Using plain language in the courtroom

An education package has been developed for the multidisciplinary team who support the Young Adult List. The education package includes a range of tools that professionals can use to ensure that young adults, victims and their whānau understand what is happening in the courtroom. This includes a glossary of terms and alternative terminology that can be used in the courtroom. You can access the education package at this link.

Legal professionals and support agencies can benefit from the Benchmark best practice resources. This website has resources for working with vulnerable people in the legal system and includes evidence-based guidelines and case law. You can view these resources by going to <https://www.benchmark.org.nz/resources>.

An information booklet for young adult participants

An information booklet has been produced for young adult participants using plain language. The booklet is intended as a reference document for young adults to take home and refer to as they need to.

The booklet is made up of two components:

- Information sheet and frequently asked questions: Provides a basic explanation of the Young Adult List and a series of frequently asked questions.

- A glossary of what our words mean: a glossary of commonly used words in the Young Adult Court context with plain language definitions.

There are two versions of the information booklet, with one using a purposely designed OpenDyslexic font. OpenDyslexic is a font designed specifically to make content easier to read for dyslexic readers.

These can be found in the appendix as items 10 and 11.

A multidisciplinary team

A core component of the Young Adult List is a multidisciplinary team to support young adults towards restorative and rehabilitation pathways. To enhance outcomes concerning accountability, responsibility and promoting safety of the community, ideally, a multidisciplinary team will be present in each Young Adult List. The team will work with the young adult, to provide help to ensure they understand what’s happening and can participate in the process.

Many Young Adult List participants are neurodiverse or have other conditions which mean they can become easily overwhelmed. All members of the multidisciplinary team should do their best to keep materials such as files for other cases out of view when they are not in use in the courtroom.

The multidisciplinary team might look different in each court depending on courtroom capacity, availability and young adult needs.

Roles and responsibilities

The multidisciplinary team are required to use plain language, to help everyone understand and feel included in proceedings. If legal jargon must be used, an explanation of the term should be provided.

The following roles are part of the core Young Adult List team and will be present in every location:

Role	Responsibilities
Court Registry Officer	<ul style="list-style-type: none"> • provides judicial support and case progression • performs the role of registrar in the courtroom. • verifies that participants meet the eligibility criteria for the Young Adult List and stamp the <i>Court Document</i> and <i>Court Copy</i> with the Young Adult stamp when they do so

	<ul style="list-style-type: none"> • considers when there is appropriate notice to reschedule if young adult has not been placed into the Young Adult List • informs the Prosecutor if it is necessary to reschedule, create a note in CMS and keep a copy of any emails on file • prepares case file, including ensuring actions as part of the Judicial Information Sharing Protocol are carried out • prepares courtroom, including ensuring that all chairs are labelled with the correct signs and that courtroom folders are up to date • searches for youth court history for the purposes of legal aid • hands <i>Sensitive Information Form</i> to the judicial officer when provided it by another member of the multi-disciplinary team • schedules further appearances.
<p>Court Victim Advisor</p>	<ul style="list-style-type: none"> • is responsible for ensuring victims understand the progress of their case through the court system and should the victim choose to, the Court Victim Advisor will support the victim to properly engage and participate • advises victim what other services, entitlements and financial assistance to which they may be entitled • collaborates with Police victim service delivery where required, including explaining what a Victim Impact Statement is and informing victim about the final outcome of the case.
<p>Duty Lawyer/Defence Counsel</p>	<ul style="list-style-type: none"> • provides legal advice and representation to participants that appear in the Young Adult List • may enquire about defendant's youth or family court history • completes the <i>Proposed Bail Conditions Form</i> (appendix 9) and provides it to the defendant

	<ul style="list-style-type: none"> • helps defendant fill out their legal aid application and request previous youth advocate if they wish • stands next to young adult they represent • will complete the <i>Young Adult List Duty Lawyer Checklist</i> • will carry out required Intervention Plan tasks.
Probation Officer	<ul style="list-style-type: none"> • is responsible for preparing reports and recommendations for the court to inform sentencing • works closely with the young adult, their whānau, programme facilitators and community work supervisors.
Prosecutor	<ul style="list-style-type: none"> • is responsible for progressing the Prosecution's case • informs the court of the victims' views and provides relevant information about the young adult • where possible, the Prosecutor will facilitate re-summoning the defendant to the adjourned date if young adult was not correctly scheduled in the List • provides updates on how the defendant is complying with their conditions (i.e. further known offending) at judicial monitoring hearings as required.

Where available in each court location, the following roles may also make up the multidisciplinary team:

- **Alcohol and Other Drug Clinician:** will work with the young adult to assess the extent that drugs and alcohol have affected their lives and provide treatment and/or referrals to a range of services they may require.
- **Bail Support Officer:** will conduct a needs assessment with the young adult and then provide a bail information report on how any identified needs would be met if they receive bail. If bail is granted, the young adult can opt into the Bail Support Service and have a Bail Support Officer work with them in the community who may

be able to support them with completing their Intervention Plan. They will support the young adult to address unmet social needs and support them to comply with their conditions.

- **Community Link in Courts:** will provide wraparound support to young adults and link them to community services such as Work and Income to access the benefit and New Zealand Transport Association (NZTA) to get a driver's licence.
- **Forensic Court Liaison Nurse:** will meet with young adults who may have mental health concerns. After talking with the young adult, the Nurse will make suggestions to the court to have their needs met. These suggestions could include referring to a Community Mental Health Team or Alcohol and Drug Service. This role can be referred to by different names such as Justice Liaison Nurse in some locations.
- **Māori Pacific and Ethnic Services:** will work with young adults and victims at court to provide advice and support. They provide cultural advice to the court about a young adult and work to improve police relationships with Māori, Pacific and Ethnic people.
- **Restorative Justice:** will be present at each Young Adult List to facilitate voluntary conferences between the young adult defendant and victim(s), with an aim to repair the harm caused by the offending.

In some locations these roles may be known by different titles. There may be additional roles available such as a Family Harm Team Member from the Police.

Community Service Providers

The Young Adult List seeks to create stronger links between the Court and the community. Support Services, such as Bail Support Services or a Probation Officer, may be available to support the young adult access cross-sector, iwi and community services and programmes that can assist young adult participants.

Representatives of support and community services may be present in the courtroom or courthouse.

In some regions, there might be a community service provider catalogue available that provides a list of community and service providers in that region. The community services catalogue may also have a referral function.

Roles and responsibilities for Young Adult List Court processes

Overview

This Young Adult List (YAL) process map reflects the activities undertaken as part of the District Court process for a young adult's appearance in the District Court.












The court process can range from one appearance to multiple court appearances, before the case is disposed. This process map reflects the high-level activities undertaken by the different parties supporting the court process for a single court appearance.

The activities are outlined in 3 parts:

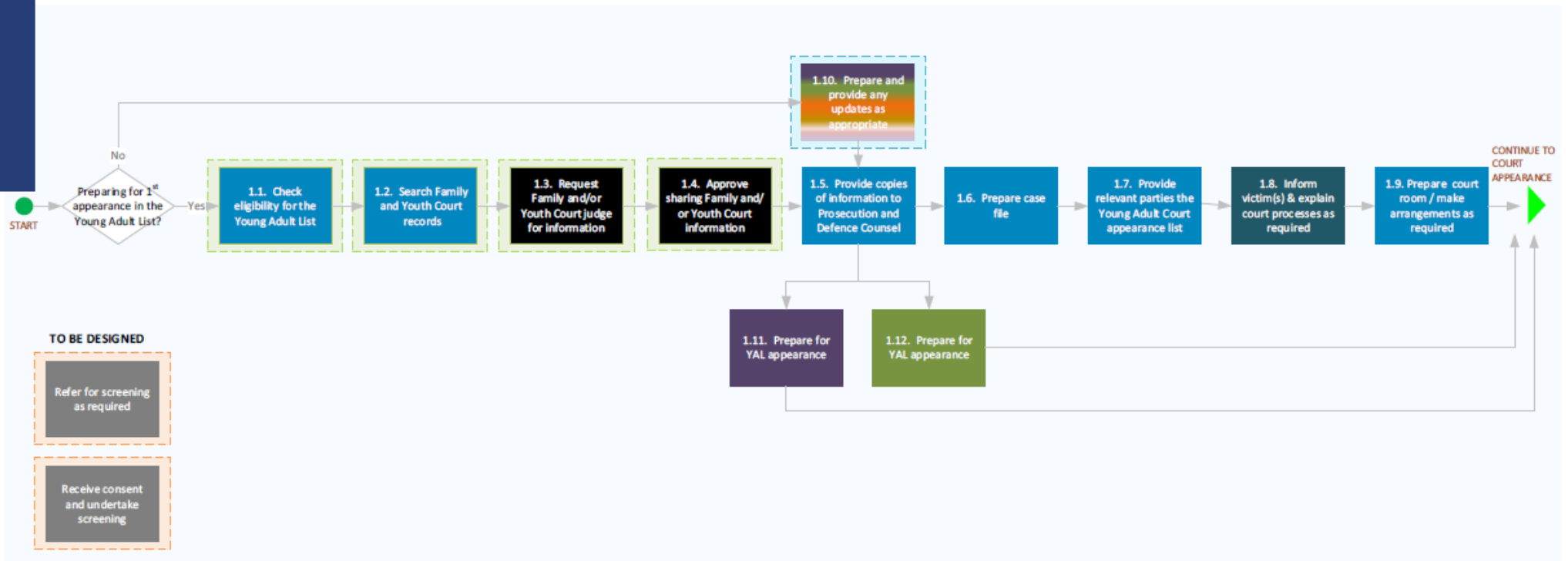
- *Prepare for YAL appearance* – outlines activities to prepare for a court appearance
- *Court appearance* – outlines activities while the court is in session
- *Actions after the court appearance* – outlines activities after a defendant's court appearance.

Where multiple court appearances are required, this process is repeated, until the case is disposed.

The roles of parties supporting the Young Adult List are depicted in the process map through the use of a separate colour for each role, as below:

	Judicial Officer
	Prosecutor
	Defence Lawyer
	Court Registry Officer
	Court Victim Advisor
	Probation Officer
	Collaboration by Counsel, agencies and support providers
	To be agreed
	Phase 1 changes
	Phase 2 changes
	Phase 3 changes

1. Prepare for YAL appearance



NOTES

Step 1.1. Verify appearances for the Young Adult List

- The defendant is 18-25 years on the date the charges or applications are filed in the District Court
- The charges or applications relate to Category 2 or 3 offence(s)
- The case is not a Judge Alone or Jury Trial
- If transferred, the young adult:
 - > lives in the court catchment area
 - > has pled guilty or intimated a guilty plea
- A Youth Court judge has directed the defendant to appear in the District Court under s275(2)(aa) or s283(o) of the Oranga Tamariki Act

Step 1.2. Search Family and Youth Court records

Information shared with the Criminal jurisdiction is:

- Family Court information:
- s178 medical/psychological/ psychiatric
 - s181 examination in hospital
 - S187 cultural
 - alcohol/drug

Youth Court information:

- s333 medical/psychological/psychiatric
- s336 cultural
- alcohol/drug

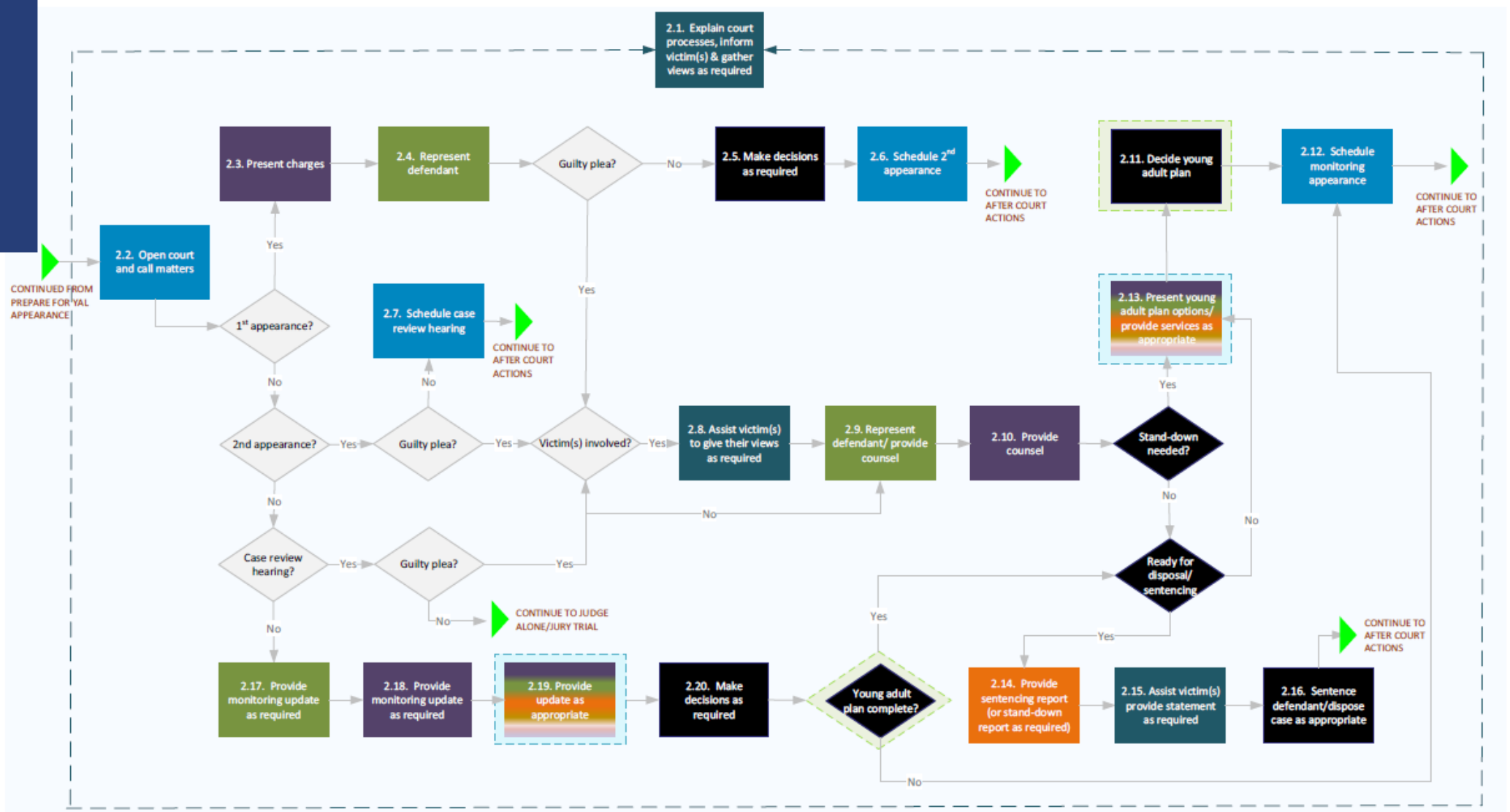
Step 1.11. Prepare for YAL appearance

For Police Prosecutions, the Officer-in-Charge will provide the Prosecutor a Victim Impact Statement at the first court appearance if possible, or at the latest by the second court appearance

KEY

	Judicial Officer		Court Victim Advisor		Phase 1 changes
	Prosecutor		Probation Officer		Phase 2 changes
	Defence Lawyer		Collaboration by Counsel, agencies, support providers		Phase 3 changes
	Court Registry Officer		To be agreed		

2. Court appearance



NOTES

Step 2.11. Decide young adult plan

In Phase 1, young adults will be connected to services already being provided to the Court. In Phase 2, additional local intervention and support services will be available.

Step 2.13. Present young adult plan options

Consideration is underway on the role responsible for co-ordinating the Young Adult Plan

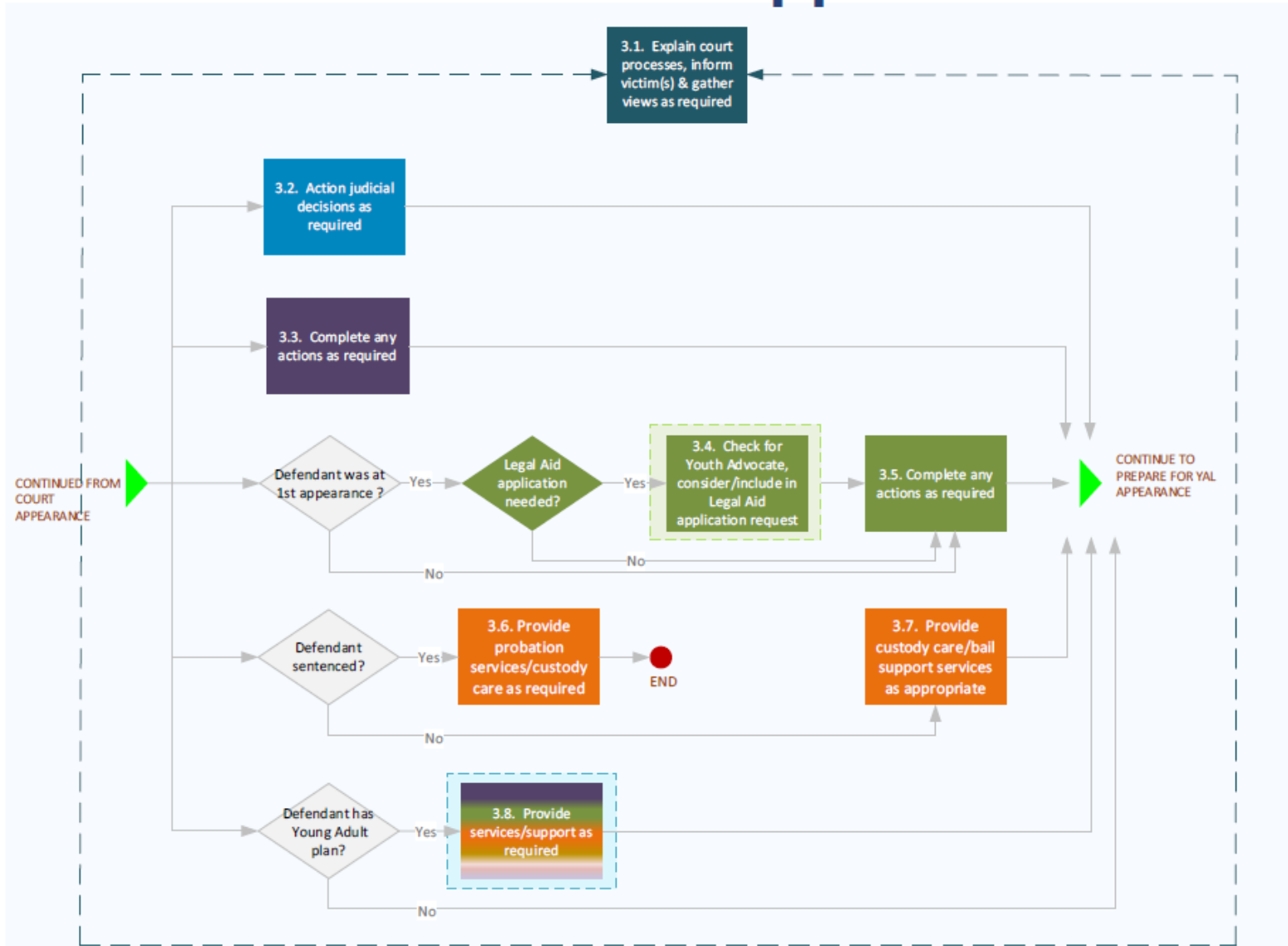
Plain language use

Simple and easy to understand language will be used by all parties supporting the court process during the court appearance.

KEY

	Judicial Officer		Court Victim Advisor		Phase 1 changes
	Prosecutor		Probation Officer		Phase 2 changes
	Defence Lawyer		Collaboration by Counsel, agencies, support providers		Phase 3 changes
	Court Registry Officer		To be agreed		

3. Actions after the court appearance



NOTES

Step 3.3. Complete any actions as required

Awaiting a brief description for Police Prosecutions

Step 3.5. Complete any actions as required

tbc if a brief description can be provided by Defence Counsel

Plain language use

Simple and easy to understand language will be used by all parties in their interactions with the young adult.

KEY

	Judicial Officer		Court Victim Advisor		Phase 1 changes
	Prosecutor		Probation Officer		Phase 2 changes
	Defence Lawyer		Collaboration by Counsel, agencies, support providers		Phase 3 changes
	Court Registry Officer		To be agreed		

Intervention Plans

An Intervention Plan is an agreement a young adult makes with the court to take certain actions which a Judicial Officer may consider at sentencing. These actions may include a young adult's participation in programmes such as stopping violence, driver's licensing education, or counselling.

Intervention Plans are intended to help address issues that may contribute to offending, enable young adults to demonstrate commitment to putting things right and provide pathways for young adults to make positive changes in their lives. Plans help to support some of the List's key objectives such as supporting young adults and giving them the opportunity to be referred to the right interventions.

Defence Counsel will discuss an Intervention Plan with the young adult. The young adult will decide if they want an Intervention Plan and what activities it should include. The Prosecutor will be given an opportunity to give their views on the plan. The plan will then be presented before a Judicial Officer who may defer sentencing to allow the plan activities to take place. There will be support available to help young adults make appointments and complete the actions on their plan. This may include Defence Counsel, or a support service such as a Bail Support Officer or Probation Officer (the support available may differ depending on the court).

Intervention Plan guidance

Not every young adult who appears in the List will benefit from an Intervention Plan. You should consider a plan on a case-by-case basis, using the below guidance.

A plan is most likely to benefit a young adult if its successful completion is likely to:

- support a section 106 (Discharge without conviction) application or charge being withdrawn, particularly for first time offenders
- provide enough mitigation for the young adult to receive a community-based sentence, instead of a term of imprisonment
- address the underlying causes of offending.

An Intervention Plan is unlikely to benefit a young adult:

- if the charges can be more appropriately dealt with via diversion or Te Pae Oranga
- if it is unlikely to address the causes of the young adult's offending, e.g., where the young adult is not committed to change or relevant services are not available.
- where the young adult prefers not to receive a plan or would prefer to be sentenced on the same day.

Intervention Plan progress

A young adult's progress on their Intervention Plan is checked at follow-up monitoring court appearances. Where there is insufficient or no progress, and next steps are being determined, consider the reason(s) for the lack of progress. The following table shows possible reasons for a lack of progress and possible next steps:

Reason for lack of progress	Possible next steps
The plan is not suitable for the young adult	<ul style="list-style-type: none"> • amend plan • proceed to sentencing
The young adult prefers not to continue with their plan	<ul style="list-style-type: none"> • proceed to sentencing
The young adult has not been able to complete actions on their plan (e.g., failed driver licencing tests)	<ul style="list-style-type: none"> • initially provide additional time to complete actions • amend plan or proceed to sentencing if young adult can still not complete
Delay in the availability of services (see below section for more information)	<ul style="list-style-type: none"> • consider the delay and, if it is short, consider providing more time for young adult to complete actions • if the delay would keep the young adult in the justice system for an unreasonable length of time, amend plan to substitute or remove service, otherwise proceed to sentencing

The above next steps are indicative only. The chosen course of action should be determined by discussions between the young adult and their lawyer, the individual monitoring the plan, Police Prosecutions, service providers and victims' views. The presiding Judicial Officer will make the final decision.

Delays in availability of services

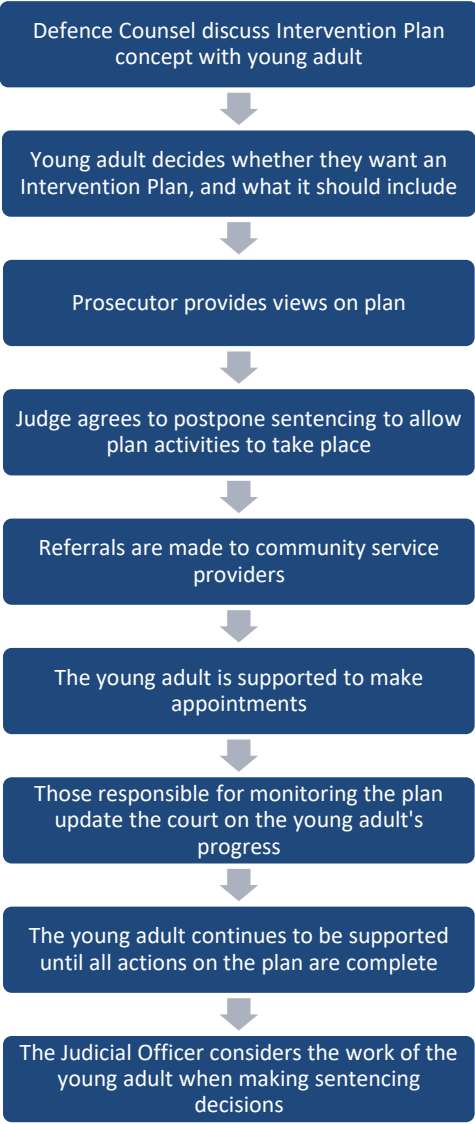
If there is a short delay in the availability of services, the court may provide a young adult with more time to complete their plan. Each case should be considered based on its individual circumstances; however, a short-term delay is generally one of less than two months. If there is a short delay, the person monitoring a young adult's plan should contact the court before the next appearance seeking to adjourn the matter until after a date when the service is available.

Longer delays may require a monitoring appearance for the court to decide what appropriate next steps should be. The court may need to determine whether a delay in the availability of services would keep a young adult in the justice system for an unreasonable length of time.

Factors the court may wish to consider when determining next steps include the type of charges, the expected outcome, victim's needs, how the successful completion of the plan may affect the outcome and the length of the delay. For example, if there is a three-month delay in driver licencing support, it would likely be reasonable to provide more time for a young adult to complete their plan if they are seeking a s106 discharge. However, for a

young adult charged with violent offending, a three-month delay in a non-violence programme may be unreasonable if they are on bail conditions and likely to receive supervision regardless of the successful completion of their plan. The programme could be provided during supervision.

How it works



Roles supporting the Intervention Plan

The roles supporting the Intervention Plan may vary for the different District Court locations operating a Young Adult List. Defence Counsel will present an Intervention Plan to the court. In some locations, other roles may also present plans in collaboration with the Defence Counsel. The supporting roles and processes are in appendix 15.

Supporting templates

Templates have been developed to support the use of Intervention Plans. The following templates are available to support the Intervention Plan:

Template purpose	Template name
Agreeing to the Intervention Plan	Intervention Plan (appendix 16)
Agreeing to the Intervention Plan for Duty Lawyers	Intervention Plan Duty Lawyers (appendix 17)
Making referrals to community services	Young Adult List Referral Form (appendix 18)
Providing progress updates	Progress Summary (appendix 19)
Reporting on completion of the plan	Intervention Plan Report (appendix 20)

Information to support the Intervention Plan

Information to support the Intervention Plan is provided in the following documents:

- Intervention Plan information for young adult (appendix 21)
- Information for community service providers (appendix 22)
- Guidance for support services (appendix 23)
- Introducing Intervention Plans (appendix 24)

Court etiquette

The Young Adult List Court sits within the District Court. Although the Young Adult List introduces elements into the court such as plain language and alternate courtroom layouts which tone down formality, appropriate court etiquette must still be observed. This includes:

- the Judge should be addressed as Ma'am, Sir, Judge or Your Honour
- the registrar should be addressed as 'Madam Registrar' or 'Registrar'
- other members of the team should be addressed as Mrs, Mr, Ms or Sergeant, as appropriate in open court
- the Judge or others addressing the court should not be interrupted
- the person to whom the Judge is speaking should always stand
- if someone needs to raise a matter, they should politely indicate this to the Judge
- communication should be appropriately formal (for example, no colloquialisms or slang)

- wearing appropriate court attire
- team members should role model appropriate behaviour in court to young adults; and
- water bottles, hot drinks and food are not permitted unless the Judge agrees.

Glossary

The following is a list of some key terms mentioned in this document. The glossary in appendix 14 contains a list of terms and their plain language definition, which is designed to help you explain important terms to a participant.

Alcohol and Other Drug Clinician – will work with the young adult to assess the extent that drugs and alcohol have affected their lives and provide treatment and/or referrals to a range of services they may require.

Bail Support Officer – will conduct a needs assessment with the young adult and then provide a bail information report on how any identified needs would be met if they receive bail. If bail is granted, the young adult can opt into the Bail Support Service and have a Bail Support Officer work with them in the community. They will support the young adult to address unmet social needs and support them to comply with their conditions.

Community Link in Courts - will provide wraparound support to young adults and link them to community services such as Work and Income to access the benefit and New Zealand Transport Association (NZTA) to get a driver's licence.

Courtroom folder – a collection of templated documents which are to be placed on each desk in the court. The exact documents in the courtroom folder will vary by court. You can read more on page 20.

Court Registry Officer – a Ministry of Justice employee, who assists with the day to day running of the court. Their role includes file preparation, acting as a registrar in court and exercising powers as a deputy registrar.

Court Victim Advisor – specialist court staff whose role is to help victims throughout the court process.

Custodial access – where a courtroom has a secure way to bring participants held in custody to court, without them having to travel through public or judicial areas.

Duty Lawyer – gives free legal help to people at first appearance who have been charged with an offence and don't have a lawyer. A Duty Lawyer is paid by Legal Aid Services.

Defence Counsel – a lawyer whose role it is to act in the interests of the defendant. This could include someone acting as a Duty Lawyer, someone appointed to represent the defendant through legal aid, or someone hired as a private lawyer.

Executive functioning - Executive functions are the set of cognitive processes that enable humans to organise behaviour toward a goal. This includes planning, reasoning, problem solving, self-control, emotion regulation, and the ability to focus attention. Healthy executive

functioning is underpinned by the development of specific brain pathways during pregnancy, infancy, and childhood. The brain structures associated with executive function continue to mature during young adulthood.

Forensic Court Liaison Nurse – will meet with young adults who may have mental health concerns. After talking with the young adult, the Nurse will make suggestions to the court to have their needs met. These suggestions could include referring to a Community Mental Health Team or Alcohol and Drug Service. This role can be referred to by different names such as Justice Liaison Nurse in some locations.

Judicial Information Sharing Protocol – An agreement between the Chief District Court Judge, the Principal Youth Court Judge and the Principal Family Court Judge regarding information that can be shared about a defendant’s previous youth and family court history when they appear in the Young Adult List. The purpose of this protocol is to understand barriers to participation that the young adult may face.

Māori, Pacific and Ethnic Services - will work with young adults and victims at court to provide advice and support. They provide cultural advice to the court about a young adult and work to improve police relationships with Māori, Pacific and Ethnic people.

Multi-disciplinary team – the people who work in the court. Includes Court Registry Officers, Court Victim Advisors, Prosecutors, Probation and Defence Counsel. In some locations, it may also include other roles such as an Alcohol and Other Drug Coordinator and a Bail Support Officer.

Neurodiversity - Neurodiversity is a term used to capture the natural diversity of human brains. It was coined to encourage the use of respectful, inclusive language when referring to neurological conditions (e.g. Autism Spectrum Disorder). The underlying assumption is that neurological conditions are not ‘disorders’ to be cured and that language plays an important role in enabling neurodivergent individuals to fully participate in society. Examples of different types of neurodiversity are described on pages 8 and 9.

Participant – a person who is the recipient of services from the Ministry of Justice. In court, this usually means the defendant.

Plain language – language designed to ensure the reader understands as quickly, easily, and completely as possible. Plain language uses shorter sentences and avoids the use of legal jargon.

Probation Officer – supervises offenders serving a sentence in the community. They also help ex-prisoners return to society.

Prosecutor - responsible for presenting the case in a criminal trial against an individual accused of breaking the law. A Prosecutor can be an employee of the New Zealand Police for general crimes or of the Department of Corrections for bail breaches.

Restorative Justice – A restorative justice conference is an informal, facilitated meeting between a victim, offender, support people and any other approved people, such as community representatives or interpreters.

Sensitive Information Form – a form which allows for sensitive information to be shared in court using codes, preventing the need to close court.

Timetabling – how different appearance types, such as arrests, bail appearances, monitoring updates and sentencing fit into the day.

Victim – a victim is defined under section 4 of the Victim Rights Act 2002⁹ to be, a person against whom an offence is committed by another person. It can also refer to the parent or legal guardian of such a person.

Victim Impact Statement – a statement made by the victim detailing the impact that the alleged offending has had on them. The purpose of the statement is to enable the victim to provide information to the court about the effects of the offending, assist the court in understanding the victim's views about the offending and inform the offender about the impact of the offending from the victim's perspective. The parameters of the Victim Impact Statement are set out in the Victim Rights Act 2002.

Young Adult List Court Coversheet – a form which is used to approve the sharing of information under the Judicial Information Sharing Protocol.

Young Adult List Duty Lawyer Checklist – a form for the Duty Lawyer to fill out, which will be provided to the assigned lawyer at second and subsequent appearances.

Youth advocate - a lawyer appointed to represent a young person charged with a criminal offence in the Youth Court.

Actions on the Intervention Plan - activities a young person agrees to complete as part of their Intervention Plan

Community services – community organisations providing services to the young adult such as driver licence education, preventing violence programmes, counselling services

Support services – services to assist a young adult e.g. Bail Support Services or Probation Services

⁹ Victims Rights Act 2002, section 4

Appendices

- Appendix 1 – Young Adult List Coversheet
- Appendix 2 – Duty Lawyer Checklist
- Appendix 3 – Young Adult List Sensitive Information Form
- Appendix 4 – Judicial Information Sharing Protocol
- Appendix 5 – Email to request Family/Youth Court file template
- Appendix 6 - Coversheet to send with specialist reports to parties
- Appendix 7 – Courtroom sign
- Appendix 8 – Young Adult List additional information
- Appendix 9 – Proposed Bail Conditions
- Appendix 10 – Participant Handbook regular font
- Appendix 11 – Participant Handbook dyslexic font
- Appendix 12 – Unravelling Legal Jargon
- Appendix 13 – The Write Plain Language Standard
- Appendix 14 – Plain Language Glossary
- Appendix 15 – Roles and processes supporting the Intervention Plan
- Appendix 16 – Intervention Plan
- Appendix 17 – Intervention Plan Duty Lawyer form
- Appendix 18 – Young Adult List Referral
- Appendix 19 – Progress Summary
- Appendix 20 – Intervention Plan Report
- Appendix 21 – Intervention Plan Information for young adult
- Appendix 22 – Information for community service providers
- Appendix 23 – Guidance for support services
- Appendix 24 – Introducing Intervention Plans



**Young Adult List
Youth Court / Family Court History Coversheet**

YOUNG ADULT

1.

KEY: YES = ✓ NO = x

Youth Court history identified: 2.

Current Family Court proceedings identified: 2.

Previous Youth Advocate:
3.

Historic Family Court proceedings identified: 2.

4. Specialist Reports:

3. Specialist Reports obtained by Family Court about Young Person:

- s333 [medical / psychological / psychiatric]
- s336 [cultural]
- AOD
- s38

- s178 [medical / psychological / psychiatric]
- s181 [examination]
- s187 [cultural]
- AOD

Request by Judicial Officer to Youth Court:
In accordance with the Information Sharing Protocol I request access to the reports detailed above to further the interests of the Young Adult in the conduct of proceedings.

Request by Judicial Officer to Family Court:
In accordance with the Information Sharing Protocol I request access to the reports detailed above to further the interests of the Young Adult in the conduct of proceedings.

5.

4.

Judicial Officer Date

Judicial Officer Date

Direction of Youth Court Judge:
I direct that the reports detailed above / the following reports / parts of reports [details], be supplied to the District Court Judge subject to the following conditions on the release of the reports:

Direction of Family Court Judge:
I direct that the reports detailed above / the following reports / parts of reports [details], be supplied to the District Court Judge subject to the following conditions on the release of the reports:

6.

5.

Youth Court Judge Date

Family Court Judge Date

Registry use: Report(s) distributed to parties on:
Attention is drawn to clause 12 of the Information Sharing Protocol:
12. Views of the report writer, parties and counsel for the young adult should be sought and they should be given the opportunity to be heard.

Appendix 2 - Duty Lawyer Checklist



Warning: This document contains privilege material and is for the use of the duty lawyer only.

Last name

Court

Date seen

**Young Adult List
Duty Lawyer Checklist**

KEY: YES = ✓ NO = ✗

First names In custody

Address

Phone DOB

Email

Charges CP Act Offence Category 1 / 2 / 3 / 4

Actives PRN:

Screening Tool Completed: Youth History checked: Criminal History checked:

PLEA No Plea: Guilty: Intimated Guilty: Not Guilty: Diversion: TPO:

BAIL At large: Bail: BTC: RIC: Opposed: (s.8 / 10 / 12 / 13 / 15 / 16 / 17A)

Bail Conditions:

PERSONAL Working: (Part time / Full time) Benefit:

Fines: Single: Partner: Dependent Children:

LEGAL Legal Aid Completed: Defendant has Initial Disclosure: Name Suppression:

s 65AB Interlock / Exception: s 81 / s 94 Application: s 39 Report Ordered:

AOD Comprehensive: Communication Assistant: Cultural Report:

s 106 Application: s 129 / s 129B / s 131 Sent Act: PAC / PAC w/ Appendices:

SERVICES/ REFERRALS AOD Clinician: Forensic Court Nurse: Community Link in Courts: Family Harm Team:

Bail & Community Support: Restorative Justice: Supported Resolutions: Maori/ Pacifica/ Ethnic Services

Notes

Duty Lawyer (Print Name):

Court Outcome

Next court date: Time:

Appendix 3 - Young Adult List Sensitive Information Form



Warning: This document contains sensitive material and is not to be disclosed in open court

DATE

Young Adult List Sensitive Information Form

KEY: YES = ✓ NO = ✗

LAST NAME FIRST NAMES

ADDRESS

DOB

CASE CONTAINS POTENTIALLY SENSITIVE INFORMATION NOT TO BE DISCLOSED IN OPEN COURT?

Details

Codes to be used in Open Court

When discussing sensitive information in an open court, please refer to the issue as coded below, e.g. "Issue A":

A: <input type="text"/>	F: <input type="text"/>
B: <input type="text"/>	G: <input type="text"/>
C: <input type="text"/>	H: <input type="text"/>
D: <input type="text"/>	I: <input type="text"/>
E: <input type="text"/>	J: <input type="text"/>

Other Notes

Please hand original to the Court Taker, a copy to the other party and retain a copy for your own reference to ensure accurate referencing and understanding in open Court.

YOUNG ADULT LIST INFORMATION SHARING PROTOCOL

CHIEF DISTRICT COURT JUDGE PRINCIPAL FAMILY COURT JUDGE PRINCIPAL YOUTH COURT JUDGE

Preamble

The Young Adult List pilot commenced at the Porirua District Court in February 2020. The Chief District Court Judge, Principal Family Court Judge and Principal Youth Court Judge (“the Judges”) are supportive of the expansion of the Young Adult List to other courts.

The Young Adult List identifies all persons aged between 18 and 25 years old (“young adults”) and seeks to manage their proceedings in a procedurally fair manner, recognising the limitations and special characteristics of this cohort.

It is recognised that there may be information held on Youth Court and Family Court files relevant to young adults and their ability to comprehend and participate in the proceedings. In accordance with this there needs to be a process for disclosing information.

The goals of the Young Adult List are to increase participation, overcome barriers to engagement and ensure proposed interventions are appropriate in the circumstances.

The Young Adult List will draw on the transfer of information, adjusted terminology, engagement of professional services and the application of a screening tool to identify neuro-disabilities to best ensure procedural fairness.

Information-sharing

- [1] To give effect to these matters the Judges agree on behalf of their jurisdictions that this Information Sharing Protocol (“the Protocol”) can be applied for the purposes of any Young Adult List.
- [2] Such information is only to be sought, shared and used where it is necessary to further the interests of the defendant in the conduct of the proceeding.
- [3] The court must be satisfied, in each case, that access and use of the information is necessary for the conduct of the proceeding – that the information in any report is relevant to the question of the young adult’s ability to understand the proceedings, appropriate to be relied upon, and required for procedural fairness or will inform decisions on the appropriate interventions.
- [4] Any information is not to be used for any other purpose beyond the scope of the Young Adult List, including as evidence prejudicial to the young adult in a criminal trial.
- [5] Consent of the young adult should be obtained wherever the young adult is capable of giving informed consent.

Appendix 4 - Judicial Information Sharing Protocol

- [6] Any conditions imposed by the Youth Court and Family Court on the release of the reports must be observed.
- [7] No information shall be released pursuant to this Protocol where such release is otherwise prohibited by any legislative enactment. In particular, attention is drawn to the provisions of s 438 Oranga Tamariki Act 1989 ("OTA") and s 11B Family Court Act 2002 ("FCA").

Definitions

1. The term "young adult" refers to a person aged between 18 and 25. It will also include a young person who has been transferred to the District Court from the Youth Court jurisdiction, including:
 - a. a 17-year old charged with an offence specified in Schedule 1A OTA;
 - b. a young person convicted and transferred to the District Court under s 283(o) OTA.
2. The term "professional report" refers to a specialist medical, psychiatric or psychological report obtained under any of ss 178, 181, 186, 187, 333, 334 and 336 Oranga Tamariki Act 1989.
3. Unless specified, "court" means the District Court. Where referring to the Family Court or Youth Court those terms will be used.

Legislative basis

4. Access to court documents is governed by, and in accordance with, rules of court: s 236(1) District Court 2016.
5. Professional reports obtained under the OTA for the Youth Court or Family Court have specific provisions providing for access. These may be accessed by those who satisfy the court that they have a "proper interest": sections 191(d) and 339 OTA.
6. Release of Youth Court information is governed by the District Court (Access to Court Documents) Rules 2017. Release of Family Court information is governed by r 427 Family Court Rules 2002.
7. Rule 5 District Court (Access to Court Documents) Rules 2017 notes that the rules do not affect the court's inherent power to control its own proceedings.

Process

8. The scheduled appearance of a young adult in the Young Adult List will indicate to the registry that a search should be done to ascertain whether they have a Youth Court history or Family Court proceedings affecting them, and the existence of any specialist reports obtained by the Youth Court or the Family Court.
9. The Judge shall be entitled to obtain information as to:
 - a. the nature of the proceedings (noting that the existence of any fitness to stand trial proceedings is of central concern);
 - b. the stage the proceedings have reached;

Appendix 4 - Judicial Information Sharing Protocol

- c. any order, sentence or direction made; and
 - d. what professional reports have been obtained about the young adult.
10. If specialist medical, psychiatric or psychological reports are identified, a District Court Judge may make a request to the Youth Court and/or Family Court for access to reports held by those courts in relation to the young adult.
 11. On receipt of such a request, a Youth Court Judge or Family Court Judge will consider the request and may provide all or part of such report to the District Court, subject to any conditions that they think fit relating to any subsequent distribution. Where practicable this determination will be made by the Judge who heard the case in that court.
 12. Views of the report writer, parties and counsel for the young adult should be sought and they should be given the opportunity to be heard.
 13. If such a report is provided, natural justice requires that it must also be shared with the prosecution and defence counsel.
 14. Subject to the consent of the defendant it may also be made available to Corrections or any treatment provider for the purposes of the pre-sentencing report in accordance with this Protocol.


Dated this 2nd day of December 2021



HM Taumaunu

Chief District Court Judge

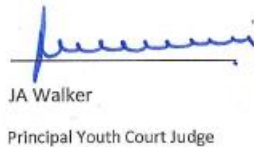
Kaiwhakawā Matua o te Kōti-a-Rohe



JJ Moran

Principal Family Court Judge

Kaiwhakawā Matua o te Kōti Whānau



JA Walker

Principal Youth Court Judge

Kaiwhakawā Matua o te Kōti Taiohi

Appendix 5 - Email to request Family/Youth Court file template

Subject Line: FAM/CRI Number – SURNAME, First Name DOB

To the Family/ Youth Court at:

In accordance with the 'Judicial Information Sharing Protocol', please find attached a request from the District Court Judge to access specialist reports that have been identified on the above file.

Please forward copies of the above identified specialist reports from the Family/ Youth Court file(s) to the location District Court to enable the Family/ Youth Court Judge to consider and determine this request

Young Adult Court

XXXX DISTRICT COURT



Young Adult:

Under the direction of the Youth / Family Court Judge, the Youth / Family Court file for the above defendant was provided to the District Court Judge.

Pursuant to clause 13 of the Information Sharing Protocol
13. If such a report is provided, natural justice requires that it must also be shared with the prosecution and defence counsel.

please find enclosed specialist report(s) for the above young adult.

IMPORTANT

Upon completion of the District Court proceedings, you must return these reports to the Court for destruction.



Please do this in person by delivering to the XXXX Registry Public Counter.

Appendix 7 - Courtroom sign



Lawyer



Young Adult List

Additional information

At the first appearance, the Duty Lawyer will have completed a Checklist, indicating what initial information was ascertained.

At the subsequent appearance, these are available for collection by assigned/private/next Duty counsel, from the Duty Lawyer on that day.

When a Youth Court History and/or Family Court history containing reports has been identified by the Registry, the District Court Judge may make a request to the Youth Court and/or Family Court for access to these reports held.

If this request is granted which may include conditions, the District Court Judge may then direct that a copy of such reports be made available to parties.

If this direction is made, the Registry will prepare a copy of the report(s) and will advise of their readiness for collection.

Upon completion of the District Court proceedings, the party that the report(s) has been distributed to, must return these reports in person to the Registry for destruction.



Young Adult List Proposed Bail Conditions

NAME

Your case will be put off to: Date:

Time:

Your lawyer's name is:

Your lawyer's phone number is:

From today your bail will be (only the boxes below that are ticked):

- To live at
- Curfew (to stay at home) between and every day
- To come to the door when Police check your curfew anytime of the day or night
- Not to be outside of your home address unless you are with
- Not to buy or drink any alcohol
- Not to have or take any drugs (that haven't been given to you by your Doctor)
- Not to go into any bars, pubs, clubs or places that sell alcohol
- Not to buy alcohol from the supermarket, bottle shop or any other place
- Not to go to
- Not to go past (geographical boundary) unless you are coming to Court or seeing your lawyer
- Not to see, contact or speak to
(Including by text message, phone, in person or on social media)
- Not to have or use any weapons, firearms or ammunition
- To go to the Police Station at am/pm
on (day of the week)
- Not to drive a car, motorbike or any other vehicle
- To go and see your Probation Officer at
on at am/pm
- You don't have any bail conditions



The Young Adult List



With the right support and advice, no matter how big the barriers in front of us, we can achieve.

Te Kāwanatanga o Aotearoa
New Zealand Government

WHAT'S IN THIS BOOKLET?



Page 3:

What's the Young Adult List?



Page 4:

Other questions you might have



Page 6:

Courtroom layout example



Page 8:

What our words mean

WHAT'S THE YOUNG ADULT LIST?



The Young Adult List is a special group of court cases for people aged 18 to 25 who are charged with crimes. The main differences from normal court are:

- Judges and lawyers have special experience working with young people in court.
- People in the court use words that are easier to understand.

OTHER QUESTIONS YOU MIGHT HAVE

Who will I see at court?

You'll see many different people around court. This may include judges, lawyers, court staff, police officers and probation officers.

Who can I ask if I need legal help?

On your first day in court, duty lawyers can give free legal help if you don't have a lawyer.

Your lawyer can explain what will happen, what your rights and choices are, and can help with any questions about your case.

Court staff can help you with general questions about what happens at court.

Do I have to be on the Young Adult List?

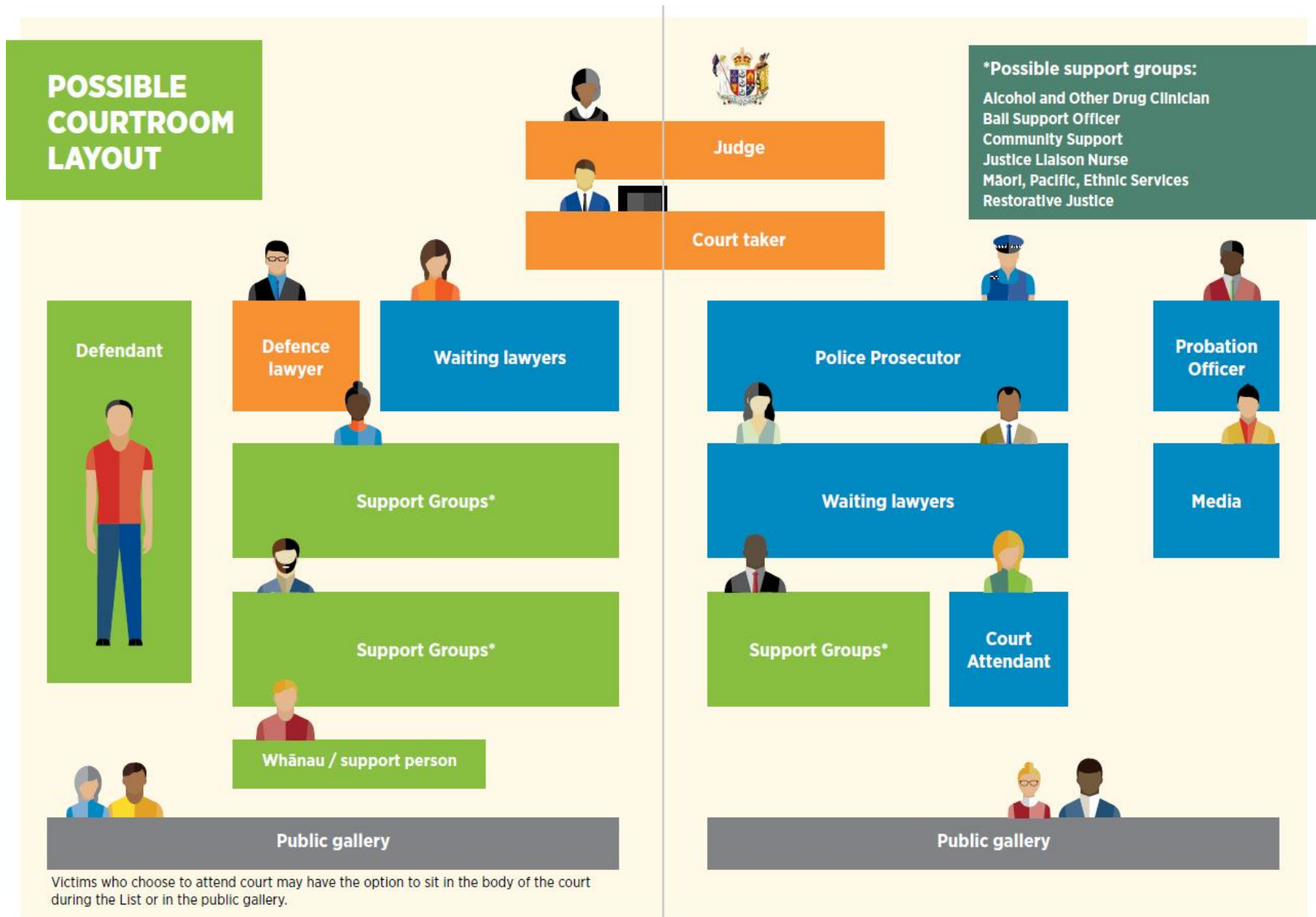
If you're aged 18 to 25 you'll be put on the Young Adult List.

How long does it take?

Every case is different. It might take one day, one month, a few months, or a lot longer. You can ask your lawyer about the process and how long they expect things to take.

Can I bring support people to court?

Yes. Friends, whānau and family members are encouraged to come and support you at court.



WHAT OUR WORDS MEAN



Affidavit

A document of facts that has been confirmed as the truth (see **Affirmation** and **Oath**). Affidavits need to be signed in front of an approved person.



Affirmation

A promise to tell the truth about what happened. This is the non-religious way of saying an oath in court (See **Oath**).



Alcohol and Other Drug Clinician

They talk to people who come to court who might need help with their use of alcohol or other drugs. They can help the person to get treatment and/or put them in touch with the right Drug and Alcohol services.



Appeal

An appeal is when someone who loses a case in court asks a higher court to review the court's decision.



Bail

If someone's been charged with a crime, they might be able to apply for bail. This means they don't have to stay in jail until their case gets to court. They'll have to follow some rules (conditions) while on bail (See **Bail conditions**).



Bail conditions

The rules that someone must follow when they get bail. This might include coming back to court when they're told and not travelling far away from where they're staying.



Bail Support Officer

A Bail Support Officer helps support people to get bail (see Bail). They can also help while someone is on bail. This includes help to find a place to live, a job, counselling, school courses, and other help they might need.



Breach

Breaking the rules or doing something you weren't allowed to. For example, breaking the rules of your bail (see **Bail conditions**).



Charge

A formal statement (usually by a Police Officer) that a person is accused of committing a crime.



Communication Assistant

They can help you in court hearings (see **Hearing**) with things like reading and understanding information. The judge can arrange this if you need it.



Conviction

When the Judge finds you guilty of a crime.



Counsel

A lawyer (See **Lawyer**).



Court Victim Advisor

They provide information to victims' from the defendant's first day in court, until sentencing and through to any appeals. They may also provide the court with the victims' views. This is a free service. (see **Appeal** and **Victim**)



Custody

When you have to stay in jail until your next court hearing.



Defendant

A person who's charged with (accused of) a crime.



Discharge

When a police charge (see **Charge**) or an order made by a judge (see **Judge**) is cancelled.



Diversion

Diversion is managed by the Police Prosecution Service and lets some defendants (see **Defendant**) take responsibility for minor crimes without going through the full court process. Diversion might include things like going to counselling or writing letters to victims (see **Victim**) to say sorry. Charges dealt with through diversion don't go on a criminal record.



Duty Lawyer

A lawyer (See **Lawyer**) who works at the court. The duty lawyer can help on your first day in court free of charge if you don't have your own lawyer. They can also help you apply for more affordable or free legal help if you need it. This is called legal aid.



Evidence

The things shown in court to try to prove what was said or done. It can include things like documents, photographs, maps and video/sound recordings.



Hearing

The legal process where both sides of a case have their say in court. The judge (see **Judge**) or the jury makes their decision based on what they learn during the hearings.



Judge

The person who is in control of court hearings and makes decisions about cases.



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They talk to people who come to court who might need help with their mental health or use of alcohol or other drugs. The Nurse can tell the court if a person needs to see a Community Mental Health Team or Drug and Alcohol Service.



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Opposed (bail)

When the police don't think the court should let you have bail (see **Bail**).



Plea

Telling the court if you're guilty or not guilty. This happens when you're charged with a crime.



Probation Officer

They can help the court decide what sentence (see **Sentence**) to give to a person who's found guilty. They can also take people back to court for not finishing all the parts of their sentence.



Remand

After a court hearing, you might be:

- remanded at large, which means you're free to go until your next court hearing; or
- remanded in custody, which means you stay in jail until your next court hearing; or
- remanded on bail, which means you're released on bail (See **Bail**).



Restorative Justice

A process that happens outside of court. You'll meet with the person (the victim) who was hurt by the crime. Someone else will also be at the meeting to help work out how to make things right for the victim. You get to choose if you want to go to these meetings.



Sentence

The penalty given to a defendant (see **Defendant**). Sentencing happens when the defendant has admitted to a crime or has been found guilty. A possible sentence could be time in jail.



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New Zealand Government

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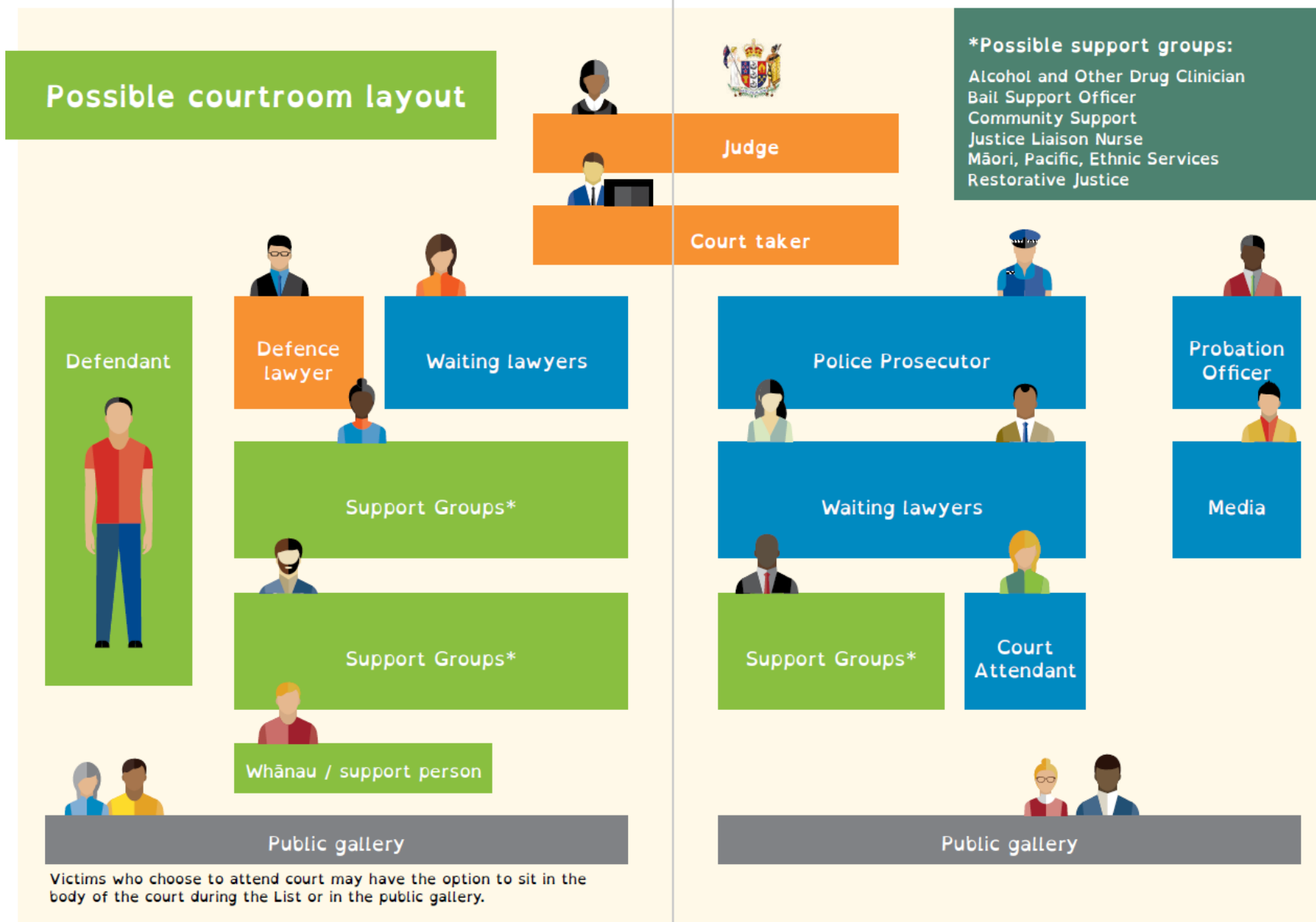
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entitlement
cognisant of
ascertain

aware of, know
find out
right

Unravelling legal jargon

Unravelling legal jargon

Need help translating a legal text into plain English?

Don't worry — that's why we've come up with this list of plain English alternatives for common legalese words and phrases. Choose the word or phrase that best fits what you want to say. The list is in alphabetical order, so all you need to do is scan through it to find the legal jargon you want to replace.

Print this booklet out and put it next to your computer for easy reference, or use the 'find' option if you'd prefer to use the booklet onscreen.

If the word or phrase you want isn't here, or if you have one to contribute, let us know — email consulting@write.co.nz.

A	
ab initio	from the start
abovementioned	above
accordingly	in line with, so
accumulate	gather, get
act for	work for
additional	more, added
additionally	and, also
adjacent	next to
administer	manage, organise
admonish	formally warn
adopt a course of action	act in a way
advise	tell, recommend
aforementioned	the (repeat the word)
aggregate	total
an absence of	no, none
an act of God	natural disaster
anticipate	expect
application for urgent relief	application for immediate court action
as a consequence of	because
as a means of	to
as of the date of	from
as regards	about
ascertain	find out, determine
assistance	help
at such time as	when
at that point in time	then
at their (her, his) discretion	they (she, he) may
attempt	try
authorise	allow, let
authority	right, power

Appendix 12 – Unravelling Legal Jargon

Jargon help series

B

breach	break, fail to follow
by means of	by
by reason of	because, because of
by virtue of	by, under; because of

C

case at hand	this case
cease	stop, end
clarification	explanation, help
clauses that survive this contract	clauses that still apply after this contract ends
cognisant of	aware of, know
commence	begin
communicate	talk, write, tell (be specific)
compensation	payment (for loss)
complete (verb)	fill in
comply with	follow, meet
concur	agree
consent (verb)	agree
consequence	result
contest (verb)	dispute
contrary to	against, despite
correspond	write
correspondence	letters, emails (be specific)
currently	now (or delete)
customary	usual

D

deem	treat as, consider
defer	put off, delay
demise	death
designate	appoint, show
desist	stop

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detain	hold
determine	work out, decide
difficulties	problems
diminish	lessen, reduce
disburse	pay, pay out
disbursement	cost, payment
discharge	carry out, release, end (be specific)
disclose	show, tell, share, reveal
discontinue	stop
domiciled in	living in
due to the fact of	because, as
during such time as	while
during the course of	during
during the period from	from

E

enquire	ask
ensure	make sure
entitlement	right
erroneous	wrong
ex officio	because of their (his, her) position
expedite	hurry, speed up
expenditure	payment, expense, cost
expressly advise us	let us know

F

facilitate	help, make easier
finalise	end, finish
for the duration of	during, while, as long as
for the period of	for
for the purpose of	to, for

Appendix 12 – Unravelling Legal Jargon

Jargon help series

forfeit	take away
forthwith	now, at once
forward	send
frequently	often
from time to time	occasionally
furnish	give
furthermore	then, also, and
further to	after, following

H

have regard to	take into account, consider
hence	so
henceforth	from now on
hereby	now
herein	here
hereinafter	after this
heretofore	until now, previously
hereunder	below
herewith	with this
hitherto	until now
hold in abeyance	wait, postpone

I

in accordance with	in line with, according to, under
in addition to	and, as well as
in advance	before
in a number of cases	some (or, even better, say how many)
in a timely way	promptly
in case of	if
in conjunction with	and, with
in connection with	about, concerning

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in good faith	in an honest and trustworthy way
in lieu of	instead of, rather than
in order that	so that
in receipt of	have
in relation to	about
in respect of	about, for
in terms of	in, for, about
in the absence of	without
in the amount of	for
in the course of	while, during
in the event of	if
in the near future	soon
in view of the fact that	as, because
incurred	liable for, subject to, owing (be specific)
inter alia	among others
it is mandatory	you must
it would appear that	apparently

J

jeopardise	risk, threaten
jurisdiction	authority, area

L

labour	workers
last will and testament	last will

M

maintains	has, keeps
matter	work, job
monies	money

Appendix 12 – Unravelling Legal Jargon

Jargon help series

N

necessitate

nevertheless

notwithstanding

null and void

require

but, however, even so

despite, although

invalid, void

O

obtain

occasioned by

occur

on behalf of

on numerous occasions

on receipt of

on request

on the agreed basis

on the grounds that

order and direct

outstanding (about money)

overriding

get, receive

caused by

happen

for

often

when you (or we) get

if you ask

as agreed

because

order

unpaid

most important

P

particulars

per annum

persons

peruse

possess

possessions

prescribed

prior

prior to

proceed

prohibit

details

a year

people

read

have, own

belongings

set, required

earlier

before

go ahead

ban, stop

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promulgate	announce, reveal, pass
provide	give
provided that	if, as long as
purchase	buy
pursuant to	under

R

referred to as	called
regarding	about
reimburse	repay, pay back
remedy	fix
remuneration	pay, salary
reside	live
retain	keep

S

said	the, that, those
same	it, them
servants	workers, employees
settle	resolve
shall	must, will
shall not	must not, will not
subject to	depending on, under
submit	give, send
subsequent to	after

T

terminate	stop, end
that being the case	if so
the question as to whether	whether

Appendix 12 – Unravelling Legal Jargon

Jargon help series

thereafter

thereby

therein

thus

to date

to the extent that

transmit

then

because of that

there, in that

so

so far

as far as

send

U

under the provisions of

undersigned

undertake

until such time as

utilise

under

I, we

agree, do

until

use

V

variation

change

W

waive (your right)

whatsoever

whenever

whereas

whether or not

wilfully or negligently

wish

with a view to

with effect from

with reference to

with regard to

set aside, give up (your right)

whatever, any

when

but

whether

deliberately or carelessly

want

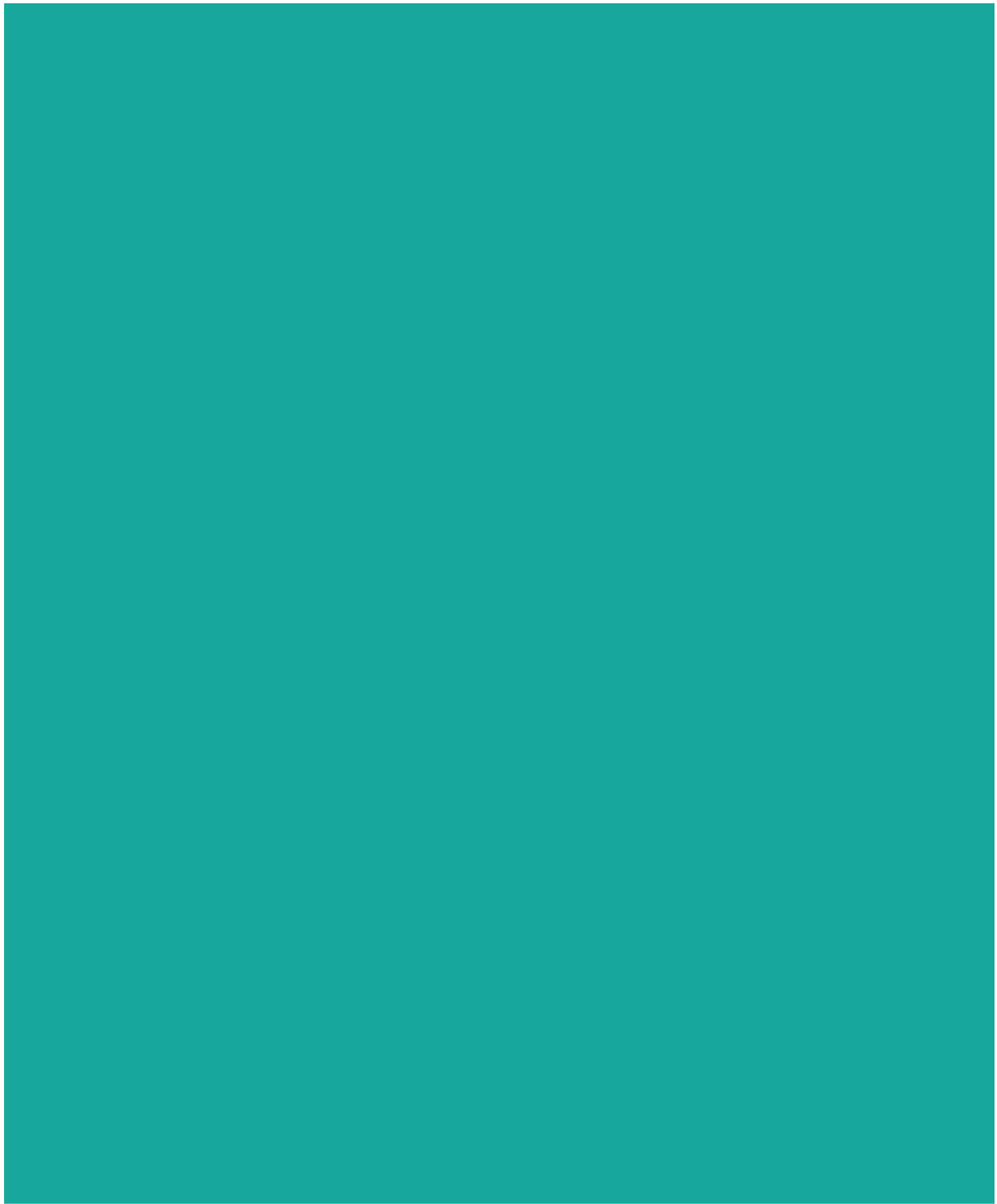
to, so that

from

about, concerning

about, for

Y	
you are entitled to	you may please
you are requested to	



The Write Plain Language Standard

write

www.write.co.nz

The Write Plain Language Standard

To apply the Standard to any document, first:

- list your reader(s) and describe their context and questions

- write the intended or ideal outcomes for this document

Then mark 'Yes' or 'Needs work' against the 10 statements below.

	Yes	Needs work
'Big Picture' elements		
1. The purpose of the document is clear at the start _____	<input type="radio"/>	<input type="radio"/>
2. The content supports the purpose of the document _____	<input type="radio"/>	<input type="radio"/>
3. The structure of the document is clear and logical to the reader _____	<input type="radio"/>	<input type="radio"/>
4. The headings signal the key content _____	<input type="radio"/>	<input type="radio"/>
Language elements		
5. The paragraphs are mostly short and focused on one topic _____	<input type="radio"/>	<input type="radio"/>
6. The sentences are mostly short and straightforward _____	<input type="radio"/>	<input type="radio"/>
7. The words are precise and familiar _____	<input type="radio"/>	<input type="radio"/>
8. The tone supports the purpose of the document _____	<input type="radio"/>	<input type="radio"/>
Presentation elements		
9. The layout and presentation help the reader absorb the message quickly and easily _____	<input type="radio"/>	<input type="radio"/>
10 The document is error-free and consistent with your style guide _____	<input type="radio"/>	<input type="radio"/>



Write Plain Language Standard

What the Standard is

The Write Plain Language Standard is a set of 10 statements that together describe the features of a clear, reader-friendly document. If you assess a document and get 10 ticks, chances are your document will achieve your purpose and keep your reader happy. Win-win!

The Standard works alongside other best-practice approaches for achieving clear communication, including testing with real users.

How to use the Standard

- Use the Standard as a checklist to quickly assess any document
- Adapt the Standard to your own context or add hints – for example, next to 'The sentences are short and straightforward' you could add 'aim for an average sentence length of 15–20 words'
- Best idea of all – adopt the Standard as company policy for all print and web documents. For a how-to primer, see *Rewrite: How to overcome daily sabotage of your brand and profit*

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ShareAlike – If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original.

How the Standard came to be

We developed the Standard over 25+ years of analysing written business communications and reviewing best practice with our international colleagues. The Write Plain Language Standard is a short version of the more in-depth WriteMark Plain English Standard that we originally developed for practitioners.

Thoughts or questions? We'd love to hear from you

Freephone us on **0800 497 483** (in New Zealand)
or email enquiries@write.co.nz

write

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**Ministry of Justice
Tāhū o te Ture**

justice.govt.nz

info@justice.govt.nz

0800 COURTS
0800 268 787

National Office
Justice Centre | 19 Aitken St
DX SX10088 | Wellington | New Zealand

Plain Language Glossary Young Adult List

2022



New Zealand Government

Appendix 14 – Plain Language Glossary

Affidavit

A document of facts that has been confirmed as the truth. Affidavits need to be signed in front of an approved person.

Affirmation

A promise made to the court to tell the truth about what happened. This is the non-religious way of saying an oath in court.

Appeal

An appeal is when someone who loses a case in court asks a higher court to review the court's decision.

Bail

If someone's been charged with a crime, they might be able to apply for bail. This means they don't have to stay in jail until their case gets to court. They'll have to follow some rules (also called conditions) while on bail.

Bail conditions

The rules that someone must follow when they get bail. This might include coming back to court when they're told and not travelling far away from where they're staying.

Breach

Breaking the rules or doing something you weren't allowed to. For example, breaking the rules of your bail.

Charge

A formal statement, usually by a Police Officer, accusing a person of a crime.

Chambers

Office.

Counsel

A lawyer.

Court Victim Advisor

They provide information to victims from the defendant's first day in court, until sentencing and through any appeals. This is a free service.

Custody

When you have to stay in jail until your next court hearing.

Defendant

Someone charged with (accused of) a crime.

Appendix 14 – Plain Language Glossary

Discharge

When a police charge or an order made by a judge is cancelled.

Diversion

Diversion lets first-time defendants take responsibility for minor crimes without going to court. Sometimes you can do diversion even if it isn't your first offence. Diversion might include things like going to counselling or writing letters to say sorry. Charges dealt with through diversion don't go on a criminal record.

Duty Lawyer

A lawyer who works at the court. The duty lawyer can help on your first day in court free of charge if you don't have your own lawyer. They can also help you apply for more affordable or free legal help if you need it. This is called legal aid.

Evidence

The things shown in court to try to prove what happened. It can include things like documents, photographs, maps, and video/sound recordings.

Hearing

The legal process where both sides of a case have their say in court. The judge or the jury makes their decision based on what they learn during the hearings.

In my determination

My decision is.

Judge

The person who is in control of court hearings and makes decisions about cases.

Lawyer

A person trained to give legal help during the court process. You might find and pay for your own lawyer. You can also apply for more affordable or free legal help if you need it. This is called legal aid.

Memorandum

What the lawyer writes down.

My learned friend

Lawyers.

Oath

A promise a person makes to tell the truth in court. An oath is made on the Bible.

Offence

A crime that breaks a law.

Appendix 14 – Plain Language Glossary

Opposed (bail)

When the police don't think the court should let you have bail.

Paramount

Most important.

Proceeding

Case.

Registrars list/CMR

Court staff check your case is moving forward.

Reserved decision

I will write my decision and give it to you as soon as I can.

Restorative justice

A process that happens outside of court. You'll meet with the person (the victim) who was hurt by the crime. Someone else will also be at the meeting to help work out how to make things right for the victim. You get to choose if you want to go to these meetings.

Retire

Finish for the day.

Stand down

Take a break to discuss.

Swear

Promise.

Summons

Asked to come to court.

Trial

Court case.

Undertakings

Promises.

Victim

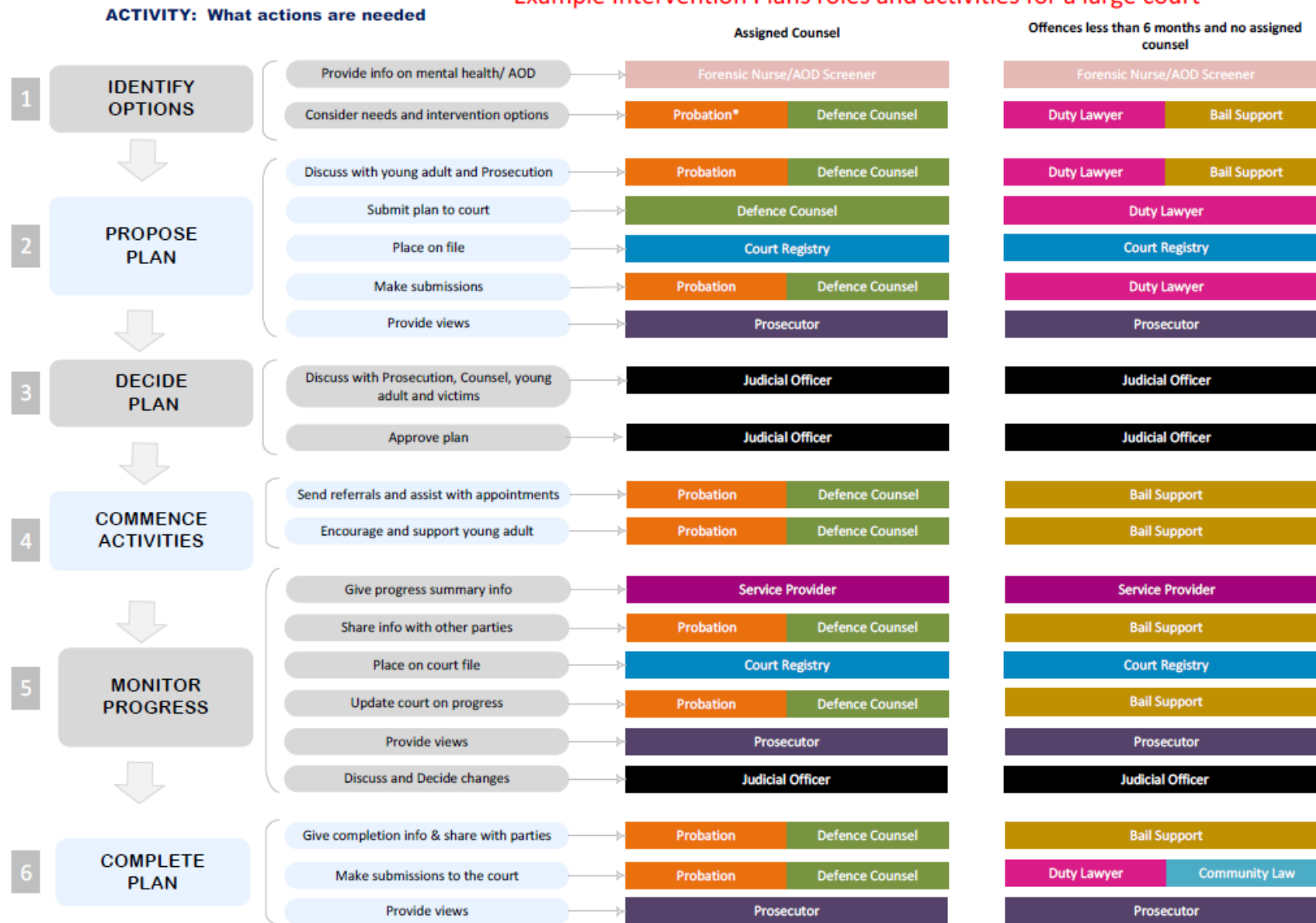
A person who has been impacted by a crime.

Witness

A person who saw, heard or experienced an event. This person may be asked to give evidence at court.

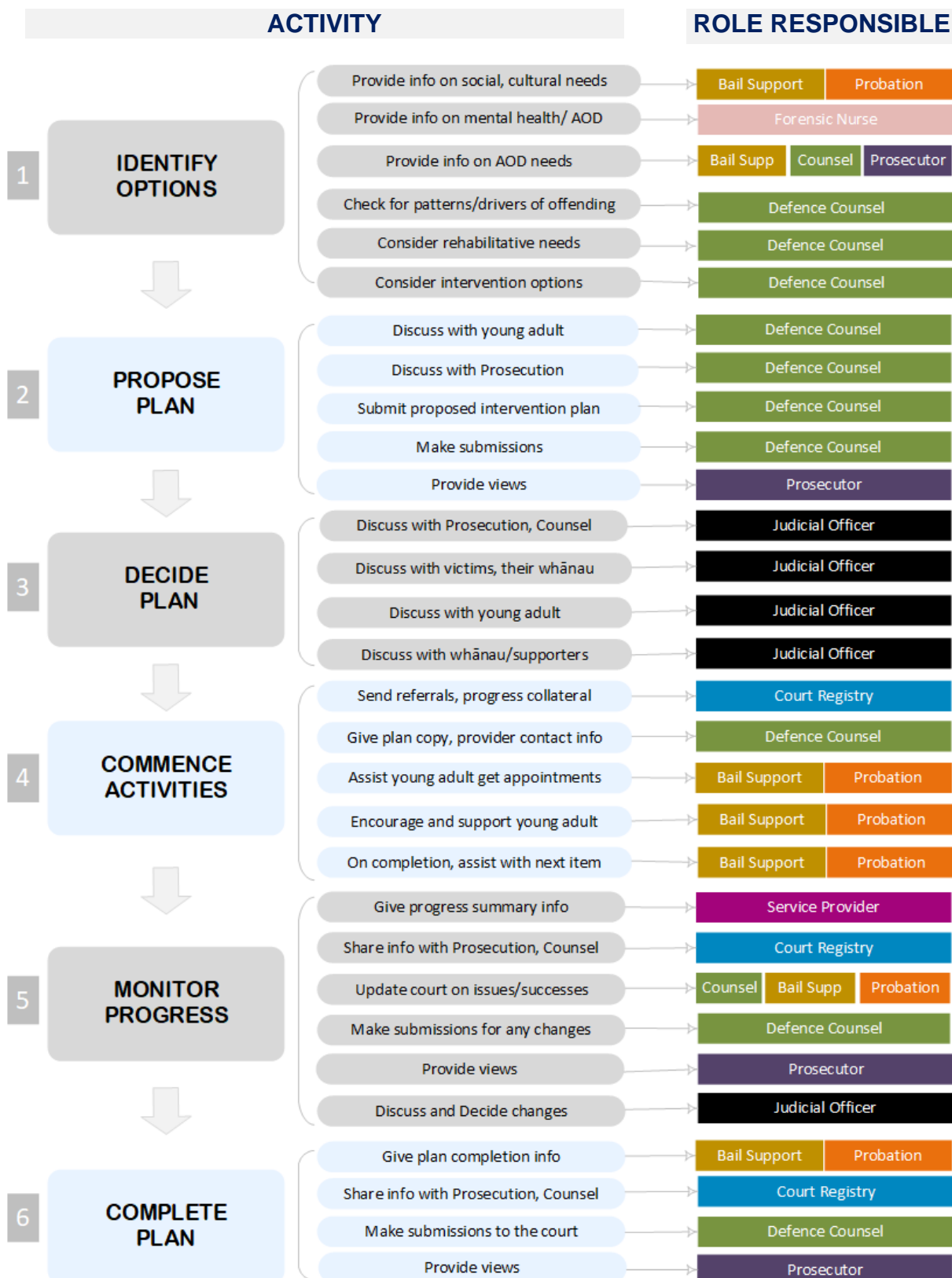
Appendix 15 – Roles and processes

Example Intervention Plans roles and activities for a large court



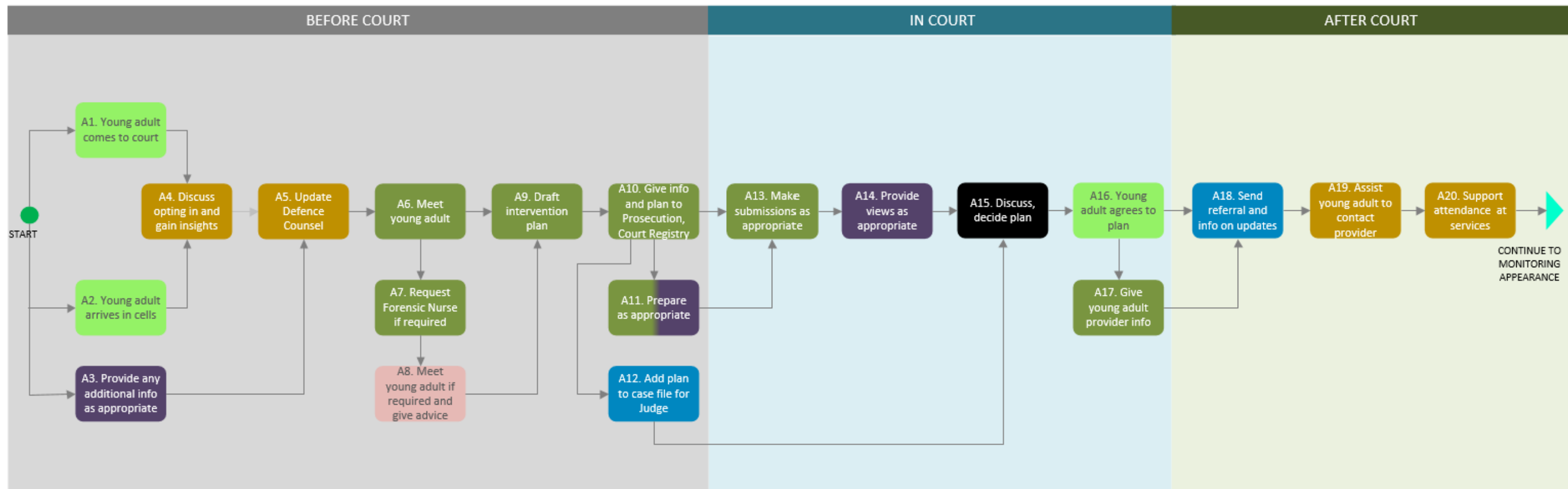
* Probation will provide support and monitoring on a plan where an individual has pled guilty to offending while on a community sentence, or has breached the terms of their community sentence

Gisborne roles and processes



GISBORNE YOUNG ADULT LIST

SAME DAY INTERVENTION PLAN PROCESS

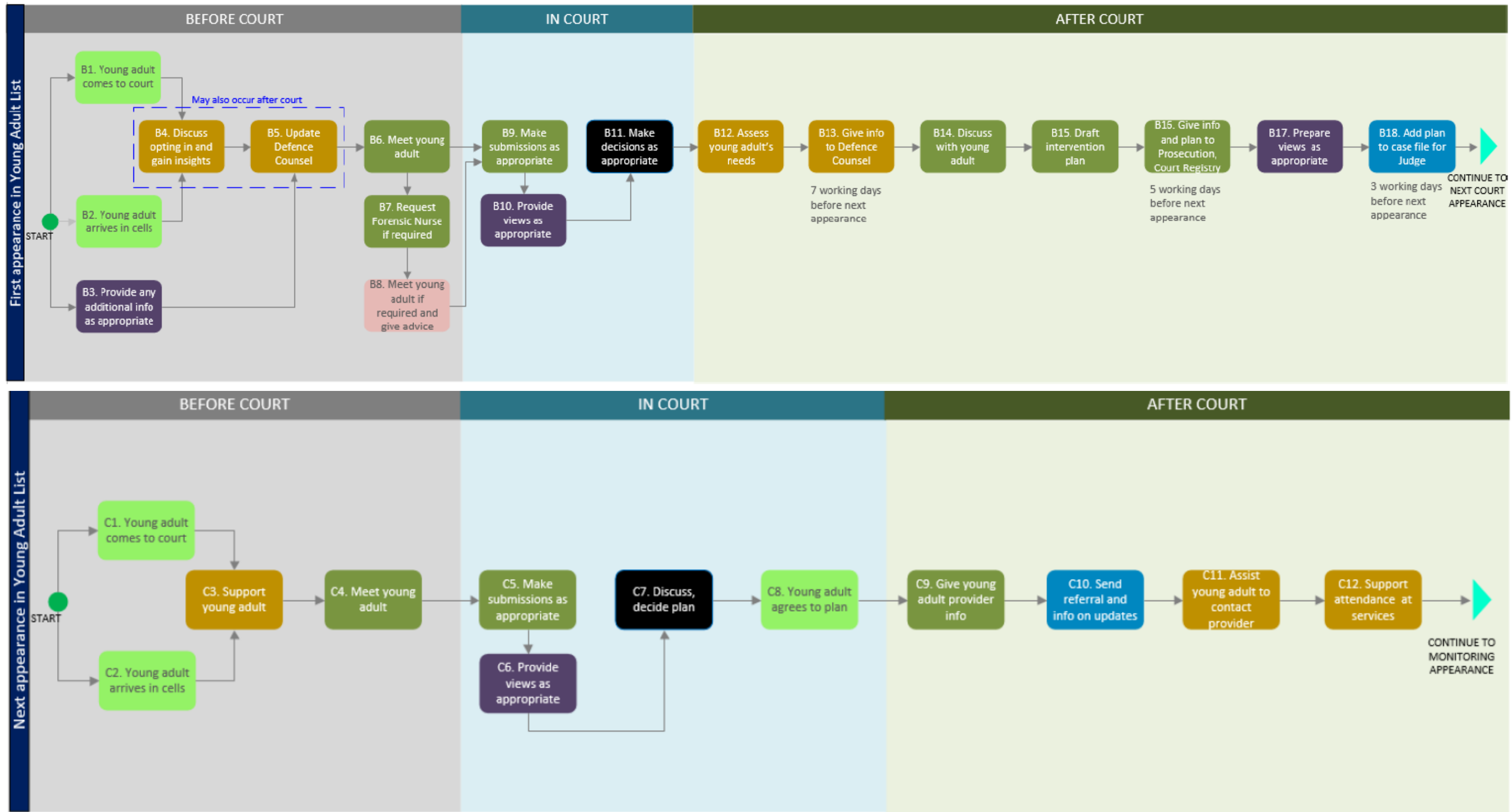


KEY

 Judicial Officer	 Bail Support Officer
 Prosecutor	 Probation Officer
 Defence Lawyer	 Young Adult
 Court Registry Officer	 Service Provider
 Forensic Nurse	

GISBORNE YOUNG ADULT LIST

MULTI-APPEARANCE INTERVENTION PLAN PROCESS

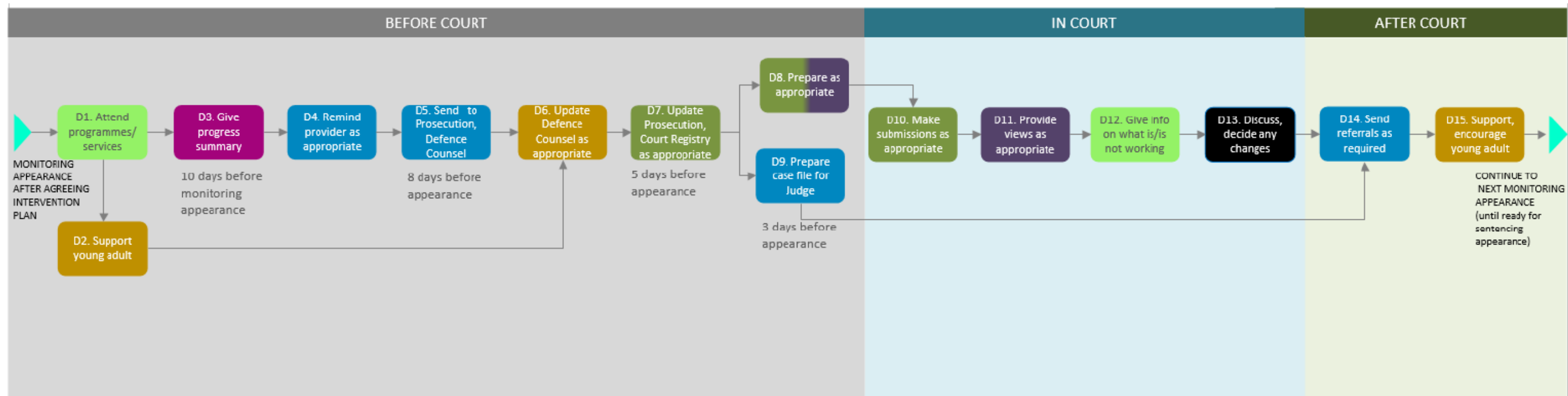


KEY

 Judicial Officer	 Bail Support Officer
 Prosecutor	 Probation Officer
 Defence Lawyer	 Young Adult
 Court Registry Officer	 Service Provider
 Forensic Nurse	

GISBORNE YOUNG ADULT LIST

INTERVENTION PLAN MONITORING APPEARANCE PROCESS

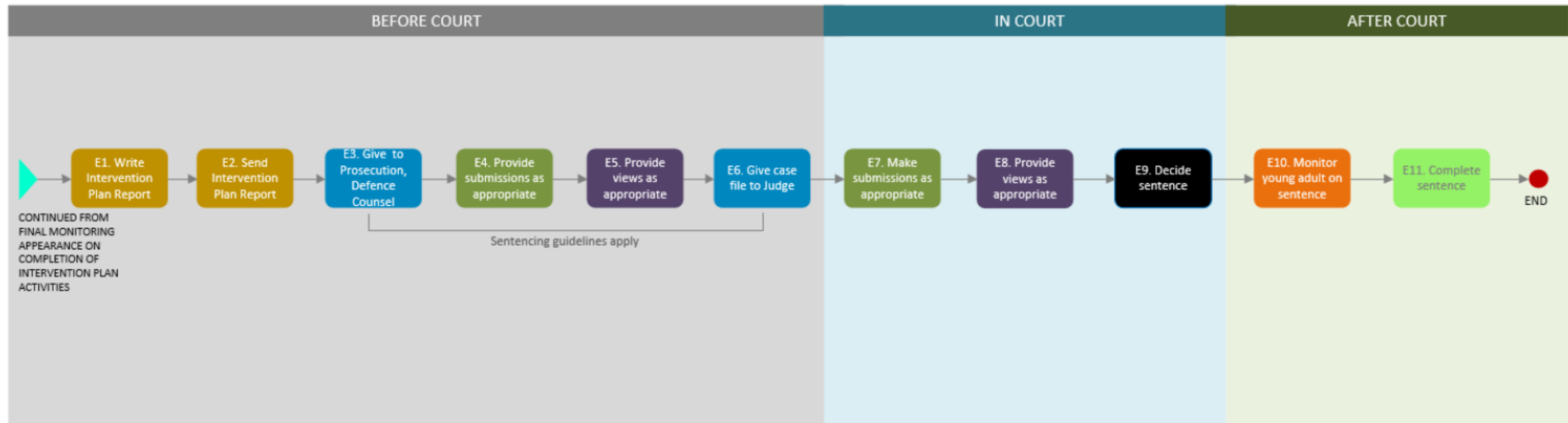


KEY

 Judicial Officer	 Bail Support Officer
 Prosecutor	 Probation Officer
 Defence Lawyer	 Young Adult
 Court Registry Officer	 Service Provider
 Forensic Nurse	

GISBORNE YOUNG ADULT LIST

INTERVENTION PLAN SENTENCING APPEARANCE PROCESS



KEY

 Judicial Officer	 Bail Support Officer
 Prosecutor	 Probation Officer
 Defence Lawyer	 Young Adult
 Court Registry Officer	 Service Provider
 Forensic Nurse	

Young Adult List Intervention Plan



When to use

Use this form to develop an Intervention Plan.

The Intervention Plan identifies actions for the young adult to address their offending and make positive changes. The young adult can choose to agree to the plan. The Judge will consider the young adult's progress on the Intervention Plan when sentencing the young adult.

Step 1: Details of young adult

Full name _____

Date of birth ____ / ____ / ____

PRN _____

Plea Guilty No Plea

Conviction entered Yes No

Step 2: Support for young adult

This could be a Bail Support Officer, a Probation Officer, or another support service

Support person Yes / No Name _____

Role _____

Step 3: This plan is proposed by

Name _____

Role _____

Step 4: Pre-plan enquiries

- AOD screening
- AOD assessment
- Mental health screening
- Section 28 MIP assessment report
- Other: _____
- Other: _____

Defence Lawyer's Comments:

You could note the young adult's needs, waiting times for enquiries

Step 5: Proposed plan

Rehabilitation

- Defensive driving course
- Anger management course
- Preventing violence programme
- Counselling: AOD Grief Relationship Other
- AOD education
- Other: _____
- Other: _____

Appendix 16 – Intervention Plan form

Growth

- Learner's licence
- Restricted licence
- Full licence
- Course: Budgeting CV Writing Parenting Other
- Connect with whakapapa
- Other: _____
- Other: _____

Address the offending

- Payment for damage Amount: _____ Date payment is to be made by: _____
- Monetary donation Amount: _____ Donation to: _____
- Community service Number of hours: _____ Where: _____
- Hear how the victim is affected and apologise
- Other: _____
- Other: _____

Defence Lawyer's Comments:

You could note any information on the proposed plan that could be useful to the Court

Signature

Date

Appendix 16 – Intervention Plan form

Prosecutor's Comments:

You could provide your views on the proposed Intervention Plan. Note that your signature is not an endorsement of other aspects of this plan, including any sentencing proposals.

Signature

Date

Step 6: Information on outcomes the young adult is working towards

Defence Counsel may choose to provide the information below.

Please note: This information is not intended to pre-determine outcomes or indicate the agreement of Prosecution.

- Conviction and discharge
- Suspended sentence
- Supervision for _____ months
- Community-based sentence
- Application for s 106 discharge without conviction
- Application for a limited licence
- Other: _____
- Other: _____

Young Adult's Agreement

This section is to record the agreement of the young adult to the actions in the Intervention Plan.

Retain the original signed copy of this agreement in the case file. Give a signed copy of the agreement section to:

- The Young Adult
- The Prosecutor
- Defence Counsel

I _____ agree to participate in the Intervention Plan and complete the following actions:

1. _____
2. _____
3. _____
4. _____

I understand that I must follow my bail conditions.

I understand that community service providers will tell the court about my progress.

I understand that my personal details may be given to a community service provider by a government agency such as the Ministry of Social Development (MSD) to help arrange programmes with community service providers.

Signature of young adult

Date

Young Adult List Intervention Plan Duty Lawyer



When to use

Use this form to develop an Intervention Plan.

The Intervention Plan identifies actions for the young adult to address their offending and make positive changes. The young adult can choose to agree to the plan. The Judge will consider the young adult's progress on the Intervention Plan when sentencing the young adult.

Details of young adult

Full name _____

Date of birth ____ / ____ / ____

PRN _____

Plea Guilty No Plea Not Guilty

Conviction entered Yes No

Lawyer _____

Plan co-ordinator (e.g., Bail Support, Probation) _____

Pre-plan enquiries (tick boxes which are relevant)

- | | |
|--|---|
| <input type="checkbox"/> AOD screening | <input type="checkbox"/> AOD assessment |
| <input type="checkbox"/> Mental health screening | <input type="checkbox"/> Section 38 MIP assessment report |

Additional Information

The information in this section may be helpful in the development of a plan.

Does the young adult have?

- | | | |
|------------------------|------------------------------|-----------------------------|
| a birth certificate | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| a photo ID | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| a bank account | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| a source of income | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| access to the internet | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Young Adult List – Intervention Plan (Duty Lawyer)

Appendix 17 – Intervention Plan form Duty Lawyer

Duty Lawyer's Comments:

You could note any information on the proposed plan that could be useful to the Court

Signature

Date

Prosecutor's Comments:

You could provide your views on the proposed Intervention Plan. Note that your signature is not an endorsement of other aspects of this plan, including any sentencing proposals.

Signature

Date

Judicial Officer's Comments:

Signature

Date

Intervention Plan – Young Adult’s Agreement

This section is to record the actions the young adult has agreed to take as part of their Intervention Plan.

Retain the original signed copy of this agreement in the case file. Give a signed copy of the agreement section to:

- The Young Adult
- The Prosecutor
- Defence Counsel

I _____ agree to participate in the Intervention Plan and complete the following actions:

1. _____

2. _____

3. _____

4. _____

Please note: This information is not intended to pre-determine outcomes or indicate the agreement of Prosecution.

I understand that I must follow my bail conditions.

I understand that community service providers will tell the court about my progress.

My next court date is: _____

Signature of young adult

Date

Young Adult List – Gisborne District Court

REFERRAL TO COMMUNITY SERVICES



Referral to:

Referral date:

Details of young adult

Full name

Address

Phone

Email

Date of birth

____ / ____ / ____

Gender

Name of support person

Contact information

Reason for referral

Young adult's name is completing an Intervention Plan for the Young Adult List Court. Please accept this referral for: *Service or programme*

Young adult's next court appearance

Young adult's name's next court appearance is scheduled at: *Time am/pm* on *Date*

We would appreciate if you could send a progress update to Gisborne.dc@justice.govt.nz ten days prior to this date. Your update will help the Court to encourage and support the young adult.

Thank you for supporting the Young Adult List.



Young Adult Progress Summary

Step 1: Details of young adult

Name of young adult

Date of birth

___ / ___ / ___

Step 2: Details of community service provider

Service provider

Contact person

Service or
programme

Reason for referral

Step 3: Comments on engagement and progress

For example you can include information on if the young adult consistently attends appointments, is eager to learn, and is respectful and polite. You can also include any observations relevant to the Court to keep the Judge informed. Your comments will help the Judge monitor the young adult. The Judge will consider the young adult's progress when making sentencing decisions.

Signature

Date

INTERVENTION PLAN REPORT

YOUNG ADULT LIST



When to use

This document provides the Judge information on how the young adult has approached the activities on their intervention plan, to assist the judge to make fully informed decisions.

Use this document when the young adult has completed all the activities on their intervention plan or when requested by the Judge.

Please attach a copy of the young adult's intervention plan.

Step 1: Details of young adult

Full name	First	Middle	Surname
	<hr/>		
	<hr/>		
Date of birth	DD	/	MM / YYYY
	<hr/>		<hr/>
PRN	<hr/>		

Step 2: Report writer's details

Full name	First	Surname
	<hr/>	
Role	Role	
	<hr/>	
Phone	Cell	Phone number
	<hr/>	<hr/>
Email	example@example.com	
	<hr/>	

Step 8: Sign and date

Signature

Date

Do a quick check

Before sending in this report – check:

- Have you filled in all the information in steps 1-8?
- Have you attached a copy of the intervention plan?
- Have you attached the young adult's section (page 9)?

Police Prosecutor’s comments:

Signature

Date

Defence Counsel’s comments:

Signature

Date

Appendix 20 – Intervention Plan Report

Give this section to the young adult to complete, you can help them if needed

Tell the Judge what you think of the Young Adult List

1. Has the Young Adult List helped you make positive changes?

- It has helped me a lot
- It has helped a little
- It has not helped me

2. Did you understand what was said in court?

- I understood everything
- I understood most things
- I understood some things
- I didn't understand what was said

3. Did anyone help you understand what was happening?

- Yes, I had help from _____
- No, I did not have help

4. Did you feel supported in the Young Adult List?

- I felt supported all the time
- I felt supported some of the time
- I didn't feel supported

5. Tell us what was good about the Young Adult List and what changes could make it better:

6. Did you have help filling in this form?

- Yes, I had help from _____
- No

Young Adult List Intervention Plan

What is an Intervention Plan?

An Intervention Plan is the Court's way of helping you to address your offending and make positive changes.

It is your choice whether you complete an Intervention Plan. If you agree with the plan, there is support available to help you with the plan.

If you do not agree with the plan, your lawyer will explain what your options are.

How does it work?

1. Make an Intervention Plan



A lawyer or support person will meet with you



A lawyer will make an Intervention Plan



The Judicial Officer will ask if you agree with the plan

2. Work on your Intervention Plan



You will be referred to community service providers



The Judicial Officer will be updated about your progress



The Judicial Officer will ask you how you're going with the plan

3. Appear in court for sentencing



The Judicial Officer will get a report when you finish your plan



The Judicial Officer will decide your sentence



Well done on completing your plan

Mahere Hāpaiora Rārangi Taiohi

He aha te Mahere Hāpaiora?

Ko te Mahere Hāpaiora tā te Kōti hāpai i a koe ki te whakatika i ō hara, ki te whakapai hoki i ō whanonga.

Māu anō e kōwhiri mēnā rānei ka whakatutuki i tētahi Mahere Hāpaiora. Ki te whakaae koe ki te mahere, arā ētahi momo tautoko e wātea ana ki a koe.

Ki te kore koe e whakaae ki te mahere, mā tō rōia e whakamārama atu ō kōwhiringa.

He aha te rautaki?

1. Hangaia tētahi Mahere Hāpaiora



Ka hui atu tētahi rōia, ringa tautoko rānei ki a koe



Ka hangaia e tētahi rōia he Mahere Hāpaiora



Ka pātai te Kaiwhakawā mēnā e whakaae ana koe ki te mahere

2. Whakamātauhia tō Mahere Hāpaiora



Ka whakawhitihia koe ki ngā ratonga ā-hapori



Ka whakamōhiohia te Kaiwhakawā e pā ana ki tō kauneketanga



Ka pātai te Kaiwhakawā mō te haere o te mahere

3. Tū ki te kōti mō te whiu



Kia oti i a koe tō mahere, ka tukuna ki te Kaiwhakawā tētahi pūrongo



Ka whakatauhia e te Kaiwhakawā tō whiu



Ngā mihi nui i te whakatutukitanga o tō mahere

Welcome to the Young Adult List

Thank you for supporting the Young Adult List

Your contribution to our young adults, our community and the New Zealand justice system is valued and appreciated.

About the Young Adult List

The Young Adult List has a focus on participants aged 18 to 25 years. This list is separate from the adult criminal list and recognises the increased vulnerability of young adults and the support they need as their brain's executive functions continue to mature.

The Young Adult List aims to improve the engagement and participation of young adults in the court process and to help the young adult with pathways to address their offending and make positive changes.

In the Young Adult List, the young adult may be offered an Intervention Plan. The young adult can choose to agree to the plan. If the young adult agrees to the intervention plan, the Court will give the young adult actions to complete as part of their plan. The Judge will consider the progress of the young adult when sentencing the young adult.

How your support can help a young adult

The services you provide will help the young adult complete one or more actions on their plan. The Court will request updates from you on the progress of the young adult. Your updates will help the Court to encourage and support the young adult to continue working on their actions until these are complete.

This is how it works:



Contact us

If you have any questions or need help, please get in touch with your local District Court or phone us on 0800 268 787.

Guidance for Support Services

Young Adult List - Gisborne District Court

Support Services include Bail Support Officers, Probation Officers and any other roles that support young adults through the court process.

The support you give a young adult helps them to participate in the court process and also encourages them to complete their Intervention Plan. The information you provide the court will help the Judge to make decisions about the young adult.

Below is a guide on the information needed for each type of court appearance.

First / early appearance

- Young adult's background
- Relevant whānau information
- Communication needs (for example, hearing or writing difficulties)
- Social needs (for example, housing, employment, mental health, AOD)
- Cultural needs (for example, reconnecting with whakapapa or learning their language)
- Strengths and interests of the young adult (for example, courses completed, positive whānau support, music, sports)
- Any barriers faced by the young adult (for example, transport or financial difficulties, no positive support)

Monitoring appearance

- Any changes in personal circumstances (for example, had a baby, a change in living arrangements)
- How well the young adult is engaging with the Intervention Plan
- If the young adult has any barriers to engaging with the Intervention Plan

Sentencing appearance

- What went well for the young adult and where further support may be needed
- The *Intervention Plan Report* template is available to guide you

Thank you for supporting the Young Adult List

Introducing Intervention Plans

Young Adult List - Gisborne District Court

Young Adult List - phase 2 changes

Intervention Plans are being introduced in the Young Adult List as a part of the phase 2 changes.

The Intervention Plan identifies the actions required for the young adult to address their offending and reduce their likelihood of re-offending. These actions may include participating in a restorative justice process, completing training to learn skills, or engaging in a programme that helps them to make positive changes in their lives.

Information resources and templates are available to support Intervention Plans for young adults. Details of these are provided below. You can find copies in the Young Adult List courtroom folder, if needed.

Information resources

- ❖ **Intervention Plan information for a young adult**

This information resource supports a conversation with the young adult about their Intervention Plan

- ❖ **Information for community service providers**

This information resource gives community service providers (such as providers of programmes for stopping violence, driver licensing education, counselling) an understanding of the Young Adult List Intervention Plan and the process

- ❖ **Guidance for support services**

This information resource provides guidance for support services (such as a Bail Support Officer) on the information needed for each type of court appearance.

Templates available

- ❖ **Intervention Plan template**

Supports Defence Counsel to develop the Intervention Plan

- ❖ **Young adult referral form**

Supports Court Registry to make referrals to community service providers

- ❖ **Progress summary template**

Supports community service providers to give the court updates on a young adult's progress for monitoring appearances

- ❖ **Intervention Plan report**

Supports a Bail Support Officer to provide a report to the court for the young adult's sentencing appearance following completion of their Intervention Plan. Note that if the young adult is currently serving a sentence their Probation Officer will provide the report.

Intervention Plan process

