

Youth Court/Te Kōti Taiohi o Aotearoa

Information about the court for young people.

The Youth Court deals with criminal offending by children and young people aged 12 to 16 years old that's too serious to be dealt with by the Police in the community.

Community-based diversion process

Most young people who get in trouble with the law don't go to court; 70% to 80% of the time, young people are dealt with by Police in the community. This could mean getting a Police warning or being referred to Police Youth Aid for what's called 'Alternative Action'.

Alternative Action means the young person, their family and the Police decide on a plan to deal with the offending. An Alternative Action plan can include things like:

- paying for damage caused
- doing community work
- going to counselling
- writing an apology letter
- agreeing to attend school every day, and
- doing an assignment about the effects of their offending.

Young people dealt with by Police don't get a criminal 'record' or conviction but Police keep information about the young person in case they reoffend.

Family group conference

A family group conference happens in more serious circumstances where the Police can't deal with the offending in the community.

A family group conference is a meeting for a child or young person, their family or whānau and the victim. The police and a youth advocate (a lawyer for the child or young person) also come to the conference.

The conference gets everyone together to talk about what the child or young person did, how it can be put right and what can be done to stop reoffending.

Sometimes a conference will happen **before** the Police decide whether to 'charge' a young person with a crime (if they 'charge' the young person, this means the young

person has to go to court). The conference will help the Police to decide what should happen.

Most of the time, the conference happens **after** the Police have 'charged' the young person. This means the young person will first go to court for their 'first appearance' (their first time in court), and the family group conference will happen soon afterwards. By law, the conference has to happen very soon after the young person has gone to court.

Before the conference, a youth justice coordinator will contact everyone who needs to attend to explain what it's about and to arrange a time and place for the conference.

During the conference, a plan is made for the child or young person. If the young person was 'charged' before or after the family group conference, they'll need to go back to court a Youth Court Judge to approve the plan.

Once the plan is approved, the Judge will give the child or young person enough time to complete the plan. They'll then arrange for the young person to return to court to make sure it has been carried out.

Who's in the court room?

Youth Court judges are specialist District Court judges chosen for their training, experience and understanding in dealing with children and young people. They oversee the court case and make the decisions.

The **prosecutor** presents the case against the child or young person. At Youth Court, the prosecutor is usually from the Police.

A **youth advocate** is a lawyer (appointed by the court) that represents the child or young person and helps them with their case in court.

The **child or young person** attends court and may be asked some questions by the Judge. The child or young person will be helped by their youth advocate, who stands next to them in court.

A **lay advocate** supports the child or young person in court. They are not lawyers and are appointed by the court. They make sure the court knows about all relevant cultural matters, and look after the interests of the child or young person's family if they're not already represented.

An **Oranga Tamariki - Ministry for Children social worker** may also give extra support throughout the family group conference process, assess needs and make sure the family group conference plan is completed.

The **Oranga Tamariki - Ministry for Children youth justice coordinator** manages the family group conference process. They will contact the family, whānau, victim or anyone that may contribute at the family group conference, run the conference and record the outcome.

Family and whānau are encouraged to go to Youth Court hearings to support their child or young person.

There may also be other specialist officers such as a Police youth aid officer, an education officer and a probation officer.

Who else can go to the Youth Court?

Victims can go to court and speak at the hearing.

The media can go to court but they must ask the judge's permission before publishing anything. They're not allowed to report any details that could identify a child or young person, their family, school or the victim.

Youth Courts are closed to the public.

At Youth Court

Young people who go to the Youth Court have what is called a hearing. This is where the young person goes into the Court and the Judge hears their case. The young person must have a lawyer with them at their hearing. The Court will appoint a specialist youth lawyer called a Youth Advocate for free. However, the young person can also choose to pay for their own lawyer if they want to.

The Youth Advocate will contact the young person and their family/whānau before the hearing to talk about it and what to expect.

The Court may appoint a Lay Advocate to support the young person and their whānau/family in Court. Lay

Advocates are people with mana or standing in the young person's community. They make sure the Court understands any cultural matters to do with the case as well as representing the family's views.

What happens in the court room?

Youth Court hearings are less formal than an adult court - for example the judge will call the young person by their first name and the court room is usually arranged in a way that encourages people to talk.

Because the public can't be inside the Youth Court, the young person and their family/whānau only come into the court room when their name is called for the hearing.

When their hearing starts, the young person will be asked by the judge whether or not they deny what the Police says they did.

What sort of decisions can a Youth Court judge make?

The judge can make a wide range of decisions including ordering the child or young person to:

- complete a family group conference plan
- return or give up property
- pay money to the victim or pay a fine
- be disqualified from driving
- do community work
- do a parenting education, drug, alcohol or mentoring programme
- be supervised with various conditions, including electronic monitoring of a curfew and judicial monitoring, either in the community or a residential facility.

In some cases, where the offending is very serious, the judge might decide the child or young person's case should be transferred to the District Court for sentencing.

The judge may also order the parent or guardian of a child or young person to undertake a parenting education programme.

In some circumstances, a child or young person can appeal decisions made by the Youth Court. This should be discussed with a youth advocate.