



Social Workers  
Mandell  
Part I

DSW  
361  
.3  
SOC

PRESERVATION

INFO CENTRE, SOCIAL SECTOR



A00502057B

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~~(this is not the new manual)~~

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NUMBERS OF CHILDREN UNDER LEGAL AND PREVENTIVE SUPERVISION  
AS AT 31.12.74.

1. LEGAL SUPERVISION

Number of children under legal supervision of social workers .....

2. PREVENTIVE SUPERVISION See Note (iii) below

(a) Individual children

Number of children under preventive supervision of social workers .....

(b) Families

Number of families under preventive supervision of social workers .....

NOTE:

- (i) This return must reach Head Office (Research Section) not later than 31.1.75.
- (ii) Children in transit between districts on 31.12.74 should be counted by the old district, not the new one.
- (iii) Preventive supervision cases are to be counted twice.
  - (a) by individual children and (b) by families, e.g. 4 children under Preventive Supervision in one family would be recorded as 4 children in (a) and 1 family (b). A single child would be recorded once in each category.

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D4.1  
D4.1

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## A.1 Role

### A1.1 Introduction

The department of Social Welfare came into being on 1.4.72 as a result of the Department of Social Welfare Act 1971. This Act charged the new department to "provide for the development and administration of effective social welfare policies and social welfare services for New Zealand, and to promote co-operation and the co-ordination of social welfare services."

Principal legislation administered by the department consists of -

- the department of Social Welfare Act 1971 previously mentioned.
- the Social Security Act 1964 (excluding Part II administered by the Department of Health) and its subsequent amendments.
- the Children and Young Persons Act 1974
- the Family Benefits (Home Ownership) Act 1964
- the War Pensions Act 1954
- the Rehabilitation Act 1941
- the Disabled Persons Community Welfare Act 1975

In addition to administering the above legislation, the department has responsibilities for the development of social welfare policies and for the maintenance of close liaison with the many organisations and individuals engaged in social welfare activities throughout New Zealand.

### A1.2 Benefits and Pensions Division

The duties of the Benefits and Pensions Division include the administration and distribution of monetary benefits. War pensions and other allowances relating to the resettlement and rehabilitation of ex-servicemen are provided for. Income tested cash benefits for the aged, widowed, orphaned, sick and disabled, unemployed and needy are administered and distributed.

Benefits without income test are available to persons over 65, children (family benefit) and miners who have had to give up their employment because of occupational disease.

Emergency benefits are provided to meet cases of hardship where there is no entitlement to statutory benefits and an additional benefit scheme operates to provide additional finance for beneficiaries with limited income and assets.

This scheme also provides for payment of allowances in respect of accommodation costs or other special needs.

### A1.3 Social Work Division

While the major objectives of the division are the provision of preventive social work services for children and young persons whose needs for care, protection and control are not being met by parental and family care, it also aims to provide a general personal and family welfare counselling and guidance service for all age groups. Social Workers of the Social Work Division deal with requests for help from lonely, handicapped or disturbed adults, and assist people with marital and financial difficulties.

The Social Work division is also responsible for the department's residential services, which cater for 20 per cent of the children in care. In addition, the division is responsible for the various statutory provisions affecting children's homes run by voluntary organisations, and day care centres.

### A1.4 Administration Division

The Assistant Director General (Administration) is responsible for the department's administration services which includes Management Services, Buildings Division, Data Processing, the Inspectorate, Finance section, Legal section and Training and Education sections.

### A1.5 Developmental Services Division

This Division is divided into three sections, Research, Development and Policy.

#### 1. Research Unit

This department's research section undertakes research on topics relevant to the department's functions, including provisions for benefits and pensions, programmes for juvenile offenders, foster care of children, work relating to adoptions etc. Major studies are published by the Government Printer as book-length research monographs, while smaller studies appear as short research reports available from the department.

#### 2. Development Section

This section comprises:

- Advisory Services Unit
- Development Unit
- Information Services and Library

The responsibilities of this section include

- (i) development of new social welfare policies
- (ii) community welfare liaison
- (iii) welfare subsidy policy
- (iv) family affairs policy
- (v) servicing of Councils and Committees
- (vi) information and publicity library

3. Policy

The responsibilities of the Policy Section include:

- (i) preparation of draft legislation
- (ii) estimates
- (iii) policy and priorities
- (iv) statistics
- (v) ministerial correspondence unit

A.2 Resources

A2.1 Political and Permanent Head

The Director-General is the department's Permanent Head and is responsible to the Minister of Social Welfare for the general administration of the department.

A2.2 Head Office

Assisting the Director-General are three Assistant Directors General responsible for the Benefits and Pensions, Social Work and Administration functions of the department.

Head Office of the department, located in Wellington, is divided into the three main divisions headed by the Assistant Directors General. In addition, a Developmental Services Division co-ordinates the department's planning research and advisory services.

A2.3 District Offices

The department has a total of 51 offices, 29 being district offices, the remainder being either sub-offices or agencies, some of which have Social Workers attached.

A2.4 Institutions

The department administers 23 institutions, both national and dependant, 3 reception centres and over 100 family homes, which altogether cater for approximately 20 per cent of our Wards.

A2.5 Foster Parents

The department relies on the services of some thousands of foster parents to provide a supportive environment for a large proportion of our Wards.

A2.6 Honorary Social Workers

Honorary Social Workers are recruited in most areas and provide a valuable back-up service to the salaried Social Workers, assisting in many spheres of activity.

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B1. Introduction

Although the care and training we give Wards who have in one sense and another become casualties will always be an important part of our day-to-day work, the prevention of casualties is equally important. The earlier this preventive work is done, the better. For instance, some of our best preventive work is done with infants whose parents are unable or unfit to look after them. If they were not placed with suitable foster parents, or adopted, many would become disturbed and delinquent.

Section 5(1) of the Children & Young Persons Act 1974 states "It shall be the duty of the Director-General to take positive action and such steps under this Act as in his opinion may assist in preventing children or young persons from being exposed to unnecessary suffering or deprivation or from committing offences."

Section 6(1) states "It shall be the duty of the Director-General to take positive action and such steps under this Act as in his opinion may promote both the well being of families and communities, and the most advantageous development of their children or young persons".

It is therefore a statutory responsibility of this department to actively carry out preventive work, or to organise community resources to provide the necessary services.

The Act is sufficiently liberal to encompass any human problem which necessitates intervention, and is not restricted to children and young persons as may be suggested by the name of the Act.



B2 Co-ordinationB2.1 Co-operation with Other Agencies

A great deal depends on the ability of the Social Worker to gain the co-operation of all other agencies and individuals providing preventive social services in his district. To do this, he must be well-known to them not only as an acceptable person but as one who offers full and prompt co-operation in attending to all relevant cases referred to him. The agencies and individuals with whom the Social Worker should co-operate include schools, kindergartens, play-centres schools Inspectors, Police, Court officials, Honorary Social Workers, Department of Health professional staff, Plunket nurses, visiting teachers, attendance officers, psychologists, Vocational Guidance officers, churches, local organisations such as Rotary, Lions, Jaycees, Womens Groups, Crippled Children's Society, Family Protection Societies, Marriage Guidance Councils, School Committees, parent teacher groups etc., etc.

B2.2 Co-ordination of Work

Section 4 d of the Department of Social Welfare Act states that the department is charged with maintaining "close liaison with, and encouraging co-operation among any organisations and individuals (including Departments of State and other agencies of the Crown) engaged in social welfare activities".

Some attempt should be made to bring together in some more or less formal organisation those groups and individuals who can be most useful in helping co-ordinate the work with people requiring assistance. The form which such a committee would take would differ in different districts. Whatever form these co-ordinating groups take, they have two main functions - they should pool information about particular children or families in an attempt to decide what should be done and who should do it, so that the best plan can be devised, and overlap by several people working independently is avoided. And they should also devise ways of ensuring as far as is possible, that children and families needing help are referred early to the appropriate person or agency. It is this latter function which if done well will do most to further preventive work. The success of these committees depends upon the co-operation among all the parties.

B2.3 Work with Schools

Clearly the school is the centre of any preventive programme in respect of children and young persons, for all children go there and become known to teachers, perhaps better in some respects than they are known to their parents. Teachers (kindergarten and play centres included) are the key people in any plan of early referral, and it is the Social Worker's job to work closely with them through the Principal. Each Social Worker should make a determined effort to be well known to every school in his area. He should visit these schools regularly, and not only when a child/young person has been referred to him. He should make sure that teachers know what Social Workers do.

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In liaison with the schools it will be possible to identify the type of child who is likely to become delinquent if not helped early;

Members of the teaching staff should be invited to discuss those children in their classes for whom they feel some special help is needed. No one of these criteria is necessarily of any significance on its own. It is when a child shows evidence of several that a teacher should be concerned.

#### Duties of Visiting Teachers

Visiting Teachers are employed by Education Boards and work under the control of the District Senior Inspector. They assist Principals and teachers in a group of schools in developing and maintaining liaison with the parents of those pupils whose progress at school is impeded by home or community difficulties. In their work with each child, they are responsible to the Principal of the school at which each child is enrolled. Visiting teachers also assist psychologists in their work with children referred to the Psychological Service, and with the parents of these children.

#### Liaison with Other Services

With the concurrence of the Principal of the school concerned Visiting Teachers may accept referrals of children from other support services if the children concerned require assistance which is clearly within the scope of their duties.

B2.4 Reserved.

#### B2.5 Public Health and Plunket Nursing Services

Public Health nurses are in a position to give help and information about pre-school children and Plunket nurses take a role in preventive work with babies and young children. Close co-operation already exists in many districts between Social Welfare and Plunket nurses, but the Royal N.Z. Society for Health of Women and Children (Plunket Society) is prepared to assist more specifically in the following ways:

- by taking pregnant single girls into their Karitane hospitals to help with light domestic duties during the months of pregnancy
- by allowing, where possible, the use of hospital facilities for the temporary care of ex-nuptial children and possibly their mothers
- by taking selected adoptive mothers into Karitane for a course in Mothercraft prior to their adopting a child.

#### B2.6 Babies at Risk

Under the obstetric regulations 1975, details of all babies born must be forwarded by the Doctor present at the confinement to the nearest Medical Officer of Health. Babies who are at risk for physical or environmental reasons are noted in a register for possible observation and follow-up by Public Health Nurses or other Department of Health personnel.

B3 MISCELLANEOUS WORK

B3.1 Introduction

Some of the more common aspects of miscellaneous work include:

- attending to complaints of ill-treatment, neglect of, or misbehaviour by children/young persons;
- reporting to other Government Departments about families or children;
- undertaking family conciliation work and helping families to obtain housing;
- custody inquiries;
- arranging placements for disabled persons;
- finding foster homes or institutional placements for children in emergencies;
- giving general advice on problems of child-rearing;
- counselling adults with personal or emotional problems;
- interviewing for Benefits and Pensions division in connection with benefit applications and reviews (see Part T for details);
- advice and help to pregnant girls;
- giving talks on Social Welfare subjects to interested groups.

Many thousands of tasks of this nature are undertaken each year, and although they may appear to be time-consuming beyond their significance, this is not so. Every inquiry attended to promptly and efficiently not only helps a child, adult or family in some way, but brings our work to the notice of a wider public and increases public confidence.

B3.2 Sources of Referral

A great deal of a Social Worker's time is spent in attending to requests from a wide range of sources. Some of these are not really our concern, but the Social Worker must be able to determine what is appropriately our function and what should be referred to some other agency. The manner in which such a referral is handled is important. It is not enough for the Social Worker to say, "I'm sorry, but we don't look after that sort of thing;" he should make all reasonable efforts to find out, in order to prevent the caller from being sent from one office to another.

In most cases the needs of the situation are met by an initial investigation with possibly some intensive work carried on for a few weeks only. Sometimes more drastic action is required

as, for example, in a matter relating to a child's ill-treatment where Court action may become necessary.

### B3.3 Anonymous Complaints

The source of a complaint is immaterial. Anonymous complaints should be treated in the same way as others. If there seems to be any reason for believing that a person is suffering unnecessarily, or needs help in some way, any complaint irrespective of its source, should be investigated.

### B3.4 Neglect, Cruelty, Ill-treatment

Whenever there is any reason to believe a child's life is in danger, or that he is being subjected to serious neglect or cruelty, the investigation of such complaints must take precedence over all other duties. If the case is sufficiently serious, the Social Worker has not only the right, but also the duty, to make a complaint, and obtain and execute a warrant (see Part E), removing the child to a place of safety, until inquiries can be completed and the Court can determine what action is to be taken. (Sections 27 and 28, Children and Young Persons Act 1974). In investigating complaints of this kind it will sometimes be necessary to act in the absence of the parents' cooperation and consent but directly in the immediate interests of the child. In less serious or urgent cases investigations may be delayed but never to the extent that a child's interests or welfare are unnecessarily imperilled.

### B3.5 Criminal Aspect of Neglect and Cruelty

In cases of neglect or cruelty as described above, and whether concerning miscellaneous cases, or cases where we have official oversight and control, careful consideration should be given to whether a formal complaint should be made to the Police with a view to consideration of prosecution of the parents under the Crimes Act.

Police should be advised about every case of cruelty or ill-treatment, where a child is seriously marked or the Director has doubts about the degree of ill-treatment administered. It is a criminal offence to ill-treat, neglect, or fail to provide a child with the necessities of life. Relevant sections of the Crimes Act 1961 and Children and Young Persons Act 1974 are quoted:

#### "8.152 Crimes Act 1961 - Duty of Parents or Guardians to Provide Necessaries

- (a) Everyone who as a parent, or person in place of a parent, is under a legal duty to provide necessaries for any child under the age of sixteen years, being a child in his actual custody, is criminally responsible for omitting without lawful excuse to do so, whether the child is helpless or not, if the death of the child is caused, or if his life is endangered or his health permanently injured, by such omission.
- (b) Everyone is liable to imprisonment for a term not exceeding seven years who, without lawful excuse, neglects the duty specified in this section so that the life of the child is endangered, or his health permanently injured by such neglect."

"S.195 Crimes Act 1961 - Cruelty to Child

Everyone is liable to imprisonment for a term not exceeding five years, who, having the custody, control, or charge of any child under the age of sixteen years, treats or neglects the child or wilfully causes or permits the child to be ill-treated in a manner likely to cause him unnecessary suffering, actual bodily harm, injury to health, or any mental disorder or disability.

Section 9, Children and Young Persons Act 1974

Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who, being a parent or a guardian or a person for the time being having care of the child, leaves that child, without making reasonable provision for the supervision and care of the child, for a time which is unreasonable or under conditions which are unreasonable having regard to all the circumstances.

"S.103(1) Children and Young Persons Act 1974 states:

(1) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$500 who, being a paid or unpaid staff member of a residence under this Act or being a person to whom the care or custody of a child or young person has been lawfully entrusted, ill-treats or wilfully neglects any such child or young person."

B3.6 Clerical Action

To alert officers' attention to cases where ill-treatment has previously been reported all records, that is, Master index card, Kardex, file cover, etc. should have a quarter inch red stripe (made by a felt nib pen) placed across the top edge.

B3.7 Withholding Medical Treatment

A special type of neglect, fortunately rare, presents great difficulty. This is a parent's refusal, possibly on religious or conscientious grounds, to permit a child to receive necessary medical treatment, for example, to correct some deformity. Social Workers will sometimes be asked by doctors or public health nurses whether drastic action can be taken to compel the parents to permit the treatment to be given. Clearly no precise guide can be given to Social Workers in such cases, but they will be doing all they can if they act on the following principle: Where the Director is satisfied that a child's physical welfare requires it, and where in spite of a warning about Court action, parents still refuse to consent to treatment, the Director should approve a Social Worker's making a complaint to the Court so that an independent authority can take the responsibility of determining what, if any, action should be taken. The situation is not so difficult, of course, where the refusal to permit medical treatment is only one of several forms of neglect, which, taken together, would justify a guardianship order.

Under the provisions of the Health Amendment Act 1961, protection is afforded medical practitioners and Hospital Boards in respect of blood transfusions given to a minor

in the absence of parental consent (whether because of urgency or because consent is unreasonably withheld) and which are necessary for the purpose of saving his life, or preventing permanent injury to his physical or mental health, or of saving him from prolonged and avoidable pain and suffering.

### B3.8 Non Accidental Injury to Children

Over recent years there has been growing recognition that considerable numbers of children are physically ill-treated by their parents or parent substitutes and that deliberately-inflicted injury is a significant cause of injury to children. Before describing in some detail factors which appear to be associated with non-accidental injury to children, it is necessary to define precisely what is meant by that term. The phenomenon of non-accidental injury to children has been variously described as "ill-treatment of children," "cruelty to children," "child abuse," the "maltreatment syndrome" and the "battered child syndrome".

The terms "non-accidental injury to children" or "child abuse" are used here and may be interpreted as referring to any non-accidental physical injury, including minimum, as well as fatal injury, inflicted upon children of any age by persons caring for them.

### B3.9 How Common is non-accidental injury to children

There are no adequate statistics on the frequency of non-accidental injury to children in New Zealand. The only New Zealand research which provides an estimate of the incidence was the nationwide survey of child abuse undertaken by the Child Welfare Division in 1971.

"Child Abuse in New Zealand", a report on the nation-wide survey of the physical ill-treatment of children in New Zealand was published by the Government Printer 1972. Copies are available in the Department's library and should be available in most district offices.

### B3.10 Who Abuses Children?

Research both in New Zealand and other countries has shown that non-accidental injury to children is inflicted by parents and parent substitutes from all strata of society. It appears that:-

- abuse is higher in the low socio-economic groups
- both males and females abuse children (in New Zealand survey 40 per cent abusing parents were male)
- in a considerable proportion of cases abusing parents are substitute parents of one sort or another (step parents, foster parents, relatives etc.). Thus children not living with both natural parents, or who have had an unstable or unsettled family life appear to be at much greater risk.

- in a large number of cases the abused child appears to have been separated from his mother during the first few years of his life.
- abuse often appears to be present in families displaying multiple problems such as inadequate conditions, poor relationships between parents, neglect, inadequate income, a history of offending by the parents and so on.

There appear to be at least five groups of factors which help to determine the potential for parent figures to injure a child:

- (a) How the parents themselves were reared. Almost invariably the relationship they had with their parents influences their reactions to their own child. Many abusing parents have themselves been abused or neglected as children.
- (b) The general pattern of behaviour of the parents as adults. Abusing parents appear to have a higher rate of criminal convictions, mental illness, unemployment, referral to Social Work agencies for reasons other than abuse and so on.
- (c) A pattern of isolation of not having anyone to turn to for help during times of stress.
- (d) The inter-relationships between the parents. Most research indicates that homes in which abuse occurs are characterised by marital disharmony and uneasy relationships in caring for children. For example, a relationship involving one passive, ineffectual parent and one dominant aggressive parent with a high potential for abuse is likely to have a higher risk of abuse than one where the parents are relatively well-adjusted.
- (e) The parents' relationships with and expectations of their children. Abuse appears particularly likely where parents make unreal demands on children, or expect children to provide them with emotional support or to exhibit behaviour far in advance of their years.

#### B3.11 Possible parental indicators towards risk of child abuse

##### (a) Marriage

###### Marital stress

Under stress caring for home and child

Husband is violent towards wife, and generally aggressive

Unemployment, financial worries

Mother is pregnant

##### (b) Conception and Birth

Pre-marital conception

Unwanted pregnancy - abortion/adoption considered

Age of mother under 20 years at child's birth

Poor attender at ante-natal clinic

Disappointment over baby's sex

Difficulties in rearing child - separation



(c) Personality of Parent

Mentally subnormal  
Strenuously defends own parents' bad child-raising techniques  
Has himself/herself been ill-treated as a child  
Reports that a friend, relative, sibling, etc. is the abusing person.  
Presence of low self-image.  
Is reluctant to give information.  
Presents a contradictory history  
Complains about irrelevant problems unrelated to injury  
Presents a history that cannot explain injury  
Rigid personality, short-tempered, irritable  
Comes from broken home, background.  
Refuses consent for further diagnostic studies.

(d) Attitude towards child

Child seen as rival for husband's or wife's attention  
Parent asks that child be placed outside home  
Child blamed for family's difficulties  
Complains that child does not even cry when physically punished  
Little affection shown towards child  
Frequent screaming, demeaning of child by name calling.  
Unrealistic expectations of child.

(e) Physical Surroundings of Home

Home is excessively neat, or disorganised  
No relatives or friends call  
Neglect of children  
Inadequate material conditions

(f) Crisis factors Precipitating Abuse

Incidents of non-accidental injury to children often appear to be precipitated by crises, which when added to continuing stress associated with marriage, child-rearing, financial difficulties etc. create conditions in which the risk of abuse is very high.

B3.12 Factors relating to the Child which may be significantly associated with Child Abuse

- (a) Child same sex as abusing spouse and rejecting parent.
- (b) Failure to thrive, yet when admitted to hospital makes a positive response very quickly to the attention it receives.
- (c) Hyperactive, and/or precocious behaviour
- (d) Premature birth.
- (e) Step child.

- (f) Child born after abnormal pregnancy, abnormal labour or delivery, neonatal separation
- (g) Deformed child - cleft palate, hare lip, etc.
- (h) Child inappropriately clad - arms and legs covered on hot summer's day, etc.
- (i) Child considered by hospital to be good baby but by mother to be crabby, irritable.
- (j) Child considered by parent to be bad, slow, etc.
- (k) Child, particularly pre schooler, suffers repeated injuries that require medical attention.
- (l) Child is afraid of parents.
- (m) Ex nuptial child.
- (n) Child conceived prior to marriage
- (o) Other children in family have been abused.
- (p) Child has been moved amongst friends and relatives.

B3.13 Physical Indications that Abuse may have occurred

- (a) Bruising to the head or cheeks, lacerations around the mouth.
- (b) Fractures of the head or limbs.
- (c) Weals or bruising on buttocks or legs
- (d) Repeated or bizarre injuries: cigarette burns, scalds, strap or rope marks etc.
- (e) Multiple injuries to different parts of body (e.g. fracture and bruising on different parts of body).
- (f) Injuries of different ages (indication repeated abuse).
- (g) Untreated, healing injuries.
- (h) Delay in seeking medical attention.
- (i) Unexplained injuries, or discrepancy between injury observed and explanation given.
- (j) A child whose height, weight or other aspects of development are well below the normal for his age.
- (k) A child who is generally malnourished, ill-clad, dirty, in comparison to other children in the family.

B3.14 Behaviour Patterns of Non-accidentally Injured Children

- (a) Withdrawn, depressed, developmentally retarded infants.
- (b) Agitated, persecuted, frightened infants, exhibiting selective responses seemingly resulting from severe deprivation.
- (c) Over-compliant, concerned, anxious children who systematically worry about and "mother" their parents.
- (d) Passive, withdrawn, depressed, helpless children who first establish dependant relationships, and then produce aggressive, destructive, negativistic behaviour.

- (e) Excessively inhibited children, constricted, fearful, and unable to move out despite repeated reassurance.
- (f) Provocative, negativistic, aggressive, destructive children.
- (g) Wildly driven, hyperactive, distractable, visually alert, extremely anxious children.
- (h) Arrogant, controlling, omnipotent, denigrating children who become confused, helpless, and extremely depressed when their persecutory fears are interpreted to them.
- (i) Some overtly psychotic children, demonstrating self-destructive behaviour including severe head-banging and self-mutilation.
- (j) Emotionally labile, affection-starved children may demonstrate persistent promiscuity in their need to seek meaningful relationships.

#### B3.15 Action to be taken when non-accidental injury is suspected

##### Immediate Investigation

When complaints have been made about the abuse of a child not known to the department it is the duty of the Social Worker receiving the complaint to take appropriate action immediately. The child must be viewed by someone from this department the same day, within the hour if possible.

##### Medical Examination

If the Social Worker believes from observation, or from the nature of the complaint that the child has sustained injury it is his duty to see that the child is examined medically immediately, preferably by the family Doctor, or if this is not possible by the nearest Hospital. The department will take responsibility for the payment of the Doctor's account. A written report should be obtained from the Doctor, on the nature of the child's injury and their possible source.

##### Obtain Warrant if Necessary

Where the parent refuses to take the child, or refuses to allow the Social Worker to take the child to be medically examined the Social Worker has the choice of swearing a warrant to remove the child under Section 7 of the Children and Young Persons Act 1974, or of requesting Police assistance to remove the child without a warrant under Section 8 of the Children and Young Persons Act 1974. If possible these alternatives should be discussed with his Supervisor, but in an emergency, dialling 111 and obtaining Police and Ambulance is the only alternative.

##### Communication with Other Professionals

In districts where multi-disciplinary teams operate, information in exact detail should be collected for discussion. In other districts, an urgent meeting of the Children's Board with invitations to interested professionals is a possibility.

Complaint Action Where Necessary

In all cases where the Social Worker has considered it necessary for a medical examination to be obtained, and whether or not a warrant has been necessary, complaints and summons should be sworn so that the parents have the opportunity of presenting their case to an impartial authority.

Children's Board where not Serious

In some cases where non-accidental injury is admitted but the child is in no danger and medical treatment is not necessary, it is the duty of the Social Worker to inform the local Children's Board of the matter, and to follow up with Public Health, School or other support for the family with Preventive Supervision status for a period, and if appropriate refer the case to the multi disciplinary committee for discussion and planning for future handling.

Cases where removal from home necessary until Court Hearing

Where a child is admitted to hospital and warrants have not been obtained, complaints and summons action is sufficient, unless the hospital is likely to discharge the child prior to the Court hearing in which case a warrant is necessary.

Notification to Police of non-accidental injury

Please refer to Part E 2.15. After discussion with the interdisciplinary team or Children's Board, or with a departmental panel including the Social Worker involved, the Supervisor, and the Assistant Director (Social Work) a decision should be made on this matter. Head Office must be notified, and reasons given, where it is decided not to notify the Police.

Engaging the Services of the Crown Solicitor

In cases where the parents deny the complaint and employ a Solicitor, and where witnesses will be required to provide evidence for the department's case, it is preferable that the Social Worker involved in the case be available in the role of witness rather than prosecutor. Head Office approval to the engagement of Crown Counsel should be obtained. If there is an element of urgency then a phone submission should be directed to the Office Solicitor, Head Office.

Before a child is returned Home

Before a decision is made to return a child to the environment where he sustained non-accidental injury, it is important that the Social Worker should consult with his Supervisor, the A.D.B.W. and with all other disciplines involved - preferably at a case conference. It should always be remembered that whereas other disciplines may be working towards the rehabilitation of the parents or the whole family, a Social Worker of the Department of Social Welfare has a legal obligation to ensure that the child's interests remain paramount. This may result in Social Workers and their supervisors having to override the committee's recommendation/decision.

Working with Parents

The Social Worker has a duty to provide advice and support to the parents of children at risk. Care should be taken not to collude with them in explaining away signs of child abuse or

neglect, whether physical or emotional. In crisis situations, he should call on his supervisor for consultation and, where appropriate, undertake a joint visit.

### B3.16 Domestic Emergencies

Social Workers sometimes wonder how far it is proper for them to go in giving, offering or in continuing help when an emergency occurs and children must be provided for outside their own homes.

One of the most practical duties a Social Worker is called upon to perform is that of providing prompt and effective help for a family in an emergency. It is also one of the most effective ways of building up a favourable public image of the department, while failure to give help when needed may quickly lead to adverse comment and this makes the performance of our duties more difficult. When a family suffers a catastrophic blow such as the sudden death of one or both parents, the destruction of the home by fire, there are usually relatives, friends or neighbours who rally round and give very satisfactory, immediate and effective help. Social Workers should make immediate inquiries to ascertain whether this is the case, and whether emergency financial assistance (see Part T) is necessary.

The inquiries should be discreet because most people do not take kindly to any suggestion that they are incapable of looking after their own affairs. If there is any suggestion that the people concerned are having any difficulty in providing for themselves and family, it should be made clear to them that the department stands ready to help, but has no wish to intervene unless, of course, it has statutory responsibility.

The more common, and less newsworthy emergencies, will usually be reported to Social Workers by one of the people directly concerned - possibly a father whose wife is ill or has deserted the family, and who is unable to care for his children himself. Where there is a genuine need, the Social Worker should give all possible help.

Help given will vary according to circumstances, and may involve help to the parent to make a sound and realistic decision, help by suggesting possible foster homes, institutions, or offer of temporary care by S11 agreement or temporary admission, house keepers, or even by recruiting and selecting foster homes, or where the parents cannot cope with the situation by the actual placement and escorting of the children.

The advice will, of course, depend a great deal on such factors as the possible duration of the emergency, and the likelihood of success of the suggested action, in the light of anything known about the people concerned. The family's church affiliation, if any, may be a useful lead to other sources of help. A parent's ability to pay for foster care or institutional care, or for the employment of a house keeper will obviously be important considerations. If they are not able to pay, the Social Worker will need to know whether help is likely to be forthcoming from any local source. Relatives, neighbours, or friends may be anxious to help but be diffident about offering assistance, and the father may be reluctant to ask; sometimes it is most satisfactory if the request for help comes from a disinterested party such as a Social Worker.

### B3.17 Help from Other Agencies

The department does not operate in competition with other agencies. If some other organisation is likely to be able to help, it should be given the opportunity to do so. This is particularly

important where the agency is a specialist one. It must also be remembered that the department is not an accommodation bureau. Our help should be reserved for those whose needs cannot effectively be met by other, more appropriate agencies, or when the parties concerned are under such emotional strain that it would be unfair to expect them to be referred elsewhere. Where a Social Worker is satisfied that a client is in need of our help, he may use the full resources of the department.

B3.18 Domestic Disharmony

It is not uncommon for a Social Worker to be asked to help to deal with disharmony within a family.

Sometimes it is the child who is at loggerheads with his parents; sometimes the child/young person and one parent are chronically at odds with the other parent, or one parent cannot get on with the other. In the latter case we might suggest that they seek help from their local Marriage Guidance Council, if they live in an area served by a Council. Reconciliation is difficult to achieve and where the problems are deep-seated the active support/supervision of the Social Worker's supervisor is critical.

If the situation seems serious, and intractable, it may be better to "cut one's losses" and work towards the child's/young person's removal from the home atmosphere, not necessarily by way of guardianship.

B3.19 Age at Which a Young Person May Leave Home

The law in New Zealand at the present time as it applies to the "rights" of parents and their children and whether a child is permitted to leave home against the parent's wishes is as follows:

- (a) The Guardianship Act 1968, Section 2 defines a child as a person under the age of 20 years.
- (b) No person under the age of 20 years whose parents are his or her statutory guardians (that is, by reason only of being the child's parents) has the absolute right to leave home against his or her parent's wishes (Sections 3 and 6).
- (c) Conversely: The parents have a right to require their children to remain at home up to the age of 20. (Section 3 and 6).
- (d) The parents' right, however, is subject to certain restrictions as to enforcement:

- (1) The Courts will not enforce the right against the child after the child has attained 18 years unless there are special circumstances. (Section 19(9)).
- (ii) The parents' right to enforcement is subject to the discretion of the Court in any event, and the Court is obliged to consider the welfare of the child as paramount not the right of the parents. (Section 23)
- (e) The parents' right is further subject to the right of a child of 16 years and over to apply to a Magistrate to review the parents' refusal to consent to the child leaving home. (Section 14).
- (f) A person who holds a child under a guardianship order under the Guardianship Act 1968 may not enforce the right beyond the extent of the order which is restricted to age 16 unless there are special circumstances.

A parent who holds a child under a custody order (which normally extends to age of 16 years only) may enforce the right to have the child stay at home up to the age of 16 years under the order. When the order is spent (that is, when the child turns 16 years of age) the statutory guardianship is revived in the parent (and the other parent if alive). At this time the parent may apply for a further custody order giving custody of the child up to 18 years of age.

- (g) It is thus clear that the statement that a young person can leave home when he or she is sixteen is an inaccurate statement of the law as it applies to young persons in whom parents have the statutory right of guardianship. Young persons are in law subject to the possession of their parents until they are 20 years of age. The Court may enforce the parents' right of possession if the young person is over 16 years unless there are special circumstances and a young person who is over 16 years can always ask a Magistrate to review his or her parents' refusal to give consent to leave home.

When a young person asks directly "Can my parents compel me to remain at home?" the Social Worker should admit that he cannot give a direct and definite answer, as the law on the subject is complex and could only be stated with any degree of certainty by a solicitor after consideration of the particular facts of the case. He should then invite the young person to say what led up to the asking of the question.

Sometimes the grievances will appear trivial or imaginary, and in such cases, there may not be any great difficulty in arranging to discuss the situation with the parents, or in eventually securing a reconciliation. More commonly, however, there is a chronic situation which has deteriorated over a period of time and provided adequate financial and other arrangements can be made, it may sometimes seem best for the young person to leave home temporarily or even permanently. In circumstances such as these, the Social Worker is

faced with the task of deciding how far he is justified in facilitating a child's leaving home and how much weight he must give to the parents wishes.

It is important that on the one hand the Social Worker is not seen as one who conspires with young persons to help them run away from home, yet on the other hand that he does not take on the role of the heavy-handed authority figure supporting the parents.

#### B3.20 Discussion With Parents Necessary

After hearing the young person's view of the situation, the Social Worker should make it clear that discussion with the parents is both necessary and desirable, before any action is taken. At the best it may be possible to reconcile the parties or at the worst it may be possible to help the parents to see that it would be best if their child left home for a time.

Every effort should be made to obtain the young person's permission for this discussion. In certain circumstances however (e.g. where the child is young or immature, or his plans inadequate or unrealistic) it may be necessary to override his objections and see the parents anyway.

In other circumstances (for example, where the home situation is known to be hopeless, or the young person has a mature and sensible outlook and is adamant in carrying out plans which seem adequate) it may be in order to comply with his request that the matter not be discussed with the parents.

Such a decision should, however, be made only after the most careful consideration of its possible consequences for the family, the client, and the department if the parents later objected.

#### B3.21 Parents Should be Notified of Address

Where a young person is adamant in his intention to leave home and it is possible to make satisfactory arrangements about accommodation, employment, and supervision, it is in order, and indeed desirable, for the Social Worker to assist in making such arrangements. If he cannot discuss the situation with the parents before the child's departure, the Social Worker should notify them immediately afterwards of what has occurred and of his reasons for acting as he did, either by personal visit, or letter, as appropriate.

He should normally give the child's address to the parents but in special circumstances similar to those mentioned above he may at the child's specific request withhold this information though he should offer to act as intermediary between the parents and child in attempting to effect a reconciliation.



B3.22 Parents Seeking Assistance in the Return of Children who are Living Away from Home

The converse of the situation described above occurs when parents call seeking advice on how they can secure the return of a child who has left home. If the child is under 16 years or if he is being kept away from home against his will, the position is quite clear, and if necessary the Police will take immediate action. If direct action is not appropriate for any reason legal steps may be taken by parents, in certain circumstances, to secure a Supreme Court writ of habeas corpus, which is always accorded urgency by the Court. Where a girl under 16 years of age is co-habiting with a man against her parents' wishes, an offence against section 210 of the Crime Act 1961 may be involved. If the parents are in doubt, they should be advised to consult the Police.

Section 210 of the Crimes Act 1961 reads:

Abduction of Children Under Sixteen

- (1) Everyone is liable to imprisonment for a term not exceeding seven years, who, with intent to deprive any parent or guardian or other person having the lawful care or charge of any child under the age of sixteen years of the possession of the child, or with intent to have sexual intercourse with any child being a girl under that age, unlawfully:
  - (a) takes or entices away or detains the child; or
  - (b) receives the child, knowing that the child has been so taken or enticed away or detained.
- (2) It is immaterial whether or not the child consents, or is taken or goes at the child's own suggestion, or whether or not the offender believed the child to be of or over the age of sixteen.
- (3) No one shall be convicted of an offence against this section who gets possession of any child, claiming in good faith a right to the possession of the child.

B3.23 Extent of Assistance Available

In other cases where the legal position is not quite so clearcut, it is necessary for the Social Worker to decide whether the case is one in which officials and strangers should properly intervene. Some parents need no more than an assurance that a Court is unlikely to convict them of trespassing or a similar offence, if they go to the home in which their child is staying and attempt to persuade the young person to return to them. In other cases, after preliminary investigation, it may seem that the parents should have more direct help and a decision has then to be made as to whether this help would more effectively and appropriately be given by a Social Worker, a member of the Police, or other agency. Unless the situation is so serious that a warrant and/or complaint under the Children and Young Persons Act 1974 would be justified, a Social Worker is, of course, limited to persuasion. This, however, can be very effective, even when it seems unlikely to be at first, and it is generally at least worth trying.

In more difficult situations the local Police may be prepared (even though no offence has been committed) to send one of their members, either alone or accompanying the parents or Social Worker. It should be realised that the Police have no special powers in such a situation, but are there merely to see that the peace is not disturbed.

Whatever course is followed, the Social Worker should make all reasonable efforts to bring about a reconciliation between parents and child, or if this is impossible, he should offer his continuing support and guidance.

#### B3.24 Truancy

Truancy or absenteeism (including irregular school attendance caused by being kept home to work or to look after younger children) especially when persistent, may be a pointer to serious trouble in the future, and may sometimes be averted by prompt investigation and action. The longer, or more often a child stays away from school the more difficult is the resolution of the problem. Section 27(2) (e) of the Children and Young Persons Act 1974 states that a child/young person shall be in need of care, protection, or control if ... "being of school age within the meaning of the Education Act 1964, he is persistently failing to attend school without reasonable cause".

#### B3.25 School Suspension and Expulsions

The Education Act 1964 Section 130 authorises the suspension from school of pupils under 15 in certain circumstances, and for an initial period of up to one week. If the suspension is extended the District Senior Inspector of Primary or Secondary Schools is informed by the Board or governing body of the school. District Senior Inspectors' obligations are to seek to re-establish the child/young person in some suitable school, to have him enrolled at the Correspondence School, or to recommend school exemption in appropriate cases to the Director-General of Education. District Senior Inspectors will consult with Directors in these cases, particularly where school exemption is being considered. The Act referred to above also gives legislative authority to Boards or governing bodies of schools to consult directly with Directors in cases of suspension or expulsion of pupils over 15 years of age (The Act does not make it obligatory for District Senior Inspectors to be informed in the case of these older pupils). Social Workers should accord a high priority to requests for these reports from Senior Inspectors or Boards. Sometimes an independent inquiry by a Social Worker reveals a situation which was unknown to the Principal, and which makes it possible for the suspension to be withdrawn, or for other remedial action to be taken promptly.

It is generally the case that both parents and child are disturbed by the events leading up to suspension or expulsion and they will frequently require guidance and help.

B3.26 School Exemption

Senior Inspectors of schools, acting for the Director-General of Education, are empowered to grant exemptions from further attendance at school of children under 15 years. The conditions under which exemptions may be granted are very rigidly defined by:

Section 112 of the Education Act 1964

## THIS READS:

"(1) A certificate of exemption from the obligation to be enrolled as a pupil of some school may be granted by the Director-General to or in respect of any child if the Director-General, after having regard to the pupil's level of progress, his conduct and the degree of benefit he may gain from the education facilities available at any convenient school, or at any correspondence school, is of the opinion that the exemption is desirable:

provided that no such certificate of exemption shall be granted to any child if the child has not attained the age of 14 years and has neither completed the work of form II as prescribed in the syllabus of instruction for public schools, nor enrolled for any higher form."

When considering such application District Senior Inspectors frequently ask for a Social Worker's report and if granting an application, sometimes ask the Social Worker to maintain informal supervision of the young person concerned.

B3.27 Employment Following School Exemption

The granting of a certificate of exemption does not necessarily of itself authorise the young person's placement in employment. Certain classes of employment are, under legislation pertaining to those occupations, subject to minimum ages independent of the Education Regulations. The Agricultural Workers Act 1962 now makes it permissible for young persons under 15 who have school exemption to work on farms provided they are not working for more than eight hours in any one day. Those under 16 years may not be employed in factories, without a certificate issued by an Inspector of Factories (Department of Labour). As the statutory provisions are very complex, any proposed placement of a child under 15 years should first be discussed with the Department of Labour.

B3.28 Housing Difficulties

Many people with housing difficulties try to enlist the aid of the department in obtaining the tenancy of a State rental house. Though there are obvious limits to the amount of help we can provide, even in the most deserving cases, there is no objection to the Director sending a factual report concerning such applicants to the local office of the Housing Corporation. In the report he may state his opinion that the case is a deserving one, but should stop short of specifically recommending the allocation of a State rental house. Like Ministers and Magistrates our Social Workers are in no position to judge the comparative merits of a case

or to decide priorities as between cases. Only the body vested with the authority to make allocations and possessing information about all applications - The Housing Allocation Committee - can make decisions, and a specific recommendation from us could be embarrassing. This applies whether the report is prepared on a Social Worker's initiative, or whether it was asked for by the Housing Corporation.

#### Housing Corporation Rental Arrears

Sometimes the Housing Corporation will ask for an investigation by a Social Worker of a case in which the tenant of a State rental house, or a homeowner, whose home is under mortgage to the Corporation, is substantially in arrears with rental or mortgage payments. It is not intended that the Social Worker should act as a debt collector, nor that he should probe unnecessarily into the family's financial circumstances. Persistent non-payment of rent or mortgage instalments is, of course, frequently a reflection of a family's acute financial or emotional difficulties, or both, and in many cases the family concerned can benefit from case work support.

In other cases, however, the arrears in rent or mortgage instalments are brought about wilfully, and there is nothing that a Social Worker could or should do about them, apart from reporting his opinion to the Corporation. Of course, if it is found that the problem is purely a financial one and ~~that~~ there is no need for case work support, the tenant or mortgagee should be advised concerning possible sources of assistance - e.g. budget advisory services.

#### B3.29 Reports from Other Government Departments

A number of Government departments, some of which seem to have no connection with social work ask for Social Workers' reports on a variety of matters. In general, the required information is provided in full and as expeditiously as possible.

It occasionally happens, however, that to report fully would involve a serious breach of confidentiality, and it must be borne in mind that a department is not, just because it is a Government agency, entitled to information outside the normal functions. In such cases its request for information should be treated no more favourably and no less favourably than a similar request from any other responsible source.

Sometimes a request is mistakenly directed to our department because of a misunderstanding of the scope of our duties. In such cases the Director should exercise his discretion in deciding how the matter should be handled. Thus, while it is quite in order for Social Workers to investigate the home circumstances of State rental tenants who are in arrears with rent it is not in order for Social Workers to be merely rent collectors.

If the Director feels unable to comply with a request from a district office of another department he must explain his position frankly. If the other controlling officer has any difficulty accepting the explanation the matter should be referred to the Director-General. Reports prepared

in response to requests from the Head Office of another department should always be forwarded through the Director-General.

### B3.30 Ministerial Reports

People frequently write to the political head of the department, the Minister, about some difficulty they are facing, sometimes without approaching local agencies which may have been able to help them. Such letters are almost invariably referred to the Director-General for a report, and unless the facts are already available in sufficient detail in Head Office files, the matter is usually referred to the Director concerned; the original letter being included so that the Director can see exactly what the correspondent said. In some cases of the kind being discussed here (that is, not complaints about a Social Worker's handling of a case) the Minister usually sends an interim reply indicating that a Social Worker is being asked to look into the matter, so that the correspondent will be expecting a visit. A copy of the interim reply is referred with the original letter so that it will be easy to ascertain whether this is so. Where there is such a reply, it is quite in order for the officer to disclose that he is aware that the correspondent has written of the subject matter. Where there has been no interim reply of this kind, however, such a disclosure, whether to a client or an outsider, might involve a breach of confidence, as the correspondent may expect that his letter is confidential to the Minister.

### B3.31 Ministerial Inquiries

Cases referred by the Minister for investigation must be dealt with expeditiously. If action cannot be completed within a week (or less, if the matter seems urgent) an interim reply by telegraph, if necessary, must be sent to the Director-General. The urgency accorded individual cases will, of course, vary with the circumstances; Social Workers are not expected to make a special trip of 100 miles to investigate a matter of comparatively minor importance; on the other hand, a report that children are seriously neglected or ill-treated might need to be dealt with within minutes.

When reporting on Ministerial inquiries Social Workers should:

- (a) Avoid departmental "jargon" and abbreviations, such as "status" "B" etc., either spelling out the words in full, or explaining them in "lay" language so that the report addressed to the Director-General may be forwarded direct to the Minister without being rewritten or translated in Head Office.
- (b) Two copies of the report are required and the paragraphs should be numbered.

### B3.32 Speeding Court Action With Juvenile Offenders

The Police have always exercised some discretion in deciding whether or not particular offenders should be prosecuted. The Youth Aid Section (see Part D) holds regular consultations

with this department over young persons to determine whether prosecution is recommended, or whether the matter would be best dealt with by preventive supervision by Social Workers. Children's Boards also have an important role to play in exploring alternatives to Court action for child offenders.

### B3.33 Provision of Transport

Quite often Social Workers are able to give valuable help by taking children (other than Wards) by official car to placements with friends, in foster homes or private institutions. This however should be done only when there are very good reasons why parents/relations cannot help. Subject to reasonable controls, and the specific authority of the controlling officer in each case, assistance in this form is in order. Where public transport facilities are available Social Workers should not make special trips or run extra mileage, and in all cases, any escort trips should be combined with normal work.

In other cases, the provision of transport may be regarded as an essential part of the job of giving help. These would include cases where the child is too young to travel unescorted, or where there is no suitable public transport, or no other person or agency can be expected to help, or where the parents are incapable of making arrangements. Here again, Social Workers are expected not to make special trips where other work can be included in the trip or to disrupt their work unnecessarily. Occasionally a beneficiary for some good reason may need assistance with transport which can appropriately be met by a Social Worker. Refer also Pt.22, where a Social Worker may be ordered to enforce a custody order or order for access.

### B3.34 Temporary Admissions to a Social Welfare Residence

Where there are special circumstances - for example, where the child needs special care, and no suitable private foster home can be found in time, Directors may authorise a child's/young person's admission to a Social Welfare institution, Family Home, or foster home without any legal procedure. (Where the Boys' Home or Girls' Home is under the control of another district, the concurrence of the local Director is of course required.)

Children/young persons admitted in these circumstances are described as "Temporary Admissions". Please refer Part H for details concerning procedure.

Where a child/young person is to be taken into the department's temporary care from the custody of a person who is not his parent or legal guardian, all reasonable efforts should be made to locate the parent or guardian to ascertain whether he or she is able to make any other suitable arrangements. If the parent cannot be located in time or cannot make suitable arrangements, it is preferable - whether or not the person having custody of the child consents to the child's removal - that the Social Worker should obtain a warrant before admitting the child/young person to an institution, or placing him with foster parents who expect payments from the department. This makes the legal position quite clear and protects the child/young person's custodian from criticism by the parent. If later inquiries show that another suitable placement outside the department is available there is no difficulty about asking the Court to discharge the warrant, and for permission to ~~withdraw~~ the complaint.

B3.35 Recording of Miscellaneous Inquiries

Complaints or inquiries received in interview or even by the telephone should be recorded on an Information Sheet

- (a) Information sheets must be completed as fully as the circumstances require. Informants will usually not raise any objection to providing detail that can be seen to be necessary. Often you can explain briefly why you are asking for specific details.

Normally we require:

- (i) Home, address and phone number of the informant.
  - (ii) Surname and residential and working addresses of parents.
  - (iii) Where children are involved first name of each child and age in years in descending order, school attending, or place of employment, and specific address if not residing at home.
  - (iv) Date information received, and day of the week and time if likely to be of significance now or later.
  - (v) How information received - office interview or phone call.
  - (vi) How informant has gained his or her information (as a neighbour, a visiting relative etc.).
  - (vii) Any indication that Department of Social Welfare or any other agency has been previously involved or is now involved.
- (b) In writing up the Information Sheet from your rough notes following the phone discussion or interview:
- (i) Print SURNAMEN, first names, addresses etc. where there could be doubt or confusion.
  - (ii) Write as legibly as you can and try to marshall your material into an ordered sequence.
  - (iii) Do not hesitate to record your impressions of the Informant (depressed, garrulous, helpful, critical etc.)
  - (iv) State clearly how your discussion concluded, i.e. what indication you gave about follow-up action.
  - (v) Sign and date your record of information.
  - (vi) Enter Miscellaneous Category in the box at the bottom right hand corner of the Information Sheet. The number entered should represent the category which most closely describes the primary presenting problem.
- (c) Information sheet when completed are then processed by the clerical staff who check and enter the Master Index, record the Miscellaneous Category (initialling the box in the bottom right hand corner to show that both

of these matters have been attended to), file the sheet, and minute it to the Supervising Social Worker for the area for a direction on follow-up.

- (d) Where the matter is urgent, e.g. non-accidental injury to a child the index and file check should be speeded up with the Social Worker standing by, and taking the results of the index check plus file (if any) to the Supervisor with the SW 594.
- (e) The form SW 594 can also be used in connection with new applications for Domestic Purposes Benefit in order to ensure that appropriate cases requiring Social Worker involvement are recorded in the Master Index. The procedure is as follows:
  - (i) The Social Worker taking the application prepares an SW 594 (Information Sheet) with basic facts - mother's full name and address, children's names and birth dates mother's phone number, if any, date, and a note to state the mother has applied for Domestic Purposes Benefit.
  - (ii) The SW 594 is signed and sent to records with the request that it is either attached to any existing records, or indexed, and a new file made as a family file. The file is then returned to the Social Worker who will be preparing the Social Work report.
  - (iii) The same process is adopted where a single girl applies for a Sickness benefit on the grounds of pregnancy.
  - (iv) The same system should be adopted for any other benefit matters where it is envisaged the amount of casework likely to be involved will warrant such a file. The Master Index card will be in the name of the family with addresses, and names of children and for the single beneficiary, the full name of the applicant.

#### B3.36 Personal Files Preferable

As a general rule individual personal files are to be preferred to general files, individual files should be established wherever it seems likely that correspondence or notes will occupy more than three or four pages. If the indications are that there will not be much correspondence it is probably most convenient for such notes to be placed on a "miscellaneous cases" file. The master index will show on which miscellaneous file these papers are to be found. In some cases, initial judgment will be found to be incorrect and a personal file will have to be made at a later date as further papers and correspondence come to hand. In this case the master index must be amended accordingly as otherwise time would be wasted in locating material.

Where general files of "miscellaneous cases" are used, however, the papers related to one child, adult or family should be kept together, and not scattered through the file in date order. This may be achieved by allotting each case a "folio" number from an index at the top of the file. A distinctively coloured sheet of paper, bearing the folio number at the bottom is placed above the correspondence referring to the case, and separates papers from



those above. This system has the disadvantage that all papers are to be added to or removed from those pertaining to the case under consideration. However, in practice, this is not as serious as it may seem, and in any case, the system possesses the corresponding advantage that if it does become necessary to start a personal file all related papers can be removed easily in one operation. If such a change is made, of course, the register at the top of the file and the master index must be noted accordingly.

### B3.37 Categories for Statistical Returns

To facilitate the compilation of ~~biennial~~ statistical returns all miscellaneous cases are numbered according to the category listed below which best describes the problem presented by the case:

1. Child Abuse, cruelty or ill-treatment
2. Child's misbehaviour or leaving home
3. Truancy
4. Child's suspension from school
5. Child in detrimental environment/neglect
6. Family breakdown
7. Housing difficulty
8. Adults with personal or emotional problems
9. Enquiries about adoption
10. Enquiries about placing a child in a registered home, child care centre, licensed foster home.
11. Enquiries from prospective foster parents
12. Home help enquiries
13. Enquiries referred to other specialised agencies - marriage guidance, vocational guidance, health services, legal services etc.
14. Advice or help to pregnant single girls.
15. Advice to solo parents about taking maintenance action.
16. Custody enquiries.
17. Placements arranged by social workers for alternative care for disabled persons
18. Investigations made into home alterations for disabled persons
19. Beneficiaries and other adults in need of material assistance - clothing, furnishings, upkeep of housing, emergency grants, etc.
20. Home visit to determine benefit eligibility.
21. Other.

Only the predominating category should be entered even though several categories may be involved in any one case.

Where a benefit related inquiry is more appropriately placed under "B.& P. applications taken by Social Workers" this category, mentioning type of benefit, should be used.

B3.38 Indexing and Actioning

The number of the heading under which the case falls should be inserted by the Social Worker in the box at the bottom of the information sheet after the word "miscellaneous" or in a prominent place on the letter if the complaint is a written one. The file will then be referred to the clerical staff for indexing and entering in the register held for compiling six-monthly returns. Cases are counted by individuals or families seeking or being referred for enquiry or help. For example a family having four children counts as one case.

When an inquiry that has been counted as a miscellaneous case is referred to us again either from the same or from a different source, it will not be counted: if the case is still receiving attention. It will be counted a second or subsequent time if the initial or earlier case has been closed. This will mean that in some cases an information sheet will be used for a case for which we already have some record and even a personal or family file. The clerical officer's initials opposite the heading "Indexed" in the bottom right-hand corner of the information sheet will indicate that the case has been recorded in the Master Index and his initials alongside the heading "Miscellaneous" will indicate that the case has been counted for statistical purposes.

## B4 SUPPORTIVE SERVICE

### B4.1 Introduction

When it is clear, at the outset, or becomes clear during handling of a "miscellaneous inquiry" or other investigation arising from any source that work will be required over a period of more than a month or two, the case should be recorded as one of supportive service.

This is an arrangement which depends for its successful operation on the co-operation of the child and family concerned. On the one hand, the clients must agree to have a Social Worker intervene in their lives, on the other side, the Social Worker must be prepared to give the case the attention it deserves. If either party fails to keep his side of the agreement, supportive service ceases to be effective, and should be resolved either by total withdrawal or, if the case warrants it, by complaint action. Long term follow-up of Benefits and Pensions cases is discussed fully in Part T.

### B4.2 Statutory Duty

Sections 5 and 6 of the Children and Young Persons Act 1974 states that this department has a duty actively to carry out preventive work, or to organise community resources to provide the necessary preventive services. (Refer B.1).

### B4.3 Recording of Supportive Service

Where a Social Worker considers that a child or family should be dealt with under supportive service he should discuss it with his Senior Social Worker and prepare a case report similar to those produced for the Court. It should be full enough to make clear the nature of the problem and any plan of action for the benefit of any other Social Worker who might have to take it over. However, where a report has been prepared during the past 12 months for Court or for some other purpose it is unnecessary to repeat information in the new report, reference being made to the earlier one. Similarly, the report may serve as both court report and supportive service report if desired. If the Assistant Director approves the recommendation and the plan of action he should indicate this under the recommendation. The period of supportive service will usually, though not necessarily, be from six months to one year. If the estimate of time required proves incorrect for any reason the period of support may be extended or written off with the approval of the Assistant Director (Social Work) by issue of a notification slip.

### B4.4 Emergency Grants

Please refer to Part T for details concerning emergency grants.

### B4.5 Release of Prisoners Convicted of Sexual Offences Against Members of their Families

The Secretary for Justice has issued an instruction to all Prison Superintendents telling them that a family must be given 48 hours notice of the discharge from prison of a person convicted of a crime of violence or other serious crime against a member of his family. A9/7/79

In this connection also Superintendents have been asked to give the Director-General of Social Welfare one month's notice of the release of an inmate convicted of incest or other sexual offence involving children in the family. In addition to supplying the name of the offender, the nature of his offence, and sentence, and the date of release and his intended address after release, Superintendents have also been asked to state the locality in which the offence was committed, the name and present address of the mother or the name and address of the child offended against. The intention of these arrangements is to ensure, as far as possible, that children who have been the subject of violent or sexual offences should be protected. On receipt of the information from the Superintendent Directors should arrange to have the family visited to assess whether the mother needs assistance to cope with the situation. In some cases it may be necessary to arrange a temporary placement for the child until he or she has been able to adjust to the new situation. A period of supportive service may be necessary.

#### B4.6 Notification from Probation Officers of Incidents of Cruelty or Assault

An arrangement is also in force whereby Probation Officers inform the local Director of acts of violent or sexual assault involving children coming to their notice either as the result of prosecution or otherwise. Such cases should be discussed with the Probation Officer to establish whether a visit is needed or desirable before any social welfare visit being made. Visits should not be made where a prosecution is pending unless discussion with Probation or Police indicates that social welfare intervention in the interests of a child is really necessary. After a conviction has been entered a visit should be made to assess the situation and offer assistance.

## Section 10 Inquiries

### B5.1 Notification of Birth to Unmarried Mother

Section 10, Children and Young Persons Act 1974 requires the Registrar of Births and Deaths, on receiving notification of a birth to an unmarried mother or on effecting registration of a birth to an unmarried mother, to notify a Social Worker of the birth and of the name and address of the mother. This notification is contained on form R.174, which is designed for placement in our Kardex system.

### B5.2 Statutory Duty to make Inquiry

Section 10(2) of the Children and Young Persons Act 1974 states: "On receipt of a notice under this section it shall be the duty of the Social Worker to make such inquiries as may be necessary to ascertain the condition of the child and its mother and to take such steps, if any, as in the circumstances he considers necessary under this Act". In most cases it is simpler and more satisfactory for the Social Worker to satisfy himself by actually visiting the mother and child but where the Social Worker has reliable information from a third person (e.g. a Public Health Nurse) that the child is adequately provided for it may not be necessary to visit in person. The case will be noted as investigated and the outcome will be recorded as appropriate, e.g. staying with mother etc. The Social Worker who completes the Kardex card should make clear the source of his information.

### B5.3 Purpose of the Inquiry

The purpose of the inquiry is to ensure as far as possible that the welfare of the child is safeguarded. The Social Worker receiving notification from the Registrar seeks to determine whether:

- (a) the material circumstances of mother and child are adequate;
- (b) the mother is sufficiently capable of caring for the child under circumstances which may be very difficult for other than financial and material reasons;
- (c) the mother intends to keep her child and whether she needs help of any kind, e.g.:
  - (i) in finding a position where she is able to have the child with her; or
  - (ii) in arranging to place the child in suitable day care or in a foster home under Section 76 of the Children and Young Persons Act 1974 so that she can be free to take employment to maintain herself and child;
  - (iii) in applying for a domestic purposes benefit, and advising her of the necessity to take maintenance action against the father of the child through a Solicitor, who will also apply for legal aid on her behalf;
- (d) The mother wishes to place the child for adoption

#### B5.4 Counselling Help

Apart from satisfying himself with regard to the standard of care and material conditions to which the child is subject, and apart from being able to offer advice and practical help, a Social Worker may be able to assist the mother to face up to more fundamental personal problems. On occasions a Social Worker may be able to bring about a reconciliation between a young mother and her parents or help her to think through her problems about marriage or adoption. While a Social Worker may help to make a mother aware of the advantages adoption may have for the child, he must, under no circumstances, attempt to influence the mother in making a decision to place her child for adoption.

If the mother decides to place her child for adoption she may need considerable support to maintain what may be a very painful and difficult decision. Social Workers counselling mothers in this situation have a heavy responsibility, as the action they take and the counsel and support they give may have a profound effect on the lives of both the child and the parent. Please refer to Part C which deals with Adoption in more detail.

#### B5.5 Inquiries will vary according to circumstances

Where a mother is undecided about keeping her child or having decided to keep the child she has to face considerable personal and environmental problems, there may be much that a Social Worker can and should do to help. Often the Social Workers must carry out his inquiries where a child is born to a couple who have a stable relationship but who for some reason have not legally married. In such cases, if it is readily apparent that the child is well cared for our inquiries will be brief. It may sometimes be possible to offer advice, if this is sought, regarding the manner in which difficulties which are for the time being standing in the way of the parents' marriage may be overcome. In an inquiry under Section 10 our duty is to establish that the child is receiving adequate care. If the Social Worker is satisfied on this point no further action is necessary and a Social Worker, while willing to help, must also be able to recognise when people have the situation in hand and do not require assistance.

#### B5.6 The Outcome of the Inquiry

If the child's circumstances are found to be unsatisfactory and the mother appears unable to give sufficient care and has no adequate plan for the future, the Social Worker will consider in discussion with his Supervising Officer, whether help is likely to be effective, or oversight desirable. Oversight may be temporary, or for a longer term. Sometimes a complaint will have to be made with a view to obtaining a supervision order or having the child placed under the guardianship of the Director-General. Preventive supervision may also be carried out for a period in cases where the mother who intends to keep her child and is basically capable of providing adequate care, seeks some help and advice. Alternatively a Section 11 agreement may be appropriate in certain cases. (Please refer Part H).

#### B5.7 Inquiry to be made as soon as possible

Although occasional exceptions will inevitably occur because of distance or difficulty in locating the mother, inquiries must be instituted as soon as possible and not later than

three months after notification is received, either from the Registrar, or from any other reliable source, e.g. hospital, benefits and pensions division. If at all possible the inquiry is to be completed within this period.

Directors should arrange for Social Workers to do all interviews with pregnant single women applying for benefit. This gives a good opportunity for counselling before the child arrives, and also for the Social Worker to explain that a visit may be made after the birth.

#### B5.8 Need for Caution in Conducting Inquiries

Few inquiries in the whole of our work require a more tactful and sympathetic approach. It is imperative that a Social Worker takes care to establish that he is speaking to the right person; in some urban settings (e.g. blocks of flats, rooming houses, it may be desirable to ask for a private interview, withholding identity unless objected to by the client) until inside the premises. At the outset the Social Worker should make it clear that we are required by law to make such an inquiry and that the intention of this requirement is to find out whether the mother is in a position to care for her child. It can be explained that, while in many cases all may be well, and our help is not required, in other cases we are able to assist the mother in a number of ways with advice and practical help. The Social Worker should reassure the mother of the strict confidentiality of our inquiries and, where appropriate, reassure the mother before leaving that the Social Worker will not be returning later to remove the child.

#### B5.9 Difficulties in Tracing Mother and Child

Social Workers have a definite responsibility to make every effort to trace the mother and child to reassure themselves that the child is being adequately cared for. This is often made difficult by inadequate addresses furnished by a mother who is reluctant to disclose her identity or who actively seeks to avoid being located. Some mothers move from place to place a good deal without leaving exact forwarding addresses and some take an assumed name. In such cases it may be that only patient following up of vague suggestions will secure results. The two principal sources of help are the matron of a hospital or maternity home, who often has a forwarding address, and the Family Benefit Section.

Public Health and Plunket Nurses may be able to help, and more particularly in rural areas, Honorary Social Workers, Community Officers or the Postmaster may be able to supply an address. It will be necessary to make such inquiries tactfully. In many instances the person we approach for information may be quite unaware that the couple are not married and may be openly curious as to why we should be calling at the home.

#### B5.10 Closing the Case as Untraced

If in the 12 months from the date the notification was received from the Registrar, Social Workers have made realistic efforts to trace the mother and child, and after at least three attempts have brought no further information as to their whereabouts, a case may be closed as untraced. This does not prevent a case being reopened should further information be required after it has been closed as untraced.

#### B5.11 Enlisting Police Assistance to Trace a Mother

The Police should not be asked to trace a mother and child we have failed to locate unless we have reason to believe that the mother may not give the child proper care. The mother may be already known to our department as unsuited to have care of a child, or inquiries from the Matron of the hospital or maternity home may reveal that the mother was irresponsible and showed little or no attachment to the child.

When the usual inquiries have been unsuccessful, the Director may forward a request to the local Inspector of Police asking him if he will arrange for the mother and child to be traced. The Police may decide not to act on such a request. Their recent attitude has been not to act in tracing a person unless there is some formal legal process in operation, e.g. warrant, summons etc., or unless the person can be formally notified as missing. If a Social Worker establishes from the Matron of the hospital or maternity home that a child was healthy at birth, and if nothing is known which brings into question the mother's ability to care for the child, Police aid should not be sought, even though the mother remains untraced after our extensive enquiries.

#### B5.12 Action Where a Criminal Offence is Revealed

Social Workers carrying out inquiries under Section 10 of the Children and Young Persons Act 1974 will occasionally meet a situation where a girl under 16 years of age has given birth to a child, and where as a consequence, some person has obviously committed the offence of unlawful sexual intercourse or incest. Usually the girl and her parents do not wish to become involved in any court proceedings which would result from a criminal prosecution of the alleged father, and are therefore unwilling to agree to a Social Worker approaching the Police.

In general, when a citizen has reason to believe that a criminal offence has been committed he is under a moral obligation to communicate with the Police. A Public Servant engaged in official duties may be regarded as under a stronger obligation than a private citizen and may even be considered blameworthy if he takes no steps to report an offence. A Social Worker might well wonder, therefore, whether he should inform the Police that an offence has been committed against a girl under the age of 16 years, or whether he should take that action despite objections from the interested parties.

#### B5.13 Mother to be Encouraged to Notify Police

In cases of this nature Social Workers should not be too quick to inform the Police about the offence. Nevertheless they would be justified in trying to persuade the mother or her parents to notify the Police themselves. Where a Social Worker considers, because of special circumstances related to the public interest, that in spite of the wishes of the mother and her parents the Police should be notified of a possible offence, the details should be submitted to the Director-General for consideration,



#### B5.14 Registration of Maori Births

Prior to 1962 registrations of European and Maori births were treated separately with a number of differences between the two systems, a chief one being that Maori registration did not provide for the date and place of marriage. Section 7 of the 1961 Amendment to the Births and Deaths Registration Act 1951 provides that Maoris are to be included under the provisions of the Act and consequently European and Maori births are now registered on the same basis. This may account for the reason why sometimes prior to 1962 it is not clear whether or not the parents of the Maori child are married.

#### B5.15 Recording

The form R.G.174 "Notification of Birth to Unmarried Mother" Section 10 Children and Young Persons' Act 1974" when received from The Registrar of the local court should be placed in the Kardex trays. When a Social Worker has completed an inquiry he should note the outcome on the Kardex card. These notes should be as full as possible showing the date of the visits, the circumstances of mother and child, any problems disclosed, whether the child is under Plunket supervision, the position relating to paternity and maintenance, whether benefit is being paid or is required, etc.

Cards representing births notified during the current six months (1 January to 30 June and 1 July to 31 December) or uninvestigated or incomplete cases carried over from the previous six months are to be filed in a Kardex in alphabetical order. At the end of the six months, returns are prepared and the cards of infants about whom inquiries have been completed are removed from the Kardex and filed in alphabetical order under label of the six months to which they apply.

#### B5.16 Returns

Six monthly returns are prepared by districts at 30 June or 31 December each year. Information required is specified by circular instruction issued before the returns are due and may vary to some extent from year to year. If any new information is required advance notice will be given whenever possible.

B6.1 Legislation

Part 8 of the Children and Young Persons Act 1974 contains a number of provisions designed to safeguard the physical and emotional welfare of young children who must be maintained apart from their parents for any significant period; This legislation is particularly designed to cover situations where a baby or infant is placed with strangers who agree to care for it, whether for payment or not.

The first specific legislation controlling such placements was the Infant Life Protection Act 1893. A later enactment with the same title was passed in 1907. In the course of the consolidation and re-enactment in 1908, of all Public Acts then in force the provisions of the Infant Life Protection Act became incorporated and consolidated as Part I of the Infants Act 1908. These provisions are now incorporated in the Children and Young Persons Act 1974.

B6.2 Effect of Legislation

This part of the Act requires that infants under six years maintained away from their parents for more than 28 consecutive days or on more than 28 days in any period of 40 days must be placed in the direct care of an officially approved and licensed foster parent, unless in the care of a near relative (defined in B6.4). The effect of this is to focus the provisions on to long term foster care where it is felt that the main need for such provisions exist and specifically to include part-time care (e.g. care during the week but not over the weekend) within the provisions of the Act.

B6.3 Parents' Rights of Guardianship Not Affected by Placement

The role of the department in carrying out its obligations under Part 8 of the Children and Young Persons Act 1974 is:

- to license suitable foster parents who wish to take children into their homes, and
- to supervise the care of children placed in licensed foster homes by their parents.

During the child's stay in a licensed foster home guardianship rights remain with the parents.

B6.4 Licence is Necessary Only Where Child is Not in the Care of "Near Relative"

Part 8 of the Children and Young Persons Act 1974 provides:

"No person shall receive or retain in his care or charge any infant for the purpose of caring for or maintaining him apart from his parents or guardians for a longer period than 28 consecutive days or on more than 28 days in any period of 40 days unless:

- (a) that person is a near relative of the infant's; or
- (b) that person is licensed under this Part of this Act as a foster parent; or
- (c) the infant is lawfully in the home of that person for the purpose of adoption and the requirements of Section 6 of the Adoption Act 1955 are being complied with; or
- (d) that person is for the time being entitled to the custody of the infant pursuant to an express provision of this Act, or pursuant to the order of a Court, whether that Court is a Court within the meaning of this Act or not.

Section 72 of the Children and Young Persons Act defines "near relative" as an infant's grandfather, the brother or sister of the infant's father or mother, the infant's adult brother (of the whole or half blood) or the infant's adult sister (of the whole or half blood). It should be noted that the licence relates only to the infant or infants named on it. (Refer B6.7).

#### B6.5 Provision for Exemption

Section 73(2) of the Children and Young Persons Act 1974 provides that:

"The Director-General may from time to time issue a certificate exempting from the provisions of this section -

- (a) any institution, group home or foster home which is administered by an organisation offering continuing or short term residential care for infants.
- (b) any person as to whom the Director-General is satisfied that such provisions should not apply.

If a private person or representative of an organisation or institution approaches the Director to enquire about exemption, the facts should be obtained and forwarded to the Director-General for consideration.

#### B6.6 Issue of Licence

The Social Worker will hand form S.W.516 Application for Licence as a Foster Parent under Part 8 of the Children and Young Persons Act 1974 to the prospective foster parents for completion or may complete the form during the initial interview with them and obtain their signature to it. References will be sent for from the district office. The home is then visited and following this, if from the Social Worker's interviews with the applicants the home visit and consideration of the information supplied by referees, he feels satisfied that a child placed with the applicants would seem likely to receive adequate care, a licence will be issued. Authority for making these inquiries and issuing a licence is provided by Section 76 (1) of the Children and Young Persons Act 1974 which states:

"If after such enquiry as he thinks fit the Director or other officer to whom he delegates the responsibility is satisfied as to the character and fitness of the applicants and the suitability of the house proposed

to be used by the applicant as a foster home, he shall issue a licence to the applicants".

#### B6.7 The Form of the Licence

The licence issued under Section 76(1) authorises the holder ..... "to receive and maintain in the house, specified by address in the licence, any infant or infants named therein, for the purpose of caring for and nurturing such infants apart from their parents or guardians.

#### B6.8 Duration of Licence (Section 77)

The licence remains in force for 12 months from date of issues and then expires, provided that where application is made for a new licence while an existing licence is in force the existing licence shall continue in force until the decision on the application is given. Social Workers on issuing a licence should ensure that a bring-up is arranged a month before expiry so that the case is reviewed before the 12 months is up.

#### B6.9 Revocation of Licence (Section 78)

Section 78 (1) states : "A licence issued under Section 76 of this Act may at any time be revoked by the Director of Social Welfare for the district of the department in which the foster home is situated".

If a Social Worker is satisfied that a foster parent should not have care of a child the first step will be to discuss the matter with the Director. If it is agreed that the foster parent should not continue taking children into their home, the foster parents should be approached and told as tactfully as possible of our belief and asked to surrender the licence. Written advice of revocation should then be given. No further action needs to be taken provided of course that they have no children with them, or agree to alternative and immediate placement elsewhere of the children who are with them at the time of surrendering the licence.

#### B6.10 Obligation to Notify

Section 74(1) of the Children and Young Persons Act 1974 states : "Every person who receives an infant into his care with a view to keeping that infant beyond the periods specified in Section 73 of this Act, or having an infant in his care, arranges to retain that infant in his care beyond those periods, shall within 72 hours after the receipt of the infant or the arrangement as the case may require, give written notice of the receipt of the infant or the arrangement to the Director of Social Welfare for the district of the department in which that person resides".

At the time of receiving an infant into his care, the foster parent should ascertain from the person placing the child, the name and address of the doctor who should attend the child in case of illness. The foster parent is required, if the child becomes ill or needs medical attention, to notify the parents or guardian and the Social Worker as soon as possible. The instruction makes it clear, however, that if medical attention is urgently required this should be obtained and that both the parent or guardian and the Social Worker can be notified later.

When any infant leaves the care of the licensed foster parents, the latter must also notify the local Director within 72 hours of the fact, that the infant has left, of the circumstances in which the infant left, and if it is known to them of the address where the infant is to be found.

#### B6.11 Maintenance

Section 79 of the Children and Young Persons Act 1974 provides that "any foster parent or the parent or guardian of the infant may ask the Director to arrange an agreement between the foster parent and the parent stipulating the maintenance payable for the infant's care. This section places the onus for effecting agreements, and enforcing them upon the foster parents or the infant's parents or guardian, and not with the department. The department's only responsibility is to assist in the effecting of such agreements if requested.

#### B6.12 Change of Address

Section 80(1) and (2) states the following "(1) where any foster parent wishes to change the house at which he carries on his foster home he shall give written notice of the house proposed to be used.

If the Director or other officer to whom he delegates the responsibility is satisfied as to the suitability of that house, he shall on production to him of the licence, amend it accordingly.

#### B6.13 Powers of Inspection and Removal by a Social Worker

Section 81 of the Act provides that:

- (a) Any Social Worker may at any time enter any foster home or any premises in which he has reason to believe that any infant is being maintained contrary to the provisions of this Act, and may inspect every part of any such foster home or premises and examine the state and condition of any infant therein.
- (b) Such Social Worker may at any time be accompanied by a registered medical practitioner.
- (c) Such Social Worker may at any time, if dissatisfied with the quality of care the infant is receiving (of which he shall be the sole judge), remove any infant from any foster home or other premises and place that infant in a residence within the meaning of this Act, until the wishes of the parents or guardian ..... are known or until Court proceedings under section 27 of this Act determine the future arrangements for the infant's care.
- (d) The period during which an infant remains in a residence by reason of a placement under subsection 3 of this section shall not exceed three months.

#### B6.14 Visiting

There is no statutory requirement or regulation governing frequency of visits to licensed foster homes, but it is expected that the minimum visiting requirements for Wards should be

adhered to. Each licensed home should be visited not less than once every four months. Many of course will need much more regular visiting and oversight. Social Workers should work in co-operation and consultation with Plunket and Public Health Nurses who already have contact with the home, or who could provide additional help and guidance which the foster mother may need and will accept.

#### B6.15 Death of Infant in Foster Home

If any infant dies in a foster home Section 82 of the Act requires the foster parent within 24 hours after death to inform:

- (a) The Director of the Social Welfare district in which the foster home is situated, and
- (b) A member of the Police who shall forthwith communicate to the Coroner the fact of the death and such circumstances relating to the same as he is aware of.

#### B6.16 Action to be Taken by Social Worker in Event of Child's Death

Though the Act clearly places the responsibility of notifying the police of a child's death on foster parents, Social Workers must make certain that this action is taken. The parents should be notified immediately. Funeral arrangements will be their responsibility, but the Social Worker may be able to assist with advice and arrangements if this is necessary. The Director-General should be notified by a memo (original only) which should include the following:

- Full name of child.
- Date of birth.
- Date of Placement.
- Date of Death.
- Whether the Police have been notified.
- Whether the parents have been notified
- What is known of the cause of death and the circumstances of the child's care at the time of death.
- Whether or not an inquest was ordered and if ordered the Coroner's decision and any relevant comment. (The inquest may be delayed in which case its outcome may be conveyed to the Director-General by separate memo at a later date.

#### B6.17 Offences

Section 83 of the Children and Young Persons Act 1974 provides for fines up to \$1000 on summary conviction for any person who commits an offence against the provisions specified in this Act.

#### B6.18 Recording

The forms which are completed in interview with foster parents and parents or guardians are so designed that they can be filed in a Kardex system.

A personal file should be made up for the child and it is a good idea to have one for the foster parents also. Information concerning foster parents is contained on form S.W.516.

Information on the child is recorded on form S.W.521

Recording procedure is outlined below:

- (a) On receipt of a form of application (S.W.516) references should be requested and the application subsequently filed in a Kardex tray for applicants. When a child is placed with the applicant, the S.W.516 card should be transferred to Kardex tray for foster parents. Sufficient vacant pockets should be left to take as many S.W.521 cards as there are likely to be children cared for at any one time by the applicant.
- (b) When references are received the S.W.516 should be appropriately endorsed. References should be filed on the personal file. If the applicant is considered unsuitable (on the basis of the Social Workers home visit or unsatisfactory references, or both) the S.W.516 should be filed in a separate Kardex tray. All new applications should be checked against that tray before action is taken on them.
- (c) When the S.W.521 has been completed by the Social Worker in respect of a child being placed, it should be handed to the clerical officer for filing in the Kardex underneath the appropriate foster parents' form of application. The maintenance agreement should be filed on the personal file.
- (d) The clerical officer will prepare a visiting book page for the Social Worker endorsing it with the child's full name, date of birth, religion, and the reason (stated on S.W.521) for the placement. The Social Worker should then record the date of placement on the page and include it in the visiting book.
- (e) If a child leaves a foster home or ceases to be our concern under the provisions of Part 8 of the Children and Young Persons Act 1974 (e.g. through reaching his sixth birthday, placement with "near relatives"), the Social Worker should record the date of removal or termination on the relevant page of the visiting book and then send the page to the clerical officer responsible, who should check whether or not maintenance payments are being made through the office and note the accounting card accordingly. The child's card should then be removed from Kardex; the visiting book page should be pinned to it and should then be filed on the personal file.

#### B6.19 Board Payments

The payment of board monies should be made by parents direct to the foster parents. Where parents come to the department for help and where a Social Worker arranges the placement, a Section 11 agreement or, in very short-term emergency cases, a "B temp admission" arrangement should be made.

#### B6.20 Record of Board Payments

Social Workers should make it clear to the foster parents that they should issue receipts (with copies for their own record) for payments received direct from the parent or person paying maintenance for the child. If payments fall into arrears and the foster parents wish to take legal action to recover the debt, it would be useful for them to be able to produce evidence of what has been paid. The natural parent should also be advised to keep receipts in proof of payment.

B6.21 Six-monthly returns are prepared after 30 June and 31 December

Information required is specified by circular instruction issued before the returns are due, and may vary to some extent from year to year. If any new information is required, advance notice will be given



B7 Honorary Social WorkersB7.1 Functions

Honorary Social Workers are people of integrity and local standing who have a special interest in our work. They represent many occupations and according to their circumstances, abilities and interests, give voluntary assistance in a variety of ways to Social Workers.

They can work closer to the community in many cases than the salaried worker. Honorary Social Workers often help by linking children and young persons with various group activities, by making preliminary enquiries into cases of children reported as needing our attention, by helping to find foster homes or suitable employment vacancies, or on occasions by representing the department in Children and Young Persons Court in connection with minor cases where the attendance of a Social Worker would involve an unwarranted expenditure of time and money. They can do some supervision, but the Director is responsible for this. They can deal with local agencies. Where advisable they can take initial action in a number of cases, so avoiding many urgent calls at short notice on Social Workers time.

Over the past few years teams of Social Workers have been recruited, trained and allocated a limited number of problem families on a preventive supervision basis. These volunteers visit regularly - at least once or twice weekly and do budgetting counselling etc, depending on the individual family's needs.

Directors have responsibility for setting up schemes which cater for their local needs in the preventive field, and providing senior staff to screen, train and supervise volunteers.

B7.2 Appointment

If a person shows interest in our work, is of some standing in the local community, appears in other respects suitable for appointment, and the Director considers that there is a need for the services of an Honorary Social Worker in the particular area, details should be conveyed by memo to the Director-General, together with a recommendation for appointment. The nominee should not be told he/she is being recommended for the position, but the Director should be reasonably sure he can act.

Care should be taken to see that the full name is stated and spelled correctly, and that the postal address is also included. If the person being recommended has any decoration, or title which should properly be attached to his name in any official paper, this should be stated. The Director-General then submits the name of the nominee to the Commissioner of Police, who, after checking with national records and local police officers, advises whether or not he has objection to the appointment. (This is by arrangement with the Commissioner of Police, who prefers that the Director-General refers names of the recommended persons to him, instead of Directors seeking official reports from officers in charge of Police districts.

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If the Police have no objection and the proposal is otherwise acceptable, the Director-General may approve the appointment. Notice of appointment appears in the N.Z. Gazette. A copy of the notice is sent by the Director-General to the newly appointed Honorary Social Worker, together with a copy of the Children and Young Persons Act 1974. A copy of the Director-General's covering letter to the new appointee is minuted to the Director of the district concerned and two copies of the Gazette notice are enclosed, one for the Director and one for the Police of the area in which the appointee will be working. All appointments remain current until revocation is recommended by the local Director.

In those areas where there are no Honorary Social Workers, or where there is an inadequate number, consideration should be given to recruiting suitable persons. It should be kept in mind, however, that once we appoint Honorary Social Workers we should be prepared to keep in touch with them and make some use of their services. Though there are definite limits to the amount and nature of tasks which they can be reasonably expected to do, they can perform a very valuable liaison function and give real practical help on many occasions. Enlisting their help is consistent with the department's general policy of making full use of voluntary community services.

### B7.3 Revocation of Appointment

If age, health, or any other reason prevents an honorary Social Worker from giving active or satisfactory service the Director should recommend revocation of his appointment stating the basis on which he does this. He should tactfully advise the Honorary Social Worker of this. If it seems likely that a consequence of this action could be an embarrassment to the department because of an adverse reaction from an Honorary Social Worker, who, for instance, may be well-known in the locality, then the Director should advise the Director-General of any such possibility before taking action.

### B7.4 Change of Address

If an Honorary Social Worker changes his address, the Director-General should be notified immediately by memo. If this involves a change of Social Welfare district the new Director should be notified and given any relevant information about suitability and whether the Honorary Social Worker wishes to continue his work with our department. It will then be necessary for the Director in whose district the Honorary Social Worker has taken up residence, to advise the Director-General whether he requires the services of the person.

### B7.5 Death of an Honorary Social Worker

The Director-General should be advised by memo as soon as the Director learns of the death of an Honorary Social Worker so that Head Office records may be amended and also so that, in those cases where the Director considers it warranted, a suitable message of sympathy may be sent.

B7.6 Motor Vehicle Allowance, Voluntary Social Workers

A motor vehicle allowance of 17.5 cents per km irrespective of the rating of the vehicle is payable to volunteers whether gasetted or not, who use their own vehicle for undertaking work or training at the request of this department.

The maximum allowable distance a volunteer may claim in one year is 2500 km. This should be claimed on vehicle running sheets Ty 363 at not less than 3-monthly intervals.

A.D.S.W. has authority to approve payment of this allowance. Payment is made by Ty voucher 39 coded 0675/3025/xxx.

A check should be made that the Volunteer holds a current Drivers' licence, and that the vehicle is insured against the risk of damaging the property of third parties while their vehicle is being used on Government business.

Where a Social Work Volunteer does not own, or chooses not to use a car, he or she may be reimbursed the actual cost of the fare by public transport incurred travelling to undertake work or training at the request of the department.

B7.7 Reimbursement Grant

A reimbursement grant of \$20 p.a. is payable to voluntary and honorary Social Workers doing work for the department (not just those working with children or families).

Payments are made each 6 months on 1 July and 1 January each year for the periods 1 April - 30 September and 1 October - 31 March respectively. The code to be used is 30.610.

B8 J TEAMS (JOINT TEAMS)B8.1 Background

In 1971 increasing gang violence in the Auckland area caused widespread concern. A meeting of the Youth Committee of the N.Z. Maori Council was called, and one of the suggestions made was that Maori Welfare officers be assigned to night work from 8 p.m. to 4 a.m. The concept was discussed with the other departments concerned, and culminated in a decision to integrate members from each department together with selected representatives from community agencies in the formation of joint mobile units. It was envisaged that these units would take positive steps to deal with community problems arising from undesirable youth activity. In July 1971 the first team was launched but only relatively recently has our department become actively involved in the scheme.

B8.2 Membership

J teams have been set up in larger centres, comprising:

- (i) a member of the YAS, appointed by the Commissioner of Police.
- (ii) an officer of the Maori Affairs Department approved by the Secretary of Maori Affairs.
- (iii) a Social Worker of the Department of Social Welfare appointed by the Director-General.
- (iv) a representative of the community, from an appropriate agency, and appointed by the Maori Affairs Department.

B8.3 Objectives

The objectives of J-teams are the prevention of crime and delinquency by children and young persons by:

- (i) initiating community action to deal with undesirable youth activity.
- (ii) creating avenues of mutual understanding between young persons who are inclined toward socially deviant behaviour and groups who are able to help them;

- (iii) creating community awareness in the problems of youth, who themselves are unable to cope with modern urban life;
- (iv) giving assistance and guidance to young people who are "at risk" and to parents who are identified as having problem children;
- (v) identifying the social needs of young people in their community and acting in appropriate situations as an intermediary between those with needs and those who are able to satisfy them.

#### B8.4 Principles

With the formation and in the direction of J - teams, the following principles are observed:-

- (a) teams must be permitted the maximum degree of autonomy;
- (b) teams should be operationally geared to meet the particular needs of young people in their community;
- (c) efforts are not to be racially orientated, so as to ensure that youth receive attention because they need it, rather than because they are of a particular race;
- (d) there should be no ties to a regular workload of files, thus allowing greater flexibility in the preventive field;
- (e) teams should, wherever possible, adopt advisory and referral roles in preference to being involved in long standing case work.

#### B8.5 Control

Control of individual J - team members remains the responsibility of the sponsoring department. Overall local oversight of the collective work of a J - team rests with a local co-ordinating and controlling committee consisting of senior officers of the three departments. This committee directs, supervises and controls the general work of the J - team without inhibiting the freedom of the J - team to operate in its own way. Imposition of administrative considerations are kept to an absolute minimum.

A co-ordinating committee at H.O. level comprising representatives of the three departments is responsible for policy decisions in respect to J teams. Their function is to ensure that J-teams wherever they may be established carry out effectively the purpose for which they were established.

Financial responsibility for J - teams is with the Department of Maori Affairs other than for the salary and allowances of individual members.

#### B8.6 Duties of J - team members

The duties of J - team members include:

- (a) the patrolling of places frequented by young people, particularly those which are known to be resorts attractive to undesirable elements;
- (b) maintaining constant contact with known leaders or members of gangs and groups, which have tendencies to operate in an anti-social manner;
- (c) the undertaking of advisory "counselling" and support work with young people who are experiencing social difficulties;
- (d) undertaking such preventive work amongst young people as is within the scope of members' talents and opportunities;
- (e) maintaining a close liaison with -
  - (i) Principals, teachers and other relevant persons at schools and educational institutions;
  - (ii) groups, clubs and organisations which cater for the development of young people;
  - (iii) other units of the parent departments of team members;
- (f) advice and support to parents and guardians of young people.

#### B8.7 Appointment

Basic grade Social Workers interested in this work transfer at existing grade and salary from normal social work duties to membership of the J - team for a period of three years. During this period normal promotion rights are preserved. Whilst working with the team the officer qualifies for extra duties allowance and in addition receives a special allowance of \$100 p.a.

B9 Social Welfare VolunteersB9.1 Introduction

A scheme for appointing, training and supervising social welfare volunteers within the structure of the Department of Social Welfare and using them in preventive work has been developed in New Zealand. The purpose is to enable the community to participate in dealing with its own social problems and to provide support for families and individuals from within the community. As the scheme has developed it has become evident that substantial social resources are available in the community to assist with social services.

For many reasons, social problems are growing at a rate that is disproportionate to population growth. Social indicators such as crime, alcoholism, mental illness, ex-nuptial births, divorce and separation have shown such rapid growth that social work staff are often hard pressed to cope with the sheer number of presenting problems. The concept of going back to the community for help with some of these problems has a great deal to commend it. It rightly involves the community in its own problems. It offers a new and effective approach in providing preventive services. More time can be devoted to cases by volunteers than by departmental Social Workers with very full case loads. Probably the most important factor is the quality of the relationship which can develop between the voluntary worker and the client. Because there is more time, the helping relationship can develop in a way that is difficult to establish when time is at a premium for the departmental social worker.

B9.2 Legal Authority for Use of Volunteers

The Children and Young Persons Act 1974 details the objects of the department's work. These are expressed within Sections 3 and 4 of the Act. Section 3 states:

3. Objects of Act - The objects of this Act are -

- (a) To promote the well-being of children and young persons by assisting individuals, families and communities to overcome social problems with which they are confronted.
- (b) To promote the welfare of the family, to reduce the incidence of disruption of family relationships, and to mitigate the effects of such disruption where it occurs.
- (c) To assist parents in the discharge of their parental responsibilities.

In furtherance of the above objects, the Children and Young Persons Act imposes certain duties on the Director-General. These are contained in Sections 5 and 6 of the Act, the more relevant parts of which are quoted below:

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5. Duty of Director-General to undertake preventive work -

(1) It shall be the duty of the Director-General to take positive action and such steps under this Act as in his opinion may assist in preventing children or young persons from being exposed to unnecessary suffering or deprivation or from becoming seriously disturbed or from committing offences ....

6. Duty of Director-General to undertake work for the promotion of community, family, and personal well-being -

(1) It shall be the duty of the Director-General to take positive action and such steps under this Act as in his opinion may promote both the well-being of families and communities and the most advantageous development of their children and young persons ....

Clearly the use of volunteers from the community to assist with social problems is in keeping with the spirit of the above provisions.

B9.3 Origins of the Scheme

The scheme for appointing, training and supervising social work volunteers within the structure of district offices of the Department and of using them for preventive work has its origins in Napier.

In the early 1970s, Mr I.G. Wilson, then the District Child Welfare Officer, called on the Mayor of Napier and expressed his concern at the dramatic increase in the number of children and young persons notified as committing offences against the law. A meeting was called by the Mayor of all councillors and voluntary agencies in the area at which Mr Wilson explained the problems and relative implications. It was decided that Mr Wilson would train volunteers and provide them with suitable cases for counselling and organise weekly ongoing training and supervision sessions. Mrs Dorothy Chambers was appointed as the senior volunteer responsible for the 30 volunteers who were recruited. Apart from visiting families in crisis or with continuing difficulties, proposals were also included for the setting up of a transport service where special help was required, for establishment of a house depot where furniture and clothing for those in need could be stored, and a budgeting service. The scheme developed rapidly and over a period of about 8 years, Mr Wilson was able to demonstrate the value of using social welfare volunteers in providing assistance families. The number of children and young persons placed under the guardianship of the Director-General in Napier showed a significant reduction following introduction of the scheme.

B9.4 Appointment of Assistant Director (Volunteer Services)

The Napier Volunteer Scheme created considerable interest and a number of Social Welfare districts adopted similar schemes. While some progress was made towards extending the scheme to other districts it became apparent that many districts would require some special assistance in getting a scheme established. To provide districts with the necessary consultative help the position of Assistant Director (Volunteer Services) was created in October 1977.

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The Assistant Director (Volunteer Services) is available to visit districts to advise and actively help with the setting up of a volunteer scheme. He is able to discuss with senior officers and social workers the way in which a scheme can be established and the contribution which volunteers can be expected to make to the work of a district. His services can be requested at the initiative of either the Assistant Director (Social Work) or the social worker assigned responsibility for administering a scheme (through the Assistant Director (Social Work)).

#### B9.5 Social Worker on full-time basis to be responsible for setting up a scheme

Experience has shown that where a social worker has been appointed on a full-time basis to be responsible for the development of a volunteer scheme, the scheme is likely to develop quickly and effectively. Directors of larger districts contemplating the setting up of a scheme should give serious consideration to making the services of a social worker available on a full-time basis, particularly in the initial setting-up period. The task of organising and administering a volunteer scheme in such districts should preferably be a full-time responsibility.

#### B9.6 Recruitment of Volunteers

The process used for the recruitment of social welfare volunteers will tend to vary according to the sizes of the district and whether it is a rural or urban area. In all cases, consideration should be given to the holding of a publicity campaign. The news media has generally shown enthusiasm about the scheme and consequently, publicity has been of a high standard and has been responsible for a good response to appeals for volunteers. In the larger districts, up to 100 volunteers have been recruited by this method, reducing in numbers depending on the size of the district. In these cases, advertising has been done freely on radio, press, television and through various agencies.

In smaller areas, local knowledge of the people available in the community may obviate the need for a formal recruiting campaign. In these areas, it may be sufficient for the social worker to select who he or she considers to be suitable volunteers. The social worker should consider the recruitment method most suited to the district and this should normally be done in consultation with the Assistant-Director (Social Work).

#### B9.7 Procedure which is adopted in selection of Volunteers

The procedure adopted for selecting suitable volunteers from those who come forward will vary from district to district. It will in large measure depend on factors such as the size of the district, the response to the recruiting campaign, and the purpose for which the volunteers are being sought. As a general rule, more stringent selection procedures will be required in larger districts where applicants are less likely to be known to local social work staff, where advertising has been carried out by way of a publicity campaign, and where there is a large number of applicants. In these cases, it has been found helpful to have some kind of written material (either a standard letter or a cyclostyled leaflet) giving brief details of the scheme which can either be handed personally to applicants or mailed to them. An example of such a letter is given at Figure 1.

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### B9.8 All applicants to be interviewed

Whether written material is used or not, it is advisable to interview all applicants personally in order to assess their potential suitability. This may be done by the departmental social worker on his own or by a panel comprising, for example, the departmental social worker and representatives of other helping organisations. Where a scheme is already operating, it may be helpful to have a selected social welfare volunteer as a member of the panel.

### B9.9 Full explanation of Scheme to be given

Care should be taken that a full explanation of the scheme is given to the prospective volunteer and that he or she is made fully aware of what is expected of him or her under the scheme. The following headings may form a useful guide in explaining the scheme to prospective volunteers:

- attendance at a short induction training course (of approximately five half days duration);
- will be required to complete a declaration of secrecy;
- will be introduced to client who needs help;
- required to attend regular group training and supervision meetings;
- will be supervised by a senior social welfare volunteer;
- a departmental social worker readily available in times of crisis;
- motor vehicle mileage allowance;
- reimbursement grant.

### B9.10 Qualities to look for in Volunteers

Clearly the suitability of an applicant to be a social welfare volunteer must in large part depend on the personal qualities and attributes that the person is able to offer, although specific technical skills can also be important. While one needs to be on the look out for negative qualities which would clearly make a person unsuitable to be a volunteer, it is important to concentrate on an applicant's positive attributes and strengths and how these could be utilised. While it is difficult to be definite about the qualities that a prospective volunteer should possess, the following list is a useful guide:

- A willingness to be actively involved with and deeply concerned about the client. Such a person should have a degree of honesty, openness, genuineness, warmth and understanding which he can communicate to the client in a genuine sharing relationship.
- An ability to listen and make reasonable assessments and respond in a supportive but realistic manner.

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- To be able and willing to be a volunteer representative of the department.
- A willingness to discuss objectively the situations he finds himself in with his senior social welfare volunteer or departmental social worker.

#### B9.11 Tasks for Volunteers

The type of tasks that it is envisaged volunteers will undertake will have a bearing on the selection process. Some tasks that volunteers can perform very capably are:

- Working with multi-problem families needing sustained support and a good deal of assistance over a long period of time.
- Working preventively with young people at risk of offending.
- Giving supportive assistance to beneficiaries who may be aged, sick, frail, lonely or inadequate.
- Providing transport for those who need regular treatment or therapy.
- Assisting with gathering, storing, and distributing clothing, furniture and household goods donated for emergency aid or for families in need.
- Assisting solo parents with their responsibilities.
- Assisting unemployed youths to make better use of their abilities when seeking employment and to be occupied as constructively as practicable while remaining unemployed.
- Assisting young people who are seen as having an alcohol problem.
- Assisting with selected legal supervision cases.
- Assisting on holiday programmes for families or individual children.
- Assisting families and individuals with household budgeting.

The above list is not exhaustive but is meant to indicate the type of work that could provide a better community service if organised to be carried out by volunteers. In the larger centres there could be virtue in running a number of different services. This would help overcome the problem of having a volunteer who may turn out to be unsuitable for simple case-work tasks but who could well act in a transport, store or supportive group (see B9.25).

#### B9.12 Obtaining References

Unless prospective volunteers are already well known to local social work staff, they should be asked to give the names and addresses of at least two persons (preferably not relatives) who would be prepared to vouch for their character and suitability to be social welfare volunteers. It is the responsibility of the social worker having oversight of the scheme to ensure that the above procedure is followed.

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B9.13 Decision to accept Volunteer

The Director should, at the setting-up stage of a volunteer scheme, decide whether he wishes to be personally involved in the final selection of volunteers. He may decide to delegate this responsibility to the Assistant Director (Social Work) or to the Social Worker responsible for the oversight of the scheme. He must be consulted before a final decision is made in the following cases:

- (i) Where the parent of a child or young person under the guardianship of the Director-General is being recommended for acceptance as a social welfare volunteer.
- (ii) Where an applicant has had frequent psychiatric treatment.
- (iii) Where a prospective volunteer has a criminal record.

B9.14 Induction Training Course

Following the selection of volunteers, a short induction training course should be mounted. While the content, format, and length of the course will vary to some extent from one district to another (depending on the availability of local resources, the number and background of the volunteers, and the kind of work for which they have been recruited), courses generally should not be less than five half-days in duration. The Assistant-Director (Volunteer Services) is available to assist with the setting up and running of these courses which should broadly cover the following areas:

- The work of a social welfare volunteer.
- Human development and relationships.
- Some introduction to inter-personal helping skills such as listening skills and non-verbal communication.
- Administrative Procedures
- The role of the Department of Social Welfare and other allied agencies, both statutory and voluntary
- Cases studies

It may be possible to make use of speakers from outside of the Department to take specific sessions. If difficulties are experienced in organising a suitable programme, the advice of the Assistant Director (Volunteer Services) should be requested.

B9.15 Selection of Suitable Cases for Volunteers

When the decision is made that a volunteer scheme is to be started in a district, it is important to ensure that all staff are informed of this and are made aware of the nature and aims of the scheme. This applies particularly to social work staff. At the commencement of the scheme, social workers should be asked to select from their caseloads suitable clients whom they consider would benefit from visits by volunteers. These cases should be written up by the social workers and referred to the social worker responsible for the scheme. A13/7/81

#### B9.16 Allocation of Cases

Following completion of the training course each volunteer, depending on his or her ability, should be allocated a case or cases to visit. This should be done as soon as possible after the training course as prolonged delay in allocation can cause feelings of uncertainty in a volunteer losing confidence in his or her ability.

As a general rule, the cases should be allocated gradually and in ultimate total should not exceed three or four. The social worker who referred the case should discuss with the client the proposal that a volunteer visit and if this is agreed, the necessary introductions can be arranged. During initial visits, newly appointed volunteers should be accompanied by a more experienced worker. This would usually be the departmental social worker who referred the case. Occasionally, a departmental social worker may take a volunteer with him for experience or prior to handing over a case. Occasionally also, it may be desirable for a departmental social worker to accompany a volunteer when a difficult situation has developed.

#### B9.17 Volunteers who prove to be unsuitable

Instances may arise where either during or after completion of the training course, it becomes apparent that a volunteer is not suited to working with individual clients or families in a casework situation. Often such persons will themselves come to realise this during the course of training. In these cases, he or she should not be allocated a client to visit. After discussion with the volunteer, it may be possible to make use of the person's talents in another direction, for example, in a transport, store, or supportive capacity. Similarly, if during the course of training it becomes apparent that a volunteer breaches confidentiality it may be necessary to restrict the type of client that the volunteer visits, or discontinue with his or her services altogether.

#### B9.18 Senior Social Welfare Volunteers

As the volunteer scheme has developed experience has shown the value of selecting a member from each group of volunteers to be the senior social welfare volunteer, or co-ordinator of these persons takes a measure of responsibility for the group and usually becomes the key organiser. Often this person emerges as the "natural leader" of the group during the early stages of training.

#### B9.19 Functions of Senior Volunteer

The role of the senior social welfare volunteer (or co-ordinator) will vary from group to group and from one district to another.

Some of the functions that senior volunteers might undertake:

- Assisting the departmental social worker at the regular meetings for training and on-going supervision. The senior volunteer may, for example, act as secretary at these meetings and produce an agenda.
- During the course of the week, act as the point of contact for the volunteer group and provide individual volunteers with support and supervision. If the senior volunteer finds that a case is complex and difficult and requires assistance, he or she may discuss the case with the departmental social worker responsible for the scheme or for the case.

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- To be responsible to the Assistant Director (Administration) for all details relating to vehicle running sheets and relevant financial claims.

The senior volunteer devotes most of his or her time (as a guide up to 8 hours a week) to organising and maintains contact with the group. For this reason, the senior volunteer usually carries no caseload as such or has only a very restricted number of individual cases.

It is suggested that there be a Senior Social Welfare Volunteer for every 5 to 12 volunteers. Where it is thought appropriate, a short training course may be organised for senior volunteers.

#### B9.20 On-going Training and Supervision

The success or otherwise of a volunteer scheme will to a large extent depend on the on-going training and supervision that is provided. Training in rudimentary casework principles and on-going training through case discussion should play a significant part. Inherent in this is a stress on confidentiality. At the time a person offers himself as a volunteer, it should be explained that if accepted, he or she will be expected to attend regular group training and supervision sessions.

#### B9.21 Regular Meetings to be held

Experience has shown that meetings for on-going training and supervision should be held at regular intervals - for example, once a week or fortnightly. At the meetings, the departmental social worker usually assumes a chairperson, leadership, tutor, or facilitator role as appropriate and is assisted by the senior volunteer.

#### B9.22 Content of Meetings

The first few meetings should be devoted to expanding understanding of the department's role and to stressing the confidential nature of our work. To emphasise the latter aspect, rigid rules should be introduced and enforced to ensure that volunteers do not talk about cases outside of the training meetings. In the interests of preserving anonymity code names or noms-de-plume can be allocated to all families and individuals with whom volunteers are to work and code names only used in the training and supervision sessions. By this means only the particular volunteer assigned to a family or individual is aware of the actual identity. Further comment on confidentiality is made at B9.24.

While the content and format of the training and supervision sessions will vary according to the composition and experience of the group, each volunteer usually presents a written report on visits made during the previous week or fortnight. This is done in the form of a note for file. One of these notes for file is held by the senior volunteer whilst the other copy is placed on the departmental file and minuted to the social worker who initiated the volunteer involvement. This keeps the departmental social worker informed of the progress of the case. While the case remains on the departmental social worker's caseload, the actual on-going work is undertaken by the social welfare volunteer. In particular cases, volunteers may work in close liaison with the departmental social worker. Should the statutory powers of a social worker need to be exercised, then this would of course be done by the departmental social worker.

As a guide, training and supervision sessions might last for one and a half hours each week. Half an hour could be devoted to more formal training to improve the volunteers' social work skills and to deal with any administrative matters that need attending to. The remaining time might be devoted to a collective discussion of cases visited by volunteers or to individual supervision sessions by arrangement.

#### B9.23 Departmental Social Worker to be readily available in times of crisis

During the week, volunteers will be in contact with the senior volunteer who provides them with general support and supervision (see B9.19). In most instances, the senior volunteer will be the first point of contact for the volunteer if he or she experiences difficulty and requires assistance with a particular case. Situations will arise, however, mostly at a point of crisis, when the volunteer will need to get in touch with the departmental social worker urgently. The departmental social worker should ensure that he or she (or a substitute) is able to be readily contacted at these times.

#### B9.24 Confidentiality

The temptation to gossip is always with us. The client needs to feel safe in the knowledge that what he or she says to the social welfare volunteer is said to him and him alone - or to the volunteer's professional group. To enforce this very important rule is difficult, but the following steps may help;

- (i) All social welfare volunteers should be asked to complete a declaration of secrecy. An example of a suitable declaration for persons not employed in the Public Service but having access to official documents or information is given at figure 2.
- (ii) During group discussions of cases, families and individuals may be referred to by code names or noms-de-plume. This can help to conceal the identity of the clients being discussed.
- (iii) At training courses attended by volunteers, the importance and significance of confidentiality should be stressed. This should be done on a number of occasions during the course.
- (iv) At the regular group meetings for on-going training and supervision, the confidential nature of the volunteers' work should be kept in view as a fundamental ingredient of practice.

#### B9.25 Different groups for different types of work

The desirability of alternative types of work is important if effective use is to be made of volunteers. Those suitable in the case work situation may well make a significant contribution in other directions. Consideration should therefore be given, particularly in the larger centres, to involving volunteers in a variety of different ways. Suggestions on the kinds of services that can be provided by volunteers is given at B9.11

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It is important to remember that the assignment of work is vital in maintaining the interest level in a volunteer group.

#### B9.26 Recording of Visits

All cases visited by social welfare volunteers irrespective of whether they are supportive service cases, on legal supervision, or children or young persons under the guardianship of the Director-General should be written up as a note for file and placed on the departmental file (for other action see B9.22). A form for this purpose has been devised (SW 570 Social Work Volunteer - Note for file) and should be used. Figure 3 refers.

For new cases coming to notice through volunteers, entry of the pertinent details needs to be made in the master index and a personal file established as for any other case. These files should be kept in the main filing system with all other personal files.

#### B9.27 List of Clients Visited

In order to provide a central record, an alphabetical list of all cases visited by social welfare volunteers should be maintained by the departmental social worker responsible for the scheme. The list can be kept in a binder with detachable pages and should include the following details:

- name of family or client;
- code name or nom-de-plume of family or client (if used);
- name of social welfare volunteer responsible for the case;
- the volunteer group which is involved, e.g., Supportive Service Group, Budgeting Group, Voluntary Youth Group, etc.

Figure 4 refers.

#### B9.28 Documentation of Volunteers

It is important to have a record of each social welfare volunteer who has been accepted as a member of the departmental scheme and is actively working in this capacity. A card, showing the following details, should be prepared for each volunteer:

On front of card: Volunteer's name, address, telephone number, age, occupation, previous experience, qualifications, date appointed, date commenced, and courses attended.

On back of card: This can be used to record brief details (name, address, code name, date last visited) of the clients seen by the volunteer, together with the name of the senior social welfare volunteer or co-ordinator.

An example of the suggested format is given at Figure 5.

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B9.29 Display Board of Social Work Volunteers

A display board showing all volunteers by groups is a very useful addition. It is usually held and kept up-to-date by the social worker responsible for the scheme. Serious thought should be given to setting up a display board once a scheme has been established. An example is given at Figure 6.

B9.30 Certificate or other evidence of identity

Since the involvement of volunteers in the social work service of the Department, suggestions have been made from time to time that volunteers should be issued with a written authority or form of warrant of authority or certificate of identity similar to that provided for salaried social workers. Such a development would be rather expensive and unduly costly of administrative time if certificates or warrants had to be recovered when a person ceased to be a volunteer. Without recovery action there is always a greater risk of misuse.

The volunteer is mainly involved under the guidance and at the request of a departmental social worker and is introduced to the client with whom he will work. He does not repeatedly have to establish his identity with people whom he has not previously met.

It has been decided, therefore, not to embark on a policy of routinely issuing paper evidence of identification for social work volunteers. If a volunteer requests or is considered to need an aid to establishing identity, he or she should be supplied with a statement of introduction on departmental letterhead to confirm appointment as a volunteer. A suggested format for such a letter is given at Figure 7. All such letters must be signed by the Assistant Director, Social Work.

B9.31 Motor Vehicle Mileage Allowance

A motor vehicle allowance of 17.50 per km irrespective of the rating of the vehicle is payable to volunteers, whether gazetted or not, who use their own vehicles for undertaking work or training at the request of this department.

The maximum allowable distance a volunteer may claim in one year is 2,500 km. This could be claimed on vehicle running sheets (Ty 363) at not less than 3-monthly intervals.

Other provisions relating to the payment of the allowance are contained at B7.6.

B9.32 Reimbursement Grant

A reimbursement grant of \$20 per annum to cover out of pocket expenses is payable to social welfare volunteers and honorary social workers. All volunteers and honorary social workers doing work for the department (not just those working with children or families) qualify for the grant, at the discretion of the Director.

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Payments of the grant are to be made at the rate of \$10 per six months, payable on or about 1 July and 1 January each year (for the periods 1 April - 30 September and 1 October - 31 March respectively). If the volunteer has worked less than three months at the time of his or her first payment, then that payment is to be reduced to \$5.

The code to be used is 30 610 with district responsibility centre code, and the district office control point (e.g., 0675/30 610/140 for Otahuhu district office).

ON DEPARTMENT OF SOCIAL WELFARE LETTERHEAD

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Dear \_\_\_\_\_

THE SOCIAL WELFARE VOLUNTEER SCHEME

The first question you may well ask is, "Why is there a need for voluntary workers when Government departments - especially the Department of Social Welfare - employ large numbers of full-time trained social workers?"

The answer is a simple one, based on long experience. People who have difficulty in coping with personal and family problems can generally be most effectively helped if the person doing the helping can get to know them and build up a real understanding and trust. Together they may then be able to sort out the real causes that lie behind the problems that exist and work out a way to resolve them.

Departmental social workers try to do this, but the demands on their time are so great that they frequently have to concentrate on the more serious and complex cases.

The scheme you will be invited to join is neither new nor revolutionary. It is based on experience and it works. It was first started in Napier in 1970 and has since developed throughout the country.

Neither is it a rigid, centralised scheme or one that will be competing with other community programmes such as Citizens Advice Bureaux and local "self help" programmes that are already operating. It is a flexible scheme developed locally to meet specific community needs.

There is a basic "frame of reference" in that volunteers will be co-operating with the full-time social workers of the Department who work within a set of rules and ethics, particularly regarding confidentiality of information. Training will be designed not only to help volunteers to acquire the skills and experience they will need, but to participate in developing and extending the scheme.

As far as possible training programmes will be held in your own community area.

What will volunteers be asked to do? The simple answer is - what they feel best suited to after they have had some training and after discussion with the departmental social worker responsible for the scheme. The latter will help them decide what type of voluntary work they are best suited for and which they feel will be most worthwhile.

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This can range from visiting and talking to people who are lonely and isolated within the community, to befriending and counselling people and families who have quite serious personal or family difficulties.

Once you have had sufficient training to undertake a particular job you will be introduced to the person (or family) needing help by a departmental social worker. From then on you will work with other volunteers under a supervisor who will arrange regular casework discussions and will be available to give advice at any time it is needed. You will never be left to "go it alone" without support and backing from a supervisor.

What qualifications are needed to join the scheme?

One qualification is essential; the genuine desire to help others without judging them or attempting to impose your own standards or ideas upon them. Of course, some training or experience in social work or community work is an advantage, but it is not essential.

People who are already engaged in some form of voluntary work may wish to join this scheme. There is no reason why you should not do so; but if so, do please discuss this with the agency with whom you are already working and with your family, if you are married. Whatever you do, do not over-commit yourself.

How old (or young) do you have to be? People have already been involved in various ways from an age range extending from secondary school well into retirement years.

Finally, volunteers are free to withdraw from the scheme at any time they wish.

If you have to use your own car you will be paid an allowance of 17.5 cents per kilometre for travelling to and from training sessions and for any other journeys you have to make in connection with the case you are working on. A general reimbursement allowance of \$20 a year is also payable to compensate for incidental out-of-pocket expenses.

Yours sincerely,

Social Worker

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In the matter of the  
Official Secrets Act 1951

Declaration to be Made by Persons Not Employed in the Public Service but Having  
Access to Official Documents or Information

I,..... of.....  
(full name (address) (Occupation)

do solemnly and sincerely declare -

- 1. That I will not, at any time hereafter, divulge or communicate or directly or indirectly disclose any information acquired by me in the course of or as a result of my presence in the offices or other premises of any Government Department to which I may be given authorised access, to any person whomsoever except by the direction or with the permission of the Minister administering such department.
- 2. That I have read the underwritten extracts from the Public Service Regulations 1964 and I agree to be bound by the provisions thereof as though I were for the purposes thereof an employee in the Public Service.

"42. (2) An employee shall not use for any purpose, other than for the discharge of his official duties, information gained by or conveyed to him through his connection with the Public Service.

"(3) No information out of the strict course of official duty shall be given directly or indirectly, or otherwise used by an employee without the express direction or permission of the Minister.

"(4) Communications to the press or other publicity media on matters affecting any Department of the Public Service shall be made only by the employee authorised to do so".

- 3. That I acknowledge that any information or document which shall come into my knowledge or to which I shall have access in the course of my presence in the offices or other premises of any Government Department, is entrusted to me in confidence by persons holding office under Her Majesty.
- 4. That I have read the notice on the back hereof regarding the Official Secrets Act 1951.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

DECLARED at

this            day of  
19        , before me

.....

A justice of the Peace  
or A Solicitor of the Supreme Court of New Zealand  
or An officer authorised to take statutory declarations

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Notice Regarding the Official Secrets Act 1951

1. Under the Official Secrets Act 1951 any person having in his possession or control any document or information which has been entrusted in confidence to him by any person holding office under Her Majesty is guilty of an offence:
  - (a) If he communicates the same to any unauthorised person;
  - (b) If he fails to take reasonable care of any such information or document or so conducts himself as to endanger the safety thereof.
  - (c) If he retains any such document in his possession or control when he has no right to do so or if he fails to comply with any directions given by lawful authority with regard to its return or disposal.
2. These provisions continue to apply after your connection with a Government Department is concluded.
3. The Act creates other offences relating to breach of official secrets, and ignorance of the relevant provisions will not exempt any person from the prescribed penalties.

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SOCIAL WELFARE VOLUNTEER - Note for File

---

Name of family	Code name _____
_____	Volunteer _____
Address _____	Senior Volunteer _____
_____	Notes for the month of _____ 19 _____
Brief Summary	

---

S.S.W. :

For your information

S.W. :

For your information and please note

Visiting Slip

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LIST OF CLIENTS VISITED

<u>FAMILY</u>	<u>CODE NAME</u>	<u>S.W. VOL. NAME</u>	<u>GROUP</u>
BATESON: Diane	Bettine	H. & E. BURTON	S/O
BASHER: Mrs	Beba	T. BULLOT	S/O
BOULD: Mrs	Bounty	L. PARK	S/O
BLEWETT: Mrs	Blues	N. STEPHINSON	S/O
BUTLER:	Jeeves	A. HANLEY	V.Y.G.
BAKER FAMILY	Kaber	B. WILSON	S/O
BALDOCK: Mrs	Kowhai	M. GARDINER	S/O
BATTEN: Mrs	Post	N. STEPHINSON	S/O
BRAND FAMILY	Rene	(K. MOONEY (J. WALLIS	S/O
BOYD FAMILY	R. & R.	F. EASTWOOD	B

NOTE: Code for Group

S/O = Supportive Oversight Group

B = Budgeting Group

V.Y.G. = Voluntary Youth Group

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FIGURE 5

NAME:	ADDRESS:	TELEPHONE NO:	AGE:
OCCUPATION:		PREVIOUS EXPERIENCE:	
QUALIFICATIONS:			
DATE COMMENCED:		DATE APPTD:	
COURSES ATTENDED:			

Front of Card

Back of  
card

Pencil  
entries

CLIENTS VISITED:			
NAME:	ADDRESS:	CODE NAME:	DATE LAST VISIT:
SENIOR S.W. VOLUNTEER'S NAME:			

FIGURE 6

DISPLAY BOARD - VOLUNTEERS

Group I - Supportive Oversight

Mrs Pat SMITH - Ph: 43260  
(Senior S.W. Volunteer)

Mr Stan JONES	Ph: 36212
Mrs Leslie BROWN	51234
Miss Fiona WHITE	72611
Mr Sid CLIFFS	43218
Miss Joan GREY	31222
Mrs Liz FRENCH	38212
Mrs Jane EMERY	62259

Group II - Supportive Oversight

Mrs Vanessa BRYCE - Ph: 721308  
(Senior S.W. Volunteer)

Miss June WALLACE	421308
Mrs Cathy BROWNE	36118
Mrs Sally COUPTS	52237
Mrs Veronica WILSON	61215
Mr Jim KELLS	42348
Miss Freda JONES	22512
Mrs Julene FIELD	72716

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DEPARTMENT OF SOCIAL WELFARE DISTRICT OFFICE LETTERHEAD

This is to certify that .....  
full name  
whose signature appears below is a volunteer who has been engaged and trained to carry our  
work in support of the social work service provided by .....  
District Office of the Department of Social Welfare.

Mr Mrs Ms..... is acting under the direction  
and guidance of a member of the Department's social work staff.

Assistant Director  
Social Work

/ / 19

.....  
Volunteer

(This letter of identification should be returned to any office of the  
Department of Social Welfare once the volunteer ceases to work with  
the Department)

A13/7/81

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PART C ADOPTIONC1 Introduction

New Zealand was the first country in the Commonwealth to make statutory provision for the legal adoption of children. The legislation was passed in 1881. The current Adoption Act 1955 embodied much of the best of overseas practice as well as entirely new provisions. It provided for more careful supervision over initial placements, greater security for applicants at an early stage in the trial period of placement through the provision for interim orders, the certainty that reports are available to the Court before decisions are made, and wider discretionary power to the Courts to dispense with the consent of parents.

Most adopted children are born out of wedlock, are under one year old and adopted by strangers who are usually, though not always, childless couples. Often a stepfather or stepmother will adopt his or her spouse's children. This may help parents and child to experience a greatly increased sense of belonging and thereby strengthen family relationships considerably, quite apart from any legal advantages involved such as giving the stepfather's name legally to the child. Not all children available for adoption are babies recently born to unmarried mothers. Parents unable through personal instability, disruption of their marriage, etc. to care for their children may, after placing them in a private home or children's home for some years, decide to agree to adoption. Parents of children committed to our care may ultimately agree to their adoption. In rare instances parents of a family where there are already several children may decide to offer their new born baby for adoption.

The treatment in this section of the Manual will place most emphasis on the principles, procedures and problems involved in arranging adoption of the baby of an unmarried mother by a married couple who are unrelated to the child and who in most instances are unable to have children of their own.

C2 LEGAL PROVISIONSC2.1 The Adoption Act 1955:

The main provisions of this Act are set out below. It is intended that this summary should serve as an introduction only, and not as a substitute for careful study of the Act itself. Social Workers are, in addition, referred to the Adoption Amendment Acts 1957, 1962 and 1965, along with the Adoption Regulations 1959 and Amendment No.1 1962. Professor I.D. Campbell's book 'The Law of Adoption in New Zealand'<sup>(1)</sup> and 'A Guide to Adoption in New Zealand'<sup>(2)</sup> by Eileen Saunders are both readable, comprehensive references.

C2.2 Children who may be adopted (Section 3)

An adoption order may be made "in respect of any child whether domiciled in New Zealand or not". A child for the purpose of this act means "any person who is under the age of twenty years". (Section 2 as amended by the Age of Majority Act 1970).

C2.3 Persons who may adopt (Sections 3 and 4)

- a. A Court may, upon receiving application from any person, make an adoption order in respect of any child. However, only in special circumstances will an adoption order be made unless the applicant or, in the case of a joint application, one of the applicants:
- has attained the age of 25 years and is at least \* 20 years older than the child; or is a relative of the child; or
  - has attained the age of 20 years and is a relative of the child; or
  - is the mother or father of the child.
- b. An adoption order will not be made in respect of a girl in favour of a sole applicant who is a male unless the Court is satisfied that the applicant is the father of the child, or that there are special circumstances which justify the making of an adoption order.
- c. Husband and wife may apply jointly to adopt a child but otherwise an adoption order will provide for the adoption of the child by one person only.
- d. An adoption order may be made in favour of the father or mother of the child, either alone or jointly with his or her spouse.

C2.4 Placement for adoption (Section 6)

It is an offence (Penalty clause, S.27 of Act) for any person to place or receive or keep "any child (under the age of 15) in the home of any person for the purpose of adoption", unless:

Footnotes:

1. Campbell I.D. 'The Law of Adoption in New Zealand'. Butterworth & Co Ltd, 1957.
  2. Saunders E. 'A Guide to Adoption in New Zealand' A.W. & A.E. Reed Ltd, 1971.
- \* Reduced to 20 years by the Age of Majority Act 1970.

- prior approval has been given by a Social Worker and the approval is for the time being in force; or
- an interim order in respect of the proposed adoption is for the time being in force.

C2.5 Approval is valid for one month only (Section 6(2))

Any approval given by a Social Worker with a view to adoption will remain in force for one month after it is granted, "Provided that, where application to the Court for an adoption order is made before the expiry of one month from the date of the grant of the approval, the approval shall remain in force until the application is abandoned or dismissed or an order is made by the Court on the application."

The Act makes no specific provision for extension of approvals. There is no reason however why the Solicitor should not file the application without supporting affidavits within the month; that the approval remains in force.

C2.6 Applicants may apply direct to the Court (Section 6(3))

If a Social Worker feels unable to approve of applicants who wish to take a child into their home with a view to adoption, the applicants may apply direct to the Court which may, if it sees fit, grant an interim order in respect of the child even though our approval is withheld. (Ref. C2.15).

C.7 Consents must be filed before order made (Section 7(1))

"Before the Court makes any interim order, or makes any adoption order without first making an interim order", all the consents required must be filed in the Court.

C2.8 Consents required (S.7)

Unless dispensed with by the Court (see S.8 of Act), the following consents are required:

- A child born of a marriage - the surviving parents or parent and the surviving guardians or guardian appointed by any deceased parent.
- A child born out of wedlock - the mother or, if deceased, the surviving guardians or guardian appointed by her. "If in the opinion of the Court it is expedient to do so" the consent of the father may be required. (For example, the father's consent may be required if he has lived with the mother or maintained and had regular contact with the child). If the father of the child has had a guardianship order made in his favour (as under s.6(3) of the Guardianship Act 1968) his consent is required,
- A child who is already the subject of an adoption order - the surviving adoptive parents or, if deceased, the guardians they have appointed will be required to consent.



C2.9 Director-General may accept appointment as guardian for the purpose of giving consent  
(Section 7(4))

In this provision the Director-General may agree to being appointed guardian by a parent (in writing) until such time as the child is adopted. If the Director-General agrees and is subsequently appointed as guardian under this provision he may then give the required consent. The child must be at least ten days old at the date of appointment. Please refer C6.3

C2.10 Form and execution of consents (Section 7)

- a. The consent of any parent or guardian may be given, either unconditionally or subject to conditions regarding the child's religious training "without the parent or guardian knowing the identity of the applicant for the order". Forms 2 and 3 of the schedule attached to the Adoption Regulations 1959 show the different types of consent, one being a general form giving names of the applicants, the other showing only the application number of the particular adoption. (Ref. Reg. 9 Adoption Regulations 1959).
- b. The child must be at least ten days old when the mother signs her consent to the adoption.
- c. Except where given by the Director-General,<sup>1</sup> a consent must be witnessed in New Zealand<sup>2</sup> by a Magistrate, a Registrar or Deputy Registrar of the Supreme Court or of a Magistrates Court, or a solicitor, or a Judge or Commissioner or Registrar of the Maori Land Court.

Footnotes:

1. Refer to C2.9. This is the only instance in which the Director-General is required to execute a formal consent.
2. Refer to S.7(8)(b) of Adoption Act and S.3 of Adoption Amendment Act 1962 when consent is given in other countries.

- d. Except where given by the Director-General, the document signifying consent to an adoption must contain an explanation of the effect of the order,<sup>1</sup> followed by a statement signed by the witness that the effect of the adoption order has been explained to the person giving consent and he or she appears to understand it fully.
- e. A consent must not be witnessed by the solicitor acting for the applicants.<sup>2</sup>

C2.11 Consent may be dispensed with in certain circumstances (Section 8)

The consent of any parent or guardian may be dispensed with, even though they "... may have made initial suitable arrangements for the child ...." (S.8(2)), if the Court is satisfied that:

- a. "... the parent or guardian has abandoned, neglected, persistently failed to maintain, or persistently ill-treated the child, or failed to exercise the normal care and duty of parenthood in respect of the child ; or
- b. "... the parent or guardian is unfit by reason of any physical or mental incapacity to have the care and control of the child, (and) that the unfitness is likely to continue indefinitely ...."; or
- c. .... a licence has been granted in respect of the child under United Kingdom adoption law.

A further circumstance is covered by subsection 8(4) where "The Court may dispense with the consent of the spouse for an applicant for an adoption order if it is satisfied that the spouses are living apart and that their separation is likely to be permanent."

An order dispensing with consent is only valid for six months, and an adoption application order must be made within that period. (Section 8(3)).

The above subsections of the Act also provide that a consent can only be dispensed with if, "... reasonable notice of the application for an adoption order has been given to the parent or guardian where .... (he) can be found". Subsection 8(5) states that the notice of application for an adoption order should be served on the "... committee or administrator of the estate of the parent or guardian ...."who is" .... a mentally defective person ..."(Refer to Mental Health Act 1969 for a definition.)

C2.12 Withdrawal of consents (Section 9)

Any consent to the adoption of a child may be withdrawn provided that:

- an application to adopt the child is not pending; and

Footnotes:

1. Refer to Forms 2 and 3 of Schedule to the Adoption Regulations 1959.

2. Refer to Adoption Regulations 1959 (Reg. 9).

- the adoptive applicants have had "reasonable opportunity to make an application to adopt the child".

C2.13 Social Workers to report to the Court (Section 10)

Before the Court makes an interim order, or adoption order where no interim order is being made the Registrar of the Court must notify the local Social Welfare office of the date of the application and request a report. The Act requires that reasonable notice be given of the hearing and also requires the Court to consider any report furnished. Where the applicant, or one of the applicants, for an adoption order is a parent of the child (natural, or by previous adoption) the Act states that our report is not required. Nevertheless in these circumstances the Magistrate may ask us for a report which should be prepared in the usual way. A Social Worker is entitled to appear at the hearing of any application and to cross-examine, call evidence, and address the Court.

C.14 Court to be satisfied on suitability of proposed adoption (Section 11)

Before making any interim order or adoption order in respect of any child the Court shall be satisfied:

- a. "That (the applicants are) fit and proper person(s) to have the custody of the child and(are) of sufficient ability to bring up, maintain and educate the child ...."
- b. "That the welfare and interest of the child will be promoted by the adoption, due consideration being ... given to the wishes of the child, having regard to the age and understanding of the child ...."
- c. "That any condition imposed by any parent or guardian" relating to religion is being complied with."

C2.15 Interim order to be made in first instance (Section 5)

If the Court, on hearing an application for an adoption order "considers that the application should be granted", it must, "in the first instance, make an interim order in favour of the applicant(s)". In exceptional cases if "All the conditions governing the making of an interim order have been complied with, and special circumstances" make "it desirable, an adoption order may be made in the first instance". An example would be where a stepfather adopts the child of his wife's earlier marriage. Adoption in such circumstances does not usually involve any outward change in the child's life, and is primarily giving legal recognition to an existing situation.

C2.16 Effect of interim order (Section 15)

An interim order in respect of any child:

- does not change a child's name but may specify how it is to be changed by the adoption order;
- remains in force for one year or until it is sooner revoked or an adoption order is made. A further interim order can be made if necessary;

- may require that the adoption order shall not be issued without a further hearing;
- is not to be treated as an adoption order for any purpose.

While the interim order remains in force:

- the adoptive applicants are entitled to the custody of the child and must comply with any terms specified in the order;
- any Social Worker "may at all reasonable times visit and enter the residence in which the child lives";
- the child must not be taken out of New Zealand without the Court's permission;
- the adoptive applicants must give a Social Worker seven days notice before changing their residence or, in an emergency, they must notify the Social Worker within forty-eight hours of leaving their former residence.

C2.17 Application for issue of an adoption order (S.13 of Act and S.5 of Amendment 1962)

The adoptive applicants may apply for issue of an adoption order after six months have elapsed from the granting of the interim order, or such shorter period as the Court, in special circumstances, may specify either in the interim order or subsequent to it, providing that:

- the interim order is in force on the date of application;
- and the child, if under 15 years, has been "continuously" in the applicant's care for not less than six months from the date of the Social Worker's approval under S.6(1)(a) or the granting of the interim order, whichever occurs first.

Any adoption order made must be the subject of a Court hearing, except where:

- a Social Worker has filed a report recommending that an adoption order be issued;
- the interim order did not require the application to be dealt with by the Court; and
- no proceedings for the revocation of the interim order are in progress.

Where a hearing is required the Social Worker must be given by the Registrar, reasonable notice of the time and date of the hearing and must prepare a report for the information of the Court. In such cases a Social Worker may appear, cross-examine, call evidence and address the Court.

C2.18 Date on which an adoption order becomes effective (Section 14)

An adoption order becomes effective on the date a formal order is signed<sup>1</sup> by the Registrar where there is no further hearing. In cases where the application is heard the adoption

Footnote:

1. Refer Form 7, Adoption Regulations 1959.

comes into force from the granting of the order by the Court, whether or not the formal order is signed.<sup>1</sup>

C2.19 Effect of an adoption order (Section 16)

An adoption order "confer(s) the surname of the adoptive parent on the adopted child ...." together with such christian names as they select.

For all purposes and regarding all relationships the child is deemed to become the child of the adoptive parents who possess full rights of guardianship.

C2.20 Court to which application should be made (Adoption Amendment Act 1962)

All applications are made to the Magistrate's Court but the Court will require the Department of Maori Affairs community officers to report on applications where one applicant and the child are Maoris<sup>2</sup> or on any other application it thinks fit. Proceedings are heard in a "closed" Court and no particulars may be published without leave of the Court.

C2.21 Evidence in adoption cases (Section 24)

The Court "... may receive as evidence any statement, document, information, or matter that may in its opinion assist it to deal effectually with the application, whether or not the same would be otherwise admissible in a Court of Law."

C2.22 Adoption of a Maori or by a Maori (Section 18)

The act expressly permits a Maori to adopt a European child or a European to adopt a Maori child.

C2.23 Payments in respect of adoption (Section 25)

The Act prohibits any payment in respect of an adoption "except with the consent of the Court". The Adoption Amendment Act 1957 exempts from this restriction any "... payment of hospital and medical expenses of the confinement of the mother of a child ...." made by an adoptive applicant direct to the controlling body of "... any licensed hospital, or separate institution ...." under the control of "... any society or body of persons caring for the welfare of children". Such payment must be in accordance with any limits imposed by the Director-General of Health.

C2.24 Restriction upon advertisements (Section 26)

The Act prohibits any person other than the Director-General, or a Social Worker, from publishing any advertisement indicating:

Footnotes:

1. Refer Form 8, Adoption Regulations 1959.

2. The Maori Affairs Amendment Act 1974 defines a Maori as a person of the Maori race of New Zealand and includes any descendant of such a person.

- that a parent or guardian wishes his child to be adopted;
- that any person wishes to adopt a child; or
- that any person or group of people is willing to make arrangements for the adoption of a child.

The Director-General is given discretion to approve, in particular cases, advertisements being published by any group or society caring for the welfare of children.

C2.25 Revocation of an order dispensing with consent (Section 8(6) and (7))

Where an order is made dispensing with the consent of a parent or guardian, the parent or guardian may, within one month after the order being made, and upon giving notice to the adoptive parents, apply to the Supreme Court to have that order, or any consequential interim order revoked, or any consequential adoption order discharged.

C2.26 Revocation of interim order (Section 12(1))

"On the application of any person, the Court may in its discretion revoke an interim order in respect of any child on such terms as the Court thinks fit ...." (see also C.6.34).

C2.27 Adoption order may be varied or discharged (Section 20)

This section of the Act relates to the provisions for the variation or discharge of an adoption order.

C.28 Appeal against refusal to dispense with consent (S.3 Amd. Act 1965)

Where a Magistrate's Court has refused to make an order dispensing with the consent of any parent or guardian, the applicants for the dispensation may appeal to the Supreme Court within one month of the date of refusal.

C.29 Appeal in respect of revocation of interim order (S.4 Ad. Amd. Act 1965)

Where the Magistrate's Court has refused to revoke an interim order the applicant for the refused order may appeal to the Supreme Court within one month of the date of refusal.

Where an interim order is revoked the adoptive applicants may appeal within one month.

C2.30 Appeal against refusal to make interim order or adoption order (S5.Ad. Amd. Act 1965)

Where the Magistrate's Court has refused to make an interim order or an adoption order, the applicant may appeal to the Supreme Court within one month of the date of refusal, provided that:

- no proceedings for revocation of the interim order are pending; and
- the Magistrate's Court has not refused to revoke the interim order within the preceding month.

C2.31 Adoption files not available to outside persons (Section 23)

Adoption records are not available for inspection by anyone outside the department except where:

- a trustee needs to inspect records for the administration of an estate or trust;
- a Registrar of Marriages is to investigate the possibility of a forbidden marriage relationship;
- there is a Court order made for the purposes set down in the Act.

C2.32 Access to, and Supply of, Information from Records

Continuing problems are being encountered by staff because of the increasing demand by persons involved in adoptions for information from our records.

There are two major considerations to be taken into account when access to adoption records is being considered:

- (a) The general ethics of confidentiality in a social welfare service
- (b) The legal limits on what may be disclosed from Government files.

It is a general rule in social work that one does not disclose information given by a client without first seeking the consent of the person concerned. This ethical consideration must therefore colour our attitude to any request which we receive from one party to an adoption for information about another party. There are also specific statutory limitations for public servants in the Official Secrets Act 1951 which prohibits the disclosure of information acquired in the course of duty, and in section 23 of the Adoption Act 1955 which prohibits access to adoption records except by Court Order.

Social Workers who arrange adoptions are in a position of special trust and responsibility, and they have a duty to consider and balance the interests and wishes of all parties to adoption, while also having regard to the law.

Most adoptions by strangers are, by choice of both natural and adopting parents, carried out anonymously. Any subsequent disclosure to one party of the identity of other (without the consent of the first party) is a breach of confidentiality, as is the disclosure, subsequent to the making of an adoption order, and without permission of the persons concerned of any new or previously undisclosed information. In those cases where we simply report to the Court on an existing placement, e.g. a family adoption, and are in no way the agent for any of the parties, our report belongs to the Court and our obligation to keep it confidential is in a sense even more pressing than where we have arranged a placement.

Some people argue that an adopted child, who is not usually consulted at the time of his adoption, has an intrinsic right to know about his adoption and his background even against the wishes of his adoptive parents. Present law does not, however, give him an absolute right although it does provide that the records may be produced for inspection by order of the Court. Social workers approached by adopted persons wishing to know their identity should tell them of their right to apply to the Court. The Justice Department gives no information to enquiries except to advise them of their right to seek a Court order for access to records. Within our own department we have had enquiries where even to confirm the fact that an adoption has taken place could have constituted a breach of confidentiality, and could have left us open to censure by adoptive parents. These are often cases where a child has been adopted within the family and in which family "skeletons" are being hidden. While we may deplore this and counsel against it at the time of the adoption it could be damaging and unethical for us to reveal the family secret to the adopted person without consultation with the parents.

Social Workers are sometimes asked by a mother who placed the child for adoption for up-to-date information about her child. One could argue that in those cases where the social worker concerned is still in regular contact with the adopting parents and knows that all is well, there is no reason not to pass this information on to the mother. The matter becomes more complex when the social worker knows that all is not well or has lost touch with the adopting parents. The Adoption Act states that once an adoption order is made the child becomes the child of the adoptive parents as if born to them in wedlock. To seek out adoptive parents and report to natural parents on the progress of their child would clearly be out of accord with the spirit of the Act in this regard, and the Department has never officially condoned this except in a few most exceptional cases, such as those where a natural parent has known the identity of the adopting parents and wanted us to act as intermediaries. Apart from legal and ethical considerations an approach of this kind could cause adoptive parents to feel anxious and insecure and to doubt their entitlement to the child, which could in turn undermine the bonding process between parent and child. There is the additional question of what, having made such an enquiry, one says to a natural parent whose child's adoption is found to be not particularly happy, or where the child has developed some problem or handicap. One could not ethically pass on such information without permission from the adoptive parents and in any case to do so would be upsetting to the natural parent. One could end by doing more harm than good.

The following guidelines are set out to help social workers deal with these kind of situations. They are not new, but are an attempt to codify what has always been departmental practice and philosophy on the subject :

- (a) The fullest possible general information at the time of a proposed placement should be given to couples who are adopting a child not already known to them. This should not include the natural parents' names or identifying data unless the parties have agreed to an "open" adoption.
- (b) Adoptive parents should be encouraged, by every possible means, to pass on this information to their child at an appropriate (fairly early) stage, and to display an open, sensitive and accepting attitude to questions from the child about his/her origins. See S.W.M.C. 6.16. Research has shown that adopted persons who have been kept in the dark about their adoption and their origins are the most likely ones to make a desperate search for their birth parents.



- (c) The fullest possible information about the adopting parents should be given at the time of adoption to natural parents releasing a child for adoption. Again, this should not include their identity except in an "open" adoption. For comments on meetings between natural and adoptive parents see S.W.M.C.10.3 and C.6.15.
- (d) Where a social worker is involved in a "family" adoption the parties should be warned of the danger and difficulties which can arise in trying to keep family secrets hidden from the child concerned.
- (e) There is nothing to prevent a social worker from repeating the general information set out in (a), (b) and (c) at a later stage to the natural or adoptive parents; or to an adopted person of any age with the adoptive parents' permission. Background information or any other information about an adoption should not normally be given to an adopted person, certainly when that person is still a minor, without the adoptive parents' consent. Sometimes adult adopted persons do not wish to ask their parents for their consent for fear of upsetting them or because they suspect that a "family skeleton situation" exists. In such cases social workers should offer to act as intermediaries to try to solve the difficulties within the family but they should not provide the information unless there are particular and exceptional circumstances (see (i) below) which seem to justify this.
- (f) Requests from natural parents for information or photographs after their child has been adopted should be gently and tactfully declined unless there was a clear indication from adoptive parents at the time of placement that they would welcome continued contact. Such requests probably indicate grieving by the mother and wherever possible she should be offered the opportunity to come and talk to a social worker about her feelings. Careful and honest preparation prior to the adoption and if necessary, continued counselling of the mother after the placement should help a mother accept the fact that adoption, unlike fostering, is essentially a permanent severing of the parental tie.
- (g) As a general rule social workers should not accede to requests by adoptive parents or adopted persons to trace natural parents to obtain news and information from them, unless this was agreed to by all parties at the time of the placement. Exceptional cases could be examined in the light of (i) below.
- (h) No staff member, social worker or non social worker, is entitled to give identifying information from departmental records to an adopted person who wants to know his/her original name, or to an adoptive parent who wants this information; or to a natural parent who wants to know her child's new identity. No staff member may give identifying information about any adoption from departmental records in reports or verbally to other agencies or professional people. The giving of such information is a serious breach of confidentiality and could be an offence against the law.
- (i) There could be special cases where an exception to these guidelines seems to be justified. Such cases are to be referred to the Assistant Director, Social Work, for decision. Any especially complex or contentious cases should be referred, with full details surrounding the case to Head Office. A full record should be kept of all decisions made.
- (j) No information should be given to any enquirer without proof of his or her identity. A13/7/21

- (c) The fullest possible information about the adopting parents should be given at the time of adoption to natural parents releasing a child for adoption. Again, this should not include their identity except in an "open" adoption. For comments on meetings between natural and adoptive parents see S.W.M.C.10.3 and C.6.15.
- (d) Where a social worker is involved in a "family" adoption the parties should be warned of the danger and difficulties which can arise in trying to keep family secrets hidden from the child concerned.
- (e) There is nothing to prevent a social worker from repeating the general information set out in (a), (b) and (c) at a later stage to the natural or adoptive parents; or to an adopted person of any age with the adoptive parents' permission. Background information or any other information about an adoption should not normally be given to an adopted person, certainly when that person is still a minor, without the adoptive parents' consent. Sometimes adult adopted persons do not wish to ask their parents for their consent for fear of upsetting them or because they suspect that a "family skeleton situation" exists. In such cases social workers should offer to act as intermediaries to try to solve the difficulties within the family but they should not provide the information unless there are particular and exceptional circumstances (see (i) below) which seem to justify this.
- (f) Requests from natural parents for information or photographs after their child has been adopted should be gently and tactfully declined unless there was a clear indication from adoptive parents at the time of placement that they would welcome continued contact. Such requests probably indicate grieving by the mother and wherever possible she should be offered the opportunity to come and talk to a social worker about her feelings. Careful and honest preparation prior to the adoption and if necessary, continued counselling of the mother after the placement should help a mother accept the fact that adoption, unlike fostering, is essentially a permanent severing of the parental tie.
- (g) As a general rule social workers should not accede to requests by adoptive parents or adopted persons to trace natural parents to obtain news and information from them, unless this was agreed to by all parties at the time of the placement. Exceptional cases could be examined in the light of (i) below.
- (h) No staff member, social worker or non social worker, is entitled to give identifying information from departmental records to an adopted person who wants to know his/her original name, or to an adoptive parent who wants this information; or to a natural parent who wants to know her child's new identity. The giving of such information is a serious breach of confidentiality, and could be an offence against the law.
- (i) There could be special cases where an exception to these guidelines seems to be justified. Such cases are to be referred to the Assistant Director, Social Work, for decision. Any especially complex or contentious cases should be referred, with full details surrounding the case to Head Office. A full record should be kept of all decisions made.
- (j) No information should be given to any enquirer without proof of his or her identity.

C3 ADOPTION APPLICATIONSC3.1 Group meetings for prospective adoptive applicants

Recent literature on adoption emphasises the importance of our role in the preparation of applicants for adoptive parenthood. Attention is drawn to the value of group discussion and education for adoptive applicants, as well as for couples who have already had children placed with them. Some districts have introduced group meetings with the purpose of presenting general information on adoption to prospective applicants in a setting where they are able to ask questions informally and to exchange views. Such meetings should in no way be regarded as part of a departmental selection process to identify applicants suitable to adopt.

When first enquiring about adoption, prospective applicants should be given the opportunity to speak to the Adoptions Officer or Senior Social Worker. In districts where group meetings are held, the Social Worker should explain the purpose and programme of the group and invite the couple to attend the next meeting or series of meetings. Such gatherings, preferably of up to six couples, provide an excellent forum in which applicants can learn basic facts about adoption to talk over at home. They can also discuss thoughts and feelings informally with other couples in a similar situation as well as with adoptions staff who participate. Couples may then take time to think further before deciding whether they truly wish to proceed with their enquiries.

Couples enquiring about adoption should not be required to wait more than about six weeks before being given the opportunity to join a group. Where this is not possible, couples should be interviewed on their own. If a considerable number of prospective applicants decide not to proceed after attending group meetings, there will of course be less pressure on waiting lists. However, those who drop out at this stage may not necessarily be less suitable prospective adoptive parents. Staff conducting group meetings should take care to ensure that their presentation of adoption material will not tend to discourage applicants who are, for example, less assertive but who may not be less desirable adoptive parents. If a person enquiring about adoption is obviously reluctant to attend such meetings, or if the couple are thought likely to feel at a disadvantage in such a situation, perhaps for cultural or language reasons, they should be offered an interview on their own. Some may afterwards decide to take advantage of the group meetings as well.

C3.2 Topics to cover in group meetings

The Social Worker may outline the current national situation regarding availability of babies; waiting periods; current trends in mothers' arrangements for ex-nuptial babies; legal procedures, and the Social Workers' roles and responsibilities. Other topics include qualities that make for happy and successful placements; telling the child about adoption; and some of the problems of unmarried mothers and their concern for their infants. About an hour at each meeting may be devoted to the informal presentation of this material, followed by perhaps a further hour during which the members may be divided into smaller groups if necessary, with a Social Worker as a resource member in each. The groups would discuss the information given, along with their reactions and feelings generally. If several meetings are planned for each group, films can be useful as a basis for discussion. Speakers such as a psychologist who is equipped to discuss the influences of heredity and environment, or the mother of

an adopted family, may be invited to contribute their specialised experience. For advice and assistance in selecting and obtaining suitable films, staff should contact their departmental regional training officer.

However successful group meetings prove to be they should never replace individual interviews. All couples who indicate that they wish to proceed further should be given separate interviews.

As the leading of groups demands special skills, Social Workers intending to use the group method should take advantage of any group work courses available.

### C3.3 Number of office interviews

Experience has shown that more than one office interview is necessary. This is not only because of the number of issues that need to be discussed, but also to give the applicants and Social Worker the opportunity to get to know one another and to allow the applicants time to think over the matters discussed. At least one interview should be arranged with husband and wife separately.

Applicants will start off more at ease if advised in advance how long the first interview is likely to last. Most people begin to tire after about an hour of intensive discussion.

### C3.4 An application form should not be offered until applicants feel ready to complete it

Unless the couple have already attended pre-application group meetings, they may well have given very little thought to the demands that will be made of them by adoptive parenthood; and it should not be taken for granted that they have thought the whole subject through before making an application. They should not, as a general rule, be offered an S.W.545 application form until they have had at least one interview or until their commitment to adoption has been established. If from the beginning it appears unlikely that intending applicants will be acceptable for an adoption placement, or if for some specific reason they are unlikely to receive a baby in view of the long waiting list, it may be more realistic and humane to discourage the prospective applicants from submitting a formal application. The reasons for giving them such advice should be explained and alternatives to adoption discussed.

### C3.5 Applicants' attitude in the office interview

At the first interview it is to be expected that most couples will be experiencing anxiety and that they may show agitation and even some veiled or open aggressiveness. This is a normal reaction to facing the fact of being unable or unlikely to have natural children, and having to seek a baby through a government department which demands an investigation of one's circumstances and attitudes. The Social Worker should recognise and accept such feelings, and may in a friendly but matter-of-fact manner encourage discussion of the more 'low key' procedural matters at the beginning. The temptation to be over-reassuring or to start justifying our role to people who are agitated or 'touchy' can be a real test of the Social Worker's ability to be both sensitive and objective. One of the benefits of several interviews is that later meetings provide an opportunity to observe whether the anxiety and defensiveness diminish as the couple become familiar with the Social Worker and the procedures and feel able to relax. It may also be observed whether the very self-assured and very controlled couples are gradually prepared to acknowledge fears and uncertainties about adoption which they may have been concealing, perhaps even from themselves. Continuing anxiety or agitation, where there is no accountable reason, may point to marital or personal difficulties for which the couple are perhaps seeking a solution through adoption. Such agitation may also be a symptom of a condition of depression requiring treatment. A continuing show of complete confidence may indicate that the couple are unable or unwilling to face the real implications of adoption.

### C3.6 Guidelines to adoption interviewing

The aims of our adoption enquiry procedures should be to help prospective applicants come to a decision as to whether adoption is a wise course for them to pursue; to help them to learn about adoptive parenthood, and to enable Social Workers to assess whether the couple would provide a desirable homelife and upbringing for an adopted child. The applicants need to obtain from the Social Workers information on such matters as the availability of babies, and legal procedures in adoption. They need to be helped to gain some insight into their own motives for adopting and to be given encouragement to try to visualise situations which they are likely to meet as adoptive parents, and ways of dealing with them. This should also help them to imagine how they would feel about having an adopted child. Social Workers for their part must obtain detailed information about the applicants' circumstances and at the same time assess their motives, personal qualities, marital relationships and the extent to which they seem able to acknowledge and learn about the differences between natural and adoptive parenthood.

Discussion should at some stage cover such matters as the applicants' infertility (where applicable), motives for adopting, expectations of a child and proposed size of family. When encouraging them to visualise life with an adopted child the Social Worker may raise issues such as the reactions and questions of relatives, friends, neighbours, school officials etc; the later questions from the growing child; the need to tell the child about adoption, and ways of doing so; and typical situations of unmarried mothers. At the outset the couple may have little perception of the predicament and concern of many unmarried mothers for their babies' future.

### 03.7 Opening the initial interview

One way of beginning the discussion is to invite the couple to recall how they came to think of adopting. This will probably either raise practical questions about such matters as the waiting list and legal procedures, which should be answered as they arise, or will encourage them to talk about the circumstances of their childlessness. The latter may lead to a discussion of the course of their married life and activities, relationships with their family and friends, their employment, courtship, youth and early relationships and experiences. The ways by which the couple have coped with, used, or come to terms with life experiences will often be more significant than the circumstances and events themselves. The Social Worker's chief concern will be with the way the couple's present relationships and way of life are progressing.

### 03.8 Infertility

If the applicants have been unable to have natural children, it is essential that this be discussed, since the reason for their infertility and their attitude towards it will have a bearing on any adoption. A medical report may be particularly helpful since during interviews it can be difficult to assess the cause, whether physical or psychological, and the resulting emotional effects.

Medical aspects. A medical check may indicate a condition which can be dealt with to restore fertility, or occasionally reveal some unsuspected disorder requiring treatment. In some cases the wife may have been advised against a pregnancy because of risks, such as hypertension or severe post-natal depression.

Psychological causes. Infertility may indicate unfulfilled or inadequate sexual relationships, or exaggerated fear of pregnancy. These may be associated with other psychological disturbance.

Psychological effects. Whatever the cause, inability to produce children may result in feelings of guilt, low self-esteem, deprivation, resentment and depression. Such feelings must be explored and worked through before adoption is contemplated. A psychiatric referral may occasionally be indicated. If they have not come to terms with their situation, the couple are likely to identify the child with their own feelings of disappointment about themselves, and they may later be secretive about the adoption. They may discourage the child from asking questions about it. If such a couple have their own child after previously adopting they may become rejecting towards the adopted child.

Applicants whose infertility has not been established should be given every encouragement to seek appropriate advice or treatment with a view to having their own children.

### 03.9 Motives for adopting

If a couple's main reasons for applying to adopt appear to be a natural longing to become parents and raise a family, and if they are warm, sensitive, mature people with a good marriage relationship, we can be satisfied that they are unlikely to exploit a child to

resolve emotional problems of their own. A Social Worker should, however, tread warily if it is apparent that a couple are seeking to adopt a child for reasons such as the following:

- to keep a marriage together. Far from saving an ailing marriage, an adopted baby would be likely to impose further strains on the relationship. The marriage could well eventually break down, leaving the adopted child in a one parent home. Emotional instability or problems with 'nerves' are also unlikely to be helped by responsibility for the care of an adopted child.
- to replace a child who has died. If a couple's thoughts are fixed on a lost child, his characteristics, courage through illness etc., they may constantly strive to make an adopted child conform to an idealised image of this child. The odds are against the newcomer ever being able to fulfil the desired role. A placement should not be contemplated until - and unless - the couple have had plenty of time (at least several months) to recover from their loss, and unless they show clear signs of being able to make a fresh approach to parenthood. One hopeful sign would be a desire eventually to adopt more than one child.
- to fulfil the applicants' own unrealised ambitions, or need for a plaything to show off. High parental ambitions are likely to arouse anxiety, a fear of failure, and also hostility in natural children struggling to measure up to standards imposed by parents. An adopted child, who may well feel less secure about his place in the home, may suffer even more acutely in the face of expectations which he fears he cannot meet. Similarly, if applicants cannot show evidence of being able to accept a child as a person rather than a plaything, they should be discouraged from continuing their adoption plans.
- rigid requirements regarding sex, particular attributes or racial background of the child. Some couples make numerous emphatic stipulations about what sort of child they will accept. Whether this is through pride or anxiety, they will need to be helped if possible to realise that no child, natural or adopted, is likely to meet 'dream-child' standards. If the parents' expectations are too rigid, the child will probably eventually be rejected.
- the request for a child of a different race and colour. This may spring from a genuine interest in other cultures and concern for disadvantaged communities. However, such a couple's previous history of interest in and contact with such cultures should be explored carefully, since the popularity of such adoptions may be subject to fashion. The novelty value of these adoptions may soon wear off and the applicants should be aware that many social and personal problems will remain and will need to be dealt with as the child grows up.

#### C3.10 Parental and family attitudes

While in one sense motives for adopting, and the decision to adopt, are deeply personal to the couple concerned, their success with an adopted family is likely to depend at least in part on the attitudes and support of those around them. If, in discussing their desire to adopt,

the applicants have been frank with parents and other close relatives and friends, we can assume that they will probably be able to accept the role of adoptive parenthood. Families who have been consulted at an early stage are more likely to accept an adopted child as part of the family; and also to be prepared to take responsibility for such children in the event of the death or incapacity of the adoptive parents. A marked reticence in the applicants about family reactions, or strong opposition by parents, will call for further investigation. Though the parents of a couple are sometimes reluctant to support the idea of adoption, they do of course often turn into adoring adoptive grandparents!

C3.11 Adoption of handicapped, difficult and older children, and children of mixed race

Unless there are obvious reasons against such a placement, the possibility of adopting a disadvantaged child should as routine practice be raised with applicants for their consideration. If they have not actually requested a child with special needs, they should not come to feel that an expressed willingness to adopt such a child will either improve their chances of having their application accepted or will preclude them from being offered a normal baby. They may of course not have to wait so long for a placement.

While there may be only a small proportion of applicants who will be interested in adopting a child who is not a healthy white infant, the needs of our many "problem placement" children should be kept in mind.

C3.12 Give special consideration to difficult placements

Efforts should be made to place not only infants but older, handicapped children, those of mixed minority race, and the disturbed and difficult children who are under our notice and also available for adoption. Time and effort given to locating, counselling, and supporting couples willing to adopt such children are justified when it is remembered that these children have even greater need of new parents and a settled home. Such children should not be placed as poor prospects with less acceptable applicants. However, we may decide to give an approval for a couple to adopt a particular child already known to them who would probably otherwise never be placed, even though we would not have taken the initiative in placing a child in that home.

During periods when there are many more applicants than babies available for adoption, there may be increased possibilities of finding homes for these less obviously attractive children in need of placement. There may be applicants offering who are recognised as good potential parents for a handicapped or difficult child but who do not meet normal requirements in some other respects. It may be possible to help such couples to improve some aspects of their circumstances so that their offer can be accepted.

C3.13 Care in the placement of handicapped children

Extra care has to be taken in assessing suitable placements for such children. The parents are likely to need particularly good resources of affection, health, energy and patience; and



also financial means if prolonged specialist treatment is anticipated. The location and layout of their home may be important for a physically or intellectually handicapped child. The effect of such a placement on other children already in the family, or on the couple's plans for future children, must be discussed.

The motives of applicants who actually seek a handicapped child will need to be considered carefully. For instance a couple may at heart be seeking a perpetually dependent child on whom they can lavish their attention without fear that he will ultimately be able to establish his independence and leave them. On the other hand one or both partners may have had a rewarding experience of helping care for a handicapped brother or sister, or may have specialised nursing or social work experience which they are keen to utilise for the benefit of a disadvantaged child. Where the applicants' motives appear to be healthy and generous, and where they have understood and accepted the medical prognosis on the child, they should not be discouraged from embarking on the adoption of a child because of its special needs and the extra difficulties it will present.

#### 03.14 Second adoptions

The possibility of eventually adopting more than one child should be broached with the applicants at the time of the initial application. Should a childless couple express a definite intention to adopt only one child, and where there are no supporting reasons for this, the Social Worker will want to explore their motives further. Some applicants have simply not thought beyond 'getting a baby' and may approach parenthood more realistically if they plan from the beginning for a family of at least two children. (See also 06.33).

#### 03.15 Possible later placement of a sibling

It may be helpful in general discussion to raise the rather remote possibility of the couple being offered, at some time in the future, a second baby from the mother of their adopted child. Their general reaction should be noted on file as a guide to Social Workers who may at some time face this situation, and may need to judge whether it would be wise to make such an offer to the particular couple (See also 06.35).

#### 03.16 Applicants with natural children

If there are already natural children in the applicants' family it is of course easier through discussion and observation to assess the couple's strengths as parents, though not necessarily as adoptive parents. In these circumstances their motives in wanting to add to their family by adoption will need careful examination, as will their capacity to share their affection and resources with all the children.

#### 03.17 Telling the child of his adoption

Nowadays this difficult subject is of course routinely discussed while the applicants are learning about adoption. They should understand that attempting to conceal the adoption or 'forget all

about it' may appear to make their social life less complicated in some ways; but that in the long run it will almost certainly prevent parents and children from developing a close, trusting and sympathetic relationship.

Authorities agree that the child should grow up with the knowledge that he is adopted. From the time he is first able to understand a simple explanation, he should learn how he was placed with the family. If the explanation is delayed, parents may later shrink from the prospect of telling the child. The time is then never right and the action may be postponed indefinitely, even until adolescence when he may be already making difficult adjustments. It is preferable that he should not first learn about his adoption from outsiders. This could be distressing and cause permanent damage.

Prospective parents should be helped to appreciate that telling the child about his adoption has to be a continuing process to which more detail can be added as the child's understanding grows and becomes more sophisticated. This does not mean that parents should be continually labouring the subject or telling people who are not directly concerned. Some renewed questioning during adolescence should be accepted as a natural part of establishing adult identity and not feared as a sign of parental failure. A warm, secure home atmosphere, and a sympathetic and positive attitude on the parents' part towards the child's natural mother and her situation at the time of the adoption, are thought to be in fact even more important to the child's acceptance of his adoptive status than the actual way in which the parents tell the child about the adoption.

#### C3.18 Recommended books which include telling the child about adoption

There are a number of books which cover this subject well. Examples are:

'The Adopted Family' Vols 1 and 2 by F. Rondell and R. Michaels (Crown Publishers Inc. New York 1951); 'If You Adopt a Child' by Carl and Helen Doss (Henry Holt and Company, New York); 'Shared Fate' by David Kirk (Collier-MacMillan Limited, London 1964); 'In Search of Origins' by John Triseliotis (Routledge and Kegan Paul Ltd., London and Boston); 'A Guide to Adoption' by Eileen Saunders (A.H. and A.W. Reed 1971) and 'Yours by Choice' Jane Rowe (Mills and Boon Ltd 1959).

#### C3.19 Attitudes towards unmarried mothers

The applicants should be encouraged to discuss their feelings about 'today's teenagers' and unmarried parenthood. They should be helped where necessary to appreciate that extra-nuptial births occur among all social groupings, and that most mothers who choose adoption for their babies go through a stressful period and are generally concerned about the future of their child. The tone and manner in which the Social Worker talks about unmarried mothers will help shape the applicants' own attitude towards the baby's mother and hence towards the growing child. If the couple feel sympathy and understanding for the mother, they will also be more likely to give the child a favourable impression of her later on. It is important for the child's self-esteem that he be told of acceptable qualities in his mother.

#### C3.20 Applicants' sense of 'entitlement' to be Parents of the child

Our own attitudes as Social Workers towards the applicants as prospective adoptive parents, and towards the practice of adoption, will be quickly picked up by applicants and will influence

the success of the placement. Miss Jane Rowe, an English authority on adoption, has stressed that the real key to a successful adoption appears to lie in the degree to which the couple feel what has been called 'entitlement' to be parents to the child, and the extent to which the child later feels a right to regard them as parents. Where the parents feel entitled to the child a strong bond of love can develop. If the sense of entitlement is weak the parents will be fearful that the child will eventually turn against them. In an attempt to hold his affection they are likely to spoil the child with material advantages. Although we must help people to realise that adoptive parenthood is not easy, we need to believe in adoption ourselves as an arrangement which has proved to be very happy and successful for many parents and children. If we have a positive approach this will help the applicants to accept a child with confidence when the time comes.

### C3.21 Procedural matters to be explained to applicants

Explanations of the following procedural matters should be included in office interviews:

- (a) the legal procedures in adoption.
- (b) referees nominated will be interviewed personally (if this is going to be practicable) and will be requested to give a written reference.
- (c) a check will be made with the police.
- (d) the police do not usually visit the home but occasionally need to do so to establish identity.
- (e) we do not require a copy of applicants' marriage certificate; but a copy will need to be filed with their solicitor at the Court with the other papers in the event of an adoption placement. This can be obtained from the Registrar of Marriages in the district in which they were married. Many applicants will not wish their original copy of the marriage entry to be filed in the Court as it will then be lost to them and often has sentimental value.
- (f) if they are accepted their circumstances will be subject to review from time to time and again when a baby becomes available.
- (g) they should not feel anxious if people known to them receive a baby after a shorter waiting period since we select applicants who appear most suitable for each child; that it is only when other considerations appear equal that precedence is given to the date of application.
- (h) family benefit is payable from the date of placement of the child.  
(See also C6.13).

### C3.22 Applicants to be recommended to attend parent education courses

Applicants may also be encouraged to attend courses in parent education and mothercraft and should be told what courses are available at the Parents Centres, ante-natal clinics, through the Plunket Society, etc.

### 03.23 Adoptive applicants may be willing to board a small child while waiting

Applicants whose circumstances appear suitable may be asked if they would be willing while waiting to board a baby or small child. Caring for a child over a period may be a valuable experience for applicants and may also provide the Social Workers with useful insight into their attitudes and feelings. However, the couple should not be given the impression that an offer to foster would necessarily give them priority or guarantee a child. With fewer babies for adoption there is a longer waiting period for applicants, however, and this creates increased possibilities for short-term fostering.

### 03.24 Home visiting

A home visit is essential not only for the Social Worker to see the home and its material provisions but also because interviews in the home situation, just as interviews in the office, have particular advantages. It is possible to make a more adequate assessment of the applicants' personalities by seeing their home and discussing matters with them in this setting. In some districts one Social Worker who supervises all adoption work handles office interviews, but passes home visits to the Social Worker for that district. This arrangement has much to commend it. The information gained by the Social Worker visiting the home is then combined with the information obtained by the Social Worker who has conducted the office interviews to complete the "Social Worker's Summary Report on Adoptive Applicants" (form S.W.554 - refer Fig.3). This companion form to the application should be filled in fully by the time initial interviews and home visits are completed. A Social Worker carrying out a home interview should first become familiar with the information already recorded on the file and should not cover the same ground again (or fill in the blanks on the S.W.545 and S.W.554 just because they are there) unless, of course, there is some doubt about the particular points and it is necessary to clarify a situation or form an independent opinion.

### 03.25 Full notes for file to be kept on office interviews and home visits

Full notes for file should be made on the adoption interviews and home visits, using appropriate headings from the S.W.554. The information recorded on the S.W.554 should be regarded as only a summary of the full background study.

### 03.26 Assessment of the applicants' personal qualities and relationships

In recording office and home interviews, Social Workers should include conclusions drawn from the information and impressions gained. The following broad guidelines are intended to assist in the difficult task of assessing applicants' personal qualities and relating them to their capacity to be good adoptive parents.

#### Personality

Do the applicants show warmth in relating to the other partner; to children already in the family; to the Social Worker, and in talking about their family, friends and

neighbours? Are they on good terms with parents and other family members; do they appear to have at least a few intimate friends; and good colleague relationships with work and community associates? Do they seem to enjoy contact with children and respond well to them? (e.g. younger siblings, nieces and nephews, pupils, neighbours etc.) What are their attitudes towards any adopted children of friends and relatives? Will they be able to provide adopted children with warm loving relationships which will enable the children in turn to develop close and enduring relationships?

To what extent do the couple appear to have come to terms with their infertility (where this is relevant), and have they taken steps, if appropriate, to overcome it? Will they be able to accept and acknowledge that they have a family by adoption, or are they likely to try to conceal their adoptive parenthood?

Are they reasonably open and frank about their past and present lives and feelings? Will they be able to communicate sensitively and sensibly with their children about their adoption, their natural parents, sexuality etc.?

How effectively have the couple coped with any life crises experienced so far? Have they shown resilience after setbacks or changes in circumstances without indications of crippling resentment, bitterness or depression? Will they be able to meet unexpected difficulties or disappointments with adopted children, without making them feel rejected?

Do they show flexibility in adjusting to new situations; have they welcomed new experiences; are they receptive to new ideas? Do they have the capacity and openness of mind to learn how to be good adoptive parents?

Do they persevere with projects and responsibilities undertaken - such as community activities, hobbies, care of relatives? Will they maintain their initial enthusiasm for adoptive parenthood or would a child later be likely to take second place to some new interest?

#### The marriage

Does the marriage appear to be a reasonably equal and companionable partnership? Do the partners have a basically consistent core of beliefs, attitudes and interests? Are they likely to provide a secure and predictable environment for children and a good model of a family unit?

Do the couple have adequate mental and physical vitality to engage in the new activities which parenthood will involve, and to widen their social contacts? Will they offer children stimulating experiences in the family and community?

03.27 Completion of Summary Report on adoptive applicants

At the top of form S.W.554 the dates when office interviews and home visits take place should be recorded. "Descriptive" address refers mainly to rural areas - e.g. "second house on left after Parekarangi turn-off". "Reasons for wishing to adopt" need not be a literal rendering of the applicants' own statement, but should include whether medical advice has been sought about infertility, where relevant. If it is felt desirable to discuss medical aspects of the case with the applicants' doctor apart from the written medical report, their permission should be obtained and a note made that this has been done. "Accommodation" is intended as a brief description with any appropriate comments, e.g. "two bedroomed house - adequate at present but will need extra bedroom as child grows older". Where the applicants expect to have different accommodation within the foreseeable future, similar notes should be made about the proposed accommodation.

03.28 Financial circumstances

It is not a Social Worker's function to go into applicants' financial circumstances in detail. However the Social Worker should be satisfied that they budget responsibly and that their finances are sufficient to provide adequately for the child both at the time of the adoption and in the future. Financial circumstances are covered in the affidavit filed by the applicants (refer Adoption Regulations 1959 Clause 8(1)). Normally the applicants' statement of approximate income on form S.W.545 and the Social Worker's observations at the home will make any direct questions unnecessary and will furnish sufficient details for our purposes.

03.29 Personal background

It is not intended that Social Workers should attempt one word comments on each of the items listed under "personal background" on form S.W.554. The headings are intended to suggest points which might be commented upon and are not intended to be exhaustive. Nor is it necessary that comment be restricted to the space provided on the form.

03.30 Medical Reports

When the applicants take the S.W.545 it should be ensured that they sign the statement permitting their doctor to submit a report to the department. They should be given a copy of the medical report form, or if the applicants or doctor prefer, the form can be sent direct to their doctor or doctors with an enclosed stamped letter addressed to the Director and clearly marked 'Confidential'. Unless a decision has to be made urgently as to whether to accept an application, it may be wise to await the receipt of medical reports on the applicants before approaching referees or the police. An adverse medical report may then be discussed with the applicants and if necessary the application may be withdrawn or declined without the referees or the police becoming involved.

03.31 Obtaining References

Form S.W.545 asks the adoptive applicants to supply the names and addresses of at least two persons (preferably not relatives) who know them well as a married couple, and who would be willing to

vouch for their character and suitability to adopt a child. If the two referees live in the area they should be interviewed personally, either at home or in the office, and detailed notes for file should be prepared. The referees should be asked at the interview to follow this up with a written reference. They should be given the standard letter (Refer Fig 4a) with a stamped addressed envelope for reply. If it is not possible to interview a referee, the standard letter should be sent over the name of the Director, with both the envelope in which the request is sent, and the stamped addressed envelope enclosed for reply, plainly marked "CONFIDENTIAL". Such references must come direct from the referee and not be transmitted through the applicants.

In subsequent adoptions the referees, preferably the same people, should again be interviewed if possible, to ascertain as far as possible how the adopted child is faring and how the couple have adjusted to the change in the family situation. Further written references should also be requested from them. (See also C6.34).

C3.32 Checking divorce records

Where one of the adoptive applicants was previously a divorced person the divorce records at the Supreme Court should not be checked automatically. However, it may be warranted in cases where it is felt that such action is likely to reveal circumstances which could jeopardise the adoption.

C3.33 Police reports

Clause 7 of the Adoption Regulations 1959 requires that:

"Before furnishing the report required under section 10(1) of the Adoption Act 1955" a Social Worker "shall make enquiries of the Police as to whether anything is known to them about the character of the applicants, and shall make known to the Court the result of his enquiries."

C3.34 Check with Police Headquarters

When new applicants first become known to a district office (i.e. when applying for inclusion on the waiting list or for approval of a proposed placement), the Social Worker should complete form S.W.532 (refer fig. 4) in duplicate sending both copies direct to the Commissioner of Police, Wellington. A triplicate copy should be taken on blank paper and placed on the personal file for the adoptive applicants. It should be noted that the police require full and accurate details in order to identify the individuals concerned. Full dates of birth are needed. Police Headquarters will check to ascertain whether or not any information is recorded concerning the applicants which should be made known to a Court, should application be made for an adoption order. Normally this information will be restricted to advice as to convictions. Police Headquarters will complete the reply portion of the original form and send it direct to the office address which should have already been typed or stamped on it by the Social Welfare district office concerned. The duplicate copy will be retained by Police Headquarters for their own records. The triplicate copy held in the district office should be destroyed on receipt of the reply.

The Police require written consent from the applicants before they may divulge any information - sample:

"I ..... hereby consent to the disclosure by the New Zealand Police of the details of any convictions I may have pursuant to the application which I have made to the Department of Social Welfare at ..... to ..... a child.

Signed: .....  
 Witness: .....  
 Date: .....

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03.35 Overseas inquiries about applicants recently arrived in New Zealand

The Police will make inquiries about applicants who have recently arrived in New Zealand from the United Kingdom and other countries if they are not able to provide applicants with their own police clearances. Where appropriate, applicants should be asked to obtain their own clearances from the Police authorities in the places where they previously lived. Such places include most States in the U.S.A., and Canada, most South American and African countries and the European continental countries. The replies the applicants will receive are on special letterhead paper or special forms, and forgery would be most unlikely. Some Police authorities require a fee for this service. Any requests for checks with the United Kingdom Police and others not covered by this service, should be made by memorandum in duplicate to the Commissioner of Police, Wellington. The applicants' written consent for these inquiries to be undertaken in England should be enclosed. Where applicants from overseas have been in New Zealand for five years or more the normal internal police check will suffice.

03.36 Applicants not to be entered on waiting list till Police checks completed

No applicants' names are to be placed on a waiting list until both these police checks have been made. It would obviously be desirable to make a similar rule concerning the granting of approvals; but it is recognised that it would not be practicable to wait upon a Police Headquarters check when a new-born infant is to be placed almost immediately with applicants who are not known to us. Wherever such delay will not cause undue hardship, however, approvals should be withheld until the police checks have been obtained. In cases of urgency local police officers may be prepared to make a preliminary check as to convictions, as well as to state their own opinion; but even if this is done a written check should also be obtained from Police Headquarters in the normal way.

03.37 Re-checks with Police after waiting period

Because the demand for adoptive children is inclined to fluctuate there may be a considerable time lapse between the making of an application and the stage at which a placement is actually in view. When considering a particular placement it would be dangerous to rely upon a "clear" police report issued a considerable time previously. In view of this the Police Department have agreed to make second checks wherever this seems to be desirable. Whether or not such second checks will be necessary will depend on the circumstances of the individual case. Social Workers will need to exercise some discretion to obviate on the one hand unnecessary duplication of work by police officers, and on the other hand unnecessary risks about the suitability of applicants. The following examples will illustrate. Where the applicants have continued to live in the same area throughout the period of waiting, it would probably suffice to ask the local constable whether they had come under his notice during that time.

Where the applicants have moved while waiting, or the local Police officer is himself new to the district, it would be safer to obtain a second check from Police Headquarters. In the larger centres where officers could not be expected to know individual residents very well, it would probably be wise to seek second checks after a shorter waiting time than might apply in smaller towns.



C3.38 The adoption and selection panel

Once enquiries are completed (i.e. when the file contains notes for file on office interviews with the applicants, records of any preliminary group meetings attended, forms S.W.545 and S.W.554, the police report, a medical report if available, notes on interviews with referees, written references and notes for file on the visit or visits to the home) the decision must be made as to whether the application is to be accepted. This should be the responsibility of a panel made up of the Senior Social Worker, the Adoption Officer (where there is one), and the visiting Social Worker, who should together review the information. In cases where the guidance of a medical adviser or some other professional person is indicated, he or she may be invited to join the panel. It must be remembered, however, that it will still be the responsibility of a particular Social Worker or Senior Social Worker to sign an approval for placement when a child becomes available. The Social Worker must then act according to his or her own conscientious belief. (See also C6.12). Applicants' names should not be placed on the waiting list unless the Social Worker would, on the basis of current knowledge of the couple, be willing to approve the placement of a child in the home.

C3.39 Overall assessment of applicants

It would be neither possible nor desirable to lay down hard and fast rules to measure the acceptability of applicants since all have differing strengths and weaknesses and advantages to offer a child. One of the merits of the Adoption Act 1955 lies in its flexibility in allowing us to draw from a wide field of possible applicants. We are not prevented from accepting certain couples because of restrictive legal sanctions when they may have the personal qualities, such as warmth in relationships and frankness about adoption, which are nowadays regarded as among the most significant for successful adoption. Districts should therefore not devise their own criteria of specific requirements which applicants must meet to be accepted (e.g. number of children in family), but should consider all aspects of the application before making a decision. Some practical factors, such as applicants' age and length of time married, may well be judged to have a bearing on the child's future well-being. Others which are sometimes used for screening purposes, such as the requirement that there be no more than one child already in the family, or no natural children, may be associated more with meeting a supply and demand situation than with a child's needs. There can be considerable community pressure on Social Workers to allocate children on the basis of fairness in respect of family size.

Specific criteria of course also have the effect of keeping the waiting list smaller. However, when an application is received from a couple who appear to be highly suitable, it should not be declined because they do not meet arbitrary requirements. A note is added on the subject of age.

C3.40 Age of applicants

The Act places no upper age limit on adoptive applicants. Each case must be considered on its merits. The general principle which Social Workers should follow is that the age of applicants should accord with the age at which natural parents could reasonably be expected to have a child. Occasionally people in their fifties and older will apply to take a baby for adoption. It is necessary to consider that the child will grow up with very elderly parents and may be deprived of one or both of them by failing health or death before he has reached adulthood and becomes

independent. Also, applicants 50 years of age may seem young enough in spirit to look after an infant, but these same applicants, if living at the age of 65, may not be capable of looking after an adolescent.

It is desirable in such cases where applicants are suitable in other respects, to suggest that they consider adopting an older child for whom they may be able to offer a great deal. It must be remembered, however, that if applicants are prepared to consider taking an older child they need to be able to accept a youngster who has memories of his own parents or past foster parents; whose personality is already moulded to a certain extent, and who may severely test their acceptance and affection in the initial stages. (See C2.3 for legal requirements as to lower age of adoptive applicants).

#### C3.41 Action when an application has been accepted

If the couple appear suitable they should be advised by letter (See Fig. 4(b)) that their application has been accepted. If they wish us to place a baby with them their name should be placed on the adoption waiting list register.

#### C3.42 Maintaining contact with adoptive applicants

After adoptive applicants have been placed on the waiting list, the visiting Social Worker should prepare a visiting slip for them and maintain regular contact. By this means the Social Worker should get to know them better and will be in a position to note, and if necessary act on, any changes in their circumstances. The waiting time should not be regarded as something entirely negative and unfortunate. It allows people to consider and re-examine their reasons for wanting to adopt. This may make for greater readiness with some applicants; while with others it may lead to the withdrawal of an application which was made hastily and without sufficient consideration of the implications of adoption.

#### C3.43 Declining applications

If applicants are considered unsuitable they should be informed personally rather than by letter that we would not be prepared to grant an approval for a child to be placed with them for adoption. Consideration may be given to arranging a joint interview between the applicants and the adoption selection panel for the purpose of advising the applicants that their application has been declined. They should also be told that if they have located a child to adopt they may if they wish apply direct to the Court for an interim order. When our decision is based on more straightforward considerations, such as a recent criminal record, deciding to decline the application is not so difficult as it is when the selection panel are concerned about the absence of some of the fundamental but more subtle qualities needed for a placement to succeed. When doubt is entertained about whether an application can be accepted, the case must be thoroughly discussed with the Assistant Director, Social Work.

C3.44 Information for the Director-General regarding declined applications

There is no routine requirement that particulars regarding applications which have been declined are to be sent to the Director-General. In the event of the Director-General receiving any enquiry or criticism from a Minister or other source, he will ask the district for a special report.

C3.45 Summary Record of application to adopt a child

(S.W. 529; refer fig. 5). This card should be prepared for each application received. Those concerning "waiting list" applicants should be kept separate from those for whom placements have already been arranged, either by Social Workers or third parties. "Waiting list" cards should not be placed in the appropriate Kardex tray until all preliminary investigations have been concluded (referees consulted, police checks made, home visits completed etc.) and the applicants have been classified as "apparently suitable". Signals can be used in larger districts to identify such items as religious denomination; whether applicants have adopted before; degree of priority, etc. Cards of applicants who have been classified as "unsuitable" should be filed separately or distinguished by a special signal. The card is not intended, and should not be used, as the main record of an application - it is merely a quick reference to the salient facts. There is no need to try to summarise the whole life-story of the applicants in the brief space provided. The place for fuller information is the personal file where completed forms S.W.545 and S.W.554 together with notes for file etc., will be found. The cards will be of greatest value in helping to identify the "short list" of likely applicants who can be considered for a particular child, but such an important decision as the final selection should not be based upon the sketchy information available from a card record.

C.4 WORKING WITH THE NATURAL PARENTS DURING THE PREGNANCYC4.1 Discussing the baby's future with the mother

One of the most difficult tasks facing the Social Worker concerned with adoption is that of assessing the single mother's personality and capabilities, and helping her towards a realistic decision about the child's future which she can act upon with conviction.

She should be given the opportunity of an early interview when referred to the Social Worker. This may be at the time when she applies for a benefit during the sixth month of pregnancy. It is important for her to develop a relationship of trust with her Social Worker, who must put to her the alternatives available for her baby; discussing the factual information objectively and trying to ensure that she has registered all the facts and options. Now that ex-nuptial pregnancies and de facto unions are so much more widely accepted in the community than was previously the case, and with the availability of financial assistance by way of a benefit for unmarried mothers wishing to keep their babies, these mothers are frequently confronted by a tempting choice of alternatives to adoption. Unfortunately experience indicates that many of the young girls who decide to keep their babies are the very ones who are least ready to assume the responsibility - and constraints on their social life - of the care of a young child. The Social Worker should not too readily accept the mother's statement that she has already decided the baby's future, since her decision may well have been made under stress or through pressure from family or friends. She may need to be helped to distinguish between fantasy and reality in considering such matters as: the possibility of obtaining and maintaining a flat for herself and the baby; her chances of getting and carrying on employment while caring for the baby; the isolation she may feel in a flat if she is granted a benefit; whether both her parents will accept the child if she takes it home with her and whether they will do this without taking over control of the baby and treating her as if she were still a child; whether marriage to her boyfriend is likely to eventuate, and the attitude of her boyfriend if he is not the child's father. The legal procedures of adoption should be outlined along with the qualities which we seek in adoptive parents.

She may be warned that her time in hospital is likely to be distressing; but also should be reassured that the Social Worker will visit and support her. (See also C6.1). Where the girl is very young it is usually wise to discuss the situation with her family if they are involved. The girl must, however, also be seen on her own. If the mother is married or separated, the possibility of legal complications with regard to parental consent should be investigated as these could take a considerable period to be resolved. (See also C6.2).

Where the mother's decision is to keep her baby, and where her ability to cope is doubtful, continuing supportive help may be required. The mother may in fact need to be helped to reach a firm decision and to be discouraged from putting this off by a series of short term arrangements for an indefinite period which will permit neither mother nor child the chance to settle. The S.W. 581 should be completed from the interview or interviews with the unmarried mother, and also, where it proves possible, with the putative father. The mother should be encouraged to take advantage of ante-natal facilities available in the area.

#### C4.2 Mother legally entitled to know names of adopting parents

Section 7(6) of the Adoption Act 1955 provides that 'The consent of any parent or guardian of a child to an adoption may be given..... without the parent or guardian knowing the identity of the applicant for the order'. This means that solicitors and others are legally entitled, provided they have the concurrence of the parent or guardian, to obscure that part of the consent document containing the identity of the adopting parents at the time that the parent or guardian signs it, or else to use a form of consent that does not specifically name the applicants. Many mothers do not want to know the names of the adopting parents and this procedure is therefore widely practised. In some cases, however, the mother will ask to know the names of the adopting parents as she is legally entitled to do.

It is advisable therefore during early interviews, or at the hospital if the mother has not been known to the Social Worker earlier, to ascertain the mother's wishes in this respect. The Social Worker may need to point out to the mother that if she wishes to know the names of the adopting parents this could limit our choice of homes for her baby as many couples would be unwilling to adopt a child whose mother would later be able to identify them.

#### C4.3 The role and legal rights of the putative father

Where the father has shown interest and concern he should be given the opportunity to be involved in discussion about the future of mother and child. Apart from any practical assistance or guidance he may be able to offer, this involvement may help him to work through feelings of guilt, and may contribute to the development of his awareness of social responsibility. If he is living with the mother at the time of the child's birth he is a guardian under the Guardianship Act, Section 6(2), (See also C6.4).

#### C4.4 Voluntary organisations caring for single pregnant women

In New Zealand, unlike some other countries, there are no private adoption agencies or 'societies' but there are several voluntary organisations which provide for the care of single pregnant women. Such organisations make tentative arrangements for adoption placements but they have no legal right to make the actual placement. Before any placement for adoption can be made, there must be either an approval from a Social Worker, or an interim order from the Court.

## C5 ASSESSMENT OF THE CHILD FOR PLACEMENT

### C5.1 Every baby for adoption to have paediatric examination

Every baby to be offered for adoption should be examined if possible by a paediatrician or failing this by a doctor with a special interest in this field. Treatment for any abnormality or disorder may then be commenced early if appropriate and the Adoptions Officer will then be able to take this information into consideration when selecting adoptive parents for the child. Some defects and diseases are of course not evident at this early stage, but normally the first assessment and placement plans are made on the basis of this first examination, before the infant's discharge from hospital. The mother should also if possible be interviewed by the paediatrician regarding her own and family health background and about her pregnancy.

### C5.2 Temporary placements pending adoption

An adoption placement may need to be delayed if the paediatrician recommends a period of observation because of doubts about the infant's health or development. Some adoptive applicants may be willing and may be thought suitable to accept some uncertainty about the baby's health, provided that they are fully informed about what is so far known. In other cases temporary placement in a foster home or institution is advisable for the period recommended by the paediatrician. It is not uncommon, however, for foster parents to become so attached to such an infant over a period of weeks or months, despite its disabilities, that they eventually wish to adopt their foster child. For this reason it is preferable where possible to use foster parents who would not be clearly unacceptable as adoptive applicants should such a situation arise.

Where an adoption placement has to be delayed because of medical doubts or because an adoptive home is not immediately available, it is important for the child's development that it be placed in a private home, if possible, even though this may be temporary, in preference to allowing it to remain in a hospital or other institutional setting.

### C5.3 Most children to be regarded as suitable for adoption

Very few children should be regarded as unsuitable for adoption - perhaps only those with such gross defects that they would probably have to be placed in an institution if born into a normal family. There are a few diseases and conditions regarded as being hereditary, and in some cases the advice of a geneticist should be sought as to the level of risk involved. Officers should be wary of drawing conclusions about the child's potential simply on the basis of their knowledge that one or both parents are mentally, socially or physically inadequate.

C5.4 Adoptive parents must take the risks of natural parents

With all applicants it must be established that they are prepared to accept normal risks in respect of the child and the possibility (which every natural parent faces) that their child may prove unlike themselves in appearance and personality. He or she may be mentally or physically defective, exceptionally gifted, or just an average citizen. Having obtained the results of the paediatric examination, the Social Worker should tell the applicants frankly whatever relevant facts are known about the child's condition or background. If it is anticipated that the baby will present an extra challenge, the applicants should fully understand what demands this is likely to make on them, physically, emotionally and financially.

C6 ADOPTION PLACEMENT PROCEDURESC6.1 The Social Worker should visit the mother in hospital.

When advised by the hospital that the baby has been born, and is to be placed for adoption, the Social Worker should visit the mother in hospital. She may by this time be less certain about any previous decision regarding her baby and may need to go through all the pros and cons of adoption again. If the Social Worker is satisfied that a decision has definitely been made in favour of adoption, and that there are not likely to be legal complications, adoptive applicants, or a short list of applicants, should be selected as quickly as possible (see C6.2 and C6.4). The proposed placement should be discussed with the mother, without the use of names. It may be decided to give her the opportunity to express a preference from the information given to her about more than one adoptive couple. If she has made stipulations about the placement, however, she may have to be advised that these could adversely limit our choice of homes for the child. The mother is normally expected to sign her consent soon after the minimum ten day period, and by the time the baby is due for discharge from the hospital.

C6.2 Adoption consents

Before selecting adoptive parents for the baby, the Social Worker must first establish whether the necessary consent or consents to adoption are likely to be forthcoming when required. This is particularly important where the mother is married; is separated from her husband, or has been living in a de facto union with the baby's father. In the case of a separated woman, for example, it is usually necessary for her husband to be located, and if he was not the father of the baby (evidenced by the fact that he was not there at the probable time of conception), some formal evidence of the fact will be necessary from him. If his consent is not appropriate, it will be necessary to have a written statement from him explaining the fact. In cases where a claim of guardianship by him could be recognised under the Guardianship Act, a consent to adoption may be required from him. (See also C6.4).

Where the mother has approached the department during her pregnancy, and circumstances likely to complicate an adoption are found to exist, every effort should be made to have the matter clarified before the child's birth. In some cases the facts will not be known in advance, or the situation will have altered since the most recent contact with the mother. In such cases it is advisable if possible to obtain legal advice on the matter before approaching prospective adoptive parents. Where the mother already has a lawyer acting for her she should be referred to him. The Social Worker, with her permission, should discuss the situation with him also. If she does not already have a lawyer, she should be advised to seek legal advice as to whether there is any action she should be taking. If for any reason she does not obtain the assistance of a lawyer, and if the Social Worker is concerned that there may be implications in law, the Social Worker should request the assistance of the department's solicitor. It should be noted that legal aid is not available for this sort of service.

If it is finally decided that a placement can safely be arranged, applicants being offered the baby may need to be made aware of the possibility of delays and extra legal expenses which they may have to meet. The Social Worker should discuss the case with the applicants' lawyer and advise him of earlier legal investigations. The applicants' lawyer will then be



in a position to advise his clients whether or not to proceed with an adoption application.

Where the mother has earlier shown indecision about adoption and where the Social Worker suspects that she could still change her mind, this fact should be brought to the attention of the lawyer who is to take her consent. This is of particular concern to him: he must satisfy himself that the mother understands the effect of her consent and that she is giving it voluntarily. In the case of a very young mother it is usually wise to discuss the plans for her baby with her family if they are available. The right to give or withhold consent is, however, the girl's alone. If she should later wish to reclaim the child, any evidence of persuasion or coercion by anyone to make her give her consent to adoption could be used to upset the adoption and have the child returned to the mother.

06.3 The Director-General may accept appointment as guardian for the purpose of giving consent to adoption

By the provisions of Section 7(4) of the Adoption Act 1955 the Director-General may agree to being appointed guardian by a parent until such time as the child is adopted. If the Director-General agrees and is subsequently appointed guardian under this provision he may then give consent to adoption when it is required. The child must be at least ten days old at the date of the Director-General's appointment as guardian and the parent will continue to be liable for the child's current maintenance for as long as board payments are being made by this department. The effect of adoption must be fully explained to the parent who wishes to make the appointment.

This provision will be appropriate only in special circumstances, such as where a parent expects not to be readily available to give consent to an adoption placement when this is required.

Where an adoption placement is likely to present difficulties this provision may not be appropriate. It is not a substitute for an agreement for assumption of control under Section 11 of the Children and Young Persons Act 1974.

The procedure for the appointment of the Director-General as guardian under Section 7(4) of the Adoption Act is as follows:

1. A report is forwarded to Head Office with a recommendation that the Director-General accept appointment as guardian of the child for the purpose of giving consent to adoption. The report should set out the family circumstances and the reasons which are likely to prevent the parent from executing a consent in the usual manner. It should include any conditions as to religious denomination and practice which the parent may wish to impose, and should include details of placement plans for the child. Specific details should be given regarding the parent's marital status. If the parent is married or separated the question of the need for the other partner's consent should be investigated. If the father of an ex-nuptial child is a guardian under the Guardianship Act 1966, both parents should sign the letter appointing the Director-General guardian of the child. Even if the putative father has not claimed any guardianship rights it should be established whether he has shown an interest in the child and whether he is likely to seek guardianship at some later date when the Director-General has already been appointed. (See also 06.2 and 06.4).
2. If the Director-General signifies that he is willing to accept guardianship, the parent (or parents) should then be asked to write a letter to him containing the date; the parents' full name and address; the child's full name and date and place of birth; and a statement that the parent (or parents) appoints the Director-General as guardian under Section 7(4) of the Adoption Act 1955. The letter should also include an acknowledgement by the parent that a Social Worker has explained the effect of an adoption order. The parents' signature should be witnessed by some independent, reputable person. This letter will not be valid unless written after the Director-General has signified his willingness to be appointed guardian.

It should be noted that the Act provides for the parent to withdraw the appointment of the Director-General as guardian of the child at any time before an interim order or adoption order has been made. This provision may give the natural mother a longer than normal period during which she is able to reclaim the child. Where this situation applies the adoptive parents should be advised that the mother could exercise this right. However it should also be made clear to the child's mother that if she should decide to withdraw her appointment of the Director-General as guardian after he has signed consent to an adoption and after the papers have been filed in the Court, the Magistrate could well require her to appear before him and submit reasons for desiring to take this action at such a late stage.

C6.4 Rights of the father regarding consent to adoption

If the father of an ex-nuptial child is the child's guardian then he must consent to the adoption (Section 7(3)(a) Adoption Act 1955, as amended by Section 12(2) Status of Children Act 1969).

The father will be a guardian if the mother and father were living together as husband and wife at the time the child was born (Section 6(2)(b) Guardianship Act 1968). Merely living in one house would not suffice; they must be associating in such a manner that a reasonable observer would consider them husband and wife.

The father of an ex-nuptial child may be appointed his guardian by the Court. (Section 6(3) Guardianship Act 1968). An application under this provision will normally only be granted by the Court where the child results from a long-standing relationship and the father maintains an interest in the mother and child, usually evidenced by his contributing to their financial support.

The Court also has the discretion to "require the consent of the father if in the opinion of the Court it is expedient to do so". (Section 7(3)(b) Adoption Act 1955). The Court will usually require the father's consent if a paternity order or maintenance order has been made, or if the father has admitted paternity by signing the application to register the child's birth. (See also C4.2).

C6.5 Use of the waiting list

When an infant is to be placed for adoption, a short list of likely applicants on the waiting list should be drawn up and considered in terms of the following: their readiness for a placement; their positive qualities as prospective adoptive parents; any special reasons favouring their being offered this particular child (including any wishes expressed by the natural mother as to her baby's placement) and their place on the waiting list.

C6.6 Adoption selection panel to make decision regarding placement

The selection panel used for making the decision as to whether to accept applicants

should also consider and make the final decision regarding the choice of adoptive parents for the child (see also C3.38).

#### C6.7 "Matching" applicants and child

Although some adoptive parents choose to adopt a child who is going to look obviously different from their own family (e.g. of another race), most applicants hope that the child selected for them will to some extent resemble them in appearance and characteristics. Such similarities, where they do appear, may well help the new family to develop into an integrated and congenial unit. Social Workers arranging placements should therefore try, for example, to avoid placing the child of exceptionally tall parents in a family of very short stature. They should also bear in mind the likely cultural expectations of the applicants and the desirability of parents and child - and siblings - being able to communicate at a reasonably similar intellectual level.

Authorities on adoption these days emphasise, however, that the characteristics of the natural parents, no matter how well these have been ascertained and recorded by the Social Worker, are by no means a reliable indicator of the child's physical or mental endowment. It is wise not to stress to the new parents any efforts that have been made towards matching. Those with high expectations of the matching process may be reminded that several children born to one set of parents often differ widely from their parents and from one another. In the initial selection of applicants Social Workers will have been looking for couples who seemed able to accept a child as an individual and who would be prepared to encourage it to develop its own potential strengths and interests, even if these later proved to be different from those of the adoptive parents. It is therefore not appropriate to encourage applicants to expect the child to bear a close resemblance to themselves.

#### C6.8 The applicants' acceptance of the child

Once offered a baby, the applicants are usually advised to visit the hospital, see the baby (more than once if they wish) and to talk to the ward sister or matron. They should be requested to call at the office to discuss their reactions to the baby, ask any questions about the child's health or background and, if they wish to proceed with adoption, to be reminded of the details of the legal procedures.

If the applicants find that they are not attracted to the child, their negative feelings should be accepted, and under normal circumstances they should be advised that another baby will be offered them in due course. They should however be allowed time, several weeks at least, to recover from the ambivalent feelings which will have been aroused. Should they decline a second infant the Social Worker will need to interview them both again and review their motives for wanting to adopt. Further counselling may be well indicated.

#### C6.9 Arrangements for the applicants to assume care of the child

If they have decided that the infant is for them, the couple may be encouraged to visit the hospital as frequently as practicable and to take advantage of whatever opportunities are provided to handle, bathe or feed the child. These may of course be limited if the mother

is participating in the care of her child. Arrangements for the couple to collect the baby should be carefully organised in liaison with the hospital. It should be ensured that the new mother receives full instructions on such matters as the milk formula, feeding and sleeping habits, and any special treatment or equipment the baby may require. The new parents should be encouraged to accept the services of either the Plunket nurse or public health nurse, unless their family doctor or obstetrician wishes to have sole oversight of the infant's progress. The visiting Social Worker should be advised in good time of the date of placement, and if possible should make the first visit within a few days.

#### C6.10 Placements from another district

If the baby to be placed is in another district, arrangements should be made, if at all possible, for the applicants to travel to that district to see the baby before making their decision. If a couple accept a baby on trust, "sight unseen" and then do not feel drawn to it when it arrives or when they go to collect it after the consent has been signed, they may not at that stage like to admit to their negative feelings. The adoption may then be doomed from the beginning.

#### C6.11 The form of approval

Authority for a Social Worker to issue approval for applicants to take a child into their home with a view of adoption is provided by Section (1) (a) of the Adoption Act 1955 and is given in writing on form S.W.602 "Social Worker's Approval for the Placement of a Child for Purpose of Adoption" (refer Fig.6). Approval is given for a specific child to enter a specific home. No general approvals are provided for. The form is supplied direct to the applicants' solicitor. A copy on plain paper is filed on the personal file for the applicants, held in the district office.

#### C6.12 Signature of approval

The approval should normally be signed by the Social Worker who visits the home, since that Social Worker would generally be the person expected to give evidence in Court if this should prove to be necessary. Inexperienced Social Workers should neither approve nor reject an application without discussion with a Senior Social Worker or the Director. (See also C3.38).

#### C6.13 Family Benefit

The adoptive applicants should be advised that from the date of placement of the child they are entitled to family benefit. They should be given form F.B.1 if this is their first application for family benefit; or form F.B.1A, application for family increase, if they are already in receipt of a benefit for one or more other children.

Form S.W.96 is to be filled in by the applicants if they wish to have their benefit payments credited to a Post Office Savings Bank account.

Social Workers may also make available to the applicants the family benefit leaflet S.W.415. Care should be taken to ensure that notification to the family benefit section is not overlooked in the case of the adoption of a state ward or of any other child who has already been living in the home.

When a child over 12 months of age is being placed for adoption, a check should be made with the family benefits division to ascertain whether the benefit for the child (in the name of the natural mother) has been capitalised for housing purposes. Capitalisation itself will not affect the rate of benefit for this child to the adoptive parents but it will be necessary for the family benefit division to take some action on the capitalisation aspect. The family benefit division should be notified promptly by memorandum in the name of the natural mother that the child has been placed for adoption. Otherwise normal S.W.569 procedures will follow.

C6. 14 The Director-General may assist by preparing papers where applicants would experience hardship

Where the child to be adopted is not a Ward then it is of course the applicants' responsibility to arrange for a solicitor to prepare the court papers. However, occasionally cases arise where the payment of a solicitor's fees would constitute hardship to persons who despite their financial circumstances are otherwise very suitable applicants. In what appears to be a deserving case the Director can present the facts to the Director-General and make a recommendation. If the Director-General is satisfied that the assistance is merited, he will ask the district office to forward a completed questionnaire on S.W.556 and will prepare the papers in Head Office (refer fig.8).

C6. 15 Meetings between natural and adoptive parents

The practice of arranging a meeting between the natural mother and the proposed adoptive parents has received considerable publicity. Careful thought should however be given to all the circumstances before this is suggested to either party or agreed to at their request. Research indicates that what has been called 'entitlement' to the child by the new parents is vital to the success of the placement. (See C3.20). Any undermining of their confidence in this respect may jeopardise the growth of a strong bond between the new parents and the child. The Social Worker should be satisfied that the applicants are not feeling pressured by a sense of obligation to the natural mother to agree to meeting her. They would need to be especially mature and accommodating people, who were able to recognise and accept the possible future implications of such a meeting for themselves, the child and the natural mother. This is particularly important if both parties live in the same area. The mother for her part should ideally have come to terms with her decision to give up her baby; should have been consulted and given background information about the proposed applicants, and should have fully accepted this choice of home for her child.

Where these conditions apply and where both parties seek the opportunity to talk together, such a meeting may well prove a positive sharing experience at this critical time. It may be of long-term benefit in reassuring the mother when she later wonders about her baby's

progress and may help the adoptive parents in later years in talking about the adoption with the child.

Where such a meeting is proposed (and the number of appropriate cases is likely to be small) there should be a discussion with the Senior Social Worker before a decision is made. Thorough preparation of each party through discussion, and detailed planning of the arrangements for the meeting (such as arrival times, privacy and freedom from interruption), are essential. First names only could be used without revealing identity. The meeting should be regarded as an extension of the information already given to each party and as an opportunity for them to share their feelings about the baby and about what the placement means to them.

The meeting should not be seen as part of the selection process (though of course there is always the possibility of a change of mind afterwards); and to reduce the adoptive applicants' anxiety at the meeting it is probably wise that the mother's consent should have already been signed.

#### C6.16 Information to be given to applicants about child's background

Applicants are usually given salient details about the baby when it is first offered to them. If they decide to proceed with the adoption this information should be expanded. As much useful information as possible about the family background of the child should be made available to the new parents. They can then pass on to the child whatever is appropriate when discussing the adoption later on. The natural parents' names and addresses should not be divulged (if not already known to the applicants). Where the information is given in writing the wording should be carefully considered. For instance, obviously negative or disparaging comments (such as, 'mother of limited intelligence') could well have a damaging effect on the child's self-esteem and image in the family, and would serve no useful purpose.

When they are at the stage of establishing their own identity, adopted children may be interested in notes of characteristics of other members of their natural parents' families also. This should be borne in mind when the natural mother is being interviewed. However, if the families of the natural parents are presented in too detailed and realistic a fashion, the child may tend to over-identify with them and become confused in its relationships with his adoptive family. Adoptive parents will have to judge how much information to pass on, according to their child's personality and needs.

Where there is Maori ancestry, information about tribal connections should be obtained, even though the adoptive parents may be Pakeha.

As it will be intended that this information should be preserved by the new parents, it should be presented in an appropriate form, normally after the child has been placed in the home. The adoptive parents may wish to make their own notes during interview, but a follow-up prepared report from the Social Worker may be desirable. Such a report should be presented in narrative form rather than in a format similar to the S.W.581, and should be prepared on an individual basis and not by cyclostyled form. (See also C6.7).

C6.17 Full records of the child's background to be preserved on file

While background material to be passed on to the adoptive parents may well be an edited version of the information known to the Social Worker about the parentage of the child, all known details should be recorded and retained on the office file for possible later reference. If the present trend continues towards a more open attitude regarding the adopted child's access to personal information, more adopted children may in future approach the Department for further details about their background. The discovery at this stage of poor earlier recording would be a distressing disappointment to both the young person and the Social Worker dealing with the request.

C6.18 The exchange of gifts, cards and photographs between natural and adoptive parents

The exchange of gifts, cards and photographs between natural and adoptive parents can be a constructive part of the adoption process, subject to willingness on the part of the adoptive parents. Their true feelings should if possible be ascertained. While feeling that they should give and receive these tokens, they may come to feel that they are not fully entitled to the baby, and the success of the adoption may be endangered. It should also be borne in mind that a natural mother's continuing enquiries and gifts may conceal the need of help and guidance for herself from the Social Worker.

Contact between the two parties should normally cease by the time of the making of the final adoption order. It is not uncommon for a mother to enquire about her baby at the time of its first birthday; but once the adoption is finalised an approach should not be made to the adoptive parents unless there has earlier been a clear indication from them that they would be willing to accept this.

It has been suggested that items of clothing and toys, which are soon grown out of or discarded, and can simply be referred to in later years, may make more suitable presents than gifts such as jewellery which may be over-treasured by the growing child and deeply mourned if eventually lost.



C6.19 Assistance to natural mother after placement of the child

Some natural mothers regard the signing of consent as the end of an era in their life, and do not feel the need for further contact with our department. With others, the issue is not so clear-cut, and we would be failing in our duty as Social Workers if we did not offer subsequent contact to assist the mother to come to terms with her difficult decision. Such contact should be used to redirect her attention towards her future.

C6.20 Summary of action to be taken by Social Worker and clerical officer when placing a child with adoptive applicantsSocial Worker's action

- Despatch approval and covering letter to adoptive applicants' solicitor immediately.
- Ensure that Benefits and Pensions Division, Head Office, is notified of placement of child. (Prepare form S.W.569). This form was originally designed to minimise the possibility of linking the natural and adopting mothers through district office records. Any subsequent queries about family benefit when it concerns an adoption placement should be directed to Head Office.
- Send letter to applicants giving background information on child if desired
- Minute file to - a) Clerical officer for appropriate action. (See below).  
b) Social Worker who will be visiting until issue of final order.

Clerical officer's action

- Withdraw applicants' file from "awaiting placement" section and enter child's name and other details on file cover.
- Place all papers relating to natural mother and child (S.W.581) on applicants' file, including letter to applicants (if sent) giving background information on child
- Place copy of approval (S.W.602) on file, and copy of letter to adoptive applicants' solicitor.
- Alter master index and Kardex cards to show current situation.
- Return file to Social Worker supervising adoptions.

C6.21 Social Worker's home visits after baby's placement

Section 15(2) (b) of the Adoption Act states that a Social Worker 'may at all reasonable times visit and enter the residence in which the child lives'. Before preparing the interim report the Social Worker should have made at least two visits to the home. The new parents are usually so delighted and relieved to have their baby that they tend to minimise any difficulties they may be experiencing. However they should be helped to understand that we will not express great surprise or disappointment or automatically 'take the baby back' if they confess to problems, such as the mother's tiredness, or marital strain, as the couple adjust to the newcomer's sudden arrival in the home. The mother should be encouraged to talk about any worries or embarrassments, such as tactless comments made to her by relatives or neighbours, and the mixed feelings she may be having about the baby itself. The Social Worker should see the child at these visits and should enquire about sleeping and feeding habits etc.

The couple may be advised that though there is no legal barrier to having the baby christened, they may be wise to wait until the interim order has been made. They must appreciate that the permanence of the placement cannot be completely certain until the adoption is finalised. A point should be made of seeing the father at some stage. The mother should again be encouraged, if necessary, to accept the services of the Plunket or public health nurses where available and appropriate. The Social Worker should check that the parents are aware of their entitlement to apply for family benefit.

When the interim order has been made, visits should continue at about monthly intervals. Before the final order the couple should be seen together at least once more. At the final visit it should be stressed that the couple should feel free in later years to call at the office to discuss progress and seek guidance. If appropriate, the question of a further adoption should also be raised at this stage.

C6.22 Consent during the interim period for medical, surgical or dental treatment, or a blood transfusion for a child placed for adoption

Section 25, subsections (3) and (4) of the Guardianship Act 1968 provide that where a child has lawfully been placed for adoption, the adoptive parents are deemed to be its guardians for the purpose of signing any necessary consent for medical, surgical or dental procedures, including a blood transfusion.

The adoptive parents should be advised of this provision, and also that they should advise the department as soon as they reasonably can of any illness or accident involving the child.

C6. 23 Breakdown of adoption during interim period

If it should become apparent during the interim period that the adoptive parents are not happy with the baby, or if there are signs of serious strain in the marriage, the Social Worker should make more frequent visits to help the new parents to identify the difficulties with a view to resolving them, or possibly to facing up to the wisdom of relinquishing the baby. If a bond does not develop between the applicants and the child during the first few weeks, or if the arrival of the baby is endangering the marriage, the prospects for a successful adoption are likely to be poor. It is probably better for the baby to undergo the stress of a change of home at this stage rather than to remain in an unhappy situation indefinitely. The Social Worker too may need to face up to the fact that the placement has proved unsuitable.

C6.24 Reporting to the Court

- (a) Form of the report. Our report is prepared on district office letterhead and is addressed to the Registrar, Magistrate's Court. Suitable reference is made to the application, e.g.:

"Application to adopt - SMITH to adopt REGAN"

Paragraphs may be numbered and headings used if desired but there is no set form.

The report should be signed personally by the Social Worker who prepares it and the designation "Social Worker" should be written in full.

If an inexperienced Social Worker has completed the report it should be viewed by a supervisor before it is filed at the Court. A copy of the report should be placed on the applicants' file. A copy is not customarily sent to the Director-General.

(b) Report for the hearing of an application for an interim order

The report for the hearing of an application for an interim order will be chiefly concerned with the results of interviews with the applicants; visits to their home; interviews with the referees, and checks with the Police, together with background particulars of the child. The following form may be used as a guide:

The applicants - A factual paragraph including names, ages, address, date and place of marriage; number, sex and ages of children; education; religion; state of health; occupation and general financial position.

- A second paragraph dealing with the character of the applicants, in which the opinion of the reporting Social Worker on their suitability or otherwise as adoptive applicants is expressed; and specific reference is made to the results of inquiries made of the Police, and of any other persons whose opinions can be regarded as of value. The reasons for the applicants wishing to adopt should be stated, and comment may be included on the Social Worker's view of the genuineness and soundness of these reasons.
  
- Home circumstances - A brief description of the home, externally and internally, including location, general care, accommodation with special reference to the child concerned, and the general atmosphere and emotional climate of the home.
  
- The child - Full name, date and place of birth; age, nationality, occupation and marital status of the mother, and, if known, of the father of the child. The father should not be named unless he has been adjudged. Comment may be made on the reason for the child being available for adoption. Where an older child is being adopted, comment should be made about its feelings towards the proposal. If conditions have been imposed by the parent or parents in respect of the child's religious upbringing these should be stated.
  
- Granting of approval - This paragraph should contain the reporting Social Worker's opinion as to the suitability or otherwise of the placement and the date of approval if given. If not given, the reason for withholding approval should be stated in this section.
  
- Recommendation - A definite recommendation either for or against the making of the order should be made. Social Workers must not evade the issue by making such statements as "I am unable to make a recommendation."

C6.25 No report required where an applicant is already a parent

Under Section 10 of the Act there is no requirement for a Social Worker to provide a report for the Court when one of the applicants is already a parent of the child, whether by birth or by previous adoption. However, if the Court should request a report in these circumstances, then the usual report should be furnished.

C6.26 Attendance at the Court

Clause 10 of the Adoption Regulations 1959 provides that:

"Unless the Court directs otherwise, the applicants and the child proposed to be adopted shall attend personally before the Court at any hearing of the application for adoption or at any hearing by the Court of the application for the issue of an adoption order."

The solicitor for the applicants usually arranges with the Registrar a suitable time for the hearing. The Social Worker must attend the Court if not recommending the adoption so as to be available to answer questions on the content of the report. This applies even if the Social Worker does not wish to exercise the right to cross-examine, call evidence, and address the Court. In cases where the Social Worker recommends the adoption there is normally no need to be present.

If a Ward is being adopted, the Social Worker should attend even though we are recommending the adoption. The Social Worker is representing the child's legal guardian and if the Director-General has prepared the papers, the Social Worker, (who will have arranged the hearing with the Registrar), will by attending be giving the applicants some measure of guidance and support throughout the proceedings.

C6.27 Notice of making of interim order

As required by Clause 1 of the Adoption Regulations 1959, the Registrar, if an interim order is made, will send the applicants a notice (in form No.4 of the Schedule to the Regulation), and is required to give written notification to the Social Worker of the particulars of the order.

C6.28 The final report

The report for the adoption order will be primarily concerned with the progress of the child since placement, and the confirmation or otherwise of the soundness of the placement; not only as far as the child is concerned, but also the applicants - for example, whether strain has entered into the marriage relationship on account of the child's placement in the home; whether the satisfaction in having the child is shared by husband and wife and by their natural children (if any), etc. The general instructions included in paragraph C6.23 (a) will apply in preparing the report.

C6.29 Content of final report

The following form may be used as a guide:

- Progress of the child - under this heading any important facts concerning the child's physical progress will be mentioned with special reference in exceptional circumstances to any Plunket or medical reports. This paragraph will also refer to the normality or otherwise of the child's response, along with any impressions gained from the Social Worker's visits during the interim period of the child's general happiness and contentment from the care received.
- The applicants - During several visits to the home the visiting Social Worker will have come to know the adoptive mother and her attitudes fairly well. It is important also for the Social Worker to see and know the adoptive father within his home setting and to try to assess his attitude to the child; to his wife's interest in the child, and to the proposed adoption. This assessment of the effect on husband and wife of the child's presence in the home and its continuing care is perhaps the most important part of the report, though it should not be too detailed.
- General observations.- (if there are additional relevant comments to be made).
- Recommendation - This paragraph is concerned with the recommendation or otherwise about the application for adoption. A definite recommendation either for or against the making of the order should be made.

C6.30 The effect of an adoption order

The legal effects of an adoption order are made clear in the Act and the principal effects are set out in summarised form in the statement of consent (refer Form 2 and 3 in the Schedule to the Adoption Regulations 1959).

C6.31 Notice of an adoption order

As required by Clause 13(2) of the Adoption Regulations 1959 the Registrar will send notice of the making or issue of an adoption order to the local district Social Welfare office.

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06.32 Revocation of the interim order

Section 12 of the Adoption Act provides for the Court to revoke an interim order "on the application of any person". In practice such applications are usually made by:

- A Social Worker if it is considered that the placement should be terminated in the child's interests;
- the applicants if their circumstances alter materially or they discover the child to have some defect which they are unable to accept.

Applications for revocation are rare. There are no prescribed forms or set procedures. It is not surprising therefore that in practice there is little uniformity.

If circumstances leave a Social Worker feeling that a particular adoption placement is not meeting the best interests of the child the social worker should immediately discuss the case with his/her supervisor and the Assistant Director Social Work. A decision to apply for revocation of an adoption order should only be made when the social worker, in consultation with his supervisor, adoptions officer and Assistant Director, Social Work, is reasonably certain that the child will be disadvantaged by the adoption proceeding. Head Office should be advised of this matter before any application is made to the Court. It is recognised that the decision is one that rests with the social worker in consultation with his supervisor, and the Assistant Director, Social Work. However, legal aspects can be complicated and the advice of the Office Solicitor is a prudent measure.

The following is an outline of the general procedure to be followed in such cases:

A memorandum setting out the facts and reason for proposed action should be sent to Head Office for consideration by Social Work Division and as necessary by Legal section. This action should precede any discussion with the adoptive family. Such action will ensure that a case can or cannot be made and legal assistance provided if required.

The legal section of Head Office willingly give advice and guidance as to the correct legal procedures to be followed. It is important that factual and professional evidence is gathered and presented in a logical sequence to support any proposed action.

The Office Solicitor will, if necessary, advise on the steps to be taken and any further evidence needed for the presentation of the case. In appropriate cases social workers will be assisted by legal counsel.

After receipt of Head Office advice the adoptive family should be informed of the intended action with the reasons leading up to the decision fully explained. Even at this stage the Social Worker should approach the adoptive parents with an open mind. It may be that the family can offer explanation or plans which changed the circumstances. The timing of the Social Worker's action is most important; for instance to act precipitately following the loss of a spouse by death or separation would, unless requested by the adoptive applicant or, because the child was in danger, be insensitive. However, to unnecessarily delay informing the adoptive parents of the proposed action could be unfair and hurtful.

Where the case is a clear-cut one, such as involving death of an adoptive parent or the clear breakdown of their marriage, the social worker should advise the adoptive parent(s) that he/she has a responsibility (in appropriate cases) to inform the natural parents of the intended actions and seek their feelings about the matter.

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Where the natural parents are informed it is important that any information given is honest but does not infringe on confidential information in respect of the adoptive applicants. Any approach to the natural parents should be sensitive to both the adoptive and natural parents' need at that time.

There may be situations where a revocation is being sought on grounds which have to be proved in Court. To inform the natural parents before such a hearing may cause them ongoing distress. One can envisage this happening when in the social worker's professional judgement one of the adoptive parents has not bonded to the child or where ill-treatment is suspected and this is denied.

The role of the Court is to confirm or reject the social worker's judgement.

### 06.33 Second and subsequent adoptions

It is probably especially helpful to adopted children to have the support of siblings, especially if these too are adopted; though it is of course not justified to place a second child for the sake of the first in a home where the success of the first placement is in doubt. Parents who are delighted with their first adopted child are occasionally hesitant to risk a second adoption fearing that such good fortune may not last. They may lack confidence in child-rearing or may have rather high aspirations for their adopted child. (See also 03.14).



C6.34 Full check to be made before a second adoption placement

When a second or subsequent application is made, a further full check and evaluation should be undertaken since the family is now a changed unit. Further police, medical and referee enquiries should be made. (See C3.31). The couple should have at least one office interview to discuss their adjustment to becoming parents etc. This may be particularly significant if the couple had been married for a number of years before adopting. A further home visit should be arranged and the adopted child's progress observed.

The timing of this placement is important. It should have been established that the applicants are physically and emotionally ready and keen to assume the care of another child, and that the first child is sufficiently stable to cope with sharing the parents' attention with a potential rival. This is particularly important if the first child is handicapped, has had a lot of illness, or was beyond infancy when originally placed. In such cases it may be wise to avoid placement of a second child who is older than the first. Note should be taken of how far the parents have progressed in explaining or preparing to explain adoption to the child.

If the couple intend to adopt only two children, the common request for the second child to be of the opposite sex to the first should be discussed carefully rather than being taken for granted. It should be ensured that the couple have given adequate thought to any possible advantages in both children being of the same sex, e.g. for companionship.

A scarcity of babies should never prevent a second placement in a suitable home simply in order that a greater number of applicants may receive a child.

C6.35 Later placement of a sibling

When a half or full sibling of an adopted child becomes available for placement, consideration is usually given to the possibility of offering it to the parents of the first child. It should be borne in mind, however, that while some couples will be accepting and enthusiastic, others may be deeply disillusioned to learn that the natural mother could 'make the same mistake twice'. The file should be checked to see if this possibility was discussed with the applicants when they first applied to adopt. (See C3.15) If not placed with the parents of the sibling the baby should be placed in another area.

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C7 RECORDINGC7.1 Filing

Most of the forms used have already been explained. This and the following paragraphs describe other forms which are used and the general filing procedure.

If a case involves no inquiry but perhaps referral to another district any notices or correspondence are to be placed on a general adoption file. Where an application is being investigated, applicants being interviewed, references being obtained, police checks being made, etc., a personal file will be made in the name of the applicants. This will contain in approximate order:

- Completed Form S.W.545 (Application);
- Form S.W.554 (Report);
- Notes for file on home visits (optional);
- Referees' written replies, or notes of interviews with them;
- Form S.W.532 (report from Police Headquarters);
- Notes of discussion with local police officers if space on form S.W.554 is inadequate;
- Other correspondence;
- Form S.W.614 (individual file cover)

C7.2 Three categories of files

The files are to be kept in three groups, the first two separate from the ordinary records system:

- Papers of unsatisfied applicants (i.e. "waiting list");
- Papers of applicants and children where a placement had been effected but a final adoption order has not been made;
- Papers of applicants and children where a final adoption order has been made, or the adoption has been permanently abandoned, or the case closed for any other reason.

Files for "unsatisfied applicants" should be put away in alphabetical or numerical order in a special set of pigeonholes or in "box" files. The files should be purged periodically and lapsed applications destroyed.

C7.3 Selection of files for suitable applicants when child available

When a child becomes available for placement a preliminary selection of "short-listed" applicants would normally be made from the S.W.529 cards which would identify the files which should be considered in detail for the final selection of the adoptive home.

C7.4 Action where placement is made or where application is for approval only

When a placement is made the applicants' file should be withdrawn from the "awaiting placement" box or pigeonhole and the child's name and the other details entered on the file cover, S.W.614. During this "live" period (i.e. while a child is actually placed but the final order has not been made) the file should be kept in a separate compartment, readily accessible to the records clerk and all Social Workers likely to be concerned. This will be the procedure followed at the outset in "approval only" applications where the child is placed as soon as approval is given. Office layout will usually determine whether they can best be kept in the main office or in a Social Workers room. The master index must of course indicate the current "status" of the file and therefore its location.

Form S.W.581 (report on the child) or equivalent papers concerning the child should then be added to the applicant's file, immediately below the cover, to be followed by the appropriate papers listed below:

- Copy on plain paper of S.W.602 (approval);
- Copy on plain paper of S.W.569 (advice to Benefits & Pensions Section) - refer Fig.9. This form should be completed by the adoptions officer and sent to Head Office at the time of placement of the child. (Refer also C6.22);
- Request for report for interim order;
- Copy of report for interim order;
- Notice of interim order;
- "Notes for file" regarding visits, and any correspondence;
- Request for report for final order;
- Copy of report for final order;
- Form R.G.69 (advice of final order - this is a copy of the form sent by the Registrar of the Court to the Registrar-General asking him to amend the original birth certificate to show particulars of the adoptive parents and change of the child's surname to theirs and to amend the Christian or first names to the ones they have chosen and which the Court has ordered. This has the effect that on any subsequent occasion on which the child or his adoptive parents request a birth certificate it will show his adopted name and show the names of his adoptive parents. The fact that he has been adopted will not be apparent to any person scrutinising the certificate).

C7.5 Filing action when adoption order is made or the case is otherwise closed

On receipt of R.G.69 (or on closing of the case for any other reason<sup>1</sup>) the statistical summary on form S.W.606 (refer Fig 7) must be completed, the appropriate "boxes" being

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Footnote: 1. For example, because the placement has proved unsatisfactory, the applicants have changed their minds, or the adoptive mother has become pregnant, or has died, or the interim order has been revoked.

ticked, and, if the final order has been made, a serial number for the year and district assigned from a register kept for the purpose.<sup>1</sup> When an interim order is not followed by a final order because the child has been placed a second time for adoption the original S.W.606 should be closed off and a new card made out for the new placement. The closed off card should be forwarded without a serial number, to Head Office. The card S.W.529 should be destroyed and a master index card in the child's new name prepared. As well as the child's new name this should contain its date of birth, the names of the adoptive parents, their address and the final order number and should be cross referenced with the child's original master index cards. The file should then be placed in the main "past records" storage space. The S.W.606 should then be completed by adding the child's new name and the name of the district office. At the beginning of each month Forms S.W.606 are sent to the Director-General (without a covering memo) for retention in Head Office for preparation of statistical information. (In cases where, for example, a husband jointly with his wife, adopts his wife's child of a former union, a Social Worker may not be asked to report to the Court (s.10(1) Adoption Act 1955), and also the Magistrate may decide to exercise his discretion to make a final adoption order, in view of the special circumstances, when the case is initially heard (s.5(b) Adoption Act 1955). Receipt of the R.G.69 (advice of final order) may be the first and only time the district office hears of the adoption. In order to make sure that our statistical information is complete, on receipt on the R.G.69 the relevant particulars on S.W.606 should be completed and the latter form forwarded to the Director-General. There is not enough information on the R.G.69 to answer every question on the S.W.606. Where the R.G.69 is the only record held it is sufficient for Head Office to transcribe the information it gives only. There is no need to ask the Court for supplementary information).

Districts are not expected to compile any adoption statistics, with the exception of a count of applicants on the waiting list at the end of six months and possibly other information not available from any other source, of which advance notice will be given. Summaries may be obtained from Head Office, if requested, and may be sent out to districts from time to time if this is likely to be useful.

#### C7.6 Master index cards

Master index cards are prepared for all adoptive applicants. If the applicants are found to be unsatisfactory both the master index card (S.W.529) and the personal file are to be stamped "unsatisfactory" in red. These records must be checked when a new adoption application is received.

#### C7.7 Adoption files not to be amalgamated with other files

Adoption files must not be amalgamated with personal files if the adopted child comes to notice at a later stage. A cross reference should be made, however, on both files and master index.

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Footnote: 1. This will be a simple index analogous to the Court Record index.

CS ADOPTION OF WARD

CS.1 Director-General's Approval to Proposal Required

The Director-General's approval in principle must be obtained for the adoption of a child under his guardianship. Some indication of his attitude to the adoption should in fact be sought as soon as there is an expressed interest by either the natural parents or foster parents, or if the Social Worker considers such a step desirable.

While the idea of adoption is often raised initially by the adoptive or natural parents, it is necessary for Social Workers to be actively involved in promoting this course of action if it is in the long-term interests of the child.

CS.2 Information Required in Support of Adoption Proposal

When formal approval is sought from the Director-General the following information is to be provided:

- (a) A full case history - together with a copy of the current plan (S.W.515).
- (b) Detailed information of the prospective adoptive family to include:
  - (i) name, age and status of each family member;
  - (ii) attitude of each towards the adoption;
  - (iii) financial situation with comment on general ability to support an extra child;
  - (iv) accommodation with reference to the child's requirements;
  - (v) attitude of prospective extended family to adoption;
  - (vi) attitude of adopting family to child's natural family with special reference to any planned on-going contact;
- (c) attitude of natural family to adoption, attitude of new spouse of natural parents, the availability of consent from those legally required to give it (see S.7 Adoption Act 1955 re consents);
- (d) attitude of child (where appropriate) to the adoption.

CS.3 Action Once Director-General's Approval In Principle is Received

Once the Director-General's approval has been obtained, the adoptive applicants should be advised to approach their Solicitor and ask him to act on their behalf.

Where a child is being adopted by current foster parents this department will maintain the child on Board status after granting of the Interim Order and until the Final Order of adoption is granted, unless the foster parents wish otherwise. Such payments can be regarded as some recompense for the legal fees incurred by the foster parents. Family benefit and handicapped child allowance (if applicable) would be payable as from date of final order.

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Where a Final Order of Adoption is granted in the first instance, adoptive applicants will not benefit from this provision. Neither does this provision apply to children who are in care but who are placed with families, specifically for the purposes of adoption. Unless there are special circumstances which warrant payment of board, such children should be placed on B.n.p. status. If it is considered that board payments should be paid to any foster parents in this category a submission and recommendation must be made to the Director-General.

#### C8.4 Dispensation of Parental Consent

The Legal Section in Head Office handles all applications of this nature. Requests for consideration should be addressed to the Social Work Division Head Office in the first instance. It is not necessary to have specific adoptive applicants in mind when such an application is made. An order dispensing with parental consent is valid for six months, and during this period a placement may be arranged.

#### C8.5 Information Required in Support of Dispensation Proposal

When referring a recommendation for dispensation to Head Office (attention Social Work Division) the following information should be included:

- (a) a full case history together with a copy of the current case plan (Form S.W.515);
- (b) full names, addresses and status of the child and of his or her natural parents;
- (c) full name, address and status of the Social Worker who will be handling the case, together with similar information about departmental staff who may be called as witnesses;
- (d) details of each natural parent whose consent is required, reasons why consent cannot or will not be given, and any supplementary comments which will provide helpful background;
- (e) an explicit and detailed account of any parent's or guardian's contact with the child since that child came into care;
- (f) an explicit and detailed account of the child's relationship with and reaction to any interest in and concern shown by the natural family together with, where appropriate, the child's reaction to this;
- (g) details of child's siblings, their present whereabouts, and their past and/or present relationships with the child;
- (h) a reasonably detailed history of the foster parents (and their family), their involvement with the child and the reasons why adoption by them would be in the child's best interests (this may well be cross-referenced to material supplied when asking the Director-General's approval to proceed with the adoption).

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- (i) Details of any maintenance arrangements. If NIL maintenance has been approved, why? If an agreement or order is in force, whether payments are up to date.

Following receipt of this material at Head Office you will be advised whether:

- (a) The Director-General agrees to handle the dispensation application.
- (b) More information is required before a decision is made.
- (c) The request is declined, with reasons for this decision.

CB.6 Action Following Approval to Seek Dispensation

Once a decision has been made to proceed, the Legal Section will deal directly with districts on legal procedure, evidence required, and presentation methods. All other matters pertaining to the child during this time must still be referred to Social Work Division who will liaise with Legal Section.

CB.7 Adoption Order

On the date of the adoption order a notification slip will be entered showing the incident as 'Adopted' and with the entry in the remarks column 'Final Order', and the child's new name shown there.

CB.8 Director-General's Consent Legally Executed Not Required

The provisions of Section 7(3) (a) and (b) of the Adoption Act 1955 do not require the Director-General's consent to the adoption of a Ward. When the Act was framed the inter-departmental committee considering its provision decided that as Social Workers must approve placements for adoption and must also provide reports to the Court there would be adequate safeguards. If a District Judge queries the absence of a consent executed by the Director-General, the Social Worker should explain that the Director-General does not interpret Section 7 of the Act as requiring consent from him.

CB.9 Procedure to be Followed Where Director-General is Opposed to an Adoption Which a Social Worker Recommends

It is only rarely that an application for the adoption of a Ward is made in opposition to the judgment of a Social Worker or the Director-General. If a Social Worker handling a case supports adoption while the Director-General opposes it for some reason, the Court would not, in the absence of any formally executed consent from the Director-General, be justified in concluding that he opposed the application. If an application for the adoption of a Ward is made against the Director-General's wishes then in every such case the Social Worker reporting to the Court should clearly set out in his/her report the fact that the Director-General, as the child's legal guardian, does not favour the granting of the application. The Director-General would not want the Social Worker handling a case to be placed in the position of substituting the Director-General's opinion for his/her own. In a report to the Court a Social Worker should conscientiously express his/her own personal recommendation. Therefore in the adoption of a Ward, where the Director-General's opinion differs from that of the Social Worker, it would be expected that the Director would arrange for a Senior Social Worker to take over the case in order that agreement could be reached on the proposed adoption.

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08.9 Director-General's consent (legally executed) not required

The provisions of Section 7(3)(a) and (b) of the Adoption Act 1955 do not require the Director-General's consent to the adoption of a Ward. When the Act was framed the inter-departmental committee considering its provision decided that as Social Workers must approve placements for adoption and must also provide reports to the Court there would be adequate safeguards. If a Magistrate queries the absence of a consent executed by the Director-General the Social Worker should explain that the Director-General does not interpret Section 7 of the Act as requiring a consent from him.

08.10 Procedure to be followed where Director-General is opposed to an adoption which a Social Worker recommends

It is only rarely that an application for the adoption of a Ward is made in opposition to the judgement of a Social Worker or the Director-General. If a Social Worker handling a case supports adoption while the Director-General opposes it for some reason, the Court would not in the absence of any formally executed consent from the Director-General, be justified in concluding that he opposed the application. If an application for the adoption of a Ward is made against the Director-General's wishes then in every such case the Social Worker reporting to the Court should clearly set out in his/her report the fact that the Director-General, as the child's legal guardian, does not favour the granting of the application. The Director-General would not want the Social Worker handling a case to be placed in the position of substituting the Director-General's opinion for his/her own. In a report to the Court a Social Worker should conscientiously express his/her own personal recommendation. Therefore in the adoption of a Ward, where the Director-General's opinion differs from that of the Social Worker it would be expected that the Director would arrange for a Senior Social Worker to take over the case in order that agreement could be reached on the proposed adoption.

C9 MAORI CHILDREN PLACED FOR ADOPTION

It is sometimes found that a Maori mother neglects to register the birth of her child and as a suitable placement for a Maori or part Maori baby often takes considerable time to arrange and may involve other districts, it may be some time also before the mother's oversight is revealed by the need for a copy of the certificate to file in the Court. In the absence of registration, and if the mother cannot be located in the meantime, the adoptive parents are unduly inconvenienced in making their application. Social Workers should, therefore, when arranging a placement, verify that the child's birth has been registered. The Act and Regulations provide for dispensing with both the birth certificate and the parent's consent if the Court considers this necessary but there may be difficulties and applicants may be caused extra worry unnecessarily.

C10 IDENTIFICATION OF ADOPTING PARENTS BY NATURAL MOTHERC10.1 Mother legally entitled to know names of adopting parents

Section 7(6) of the Adoption Act 1955 provides that "The consent of any parent or guardian of a child to an adoption may be given ... without the parent or guardian knowing the identity of the applicant for the order". This means that solicitors and others are legally entitled, provided they have the concurrence of the parent or guardian, to obscure that part of the consent document containing the identity of the adopting parents at the time that the parent or guardian signs it, or else to use a form of consent that does not specifically name the applicants. In the majority of cases mothers do not want to know the names of the adopting parents and this procedure is therefore widely practised. In a few cases, however, the mother will ask to know the names of the adopting parents and while Social Workers may advise the mother against this, she is nevertheless legally entitled to know. Such a wish on the mother's part will usually be made known during the initial interviews in which case the Social Worker would have to accept her wishes although he/she would need to be frank about the possible difficulties of finding a couple willing to adopt a child whose mother would later be able to identify them. There are couples who would be happy to meet or have had direct contact with the mother of a child available for adoption and sensitively handled this can be a positive experience for all concerned. It would however lead to future difficulties and these should be thoroughly discussed with all parties. (Refer C10.3).

C10.2 Adoptive parents should be consulted before disclosing name

On the other hand the mother may not request the disclosure of identity until much later when preliminary arrangements will have been made and adoptive parents found. She may even leave it until she is about to sign the consent document. If this occurs, the Social Worker should consult the adoptive parents before disclosing identity so that they may reconsider their decision, if they wish, in the light of the natural mother's request.

C10.3 Meetings between natural and adoptive parents

Provided that all parties are in full agreement and the Social Worker is convinced that it would be beneficial to all concerned there is no reason why arrangements should not be made for a meeting between one or both adoptive parents and one or both natural parents of the child in question. Such an arrangement, however, should not be undertaken lightly and not without prior discussion with a Senior Social Worker. This could be done without revealing identity on a first name basis.

C11 ADOPTIVE APPLICANTS FROM OVERSEAS (Section 3)C11.1 Inquiries received

When overseas people make inquiries regarding adopting before they come to New Zealand such inquiries are to be referred to the Director-General for reply. The Department can not assist overseas applicants to adopt a child here and will not obtain advance background reports on applicants who wish to contact a private organisation which arranges adoption placements. Social Workers should not advise overseas applicants to locate a child through private sources, but if applicants have a child offered to them in this way then the Director-General should be advised immediately.

C11.2 Applicants to apply direct to Court

There is nothing in the Adoption Act to prevent persons coming from overseas, locating a suitable child, and applying to the Court here for an adoption order. However, because such applicants are generally known to us on paper only and because they normally apply for a final order in the first instance, leaving no opportunity for a trial period as provided by an interim order, Social Workers should not issue an approval but should advise the applicants to apply direct to the Court. When such applicants locate a child privately and apply direct to the Court for an adoption order, a Social Worker is required to report to the Court in the usual manner. All such cases should be referred to the Director-General who will obtain background information from the appropriate overseas social work agency. When a request for a report arrives from the Court it should be actioned quickly as overseas enquiries usually take a considerable time. (Refer also C6.13).

C11.3 Criteria for reporting on overseas adoption orders

The first basic point that should be made in considering an adoption application from overseas when reporting to the Court is that the present and future welfare of the child is paramount. This of course applies to all adoptions.

Since we are basing a favourable recommendation to the Court in any overseas adoption on what we judge to be the child's welfare we should consider amongst the usual criteria, the educational and employment opportunities available to the child in the country of placement.

It is important to establish whether a New Zealand adoption order will be recognised in the applicants' own country and whether it will have the right to enter its new parents country and to receive full citizenship.

The mother of a child proposed for placement with overseas applicants should be told something of the proposal and of the likely making of a final order in the first instance.

C11.4 Magistrates' attitudes

Some Magistrates have in the past been willing to grant a final order in the first instance; some have granted an interim order, have given leave under Section 15(2)(6) of the Act for the applicants to take the child out of New Zealand, and have later been willing to accept the reports of a reliable person or agency in the applicants' own country to grant a final order on the basis of these reports. However, certain Magistrates take the view that once a child leaves New Zealand he is beyond their jurisdiction and they have declined to follow the latter course.

C11.5 Applicants arriving without warning

There are always cases where a couple from overseas arrive without warning and inquire about adoption. In such instances the couple should be told that the Social Worker can not approve placement or assist in any way.

C11.6 United States adoptive parents

A New Zealand child who has been in the care of American adoptive parents for less than two years can be admitted to the United States in only two ways:

- as an immigrant on the New Zealand annual quota (this involves long delays as the New Zealand quota is very small); or
- as an "eligible orphan".

An "eligible orphan" under the United States immigration law is defined as a child under fourteen years of age who is an orphan because both parents have died or disappeared or deserted it. For a child to be allowed entry on this basis the United States Naturalisation Department requires proof that the natural parents of an adoptive child have released it for adoption and emigration and also that they are incapable of caring for it themselves. Social Workers who arrange adoption placements with American citizens intending to return to the United States should obtain from the natural parents a statement to this effect and advise all applicants to consult their Embassy about immigration regulations. Where a child is born out of wedlock only the mother's circumstances are taken into account.

C11.7 Australian adoptive parents

Australians who adopt a child in New Zealand should have it pointed out that not all Australian States recognise adoption orders made in New Zealand. If they intend returning with the child to Australia they should be encouraged to consult the Australian High Commission as to the ruling in the state to which they may return.

C12 ADOPTION AND IMMIGRATIONC12.1 Entry permit for foreign child

A number of complications can arise where a child from overseas is involved in adoption by New Zealanders. In most cases a foreign child must be granted an entry permit by the Immigration Division of the Department of Labour before he can come to New Zealand. This applies even where the child has already been legally adopted overseas by New Zealand residents.

C12.2 Inquiries to be directed to Head Office

All inquiries concerning the adoption of overseas children should be referred to Head Office and Social Workers should not enter into correspondence with the Department of Labour.

C12.3 Outline of immigration policies

In 1973, in a review of its immigration policies, Government issued a set of guidelines to be used in determining the rights of entry of children involved in adoption. (Refer C12.4). It also stated that the Department of Social Welfare would investigate the circumstances of all applicants to adopt overseas children and that "Permits for children to enter New Zealand will be issued only where that Department is willing to approve the proposed placements".

Although it is not possible to list all contingencies, the sorts of cases covered by the guidelines would include those where a child is:

- already legally adopted in an overseas country by New Zealand residents;
- living in New Zealand on a temporary entry permit and to be adopted here;
- living overseas and to be brought here for adoption;
- living overseas and to be adopted in his own country and subsequently brought to New Zealand.

(Refer C2.2)

C12.4 Investigating circumstances of applicants and child

Before a recommendation can be made to the Department of Labour there must of course be a full investigation of the applicants' circumstances as in a local adoption,

but it is also particularly important to know a good deal about the child concerned, to see whether the guidelines apply. This may entail inquiries overseas.

The guidelines are as follows:

- (a) The child should be in need of help, and it should be in the interests of the child that it move from the society in which it has been born and be adopted by parents from another country.
- (b) To ensure as far as possible that the adoption will be successful, the prospective adoptive parents, the child and the conditions for the proposed adoption (e.g. age, parental or other consent etc.) must meet the standards which apply to the adoption of a child born in New Zealand.
- (c) To assist the child to adapt to its new society it should be of pre-school age, unless there are special circumstances.
- (d) To promote the better matching of the child with the prospective parents an overseas social welfare agency, acceptable to the Department of Social Welfare in New Zealand, should report on the child.
- (e) The prospective parents must have a genuine reason for seeking the adoption.
- (f) Proxy adoptions will not normally be accepted unless the adoptive parents have had previous ties with the child.
- (g) Where the adoptive parents have not made arrangements for the adoption in accordance with the above criteria before leaving New Zealand, but while temporarily overseas wish to adopt a child in an overseas country, the adoption must conform with the law of that country, and before the parents return to New Zealand the child must have lived with them for a sufficient period to ensure that it has become an integral part of the household.

#### C12.5 The welfare of the child is paramount

When reporting on any adoption proposal or in dealing with local inquiries concerning an overseas child, Social Workers should keep these guidelines constantly in mind. However well-motivated and worthy would-be adopters may be, it is the child who must be considered first. The guidelines are designed to assure that his welfare will be promoted by adoption and that he will "settle harmoniously into his new community". If he is living in reasonable circumstances overseas entry is not likely to be granted.

#### C12.6 Location of children

It is not intended that the Department will actively seek children overseas on behalf of people who want to adopt an unspecified foreign child. If inquiries of this nature are made the people should be told that most countries are not keen on "exporting" children for adoption but if they know of, or think they can locate a child, their proposal will have to be thoroughly investigated both here and overseas and will have to meet the guidelines set by Government.

C12.7 Problems associated with inter-country adoptions

Adoptive applicants should be told that inter-country adoption especially where South East Asian countries are concerned, is a complex, lengthy, and often costly business. Social Workers should carefully discuss the problems of inter-cultural adoption with enquirers and try to assess their motives. Many people who wish to adopt a foreign child have worthy humanitarian reasons for doing so but have not thought objectively about the difficulties of bringing up a child from another culture, especially one who may have been raised in an institution.

C12.8 Non European New Zealanders wanting a child of their own race

Sometimes childless non-European New Zealanders wish to adopt a child of their own race and cannot do so in this country. Although in general the Department does not try to locate children in other countries for adoption, some limited assistance may be possible in certain cases where a couple does not know of a particular child who is available.

Inquiries should be referred to Head Office but nothing should be said to raise a couple's hopes of success as such children, especially Chinese ones, are often very much in demand in their own countries and legal difficulties are numerous.

C12.9 Children living in New Zealand on temporary entry permits

Sometimes a couple apply to adopt a child who comes from overseas and who is already living with them. It is very important in such cases that Social Workers establish whether or not the child has been granted permanent entry to New Zealand before a report is submitted to the Court. Sometimes such a child (and this most often involves Pacific Islanders) is brought to New Zealand by his parents ostensibly for a holiday and is left with friends or relatives who then apply to adopt him. Adoption does not automatically give such a child the right to remain in New Zealand. In all adoption applications, therefore, where the child concerned comes from overseas, details should be sent to Head Office so that the case can be discussed with the Secretary of Labour's immigration staff. No report recommending the making of an adoption order should be sent to the Court until this has been done and the question of the child's entry determined.

C12.10 Children already adopted overseas

Sometimes a New Zealand couple travel overseas, adopt a child and then wish to bring him back to New Zealand. Although the adoption has already been effected, the question of the child's entry still has to be decided according to the guidelines and this Department is involved in reporting to the Department of Labour. Social Workers may be asked to supply home studies on adoptive parents, and overseas inquiries regarding the child may still be necessary in such cases.



C.13 ADOPTION APPLICATIONS BY MEMBERS OF STAFF

C.13.1 Guidelines

Amongst a staff as large as ours, there are certain to be members who wish to adopt a child. In 1965, A Magistrate dealing with an Adoption Application by a District Child Welfare Officer, expressed doubts about the propriety of putting a junior officer in the position of having to report to the Court on his/her senior.

The following guidelines are to be followed:

- a. Interviewing and approving applicants for adoption who are staff members is to be done by a Social Worker senior to the applicant.
- b. If necessary, or if the applicant wishes it, a more senior Social Worker from another district should be asked to make the necessary enquiries and report to the Court.
- c. All Social Work records relating to a staff application are to be kept under lock and key by the A.D.S.W. or the Director of the district or districts concerned. Such records as Kardex cards should show only the name of the applicants with a note that further information is available from the Director or the A.D.S.W.
- d. Correspondence between district offices about a staff application should be sent marked "Staff Confidential" and handled at a senior level.
- e. In cases where a staff member is either the adoptive applicant or the parent of the child being adopted, form S.W.569 (advice to National Index about family benefit) should be placed in an envelope separate from other National Index mail, marked "Staff matter. Confidential" and addressed to the Administration Officer himself, Data Processing Centre P.B.27/1, Upper Hutt. The form should either be noted to indicate which of the parents is a staff member or should be accompanied by a covering note explaining the situation. When forms F.B.5, F.B.6, F.B.35 and 35A relating to family benefit are sent out from National Index, they will be enclosed in a separate envelope marked "Staff Matter - Confidential" and addressed to the Director himself. A covering note will show the relationship between the child and staff member.
- f. Any unusual or complex adoptions in which there is doubt or difference of opinion about the way in which an application is to be handled should be referred to Head Office with a recommendation.

C.13.2 Adoption by Relatives of Social Workers

To ensure that the department's impartiality in respect of adoption cannot be questioned, Social Workers should not handle adoption matters when a relative is involved. In all such cases, another Social Worker, not previously personally involved, should handle the application. In small districts it may even be necessary to request an officer from an adjoining district to handle a particular adoption.

Assistant Directors(Social Work) should be informed by any Social Worker when a relative is an adoption applicant, so that he may re-allocate the inquiries to another Social Worker.

Part C - ADOPTIONAPPENDIX

Fig 1.	Report on Child Available for Adoption	S.W.581	C7.4
Fig 2	Application to Receive a Child with a View to Adoption	S.W.545	C3.4
Fig 3	Social Worker's Summary Report on Adoptive Applicants	S.W.554	C3.24
Fig 4	Police Report on Applicants for Adoption	S.W.532	C3.34
Fig 4(a)	Letter to Referees	S.W.623	C3.31
Fig 4(b)	Letter to Adoptive Applicants	-	C3.41
Fig 5	Summary Record of Adoption Application	S.W.529	C3.45
Fig 6	Social Worker's Approval for the Placement of a Child for the Purpose of Adoption	S.W.602	C6.10
Fig 7	Statistical Summary Card	S.W.606	C7.5
Fig 8	Adoption Questionnaire	S.W.556	C6.13
Fig 9.	Notification to Benefits and Pensions, Head Office of Child's Placement for Family Benefit Payment	S.W.569	C6.19
Fig 10	Flow Chart of Social Work and Clerical Procedures for Adoptions	-	-

## DEPARTMENT OF SOCIAL WELFARE

## REPORT ON CHILD AVAILABLE FOR ADOPTION

CHILD:	Allison Brown		Sex: Female	Born: 5.11.75
Confinement at:		Due: 29.10.75	Registered at: Whareiti	
Religious denomination and any conditions:	Unconditional			
Birth weight:	4003 gr	Full term? Yes	V.D. test? Negative	
Delivery, health, and progress:	Normal Apgar 10/10			
Description:	Fair skin blue eyes darkish hair			
Personal Details:	MOTHER Rose Brown		FATHER Jack Black	
	Date of birth	Race	Marital Status	Age Race Marital Status
	4.7.59	E	S	6.2.56 E S
Occupation:	Machinist		Driver	
Health:	Good. No family history of ill-health or hereditary conditions		Good as far as known	
Education:	3 years Sec.		2 $\frac{1}{2}$ years Sec.	
Intelligence:	Average.		Average.	
Religious Denomination:	C of E.		N/K	
Personality:	Quiet, sense of humour, mature for age.		Outgoing, cheerful type mixes well	
Interests:	Basketball, swimming reading, sewing fashion		Rugby, racing, beer, tramping.	
Family History:	Father Railway worker (fitter) mother H/wife, 2 brothers, 18 & 20 years, 1 mechanic, 1 apprentice Carpenter.		Father: Accountant. Mother: Pt time Sh/typist	
Description:	5'-3" Fair hair, olive skin, blue eyes, slim build (56 Kg).		2 younger sisters 15 & 16 both still at school 3rd & 4th yr. Black wavy hair, 5'-8" tans well, brown eyes stocky build (77 Kg)	
Normal home address of mother:	13 Nova Street Whareiti		Temporary address: Until	
Solicitor:	M.J. Prudence	Doctor: Dr I.S. Sticheum	Referred by: Dr I. Sticheum	
Reasons for desiring adoption:	In best interests of child - does not wish to marry father and has insufficient resources to keep child			
Any other children or pregnancies?		If mother is single are her parents aware of situation? living at home		
LEGAL POSITION: Consents:	Mother's:		Father's or Husband's: -	
If mother is married has marriage terminated?	N/A	How? -	When? -	Where? -
Is husband father of child?	N/A	If he is not what is position regarding paternity, maintenance, husband's consent, address.		
Position regarding paternity and maintenance:	Has had no contact with father since 4 months pregnant. Did not offer any assistance.			

Social Worker's Comments:

Fig. 1 cont.

Rose has known Jack 12 months - he is friendly with her brothers. She has thought seriously about future of child and considers that she would not be able to provide the security a child needs. A friend kept her child earlier this year and is considering giving him up. She is aware of the possibility of D.P.B. to assist financially but does not feel ready to leave home and obtain accommodation for herself and child. Mother suggested that she remain home with child, but Rose is certain this would not be wise. Has two adopted cousins and feels her child will have better chance.

5/8/1975

S. J. White  
Social Worker

Senior Officer's Comments:

...../...../19.....

.....  
Senior Officer

## APPLICATION TO RECEIVE A CHILD WITH A VIEW TO ADOPTION

APPLICANTS' SURNAME	Green		Phone No.	135,791
ADDRESS (Describe location if necessary)	10 Rouge Avenue Whareiti			
If moved there within three years give previous address	-			
HUSBAND .. .. .	John Fraser (Christian names)		6 / 4 / 19 47 (Date of birth)	
Occupation .. .. .	Draughtsman		Employer: Ministry of Works & Development	
Religious denomination ..	C of E		Approximate annual income: \$7,400	
WIFE .. .. .	Vera Selina (Christian names)		Wilson (Maiden surname) .. 11 / 8 / 19 49 (Date of birth)	
Occupation .. .. . (Present or prior to marriage)			Religious denomination: Presbyterian	
When were you married ..	1 / 1 / 19 70	Where were you married?	Whareiti	
Have you any children born of your marriage or of one of you? If so, give their full names and birth dates.	No		Are you both British nationals or New Zealand citizens? If not, give details:  Yes	
Have you previously adopted a child? If so, give name(s) and birthdate(s)	No		Have you previously applied to adopt? If so, to whom? No	
If either of you has been married previously please state  N/A	How was the marriage terminated?  Where and when was it terminated? - If the wife has been married previously please state her former name: -			
Has either of you been adjudged guilty of any offence against the law? If so, give details and dates	No			
Give the names and addresses of at least two persons (not being relatives) who know you well as a married couple and who would be able to vouch for your character and suitability to adopt a child (NOTE—References will be asked to report independently.)	Mr and Mrs G. Grey, 12 D'or Crescent, Whareiti.  Mr and Mrs L. Tan, 24 Clair Road, Whareiti.			
Do you have a particular child in mind in making this application? If so, give his or her name	No		If you have preferences as to the age, sex, or race of the child you hope to adopt, please state these: European baby  Please state the religious denomination in which you intend that the child should be brought up: Presbyterian	
Give the name and address of your solicitor	Mr O.V.R. Counsell			

The Director, Department of Social Welfare, ....Whareiti.....

We have considered this matter together and now make joint application to take into our home a child for adoption. We believe that we can adequately maintain and satisfactorily care for any child who may be placed with us. We realise that our application may not succeed, and that if it does we may have to wait a considerable time before a placement can be arranged.

Date: 31 / 1 / 75  
...../...../19.....

.....J.F. Green..... (Husband).

.....V.S. Green..... (Wife).

(Please Tumble

**SOCIAL WORKER'S SUMMARY REPORT ON ADOPTIVE APPLICANTS**

Dates of office interview 8/4/75 26/4/75 and home visits 8/6/75

Applicant's surname:	GREEN	Descriptive address: 10 Rouge Avenue, WHAREITI
Referred by:	Selves	Applications with other agencies: No
Reasons for wishing to adopt - (include any relevant medical history)	Married 5 years. Husband low sperm count wife has had 2 operations for Ovarian Cysts and Specialist considers conception unlikely.  Doctor: Cockerill                      Doctor's opinion sought:	
Accommodation: (Note adequacy and whether owned or rented)	Spacious 4 bedroomed older style home, being re-decorated by Mr Green.	
Financial position: (Broad outline of income, savings, debts, insurances, commitments, etc.)	Mr Green \$7,400 salary carries life insurance \$6,000 in superannuation scheme. Purchasing home - 1 mortgage \$12,000, own car and boat. Mrs Green \$5,000 salary joint savings account \$1,275.	
Personal background:	Wife - age: 25 yrs. Country of birth: N.Z. Race: E	Husband - age: 28 yrs. Country of birth: N.Z. Race: E
Health:	Good	Good - Asthmatic
Education:	3 yrs Sec.	4 yrs Sec. U.E.
Employment history:	9 yrs D.I.C.	11 yrs Works and Dev.
Interests and hobbies:	Golf, reading, pottery, sewing	Golf, reading, interior decorating, landscaping, rugby, sailing.
Church affiliation:	Brought up Presbyterian	
Experience in child care:	Cared for nieces and ne hews	Limited.
Intelligence:	Average	Average
Standard of living:	Above average	Above average
Personality:	Outgoing, frank.	Pleasant, precise, thoughtful
Comments on own or adopted children:	5'2" Blonded hair, grey eyes, slim build, fair complexion.	5'7" Mousy fuzzy hair, blue eyes, thin, wears glasses.
Physical appearance: (Height, build, colouring, etc.)		
Attitude to special placement: (e.g., non-european, handicapped, etc.)	Would consider small proportion Maori blood, not prepared to accept physically or mentally handicapped child.	

Comments on application - (impressions from visits and interviews and oral comment from referees and police insofar as not documented elsewhere on file).

---

Office interview:

Husband quite at home, wife more anxious and nervous. Mrs G. able to talk about feelings. Mr G. kept at more objective, practical level. Both aware of Mrs G's problem in conceiving before marriage, and both seem well adjusted to idea of adoption. Have delayed applying to adopt until well settled financially. Mrs G.'s mother is adopted and was not told of this until engaged, which was very traumatic. Neither concerned about sex of child. Mrs G. will cease employment when baby available.

Home visits:

Mr and Mrs G. in process of remodelling home. Original and striking. Mrs G. very relaxed and friendly. Couple appear to have many interests in common - home decorating, golf and boating and both share household chores. Will probably set fairly high standards for themselves as parents. Marriage appears stable.

Home visits (continued):

---

Recommendation:

Application is approved/~~not approved~~/~~deferred~~\*

Decision:

Approved

.....  
Social Worker.

S. H. White  
.....  
Approving Social Worker.

\*Delete whichever not applicable.



## DEPARTMENT OF SOCIAL WELFARE

**POLICE REPORT ON APPLICANTS FOR ADOPTION**

The Commissioner of Police,  
WELLINGTON.

The persons named below wish to adopt a child. Would you please cause your records to be searched and advise me of any information which should be made known to the Court to assist it in deciding whether or not an application for an adoption order should be granted.

10 / 2 / 1975

I. Jones

for Director

Record No.: Police \_\_\_\_\_ Social Welfare: \_\_\_\_\_

Applicant's surname: GREEN Year married: 1970

Husband's forenames: John Fraser Year born: 6.4.47

Husband's occupation: Draughtsman

Wife's forenames: Vera Selina Year born: 11.8.49

Wife's maiden or earlier surname(s): Wilson

Applicants' address: 10 Rouge Avenue, Whareiti  
(If moved to this address within three years, give former address also)

Any convictions disclosed: No

Date of previous Police Report and Record No. N/A

Department of Social Welfare  
Social Work Division  
WHAREITI

This Headquarters has no information about the above-named applicants.

The following information should be brought to the notice of the Court in the event of an application being made for an adoption order:

Delete whichever is inapplicable.

/ / 19

for Commissioner of Police.

## DEPARTMENT OF SOCIAL WELFARE



PO BOX 1, Whareiti

Telephone:

Telegrams: Distwel

If telephoning or calling  
about this letter, please  
ask for

..... S.M. White .....

Reference:

PERSONAL AND CONFIDENTIAL

Mr and Mrs G. Grey,  
12 D'or Crescent,  
WHAREITI.

Dear Mr and Mrs Grey

Mr and Mrs John Green

of 10 Rouge Avenue Whareiti

wish to take a child into their home with a view to applying  
to the Court for an adoption order and they have given us your  
name and address as someone who knows them well and who might  
be willing to supply us with a reference.

Would you please write to this office and tell us whether  
you can recommend this couple as being suitable to undertake the  
care and upbringing of a child. It could be most helpful if you  
are able to make any comment on the quality of their home life, the  
stability of their marriage, their character, and their capacity to  
give a child the affection, training, and acceptance normally  
expected of a parent.

I should appreciate an early reply quoting the address as well  
as the name of the applicants. Your letter will be treated as  
confidential.

Yours faithfully,

for L. Jones

Director, Department of Social Welfare

## DEPARTMENT OF SOCIAL WELFARE



HEAD OFFICE, PRIVATE BAG, POSTAL CENTRE, WELLINGTON 1,  
NEW ZEALAND

Telegrams:  
Headwel, Wellington  
Telephone: 727 666  
Extension:  
Reference:

Letter to adoptive applicants advising that their application has been accepted

Mr and Mrs J. Green.  
10 Rouge Avenue,  
Whareiti.

Dear Mr and Mrs Green,

You will be pleased to hear that our preliminary enquiries about your application to take a child with a view to adoption have been satisfactorily completed, and that your name has been placed on our waiting list. The way is also open for you to approach any private organisation with a view to having your name placed on its waiting list. You may if you wish approach more than one organisation. You will need to have this letter with you when making your enquiries. It is important that the person or organisation planning to place a child with you should first discuss the matter with a Social Worker at the nearest office of the Department of Social Welfare. Your circumstances will be subject to review nearer the time when it is anticipated that you will be offered a child.

As has been explained to you, before you may receive a child under fifteen years of age into your home with a view to adoption, you must have either the approval of a Social Worker under Section 6(1)(a) of the Adoption Act 1955, or alternatively, an interim adoption order from the Court.

In view of the present scarcity of babies for adoption, the inclusion of your name on our waiting list does not guarantee that we will ultimately be able to offer you a baby. During the waiting period, which may well be lengthy, a Social Worker will visit you from time to time.

If you change your address; if you are away from home for any length of time; or if your situation changes, would you please advise this office.

Yours faithfully,

Social Worker

NEW ZEALAND DEPARTMENT OF SOCIAL WELFARE  
SUMMARY RECORD OF ADOPTION APPLICATION

Fig 5 S.W. 529  
Serial Number of Application:

Address: 10 Rouge Avenue, Whareiti		Phone: 735791	
Age at Application—(a) Husband: 28 (b) Wife: 25		Religious Denomination—(a) Husband: C of E (b) Wife: Presby	
Occupation— (a) Husband: Draughtsman (b) Wife (Present or previous): <del>Beautician</del> Beautician		Willingness to board child while waiting: -	Solicitor: Mr Bungay
Age and sex of child applied for: baby M or F		Comment on Applicant's background and suitability: (Education, intelligence, health, standard of living, child-care experience) Husband good health U.E. Wife good health 3 yrs Sec Home good material standard	
Children—(a) Own: Nil (b) Adopted: Nil		Attitude to "Difficult" placements: (Part Maori, handicapped, older child) Not interested in older or handicapped child. Would consider part Maori	
Birth dates N/A Sex: N/A		Date of Application: 31.1.75	
Date of follow-up inquiries by Applicant prior to placement:		PLACEMENT:	
Child's Name: Allison Brown		Natural mother— Name: Rose Brown	
Sex: F Date of birth: 5.11.75 Where registered: Whareiti		Address: 13 Nova Street, Whareiti	
Additional comment:		Marital status: Single	
Placement arranged by: S.W. (Applicant)		Additional comment: Nil	
Date placement: 18.11.75		S. and P. Section advised: 18.11.75	
GREEN		Interim order made:	
to adopt		(Child) BROWN	
		1   2   3   4   5   6	

(Remove flap after typing)

Coloured signals may indicate:

1. Religion.
2. Adopted before.
3. High Priority.
4. Social Worker supervising.
5. Interim order etc.

Fig. 6

Form S.W. 602

NEW ZEALAND DEPARTMENT OF SOCIAL WELFARE

Social Worker's Approval for the Placement of a Child for Purpose of Adoption

(Section 6 (1) (a) Adoption Act 1955)

ACTING under the authority of section 6 (1) (a) of the Adoption Act 1955,  
 I, S.N. White, Social Worker  
 of Whareiti hereby approve the placement  
 in the home of John Fraser Green and  
Wera Selina Green, his wife  
 at 10 Rouge Avenue Whareiti  
 of Allison Brown  
 (a  female child born on 5.11.75 at Whareiti)  
 for the purpose of adoption.

17.11.75 Date. S.N. White Social Worker.

NOTE—This approval is valid for one month only. Within one month from the date of the approval the adopting parents must, if the child concerned is still in their care, apply to the Court for an interim order of adoption. Failure to apply could constitute an offence under section 27 (a) of the Adoption Act 1955.

22932C—12,000/2/73 TC

Fig 7  
 METHDATE 5.11.75

ADOPTIVE NAME: <u>Recida Green</u>		NAME BEFORE ADOPTION: <u>Allison Brown</u>		Year: <u>15</u> / <u>5</u> Number: <u>11</u> / <u>12</u>	
37 <input type="checkbox"/> Male	Age of Adopting Parents: <u>27</u> / <u>28</u> Husband	34 <input checked="" type="checkbox"/> C.W.O.	56 <input checked="" type="checkbox"/> After C.W. Report Recommending	District: <u>Whareiti</u>	
38 <input checked="" type="checkbox"/> Female	Age of Child at Placement: <u>0</u> / <u>10</u> At Adoption: <u>0</u> / <u>1</u>	1 <input type="checkbox"/> Organisation for Unmarried Mothers	2 <input type="checkbox"/> Not Recommending	Remarks:	
39 <input type="checkbox"/> Legitimate	49 <input type="checkbox"/> 50 <input type="checkbox"/> Wife	2 <input type="checkbox"/> Doctor, Maternity Home	3 <input type="checkbox"/> Report Not Requested		
40 <input checked="" type="checkbox"/> Illegitimate	51 <input checked="" type="checkbox"/> Both European	3 <input type="checkbox"/> Other Professional Person (Lawyer, Minister, etc.)	4 <input type="checkbox"/> Without Interim Order		
41 <input type="checkbox"/> European	52 <input type="checkbox"/> One or Both Mixed or Part Mixed	4 <input type="checkbox"/> Natural Parents or Grandparents	5 <input type="checkbox"/> Adoption in Remarks Column		
42 <input type="checkbox"/> Mixed—Half or More	53 <input type="checkbox"/> Other Specify in Remarks Column	5 <input type="checkbox"/> Other Specify in Remarks Column	57 <input type="checkbox"/> Order Cancelled or Revoked		
43 <input type="checkbox"/> Less than Half	44 <input type="checkbox"/> Child Adopted by Strangers	54 <input type="checkbox"/> Interim Order Made	58 <input checked="" type="checkbox"/> Child Dead		
44 <input type="checkbox"/> Other Specify	45 <input type="checkbox"/> 1 Parent and Spouse	55 <input checked="" type="checkbox"/> After C.W. Report Recommending	59 <input checked="" type="checkbox"/> Payment Authorized		
45 <input type="checkbox"/> Relatives	46 <input type="checkbox"/> 2 Relatives	56 <input type="checkbox"/> Not Recommending	From:		
46 <input type="checkbox"/> Close Friends, Long-standing Foster Parents	47 <input type="checkbox"/> 3	57 <input type="checkbox"/> Report not Requested	To:		
	48 <input type="checkbox"/> Adopted				



7. Are you both New Zealand citizens?.....
8. Your full address .....
9. Sex, ages and state of health of children living of your marriage .....
10. If any of your children are over 15 years of age, how many are wholly or partially dependent on you for their support? Give details .....
11. Have either of you been married previously? If so, please state name and occupation of former spouse, the reason for termination of the marriage and the date on which this occurred. Also state the sex, age and state of health of any children of the former union and whether they are wholly or partially dependent on you: .....
12. Are you both in good health?..... Give details of any serious illnesses or disabilities affecting your health now or in the past .....
13. What are your reasons for wanting to adopt the child? .....

14. From what date has the child been in your home?  
.....
15. Have either of you been refused an order for an application for adoption?.....
16. At which Court do you wish the adoption heard? .....
17. Are you receiving any premium, reward or other consideration in respect of the adoption of the child?.....  
.....
18. Is either of you a parent of the child?.....
19. If you desire any alteration in the child's Christian names on adoption give desired name:  
.....
20. Do you want the words "adoptive parents" to appear on the face of the certified copy of the entry of birth of the child after the birth has been re-registered?  
.....
21. Have you sufficient means to bring up, maintain and educate the child? .....
22. Do you own any land or buildings? If so, state full address where land etc. is situated:  
.....  
.....  
.....
23. What is the approximate value of the land and buildings?  
.....  
.....
24. State amount of mortgage that each is subject to? .....
25. State amount of mortgage repayments of principal and interest per quarter on properties owned .....



26. State total approximate value of furniture, personal effects, clothing, motor vehicles, etc:  
.....
27. Is any money owing on the furniture, motor vehicle, etc. by Hire Purchase agreement or loan? If so, state amount of loan/agreement and weekly repayments:  
.....  
.....
28. Have you any other outstanding debts? If so give details:  
.....
29. State amount of money you have in any bank:.....
30. Are either of you insured? If so state amount of policy and whether it is life or endowment? .....
31. Occupation of husband and income from same .....
32. Occupation of wife and income from same .....
33. Give full particulars as to any other income and state the sources from which they are received:  
.....  
.....
34. Give full names, address and occupation of a person who can furnish an affidavit as to your character and means. (This must be a person of recognised standing in the community, e.g. a Minister of Religion, Justice of the Peace, etc.)  
.....  
.....  
.....  
.....

The information I have given above is correct.

..... Wife

..... Husband

..... Date

NOTE: You will be required to produce a certified copy  
of your marriage certificate for filing at the  
Court.

Forwarded to Head Office

Date:.....

Serial No. .... / .....

DEPARTMENT OF SOCIAL WELFARE

TO: Chairman,  
Social Security Commission,  
Head Office,  
Private Bag,  
WELLINGTON.

FROM: Social Work Division.

Office  
Date  
Stamp

FAMILY BENEFIT

The foster parent named below will be applying for family benefit for the child placed with her with a view to adoption. The child is now being maintained without cost to the State.

Rose Brown

Natural mother: .....

Address: ..... 13 Nova Street, Whareiti .....

Child's name: ..... Allison Brown .....

Date of birth: ..... 5.11.75 .....

Registered at ..... Whareiti .....

Foster mother: ..... Vera Selina Green .....

Foster father: ..... John Fraser Green .....

Address: ..... 10 Rouge Avenue, Whareiti .....

Date of Placement ..... 10.11.75 .....

\*The foster mother is already receiving family benefit for .....

T. E. Turangawaewae

per Assistant Director.

\*Delete if not applicable.

HEAD OFFICE INDEX ACTION

Index Cards Form FB6  
Prepared/Amended: ..... Prepared: .....

(S.W. 569 Serial No.)

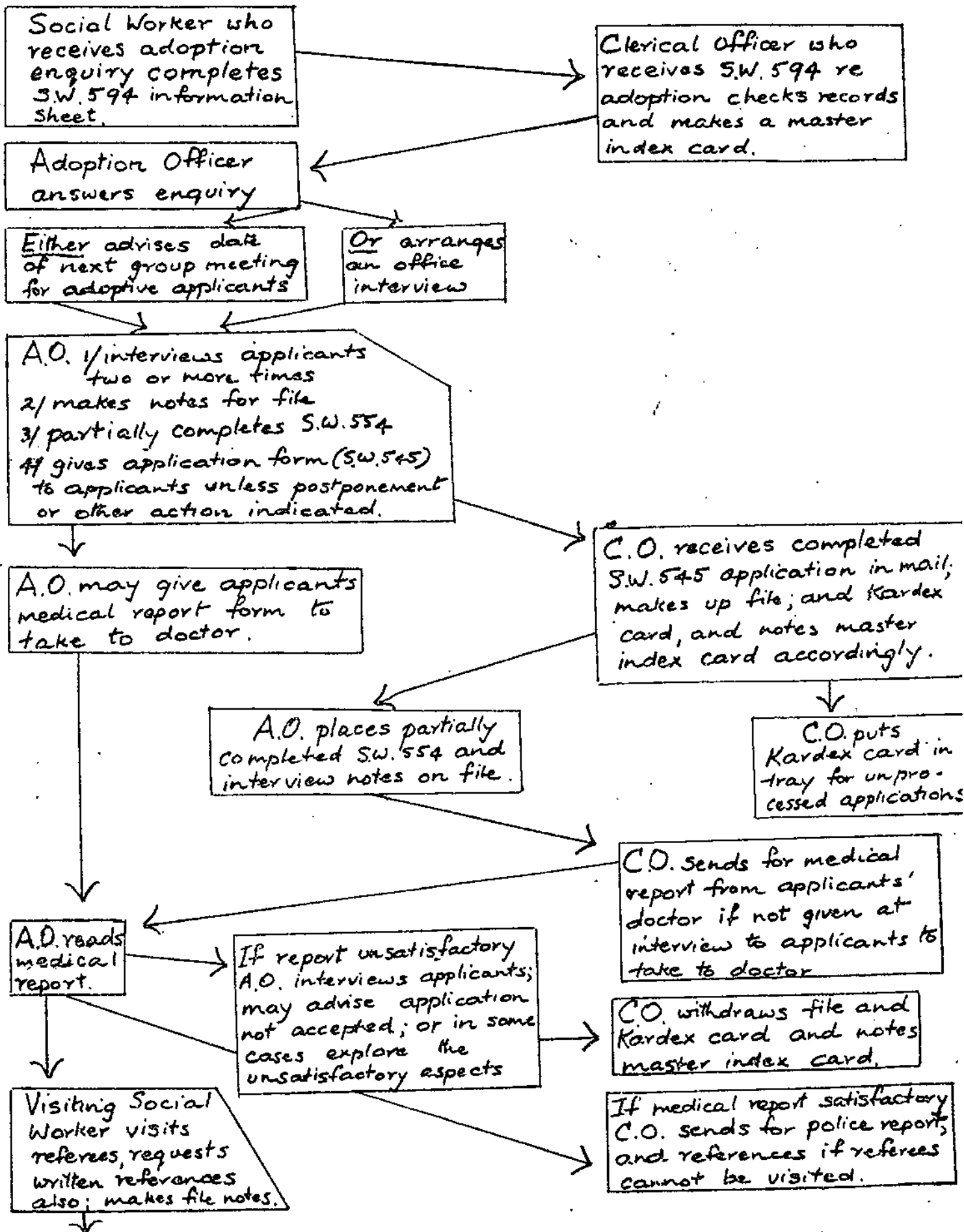
Recorded: ..... Checked: .....

Form FB5  
Issued to ..... Authenticated: .....

# FLOW CHART FOR ADOPTIONS

## SOCIAL WORK ACTION

## CLERICAL WORK ACTION



A.O. studies police and referee reports and if favourable calls for home visits, giving instructions on particular aspects of application to note further.

V.S.W. makes home visit or visits, makes notes for file and completes SW 554.

A.O. convenes selection panel to decide whether application should be officially accepted.

Accepted: A.O. notes file accordingly.

Declined: A.O. notifies applicants personally.

C.O. receives file for action.

Accepted:  
1) prepares letter of acceptance and posts to applicants.  
2) tags file,  
3) notes Kardex card,  
4) prepares visiting slip

Declined:  
C.O. cancels records and withdraws file; notes master index

A.O. checks file

V.S.W. puts visiting slip in visiting book and makes periodic home visits during waiting period.

C.O. puts Kardex card in 'awaiting placement' tray.

A.O. checks file when a suitable placement imminent.

C.O. sends for further police checks if considered necessary; files reports when received.

When apparently suitable placement is in view A.O. refers proposal to selection panel.

A.O. or V.S.W. sees successful applicants who see baby in hospital and advise that they wish to adopt it.

C.O. prepares adoption approval and letter to solicitor. Sends notification SW 569 to Benefits and Pensions Section Head Office.

A.O. signs and despatches letter and approval, signed by A.O. or V.S.W., to solicitor promptly.

C.O. actions file:  
1/ Alters master index card.  
2/ Places Kardex card in "babies placed" tray  
3/ Places copy of letter to solicitor and approval on file.  
4/ Places S.W 581 (baby's background) on file.

A.O. checks that clerical action is complete

V.S.W. makes at least two home visits, seeing both parents before reporting to Court.

A.O. receives request from Court for interim report.

V.S.W. prepares and sends report to Court after it has been checked by A.O.

A.O. receives notification from Court of making of interim order.

C.O. notes interim order date on Kardex card; makes bring up on file for six months' time for final report.

V.S.W. notes date of interim order in visiting book, with date from which application for final order may be made by solicitor. Continues visits.

V.S.W. writes final report to Court after A.O. has received request.

A.O. receives notification from the Court of making of adoption order.

C.O. 1/ withdraws file unless another SW 545 application has been received  
2/ notes master index card  
3/ makes new master index card for child and cross-references  
4/ Removes Kardex card.  
5/ Completes statistical card (S.W. 606)

A.O. checks statistical card

C.O. refers statistical card to Statistics Section, Head Office.

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PART D CHILDREN'S BOARDS AND YOUTH AID CONSULTATIONSD1. CONSTITUTION AND POWERS OF THE CHILDREN'S BOARDSD1.1 Introduction

The introduction of Children's Boards opens a new area of preventive measures for children. The Boards are not judicial bodies but rather comprise a group of skilled and sensitive people who are available to assist children and their families to overcome personal and social difficulties in a flexible and informal manner. They provide an opportunity for the family to freely discuss an alleged offence or other aspects of family life in a confidential and supportive setting without the formality and exposure to labelling which is often associated with the Courts. The Boards are an alternative to the Children and Young Persons Courts and as such remove the less serious cases from the scope of the Court. They allow opportunities for families not referred to Court, to benefit from discussing areas of concern within the Board setting and where desirable receive continuing counselling with the hope of preventing more serious developments at a later stage. Having said this however, it should be recognised that the combined skills and experience of board members will assist them in their prime function which is to be a decision making body.

D1.2 Legal provision to establish Boards (S.13)

The Children's Boards are established under Section 13(1) of the Children and Young Persons Act 1974. This section states that "the Minister shall establish for each Social Welfare District one or more Children's Boards".

Each Children's Board is given a distinctive name which may be changed from time to time at the Minister direction.

The Department will provide "such secretarial recording, and other services as may be necessary to enable each Children's Board to perform and exercise its functions and powers".

The resident panel member and Honorary Community Officer who attends a meeting is to be paid for his services out of money specially appropriated by Parliament and in accordance with the Fees and Travelling Allowance Act 1951.

D1.3 Membership of the Boards (Section 13)

Section 13(2) also provides that

"Every Children's Board shall consist of -

- (a) A member of the Police appointed by a Commissioned Officer of the Police.
- (b) An officer of the Department appointed by the Director-General

- (c) An officer of the State Services or an Honorary Community Officer appointed by the Secretary of the Department of Maori Affairs.
- (d) A resident of the Social Welfare District for which the Board is established who shall be a member of a panel of not more than 6 such residents for the time being appointed by the Minister .....

"Each member of a Children's Board shall hold office at the pleasure of the person who appointed him." The members of the Board will elect one of its members to be Chairman for a period of up to 2 years before re-election.

D1.4 Provisions concerning resident members (Section 14)

The members of the panels are appointed by the Minister of Social Welfare for a period not exceeding 3 years but they may from time to time be reappointed. Only one member of each panel attends each meeting of the Board. Who, of the members, attends any particular meeting is to be determined by agreement between panel members or if necessary "in such manner as other members of the Board shall decide".

"Any member of a panel may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may resign his office by written notice to the Minister".

D1.5 Matters to be referred to Boards (Section 15)

Under the terms of Section 15(1) "Every member of the Police and every Social Worker, dealing with the case, -

- (a) Shall report to the Children's Board details of every offence alleged to have been committed by a child, and details of every incident in which a child has been involved, if he considers that proceedings under this Act should be taken in respect of the alleged offence or incident.
- (b) May report to the Children's Board details of any other matter in which a child has been involved and which he considers should be dealt with by the Board".

It is not necessary to comply with paragraph (a) above when a child is arrested for murder or manslaughter.

Under Section 15(2) "Any Magistrate who, on hearing a complaint under this Act involving a child, finds it proved may direct the complainant to report details of the complaint to a Children's Board".

It is the responsibility of the police officer or Social Worker who reports any matter to the Board to notify the parents or guardians of the child concerned of the fact.

NB. Where complaint action is considered necessary, the matter must be referred to the Board for a decision as to whether or not a complaint is warranted. This means that a complaint must not be sworn until -

- a) Court action is officially recommended by the Board; or
- b) the Board finds that the child or his parents do not admit the facts of the matter reported; or
- c) the Board finds that any question of compensation or restitution is unresolved.

The only exception to this procedure occurs when a child is removed on warrant or arrested and held in custody. The case then proceeds direct to the Children and Young Persons Court.

#### D1.6 Traffic Offences

As the Act stands Traffic Officers are unable to take any direct action against a child who is alleged to have committed a serious traffic offence. Any such case, where a Traffic Officer believes that court action is warranted, should be reported either to the Police or to a Social Worker who would then take the appropriate action under Section 15 or Section 27.

#### D1.7 Functions of the Children's Board (Section 15)

It is the function of the Children's Board "to consider details reported to it under subsection (1) or subsection (2) of this section and to determine what action (if any) is required". (Refer D1.5).

In deciding on its course of action in seeking to prevent the child from committing further offences, the Board must "bear in mind the needs and rights of the child, his parents or guardians and the community". This clause places an onus on the Board, in that, when it is looking for the best possible solution in dealing with each child all interests must be taken into account. This onus is also extended to a consideration of "the degree of co-operation offered by the child and his parents or guardians".

In order to decide on the best course of action in any case, the Board may make any preliminary inquiries it thinks fit and it may, when necessary, obtain reports from members of the Police, Social Workers, Maori Affairs Community Officers, school teachers, medical practitioners, and other persons .



D1.8 The powers of the Children's Board (Section 15(7))

The Board is not required to take any action if, after due consideration of the case, it decides that action within its powers is unwarranted. However, in cases where it decides that some measure must be taken the Board may -

- "(a) Warn or counsel the child or any parent, guardian, or person having the care of the child or arrange for any of those persons to be warned or counselled by a member of the Police or a Social Worker or a ..... " Maori Affairs Community Officer:
- "(b) Arrange for the child or any parent, guardian, or person having the care of the child to receive counselling from a Social Worker or a ..... " Maori Affairs Community Officer" or any other suitable person whether employed by the Crown or not:
- "(c) Arrange for the child or for any parent, guardian, or person having the care of the child to receive medical, psychological, or psychiatric assistance:
- "(d) Where the report was made under subsection (1) of this section, (Refer D1.5) recommend to a member of the Police or a Social Worker, who shall where practicable be the member of the Police or the Social Worker who made the report to the Board, that he make a complaint under Section 27 of this Act."

The Board may not make any arrangement stated in paragraph (b) or (c) above for any parent, guardian or person having care of the child unless that person agrees to the arrangement.

D1.9 Immediate referrals to Court (Section 15 (8) & (9))

In any instance where case has been referred to the Board by a Social Worker or a Police Officer without the case first going to the Court, the Board may not continue to inquire or to take action from any point at which -

- "(a) ..... the child or either of his parents or his guardian does not admit the alleged offence or disputes any fact that is material to the substance of the report; or
- (b) ..... any question of compensation or restitution is unresolved "

Where the Board is unable to continue with any case because of a denial of the facts or unresolved restitution, it must under Section 15(a) ask the Social Worker or Police Officer concerned to decide whether or not complaint action under Section 27 should be made.

D1.10 Confidentiality of Board meetings (Section 16)

Admissions to the Board are privileged. That is, anything said or any admissions made to the Board or to any person making inquiries on behalf of the Board, by the child or his parents, are not admissible in any Court or before any person acting in a judicial capacity.

D1.11 Meetings of the Board (Section 17)

The Board or the Chairman should decide on the times and places at which meetings are held. Meetings may not be held in either a Courthouse or a Police Station.

Section 17(2) states that "Any meeting of a Board may be adjourned from time to time or from place to place, by the Board or the Chairman". 'Meeting' should be read to mean the individual session with the family. This clause allows the Board the opportunity to continue contact with a family after a short adjournment to allow for inquiries or reports on aspects necessary to conclude the 'meeting'. Such adjournments should be as short as possible having regard to the requirements of each particular case.

Three members form a quorum and the Chairman presides at all meetings at which he is present. If the Chairman is absent from any meeting the members present should elect a Chairman for that meeting and that person will have all the powers of the Chairman in respect of the meeting.

Any questions arising at a meeting should be decided by a majority of votes of the members. The Chairman has a deliberative vote and also, where necessary, a casting vote.

D1.12 Liability Clause (Section 18)

"No member of a Children's Board shall be personally liable for any act done or omitted to be done by the Board or any member thereof in good faith in pursuance or intended pursuance of the powers and authorities of the Board".

"Any medical practitioner, member of the Education service, or other person who supplies any report required for the purposes of this Part of this Act shall not be under any criminal or civil liability in respect thereof unless he has acted in bad faith or without reasonable care". Education service as used here includes not only teachers but also specialists such as psychologists, visiting teachers etc.

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D1.13 Procedure of the Board (Section 19)

The Act allows freedom for each Board to decide on its procedure. However it does state that all meetings at which parents and child are present should be conducted as informally as possible and in no way should suggest that the Board is a Court. Section 19 (2) allows for parents and child, in respect of whom details have been reported, to be invited to attend the meeting. There is no compulsion attached to this invitation.

Any warning given to the parent or child under Section 15 (7)(a) Refer D1.7) must be given by the Chairman or by another member if he is nominated to do so by either the Board or the Chairman.

D1.13A Publication of Proceedings Prohibited

Section 4 of the Child and Young Person Amendment Act 1977 introduces Section 19A of the principal Act which prohibits the publishing of any proceedings at any meeting of a Children's Board.

D1.14 RECOVERY OF COMPENSATION PAYMENTS AS RESOLVED BY CHILDREN'S BOARDS

When compensation for unreturned or damaged property etc., has been resolved to the satisfaction of all parties during the consideration of a matter by the Children's Board and the compensation has not already been paid, this department has agreed to accept the lump sum payment for forwarding to the aggrieved party or to accept payments by instalments where this has been agreed to because of the sum involved and the parents inability to pay in full immediately. The department has no powers to enforce payments nor any responsibility to see that payments are made but simply acts as a receiving agent.

The appropriate approach by the Board in these circumstances would seem to be that, having reached a resolution of the compensation, it defers its determination of the matter for such a finite time as would reasonably enable the total sum to be paid or until such time as payment is made in full if paid by instalments, as the case may be. If the payment of compensation has not been settled when the matter finally comes before the Board then the Board may treat the matter as coming under sub-section (8)(b) of Section 15 of the Children's and Young Persons Act.

It is important where compensation is required by the aggrieved party that he is satisfied with the amount indicated to the Board before the situation of compensation can be said to be "resolved". In nearly all cases the arrival at an acceptable amount of compensation will have been negotiated by the police but Social Workers should be aware of this requirement.

Payments of compensation received in this way are to be paid into the Trust Account and will be treated as a Special Account within the Trust Account. Individual trust ledger cards are to be maintained for each case.

D2. THE CHILDREN'S BOARD SETTINGD2.1 Accommodation

The Act states that no meeting of the Board shall be held in a court house or a Police Station. Apart from this restriction it leaves the choice of venue to the Board. It is expected that the accommodation should be large enough to comfortably seat eight people in arm chairs. A coffee table is to be provided to give as much informality as possible to the setting. In addition to the room in which the Board sits there needs to be a suitable reception/waiting area, tea making and toilet facilities.

Where necessary the Department is to provide any furniture or finance for rented accommodation. As necessary, proposals re accommodation of Boards are to be referred by Directors to the Director-General for approval.

D2.2 Informality of the Board

It is specifically stated in the Children and Young Persons Act 1974 that the Board is to be run as informally as possible and should in no way resemble a Court. The manner of reception, the introduction and process of the total Board meeting, as well as the setting, should reflect a relaxed and easy atmosphere, in which the facts surrounding the referral and any family difficulties can be discussed as a joint concern of a group of interested and involved persons.

D2.3 Police referrals

Where the Police decide to report a matter to the Children's Board the reporting member of the Police will also prepare form S.W.653. This is a notification to parents that a matter has been reported to the Children's Board as required by Section 15(3) of the Act. He will send a copy of that form to the Board as confirmation that the parent or guardian has been notified. (See Fig.1 for example of form S.W.653).

D2.4 Referrals by Social Workers

Unless Social Workers are taking warrant action in respect of children where complaint action is seen as necessary, the matter must be reported to the Board as required by Section 15 (1) (a). Matters reported under the provisions of both Section 15(1) (a) and (b) (see D1.5) must have the prior approval of a Senior Social Worker. Any matters reported under Section 15 (1) (b) should not be trivial, but rather those situations which cannot be dealt with on a miscellaneous basis and generally are considered borderline Court cases.

When a Social Worker decides to report any matter to the Board he must notify the parents on form S.W.653 (Fig.1) and prepare individual Children and Young Persons reports for each child involved. A copy of the S.W.653 and all copies of the Children and Young Persons reports should be forwarded together to the clerical officer for the Children's Board.

#### D2.5 Clerical action prior to Board meetings

In each case reported to the Board by the Police, the clerical officer for the Board will supply the Social Welfare Board member with the blue Social Welfare copy of the Children and Young Persons report and the resident member with either a photocopy or the Social Welfare white copy of the report. These reports may be gathered in separate folders and handed to the members at the beginning of each meeting day. The Youth Aid Officer will forward copies to the Police and Maori Affairs members of the Board.

In Social Welfare cases the clerical officer will distribute the copies of the Children and Young Persons report as follows:

- the original and second Police copies to the Youth Aid Office nearest to where the child lives;
- the third Police copy direct to the Police member of the Board;
- the blue Social Welfare copy to the Social Welfare member;
- the white Social Welfare copy or a photocopy to the resident member;  
and
- the sixth copy to the Maori Affairs member (to be sent in all cases; not just for Maori or Island children).

#### D2.6 Preliminary Board meetings

Preliminary meetings of the Board may be used for discussing the merits of further action in the cases referred. Only matters so trivial as to be, in the opinion of the Board, inappropriately referred to the meeting should be considered for no further action. There are no other grounds for such a decision by the Board at a preliminary meeting.

It is not anticipated that Children's Boards should require or obtain in-depth reports. The information contained on the Children and Young Persons report form should be sufficient for its consideration and decision. Any further enquiries or reports under the provisions of Section 15(6) should be restricted to those matters which are essential to the Board's final disposal and matters which are not obtained from discussions with the parent or the child at the meeting.

The large majority of cases will proceed to a full consideration without initiating further enquiries.

D2.7 Invitations to attend the meeting

Parents are to be invited to attend a meeting of the Board, as required by Section 19(2) of the Act. Even where the Board decides at a preliminary meeting that no further action will be taken and informs the parents of this fact, an invitation must, none-the-less, be issued to the parents, giving them the opportunity to attend.

An appointment should not be allocated for a case until the clerical officer has received both confirmation that the form S.W.653 has been sent to the parents, and the required copies of the Children and Young Persons report. As soon as both of these arrive a time should be allocated on the appropriate Children's Board list and form S.W.654 'Invitation to Parent or Guardian and Child(ren) to attend meeting of Children's Board' completed and dispatched.

The form S.W.654 provides for the parent to acknowledge receipt of the invitation and allows the opportunity to change the appointment time if it is found to be inconvenient to that parent (see Fig. 2).

D2.8 Procedure at Board Meetings

When parents and children arrive at the meeting the clerical officer has the important task of putting them at their ease, and ensuring that there is no congestion in the waiting area.

The purpose of the meeting is to conduct an open discussion on the matter reported with a view to arriving at a consensus as to the most appropriate disposal. In the event that the parents and child do not attend, the Board will either decide on a disposal in their absence or decide to extend a second invitation to the parents.

In establishing intervals between appointment times the Board may find it useful to allow 5 minutes at the completion of each meeting for a review of the movement of the session, any actions, reactions etc. Such a practice can be helpful in building a good working relationship between members.

D2.9 Referrals from the Board to Court

There are two clauses in the Act under which cases may be referred from a Board meeting to the Children and Young Persons Court.

Where matters referred are considered serious enough or where it is believed to be in the best interests of the child, the parents and the community, the Board may recommend to the Social Worker/Police Officer who reported the matter, that he take complaint action under Section 27. Such a recommendation is provided for under Section 15 (7) (d) and may be used after a full consideration of the facts has been made, where possible, in consultation with the child and his parents. Under Section 15 (9), however, it is mandatory for the Board to ask the Social Worker/Police Officer who initially reported the matter, to consider whether or not to take complaint action, in every case where the child or his parents deny any alleged offence or any question of compensation or restitution is unresolved.

#### D2.10 Clerical action following final disposal

The clerical officer will complete form S.W.655, to notify the parents of the Board's decision when the disposal of each case is finalised. At the same time the clerical officer will complete and send form S.W.656 which notifies the Police and Social Welfare Departments of the decision of the Board. The clerical officer should recover the photocopy or white Social Welfare copy of the Children and Young Persons report from the resident member. If a photocopy has been used, the final disposal should be noted on it, before it is placed on a district office general file. (Form S.W.655 See Fig 3, Form S.W.656 See Fig 4).

D3 THE HELPING PROCESSD3.1 Introducing the family to the Board

As important as the physical surroundings of the meetings are the introductions and opening remarks to the families. No matter how well prepared families are prior to the meetings there will still be uncertainties and tensions. Although remarks may become stereotyped, care should be taken to encourage a relaxed atmosphere in which participation is possible even by those families who find difficulty in engaging in official and professional interaction. There may be a temptation for members to dominate the meeting with questions and comments, particularly where the less articulate clients are concerned and this should be avoided.

D3.2 Working with the family

Board members should always endeavour to involve the family in the discussions. This applies as much to the child as to the parents. Care should also be taken to ensure that rapport is maintained with both parents and child. The positive aspects and actions of parents and children should not be overlooked. Praise has a high value.

Board members should be encouraged to keep abreast with the various resources available in the local community to facilitate the giving of information, suggestions for future action and referrals for further action.

Care may be needed to avoid monotony developing in meetings, particularly when dealing with similar referrals one after the other. In this situation there is the added temptation to prejudge the outcome of the meeting before the family appears.

D3.3 Recognition and understanding of cultural factors etc.

An attempt has been made to ensure that Board members represent, as far as possible a cross section of the community. In spite of this, Boards will often meet families of very different cultural and social backgrounds. It is important that members recognise and understand the significant differences in norms and expectations. Without an understanding of social relationships, family circumstances, authority roles etc. poor communication and less effective meetings are likely to result when dealing with families of minority and low socio-economic groups. The various minority groups, e.g. Cook Islanders and Samoans, cannot be treated as one. They each have their own set of cultural factors which has a bearing on their reactions to, and abilities to cope with, the recognised norms and values of New Zealand society.



#### D3.4 Use of interpreters

The use of interpreters should not be overlooked when the Board is meeting with families to whom English is a second language. For the Board to be effective in coming to a decision on the best possible solution for each child, it must ensure that every family has the opportunity to participate with understanding in the discussions.

A good interpreter should not be a relative. He should be competent in both languages, serve the family rather than the Board, possess basic interpreting and interviewing skills and have an understanding of the Board system and process.

Boards may find it useful to establish contacts and keep a list of people in their districts who would be suitable for and willing to be interpreters. In larger Districts contact may be established with the Department of Internal Affairs and use made of their interpreting services. Public servants who act in this capacity will not require payment. Where it is necessary to call on other people, a recommendation for their payment should be made to the Director-General in advance, i.e. before their services are used.

#### D3.5 Warning or counselling

Board members are aware that they have within their powers the right to warn or counsel a child or his parents or to arrange for that warning or counselling to be carried out by a Social Worker or a member of the Police. Care should be taken to note the differences between warning and counselling and to ensure that the use of one or other is appropriate to the situation. In completing the Board section of the Children and Young Persons report it is seldom likely to be accurate to note that a child or his parents were warned and counselled.

When issuing a warning it should be remembered that to use court action as a serious threat is not within the spirit of the Act. Apart from the likelihood of creating a false expectation in the children and parents, the image of the Children and Young Persons Court suffers. Any reference to the Court should be made in a positive context.

#### D3.6 Adjournments

While it is expected that the use of adjournments will not be regular practice, they can, nonetheless, be used effectively in certain cases. This is particularly so where, in discussion with the child and his parents, it comes apparent that more information would be desirable and a report from a school or doctor, for example, is called for. It is considered that the use of adjournments as good behaviour bonds is inappropriate.

#### D4 YOUTH AID CONSULTATIONS

##### D4.1 The Youth Aid Section - New Zealand Police

The Youth Aid Section of the New Zealand Police was established in 1968 to take over the functions of the Juvenile Crime Prevention Section. It has two broad objectives:

- to prevent crime by children and young persons
- to assist in the reformation and rehabilitation of child offenders.
- public relations and education.

In close liaison with the Department of Social Welfare Social Workers and Maori Affairs Community Officers a scheme is operated for dealing with children who come under adverse notice of the Police. This scheme aims:

- to identify as early as possible children who are potentially delinquent, and
- to deal with children whose offences are not serious in the manner best calculated to guide them into acceptable patterns of behaviour.
- to implement an educational programme designed to provide children and young persons with an understanding of some important aspects of the law, with special emphasis on understanding the role of the Police.

##### D4.2 Terms and definitions

a) Youth Aid Section (Y.A.S.) is the Section of the Police Department whose function it is to deal with children and young persons who come to notice of the Police and to assist in their reformation and rehabilitation. (See D4.1).

b) Youth Aid Consultations (Y.A.C.) are the regular meetings held between representatives of the Youth Aid Section of the Police, this Department and the Department of Maori Affairs. From these meetings recommendations are made as to any further action in each case referred. (Section 26 Children and Young Persons Act 1974).

c) The Children and Young Persons Report (Pol 333/ S.W.512) is an inter-departmental form used for referring cases between the Departments to Youth Aid Consultations and Children's Boards. It also forms the basic tool for the collection of statistical data for this department. It does not form part of the Social Worker's report and it does not go to the Court. The white copy is only attached to the Social Worker's report when it is sent to Head Office.

##### D4.3 Characteristics of the Youth Aid Section

The scheme gave official recognition to, and broadened, the informal practice which had for years existed in most districts to varying degrees. Recognition given to the scheme has decided advantages:

- By the public, the Y.A.S. officer is now regarded as being interested in the personal problems of his clients and concerned to reconcile these with their obligations as citizens.
- What was previously a hit-and-miss, at times even irregular procedure, is now systematic and has Ministerial blessing, and the policemen and women chosen for the Y.A.S. are carefully selected for their suitability to deal with children.
- The informality of the disposal of minor cases has led to a greater willingness on the part of many people to disclose offences and unsatisfactory behaviour which they would not otherwise have bothered to bring to notice.
- The amount of preventive work undertaken by the Y.A.S. in districts depends on local conditions but, as the scheme has grown, more and more full-time officers have been appointed and growing emphasis has been placed on the need to meet and assist young people.

#### D4.4 The role of the Youth Aid Officer

The Police are expected to convey to the Director all decisions concerning children/young persons under notice. In addition the Police have the final responsibility for deciding whether or not a young person should be prosecuted for an offence. Youth Aid Officers do not investigate complaints or collect information for prosecution except in some small centres where part-time Youth Aid duties are combined with other Police duties. They receive information about children/young persons from other members of Police and from the public. The information may concern children/young persons who are neglected, ill treated, living in a detrimental environment, or delinquent, or children whose conduct, although not delinquent, requires investigation.

Youth Aid Officers are responsible for Police liaison with other agencies dealing with children/young persons and our communications to the Police should be made through them.

When, for example, a young person is arrested and a decision to prosecute is made before the case has been discussed at the Youth Aid consultation, Y.A.S. make their information available for use in the report to the Court.

#### D4.5 Legal provisions for consultations (Section 26)

Consultations between Social Workers, Maori Affairs Community Officers and Youth Aid Officers have been a regular and recognised practice since the establishment of the Youth Aid Section. The benefits of the case discussions between the three Departments were such that with the passing of the Children and Young Persons Act 1974 provisions were made under Section 26 for legal recognition of this area of responsibility to young persons appearing before our Courts.

The Act now states that: "Where a young person is alleged to have committed an offence and the offence is such that if the young person is charged he will be required pursuant to Section 25(3) of this Act to be brought before the Children and Young Person's Court then, unless the young person has been arrested, no information in respect of the offence shall be laid until consultation on the matter has taken place between -

- (a) A member of the Police or the informant, or person acting on his behalf (e.g. Traffic Officer, Wildlife Ranger, Forest Services officer, a local body officer, S.P.C.A. officer or an officer of an acclimatization society) and
- (b) A Social Worker.

A Maori Affairs Community Officer "..... may be present at any consultation ..... and may take part ..... where he believes that it relates to a person who is a Maori or a descendant of a Maori."

Consultations are not mandatory if the young person:

- (a) has been arrested in connection with the incident;
- (b) is already under the supervision of a Probation Officer at the time of the alleged offence;
- (c) is being charged with an offence against any provisions of Section 21 (1) of the Criminal Justice Amendment Act 1962 - (e.g. breaching periodic detention).

Because of the compulsory nature of consultations in offence cases, including serious traffic offences, proof may be needed for the Court that Consultation has actually taken place prior to prosecution. The Police Department has designed a slip which will accompany the Children and Young Persons report to the Consultation and will be signed by the member of Police and Social Worker present. The slip will be filed with the other relevant papers on the young person's file belonging to the appropriate Department. The Officer who lays the information at the Court will then have evidence that Consultation has taken place and will be able to include a comment to that effect within the information. Court officers have been instructed not to accept information concerning young persons without such confirmation being contained within.

#### D4.6 Traffic Offences

It is now mandatory under Section 26(1) for all serious traffic offences to be referred to Consultation prior to the laying of information at the Court. This means that the local Traffic Division of the Ministry of Transport should be included in Consultations when traffic offences are being discussed. The following procedure should apply in such cases.

The local Traffic Division will be supplied with copies of the Children and Young Persons report SW512 and will have for their use two of the Police copies, the white original and the yellow third copy. When an officer apprehends a young person committing a serious traffic offence (see definition in E1.2) the officer will complete Items 1 - 25 & 31 on the front of the form. The pink second copy is then sent to the Youth Aid Section for statistical purposes and the green sixth copy to the Department of Maori Affairs (when the young person is a Maori or an Islander). The original white and the two Social Welfare copies are forwarded to our nearest District office for indexing and completion of the Previous Notice section. The original white copy is held at District office and returned to the

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Traffic Officer at the Consultation, or in his absence, the form is returned to the Traffic Division, with the recommendation completed in Item 33, following the Consultation. As with the Police Department, a Senior Officer may either accept or reject the recommendation. When prosecution is to follow the Traffic Division will notify us in writing of the date of hearing in order that the Social Worker's report can be furnished on time.

D4.7 Reserved.

D4.8 Initial Procedures

When inquiries have been completed a file relating to a delinquent or troublesome young person coming to the notice of the Police is passed to the Y.A.S. who refer it to Social Welfare for the addition of any other information available in our records. Regular case Consultations are held and where Maori children are involved Maori Affairs Community Officers are invited to attend. Where information available enables him to do so, the Social Welfare representatives gives his opinion of the possible causes of the behaviour and attempts to suggest a remedy. In cases where an offence has been committed the Youth Aid officers submit to their superior a recommendation for disposition. Cases may be disposed of by -

- Prosecution
- Police warning only
- Police warning and Social Welfare follow-up
- Police warning and Maori Affairs follow-up
- Police warning and Youth Aid follow-up
- Social Welfare follow-up
- Maori Affairs follow-up
- Youth Aid follow-up
- Referral to other agency
- No action
- Other

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#### D4.9 Police criteria for non-prosecution

Generally recommendations for the Police warning or Social Welfare follow-up etc. may be made by the Youth Aid Consultation only where:-

- The offender admits the offence.
- The offender has no previous record of offending, or, if he has offended previously and been relieved of prosecution, the circumstances of his further offending are unusual, justifying further action without prosecution.
- Restitution or compensation has been made by or on behalf of the offender, or has otherwise been satisfactorily resolved.
- The offender's parents or guardians are prepared to co-operate with the Police and Social Workers by accepting any help or advice that may benefit the child.

#### D4.10 Recording and actioning the referral

The Children and Young Persons report (Pol 333/S.W.512) is used by the Police to refer cases to Youth Aid consultations. The original plus the two Social Welfare copies are forwarded to the Social Welfare District Office. Here the Master Index is noted and the Previous Notice section on the reverse of the form completed. The original copy is held and returned to the Youth Aid officer at the consultation. After the consultation the blue Social Welfare copy should be kept in district office on a personal file (where one exists or where follow-up of some type is recommended) or on a general file. Where a final disposal is recommended, i.e. any decision other than prosecution, the Children and Young Persons Report should be completed and the white copy forwarded to Head Office for statistical processing.

In instances where the local Senior Police Officer does not accept a recommendation from the consultation and substitutes prosecution, the change should be noted below Item 33 on the front of the report. Where the report has already been forwarded to Head Office when notification of a change arrives from the Police, a photo copy of the district office copy should be made, Item 33 noted, the Court section completed and 'Amended' written on the top front of the form, prior to forwarding it to Head Office attached to its corresponding Social Worker's report.

D5 THE CHILDREN AND YOUNG PERSONS REPORTD5.1 Introduction

The Children and Young Persons report, which came into use with the new Children and Young Persons Act 1974, represents a major modification of both the Youth Aid Report (Police 333) and the Facing Sheet (S.W.512).

The Facing Sheet was no longer considered appropriate as an attachment to the Social Workers report because of the requirement to make available the Social Worker's report to parents and counsel. The need for a broad based but simple method of statistical data collection remained however. Thus the introduction of the Children and Young Persons report provided an alternative to the Facing Sheet for statistical purposes and at the same time produced a standardised format for information from both the Police and Social Welfare to the Children's Boards and Youth Aid Consultations.

The Children and Young Persons report form is not attached to any report prepared for and handed into the Court. It is completed for statistical purposes only after the matter has been disposed of by the Court.

D5.2 Distribution of the Children and Young Persons report

The Children and Young Persons report has 6 pre-carboned copies. The first 3 copies are for the use of the Police. Social Welfare is to keep the fourth and fifth while the sixth goes to the Department of Maori Affairs.

In every instance one Social Welfare copy (blue) of the report is to be kept on the personal file or, where there is no such file, on a general file. As soon as the case has been finally resolved the other copy (white) is to be sent to Head Office. Where the incident on which the Children and Young Persons report was initiated, results in Court action, the Children and Young Persons report should be forwarded attached to the relevant Social Worker's report.

N.B. In cases which are referred to the Children's Board, the H.O. copy may be used by the resident member and returned to the clerical officer at the completion of the meeting. Districts may prefer to take a photo-copy of the report to give to the resident member. This photo-copy must be retrieved and may be kept on a general file. Such a practice may be seen as useful where calls are made on Social Workers time to give 'talks' in the community about aspects of our work, as it gives ready access to the reports and thus allows some local assessment of recent trends. The sixth copy is forwarded, by the initiating Department, to the Department of Maori Affairs as follows:

- (a) Young Persons (i.e. for Youth Aid Consultations): only in cases concerning a Maori or Islander;
- (b) Children (i.e. for Children's Board): all cases.

D5.3 Action on reports completed by Social Welfare

Social Welfare officers are to complete Children and Young Persons reports for:

- all Social Welfare complaints.
- all serious traffic offences which go to Court (Sections 1-25 and 31 of Children and Young Persons report will have already been completed by initiating Traffic Officer - refer D4.6).
- all cases reported by Social Workers to a Children's Board

A report must be completed for each child or young person where families are involved in complaint or Board cases. See D6 et seq for notes on the completion of the reports. Item 1 to 25 (personal details and summary of present incident) are to be completed and item 31 (method of coming to notice) is to be coded (see Appendix). The 'previous notice' section on the reverse side of the original and the Social Welfare copies are to be completed from the District social work index. Where the case is a Court matter i.e. a Social Welfare complaint or a serious traffic offence, the three Police copies are to be sent to the Youth Aid Office nearest the home of the child or young person and the sixth to the nearest office of the Department of Maori Affairs, in the case of a Maori or Islander. (Refer D2.4 and D 25 for action on Social Welfare cases reported to Boards.)

D5.4 Action on reports completed by the Police

a) Police action - A Children and Young Persons report will be completed where any child or young person comes under Police notice. The reporting member of the Police will complete the identifying data (Items 1-25) on the front of the Children and Young Persons report before sending all copies of the report to the Youth Aid Section of the Police. The Youth Aid Section will then decide on a course of action allowed for under Code B, (see Appendix) and note their decision in Item 32. At this stage the original copy and the two Social Welfare copies (fourth and fifth) are forwarded to the Social Welfare District office.

b) Social Welfare action - On arrival in the District Office the reports must be sorted and actioned appropriately. It should be noted that those cases which are coded B, C, D or F under Item 32 require no action. They are for information purposes only and after noting the master index, should be filed on personal files (where they exist) or on a general file. Cases showing all other codings, i.e. E, and G to K require further action and therefore should be sorted and processed accordingly. Refer to D4.7 for the processing of Consultation cases and D2.5 and D2.7 for Children's Board cases. The codings I, J and K are used in arrest cases only. The reports pertaining to these cases will need to be indexed and held until the court action has been completed before forwarding the white copy to Head Office and placing the blue copy on the personal file. Item 33 is coded only in cases which are referred to Consultation and this code should be filled in at the Consultation. If the Police prosecute a young person following Consultation, the Director will be notified of the date of hearing in writing as soon as the date is set.



c) Where the Police have proceeded to Court in warrant and arrest cases the Social Welfare copies of the Children and Young Persons report will be forwarded to the District Office prior to the hearing, endorsed with the date of hearing.

NB. The white copies of all Children and Young Persons reports initiated must be forwarded to Head Office no matter whether they have been forwarded to District Office for information purposes only or whether they have resulted in Magistrate's Court action.

D5.5 Liquor Offences and the Children and Young Persons Report

The Police will complete a Children and Young Persons report for every case pertaining to a liquor offence. These reports are to be distributed in the normal way. Because a Social Worker's report is not usually required in these cases, extra care must be taken by the Senior Social Worker responsible for court matters in each District, to ensure that when a young person appears on a liquor offence the Children and Young Persons Court section on the Children and Young Persons report is completed and the white copy forwarded to Head Office. This is necessary for statistical purposes.

D6 Completing the Case Report

Introduction

(Refer Fig. 5). The combined form Police 333/Social Welfare 512 has been withdrawn. For Social Welfare purposes the combined form has been replaced by a new form S.W.512. This form is used both for statistical purposes and as a repository for basic case-work material. Care should therefore be taken to complete the form fully and accurately. The points in the following paragraphs should be well noted to help provide consistency in completing the form.

Throughout the form where there is a choice of responses delete that or those not applicable.

D6.2 Identifying Data

"Name" Enter surname first, in capitals, followed by the first or christian names.

Age at Incident: enter completed years and months.

Date of Birth: the correct date of birth should be established wherever possible. If necessary confirm from benefit files.

Place of Birth: should be entered wherever possible.

Race: given detailed classifications down to one eighth where subject is of mixed blood, e.g.:

$\frac{1}{2}$  Fijian       $\frac{1}{2}$  European       $\frac{1}{4}$  Maori       $\frac{3}{4}$  Indian

Social Workers should elicit as much detail as possible but are not expected to probe into racial origin where such information is not readily forthcoming.

With whom living and relationship

Indicate the relationship to the child or young person e.g. flatting with friends

Mrs Brown - grandmother

Parents

If the child or young person is living in a departmental institution it is sufficient to name the institution.

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Current or Last School Class

Use the general class level rather than names specific to a particular school: e.g.

Form IV  
Primer 2

Name of Employer and Occupation

Complete only if young person has left school and entered full time employment.

Care should be taken to distinguish between the person's occupation and the industry in which he is employed; for example an employee of an oil company may be an accountant or a labourer, and to state the place of employment only would give no indication of the occupation.

D6.3 Family

Mother's Name and Father's Name

Enter here the names of the mother/father figure in the person's life. In most instances this will be the natural or adoptive parents. In the rare instance where a person has been raised as a member of a family other than his/her natural or adoptive home please indicate by completing "Name and address of natural/adoptive parents if different from above".

D6.4 Summary of Offence/Incident

Summarise the incidents in a few sentences. Where the case is Police initiated, do not copy the entire Police report. When summarising incidents which give rise to Social Welfare Complaint action include the dates on which specific incidents occurred.

List Offence/Incident

List all the offences or incidents relative to this coming to notice, regardless of whether or not a charge is to be laid in respect of any offence. Enter the number of times each incident occurred, e.g.

Theft	3
Wilful damage	1
Beyond Control	1

Companions

Include the companions whether prosecuted or not. Where there are no companions enter "nil".

Action Initiated By

Delete the options which do not apply.

Method of Coming to Notice

Delete the options which do not apply. For Section 11 agreements delete all options.

Status at Incident

Enter here departmental status only; e.g. State Ward, Supervision, Supp. Serv. Section 11. Detailed State Ward statuses are not required.

D6.5 Outcome (Summary)

This section on the front of the form is to summarize the outcome section on the back so that main information can be located quickly without turning the form. This section should not be completed until after the final outcome and all relevant boxes should be marked with a cross e.g. if a case went first to Youth Aid Consultation, then to Children and Young Persons Court, then to Magistrates Court, put a cross in each of the three boxes.

1. Details of Outcome

Enter here enlargements of the outcome, e.g. S.W. follow up, fined \$50, supervision 12 months.

D6.6 S.W. District

The name of each District or Agency should be entered after the colon, e.g. S.W. Director: NEW LYNN. Take care not to type over the boxes at the right hand side of the page.

Year

As for S.W. district.

Serial No.

As for S.W. district. Serial number allocated:

- (a) at the time of initiation if generated by a Social Worker ; or
- (b) at the time of transposition from P333 if generated by Police; or
- (c) at the time of receipt of notification, if initiated by Traffic Division; or
- (d) immediately upon arrival if transferred in from another office.

D6.7 Cases transferred between districts prior to final disposition

When a case is transferred out to another district the receiving district will cancel the original number and allocate a new one from its own series, and alter the district name. The transferring district is not to reallocate the old number. Districts should not in their serial number register the destination of each case record transferred to another district before final resolution and the forwarding district of each case record received on transfer. These numbers will be required for statistical purposes, as will the last number allocated in each district for each calendar year. A9/7/79

D6.8 H.O. Register No.

Leave blank. This will be completed on arrival at Head office.

D6.9 Previous Notice

In this section space has been provided for eight entries. Where a child/young person has come to notice more than eight times, the details should be given of the seven most recent incidents and just the number of earlier incidents noted.

Under the various headings note the following layout:

Date: enter the month and year of the incident/offence

Place: give the location only of the body which finally disposed

Outcome Agency: show which body made the final disposal

Outcome : self explanatory

Examples:

<u>Date</u>	<u>Place</u>	<u>Reason</u>	<u>Outcome Agency</u>	<u>Outcome</u>
5/76	Auckland	Theft	Police	Warning
9/77	Nelson	Indigent	S.W.	Prev. Sup
4/78	Gisborne	Truancy	C.B.	Psych.Assistance
8/78	Wellington	Assault	C. & Y.P.C.	Fined \$20

OUTCOME OF CASE

D6.10 Children's Board

This section is completed by the Social Welfare representative at the Children's Board meeting after the final decision of the Board has been made. Where the case is referred to more than one Board the Board's name, location and decision must refer to the Board which made the final disposal of the case. Thus the date of first hearing may refer to Board other than the one named. The details concerning the Board's final decision should be entered against the appropriate section, subsection and paragraph number. There may be more than one entry; e.g.:

S15(7) (a) counselling for parents

S15(7) (o) child to attend speech therapy

It should be remembered that there are several alternatives in terms of actions the Board may take in each of Section 15 (7)(a), (b) and (o), therefore, exactly what was determined for whom, should be stated clearly next to the appropriate section. If the Board determines to take no further action, this should be noted.

In the event of a case being referred by the Children's Board to the Court and subsequently referred back to the Board, the first meeting of the Board should be fully recorded in the Children's Board section of the case record. The decisions of both the Court and the second Children's Board hearing should be noted in the Children and Young Persons Court section outcome section: e.g. Referred.C.B. (Children and Young Persons Act 1974 S15(2)) C.B. meeting (date) Catholic Social Services counselling for parents (S15(7) (b)).

D6.11 The Court Sections

The details for the completion of both the Children and Young Persons Court section and the Magistrates or Supreme Court Section are dealt with in Part E (The Children and Young Persons Court) Refer SWM ES.6.

D6.12 Section 11 Agreement

Self explanatory.

D6.13 Supportive Service

Approved by: This item should be signed personally by the officer authorised to approve Supportive Service.

All/4/30

D6.11 The Court Sections

The details for the completion of both the Children and Young Persons Court section and the Magistrates or Supreme Court Section are dealt with in Part E (The Children and Young Persons Court) Refer SWM EB.6.

D6.12 Section 11 Agreement

Self explanatory.

D6.13 Preventive Supervision

Approved by: This item should be signed personally by the officer authorised to approve Preventive Supervision.

A9/7/79

S.15(7) (a) S.W. counselling for parents

S.15(7) (c) child to attend speech therapy.

It should be remembered that there are several alternatives in terms of actions the Board may take, in each of Section 15(7) (a), (b) and (c), therefore, exactly what was determined for whom, should be stated clearly next to the appropriate section. If the Board determines to take no further action, this should be noted.

In the event of a case being referred by the Children's Board to the Court and subsequently referred back to the Board, the first meeting of the Board should be fully recorded in the Children's Board section of the report. The decisions of both the Court and the second Children's Board hearing should be noted in the Children and Young Persons Court section final disposal; e.g. Referred to C.B., (Children and Young Persons Act 1974 S.15(2). C.B. meeting (date) Catholic Social Services counselling for parents (S.15(7)(b)).

#### D6.13 The Court sections

The details for the completion of both the Children and Young Persons Court section and the Magistrate's or Supreme Court section are dealt with in Part E (The Children and Young Persons Court), of the S.W.M. Refer EB.6.

#### D6.14 Allocation of serial numbers

A Social Welfare serial number is to be placed in the box at the bottom of the reverse side of both Social Welfare copies of every Children and Young Persons report. Each District is to maintain a register of Children and Young Persons report serial numbers on an annual basis. A number is to be allocated:-

- (a) at the time of initiation, if generated by a Social Worker; or
- (b) on arrival in the office, if generated by the Police the Traffic Division or transferred from another office.

When a case is transferred out to another District the receiving District will cancel the old number and allocate one from its own series, and alter the District name. The transferring District is not to reallocate the old number. Districts should note in their serial number registers the destination of each report transferred to another District before final resolution and the forwarding District of each report received on transfer. These numbers will be required for statistical purposes, as will the last number allocated in each District for each calendar year.



APPENDIX

	<u>Form</u>	<u>No.</u>	<u>Ref.</u>
Fig. 1	Notification to parents that matter has been reported to Board.	S.W.653	D2.3
Fig. 2	Invitation to parents and child to attend meeting of Board.	S.W.654	D2.7
Fig. 3	Notification to parents of Board's decision	S.W.655	D2.10
Fig. 4	Notification to departments of Board's decision.	S.W.656	D2.10
Fig. 5	Children and Young Persons report	S.W.512	D6.1
Fig. 5a	Reverse of Fig. 5.		
Fig. 6	Codes for Children and Young Persons report		D6.8 and D6.9



CHILDREN'S BOARD

Department of Social Welfare

P.O. Box 98

Whareiti

10.11.75

Mr and Mrs S.C. Johns

28 Fairfield Road

Whareiti

Dear Mr and Mrs Johns,

Your child Warren Matthew Johns aged 11 has come to notice for the following reasons

It appears that Warren has been persistently truanting from school for the last three months.

I have reported the matter to the Whareiti Children's Board. You will be notified of the place, date and time the Board will meet and you will be invited to attend with your child and discuss with the Board how best the matter may be dealt with.

If you have any questions you would like to discuss with me before the meeting of the Board please telephone me at 82659.

Yours sincerely,

*M.J. Brown*

M.J. Brown (Miss)

.....  
Police Constable/Social Worker



CHILDREN'S BOARD

WHAREITI

19.11.75

C/- Department of Social Welfare,  
P.O.Box 28

WHAREITI

Telephone: \_\_\_\_\_

Mr and Mrs S.C. Johns

28 Fairfield Road

Whareiti

Dear Mr and Mrs Johns

We have been told that Warren Matthew Johns  
has been truanting from school for a considerable period.

This matter is to be considered by the Whareiti  
Children's Board at the Department of Social Welfare Office, 75 Main Rd, Whareiti  
on 27 / 11/ 75 at 10 a.m./p.m.

We would be pleased if you and your child would come to the meeting and talk with the Board  
about the matter. Please telephone me at the above number and tell me if you are able to  
attend. If the suggested time of the appointment does not suit then a more suitable time can be  
arranged.

Yours sincerely,

L. Jones

.....  
for Chairman Children's Board



CHILDREN'S BOARD

WHAREITI

C/- Department of Social Welfare,  
P.O. Box 98

Whareiti

Telephone: 82659

Mr and Mrs S.C. Johns

28 Fairfield Road

Whareiti

Dear Mr and Mrs Johns,

When the matter concerning your child Warren Matthew Johns was considered by the Board on 27 November 1975 it was decided that, with your agreement, Warren would be placed under the supervision of a Social Worker for twelve months.

Your undertaking to take Warren to school each day until he settles and to cooperate closely with the school Principal is noted.

*D.S. Brightley*

D.S. Brightley

.....  
Chairman, Children's Board



**CHILDREN'S BOARD**

WHAREITI

28.11.75

Director  
Social Work  
P.O. Box 98  
WHAREITI

Officer in Charge  
Police Station  
WHAREITI

Name of child: Warren Matthew Johns

Date of Birth: 21 July 1964

The Board has considered this case and has

\*~~(a)~~ made the following decision, under terms of section 15 (7) (a) - (c).

Preventive supervision - 12 months

\*~~(b) decided to recommend that complaint action be taken under the terms of section~~  
15 (7) (d)\*  
(8) (a)\*  
(8) (b)\*

*L. Jones*

.....  
for Chairman Children's Board

27/ 11/ 75

\*Delete whichever is inapplicable

**CHILDREN AND YOUNG PERSONS REPORT**

Items 1-25 to be completed by reporting member.

<p>1 Surname: <b>JOHNS</b></p> <p>2 Forename: <b>WARREN MATTHEW</b></p> <p>3 Address: <b>28 FAIRFIELD ROAD, WHAREITI</b></p> <p>4 Telephone number: <b>82010</b></p> <p>5 Mother's name: <b>Norah Esther JOHNS</b></p> <p>6 Occupation: <b>Housewife</b></p> <p>7 Natural parent? Yes <input checked="" type="checkbox"/> If no, specify</p> <p>8 Father's name: <b>Simon Charles JOHNS</b></p> <p>9 Occupation: <b>Bank Clerk</b></p> <p>10 Natural parent? Yes <input checked="" type="checkbox"/> If no, specify</p> <p>11 If not living with parents, or parents separated, address of: Mother: Father:</p> <p>12 With whom was subject living at time of offence/incident? <b>With Parents</b></p> <p>13 Family and home background:  <b>Good home, Warren an only child. When approached by visiting teacher parents tended to "cover up" for Warren and would not accept seriousness of the situation or the likely consequences.</b></p> <p>24 Associates in this matter: <b>Jeremy Edward COSTELL</b></p>	<p>LEAVE BLANK</p>	<p>14 DDB: <b>21/1/64</b> Verified? Yes (Y) No (N)</p> <p>15 Sex: Enter (M) or (F)</p> <p>16 Race (M) Islander (I) European (E) Other (O)</p> <p>16A Specify</p> <p>17 Student (S) Employed (E) Unemployed (U) Other (O)</p> <p>18 Occupation: <b>Student</b></p> <p>19 School or employer: <b>Milne Street School</b></p> <p>20 Current or highest school class: <b>Std 4</b></p> <p>21 Age at time of offence/incident: <b>11 yrs 4 months</b></p> <p>22 Has subject previously been reported on? Yes (Y) No (N)</p> <p>22A If 'Yes' - Where</p> <p>23. List offence/incident:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:80%;"></th> <th style="width:20%;">Number</th> </tr> </thead> <tbody> <tr> <td><b>persisient truancy</b></td> <td align="center"><b>37</b></td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		Number	<b>persisient truancy</b>	<b>37</b>							<p>Y M E  S          N</p>
	Number												
<b>persisient truancy</b>	<b>37</b>												

25. Summary of offence/incident:

This child has been persistently truantiing from school over the past three months.

*M.J. Brown*

Name: **M.J. Brown (Miss)**

Station or S.W. District: **Whareiti**

Date: **3.11.75**

<p>Items 26-33 to be completed by YAS</p> <p>26. YAS Statistical years:</p> <p>27. YAS Office code number:</p> <p>28. Person's Register No.:</p> <p>29. No of times to notice this year:</p> <p>30. If item 22 'Yes' please show: (a) previous YAS Office No. (b) previous YAS Register No.</p>	<p>31. Method of coming to notice: (Code A):</p> <p>32. Police Disposition: (Code B):</p> <p>33. Consultation Disposition: (Code C):</p>	<p>B G -</p>
<p><b>YOUTH AID SECTION RECORD</b></p>		

(To be completed by Social Welfare Office)

This child is KNOWN/NOT KNOWN to the Department

S.W. Register No:

PREVIOUS NOTICE

<u>Date</u>	<u>Place</u>	<u>Reason for notice</u>	<u>Outcome</u>
10.2.75	Whareiti	Truancy on 3 occasions	C.W.visit

Sister, Jane, b.12.1.62 previously under notice

W.R.White (for Director of Social Welfare) Date: 4.11.75

CHILDREN'S BOARD Name of Board: Whareiti Location: Whareiti

Action initiated by Police/S.W./C. & Y.P. Court  
 Date of first meeting: 27 / 11 / 75 Date of last meeting: 27/11/75

Were the parents present at any meeting? Yes/No. \* Was the child? Yes/No \* S.W. report requested? Yes/No.

Board's final disposal (give details):

S. 15(7) (a)  
 (b) 12 months preventive supervision for child  
*Agd*  
*Agd*  
 S.15(9)

CHILDREN & YOUNG PERSONS COURT Name of Court:

Date of first hearing:   /  /   Date of last hearing:   /  /  

Was the child in S.W. custody during any adjournment/postponement? Yes/No. \*

Number of adjournments/postponements:

Complaint: C. & Y.P. Act 1974 Section    Subsection    Para   

Offences:

<u>Act</u>	<u>Year</u>	<u>Section</u>	<u>Type of offence</u>	<u>Number of Charges</u>

Plea of Guilty? Yes/No \* Legal representation? Yes/No. \* Legal Aid? Yes/No \*

S.W. recommendation:

Final disposal (details):

Disposal made under C. & Y.P. Act 1974 Section    Subsection   

MAGISTRATE'S COURT OR SUPREME COURT Name of Court:

Reason for referral:  Date of final hearing:   /  /  

Final disposal (details):

Disposal made under    Act 19    Section   

S.W. District: Whareiti  
 S.W. Serial No.: 141

\* Delete whichever not applicable

CODE TABLES

Code A (item 31): METHOD OF COMING TO NOTICE

- A. Unaccompanied child in public place S.12 *2 days*
- B. Reported for offence or incidence
- C. Arrest of young person for offence
- D. Arrest of child under S.43(5) *3 days*
- E. Search with warrant S.7. *2 days*
- F. Search without warrant S.8 *3 days*
- G. Complaint. S.27.
- H. Complaint and warrant S.28. *2 days*
- I. Referred by Ministry of Transport
- J. Other.

Code B (item 32) : POLICE DISPOSITION

- A. (Reserved)
- B. Y.A.S. records only.
- C. No further action.
- D. Police warning.
- E. Referral to Social Welfare.
- F. Other referral (specify)
- G. Children's Board.
- H. Consultation S.26.
- I. Children and Young Persons Court - Information
- J. Children and Young Persons Court - Complaint S.27(2) (a) to (e).
- K. Children and Young Persons Court - Complaint S.27(2)(f)

Code C (item 33) : CONSULTATION DISPOSITION

- A. Prosecution
- B. Police warning only
- C. Police warning and Social Welfare follow-up
- D. Police warning and Maori Affairs follow-up
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S W M

PART E

COURT

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## PART E CHILDREN AND YOUNG PERSONS COURT

E1 CONSTITUTION AND POWERS OF THE COURTE1.1 Introduction

The Children and Young Persons Court is provided for under the Children and Young Persons Act 1974, which replaces the Child Welfare Act 1925. The new provisions make the distinction between children and young persons, introduce Children's Boards and include a substantial revision of complaint proceeding terms and definitions.

E1.2 Terms and definitions

a) Unless otherwise stated the word "complaint" is used throughout this Part in its restricted technical sense, meaning a complaint of being in need of care, protection, or control formally made as provided for under Section 27 of the Children and Young Persons Act 1974. It is to be distinguished from the same word in its wider, popular meaning elsewhere in this Manual, referring to complaints received from neighbours, teachers, etc. Where the Act is quoted this is indicated, and the section number is given for reference.

b) A child is defined as a "... boy or girl under the age of 14 years ..." (S.2). Section 21 of the Crimes Act 1961 defines the age of criminal responsibility, and means that a charge can not be brought against any child under the age of 10 years. Section 22 of the Crimes Act enlarges the age of criminal responsibility to children of the age of 10 years and under the age of 14 years "... unless (they) know either that the act or omission was wrong or that it was contrary to law." The definition of a "child" for the purposes of the Children and Young Persons Act is derived from this provision in the Crimes Act. A child of or over the age of 10 years can not be charged with an offence (excluding murder and manslaughter) but an offence related complaint can be made under Section 27(2)(1). Section 29(2) of the Act also relates to the Crimes Act provision about responsibility. (Refer E1.11).

c) A young person is defined as "... a boy or girl of or over the age of 14 years but under the age of 17 years ...".

d) The age of a child or young person "... shall be his age at the date of the alleged offence or incident ..." (S.2). The Court must, "... in the absence of sufficient evidence, fix the age ..." of the child or young person. (S.98).

e) The Court has no jurisdiction where a traffic offence is not punishable by imprisonment, and for the purpose of the Act (S.25) "... the term, traffic offence means any offence against the Transport Act 1962 or against any regulations or bylaw ... (where) ... the offence relates to the use of vehicles or parking places or transport stations". For convenience it is usual in our domestic correspondence and for our statistical purposes to refer to traffic offences punishable by imprisonment as "serious" traffic offences and to all other as "minor". By this definition minor traffic offences are excluded from Court, Board or Y.A.S. records. Minor traffic offences were removed from the Children's Court in 1961 because it was considered that these offences were too trivial to justify the preparation of a background report. There is little public interest or social stigma associated with these offences and they can normally be dealt with without the youngsters making an appearance.



### E1.3 Jurisdiction of the Court (Section 25)

This provision sets out the limits of the jurisdiction of the Children and Young Persons Court. The Court can hear and determine any complaint under the Act. The Court can also hear and determine any charge, except:-

- a) Where a child under the age of 14 years is alleged to have committed an offence;
- b) Where any child or young person is charged with murder or manslaughter only a preliminary hearing may take place.
- c) Where any young person is charged with "a traffic offence not punishable by imprisonment".

### E1.4 Appointment of Magistrates (Section 21)

Specially appointed Stipendiary Magistrates are authorised to exercise jurisdiction primarily in any Children and Young Persons Court. However in the absence (for whatever cause) of an appointed Magistrate, any other Magistrate may exercise jurisdiction in that Court. For the purpose of doing all necessary acts preliminary to a hearing including adjourning, or releasing on bail, any Magistrate or Justice of the Peace may exercise jurisdiction.

The Children and Young Persons Courts are separate courts and, although presided over by Magistrates who may also preside over the Magistrates' Courts, they are not subordinate to the Magistrates' Courts.

As a transitional provision Section 110(2) states that a Magistrate appointed to exercise jurisdiction in a Children's Court shall be deemed to have been appointed under Section 21.

### E1.5 The Court setting (Section 22)

Children and Young Persons Court procedure is not laid down by statute and may, therefore, be adjusted to suit the preference of individual Magistrates and the circumstances of individual cases. Formalities are reduced to a minimum, and, unless special premises are provided, hearings are usually conducted in the Magistrate's room.

As far as possible Children and Young Persons Court sittings are to be arranged so that:

- People attending are not brought into contact with people attending any other court;
- the extent to which children and young persons are able to associate within the Court premises while awaiting hearing is reduced to a minimum; and
- the extent to which parents are obliged to congregate in common waiting rooms pending hearing of proceedings in which they are involved is reduced to a minimum.

E1.6 Proceedings not public (Sections 23 and 24)

The Children and Young Persons Court is a closed court. Except by leave of the presiding Magistrate only the following persons may be present:-

- court officers;
- those immediately concerned with the proceedings;
- parents or guardians;
- personal representative of the child or young person;
- Social Workers;
- representative of a social welfare agency who has a direct interest in the case;
- Any principal who has supplied a report;
- bona fide reporters;
- any other person specially permitted or required by the Court.

Any newspaper reports of proceedings must have the approval of the Magistrate before publication and, in any case, must not contain information "... likely to lead to the identification of the child or young person".

E1.7 Attendance at hearing (Section 30)

This section of the Act provides that where a child or young person is brought before the Court on a complaint "... he shall ... remain present throughout the hearing unless excused from being present by the Court". The Court may also, (at any stage of the proceedings) "... exclude the child or young person from the whole or any part of the hearing of any proceedings on a complaint ... on the grounds that:-

- The child is too young to understand the purpose of proceedings; or
  - The proceedings are, or appear likely to be of such a nature as to (either) cause undue distress or disturbance to the child or young person".
- (or) "... cause a deterioration in the relationship between the child or young person and a parent, or the guardian or the person for the time being having care of the child or young person.

The intent of this section is clear and Social Workers should inform the Court if they anticipate that all or any part of the proceedings is likely to unduly distress a child or young person or in some way upset parent/child relationships.

E1.8 Parent may be required to appear where young person is charged (Section 39)

This section provides the Court with the power, where a young person is charged with an offence, "... to issue a summons to any parent, guardian, or person for the time being having care of the young person, requiring him to appear before a Children and Young Persons Court ...", and to examine him "... in respect of the upbringing and control of the young person."

This provision also allows the Court to issue a warrant to arrest where "... a person does not appear in answer to the summons ...", and bring him before the Court and fine him if he refuses or fails to appear.

Social Workers are expected to guide and assist the Court by commenting on those cases where a parent intimates his or her reluctance to appear with the young person who is charged with an offence. The criteria for invoking this provision will be whether or not the enforcement of the parents' attendance will serve the young person's best interests.

E1.9 Appointment of counsel or solicitor (Section 29)

In any proceedings whether arising from a complaint or charge, the court may appoint a solicitor to assist the court or to represent the child or young person. Expenses incurred will be met by the Crown but the Magistrate may order any person to refund any part of those expenses to the Crown.

Social Workers will be able to guide and assist the Court in those cases where it seems necessary that the interests of a child or young person should be protected by the appointment of a solicitor. This provision is separate from and additional to the legal aid provisions. (Refer E4.29).

E1.10 Duty of Court to explain proceedings (Section 40)

"When any person, being a young person or a parent or guardian or a person having the care of the young person, appears before a Children and Young Persons Court, the Court shall satisfy itself that he understands the proceedings, and shall, if necessary, explain to him in simple language the nature of the proceedings, and of any allegations against the young person or himself, including their legal implications, ...". These provisions do not mention children because in complaint proceedings it is the parent who is the defendant not the child. However, where a child does appear before the Court, the spirit of this provision could be applied where appropriate, in terms of the child's age and level of understanding. Social Workers have a responsibility to prepare parents, children, and young persons for a court appearance, by giving them a realistic summary of what they can expect to experience at the hearing.

E1.11 Special provisions relating to evidence (Section 29)

In any complaint proceedings, (including appeals), "... the Court may receive any oral or documentary evidence that it thinks fit, whether it is otherwise admissible in a Court of law or not". An exception to this provision relates to complaints made on the grounds of an alleged offence or offences (S.27(2)(1)) "... and the Court shall not find any such grounds to be proved unless":-

- It would have found the child guilty of the offences if he had been charged with the offence; and also
- The Court is satisfied the child knew either that the act or omission constituting the offence was wrong or that it was contrary to law.

The first exception retains the onus on the Police to follow the usual rules of evidence, and the second incorporates a provision from the Crimes Act 1961 (S.22.) allowing discretion where the child's understanding of the law is in doubt.

Social Workers should be familiar with the basic rules of evidence. The Court's discretion in being able to receive otherwise inadmissible evidence should only be relied upon where it can be shown that the evidence presented is intended to protect the child's best interest.

Section 13 of the Oaths and Declarations Act 1957 provides that witnesses under 12 years of age may, before giving evidence, make the following declaration, rather than the more formal oath;

... "I promise to speak the truth, the whole truth, and nothing but the truth"...

E1.12 The right to elect trial (Section 34)

Young persons accused of offences which are punishable by more than 3 months imprisonment have the right to elect trial by jury, i.e. in the Supreme Court (Ref: Summary Proceedings Act 1966). Section 34 provides that a young person may choose to forgo his right to trial by jury and have his case heard in the Children and Young Persons Court when he is charged with an offence (other than murder or manslaughter) which would normally be heard in the Supreme Court. Examples of such offences are aggravated robbery and rape.

E1.13 Powers of the Court to decide complaints (Section 31)

"If the Court finds the grounds of a complaint ... to be proved it may ... do one or more of the following things:-

- a) In relation "... to any person to whom the complaint was addressed, or the child or young person to whom it relates ..."
  - Admonish them;
  - "Discharge ... (them) ... from the proceedings without further order or penalty;

- "Order that ... (they) ... come before the Court if called upon within 2 years after the making of the order, so that the Court may take further action under this section", (except where an order for guardianship or supervision is made first.)
  
- b) "Make an order placing the child or young person to whom the complaint relates either:-
  - Under the guardianship of the Director-General; or
  - Under the supervision of a Social Worker for a period specified by the Court, being a period of not more than 3 years; but that period shall not extend beyond the date on which the child or young person attains the age of 17 years."
  
- c) "Make an order requiring the Director-General to arrange for any person to whom the complaint was addressed... to receive counselling."
  
- d) "Order the child or young person to whom the complaint relates or any parent or guardian of the child or young person to whom the complaint was addressed:-
  - to pay to any person such sum as it thinks fit by way of compensation for any loss or damage to property suffered by that person through or by reason of the actions of the child or young person;"
  - "... to deliver to ... (the owner) ... any property in the possession of the child or young person, or in the possession of any person for him;"
  
- e) In the case of a complaint relating to an offence:
  - order "... the forfeiture of the property to the Crown";
  - make an order under Section 37, which relates to the disqualification of drivers.
  
- f) Where a person is to be called back within 2 years, the Court may, "... on the application of a Social Worker or a member of the Police ..." direct the issue of a summons to that person. The Court then has the power to make another order under this Section, but can only exercise this power once, and it excludes being able to order compensation or the return of property.

NOTE: Section 15(2) provides that, "Any Magistrate who, on hearing a complaint under this Act involving a child, finds it proved may direct the complainant to report details of the complaint to a Children's Board. See also the note at the foot of E1.14.

**E1.14 Powers of the Court to decide charges (Sections 35, 36, 37 & 38)**

(a) Section 36 contains the main provisions, and it states, "Where a charge is proved before a Children and Young Persons Court, the Court, having regard to the gravity of the offence, the young person's background, personality, and needs, and the public interest, may, subject to ... (the provisions relating to postponement) ... do one or more of the following things:-"

- "Admonish the young person";
- "Discharge the young person from the proceedings without further order or penalty";
- "Impose such fine as could have been imposed by a Magistrate's Court if the young person were an adult and had been convicted of the offence ... (other than the power to impose a period of imprisonment in default of payment)";
- "Order the young person to pay a sum towards the cost of prosecution";
- "Order the young person or his parent or any guardian to ... " - either " ... pay to any person such sum as it thinks fit by way of compensation for any loss of or damage to property suffered by that person through or by reason of the offence:

or - "... to make restitution ..." as provided by S.404 of the Crimes Act 1961 which relates to the return of, and restitution for, any property obtained by reason of the offence; or both:

- Order the forfeiture of property to the Crown;
- "Order that the young person come before the Court if called upon within 12 months after the making of the order, so that the Court may take further action under this section." (Except that the Court may not then make a supervision or guardianship order).
- "Make an order placing the young person -  
either - Under the guardianship of the Director-General:  
or - Under the Supervision of a Social Worker for a period of not more than 3 years; but that the period shall not extend beyond the date of which the young person attains the age of 17 years;"  
or - If at the time the offence was committed, the young person was under the guardianship of the Director-General, the court may order that he undertake community work.
- In the case of a young person who has attained the age of 15 years, enter a conviction and order that he be brought before a Magistrate's Court for sentence or decision ..." (Where this power is used the Court "... shall not ..." take any of the other actions described here except to admonish).

b) "Every order or decision made ..." by the Court relating to fines, costs, compensation, restitution or forfeiture, "... shall have the same effect as if made by a Magistrate's Court and as if any fine imposed or other sum ordered to be paid had been adjudged to be paid by conviction except that:-

- The enforcement of every such order or decision shall be the responsibility of a Children and Young Persons Court and its officers; and
- No young person shall be liable to imprisonment for failing to comply with any such order or decision.

c) Where a young person is to be called back within 12 months, the Court may, "... on the application of a Social Worker or a member of the Police ..." (S.31) direct the issue of a summons to that young person. The Court then has the power

to exercise any of its powers under Section 36 except those relating to fines, costs, compensation, restitution or forfeiture, and in any case it can only exercise the power once.

d) Section 37 provides that, "Where a charge against a young person is proved ..." the Court is "... required or empowered to make an order disqualifying the offender from holding or obtaining a driver's licence", as would be the case if the young person had been convicted in a Magistrate's Court. (i.e. offences where the use of a motor vehicle is in some way involved).

e) Section 38 provides that "Where a charge against a young person is proved ..." and where the offence is one which the "... Secretary for Transport would be obliged ... to record demerit points", the young person is deemed, (unless the information is discharged under S.35), to have been convicted, as if in a Magistrate's Court, and demerit points provisions apply accordingly.

f) Section 35 provides that where a young person is charged with an offence which, were he an adult, could be decided by a Magistrate's Court, "... a Children and Young Persons Court, after enquiry into the circumstances of the case, may in its discretion discharge the ..." matter as if it had never come before the court. However, as well as discharging the matter ( which has the effect of it not being entered in the Courts records) the Court may also make orders relating to costs, compensation, restitution, or forfeiture.

NOTE: Section 100 provides that the Court may dismiss the charge "... if it is satisfied that the time which has elapsed between the date of the commission of the alleged offence and the court hearing has been unnecessarily or unduly protracted and that the proceedings have thereby lost significance or reasonableness". This also applies to complaints under Section 27(2)(i).

#### E1.15 Postponement of final decision (Section 31 & 36)

When a complaint in respect of a child or young person, or a charge in respect of a young person is proven before the Children and Young Persons Court, and the Magistrate has a full Social Worker's report, he may make an order postponing his final decision for any period, or aggregate of periods, of not more than 3 months.

The Magistrate may not, at any hearing other than the one at which the complaint is proven, make any order relating to compensation, or return or forfeiture of property. In the case of a charge, any order relating to prosecution costs, compensation, restitution and forfeiture of property can only be made at the time the charge is proven.

In making a final decision, after one or more postponements the Magistrate may do one or more of the following:-

##### a) in the case of a complaint

- admonish;
- discharge;
- order the child, young person or parent to come before the Court, again within 2 years if called upon to do so;
- place under guardianship of the Director-General;

- place under supervision of a Social Worker; for conditions see E7.18, E7.21, E7.22
- order the Director-General to arrange counselling of the parent or guardian
- order compensation
- order restitution
- order forfeiture of property to the Crown

b) in the case of a charge

- admonish;
- discharge;
- impose a fine;
- order the young person to come before the Court again within one year if called upon to do so;
- place under guardianship of the Director-General;
- place under supervision of a Social Worker; see E7.18, E7.19, E7.20, E7.21, E7.22
- enter a conviction and order that he be brought before the Magistrate's Court for sentencing or decision (this power can only be used if the young person has attained the age of 15 years).
- order compensation
- order restitution
- order forfeiture of property to Crown

E1.16 Direction during postponement (Sections 31 and 36)

In making an order postponing his final decision on a complaint or charge, the Magistrate may direct that the child or young person will be either under the supervision of the Director-General or in his custody until such time as the case comes before the Court again.

E1.17 Cancellation of postponement (Sections 31.4 and 36.7)

The Director-General may during the period of postponement, including any extensions of it, bring the case before the court for final consideration. The Court may then cancel the postponement.

E1.18 Proceedings not invalidated by mistake in age (Section 44)

If at the time of the hearing there are "reasonable grounds for believing" that the person in respect of whom the complaint or charge is brought, is a child or young person, then any proof to the contrary at any future time will not invalidate the proceeding. However, if such a situation should arise, either party to the proceedings may apply for a rehearing in the appropriate court under the provisions of the Summary Proceedings Act 1957, Section 75.

Whenever a Social Worker is aware, or learns, that a young person brought before the Court is mistakenly believed by the police and Magistrate to be older than he or she is, the matter must be drawn to the attention of the Assistant Director (Social Work) at once.

The Assistant Director can then ensure that the District Probation Officer and the Court are aware of the true position so that any anomalies in sentencing may be amended.

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£1.19      Initiation of proceedings

Only Police, Traffic Officers and Social Workers may initiate proceedings in the Children and Young Persons Court.

A police officer may either:-

- make a charge, as in other courts, alleging that a young person has committed an offence against a specific statute; or
  
- make a complaint under Section 27 of the Children and Young Persons Act 1974 that a child or young person is in need of care, protection or control.

If he makes a charge (either following a 'Youth Aid Section' consultation and decision to prosecute or following arrest) the police officer must notify the nearest Social Worker of the fact (S.41(1)) and the date and place of the court hearing. If he is considering complaint proceedings in respect of a child the police officer must present the information to the nearest Children's Board, except where the child has been arrested or taken on warrant. In this latter case the police officer must notify the nearest Social Worker.

A Traffic Officer may make a charge alleging that a young person has committed a serious traffic offence. (i.e. an offence punishable by imprisonment).

A Social Worker may make a complaint under Section 27 that a child or young person is in need of care, protection or control or under Section 48 for failure to observe supervision conditions. Where complaint action in respect of a child is considered necessary the details must first be presented to the Children's Board, unless the child has been taken into custody on warrant, in which case the matter has to come before the Court.

E2 INITIATING COMPLAINT PROCEEDINGSE2.1 The gravity of court action

Initiating court action may have extremely grave consequences for the child or young person and his family, so that it is not to be undertaken lightly. The personal relationship between Social Worker and child or parent is the basis of our most effective work, and this relationship should not be endangered by unnecessary court action that may savour of coercion. Before recommending to the Director the making of a complaint, the Social Worker should always consider seriously whether the end he desires might not be achieved by adopting some other course of action. Once the decision is made to bring the child before the Court by making a complaint, the actions outlined in subsequent sections should be taken and the question of whether execution of a warrant is necessary should be considered.

E2.2 Warrant action in ill-treatment and neglect cases

Whenever there is any reason to believe that a child's life is in danger, or that he is being subjected to serious neglect or cruelty, the investigation of such complaints must take precedence over all other duties. The Children and Young Persons Act imposes the duty of prompt inquiry on the Department. Emergency situations demand emergency measures, and in these investigations it has to be remembered that we temporarily change our role, and become law-enforcement and child-protection agents. In less serious or less urgent cases investigations may be delayed, but never to the extent that a child's interests or welfare are unnecessarily imperilled. It may be preferable in some cases to take complaint proceedings without warrant action. The effects of separation trauma and anxiety where pre-school children are involved must be a consideration, and may be more harmful to a child than leaving it in its parents care. Social Workers should seek the guidance and approval of their supervisors where possible, before taking action. There are two methods by which Social Workers may proceed under warrant to investigate complaints and/or remove a child or young person, and an additional provision for the Police to investigate complaints without warrant. Police assistance under this provision should be sought where urgency or circumstance demands such measures.

E2.3 Duty of Director-General to arrange prompt inquiry (Section 5)

This provision is included in Section 5 which is headed "Duty of Director-General to undertake preventive work". Subsection (1) states that, "It shall be the duty of the Director-General to take positive action and such steps under this Act as in his opinion may assist in preventing children or young persons from being exposed to unnecessary suffering or deprivation or from becoming seriously disturbed or from committing offences."

Subsection 2, in pursuance of the above duty, states that the "... Director-General shall arrange:-

- a) For prompt inquiry where he knows or has reason to suspect that any child or young person is -
  - (i) suffering or likely to suffer from ill-treatment or from inadequate

- care or control; or
- (ii) by reason of his behaviour, causing serious concern to his parents, guardians, or teachers:"

Subsections 2(b) and (c) place a similar duty, for the "provision of assistance", and for "inquiry into any allegation" regarding the care of a child or young person.

#### E2.4 Warrant to remove child or young person (Section 28)

Section 28(1) provides that Where a complaint has been sworn under Section 27, "... any Magistrate or Justice or any Registrar (not being a member of Police) who, on the application of any member of the Police or of any Social Worker, is satisfied that there is reasonable ground for suspecting that the child or young person is likely to be ill-treated, neglected, subject to inadequate care or control, or to be so seriously disturbed as to be likely to act in a manner harmful to himself or to the person or property of others, may issue a warrant authorising any member of Police or Social Worker to remove the child or young person from his surroundings: ..." (NOTE: "... the alleged commission of an offence shall not of itself be sufficient grounds for the issue of a warrant.") The "application" is an oral one for this warrant. (Refer Fig.1.). Any child or young person must be brought before a Children and Young Persons Court within 7 days after being removed on a warrant under this section.

#### E2.5 Provisions regarding search and entry (Sections 7, 8 and 28)

There is a common provision, under Sections 7 and 28 (for execution by a member of Police or a Social Worker), or by the Police alone under Section 8, to - "... enter and search by force if necessary, any dwellinghouse, building, aircraft, ship carriage, vehicle, premises or place ...".

These provisions of Sections 7 and 28 should be noted:-

- (a) Where a warrant to search under Section 7 is issued, a duty is placed on "... everyone executing a warrant under this section, to have it with him and to produce it if required to do so". This warrant also provides for the use of "... such force as may reasonably be necessary" to remove the child or young person and place him in a residence.
- (b) Where a warrant to remove under Section 28 is obtained, the person authorised by the warrant must have "... reasonable grounds to suspect ..." that the child or young person is in one of the places described above. Where the child or young person is found as a result of a search under these circumstances, "... such force as may be reasonably necessary ..." may be used to remove him and convey him to a residence. There is also a penalty subsection which provides that every person commits an offence (3 months imprisonment or \$500) who "... knowingly hinders or obstructs any person in the execution of a warrant under this section or who wilfully fails or refuses to afford to any person engaged in the execution of the warrant immediate entrance to any premises or to any part thereof."

E2.6 Warrant to search for and remove without first swearing a complaint  
(Section 7)

Section 7(1) provides that, "Any Magistrate or Justice or any Registrar who, on application in writing made on oath, is satisfied that there is reasonable ground for suspecting that a child or young person is being ill-treated or neglected in a manner likely to cause unnecessary suffering or is living in an environment injurious to his physical or mental health, may issue a warrant in the prescribed form authorising any member of the Police or Social Worker to search for the child or young person and ascertain whether there are grounds for making a complaint under Section 27 ..." (Refer figure 2(b)).

Section 7(2)(b) provides that, "Everyone authorised by warrant under this section may - ... if in his opinion the child or young person is seriously at risk of ill-treatment or neglect or needs to be detained to protect his physical or mental health, remove the child or young person ... and place him in a residence."

The child or young person may not be detained in a residence beyond a period of 3 days unless a complaint is made and a Court presided over by a Magistrate or Justice directs that the child or young person be held in custody pending the hearing of the complaint. The "application in writing" for a warrant is contained on a separate form (Refer figure 2(a)). This section provides for more urgent situations where the suspicion is that the child "is being" ill-treated etc, not as Section 28 provides "is likely to be" ill-treated etc. The power is also given just to "ascertain" the child's situation, there being no obligation to make a complaint, whereas Section 28 requires that a complaint be sworn before the issue of a warrant.

In any case where after execution of the search warrant the situation does not appear to require that the child or young person concerned be removed immediately the Social Worker should do one of the following:-

- a) if the case pertains to a child, refer the matter to the Children's Board.
- b) if it concerns a young person bring complaint action on a summons.
- c) gain the Assistant Director's (S.W.) approval not to take any further action and notify in writing the person who signed the warrant of that decision with the reasons which led to it.

E2.7 Police power to enter, search for, and remove without warrant (Section 8)

Section 8(1) provides that, "Where any member of the Police, who has reasonable grounds for suspecting that any child or young person is in need of care and protection within the meaning of Section 27 of this Act, believes that it is critically necessary for the survival of, or avoidance of injury to, the child or young person that inquiries into the circumstances of the child or young person should be made without delay, he may, for that purpose and without a warrant, ... search for and he "... may, if necessary, take the child or young person to, and place him in, a residence as if authorised to do so by a warrant under Section 7..."

The child or young person may not be detained in a residence beyond a period of 3 days unless, within that period a complaint is made and "... a Court, presided over by a Magistrate or Justice directs that the child or young person is held in custody pending the hearing of the complaint."

#### E2.8 Completion and possession of warrants

The following points concerning the completion of warrant forms should be noted:

- If a warrant is addressed to a particular Social Worker then the alternative phrase "To every Social Worker ..." etc. must be deleted and, vice versa. An "open warrant" should be used in those circumstances where the Social Worker initiating the proceedings may be unable to execute the warrant. (Refer figures 1 and 2(b)).
- Only one warrant is prepared and is placed on the child's file after the action is completed.
- A Magistrate, Justice, or Registrar (not being a member of Police) may sign the warrant, however he must be given a brief but convincing statement of the reason compelling the urgent action.
- The Social Worker to whom the warrant is issued should have possession of the warrant at the time it is executed (he is required by law under section 7 to be able to produce it) and should, in every case show it to parents, guardians, or other persons, from whom a child or young person is removed. When delivering a child or young person to a residence as defined by the Act, the warrant should be shown to the person for the time being in charge.

NOTE: Social Workers should not swear complaints and warrants before a Justice who is also a member of our Departmental staff. When acting as a J.P. in this capacity he is not merely being a reliable witness but should also be convinced of the justification for the proposed action and it would be improper to have a staff member acting as a judge of our complaints. An independent J.P. should be used.

#### E2.9 Execution of a warrant

Section 101 of the Act provides that "Any warrant issued under any provision of this Act may be issued or executed at any time of the day or night and may be issued or executed on a Sunday as on any other day." A Magistrate, Justice, or Registrar who issues a warrant must be satisfied of the reasonable grounds for its issue. If a situation is subsequently found not to necessitate the execution of a warrant, the Assistant Director (S.W.) must give his approval and the person who issued the warrant must be notified in writing of the reason why the warrant was not executed. Where a Section 28 warrant is not executed the complaint must still be brought before the Court.

By its very nature any warrant under Section 7 should be executed at the earliest possible moment. A warrant to remove a child or young person under Section 28 however may be temporarily thwarted by the absence of the child. Under Section 28(3)

a period of 21 days is allowed for the execution of the warrant.

Execution of warrants issued under provisions of Section 28 of the Children and Young Persons Act 1974

When it is necessary to execute a Warrant to uplift children or young persons from a school the Social Worker should be convinced that it is impossible to action the Warrant at any other time or place. The main consideration must be what is in the best interests of the child and generally speaking these best interests are not served by drawing unnecessary attention to the child or young person.

However should circumstances dictate that action must be taken at a school the Principal should be warned of the pending action, preferably by a senior officer when such a step is possible. Upon arrival at the school the Social Worker should recognise the need to establish his/her identity and show the legal document (Warrant) to the Principal who will then give any assistance required.

Difficulties should never arise when a Social Worker has a good working relationship with schools and they are known to teachers and pupils alike. Such a relationship can only be achieved by constant visiting and close co-operative work with the teachers.

E2.10 Police powers in respect of unaccompanied children in public places (Section 12)

This section of the Act empowers the Police to deliver forthwith to parents or guardians, any unaccompanied children found in a public place, where the children are either, ".... associating with known criminals or drug addicts; or where they are ... in an environment which is detrimental to their physical or moral well-being". For the purpose of this section "public place" as defined under Section 40 of the Police Offences Act 1927, has wide meaning and includes any "... place open to or used by the public whether on the payment of money or otherwise".

Where the Police are unable to deliver the child to his parents, they may deliver him to "... any person who ... is able and willing to care for ... him or where they cannot find any of these persons they may "... place the child in the custody of the Director-General by delivering the child to a Social Worker".

Where a child is placed in custody he may be held for only three days until either, his parents are found, or a complaint is brought before a Children and Young Persons Court.

E2.11 The grounds for complaint action (Sections 27 & 48)

Section 27 allows for any member of the Police or any Social Worker "... who reasonably believes that any child or young person is in need of care, protection, or control ..." to bring a complaint before the Court. The grounds for such reasonable belief are stated in subsection (2) as follows: - "A child or young person shall be in need of care, protection or control within the meaning of this Act if -

- (a) his development is being avoidably prevented or neglected; or
- (b) his physical or mental health, or his emotional state, is being avoidably impaired or neglected; or
- (c) he is being or is likely to be, neglected or ill-treated; or
- (d) his parent or guardian, Or the person for the time being having care of him -
  - (i) has failed or is failing to exercise the duty and care of parenthood; or
  - (ii) is unable or unwilling to carry out the duty and care of parenthood, or

- (e) he is exhibiting behaviour which -
- (i) is beyond the control of his parent or guardian, or the person for the time being having care of him; and
  - (ii) is of such nature and degree as to cause concern for his well-being or his social adjustment or for the public interest; or
- (f) he has behaved in a manner which -
- (i) was beyond the control of his parent or guardian or the person for the time being having care of him; and
  - (ii) was of such nature and degree as to cause concern for his well-being or his social adjustment or for the public interest; or
- (g) his parent or guardian or the person for the time being having care of him is unable to provide, or is failing to provide, adequate training and control; or
- (h) being of school age within the meaning of the Education Act 1964 he is persistently failing to attend school without reasonable cause; or
- (1) being a child of, or over the age of, 10 years he has committed an offence or offences the number, nature or magnitude of which indicates that -
    - (1) he is beyond the control of his parent or guardian or the person for the time being having care of him; and
    - (2) it is in the interests of his future social training or in the public interest, that a finding be made in terms of this section of this Act.

Section 48(1) provides a further ground for complaint by Social Workers only, in the case of failure to observe the conditions of a supervision order. The subject of supervision orders is discussed more fully under E7.

Social Workers should seek the guidance of the supervisors where there is any doubt about which paragraph of Section 27 most appropriately fits the circumstances of the particular case. In general the ground chosen should be that which can be supported by the most reliable evidence; however it should also coincide as closely as possible with the real area of concern.

#### E2.12 Procedure in complaint cases

The sequence of events for a straight-forward (i.e. where only one parent is named) case is as follows:-

- obtain your supervisor's approval;
- arrange a date for the hearing;
- have typed three copies of a complaint and three copies of a summons (See Fig.3 and 4(a));
- have one complaint and two summonses signed by a Magistrate, Justice or Registrar;
- serve the original summons on the parent (See E2.4);
- lodge the signed complaint and the unsigned duplicate (with the date of swearing inserted) at the Court and at the same time;
- sign the statement of service on the duplicate summons, then
- lodge this summons at the Court also. While at the Court,
- confirm date of hearing with Registrar;
- place third copies of complaint and summons on the personal file noting on the summons that the complaint has been filed at Court and that the statement of services has been signed.

It should be noted that Form S.W.501 "Complaint that Child or Young Person is in need of Care, Protection or Control" and Form S.W.662 "Summons to Appear before a Children and Young Person's Court unlike their predecessors, do not have identical top portions and will need to be typed separately.

All parties involved should be named on the one complaint form; details of the complaint will indicate their alleged culpability. A summons should be issued individually to each party named in the complaint. "Where there is no parent, guardian or other person whose whereabouts are known" the complaint can be made in the name of the child or young person.

By signing the complaint and summons the District Judge, Registrar or Justice is agreeing that the proposed action is justified therefore he has a right to know the full circumstances of the case and to ask questions or query the proposed action. The complaint should be filed in the Court as soon as possible.

#### E2.13 Serving the Summons

The original summons without the statement of service completed should be served by the Social Worker on the person named. In most cases the summons should be delivered to the person named but if he refuses to accept it, it is sufficient to bring it to his notice. Although this should not be a regular practice the summons can be left with an adult member (i.e. of or over 18 years), of his family who is living at his place of residence (Summary Proceedings Act S.24(1)(b)), or sent to him by acknowledged reply post.

Where the summons has been served, the Social Worker should lodge the duplicate copy at the Court after completing the statement of service section (Fig 4(b)).

Where the parent or person having custody of the child lives in a remote area, or is particularly recalcitrant, the police may be asked to serve the summons. When asking them to do so they should be supplied with the original and one copy. The statement of service will then be completed by a police officer and lodged at the Court. The third copy will be retained for the child or young person's file and noted "Summons served by police".

#### E2.14 Offences by parents or guardians in respect of children

There are three offences which specifically relate to acts or omissions by parents, guardians, or persons for the time being having the care, in respect of children or young persons. In relation to these offences it should be noted that the Crimes Act 1961 (S.59 "Domestic discipline") provides that -

- "(1) Every parent or person in the place of a parent, and every school master, is justified in using force by way of correction towards any child or pupil under his care, if the force used is reasonable in the circumstances.
- (2) The reasonableness of the force used is a question of fact."

Subsection (2) means it is for the Court to establish, on hearing the evidence, whether or not the force used was reasonable. The offences contained in the Crimes Act define a child as being under 16 years, and provide as follows:

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"Duty of parent or guardian to provide necessities (Section 152)

- (1) Everyone who as a parent or person in place of a parent is under a legal duty to provide necessities for any child under the age of sixteen years, being a child in his actual custody, is criminally responsible for omitting without lawful excuse to do so, whether the child is helpless or not, if the death of the child is caused, or if his life is endangered or his health permanently injured by such omission.
- (2) Everyone is liable to imprisonment for a term not exceeding seven years who, without lawful excuse, neglects the duty specified in this section so that the life of the child is endangered or his health permanently injured by such neglect."

"Cruelty to a child (Section 195)

Everyone is liable to imprisonment for a term not exceeding five years who, having the custody, control, or charge of any child under the age of sixteen years, wilfully ill-treats or neglects the child, or wilfully causes or permits the child to be ill-treated, in a manner likely to cause him suffering, actual bodily harm, injury to health, or any mental disorder or disability."

It is interesting to note that the section on "cruelty to a child" has an analogous section in the Children and Young Persons Act 1933 of the United Kingdom. The third offence is provided for by our Children and Young Persons Act 1974 as follows:-

"Offence to leave child without reasonable supervision and care (Section 9)

- Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who, being a parent or a guardian or a person for the time being having care of a child, leaves that child, without making reasonable provision for the supervision and care of the child for a time which is unreasonable having regard to all the circumstances."

**E2.15** Police to be advised in cases of ill-treatment and neglect

In cases of serious neglect or cruelty the police should be advised unless the Director has good reason for not wishing to do so, in which case he should report the circumstances and reasons to the Director-General. Generally speaking the police should be advised about every case of cruelty or ill-treatment where a child is seriously marked or the Director has doubts about the degree of ill-treatment administered. Directors should encourage close liaison with the police in these matters, particularly where the offences described above are concerned, and joint investigations should be considered in appropriate cases.

The Children and Young Persons Act provides for an order requiring the Director-General to arrange for any person to whom a complaint is addressed to receive counselling and this may be preferable to an abusing parent being released on Probation. Such an order avoids two Social Workers being involved in one case, where both parent and child require oversight, and it also allows for family

case work where this is indicated.

E2.16 Medical evidence in ill-treatment or neglect cases

Whether or not warrant or complaint action is taken, or is likely to be taken, by Social Workers in any case of suspected or actual ill-treatment, the child (or young person) should be examined as soon as possible by a doctor, (regardless of the need for treatment) if the parents, guardians, or person for the time being having responsibility for their care, agrees. Where any parent (etc) refuses to consent to the child being examined, and there are reasonable grounds for believing that the child has been ill-treated, police assistance should be sought to facilitate the investigation of any incident. It is preferable that any medical examination should be conducted by the doctor who is most familiar with the child's medical history and family background. Where this is not possible in the first instance and another doctor has to complete the examination, the child's own doctor should subsequently be consulted as soon as possible. There may be knowledge which he has that is relevant to the incident under investigation, and in any case he should be made aware of the incident. Doctors may claim privilege only in respect of evidence given in civil proceedings, so that they may be called upon to give evidence in ill-treatment and neglect cases. The above comments relating to ill-treatment also apply in neglect cases where the neglect is thought to have had some detrimental effect on a child's health, and would include psychosomatic symptoms in the case of emotional disturbance.

E3 PROCEDURE IN COMPLAINT CASESE3.1 Prosecution of Complaint Cases : Employment of Crown Counsel(a) Initiated by Police

If the Police charge a young person with an offence or make a complaint under Section 27, Children and Young Persons Act 1974, as amended by section 7 of the Children and Young Persons Act 1977, against the parents, or persons having custody of a child or young person, the responsibility for prosecuting the case in court is theirs.

The Social Worker in these circumstances appears in the role of a reporting officer, conveying to the Court information on the home background, behaviour, personality etc., of the child.

(b) Initiated by this Department

If a Social Worker wishes to make a complaint under section 27 etc., Head Office approval for the employment of Crown Counsel should be obtained, when it is expected or known that the case will be defended.

Applications should be headed 'Employment of Crown Solicitor - attention Legal Section, Head Office. If the matter is considered urgent, the Senior Social Worker should telephone the Office Solicitor, Head Office, and inform him of the situation.

Instructions are issued from Legal Section, Head Office, to the appropriate Solicitor direct. Once approval is obtained Crown Counsel should be consulted on what form the complaint should taken, which witnesses should be summoned and the personal file and other relevant papers made available to him.

E3.2 Advising Parents of Their Rights

Social Workers have a duty to inform natural parents of their right to counsel, and advisability of being represented. The possibility of access to legal aid should be conveyed to them. They should also be asked to have their Solicitor inform the department if a defence is to be entered.

E3.3 Signed Statement Agreeing to a Guardianship Order

Parents cannot merely by signifying their agreement in writing transfer their guardianship responsibilities to someone else and, except in rare circumstances, should not be asked to sign a statement of consent to a guardianship order. Among the unusual circumstances which might justify such procedure could be when a parent has had little to do with his child for a long time and does not feel he is in a position to offer help or is obviously unsatisfactory, where he does not have physical custody of the child, and where attending the Court would involve him in considerable expense and inconvenience to no avail. A statement of the type which might be prepared in such circumstances follows:

I Joseph Raymond RENNER Truck driver, of 16 Cross Street, Lower Hutt hereby agree to the placing of my son, Charles Albert RENNER born on the 14th day of June 1975 under the guardianship of the Director General of the Department of Social Welfare.

The implications of such an order have been explained to me and in particular I understand that, if my son is so placed, the Director-General will be given full legal rights of guardianship which he may exercise to the exclusion of all other persons, and that the Director-General may place him in any institution, foster home, or situation which he

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believes will be in my son's best interests, that such placement may be made anywhere in New Zealand, and that for such time as my son is a charge on public funds I will be required to contribute to his maintenance at the discretion of the Director-General or the Court.

Signed this 8th day of October 1980

by Joseph Raymond RENNER \_\_\_\_\_  
 In the presence of \_\_\_\_\_  
 Occupation \_\_\_\_\_  
 Address \_\_\_\_\_

The signed statement should be at the Court attached to the Social Worker's report.

#### E3.4 Conduct in Court

Although the Children and Young Persons Court is less formal than other Courts, proceedings in it still carry a dignity which Social Workers are expected to preserve. The District Judge should be addressed as 'Sir' or 'Your Honour'. Dress should be suitable, tidy, and acceptable to the presiding District Judge. In making statements in Court, a Social Worker should make sure that he can be clearly heard, and if he is giving evidence which the District Judge is taking down in longhand, that he speaks sufficiently slowly. Even though some formalities can seem pointless or irksome, we have a duty not to prejudice the feeling of the Court against us with the possibility of our effectiveness being reduced.

Children and Young Person appearing before the Court should in their own interests also be encouraged to present themselves in a similar manner.

#### E3.5 Persons seeking Admission to Court

Section 23 of the Children and Young Persons Act 1974 specifically mentions that the child may have a personal representative at the Court hearing. It is envisaged that such a representative might be a minister, a teacher, an adult relative, or a youth group leader for example. Any representative from a Social Work agency may also attend if he has a direct interest in the case. Where any representative of a child or young person or a social work agency wishes to attend a hearing, the Social Worker dealing with the case should establish the representative's authority to be present, and where appropriate, introduce him to the Court. Any person other than those with a right to be present (refer E1.6) must gain, either through the Registrar or a Social Worker, the presiding District Judge's permission to attend. It is intended that there should be good reason for the person to be present.

#### E3.6 Statement of facts where the complaint is admitted

The Registrar of Court will, when the Court is assembled, read the complaint to the parents and will then ask them if they admit it. If the parents admit the complaint the Social Worker should, when the Magistrate asks him to proceed, state clearly and concisely the facts on which the case is brought before the Court. If these facts refer to misconduct of the parents or include critical statements about the child or young person's home (as they often will) it would be advisable, if the District Judge has not already required this, to ask if the child might remain outside the court when the facts of the case are being presented. The child will, of course, be returned to the courtroom before a supervision or guardianship order is made. A13/7/81

E3.7 Witnesses' Expenses

Section 102 of the Children and Young Persons Act 1974 gives the Department a discretion to pay witnesses' fees to witnesses who attend the Children and Young Persons Court to give evidence for the department, whether they come voluntarily, or are subpoenaed.

The amount paid must be accordance with the scale set out in the Witnesses' and Interpreters' Fees Regulations (Registrars of Courts will provide current rates).

Authority is delegated to A.D. (S.W.) to approve witness fees in accordance with the regulations. The code for payment is 10668.

E3.8 The District Judge's Decision

If, after considering the evidence, the District Judge decides that the complaint has been proved to his satisfaction, he may order:

- (a) that the child or young person,
  - be placed under guardianship of the Director-General
  - be placed under supervision of a Social Worker
  - forfeit any property
  
- (b) that the child or young person or parent or guardian,
  - be admonished;
  - be discharged;
  - be brought before the Court if called upon within 2 years;
  - pay compensation for any loss or damage to property;
  - return any property.
  
- (c) that the parent or guardian,
  - be required to receive counselling.

(These orders are more fully explained in E1.13.) If the complaint is not proved to the satisfaction of the Court it will be dismissed. Providing the basis of the complaint was reasonable a Social Worker should not consider such a decision as a criticism of his action and certainly he should not consider the decision as a mistake. It is the responsibility of a Social Worker to make a complaint (where justified) but the prerogative of the Court to make a decision on the facts before it. These remarks apply equally when the Court makes any decision other than that recommended.

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Social Worker who makes the complaint does not act as prosecutor. He is then better placed to give evidence as a witness. All Social Workers, once they have gained some experience, should be given training and practice in the role of prosecutor. This is a part of the total social work scene within this Department and it should not be left to a capable and willing few.

The prosecuting Social Worker will elicit, from the witness, information which is designed to substantiate the complaint. Unless permitted by the Court to do otherwise, the Social Worker must observe the rules of evidence. Care should be taken not to use leading questions (ones that suggest their own answer). Such questions are generally objected to by the Court because a witness can supply an answer without carefully considering and clearly stating his own first hand knowledge.

Hearsay evidence (i.e. when one person repeats what another has said) is not usually accepted because of unavoidable doubts as to its accuracy. Witnesses may only be questioned on matters which are relevant to the actual case. It is well to remember that it is always for the Court to decide at any particular time what it will accept.

The Social Worker who initiated the complaint and any witness may be cross examined. This also means that the prosecuting Social Worker may cross examine any witness for the defence.

NOTE: Social Workers are referred to the article 'Leading Questions' by E. Ronald Norsman from 'The Magistrate' July 1957 a copy of which appears in Part V of the Field Officer's Manual.

### E3.7 Engagement of Crown Solicitors

Where a Social Worker has made a complaint which will be defended and which appears to present special difficulties the Director may recommend that the Director-General obtain the authority of the Crown Law Office to engage the services of the local Crown Solicitor. Such cases should be rare because it is preferable that a Social Worker's evidence be such that he, or a more experienced or senior Social Worker, can provide all the support necessary to substantiate his case without fighting for it. Where approval has been given the Director will need to brief the local Crown Solicitor on the facts.

### E3.8 Issue of summons to witnesses

Quite frequently a Social Worker will need to call witnesses to support his complaint when it is defended. It is preferable to be able to rely on witnesses who will attend willingly as the evidence they give is likely to be more helpful. Nevertheless if a witness's evidence is vital to a case and there is real doubt about whether he will attend on the Court day, a summons can be issued to ensure he does appear. When such a summons is needed the Social Worker should:-

- complete in triplicate the Summons to Witness (refer Fig.5), provided for under Section 20 of the Summary Proceedings Act 1957;

- serve the original copy of the summons on the witness (or ask the police to serve it if necessary);
- file a copy at the Court with the Statement of Service on the reverse side completed;
- retain the third copy for placing on the child's file.

### E3.9 Witnesses' Expenses

Section 102 of the Children and Young Persons Act 1974 gives the department a discretion to pay witness fees to witnesses who attend the Children and Young Persons Court to give evidence for the department, whether that witness comes voluntarily, or is subpoenaed.

The amount paid must be in accordance with the scale set out in the Witnesses' and Interpreters' Fees Regulations (Registrars of Courts will provide current rates). Authority is delegated to A.D.(S.W.) to approve witness fees in accordance with the regulations. The code for payment is 10-668.

### E3.10 The Magistrate's Decision

If, after considering the evidence, the Magistrate decides that the complaint has been proved to his satisfaction, he may order:-

- (a) that the child or young person,
  - be placed under guardianship of the Director-General
  - be placed under supervision of a Social Worker;
  - forfeit any property.
- (b) that the child or young person or parent or guardian,
  - be admonished;
  - be discharged;
  - be brought before the Court if called upon within 2 years;
  - pay compensation for any loss or damage to property;
  - return any property.
- (c) that the parent or guardian,
  - be required to receive counselling.

(These orders are more fully explained in E1.13). If the complaint is not proved to the satisfaction of the Court it will be dismissed. Providing the basis of the complaint was reasonable a Social Worker should not consider such a decision as a criticism of his action and certainly he should not consider the decision as a mistake. It is the responsibility of a Social Worker to make a complaint (where justified) but the prerogative of the Court to make a decision on the facts before it. These remarks apply equally when the Court makes any decision other than that recommended.

E4 ACTION PENDING FULL COURT HEARINGE4.1 Custody where a child is arrested (Section 43(4) & (5))

Any child of or over the age of 10 years may be arrested, where a power to arrest exists for the particular offence, regardless of the fact that he may not be charged. In addition to the usual powers and duties of the Police in arrest cases, Section 43 makes special provisions in respect of children.

Where a child is arrested for any offence "... any member of Police may:-

- release the child ... without bail; or
- deliver him into the custody of his parents or guardian or other person approved by the member of Police for the purpose."

However, "... if it is not, in the view of the member of Police, practicable or desirable to exercise, in respect of any child who has been arrested for any offence, ... (either of the above powers) ... the member of Police shall, as soon as practicable and in any event not later than 24 hours after the arrest of the child, place the child in the custody of the Director-General by delivering the child to a Social Worker." The child may then be detained by the Social Worker or in a residence as described in E4.5(c).

E4.2 Custody where a young person is arrested (Section 43(4))

This subsection provides that "... where a young person is arrested for an offence punishable by 3 months imprisonment or less any member of Police may:-

- release the ... young person without bail; or
- deliver him into the custody of his parents or guardian or any other person approved by the member of Police for the purpose.

In all cases, that is including those where the term of imprisonment is more than 3 months, the Police have a duty to bring the young person "... before a Court, as soon as possible to be dealt with according to law", as provided by Section 316(5) of the Crimes Act 1961.

The following are some of the more common offences which are punishable by 3 months imprisonment or less, and where the Police have power to arrest:-

	Section 3(eee) Police Offences Act 1927			
Obstructing a footpath				
Fighting in a public place	"	3B	"	"
Disorderly behaviour in public place	"	3D	"	"
Wilful damage	"	6	"	"
(N.B. not wilful damage under Crimes Act S.198)				
Wilful trespass	"	6A	"	"
Found drunk in a public place	"	41	"	"
Obscene language in a public place	"	48	"	"
Idle and disorderly (insufficient lawful means of support)	"	50	"	"
Found on property without lawful excuse	"	54	"	"



Common assault - Section 4 of Police Offences Amendment Act (No.2) 1952. (N.B. This section is most commonly used however common assault under Section 196 of Crimes Act 1961 is punishable by 1 years imprisonment, and therefore is excluded).

Theft only where the value of the object stolen does not exceed \$10. Section 227(d) of the Crimes Act 1961.

Sometimes the Police arrest a young person and ask this Department to admit him to one of our residences pending a Court hearing. For example, a boy of 14 years is found in the middle of the night committing an offence, is arrested, and then requires accommodation until morning. Under the particular circumstances the Police may not feel it appropriate to take warrant action. In such cases the Assistant-Director (Social Work) may approve temporary admissions, to Boy's Home, Girl's Home, or other residence. If the child is placed in a foster home for one night under these circumstances payment may be made at normal board rates.

#### E4.3 Definition of a "Residence" (Section 2)

For the purpose of the Act, a "Residence means any institution, family home, group home, cottage home, foster home, or other premises, approved or recognised for the time being by the Director-General as a place of care and treatment for the purpose of this Act; and includes any place of care or treatment, so approved, whether administered by the Crown or not and a home registered ..." under the Act, but does not include a penal institution; psychiatric hospital or a house or other place authorised under the Mental Health Act; or a Children's Health Camp.

#### E4.4 Detention in a residence on warrant (Sections 7 & 28)

A warrant issued under either Section 7 or Section 28, "... shall be sufficient authority for the person for the time being in charge of any residence in which a child or young person to whom it relates is placed, to hold the child or young person in the residence ...". It is sufficient that the person in charge of the residence at the time of admission signs the warrant.

In the case of a warrant to search and remove under Section 7 the time limit on the authority to hold is three days. Within this time a complaint must be made, and a Court (not restricted to the Children and Young Persons Court) direction must be obtained if the child or young person is to be detained for any longer period.

Where a warrant to remove under Section 28 is executed, the limit of the authority is 7 days within which time the child or young person must be brought before a Children and Young Persons Court, and a direction may then be given as to the custody of the child.

#### E4.5 Detention in a residence other than on warrant (Sections 8, 12, 43 and 103A)

There are four separate provisions in the Children and Young Persons Act which relate to detention in a residence other than on warrant:

- a) Under Section 8, which empowers the Police to search for and remove a child without warrant, a member of police may place a child or young person "... in a residence as if authorised to do so under Section 7 of this Act". Section 7 provides that the child or young person may be placed there beyond a period of three days if a complaint is made, and "A Court presided over by a Magistrate or a Justice directs that the child or young person be held in custody pending the hearing of the complaint".
- b) Under Section 12 where an unaccompanied child (does not apply to young persons) is found in a public place, the Police, if they cannot find his parents or guardians or other person who has care, may
- (i) deliver him to any person able and willing to care for him; or
  - (ii) place him in the custody of the Director-General by delivering him to a Social Worker

Such placement is deemed to be "... sufficient authority for the detention of the child by a Social Worker or in a residence ... until:

- a parent or guardian or person having the care of the child is found; or
  - the child is made the subject of a complaint under Section 27 of this Act and is brought before a Children and Young Persons Court so that the Court may determine whether he is to be held in custody pending the disposal of the complaint; or
  - the expiry of three days after the day on which the child was detained ... - whichever first occurs."
- c) Where a child is arrested and is placed in the custody of the Director-General under Section 43(5) of the Act, subsection (6) provides that such placement "... shall be sufficient authority for the detention of the child by a Social Worker or in a residence under this Act until:-
- The child is made the subject of a complaint under Section 27 of this Act and is brought before a Children and Young Persons Court so that the Court may determine whether he is to be held in custody pending the disposal of the complaint; or
  - the expiry of a period of three days after the day on which the child was arrested - whichever first occurs.
- d) Section 103A (inserted by the Children and Young Persons Amendment Act 1977) give authority for a child or young person serving a sentence of imprisonment to be detained in any residence under the Children and Young Persons Act with the concurrence of the Minister of Justice.

It will be noted that the provisions (b) and (c), only apply to children, there being no similar provisions for young persons. Where a child or young person is placed in a residence or a child is delivered to a Social Worker the member of Police concerned should be asked to identify himself and to specify the section under the Act which authorises the placement or delivery.

#### E4.6 Use of terms adjournment, remand and postponement

The terms adjournment and remand are often confused and the introduction of the postponement provisions in the Children and Young Persons Act 1974 makes it even more important, for the sake of accurate notification and recording, that some direction as to the use of these terms is given. Section 31(3) and 36(6) of the Act provide for the Court to make an order postponing its final consideration where

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it does not make a full and final decision "in the first instance". This provision is dealt with under E1.15. The critical point in proceedings then is "the first instance" for once this point is reached it seems that the Court must finally consider the matter before it and can only then make an order postponing decisions. An adequate description of "the first instance" seems to be outlined in Section 41(3) of the Act, which says in effect, that before the Court can make any decision it must find that the charge or complaint is proved (i.e. by admission or the hearing of evidence) and have before it a full report from a Social Worker. The first instance may be defined as commencing when the child or young person makes an initial appearance and terminating when the proceedings are proven and (where applicable) a Social Worker's report is available. Any adjournments during this time are extensions of the first instance. Although reference to adjournments is not made in the Children and Young Persons Act, Section 99 provides that parts of the Summary Proceedings Act 1957 shall apply in Children and Young Persons Courts. Section 45(1) of the Summary Proceedings Act applies, and it states that "The hearing of any charge may from time to time be adjourned by the Court to a time and place then appointed." Adjournments relate to hearings only and tell us nothing about custody. In the Summary Proceedings Act the word remand is used only in relation to the custody of the defendant.

Magistrates will of course continue to refer to remands, as they are accustomed to doing in relation to criminal charges, however for the purpose of our notifications and decision it will be sufficient to note that the hearing is adjourned, owing to the fact that we have an elaborate system of status terms to describe the custody situations of children and young persons. (Refer N1). If the term remand were used for official purposes we would have to differentiate between the various situations to which it relates so that it was only used in appropriate cases and this would create needless confusion.

#### E4.7 Custody where complaints are adjourned

Subsection (1) of Section 43 states that, "Where any child or young person who is the subject of a complaint ... (including complaints made following the arrest of a child) ... appears before a Children and Young Persons Court presided over by a Magistrate or a Justice ... that Court may, at any time and from time to time before the complaint is determined, direct that the child or young person be held in custody pending the disposal of the complaint if, in the opinion of the Court -

- The child or young person is likely to abscond; or
- The child or young person is in need of care protection and control for the period of custody; or
- It is desirable in the interests of the child or young person that he be held in custody.

Subsection (2) of Section 43 gives the Court, presided over by either a Magistrate or a Justice, or the Supreme Court the power to, "... from time to time review any direction given under subsection (1) of this section."

Social Workers have an important role to play in ensuring that the Court has before it all the information available, at the time directions are made about custody. If necessary they should seek a review where circumstances change, or new information comes to hand, indicating a need for new directions. Particular care should be

taken to see that any error in the reported age of a child or young person is drawn to the attention of the Assistant Director (Social Work) who can then ensure that the Court is made aware of the true position.

#### E4.8 Custody where charges are adjourned

Section 46 of the Summary Proceedings Act 1957 provides that "Whenever any hearing is adjourned then in any case where the defendant is liable on conviction to a sentence of imprisonment or where the defendant has been arrested, the Court or Justice, as the case may be, may allow the defendant to go at large or may, subject to the provisions of Section 319 of the Crimes Act 1961 ... (Rules as to granting bail) ... and of Section 47 of the Criminal Justice Act 1954, remand him in custody for the period of the adjournment." The special provisions of Section 47 of the Criminal Justice Act are set out below.

#### E4.9 Detention of young persons in a penal institution

Section 47(1)(a) of the Criminal Justice Act 1954 empowers any Court to direct that a young person "... be detained in a penal institution if in its opinion no other course is desirable, having regard to all the circumstances."

Social Workers attending preliminary hearings should not recommend to the Court that a young person be held in a penal institution solely because of a shortage of Social Welfare facilities. Every attempt should be made to keep young persons out of penal institutions and if our facilities are overburdened, then alternative placements in the community should be sought.

#### E4.10 Detention in a residence where hearing adjourned

##### (a) In the case of a complaint

Subsection (3) of Section 43 provides that a direction by a Magistrate, or a Justice, that a child or young person be held in custody pending the disposal of a complaint (that is, before either a final decision is made or a postponement order is made) "... is sufficient authority for the detention of a child or young person in a residence under this Act or by a Social Worker ..."

##### (b) In the case of a charge

Section 47(2) of the Criminal Justice Act 1954 provides that where any young person is placed in the custody of the Director-General, by any Court, he "... may, until he is brought up for trial or sentence, be placed in any ..." residence.

The above provision in Section 47(2) also applies to any person who is 17 years of age or who appears to be under the age of 21 years. Section 47(1) of the Criminal Justice Act 1954 states that such persons may be placed in the custody of the Director-General, where, in the opinion of the Court "... it is desirable to do so by reason of special circumstances, and if it is satisfied that the Director-General is able and willing to keep him in custody ...". Director's have delegated authority to consult with the Court on this matter. Procedures relating to A9/7/79.

admissions to "residences" are included under the parts of this Manual dealing with residential care and foster care.

E4.11 Detention by the police where a complaint hearing is adjourned (Section 43(3))

Section 43(3) provides that where the Court directs that a child or young person be held in custody pending the disposal of a complaint he "... shall not be held, by virtue of any such direction, in the custody of any member of the Police for more than 24 hours at any one time unless the Court has specifically directed that a child or young person be held in Police custody."

Where the order is Social Welfare custody, it would be unlawful for the young person to be held in police custody at all. Only in essential cases should Social Workers request that the Court order Police custody, as in most cases every effort should be made to meet the situation from our own resources within the community.

E4.12 Medical examinations of children and young persons temporarily in care

All children and young persons taken on warrant, arrested or otherwise placed in the custody of the Director-General should receive a medical examination as soon as possible after coming into care. Such examinations should usually include those children and young persons who have already been examined in respect of ill-treatment or neglect. Doctors normally only report on a specified area, i.e. in this case signs of ill-treatment, therefore a more thorough examination is still desirable. Medical examinations are considered important:

- for the child or young person because of any health problem which may affect his ability to participate in any aspect of life, can be diagnosed before any damage is done; and
- for the Department because a comprehensive statement on the health of the child or young person is then available if at a later stage anyone queries our treatment or care of the child or young person. (See also S.W.M. G2.5 and G.11.)

E4.13 Financial and other aspects of temporary care

When a child or young person has been taken on warrant or is held in Social Welfare custody prior to or following an initial court hearing, he is regarded in many ways as a State ward and the instructions elsewhere in this manual concerning such matters as:

- the payment of board;
- purchase of essential clothing;
- arrangements for medical and dental attention

should be followed. A child or young person on warrant or held temporarily in Social Welfare custody would not be provided with more than his essential clothing needs.

(Refer S.W.M. H2.20)

E4.14 Notification of complaint or charge

Section 41 (C. & Y.P. Act 1974) states that it is the duty of the police to inform the nearest Director of Social Welfare of the subject matter of all charges and complaints in respect of children and young persons, and the dates set down for hearing. The reason is to enable a Social Worker to make inquiries and prepare a report for the Magistrate before the hearing.

Occasionally the police may not notify us in advance of a child or young person's appearance. For example, there may be some confusion about a young person's age with him being initially referred to the wrong court or it may be simply that notification is inadvertently overlooked.

The Magistrate may suggest the parents be interviewed immediately and an oral recommendation submitted. (Refer E5.14 for procedure in such cases).

E4.15 Action taken with notification when it is received

Notification of pending court proceedings are treated in the same manner as any other in-coming mail, whether posted or delivered personally. They are:-

- date stamped;
- checked with the master index to determine whether the child or young person is known to the district office;
- placed on a file; and
- sent to the appropriate senior staff.

In all offices a record should be kept of all notifications received and adjournments made to ensure that reports are prepared as required. This provides a safeguard against a case being overlooked.

E4.16 No Social Worker's report required for liquor offences

Section 41(6) of the Act provides that "... no Social Worker's report shall be required in respect of proceedings brought against young persons concerning the possession, purchase, or consumption of alcoholic liquor by them, or their presence on licensed premises, contrary to any of the provisions of the Sale of Liquor Act 1962 or the Police Offences Act 1927, unless such a report is specifically required."

E4.17 Preliminary inquiries

Before the Social Worker visits the home other sources of information should be explored. Often there will be a file for the child or for another member of the family from which information can be obtained to save asking unnecessary questions. If the child already has a file the notification will have come to the Social Worker on that file. If the child's family has a file the clerical staff will supply the Social Worker with that file together with the new file and will also note on the cover sheet of the latter that a family file exists. Where it is probable that another social work agency has had dealings with the child, Social

Workers should check with this agency. For example, if a visiting teacher saw the child at some time she could be consulted. It is also desirable that the case be discussed briefly with the police, if this is possible, before visiting the home.

#### E4.18 Obtaining a school report

Section 41(5) of the Act provides that, "Any Social Worker may, in the course of completing his report, apply in writing to the principal or head teacher of any State or private school for a written report in the prescribed form for the guidance of the Court and to assist the Social Worker in completing his report to the Court, and it shall be the duty of the principal or head teacher to supply such written report as will inform the Court of the child's or young person's intellectual capacity, scholastic performance, behaviour, and such other details of background as may prove helpful to the Court in reaching a decision about the child or young person."

Refer form S.W.514 figures 6(a) and 6(b).

In the case of a notification in respect of a school child, young person or young person who left school less than 12 months ago a school report, form S.W.514, should be prepared by a Social Worker or clerical officer. The form should:-

- be addressed to the Principal;
- have entered on the reverse side the full name of the Social Worker and the date of the request;
- be signed 'for Director' by the Social Worker handling the case (or by the clerical officer in the Director's name); and
- be sent (with a stamped/addressed envelope enclosed) in an envelope marked 'Confidential'.

It may be more advantageous and desirable for a Social Worker to deliver the form himself, but whatever the method of delivery used the Social Worker should make every effort to discuss the child or young person concerned with the Headteacher/Principal before the Court hearing.

#### E4.18A Access to School Reports

As in E5.2 the school report will be shown to the parent of the child or young person, to any Solicitor or Counsel appearing for the child, young person or parent, and the Court may order that a copy be shown to the child or young person. Any Principal or Head Teacher who supplies a report is protected from any civil or criminal liability by S.41(5A) unless he has acted in bad faith or without reasonable care.

#### E4.19 School report not required in certain cases

An S.W.514 school report is not required -

- when the charge is of a trivial or minor nature; or
- when the young person has left school for more than twelve months, except in serious cases when, at the discretion of the Director, a report may be requested.

When we ask a Principal for a written report we are seeking detailed information about a child or young person and it is important that we limit such requests to occasions when the information is necessary.

E4.20 School reports for repeat appearances

Where a child or young person is making a repeat court appearance or is appearing on an adjournment a further school report must be obtained if six months or more elapsed since the first appearance, or if he has had a change of school. If a shorter period has elapsed and a Social Worker has reason to believe there have been significant developments he may, at his discretion and with the approval of the Assistant Director (Social Work), seek a further report.

E4.21 Parents to be told that a school report will be sought

Parents and Counsel will have access to any school report which is submitted to the Court. School reports are an integral part of a full Social Worker's report. Parents should be told that a school report will be sought, and that if obtained it will be forwarded to the Court with the Social Worker's report. The person making the school report may be called as a witness by the Court, as parents have a right to tender evidence in rebuttal of any matter referred to in the Social Worker's report. Parents who are apprehensive about the school being told of matter coming before the Court need to be reassured of the confidential nature of the letter requesting the report and of our concern to obtain a balanced report for the Court in their child's best interests.

E4.22 Action on school report when returned to office

If the court hearing is pending when the completed form is returned from the school a typewritten copy should be attached to the Social Worker's report for filing at Court. A second typewritten copy should be forwarded with the yellow copy to Head Office when a child or young person is placed under the guardianship of the Director-General. The original form received back from the school should be filed reverse side up on the child or young person's personal file.

E4.23 Procedure when schools are closed for holidays

If the school is closed when the notification arrives and will not re-open in sufficient time for a report to be obtained before the Court hearing, the case report should be prepared as usual but under the heading "School" on the report should be endorsed "report not available - school closed". Such particulars as can then be supplied should be incorporated in the report. If the case is one meriting or requiring continuing interest, the Social Worker should then make a "bring-up" for the file for the date on which school re-opens and a report should then be obtained. If the court decision was "admonished and discharged", "dismissed", "withdrawn", "fined", etc. a report would not need to be requested from the school at this stage. The complaint or offence and resultant court action and decision should however be discussed with the school and any relevant comments noted on the file.

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#### E4.24 Conducting the inquiry

Interviewing and casework techniques receive general treatment in Part G of this Manual. Social Workers are particularly referred to paragraphs G2.3, G3 et seq. Only a few points will be stressed here. It is necessary to establish, first of all, that the right person is being interviewed (e.g. not an aunt who is staying in the house, in mistake for the child's mother). It is desirable, but not always possible, to interview both parents when conducting a court inquiry. Whenever possible the child or young person should be interviewed on his own. While considerable detail is required in completing a court inquiry the Social Worker should bear in mind that form-filling is not the essence of the inquiry and that it is better to omit some relatively unimportant question than unnecessarily threaten the formation of a good Social Worker/client relationship. A report should be as comprehensive as possible but this does not mean that every question, because it is included in the guide, must be answered.

In country districts, particularly, a visit to the honorary Social Worker, Community Officer of the Department of Maori and Island Affairs, or policeman usually provides useful information regarding the standing of the family in the local community.

#### E4.25 Parents refusing information

If a parent refuses to supply information enabling us to prepare a report and the charge/complaint is admitted, it should be explained that a report is required from us by law. If the Child/Young Person is denying the offence and the parents refuse on those grounds, in all cases their decision is to be respected. However, there are matters in which the Social Worker can assist the family in an advisory capacity. Just the opportunity to discuss the matter with someone may be of assistance in coming to a decision. If the Director wishes to indicate to the Court that a visit has been made to the home but the parent or guardian has declined to have a report completed because of intention to plead not guilty, it would be in order to do so by way of a preliminary report.

#### E4.26 Availability and use of interpreters

Occasionally the persons to be interviewed regarding the court proceedings have difficulty in speaking or understanding English. There are some Maori and many Island families in this category as well as people of other nationalities. In such instances the services of a Community Officer, a Maori Land Court interpreter or some other officer of the Department of Maori and Island Affairs can normally be obtained. Immigrants may also experience difficulty with the English language. These people usually live in the main cities where the Court thought the Department of Internal Affairs will be able to offer the services of interpreters or indicate where they can be obtained. However, it is vital that these persons understand the nature of the proceedings and a Social Worker should take all reasonable steps to safeguard this right for them, especially where they are the subject of a complaint under Section 27, Children and Young Persons Act 1974.

E4.27 Engaging counsel

Every person involved in court proceedings is entitled to engage counsel and a Social Worker must make no attempt to dissuade a client from this intention. Parents will sometimes ask if they should engage counsel. It is in such circumstances our duty to inform that they have the right to do so but it would not be proper or wise for us to recommend for or against. It often happens that a parent will ask us to recommend a solicitor to them. Again it would not be either proper or wise to do this, but the parent could be referred to the 'yellow pages' in the telephone directory or to the Registrar of the local Magistrate's Court who will hold a list of legal practitioners in the area. (Refer also E1.9 which relates to the Court's power to appoint counsel regardless of the parties wishes or their means).

In cases where hardship would preclude the engaging of counsel the parent or young person should be advised that they can:-

- in the case of a complaint - make application through a solicitor of their own choice for free legal aid under Section 15(1)(b) of the Legal Aid Act 1969, (as provided by S.106 of the Children and Young Persons Act);
- in the case of a charge - make application to the Court for similar assistance, but under the terms of the Offenders Legal Aid Act 1954.

Duty solicitors who act in the capacity of legal referral agents to people involved in court proceedings are available in the main centres. Parents and young persons may prefer to approach the duty solicitor in the first instance.

E4.28 The question of innocence or guilt

In reporting to the Court when a police charge has been laid a Social Worker is not primarily concerned with the offence. The circumstances and significance of the offence for the young person are certainly of importance and it is inevitable that by the time the inquiry is completed a good deal of detail about the offence from the viewpoint of young person and parents will be known. Nevertheless, to prove or disprove the offence is the concern of the police, and Social Workers should avoid becoming engrossed with the actual offence to the possible detriment of the chief task of preparing the report which is to give the Magistrate some knowledge of the young persons personality, home circumstances, etc. There will be cases, however, where a Social Worker feels that the investigations have brought to light some information apparently not known to the police which may suggest that the young person has been wrongly charged. It is necessary to tread warily in making any comment on this situation as there may well be another side to the story. In cases where some mistake seems to have been made the matter could be discussed discreetly with a senior police officer.

In another case a young person or his parents may consider that he has been unjustly implicated in an offence. A young person charged jointly with other young persons (e.g. with breaking and entering or theft) may feel unfairly treated as he may have been an unwilling partner in the affair. Although legally responsible the young person may be morally innocent (of the charge). The young person's, and the

parent's point of view can be incorporated in the report together with any information supplied by others (e.g. a headmaster) which has contributed to our knowledge of the case. Thus while the report may include some material which may have some indirect bearing on the question of guilt or innocence it is definitely not the prerogative of a Social Worker to pass judgement on this matter.

Section 29(2)(b) of the Act requires, in relation to an offence related complaint under Section 27(2)(i), that the Court shall not find any such complaint to be proved unless "The Court is satisfied that the child either knew that the act or omission was wrong or that it was contrary to law. This paragraph relates to Section 21 and 22 of the Crimes Act 1961 as discussed in E1.2 and E1.11. In most instances we would expect that the child in this situation would have at least a vague notion that his action was wrong though there could be genuine exceptions. In reporting to the Court a Social Worker could mention the existence of such a situation in discussing the child's attitudes.

#### E4.29 Giving information to institutions and foster parents

Where any child or young person is admitted to a foster home, family home, private institution or Departmental institution as a result of proceedings under this Act we have a responsibility to supply the person in charge, as soon as possible, with all the relevant information that is available on the circumstances of the child or young person and any proposed plans for them. The nature of the information supplied and the way in which it is conveyed will vary depending on the function and the person in charge of the particular placement.

Where he is admitted to one of our institutions (i.e. a Boy's Home, Kingslea, etc.), the Social Worker responsible for liaison with the institution should supply the person in charge with a photocopy of the Children and Young Persons report relating to the child or young person at the time of, or as soon as possible after, admission. Copies of any Social Worker's report or other relevant reports, (e.g. psychologist's), should be forwarded as soon as they become available.

Information to foster parents and managers of private institutions should either be given verbally or in an especially written letter. Care should be taken in handling confidential information especially where the people concerned are not Departmental employees. However the management of a child or young person in care is made easier if the person having responsibility for his care has a knowledge of his background and any future proposals for him and is therefore able to have appropriate responses to his needs.

#### E4.30 Accepting children and young persons into temporary care

Sections 43(5), 7(3)(b), 8(1) and 12(2)(b) all allow the police to deliver children and young persons into the care of the Department on temporary status. Action taken under these sections is usually of an emergency nature and the need for ease of access to our institutions and family homes is important. However, the police have written direction that they must approach the local Assistant Director (S.W.) as to where they may place the child or young person in each instance. It will then be the A.D. (S.W.)'s responsibility to arrange a suitable placement. When admitting

the child or young person to care the police officer must clearly identify the section of the Act under which he has taken action.

E5 SOCIAL WORKERS REPORT - INTRODUCTORY NOTESE5.1 Magistrate to obtain report (Section 41(3))

The Children and Young Persons Act makes it mandatory for the Court to have and to consider a full report from a Social Worker on the child or young person and his family background before it makes an order or imposes a fine under Section 31 or Section 36 of the Act. The only exception to this is that Social Workers' reports are not required in respect of proceedings "concerning the possession, purchase, or consumption of alcoholic liquor" by young persons, "or their presence on licensed premises, contrary to any provision of the Sale of Liquor Act 1962 or the Police Offences Act 1927, unless such a report is specifically requested by the Court." (S.41(6) C.& Y.P. Act 1974).

The Act also requires that "reasonable time shall be allowed to enable the Social Worker to furnish a report and the Court shall consider any report furnished by the Social Worker."

It would be expected that at least one week's notice should be given of the date of hearing of every case which requires a report. Some cases will need longer because of delays in obtaining information, e.g. from another district.

Any Social Worker, Principal or Head Teacher who supplies a report under this section shall not be under any civil or criminal liability in respect thereof, unless he has acted in bad faith or without reasonable care. (S41(5A)).

E5.2 Access to the Report (Section 42)

Under this section it is stated that any such report furnished under subsection (3) or (5) of Section 41 of the Act shall be shown to the parent of the child or young person and to any solicitor or counsel appearing for the child, young person, or parent, and the Court may order that a copy be shown to the child or young person".

Subsection (5) of Section 42 states that, "Notwithstanding anything in subsection (1) the Court may order that any report made available to a solicitor or to counsel under this section be not given or shown to the person for whom he is acting." By implication this can be interpreted as meaning that the Court, in its discretion, may exclude a parent from being shown the Social Worker's report, and that in order to exercise this discretion the Court must be given the opportunity to see the reports before the solicitors do. An additional factor is a past decision of the Chief Justice, that Social Workers reports should not be read until the matter before the Court has been admitted or proven. Owing to the possible variations in interpretation and practice, the question of particular arrangements for access to reports should be determined locally in consultation with Magistrates.

Section 42(2) allows for the Court to tell the child or young person the substance of any portion of the report which has a bearing on his character or conduct. Where a report is shown to a child or a young person, following a direction by the Court, (and Social Workers could suggest this to the Court) a Social Worker should supervise the reading and be available to explain any of the content.

It will not be necessary for the Social Worker who prepared the report to attend the hearing for the sole purpose of showing the report, as in most cases Courts will be prepared to adjourn or stand down any proceedings where it wishes to call a Social Worker as a witness in relation to the report. A duty Social Worker may be given the responsibility of supervising the reading of the reports as required by the Court. A report should not be left with a parent unless they undertake not to show it to the child or young person, and to return it before they

leave the Court. As a general rule reports should be shown at a time and in circumstances which allow the reader to carefully consider the consent to the report.

Any attachment to the Social Worker's report (e.g. a school report) is to be regarded as forming a part of the substantive report and must be shown as required by the Act, unless the Court directs otherwise.

#### E5.2A Psychiatric Reports

The Magistrate may order a psychiatric report on any child/young person for whom proceedings under Section 27 or 34 are in progress. The adjournment, remand, or release on bail is limited to 14 days.

If a psychiatric report available to the Magistrate or a medical practitioner certifies that a psychiatric report is necessary, the Magistrate may make an order detaining the child/young person in psychiatric hospital so that an examination may be carried out. The maximum period of the order is 14 days, but if the examination is completed before the order expires, the child/young person may be released, or returned to Social Welfare custody once the hospital authorities certify in writing that the assessment is complete.

Where the Magistrate has ordered a psychiatric report, he must consider the report before finding a charge or complaint proved, or as the case may be, make an order under section 31 or 36.

The report obtained is available to the persons listed in E5.2.

Treatment while in psychiatric hospital under such an order may be provided if the young person being 16 years or over agrees, or in the case of younger children/young persons, the parent or guardian (not being the Director-General) agrees, or the Director-General if none of the former can be traced.

#### E5.3 Evidence in rebuttal of report (Section 42)

Subsection (3) provides that, "The child or young person or parent, directly or through his solicitor or counsel, shall have the right to tender evidence in rebuttal of any matter referred to in the Social Worker's report and brought to his attention through being given access to the report or being told of its contents."

The Social Worker making the report may, under subsection (4), be called as a witness by the Court, ... "if it thinks fit, of its own motion or at the request of any parent, child, or young person or their solicitor or counsel ...".

(N.B. Any reference to parent in Section 42 includes a guardian or the other person having the care of the child or young person)

This provision implies that care should be taken to ensure that the statements reported are as accurate as possible and that any opinions expressed are well substantiated and suitably phrased. This means that information in a report should be checked wherever possible.

Where a parent does take up his right of rebuttal a Social Worker may cross-examine that parent on the evidence he presents. This means that the Social Worker should be prepared. He should have some knowledge of the law of evidence and how to conduct cross-examinations. (For some guidance in these matters refer to the additions to Part V).

In acting as a witness to any statement in his report the Social Worker should endeavour accurately and objectively to defend his stand but at no time should he become defensive or

upset over any turn of events. The purpose is to enable the Court to establish facts.

E5.4 One report only where several children of a family involved

Where two or more children appear before the Court (e.g. a complaint relating to all the children in a family), much repetition can be saved by preparing one report, to include the details which are common to all the children. Details which apply specifically to any one of the children could be entered alongside a subheading of

that child's christian name. Separate C.& Y.P. Reports for each child will be required, as well as any extra copies of the Social Worker's report for any personal files which are established for any of the children.

#### E5.5 Number of copies to be prepared

The following number of copies should be prepared for all Court cases:

- 1 White original copy for the Court
- 1 White copy for the parents or their solicitor to read - This copy is to be recovered after the hearing and filed on a Court record file at district office.
- 1 Blue copy for the personal file plus any extra copies where several members of a family are involved and there is more than one file. A copy of the C.& Y.P. report also goes on the personal file(s).
- 1 Yellow copy for Head Office, plus a copy of the relevant Children and Young Persons Report or Reports.
- 1 White copy for the Probation Service where the recommendation is that the young person be ordered before the Magistrate's Court.

#### E5.6 Interviewing method

The desirability of completing a standardised form of report should not be allowed to set the structure of the interview. Whether or not the form of report is used as an aid to memory for an interview, it is seldom wise for a Social Worker to follow its pattern strictly as he may well miss highly significant pauses, gaps, or points in the story if he treats the interview as an opportunity to administer a questionnaire. Most people need little encouragement in telling their own story in a way which is meaningful to themselves. This usually provides all the information needed to complete a report but where necessary further details can be obtained later by tactful questioning. However, at an initial interview it is better to leave even a relatively important question unasked rather than endanger future casework. Social Workers need to exercise discretion as to when and how certain information is to be obtained.

#### E5.7 Reporting past events in development

The Social Worker should attempt to gauge in interview, and portray in his report, not only what the pattern of a child's life has been but how much past events have meant to him and how much he is aware of them. For example, it may provide useful information to state that a child was adopted but if nothing further is stated many important questions may be left unanswered. There are obviously limits to the extent to which Social Workers can probe into the past on first investigating a case but if important factors are discovered they should be commented on even if only to give a few facts and the statement that full particulars are not known. This provides a more satisfactory report for the purposes of a Magistrate, psychologist, psychiatrist, or another Social Worker who is taking on the case than no



information on the matter.

#### E5.8 Need to avoid value judgements

In more subjective matters, e.g. personal relationships, evidence of emotional disturbance, etc, a situation should not be described as abnormal unless there is fairly clear evidence to support this description. Similarly, emotive language should be avoided. One example to illustrate a point is better than a string of adjectives.

If examined in the Court as a witness a Social Worker could be required to justify any emotive comments or judgements used in his report.

#### E5.9 Discrepancy in birth-date

A discrepancy of a year, for example, which does sometimes occur, can be extremely important if one is considering intelligence, school progress, or school exemption, etc. If it is found that the school has the wrong date of birth on its records, or has just made a typing mistake, the Social Worker should endorse the school report 'incorrect' and his own report 'verified' if he has been able to obtain reliable verification.

#### E5.10 Signing and dating of Social Worker's Report

A Social Worker of the Department reporting to the Children and Young Persons Court can do so only in one capacity, i.e. as a Social Worker. Other designations such as Director, Senior Social Worker, or Principal are not recognised in the statute, they are domestic terms for use elsewhere than in the Court. The person writing and presenting the report should sign it in his or her own name. The Social Worker who is the author of the report and signs at the foot of the narrative section may in fact not be the same Social Worker who represents the Department at the Court and who notes the Court decisions. The person who signs the report is however the one who is examined on it.

The date entered at the foot of the narrative section should be the date on which the report is completed.

#### E5.11 Use of report for other than Court purposes

In addition to Children and Young Persons Court appearances the standard form of report should be used with minor modifications (e.g. "Presenting problems" could replace "Charge/Complaint") in the following cases:-

- Preventive Supervision;
- Section 11 Agreement;
- Report on a child (e.g. a Ward ) who is to be examined by a psychologist or psychiatrist and for whom no comprehensive report has recently been prepared.

E5.12 Interim Reports

It will not always be possible for a Social Worker to prepare a full report in time for the Court hearing. When a delay is unavoidable an interim report should be sent with a recommendation that the hearing be adjourned until such time as a full report can be submitted. Such a report should be headed -

"Interim Report on ..... Aged....."

and should contain brief details of the charge or complaint, and the reason for requesting the adjournment.

However, Social Workers should avoid wherever possible the use of interim reports. It is easy to establish a habit of always delaying the writing of a full report for a variety of reasons. Such reasons should be carefully considered and except in those cases where it is in fact impossible to complete reports for the court hearing, interim reports should be avoided. Always take into account the effect on the person on whom the report is being written if an adjournment is being requested. Senior Social Workers responsible for casework supervision are to endeavour to keep interim reports being prepared to an irreducible minimum. Wherever possible a case should be concluded at the first hearing.

E5.13 Supplementary Reports to the Court

There are two kinds of reports which may supplement a Social Worker's report according to the particular circumstances. Any supplementary reports should be attached to the full Social Worker's report on which the final and any intermediary decisions are to be recorded.

a. A supplementary report will be needed to inform the Magistrate of any findings or changes which have occurred during the period of a postponement order and to recommend on the final decision. A supplementary report will also be required in most instances where an extension of a postponement order is sort. Where a new charge or complaint is brought against a child or young person before the previous one has reached the stage of a final decision and the two charges/ complaints are to be heard at the same time, a supplementary report should be prepared giving full details of the new charge/complaint along with brief details of the original one and a recommendation to cover both. Such reports should take a similar form to that of the Interim Report (Refer E5.12) except that it should be headed thus -

"Supplementary Report on ..... Aged ....."  
"(To be read in conjunction with report dated .....)"

b. The supplementary report may be used, unless circumstances have changed considerably or a Magistrate insists on a new report, when a child or young person reappears on a new charge/complaint before the same C. & Y.P. Court within a short period. As a general rule the Court should not be referred to a report prepared more than six months before the present appearance. It is important that in all cases where a supplementary report is used, a copy of the original report be attached to the supplementary for the information of the Court. It can not be expected that the Court will resurrect old reports.

With the new provision which allows parents, counsel and in some instances children and young persons to read the reports and rebut anything contained there in, Social Workers should be very cautious about supplementing a report written by another Social Worker. Unless the Social Worker is satisfied that the information given in the original remains entirely accurate and that any opinions expressed are completely in line with his personal opinion he should ensure that the Magistrate and any other person reading the report is made well aware of the differences. It would be improper and very difficult to answer to the Court for statements made by another person at another time. The best way to cope with this is to prepare a new report and put excerpts from the original report in quotation marks where they are relevant.

N.B. For most cases where a child or young person reappears within six months, a new full report should be completed for their first appearance after 31 March 1975. The reason is that reports written for hearing up until that date may not be in a suitable form to be shown to parents and counsel. From 1 April 1975 parents and counsel have a legal right to read the reports and complications may arise where old style reports are supplemented by the new ones.

#### E5.14 Oral reports

On rare occasions the Court may request that a Social Worker give an oral report.

For example, a young person who is an overseas seaman may appear on a charge shortly before his ship is due to sail. In such circumstances where the Court is unable to give "reasonable time" for a written report to be prepared, it may adjourn or stand the matter down for an oral report. The information for such a report is likely to be limited and not able to be verified. In this example the sources of information would be the Police, the young person, and probably a ship's officer or the shipping company's representative. An oral report should be given in the presence of the young person so that he has the opportunity to rebut any matter. A written report should be prepared after the hearing, (Court copy not required). All available details, should be completed, and the Social Background should be as full as possible so that it contains the substance of the oral report.

#### E5.15 Withdrawal of a case

A case can be withdrawn when called on the date set for hearing. The prosecuting party may ask leave to withdraw the information or complaint at any stage prior to the making of any orders under Section 31 or Section 36 of the Act. If the matter before the Court is a complaint made by a Social Worker very good reason should be submitted for asking leave to withdraw the complaint; otherwise the Court may well regard the action as frivolous.

#### E5.16 Verification of identifying information supplied by Police

Social Workers should verify the identifying information (e.g. date of birth) supplied by the Police on the Children and Young Persons Report by checking its accuracy with the parents of the child or young person. Where any errors in the

identifying information are found the Social Worker preparing the report should amend the Children and Young Persons Report and initial the amendment to signify that the corrected information has been adequately verified. These remarks do not apply to Police information about the incident reported, which must be relayed without interpretation to the Court.

#### E5.17 Quoting from other documents and hearsay

Social Workers should exercise caution in quoting from other documents. The common danger is that the quote is taken out of its context and the original meaning may be lost or distorted. Another difficulty is that a quote may not be appropriate for a Court setting by virtue of the language used or the audience it was written for. These remarks are particularly pertinent where psychological and medical reports are concerned. These reports are dealt with in more detail below.

Hearsay information (i.e. what one hears but does not know to be true) should not be repeated unless it can be substantiated and is highly relevant to the case. The truth deteriorates through repetition.

#### E5.18 Social Worker's opinion

While 'hunches' or intuitive 'feelings' are acceptable, provided they are clearly identified as such, it is preferable that opinion should be based on evidence which is adduced. (This does not apply, of course, where the Social Worker has made a complaint and is prosecuting the case, giving evidence on oath and not merely providing a background report.) It does not mean that every opinion stated must be backed up by a barrage of observed facts, but that some illustrations in support of opinions should be introduced wherever possible. For instance, it would be better to say 'Each time I have visited the home, Mr and Mrs Jones have spoken derogatively about each other, sometimes in Allan's presence', or alternatively 'I feel that there is considerable strain between them', rather than to make a sweeping and subjective statement such as 'There is considerable strain between the parents'. The report should make clear what kind of evidence has led to the formation of firm opinions.

#### E5.19 Information given in confidence

When Social Workers conduct an interview for the purpose of preparing a report to the Court, the informant should be told that any information supplied is likely to be included in the report and may be checked for accuracy. They should also be told that the report is available for both parents or their solicitors to read and in some cases, if the Court so orders, the child or young person as well. Some information may be given in confidence and the person being interviewed should have the opportunity to withhold information or to indicate that any particular aspect of what they have said is likely to upset another member of the family. The Social Worker should make it clear that he must be judge of what use he makes of confidential information which is given. Social Workers should exercise the utmost discretion and sensitivity in reporting what they are told in individual interviews.

The risk of reporting something which may be detrimental to the Social Worker's future relationship with the family will be reduced if the family is interviewed conjointly. This does not mean that Social Workers should try to avoid any unpleasantness by omitting or distorting any relevant information, but rather that they should exercise skill and impartiality and tactfulness in what they report.

E6 SOCIAL WORKER'S REPORTS

E6.1 Introduction

Reports to the Court are not used for routine research purposes, and the format has been designed primarily to meet the needs of the Court.

The report must assist Magistrates to consider fully all the pertinent factors relating to the case and must be in a suitable form to show to parents etc. The first concern of the Court is to establish whether or not the charge or complaint is proven and it is for this reason that these matters are given priority in the report. The factual information which briefly identifies the child or young person is set out in tabulated form for easy reference.

In order that the narrative of the report can be written to suit the particular case the general heading "Social Background" is used without any subheadings. This allows flexibility of style and a well integrated report. Stereo-typed phrases and repetition can be avoided, and the opening phrases can be varied. The coherence of the report is an important factor. Significant features of the child or young person's background should be described in a style which is clear, accurate and as brief as possible. Sufficient details should be selected to allow for a summary which convincingly supports the recommendation. The "Recommendation" heading is restricted to the specific recommendation for ease of reference.

E6.2 Format of the report

Department of Social Welfare,  
(Place) \_\_\_\_\_  
Date of hearing: \_\_\_\_\_

The Presiding Magistrate,  
Children and Young Persons's Court,  
(Place) \_\_\_\_\_

Report on \_\_\_\_\_ Aged \_\_\_\_\_

CHARGE/COMPLAINT: (as the case may be)

PREVIOUS COURT APPEARANCES:

DATE OF BIRTH:

BORN AT:\*

RELIGION:\*

RACE:\*

ADDRESS:

SCHOOL:

EMPLOYMENT:\*

FAMILY: (see E6.14 for subheadings)

SOCIAL BACKGROUND:

A8/9/78

RECOMMENDATION:

(Signature) \_\_\_\_\_

SOCIAL WORKER

(Date drafted) \_\_\_\_\_

\* these headings may be optional depending on the circumstances.

E6.3 Heading the report

Plain A4 size paper should be used for the original copy. The details normally included in an official letterhead is inappropriate for use in the report. The heading as set out above is sufficient for the purpose. The date of hearing is given prominence in the heading to assist the Court. The date on which the report was drafted will appear below the writer's signature.

E6.4 "Name" and "Age"

The report should simply begin with the words "Report on ....." and be followed by the child or young person's full name. Place first names in small type, underlining the first name in common use, followed by the surname in capitals. Where a child or young person has been known by any other first name or surname for a period of time this could be noted after the words "... also known as ..." or perhaps "... previously known as ...". These names need only be mentioned where they have significance for the child or young person or where their omission may result in some confusion as to his full identity.

The age of a child or young person should be quoted in years and months. The age shown should be the age of the child or young person at the time of the hearing, followed by a statement of the age at the time of the alleged offence or incident in brackets as required by section 2(2) of the Act. The Magistrate needs to have ready references to this age for the purpose of making decisions, e.g. where a child during the course of the proceedings has made the transition to becoming young person.

E6.5 "Charge"/"Complaint"

The opening sentence under this heading should briefly state the exact nature of the formal proceedings.

Where a charge is brought, an example could be, "John appears on a charge of theft and two charges of unlawfully taking a motor car." In complaint cases an indication should be given as to whether it is a Police or a Social Welfare complaint. Where a complaint under Section 27 is brought a brief description of the particular paragraph used should be given. In all cases, where the information is available, the Act and section should be stated. An example in a complaint case might be, "John appears on a Police complaint that he is in need of care, protection or control on 18/9/78

the grounds that he has committed a number of offences. Children and Young Persons Act, Section 27(2)(f)." The formal statement of the charge or complaint should be followed by a summary of the details of the incident or offence in a manner which does not presume that the matter is proven. For example, the opening phrase could be, "The Police state that ...", or "It is said that ...".

Special care should be exercised when making a Social Welfare complaint. It is not appropriate to use this section to substantiate the complaint. Rather it is the place for a brief objective statement giving the reason for the complaint and any relevant places, dates and times. Where known the names should be given of any companions to an offence. It should also be stated whether the companions were the result of a chance, transitory meeting or whether they were operating as a more permanent group.

In cases where warrant or arrest action has been taken prior to writing a report, it is necessary to state in this section brief details of that action and whether the child or young person was held in custody.

Any statements which the child, young person, or parent have to make about the charge or incident can be included, but it should be clear that the statements are attributable to them and not the Social Worker. The remarks could be prefixed by a phrase such as, "John says that ...".

#### E6.6 "Previous Court Appearances"

This section is to be used only for noting previous court appearances. It is not usually necessary to go into much detail but simply to state the salient facts except where those facts could be misleading and some explanatory material is needed. If there have been several previous appearances it is better to set them out in tabular form showing the date the final decision was made, the Court, the charge or complaint, and the final decision. Where the child or young person has not previously appeared this section should contain a brief word or two indicating the fact.

In cases where an information is discharged (under S.35), dismissed or withdrawn the court appearance should not be referred to in any subsequent court proceedings.

#### E6.7 Date and place of birth

Where there is still some doubt about the actual date of birth after the interview with the parents it should be checked with the Registrar of Births. Accuracy with recording the date of birth is important, particularly where young persons are concerned, e.g. it establishes that they are in fact young persons.

The place of birth need only be mentioned where there is a possibility of a guardianship order being made. This information is used in Head Office to verify the details of the birth record of all children and young persons who are placed under guardianship, with the Registrar-General of Births. Births out of New Zealand may also be shown as a ready indicator that difference in cultural background is a significant factor.



E6.8 Sex of child or young person

A subheading has not been provided for, to indicate the sex of the child or young person. Where their name is not obviously masculine or feminine the heading "charge/complaint" should be used to indicate sex by the use of "he" or "she" in the description of the incident.

E6.9 "Religion"

The Court no longer has the power to order that a child or young person who is placed under guardianship be brought up in a stated religion. However many parents for whom a particular religion is an important aspect of life will desire that their child, while in care, be given continued training. In essence this means that in any case where a child is likely to be placed under guardianship and the parents are likely to expect continuing religious training the particular religion should be nominated in the Social Worker's Report. In all other cases the religion need only be mentioned where it is felt that it has some significance to the pending hearing. In most instances it will be necessary to explain this significance in the Social Background section.

E6.10 "Race"

Statistical information on race is not being collected on the Children and Young Persons Report so the use of the "Race" heading in the Social Worker's report is optional. Its only use would be to give the reader an immediate reference to the family's likely cultural background, and perhaps as an indication of their understanding of the English language. However it can be a sensitive subject which may be difficult to deal with in stark isolation and is therefore probably better dealt with under the "Social Background" heading.

E6.11 "Address" of child or young person

A full descriptive address is required under this heading. It should include recent changes of address, the reason for any changes of address, and the date of the change. The emphasis should be on describing movements in address from, on or about the time the offence or incident occurred until the date of hearing for which the report is prepared.

If the child or young person is living away from home at the time of the offence or incidence, a brief description of the type of the accommodation (e.g. hostel, flat, etc), should be included, as well as the name and relationship of any significant person with whom they are living (e.g. living with paternal Uncle Mr Smith at ....).

If the child or young person has been removed from their address, the type of action taken (e.g. Warrant, arrests, etc) should be noted together with the address at which they are being detained and the date on which they were removed.

Where a child or young person has been adjourned in custody the address at which they are held should be noted.

To quote only the usual address where changes have occurred is insufficient. The purpose of noting movement of address is to ensure that the Court is fully informed of the situation.

#### E6.12 "School" attended

Where a child or young person is attending school, the heading should indicate; the name of the school, the class or form level, and whether or not a report from the school is attached. If a report is not available the reason for this should be given.

Where a young person has left school the name of the school, the form level attained and the month and year of leaving should be shown. If a report was obtained it should be noted as being attached.

When quoting class or form levels only a general description is necessary (e.g. form three). The exception may be where the child is in a special or adjustment class.

In the case of pre-school children this heading should be omitted, unless they are attending a kindergarten or playcentre. In these cases the heading could be adapted.

There is no need to record progress or attendance rates as these matters can be dealt with in the school report, or the narrative on social background.

#### E6.13 "Employment"

This section should be completed when reporting on children and young persons who are employed either part or full time. Comments may include the nature of the work, the name of the employer and the wage earned.

Any other information thought relevant to the hearing should be put in the Social Background section.

#### E6.14 "Family"

This section should only give identifying data. The importance of the various members can be explained in the "Social Background" section. The relationship, full name, age (where significant), employment and home address (where it differs from that of the child or young person) should be set out in tabular form, e.g.:

Mother:	Ann Margaret Jones housewife
Stepfather:	Alan Albert Jones shopkeeper
Father:	John Robert Smith labourer address unknown
Grandmother:	Helen Ann Brown

retired  
28 Andrews Sq.  
Auckland.

The inclusion of anyone from outside the nuclear family in this list should only occur when he has particular significance. The importance of that person to the child or young person should be discussed in the "Social Background" section.

The full names and ages of all brothers and sisters should be included and half and step siblings identified as such. (Many Social Workers when preparing reports have used the terms 'step' and 'half' brother as though they are interchangeable. If as is often the case, there are complex family trees to follow it is helpful to appreciate the distinction clearly. Siblings are half brothers if they have one parent in common, and stepbrothers if they are not related by blood but a parent of one is married to a parent of the other).

Brothers and sisters should be tabulated, e.g.:

Sisters:	Joy Smith	(16)
	Mavis Smith	(13)
Halfbrother:	William Jones	(6)

#### E6.15 "Social Background"

It is important that Social Workers understand that the following guide is what its title says it is, and not a questionnaire which is to be answered in full on every occasion. It is intended to suggest facets of a child's life each of which may, in certain circumstances, suggest fruitful lines of inquiry, but all of which will rarely be relevant in any one case. The art of report writing is very largely the art of summarising, and of knowing what can be omitted without loss. There is, for instance, generally not much point in recording a succession of items in which the situation seems to be 'normal' unless it gives real help in understanding the case. Nor is there any need to refer to situations in the past, which do not seem to have any relevance either to the present problem or ways of dealing with it. For instance, it would be unnecessary to report merely that a child was, or was not, breast fed or was weaned at a particular age unless (and this would be very rare) the report proceeds to show that this is relevant to the matter under discussion.

a. early experiences; circumstances of birth, symptoms of disturbance and any separations or family breaks; possible influences, both good and bad, of the child's early experiences should be shown and his awareness of and adjustment to those experiences.

b. family relationships; describe the family setting, and the various personalities within it, the family influences and relationships including positive and negative features of the family; moral training and discipline; racial factors worthy of note, material and cultural standards; any adjustment problems as a family e.g. lingual, occupational, culture and social; any member who is known to the Department and the reason why he is known,

c. personality; character, attitudes, self image, dependence, ability to mix, beware of the danger of attributing to the child qualities which are based on

inadequate observation, personalities may differ from situation to situation, thus it is more accurate to qualify the particular behaviour with the particular situation which evokes it; do not state opinions as facts; intelligence quotients should not be used but general terms could be helpful if intelligence is an important factor.

d. health and development; attention may be drawn to any accident, illness or abnormality which might have an influence on past or future development, this may include mental as well as physical problems.

e. friendship and leisure interests; comments on the sort of friends he has, the type of activity he likes, any special abilities he has displayed.

f. school; if it is felt that the attached school report requires any qualification or adding to, or where no school report is available and the Social Worker has a reliable knowledge of such matters as attendance, progress and behaviour then it is here that such comments might be made.

g. employment; where relevant, matters such as hours, wages, time in the job, attitudes and ambitions may be mentioned along with notes on his relationship with his employer and workmates and his work history; the employers opinion on the child or young person's stability, work habits and performance may be helpful but take care that any thing put in the reports does not damage relationships; where there is a possibility of a fine or restitution some comments on the state of the child or young persons finances may be useful.

h. previous contact; Children's Board appearances, outcomes and responses; Y.A.S. referrals and miscellaneous referrals which appear to have some bearing on the present situation.

i. any other comments either positive or negative which may be helpful to the Court including any information about the complaint or offence which appears relevant and has not yet been discussed.

j. summary; a brief resumé of the salient points with the reasoning which has led to the following recommendation; do not introduce new information to a summary.

#### E6.16 "Recommendation"

(Refer E7.) It is usual practice to make a firm recommendation at the conclusion of the report. The recommendation should be suitable, succinct and able to stand alone. It is inappropriate to reason or justify the recommendation in this section. A simple example might be "I recommend that Robert be placed on supervision for one year."

#### E6.17 Social Worker's signature

The report should be signed below the recommendation section by the Social Worker who drafted it and dated with the date of drafting, e.g.

John White  
Social Worker  
23 February 1975.

(Refer also E5.10)

E6.18 Psychologists' reports

Psychologists' reports must not be sent to the Court with the Social Worker's report, unless they were written for that express purpose and on each occasion with the consent of the psychologist concerned. In no circumstances should any part of a standard psychologist's report be quoted in a Social Worker's report and any interpretation of a psychologist's report written for the Court should have the psychologist's approval.

The Psychological Service makes its reports available for the confidential use of persons who have a professional interest in the child concerned. Full reports in standard form presume a specialist level of understanding on the part of the reader. In this form they are therefore of doubtful value to the Court and it is not intended that they be made available to parents or children to read. Where it is felt a psychologist's report is necessary, Social Workers should recommend that the Court itself calls for the assessment and report.

When a psychologist is asked to prepare a special report for the Court he should be reminded that parents will be able to read this report, as it will be regarded as part of the Social Worker's report, and asked to state any objection he has to the report being shown to the child or young person.

E6.19 Medical practitioners' reports

Section 8 of the Evidence Act 1908 provides the two subsections quoted below in relation to evidence by "medical men", (subsection (1) relates to clergymen):

"(2) A physician or surgeon shall not, without the consent of his patient, divulge in any civil proceedings (unless the sanity of the patient is the matter in dispute) any communication made to him in his professional character by such patient, and necessary to enable him to prescribe or act for such patient.

(3) Nothing in this section shall protect any communication made for any criminal purpose, or prejudice the right to give in evidence any statement or representation at any time made to or by a physician or surgeon in or about the effecting by any person of an insurance on the life of himself or any other person."

Where a doctor is giving evidence before a Children and Young Persons Court relating to a charge or a complaint it appears that Section 8(3) would apply. For example, in an ill-treatment case a doctor would not need to have regard to Section 8(2) which applies to civil proceedings only. However, where a medical practitioner's report is submitted in conjunction with a Social Worker's report to assist the Court

in making a decision, the application of the above sections is not clear. The contents of any medical report so attached would be available to be read by parents, and a doctor could be called upon as a witness if evidence is tendered in rebuttal of the report. In these circumstances the Magistrate is not concerned with taking evidence as such since the matter is already proven and the provisions of Section 8(2) relating to civil proceedings are probably more applicable. This subsection places the onus on the medical practitioner to obtain his patient's consent before he can divulge any communication made to him.

If Social Workers were to ask for medical reports on their own initiative this could place the medical practitioner in a situation where he was in doubt about his legal position and thus, the effectiveness of his report may be reduced. For this reason, if the Social Worker feels that a psychiatric or other medical report will assist the Court in making a final disposal, he should ask the Court to adjourn or postpone the proceedings and for the Court to call for a psychiatric or other medical examination and report. In the case of young persons a psychiatric report may be called for under the provisions of Section 47A of the Criminal Justice Act 1954 (Refer E7.36). Reports called for by the Court in these circumstances will become the property of the Court.

#### E6.20 PSYCHIATRIC REPORTS TO COURT

##### (a) General Comments

Where possible it is desirable that a psychiatric opinion be obtained from a psychiatrist who is orientated towards child, adolescent or family psychiatry. While psychiatrists working with adults are able to give comments on referred cases their orientation towards serious disorder and psychosis largely gives rise to reports which tend to be negative.

One of the prime purposes of the use of the psychiatrist in the Court process is to shorten the process of law in cases where the decisions are difficult to make. The psychiatrist therefore has to be asked specific questions on the difficult issues by the Social Worker and the psychiatrist needs to include these in the report. The psychiatrist who writes a general report which is only an amplification of the social worker's should be approached again and his report not accepted until the report contains the relevant points. The relevant points vary from time to time, but they might include things such as responsibility for behaviour, possible response to counselling, comments about possible treatment, when and where such treatment could be given.

Where possible the Social Worker should discuss relevant court recommendations with the psychiatrist so that a report is not issued at cross purposes and does not suggest measures which cannot be implemented at the time. It should also be pointed out to the psychiatrist if he uses jargon that the use of language easily understood by the court is preferable.

##### (b) Procedure

###### (i) Request by the Magistrate

The Magistrate may ask for a psychiatric report on his own initiative without recommendation from a Social Worker or defence counsel.

This does not happen often but it can happen with Magistrates who are expert in this field having had experience with seeing psychiatric patients and signing

reception orders. It has been found that often the Magistrate will recommend psychiatric examination for different reasons than would have been suggested by the Social Worker. This is a safety situation.

(11) Recommendation by the Social Worker

This should be the usual procedure and where necessary a Social Worker should recommend to the Court that a psychiatric assessment be obtained. The assessment can be obtained in several situations:

- Criminal Justice Amendment Act: This Act should be implemented with serious cases, particularly where the public or another person is in danger. The Magistrate should be persuaded that where he makes an order for detention in an adult psychiatric hospital, that in addition to the hospital report the adolescent should also be examined by a child psychiatrist. If this is not possible then the recommendation should be for a psychiatric and psychologist report. In most cases psychologists claim privilege at not presenting their reports to Court. In this situation they may be persuaded to make their report confidential to the Magistrate or not to submit their report but to make sure their findings are included in the psychiatrist's report.
- Cases where there is clear psychiatric disturbance that needs urgent treatment should be admitted to the appropriate facility without delay. This may require certification. If certification is required then the procedure to use is Section 21/22 of the Mental Health Act (refer 17.10) Section 19 should not be used except in an extreme situation.
- Removal or adjournment to a district institution for a psychiatric report. The institution needs to be contacted to see if this is possible and what length of time is needed. This procedure is useful with the less obvious psychiatric problems but a young person with clear psychiatric disorder or one who is a danger to the public or to himself should be dealt with in more appropriate ways.
- If a psychiatric report is wanted for a child in an institution it should be made clear to the visiting psychiatrist whether his report is going to be incorporated in the Social Workers report or presented as a separate report. If the report is presented separately it is up to the Social Worker to make sure the referral reasons are adequately stated, and if the psychiatric report clearly contains inaccuracies, or inappropriate recommendations that these be discussed before the report is submitted to Court.
- The use of the psychiatrist at an out-patient clinic (in private or otherwise). The possibilities and practicalities need to be checked out first with the clinic.

Some clinics resent the fact that the Court ordered them to provide a report so that if it is first discussed the court decision will not seem so much as a directive. If hospital clinics refuse to provide a service, or there are long delays that make the seeking of a psychiatric report impractical, then provided the hospital clinic has been approached first a private referral to a psychiatrist is justified. If the court orders a psychiatric report then the Justice Department pays the fee, if the report is ordered before the Court decision by the Social Worker then our department pays the fee according to a set schedule of fees for Government Departments. Difficulties with hospital clinics should be reported by memo to the Head Office Psychiatrist.

(iii) Invitation by the Defence Counsel

With the event of the duty solicitor and other legal changes there has been a growing change in some of the procedures that may not be of benefit for the client. At times the defence counsel goes ahead privately and seeks a psychiatric report which comes as a surprise event to the Departmental Social Worker at court. Sometimes our Social Worker reads this report prior to the case.

The situation is bad for a number of reasons. Although psychiatrists are supposed to be impartial - the question of fees paid for the defence somehow modifies the report and some features are not emphasised as strongly as they should be. The other factor which is well known is that it is usually possible to shop around medically to get someone to agree with a viewpoint.

Another difficulty is that psychiatric reports can be written in such a way as to excuse behaviour for which the young person is responsible. The report has the effect of taking the focus off specific questions and therefore complicates the matter. A number of Magistrates are well aware of and concerned at this development and if a report is submitted by the defence counsel without the prior knowledge of the Social Worker, or the Court they will not accept the report, but will adjourn the case and decide in conference with the Social Worker whether the report is necessary.

(c) Guidelines for Psychiatric Assessment

A clear statement about the reasons for referral is necessary. At times there may be no real reason and most psychiatrists will accept this and provide a general assessment. Psychiatrists need a minimum of data for cross-checking purposes, particularly in a situation where it is not possible to see the parents also. The minimal data varies but in general, if possible, should include a Social Workers' report, the past medical history a psychological report, but where this does not exist, a copy of a school report.

It should be known what each clinic expects of the Social Worker for background material. Most psychiatrists expect a young person to be prepared for an interview by the Social Worker so that the report is easily obtained or the resistances clearly



dealt with by the Psychiatrist at the start of the interview.

(d) Reasons for Psychiatric Assessment

The prime reason in court work is to shorten the process of law where possible. At times this may seem to involve a conflict where a case has to be adjourned. The decision is often an individual one, sometimes on the basis of whether a child has psychiatric disorder and whether he is accessible to counselling, or needs help outside the social welfare area. This area is more in the field of emotional disturbance, family, psychopathology rather than in diagnosing <sup>W/A</sup> categories of psychiatric disorder. The diagnostic cases of psychiatric disorder are straightforward and cause no trouble about need for referral. There are, however, problems in the anti-social field that may or may not indicate need for referral. The nature of these conditions expose the community to some risk, and it might be considered that the Social Worker had not adequately investigated a case if he did not obtain a psychiatric opinion and something later went wrong.

This type of case would include arson, rape, extremes of dangerous behaviour or cruelty, threats to kill, bizarre reactions, unacceptable behaviour, suicidal behaviour even though the behaviour seems manipulatory. There are also a number of psychological and/or physical problems that need assessment and tend to be overlooked, such as a clear-cut personality change, encopresis, post concussional states, severe depressions and school phobia, most of these problem need referral. The list is not exhaustive, and is largely an individual matter and it is important to build up liaison links with the psychiatrists useful to the department.

E7 RECOMMENDATIONS TO THE COURTE7.1 Submitting recommendations to the Court

Although there is no statutory provision for a Social Worker to make a recommendation the practice is nevertheless of long standing and in most cases recommendations are welcomed. However, occasionally a Magistrate asks that we refrain from making a recommendation and in such instances it will be necessary to respect his wishes. In such cases Social Workers should conclude their report with a summary of what appear to them to be the salient features of the case, record their impression of the case fully, and convey their point of view, without making a specific recommendation. Unless a Magistrate requests that no recommendation be included it is necessary to formulate one; adverse comment has sometimes resulted from the omission of a recommendation.

E7.2 Interest of child or young person paramount

Section 4 of the Children and Young Persons Act 1974 imposes the following duty; "Any Court which or persons who exercise in respect of any child or young person any powers conferred by this Act shall treat the interests of the child or young person as the first and paramount consideration to the extent that this is consistent with adopting a course calculated to:-

- Secure for the child or young person such care, guidance, and correction, as is necessary for the welfare of the child or young person and in the public interest; and
- Conserve or promote as far as may be possible a satisfactory relationship between the child or young person and other persons (whether his family, his domestic environment, or the community at large)."

The general intent of the section is clear and represents a helpful guide in formulating recommendations.

E7.3 Approval for recommendations

- a. Every proposed recommendation should be discussed with a Senior Social Worker.
- b. All recommendations to the Court for guardianship orders must be approved by a Senior Social Worker.
- c. The approval of the Assistant Director, Social Work is required before any recommendation is made that a ward be convicted and ordered before a Magistrate's Court;
- d. All proposed recommendations that a young person be convicted and ordered before a Magistrate's Court should be discussed, (after obtaining the prior approval

of a Senior Social Worker) with the District Probation Officer or a Senior Probation Officer authorised by the D.P.O.

E7.4 Recommendations relating to admissions to national institutions

Magistrates should not be told of any intention to admit a child or young person to a national institution unless the Director-General's prior approval has been obtained. No period of time should be mentioned, as this must be left to the Department's discretion. The same applies to admissions to the Department of Education Schools, (Salisbury and Campbell Park), which require the prior approval of the Director-General of Education. To make mention of proposed admissions without first obtaining approval would be to mislead the Court. Normally, it should not be necessary to make any statement in the recommendation about the specific plans for a child or young person, as the report summary should contain some general assessment of the needs of the child or young person.

E7.5 Recommendation where complaint or charge denied

Where it is intimated that a complaint or charge will be denied, any recommendation will need to be qualified, e.g. "Two years supervision if the charge is proven".

E7.6 Recommendation to admonish

Formerly the word admonish had no statutory meaning and was commonly used in conjunction with a discharge. However, the Children and Young Persons Act provides for any person, to whom the proceedings relate, to be admonished without any other decision being necessary to dispose of the matter before the Court.

The effects of this provision is to allow more flexibility and discretion in the use of an admonishment so that it may be used appropriately and not necessarily in those cases where the matter before the Court is a minor one. For example, it may be recommended that a child simply be admonished, or that a young person be admonished and placed under supervision; or that a parent be admonished and the child discharged. Although the admonishment is administered by the Court, the particular form it takes may be influenced by a Social Worker. To admonish may be to warn, advocate reform, give advice, inform or remind, and the Social Worker may choose to suggest, (taking into consideration the varying approaches of individual Magistrates), a form of admonishment which will be meaningful to the person receiving it. There is no restriction on the use of admonishments following either the termination or the cancellation of a postponement period, however the lapse of time will be an important consideration where the admonishment relates to the original incident.

E7.7 Admonish and remain in the care of the Director-General

This is the usual recommendation in the case of a ward who appears on charges and is not considered to be suitable for Probation or Borstal training etc. A recommendation of 'admonish and remain in care' may in effect mean that institutional

training is planned. For example, if a ward at school or in employment commits serious offences, the Director-General's approval may be obtained for admission to a training institution. The report may indicate to the Magistrate that in the event of 'remaining in care' the young person will be admitted to an institution for a period of training. On the other hand the recommendation in less serious circumstances may mean the equivalent of admonition and discharge.

#### E7.8 Recommendation of discharge from proceedings

In cases where the Social Worker feels that the Court appearance alone is sufficient to impress upon the parents, young person or child the seriousness of the situation and/or the matter is relatively minor, he may recommend a discharge under either Section 31(b) (for a complaint) or Section 36(b) (for a charge). Under either section the person to whom the charge or complaint is addressed or relates, may be discharged from the proceedings without any order or penalty. However, the fact that the Court appearance has taken place will be noted by both the Court and the police and may show in any subsequent checks with the police, e.g. for certain careers. It is important not to confuse these provisions for discharging the person with those of Section 35 which provides for the discharge of an information.

#### E7.9 Recommendation of discharge of information

A recommendation under Section 35 has the effect of discharging the information and deeming it "never to have been laid". This means that the young person is not recorded as having had a court appearance or criminal conviction. Such a recommendation would generally only be considered where:-

- a. it is a first offence;
- b. the nature of the incident is such that the young persons involvement could not be considered serious;
- c. although serious, the offence was committed under great emotional stress which could be regarded as virtually excusing the offender; and
- d. the recording of a court appearance would be likely to unduly prejudice his future career.

In some instances where the charge is proved it may be considered desirable to recommend, in addition to a discharge of the information, that an order be made for one or more of the following:

- the young person pay court costs;
- the young person or his parents pay compensation for loss or damages;
- the young person or his parents pay restitution;
- the young person or his parents forfeit any specified property.

#### E7.10 Recommending that proceedings be dismissed

Section 100 of the Act provides that, "In any proceedings for an offence which comes before a Children and Young Persons Court, whether on a complaint under Section 27(2)

(f) of this Act or on an information, the Court may dismiss the complaint or information if it is satisfied that the time which has elapsed between the date of the commission of the alleged offence and the Court hearing has been unnecessarily or unduly protracted, and that the proceedings have thereby lost significance or reasonableness".

A recommendation that any police complaint or charge be dismissed should not be made without prior consultation with the police officer responsible for the decision to prosecute. If he agrees that the time between the commission of the alleged offence and the Court hearing is unreasonable he may also agree to ask leave of the Court to withdraw the proceedings.

Where there is no such agreement any recommendation that the proceedings be dismissed should be preceded by a comment in the summary of the report covering the discussions with the police on the subject.

Normally any initiative under Section 100 should not be taken by a Social Worker. The onus should be on the defendant or his solicitor to raise the matter.

#### E7.11 Recommendations involving compensation, restitution and costs

The Court may order, in relation to a complaint or charge, the payment of compensation to any person "... for loss of or damage to property suffered by that person by reason of the action of the child or young person". (Section 31(1)(e) and Section 36(1)(e)). (Refer figure 7).

Compensation and restitution, as provided by Section 31 and 36 of the Children and Young Persons Act, may be ordered to be paid by the child, or young person, or their parent or guardian. Where such orders are not made where a loss is suffered, or where the order does not fully cover the loss, the person suffering the loss retains the right to take civil proceedings.

Court costs relate only to young persons who are charged and may only be ordered against the young person, not their parent or guardian. Section 36(1)(d) provides that a young person may be ordered to pay the cost of prosecution excluding Court fees which are not payable (S.99(5)) in a Children and Young Persons Court.

The payment of any compensation, restitution, or costs, may be enforced under the same provisions as for the non-payment of fines.

In Court proceedings the police prosecutor usually takes the initiative in asking the Court to consider compensation and restitution. In cases where Social Workers are aware that compensation or restitution is likely to be considered by the Court it is appropriate that any recommendation includes reference to these matters. Paying for damage done, where a child or young person has the means, may be a very worthwhile part of any programme designed to curb delinquent tendencies and will often help to heighten awareness about the consequences of their actions.

The situation where parents may be expected to pay compensation or restitution requires careful consideration. If payment by the parents is going to cause undue hardship the Court should be informed. Where parents are able to pay then their willingness to do so needs to be examined. An order which does nothing but aggravate

ate or engender ill-feeling in a family is of no positive value. In some cases where children or young persons have no means their parents may be able to arrange to be recompensed, either from future earnings or some form of payment in kind, if such an arrangement is likely to have a beneficial effect.

The amount of compensation or restitution is fixed by the Magistrate and any prior disagreement about the amount should be raised with him by the defendant. The payment of compensation, restitution or costs may be made a condition of a supervision order to be paid as and when directed by a Social Worker.

#### E7.12 Recommending a fine

Young persons appearing on a charge may be fined. The fine may be imposed either in a Children and Young Persons Court or, following referral, in the Magistrate's Court. Section 36(1)(c) of the Act empowers the Children and Young Persons Court to impose fines "... as ... if the young person were an adult ... in a Magistrate's Court" and confers on the Court the powers provided under Sections 83 and 85 of the Summary Proceedings Act 1957 as amended by the Summary Proceedings Amendment Act 1973. Section 83 provides that the Court "... may do one or more of the following things:-

- Allow time for payment;
- Direct payment to be made by instalments."

The section also states that default proceedings may be taken if any one instalment or all instalments are unpaid as directed. Normally fines must be paid within 28 days or within the time allowed, but Section 85 provides for immediate payment in situations where the defendant has:-

- "sufficient means to pay"; or he has
- "no fixed place of residence"; or
- "That for any other reason, having reference to the gravity of the offence, the character of the defendant, or other special circumstances ..." the fine should be paid without delay.

In making a recommendation that a young person be fined Social Workers should give the Court some guide as to the young persons ability to pay a fine and the rate at which they might be reasonably expected to pay it, without specifying a total amount. There will, of course, be local variations in Court attitudes towards imposing fines on young persons. Social Workers should, in making a recommendation, consider the effect that a fine will have on the young person's attitudes and whether or not some other course of action may have more rehabilitative value.

In cases where it is felt that some form of oversight is unnecessary a nominal fine may be seen as having a salutary effect. In those cases where formal oversight is likely to have little effect owing to the young persons attitudes, and where residential care is inappropriate, a heavier fine may be recommended. Such fines are clearly a punitive measure and the hope is that their imposition will have some influence as a deterrent. A fine may be imposed as well as another order etc. (e.g. supervision) in relation to one charge or where there are several charges the young person may be fined on any one or all of them.

E7.13 Recommendation of postponement

A Social Worker may find it desirable to recommend in terms of Section 31(3) or Section 36(6) that, if the complaint or charge is proven, an order be made postponing the making of a final decision. Such a postponement may be useful where a psychological assessment or psychiatric examination appears advisable or where a period of observation in one of our institutions (e.g. Boy's Home or Girl's Home) may throw valuable light on the type of recommendation which will best meet the child or young person's needs, (See also E7.36 and E7.37 below). The postponement order may be extended from time to time but it should be remembered that such an order, including all extensions of it, must not exceed 3 months.

A recommendation may be made to the Court that for the period of the postponement the child or young person be under supervision or in our custody for the duration of the order. (Postponement order shown Fig. 8).

E7.14 Child or young person on postponement order or adjournment facing further charges or complaint

If a child or young person while on a postponement order or adjournment commits further offences and is to appear in Court before the postponed or adjournment date, the Court should be asked if it will deal with both cases on the same day. This is not always possible or practicable but it can save a lot of time in some cases. Where fresh charges plus postponed or adjourned charges are dealt with on the same day both Children and Young Persons Reports must be completed separately. The new case will have one serial number and the case relating to the postponed charges will have a separate one.

E7.15 Reporting to Court on expiry of postponement

When a child or young person has been on a postponement order for a period of assessment, observation or examination it will be necessary to supply the Court with a supplementary report indicating any significant changes and developments which have taken place since the period of postponement was ordered.

E7.16 Recommendations to come before Court if called upon

The provisions of the Act are set out in E1.13 and E1.14 (S.31(1)(c) and 36(1)(h)). The period during which a parent, (or person in place of,) child or young person may be "called upon" in complaint proceedings is 2 years from the time the order was made, whereas for a young person on a charge the period is 12 months. A recommendation that a person come up if called upon, may be used where the offence or incident is too serious to recommend discharge but where the present situation may indicate that the appearance itself will have a salutary effect, and that a postponement or supervision order would not be more appropriate. If the circumstances deteriorate in some way after the order is made, the Court will expect the person or persons responsible to be brought back to Court to be dealt with on the original complaint or charge. Normally there will be no continuing oversight of the case (supervision or guardianship orders may not be made in conjunction with this order) so we will

have to rely on any further incident being reported as evidence of such deterioration. It may well be, however, that an order to come up if called upon is recommended during the period of an existing supervision order, where it is felt that the supervision should continue without alteration. The procedure for calling persons before the Court is discussed in E8.23. (Order to come before Court if called, see Fig. 9(a) & (b)).

#### E7.17 Recommending supervision

A recommendation of supervision should be made when the Court inquiry has provided evidence of a need for long-term guidance and direction but where it appears that the extreme measure of the child or young persons removal from home need not be taken. A supervision order does not give us guardianship but does vest us with a legal right to exercise an interest in the family situation for a stated period. Our endeavour is to establish friendly relationships and exercise a supervisory role, but we have the authority to instruct as well as advise and we may take legal action if our instructions are not respected. Social Workers should only take such legal action after discussion with a Senior Social Worker. (Supervision Order, see Fig. 10(a) & (b)).

#### E7.18 Conditions of supervision order for a child (Section 46(2))

This provision states that, "Where any child is placed under the supervision of a Social Worker, the following conditions shall apply:-

- Any Social Worker may at all reasonable times, visit and enter the building or place in which the child is living;
- The child shall report to the Social Worker under whose supervision he is, as and when required to do so by the Social Worker;
- He shall not reside at an address that is not approved of by the Social Worker;
- The parents or guardian or person having the care of the child shall ensure that the officer in charge of the local office of the Department knows at all times of the address at which the child is residing for the time being."

#### E7.19 Conditions of supervision order for a young person (Section 46(1))

This provision states that, "Where any young person is placed under the supervision of a Social Worker, the following conditions shall apply:-

- Any Social Worker may, at all reasonable times, visit and enter the building or place in which the young person is living;
- The young person shall report to the Social Worker under whose supervision he is, as and when he is required to do so by the Social Worker;
- He shall not reside at an address that is not approved by the A9/7/79



Social Worker;

- He shall not continue in any employment or continue to engage in any occupation, that is not approved by the Social Worker;
- The young person shall ensure that the officer in charge of the local office of the Department knows at all times of the address at which the young person is residing for the time being;
- He shall not associate with any specified person or with persons of any specified class, with whom the Social Worker has, in writing, warned him not to associate."

E7.20 Recommending additional conditions of supervision

If a Social Worker considers recommending to the Court that additional conditions be written into the supervision order he should be sure that the conditions are practicable. If the condition proves to be unrealistic the Social Worker is faced with the choice of letting the child or young person flout the condition imposed or bringing him back before the Court on a complaint for failure to observe a condition which the Court might be reluctant to take action upon. Only the absolute minimum number of additional conditions should be recommended so that we can maintain the maximum amount of flexibility. The recommendation should include the phrase "... as directed by the Social Worker", to allow for changes in circumstances.

For example, a young person could be placed on supervision with an additional condition that he open a savings account and make contributions to it as directed by the Social Worker. This allows the amount and rate of contributions to be controlled to meet variations in the young person's income.

E7.21 Additional conditions of supervision for a child or young person  
(Section 47(2))

When placing a child or young person under the supervision of a Social Worker, the Court has the discretion to impose, "in addition to any other conditions imposed, a condition that the child or young person undertake such remedial education, such training, or such community activities as are considered by the Court to be in the interests of that child or young person."

E7.22 Additional conditions of supervision (Sections 47(1), (2) and (3))

When placing children and young persons under the supervision of a Social Worker, the Magistrate may in his discretion impose additional conditions. These are as follows:

(those marked with an asterisk apply to young persons only).

- \* "pay the whole or such portion as the Court may direct as the costs of the prosecution". Such payments are to be made under the direction of the Social Worker;

- \* "within such period and by such instalments as may from time to time be directed by the Social Worker, pay, by way of damages for injury or compensation for loss suffered by any person through or by means of any such offence as afore said, such sums as the Court may direct or as may be fixed by the Social Worker, under direction of the Court, not exceeding in any case a sum specified by the Court";
- \* "not own or drive a motor cycle or any other motor vehicle";
- "not associate with any specified person or persons of any specified class";
- "undergo any specified medical, psychological or psychiatric examination";
- observe "such conditions relating to his place of residence, employment, or earnings as the Court thinks fit";
- "attend and remain at for such weekday, evening, and weekend hours each week and for such number of months as the Court thinks fit, any specified centre which is approved by the Department and which conducts educational, recreational, instructional, cultural, or work programmes, or sporting activity, and reasonable and effectively take part in such activity as may be required by the person in charge of the centre";
- "reasonably and effectively undertake work in the interests of the community for such period as the Court thinks fit under the supervision of an organisation approved by the Director-General, either generally or in a particular case;"
- observe "such other conditions as the Court thinks necessary for ensuring his good conduct or for preventing the commission by him of any offence."

The indications for recommending any particular additional condition under the provisions of this section will obviously have to be assessed on the needs of each case, and the general guide is outlined in E7.20.

Community based work projects are covered in E11 and specified voluntary centres, and attendance centres are covered in E12.

NOTE: Section 65 of the Act provides for a review of supervision orders and paragraph (b) empowers the Court to "Remove any condition imposed under Section 47 of this Act and substitute or add such other condition as it thinks fit:"

#### E7.23 The length of supervision periods

A Social Worker may recommend supervision for any period which seems reasonable under the circumstances. One year is the most common period but it may be recommended for six months, eighteen months, or, in rare circumstances (perhaps more

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particularly where a family has been brought up on a complaint) for as long as three years. Under the Act, supervision orders may not be for more than three years, and may not extend beyond the date on which the young person attains the age of 17 years.

#### E7.24 Recommending further periods of supervision

Where a child or young person already under supervision reappears on another charge or complaint and the Social Worker thinks that supervision still offers the best opportunity for helping him a further period of supervision could be recommended. Extensions of existing supervision orders are not to be recommended as this places the Court in a situation of having to give a decision which in fact does not take effect until some future date. A magistrate is being asked to say, for example, that he is placing a young person on supervision for a period of six months to take effect in five months time to coincide with the expiry of a current period of supervision. The legal soundness of such an order is in doubt.

Any new supervision order recommended should be concurrent with the existing order from the date of hearing until the date the existing order expires. The period of any additional supervision order will commence from the date on which the order is made. Example: A young person reappears three months after he has been placed on supervision. The original period of supervision was for twelve months. The Social Worker feels that the young person should remain on supervision for a further three months in addition to his present period, so he would then recommend another period of twelve months supervision.

#### E7.25 Recommending that parent or guardian receives counselling

Section 31(1)(h) provides that in complaint cases the Magistrate may make an order requiring the Director-General to provide counselling for the parent or guardian of a child or young person. Such counselling is to be arranged by the Director of the district where the parent resides and it may be carried out by a Social Worker or any other 'suitable' person (Section 33). This provision may be useful in situations where the child or young person to whom the complaint relates, appears to be exhibiting the symptoms of a deeper family problem, that is, a problem which is related to the attitudes and functioning of the parents but is showing itself in the behaviour of the child or young person. In isolated cases where ill-treatment of a child occurs it may be considered that an order for counselling would be more appropriate and beneficial in the long term than prosecution of the offending parent. As the Act specifically allows for the appointment of persons for this task from outside the Department valuable use may be made of experienced individuals within the community who are already known to the parents concerned and/or who have a special expertise. Any order for counselling may be recommended by itself or in conjunction with one or more of the other powers of the Court under Section 31(1) (Refer E1.13). (Order for counselling of parent, see Fig, 11).

#### E7.26 Recommending guardianship

Guardianship involves the extreme step of transferring rights of guardianship to the

Director-General. (Refer S.49 C. & Y.P. Act 1974) This means that the child or young person is immediately removed from home and is placed either in one of our institutions, in a Family Home, in a foster home, in residential employment, or at board and separate employment. The Director-General may place the child anywhere in New Zealand and adopt such measures as he thinks best in connection with the care and training of the child or young person. (Refer specimen guardianship order, S.W.506, Fig. 12) All recommendations of guardianship must be approved by a Senior Social Worker.

The Magistrate who places under guardianship a child or young person may express his views about the need for institutional or some other form of training for the child or young person. Social Workers should always carefully consider any views of this nature which a Magistrate conveys to them; these and any other subsequent observations should be noted on the child or young person's file and conveyed in a separate memo to the Director-General. In some circumstances, a Social Worker may feel sure that a Magistrate will refer the matter to the Magistrate's Court for a sentence of Borstal training if there is no assurance that the young person will receive other institutional training. In such cases, provided the Director-General's approval has been given, the Magistrate may be told that the young person will be admitted to a national training institution following the making of the guardianship order.

If guardianship is a real possibility in a particular case, the meaning of such an order should be explained to the parents prior to the Court hearing. Where this can be done, tactfully, and if they are accepting the possibility of a guardianship order, they could be asked to prepare the child or young person's clothing, etc., on the Court day as a considerable amount of inconvenience and sometimes unpleasantness can be avoided in this way. (Guardianship order, see Fig. 12).

#### E7.27 Disqualification from driving

Section 37 of the Act gives the Children and Young Persons Court the same powers and obligations as a Magistrate's Court in relation to offences where a Magistrate is either required or empowered to make an order disqualifying the offender from holding or obtaining a driver's licence. The following list of offences is taken from the Third Schedule, Part III of the Transport Act 1962, which is headed "Offences for which Disqualification is Obligatory. Unless for Special Reason the Court Orders Otherwise."

- a) Driving while disqualified or breach of partial disqualification (S.39);
- b) Causing bodily injury or death through reckless or dangerous driving (S.55(1));
- c) Causing bodily injury or death through driving while under the influence of alcohol or drugs (S.55(2));
- d) Reckless driving (S.57(a));
- e) Driving at a speed which is or might be dangerous (S.57(b));
- f) Driving in a manner which is or might be dangerous (S.57(c));
- g) Driving or attempting to drive while under the influence of alcohol or drugs (S.58). Part III also gives a description of the minimum period of disqualification.

On most other traffic offences and a number of criminal offences the Magistrate has

the discretionary power to disqualify from driving. As disqualification is generally viewed by the young person as a punitive measure Social Workers have a responsibility to make known to the Magistrate, where such action is a possibility, the situation of the young person with regard to driving. Unless one is sure that disqualification is likely to have a beneficial effect or is essential to protect other road users then such a recommendation is of doubtful worth. On the whole it is probably wiser not to make any recommendation on the matter but rather to add relevant comments in the narrative as to the worth or otherwise of disqualification in the particular case. The demerit point system is obligatory and is thus not an appropriate matter to comment on in recommendations.

#### E7.28 Referral to Children's Boards

Section 15(2) of the Act empowers a Magistrate, on finding that a complaint is proved, to "... direct the complainant to report the details to a Children's Board." There may be circumstances where a child comes before a Court that, upon further examination, it seems preferable that the matter be dealt with finally by a Children's Board. For example, a child who is arrested and appears in Court away from his home district, may be a suitable prospect for referral to a Children's Board once he is returned home. Another example may be where a matter is referred to a Board after the Court has found a denied complaint has been proven, or it has resolved a dispute as to compensation or restitution. In making a recommendation to the Court that a matter be reported to a Children's Board, the interests of the child should be the prime concern. If it is likely that the parents or the child will be unco-operative in any arrangement which may be proposed by a Children's Board, a referral may be inappropriate. Where ill-treatment or neglect is a factor, it may be desirable to maintain more control over the situation in the interests of the child at risk, by having the Court deal with the matter.

For the purpose of recording the Court decision a Magistrate's direction to report the details of a complaint to a Children's Board, will be regarded as a final disposal. (See Fig. 13 Direction to Complainant to report details of Complaint to Children's Board.)

#### E7.29 Recommendations in relation to group offending

Where a number of children and/or young persons are to appear in relation to the same incident there is a need to ensure that appropriate recommendations are made. There are two aspects to this situation, firstly there is the question of consultation where two or more Social Workers are involved in reporting on the members of the group, and secondly there is the reaction of the group members to the "fairness" of the outcome. In the first case it is vital that there is a joint consultation between the Social Workers and their supervisors before recommendations are formulated to avoid variations in approach. Where possible, it is preferable that one Social Worker report on all members of the group. He will be able to make a more standardised assessment of group relationships and thus the varying degrees of involvement, influence and culpability in relation to the incident, as well as the needs of each individual.

There may or may not be justification for differentiation in recommendations when all the factors are considered, however the Magistrate and the defendant concerned should be informed of the rationale for each recommendation.

E7.30 'Washing-up' charges

Occasionally children placed under the guardianship of the Director-General are subsequently brought before the Court on 'washing-up' charges, i.e. charges related to offences committed before the guardianship order was made. In general the only decision the Court will wish to make is to admonish the child or young person and discharge the proceedings. Such proceedings usually waste time and can be harmful to the child or young person. They can also create an awkward situation if the child or young person has been sent to another district or to an institution since being placed under guardianship and has to be brought back, perhaps a long distance and at considerable cost and inconvenience, to face these out-of-date charges. There are of course, exceptional cases where it is necessary to proceed with serious charges.

There is a long standing arrangement with the Commissioner of Police that, except in the case of a very serious crime, no Court action will be taken against any child or young person in these circumstances.

In any case where it appears that less serious charges are being proceeded with in spite of the arrangement, the Director should approach the local Inspector of Police to ask if the charges might be withdrawn.

E7.31 Recommending that a young person be convicted and brought before a Magistrate's Court

Paragraph (j) of Section 36(1) of the Act provides that the Court may, "In the case of a young person who has attained the age of 15 years ... (where a charge is proven) ... enter a conviction and order that he be brought before a Magistrate's Court for sentence or decision and the provisions of the Criminal Justice Act 1954 shall apply accordingly." Where the Court exercises this power it may not do any of the other things set down in Section 36(1) except to admonish the young person.

The Criminal Justice Act imposes restrictions on the imprisonment of young offenders and makes provision for Probation, Detention Centres, Periodic Detention, and Borstal Training. These are the main decisions and sentences which the Children and Young Persons Court will tacitly be asking the Magistrate's Court to consider when it convicts and orders a young person to a Magistrate's Court.

Social Workers should indicate in the summary of the report the reasons why they think the young person can not be appropriately dealt with by the Children and Young Persons Court. The fact that the recommendation has been discussed with the Probation Service, plus any comments on the outcome of this discussion should also be reported. The summary of the report may intimate the Social Worker's view on the course which might be adopted in the Magistrate's Court to meet the young person's needs. However the actual recommendation is to the Children and Young Persons Court and should only relate to the powers of that Court, namely to convict and order to the Magistrate's Court for sentence or decision.

An extra copy of the report should be prepared for the information of the Probation Service, and in every instance a Probation Officer will prepare a fresh report for the Magistrate's Court hearing.

### E7.32 Probation

Where any person is convicted of an offence punishable by imprisonment, instead of being sentenced to imprisonment (Borstal, etc) he may be released on probation for a period of not less than a year nor more than three years. The person is issued with a licence setting out the conditions of his release.

The mandatory conditions of his release are similar to those of supervision orders made in relation to young persons. The effect of failing to observe the conditions is also similar in that the person can be sentenced for the original offence. However, breach of probation is an offence and the offender may be arrested by the Police or a Probation Officer.

Breach proceedings are often used as a salutary lesson, either by adjourning the charge as a further trial, and/or imposing a penalty on the breach only and not the original charge. It is only as a last resort that the Court is asked to sentence on the original charge as this almost inevitably leads to a loss of liberty.

Probation Officers have the duty to advise the Court whether the convicted person would be likely to respond satisfactorily to probation and whether any condition of probation should be imposed.

Owing to the provision that a period of supervision may not extend beyond a young persons seventeenth birthday there will be instances where it will not be realistic, in terms of the time available, to recommend a period of supervision. For example, where a youth of over 16 years commits a serious offence or offences, but is likely to respond to supervised oversight, it may be appropriate to recommend, after prior discussion with the Probation Service, that he be convicted and ordered to the Magistrate's Court. In other cases the possibility of supervision or some other course of action by the Children and Young Persons Court offering a more appropriate decision should be closely examined.

### E7.33 Periodic Detention

Where any person who is not less than 15 years of age is convicted of any offence punishable by imprisonment he may be sentenced to periodic detention for a term not exceeding 12 months. As a part of the sentence the person may be ordered to be released on probation for a period ending not later than one year after the expiry of the term of periodic detention. Periodic detention may not be imposed where the person has at any time previously, been sentenced to detention in a detention centre, or to borstal training, or to imprisonment for one month or more. Because of this provision (Section 14 of the Criminal Justice Amendment Act 1962) young persons who have spent a period of postponement in a Boy's Home or a term in a national training institution could possibly be considered unsuitable for periodic detention. A medical report must be obtained (as well as a Probation Officer's report) before any person can be sentenced to periodic detention.

A person sentenced to periodic detention is required to report at a work centre on a specified number of occasions in each week and on each occasion to place himself in the custody of the Warden of the centre for a specified period.

The Justice Department has established periodic detention work centres for young

offenders, and the work programme may include, as well as suitable work, attending classes, or undergoing such instruction as the Warden considers conducive to the young person's reformation and training. Similar programmes are possible as a special condition of supervision, although for young persons in these situations there is no specific control over their custody. The possibility of periodic detention should not be discussed with the Probation Service unless the young person's attitudes, maturity, personality, and response to previous oversight, indicate that this form of treatment would be more likely to succeed than any facility which the Department can offer. Where there is any doubt about the young person's suitability the matter could be discussed with the Probation Service.

#### E7.34 Corrective Training

Where any person who is not less than 15 years of age and is under 20 years of age is convicted of any offence punishable by imprisonment, that person may be sentenced to Corrective Training.

A period of probation always follows a sentence of Corrective Training.

Corrective Training is a sentence of up to 3 months and is designed to be 'of a short, sharp punitive nature.' The objective is to reduce re-offending by the experience of a punitive but fair sentence. In keeping with this, 'the programme is to provide a rigorous way of life and work for a short period. Inmates are subjected to an exacting regime with the emphasis on a fast tempo and alertness. Of importance, but secondary to the fundamental programme activity, is a programme of counselling and social skills training designed to assist the inmate on his release.

#### E7.35 Youth Prison

For those young persons considered unsuitable for corrective training, the Courts have the option of imprisonment. Those aged between 15 or 19 years inclusive, the sentence of imprisonment must be served in an institution specifically designated a youth prison. Sentences are for a finite term of up to a maximum of six months.

#### E7.36 Recommendation that the Court obtain a psychiatric report

Section 47A of the Criminal Justice Act 1954 gives any Court the power, ".... where any person charged with or convicted of any offence punishable by imprisonment or death is in custody ... (prior to the determination of the charge, etc.) ... and it appears to that Court to be expedient that a psychiatric report on the person's mental condition should be made available to the Court, ... That Court may:-

- make it a condition of any grant of bail to the person that he attend, for psychiatric examination by a medical practitioner, at a psychiatric clinic approved by the Court; or ...
- where a medical practitioner has certified or given evidence to the effect that a psychiatric examination of the person is requisite ... make an order for his detention and examination in a psychiatric hospital for such period, not exceeding one month, as the Court A13/7/81 thinks fit".



There is also provision under this section for committal to a penal institution for psychiatric examination for up to 14 days, and detention in a psychiatric hospital is only possible where it appears to the Court that committal to a penal institution is not practicable. Detention in a psychiatric hospital for further observation may also be ordered on the recommendation of the psychiatric clinic attended by the person while on bail.

These provisions of Section 47A will apply only to young persons who are already in custody (or on bail following their arrest), and in most cases such examinations can be arranged informally with the consent of the young person and his parents or guardians. However, where such consent is not available, it may be necessary to recommend the use of this provision to the Court.

E7.37 Recommending detention for observation in a hospital regarding disability to plead etc. or insanity

Section 39B of the Criminal Justice Act 1954 provides that, "... where any person charged with any offence punishable by imprisonment or death is in custody pending a hearing or trial before any Court, and it appears to the Court that he may be under disability, or that at the time of the commission of the offence he may have been insane within the meaning of Section 23 of the Crimes Act 1961, the Court may ... make an order that he be removed to a hospital and detained there under observation ...

The Court has to be satisfied that it is necessary or expedient that the person's men-

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tal condition should be under observation in a hospital, and the order has to specify a period not exceeding one month.

"Under disability" is interpreted by the Act as meaning "... mentally disordered to such an extent as to be unable to plead, or unable to conduct a defence, or instruct a solicitor for that purpose, or unable to comprehend the course of proceedings."

Section 23(2) of the Crimes Act 1961 provides that, "No person shall be convicted of an offence by reason of an act done or committed by him when labouring under natural imbecility or disease of the mind to such an extent as to render him incapable:-

- of understanding the nature of quality of the act or omission; or
- of knowing that the act or omission was morally wrong, having regard to the commonly accepted standards of right and wrong."

Section 39G of the Criminal Justice Act 1954 states that, where any person is "... found to be under disability or ... is acquitted on account of his insanity - the Court shall make an order that he be detained in a hospital as a special patient under the Mental Health Act 1969".

Except that where a person is acquitted on account of his insanity the Court may:-

- "- order that the person be detained in a hospital as a committed patient; or
- make an order for his immediate release."

Recommendations in relation to these provisions are not common and Social Workers should seek the opinion of a medical practitioner before recommending that a young person be detained for observation.

E7.38 Power of Court to order detention and treatment of alcoholic or drug addict on conviction

Section 48A of the Criminal Justice Act empowers any Court, where any person is convicted "... for any offence of which drunkenness or the taking of drugs forms a necessary element, or for any offence which is shown to have been committed under the influences of alcohol or drugs or of which drunkenness or the taking of drugs is shown to be a contribution cause, it appears to the Court or Judge that the offender is an alcoholic within the meaning of the Alcoholic and Drug Addiction Act 1966, or is a person whom Section 3 of that Act applies, the Court or Judge may, if it or he thinks fit, make an order requiring the offender to be detained for treatment for alcoholism or, as the case may be, for drug addiction in an institution within the meaning of that Act."

Except that no such order shall be made unless:-

- "Two medical practitioners either give evidence, or give certificates in the form prescribed pursuant to the Alcoholism and Drug Addiction Act 1966 to the effect, that they believe the offender to be an alcoholic within the meaning of that Act, or as the case may be, a person to whom Section 3 of that Act applies, and that the making of

such an order is expedient in his own interests or in that of his relatives; and

- The Court or Judge is satisfied that the Manager or Superintendent of an institution, as the case may be, are willing to receive the offender in the institution."

A person may not be detained under this order for a period exceeding two years. Social Workers should be aware of the nature of local facilities that are available for the treatment of alcoholism or drug addition in particular whether the institution would be a suitable environment for a young person before initiating any consideration of an order under this provision.

E8 POST-COURT ACTIONE8.1 Social Worker's checklist

Immediately after the Court hearing the Social Worker should:-

- (a) complete the final disposal section of the C. & Y.P. report, or the whole report in Social Welfare complaint cases and for serious traffic offences reported by traffic officers.
- (b) enter particulars in his Visiting Book in cases where contact is to be continued, and include a note of restitution, special conditions, expiry date of supervision, etc.
- (c) complete where necessary a draft notification slip indicating where extra copies should be sent.
- (d) initiate whatever maintenance action may be required. When a child or young person is placed under guardianship or otherwise becomes a charge of the Department, the entry "maintenance action initiated" should be recorded in the "Remarks" section of the notification slip. The typed notification slip should contain the initials of the Social Worker who made the draft.
- (e) notify the Principal of the school the child or young person attends of the outcome of the hearing. (Refer E8.27.)
- (f) pass the completed reports to the appropriate clerk who will dispose of the copies as set out in E5.5.
- (g) supply the Probation Officer with one copy of the Social Worker's report in cases where a young person is being referred to the Magistrate's Court for a decision. (Refer E7.31)
- (h) if the parents of a ward referred to the Magistrate's Court for sentencing, were not present at the Court they should be advised or, if they live in another district, the Director of that district should be advised so he can tell them.
- (i) prepare a memorandum for minuting by the Director to the Director-General if a case presents unusual features which it is felt should immediately be brought to the attention of the Director-General.

E8.2 Action on Court papers for postponed and adjourned cases

When a case is postponed or adjourned for more than a week the Social Worker's report and the Children and Young Persons Report, (including the extra copies) should be filed on the file in date order. A record should be made of the interim Court decision, either on the file copy of the Social Worker's report or a separate folio. The reports are not to be given folio numbers. A bring-up can be recorded on the file transit sheet for about a week before the next hearing. File copies of both reports are to be finally filed in date order using the last date of hearing and then allotted folio numbers.

**E8.3**     Allocation of serial numbers where cases are adjourned to another district

In those cases where children or young persons first appear at a Court in one district and are then adjourned to a Court in another district, the Children and Young Persons Report must be given a new serial number at the receiving district.

Refer to the section on processing Children and Young Persons Reports in Part D of this manual for full instructions.

**E8.4**     Recording interim court decisions

A record is to be kept of all notifications of court hearings and subsequent adjournments. In addition to this the full details of any adjournment or postponement must be recorded on the personal file. This record may be written on a minute sheet, or on the file copy of the Social Worker's Report, if a report is available for the particular hearing. The details recorded will be needed if there are any inquiries about the custody arrangements etc. for any child or young person and as a source of information for completing the Court sections of the Children and Young Persons Report. The following details must be recorded on the file where applicable:-

- (a) the date of the hearing;
- (b) the date to which the proceedings are adjourned or postponed;
- (c) the reason for the adjournment or postponement;
- (d) whether or not the child or young person is held in custody;
- (e) where held in custody;
- (f) whether or not the complaint or charge is admitted;
- (g) whether or not the child or young person is represented by a solicitor;
- (h) whether or not the solicitor is engaged under legal aid; (does not include court appointed solicitors);
- (i) the name of the Magistrate if this is useful to you.

**E8.5**     Recording final court decisions

Final court decisions need only be recorded on the copies of the Children and Young Persons Reports. A copy of each report is to be filed on the personal file with the Social Worker's Report which covers the incident. There is no need to record the final decision on the Social Worker's Report, except on the copies which go on to the district office general court file.

**E8.6**     Completion of the court sections of the C. & Y.P. Report

This instruction assumes that the front of the Children and Young Persons Report has been completed. The information given in this report is the basic data used for statistical purposes by the Social Research Unit at Head Office. It is essential that attention is paid to accuracy and detail. (Refer figure 14).

Children and Young Persons Court section:

"Name of Court" means the name of the Court which makes the final disposal.

"Date of first hearing" should include any preliminary or special sittings.

"Date of last hearing" in Children and Young Persons Court only. Include date of final disposal in disposal details for Magistrate's Court or Supreme Court.

"Was the child in S.W. custody ..." includes young persons as well, and requires the "Yes" or "No" to be deleted as applicable. This only relates to custody during Court adjournments or postponements.

"Number of adjournments/postponements" means the number of times the Court has adjourned or postponed the matter. Do not include adjournments in the Magistrate's or Supreme Courts.

"Complaint" etc. requires for Section 27 complaints that the appropriate paragraph or paragraphs under subsection 2 be quoted. The complaint for failure to observe, Section 48(1) has no paragraphs.

"Offences" etc. means charge related offences only. The details of the "Act, Year, and Section" will be supplied by the Police. "Type of offence" means legal charge; give brief details only, e.g. theft, unlawful taking, etc., and in the corresponding box headed "Number of Charges" enter how many charges of this type the child or young person is being charged with.

"Plea of Guilty?" indicate "yes" or "no" by deleting whichever is not applicable - record "yes" if the matter is denied at first but later admitted without evidence being heard.

"Legal representation?" indicate "Yes" or "No" by deleting whichever is not applicable - should include any representation by a solicitor or counsel whether engaged by the defendants or appointed by the Court.

"Legal Aid? Yes/No" delete whichever is not applicable - the Registrar of the Court will have this information.

"S.W. recommendation" should be as full a description as possible including any additional conditions of supervision recommended.

"Final disposal (details)": This should show details of the decision including additional conditions of supervision, the amounts of fines, costs, etc. When order is made under Section 36(1)(j) referral to Magistrate's Court for sentencing and the young person is held in custody pending sentence this fact must be shown under 'Final disposal' section e.g. (S.W. custody) or (Police custody). Where there is only one Children and Young Persons Report, but it contains several charges (and/or complaints) and more than one decision is made, it should be made clear under the "Final Disposal" heading, which charge or charges each decision relates to. A number could be placed beside the appropriate charge or complaint described and then used in the "Final disposal" section to indicate the relevant decision, or alternatively the offence could be described again to relate it to the particular decision, e.g:

"Theft (2) - Fined \$10 and costs \$5 on each.  
Unlawful taking and burglary - supervision 12 months not  
to own or operate motor vehicle."

Where two or more Children and Young Persons Reports relate to one final disposal and there is only one decision covering all the charges and/or complaints reported, the final decision should be recorded on only one of the Children and Young Persons Reports (the one that contains the most serious charge or complaint) and the other report or reports should be cross referenced by means of the district serial number. The cross-reference should be placed in the "Final disposal" section, e.g. S.W. 512. Hamilton 413.

"Disposal made under ..." quote relevant sections, subsections and paragraphs.

The Magistrate's Court or Supreme Court section:

The headings should be completed as described above. The exception is the heading "Reason for referral" where there are four possible reasons:-

- a. convicted in Children and Young Persons Court and sent to Magistrate's Court for sentencing;
- b. jointly charged with adult offenders;
- c. young person elects trial by jury;
- d. murder or manslaughter.

"Final disposal" should be completed as for the Children and Young Persons Court section, except that the date of the final disposal must also be given.

(For notes on the completion of the rest of the Children and Young Persons Report see Part D.)

E8.7 Head Office to be notified of all court decisions

A statistical count will now be made of all final decisions made by the Court. (As well as all Children's Board and Y.A.S. decisions.) The criteria for recording any action as a Court disposal will be whether or not the proceedings actually came before a Court hearing.

For example, if the Police seek leave of the Court, at a hearing, to withdraw a charge, the leave to withdraw is recorded as a court disposal. On the other hand, if the Police agree to a decision of prosecution at a Y.A.S. conference and later decide not to prosecute before Court proceedings are initiated, then this should be recorded as an amended Y.A.S. conference decision.

All Children and Young Persons Reports will be allocated a serial number, and the number is to be contained on all Court decisions including withdrawn, discharged or dismissed proceedings. All Head Office copies of the Children and Young Persons Report and the Social Worker's Report (including any school report) are to be forwarded to Head Office regardless of the nature of the Court decision.

ES.8 Head Office action on Social Worker's Reports

When court reports are received in Head Office an entry is made in the master index. The master index and the reports are used for general reference and research purposes. The name, date of birth, the date of the decision, the nature of the proceedings and the outcome are recorded.

Reports on children and young persons coming under guardianship or into custody under S.11 of the Children and Young Persons Act are seen by Head Office social work staff, as are reports on youngsters already in care.

ES.9 Supplementary information where guardianship order made

When a child or young person who has a previous record with a District Office is placed under guardianship, the Director-General should be sent any relevant supplementary information attached to the Social Worker's report so that he may know the essential background to the case. Copies of the school report must accompany the Social Worker's report to Head Office alongside any other report containing information of which the Director-General should be aware.

ES.10 Reserved.

ES.11 General court file to be held in districts

A general court file must be maintained in each district for the purpose of easy reference to recent Court data. In all cases the Social Workers' reports are to be filed in the district where the final court decision was made, regardless of where the Social Worker's report was prepared.

The general file will contain the white copy of the Social Worker's report which is shown to parents and only the essential details of the final Court disposal needs to be recorded on the report for future references.

ES.12 Court letters

When a child or young person is either placed on supervision or placed under the guardianship of the Director-General, the Court sends out to parents a formal letter which explains the legal implications of the decision and informs the parents of their rights of appeal. The letters (S.W. 618 and S.W. 619) are sent out automatically by the Courts and involve no Social Welfare action. (Refer Figs 15(a) and (b)).

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#### E8.13 Distribution of the supervision order

Refer Figure 10 . Certified copies of the order are sent by the Registrar to the Director and to the Police who by administration arrangement, serve the order on the parent or guardian and complete the statement of service (on a duplicate which is returned to the Court). Copies of the Supervision Order are no longer sent to the Director-General.

Directors are responsible for checking the particulars entered on the supervision orders. If a material error is found such as a supervision order which should be a guardianship order (or vice versa), or a supervision order specifying a period of two years supervision instead of one, or if an order is wrongly dated, the Director should return his copy to the Court for correction. The Court should not be asked correct less serious errors such as the mis-spelling of child's name or mis-statement of the date of birth.

#### E8.14 Need to explain supervision order

The meaning of the supervision order will need to be explained carefully to both parents and child or young person. If supervision is foreseen as a real possibility the Social Worker should have discussed its meaning with the parents when conducting the pre-court inquiry. It is not generally a good plan to embark on more than a brief explanation immediately after the court hearing when both parents and child or young person may be too upset to absorb the information. It is better to make an early appointment (preferably - and where practicable - within the next ten days) to call on them to discuss the explanatory letter (Refer E8.16) and any other matters of concern.

It should be explained that the Court regards the supervision period as a trial period during which the Social Worker will visit regularly and assist in any way possible with a view to attempting to relieve or resolve any difficulties which may have led to the court appearance. Where appropriate, various forms of assistance should be discussed and all conditions of the order explained. It should be explained also that the supervision order, being an order of the Court, must be respected and that if the child or young person does not conduct himself reasonably, does not carry out conditions laid down, or if the response is not an adequate one, the power exists to bring the child or young person back before the Court.

#### E8.15 Instructions relating to conditions of supervision

Sections 46 and 47 of the Children and Young Persons Act authorise a Social Worker to issue instructions which qualify the conditions of supervision orders imposed by the Court. These instructions will form a part of the original condition, and thus, may be the subject of a complaint under Section 48 where the conditions are not observed. It is therefore advisable that such instructions are kept to a minimum and are realistic. Instructions should be issued in writing and either delivered personally with a copy signed as a receipt, or sent as an A.R. (Acknowledged Reply) registered letter. The signed copy or the Post Office receipt card should be filed.

Social Workers are expected to observe the usual courtesies when arranging visits to children on supervision, and only in special circumstances (e.g. where a child is

suspected of being at risk of ill-treatment or neglect) should Social Workers insist on their right to visit and enter against the wishes of the parents.

Older children may be required to report to Social Workers where satisfactory arrangements can be made. Maintaining contact with parents in these circumstances is important if misunderstandings are to be avoided.

Any directions about addresses, employment and associations which are not approved of must be clearly conveyed in writing. Social Workers must ensure that the reasons for the directions are known.

It is important that the visiting Social Worker be kept informed of any changes in the address of the child or young person. It should be pointed out that where a child is on supervision it is the parents responsibility to ensure that this is done but young persons must be responsible for giving all changes in their own addresses. (The mandatory conditions of supervision are set out in E7.17 and E7.18.)

#### E8.16 The Social Worker's role in supervision

During the currency of the order home visits are made, and both child and parents should be seen frequently with a view to improving family relationships and helping with any problems they may have. Often during a period of supervision a Social Worker may be assisted by teachers, employers, group workers (e.g. Y.M.C.A., leader of youth clubs, etc.), ministers of religion, or honorary officers. A large element of the supervising process is the focusing of community resources on the needs of a particular individual. This is not to underestimate in any degree the strong and beneficial influence which the Social Worker can as an individual have on the child or young person and his parents.

#### E8.17 Frequency of supervision visits

There is no statutory provision or regulation governing the frequency of visits to children under our supervision.

The Director-General requires that a child placed under supervision by court order must be visited not less than once every four months.

The existence of a minimum requirement is essential but in general many more visits than this will be needed if effective social work is to be carried out. The frequency of visits will vary according to the needs of the case. The aim should be to make a definite and intensive beginning and gradually to withdraw from the situation if progress is being made.

#### E8.18 Visiting return for supervision cases

Two weeks before the end of April, August and December, the senior clerk will make up a list from each Social Worker's visiting book of all children or young persons not yet visited and minute the list to the Social Worker. On the last day of April, August and December, the list showing those still not visited is referred to the

Assistant Director (Social Work) for appropriate action. The lists are eventually filed for reference by inspectors. A separate list will be made for each visiting book.

#### E8.19 Procedure for failure to observe conditions of supervision

The procedure for taking complaint action under Section 48 for failure to observe conditions of a supervision order, is the same as for complaint action by way of summons as described in E2. The complaint may be directed to the young person or parent or guardian or person having the care of any child who must appear before the Court together with the child. Warrant action is not provided for under a Section 48 complaint, so that if there are grounds for warrant action fresh complaint proceedings under Section 27 would have to be initiated. A complaint of failing to observe conditions of supervision should be reported on in the usual way. (Section 48 complaint, see Fig. 16(a)).

The provisions for the Court to decide complaints of failing to observe conditions of supervision are described in Section 48(2) of the Act. Where the complaint is proven, this section allows that "... the Magistrate may cancel the order and in substitution for that order make such an order or take such other action under Section 31 or Section 36 of this Act, as the case may require, which is seen by him to be necessary in the interests of the child or young person or the community".

In formulating recommendations to the Court in these cases, Social Workers can assume that this section gives the Court the maximum flexibility possible in decision making to enable the most satisfactory outcome to be achieved. For example, it may be that the effect of a young person having to reappear before the Court to account for his failure to observe, is in itself sufficient reinforcement of what is expected of him under the supervision order, and the existing order may not need to be cancelled. In another example it may be necessary to recommend that the order be substituted by a nominal fine and a new period of supervision. To recommend that a guardianship order be made in substitution would be a serious step and where possible such cases would be more appropriately dealt with by initiating fresh proceedings. (Summons on complaint - Section 48, see fig. 16(b)).

#### E8.20 Preventive supervision following court appearances

There are some circumstances following court appearances where a family, child or young person may be taken on as a preventive supervision case. Where a recommendation involving continuing oversight (e.g. supervision or postponement) is not followed by the Court, the family concerned may consent to a period of informal contact. Sometimes it is felt that the Court should treat a group of children and/or young persons alike, where they appear in relation to the same incident. Where the recommendation does not involve continuing oversight, preventive supervision may be appropriate for those in the group who, regardless of the Court outcome, would benefit from and consent to, informal contact.

Recommendations for preventive supervision can be supported by the Social Worker's reports, and preventive supervision numbers noted on the Social Workers' reports.

E8.21 Procedure in calling upon persons to come before the Court

Where an order is made that a person come before the Court if called upon, Section 31(2) of the Act provides that, "... the Court may at any time during the duration of the order direct, on the application of a Social Worker or a member of the Police, the issue to the person in respect of whom the order is made of a summons in a form prescribed for the purposes of this section" (Refer figure 17). The Court then makes an "... inquiry into the circumstances of the case and the conduct of the person since the order was made ...", and may make a new decision. It is not expected that Social Workers should keep any person under surveillance, indeed to do so could be seen as contrary to the intention of the provision. However, where any incident comes to the attention of a Social Worker in relation to a person under this order, and it is felt that a recall to Court is appropriate, a supplementary Social Worker's report will need to accompany the application. The report should fully describe the situation since the order was made, and recommend a new decision. Where the Police make an application they should advise us in the usual way, and supply a Children and Young Persons Report to cover the incident. Where Social Workers make an application they must complete a Children and Young Persons Report to cover the incident.

E8.22 Payment of costs and compensation as a condition of supervision

Section 47(1)(a) and (b) of the Act allows the Court to impose on young persons, conditions of supervision relating to the costs of the prosecution or to compensation. The costs are determined by the Court but the sum of compensation may be fixed by the Court or by the Social Worker. The Social Worker may be expected to fix the sum of compensation in cases where information about the exact amount of compensation is not available to the Court at the time of the hearing. Where costs or compensation are ordered payments may be made within such period and such instalments as may be directed by the Social Worker.

E8.23 Collection of compensation and restitution

Under an arrangement with the Department of Justice the Department assists in the collection of compensation and restitution moneys from children placed under the supervision or guardianship, but payment is to be made by the child or parents direct to the Court wherever possible. It should be clearly understood that although the Department assists in collection of compensation and restitution it is not responsible for seeing that the moneys are paid except under Section 47 (as above). Following a court hearing the Social Worker should enter the amount of compensation or restitution ordered in his visiting book. He should also enter the amount and any conditions relating to payment in the decision section of the Children and Young Persons report. Any money collected should be paid into the district office and a receipt issued. Account cards are used by the clerical staff for keeping an easily accessible record of the position regarding compensation and restitution payments, amounts collected are paid over monthly by the senior clerk to the Registrar of the Court at which the order was made. Where a child transfers to another district or transfers to or from an institution before compensation or restitution payments are completed a statement of the amount which is still owing and the Court at which it is payable should be entered on the Action Sheet-Transfer (refer Part N, Fig.8) forwarded with the personal file. The following procedures, namely,

- the issue of receipts;
- recording;
- disposal of compensation and restitution payments; and
- keeping the Court and the Social Workers advised regarding the progress of payments,

are the responsibility of the clerical section.

When a ward is placed on a work status for the first time (perhaps after being discharged from an institution), arrangements for the payment of outstanding compensation or restitution should be considered in determining his wage allocation. Similarly when W.i status or discharge is under consideration the position regarding compensation/restitution payments should be reviewed. Where a young person on supervision or under our control has not completed payments by the time supervision has expired or discharge is recommended, a note of the amount still owing should be included in the 'Remarks' column of the notification slip which records termination of control or supervision. The accounts section clerk will notify the Registrar of the Court in writing of the amount still outstanding and the Registrar will be able to take any action he thinks necessary.

#### E8.24 The enforcement of fines, compensation, restitution and Court costs

Section 99 of the Children and Young Persons Act 1974, provides that, "For the purpose of Sections 31(7) and 36(2) of the Act every Children and Young Persons Court and its officers shall have all the powers of a Magistrate's Court and its officers respectively, and Part III of the Summary Proceedings Act 1957 shall apply accordingly with all necessary modifications ..."

Section 31(7) of the Act says that orders for compensation in relation to complaints "... shall have effect as if made by a Magistrate's Court as if any sum ordered to be paid had been adjudged to be paid by a conviction."

Section 36(2) in relation to charges, states similarly, that every order or decision relating to fines, costs, compensation, and restitution, "... shall have effect as if made by a Magistrate's Court and as if any fine imposed or other sum ordered to be paid had been adjudged to be paid by conviction ..."

The exceptions to both Section 31(7) and 36(2) are that enforcement is to be by the Children and Young Persons Court, and that no young person is liable to imprisonment for failing to comply with any order or decision.

Section 79 of the Summary Proceedings Amendment Act 1973 states that unless the text of Part III "... otherwise requires, references to the sum adjudged to be paid by a conviction shall be deemed to include any sum of money whether as a fine or for costs or otherwise." This interpretation allows for the enforcement of compensation and restitution in the same manner as for fines, that is, where the Act refers to "fine, etc" or the "sum adjudged."

#### E8.25 Default in the payment of fines, compensation, etc.

The Summary Proceedings Act 1957 provides a Registrar with powers to summons and

examine persons who default in the payment of fines, compensation, etc., and if necessary he can bring them back before a Magistrate for enforcement proceedings. Under Section 99 of the Children and Young Persons Act 1974 any parent or guardian may be present where a young persons is examined as to his means.

In cases where Social Workers have the oversight of a young person who has been fined, or ordered to pay compensation, etc., and difficulties arise over payments, the Registrar concerned should be kept fully informed.

Although young persons may not be imprisoned for default in payment the Summary Proceedings Act provides other ways of dealing with default. For example, the Court may make attachment orders on wages; order the seizure and detention of motor vehicles in certain circumstances; disqualify from driving; or issue a distress warrant. A distress warrant allows for the seizure of goods which may then be sold, under order by a Magistrate, to pay the whole or part of the debt to the Court. Where a young person (or parent) is experiencing genuine difficulty in meeting payments the Registrar should be informed.

Registrars have the power, after enquiry into the defendant's means, to allow further time for payment. They may also report to a Magistrate that the defendant at present has no means and the Magistrate is empowered to remit the sum adjudged to be paid.

#### E8.26 The effect of a court appearance on future prospects

Social Workers may be asked what effect a court appearance is likely to have on the future prospects of a child or young person. Although the Courts hold the official records of all appearance, in practice, any criminal record checks are made with the Police Department. The Police have a national Information Centre which is their central record of offenders. They record all court decisions relating to young persons except those under the Transport Act where the offence is one which (were the young person an adult) is punishable by imprisonment. Charges which are dismissed or discharged would not be recorded. In view of the criteria adopted for the Police records, and the fact that the question may be asked, "Have you ever appeared before a Court", whether or not a young person is "convicted" of an offence is of little real importance.

The implications are that any appearance as a child will have no effect on future prospects. However, where young persons are concerned if the offence carries a sentence of imprisonment then any future Police check, (e.g. for prospective adoptive applicants or taxi driver's licence, etc.) may disclose the facts of the court appearance. To reassure a parent or a young person, that such a court appearance will have no effect on a young person's future would be misleading.

#### E8.27 Principal to be notified of court decision

It is most important that whenever we have asked a school for information about a child or young person before a court hearing, we should inform the Principal of the outcome of the court appearance as soon as possible even if the result might appear to be relatively unimportant, e.g. admonish and discharge. The appropriate 'Notice of Court Decision' letter (Refer Figs. 18(a), (b) & (c)) should be sent to the .

school immediately after the case is finalised. Anything about the hearing or the decision which needs elaboration or clarification can be discussed personally with the Principal concerned or some appropriate moment but at least he is informed immediately of the outcome.

E9 RIGHTS OF APPEAL IN THE CHILDREN AND YOUNG PERSONS COURTE9.1 Introduction

The C. & Y.P. Act 1974 under Section 53 - Section 63 provides for a right of appeal. In what follows and in the Act itself a distinction is made between the finding of the Court (i.e. that the charges are proven or that the complaint is upheld) and the order of the Court (the decision to make a supervision or guardianship order etc.). The main provisions of the Act as regards appeals are set out below.

E9.2 Appeal by child or young person (Section 53)

A young person dealt with on a charge will have a right of appeal both against the finding of the Court and against the order of the Court. A child or young person whose parents appear on a complaint will have a right of appeal against the order of the Court but not against the finding.

At the request of the Department of Justice, this Department has undertaken to notify the parents when any child or young person appeals against a finding or an order. A letter should be sent telling the parents when the appeal is to be heard. A copy of this letter must go to the Registrar of the Magistrate's Court, who will send it with the rest of the file on the case to the Supreme Court concerned.

E9.3 Appeal by parents (Section 54)

In a complaint case any parent, guardian or person acting in the place of a parent may appeal against the order of the Court but not against the finding. When a young person has been charged with an offence the parent will have no right of appeal against the finding but he may appeal against any order for guardianship, supervision or postponement of final consideration of the matter. A parent also has a right of appeal against any order made against him to pay compensation or restitution incurred through an offence committed by his child.

E9.4 Appeal by persons other than young person convicted in the C. & Y.P. Court  
(Section 55)

Adults dealt with in the Children and Young Persons Court either because they have been charged jointly with a young person or because they have been charged with an offence against a child or young person have a right of appeal against the conviction or the sentence or both.

E9.5 Appeal on point of law only (Section 56)

Any child, young person or parent who is entitled under Section 53 and Section 54, (Refer E9.2 and E9.3) to appeal against a finding or order may do so if he believes, that some error in point of law has been made in the finding or the order. A9/7/79



E9.6 Application of the Summary Proceedings Act 1957 (Section 57)

This section provides for the application of Part IV of the Summary Proceedings Act 1957 to appeals under Section 53, 54, 55 and 56 of this Act, with "necessary modifications", e.g. Magistrate's Court shall be read as if it were reference to a Children and Young Persons Court. Part IV of the Summary Proceedings Act relates to the general legal provision for appeals.

E9.7 Effect of notice of appeal on guardianship, supervision or postponement orders (Section 58)

The act of filing a notice of appeal does not affect "The operation of any order:-

- placing a child or young person under the guardianship of the Director-General; or ...
- placing a child or young person under the supervision of a Social Worker; or
- postponing the final consideration of the matter ..." unless the appellant also applies to the Court for suspension of any of the above orders, "... pending the determination of the appeals."

"Notice of any application or direction to suspend a supervision order shall be given by the Registrar to the Director of Social Welfare of the district in which the Court is situated." Where a direction is given to suspend a supervision order the term of the order shall cease to run from the date of the direction. If the appeal is not upheld the terms of the supervision order would resume.

E9.8 Presence of child or young person at hearing of appeal (Section 60)

A child or young person shall be entitled to be present at the appeal hearing unless the Court directs otherwise. If however the appeal is on a question of point of law he is not entitled to be present except with the leave of the Court.

Where a child or young person is ordered to attend a hearing but fails to do so a police officer or Social Worker may bring him before the Court solely on the authority of that order to attend.

E9.9 Presence of parents at hearing of appeal (Section 61)

The Court may order any parent or guardian to be present at any hearing of an appeal and if necessary can take steps to enforce such attendance.

E11 COMMUNITY BASED WORK PROJECTSE11.1 Legal provision

Section 47(1) of the Act provides that "The Court in placing a child or young person under the supervision of a Social Worker may in its discretion impose ..." a condition (as described in paragraph (h) "That he reasonably and effectively undertake work in the interests of the community for such period as the Court thinks fit under the supervision of an organisation approved by the Director-General either generally or in the particular case."

Unlike paragraph (g) which relates to various programmes conducted at a centre, work in the interests of the community is community based, and a period of time is involved rather than specific attendance requirements.

E11.2 Organising Committees

A committee may be formed to assist in the organisation of suitable work projects for children and young persons. In some districts there may be sufficient work available to preclude the need for an organising committee. The purpose of a committee is to tap community resources and to gain community involvement. The committee should not be too formal or unwieldy so that efficiency is impaired.

The convenor of the committee should be a Senior Social Worker. The membership could include representatives of the approved organisations and any other person who can assist with facilitating an effective programme of suitable work. The need for various participants will be determined by local need but in every case the aim should be efficiency of function. However particular attention should be given to involving in the committee's work, either actively or on a consultation basis, a Maori who is active in Maori cultural activities; a representative of the Court, e.g. a Registrar or Magistrate; and a representative of the Federation of Labour. In the latter case the Federation of Labour will supply the names of representatives in the various centres who may be used. These representatives will be the same as used by the Probation Service. Organisers of community work in any district should, whether a committee is formed or not, liaise with this representative in relation to jobs to be undertaken. It is important that the work undertaken does not remove work opportunities from normal citizens.

E11.3 Medical fitness to undertake work

There is no legal requirement for a medical report to be obtained for work completed as a condition of supervision, however Social Workers should ensure, prior to making their recommendation that there is no known or apparent medical reason why a child or young person should not engage in any particular work activity. The Magistrate should be informed of the child or young person's state of fitness.

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#### E11.4 Criteria for selecting work

The Act requires that children or young persons undertake "... work in the interests of the community ... under the supervision of an organisation approved by the Director-General ...". This can be interpreted as implying that any work done must be done under the auspices of some organisation which is involved in volunteer work in the interests of the community. This requirement appears to be a safeguard against any accusations that young persons are being exploited for their labours. The criteria for approving the organisation is set out below.

In general the work should be meaningful and be a task with which the child or young person can identify with satisfaction and pride. For example, a predominantly Maori group may be involved in work on a marae. Monotonous repetitive work leads to supervision problems and is unlikely to improve anti-social attitudes. The work should be that which could not normally be undertaken by workmen for reasons of the non-availability of labour, the low priority of the job, or financial hardship. The ideal goal is to engage the young persons in work which has strong elements of service to the community and constructiveness.

A restricting factor, but one which must be given every consideration is protecting of the children or young persons from being identified as an offender to avoid public humiliation and idle gossip. The spirit of confidentiality which is contained in the Act in relation to Court should apply. The work should be located where there is a minimum of public observation. The groups may be working with organisation members who will inevitably learn the young persons identity, so that a measure of the organisation's suitability for approval may be the ability of their members to handle this situation in a helpful way. (Department vehicles should not be used for transport where the work is in public.)

#### E11.5 Approved organisations

Directors may approve any organisation which undertakes work in the interests of the community provided that it is not an employing body. Where an organisation does not conform with this description a recommendation should be made to the Director-General for a special approval. The organisations involved in this type of work are usually service clubs or voluntary welfare organisations.

#### E11.6 Assignment to particular community projects

There may be a particular community project which a child or young person could be assigned to by the Court as a condition of their supervision. In such cases the period of time the child or young person is ordered to work should not exceed the time the project is expected to last. Only one or so children or young persons should be assigned to any one of these projects, so that no extra supervision, other than that provided by the organisation concerned is required. The child or young person recommended for such a project should be sufficiently reliable and well motivated to be trusted to complete his work "reasonably and effectively" under the organisation's supervision.

The organisation must be willing to accept responsibility for supervising the child or young person (preferably by nominating one member for the task) and to take note of the hours worked.

The Social Worker who has the child or young person under supervision will be responsible for the overall supervision of the Court's direction and the recording of the work completed. (Where a supervisor is employed he will be responsible for keeping records).

Where more than one child or young person is placed on any one project care should be taken that they do not normally associate with one another, or, being like-minded, are likely to form such an association. Associations of friendship or interest will make supervision on the job more difficult and may be generally unhelpful.

This type of placement has the advantage of providing more confidentiality, in that the child or young person is not identified as one of a group of offenders and obtains more exposure to the influences of the members of the organisation. The success of such placements will largely depend upon the judgement of the Social Worker in predicting the child's or young person's likely response, and the enthusiasm and interest of the people the child or young person is working alongside.

#### E11.7 Assignment to supervised groups for various community projects

A difficulty in assigning children or young persons to particular projects or organisations is that the work available may be discontinuous or of insufficient duration. The result is that a child or young person may through no fault of his own, be unable to complete the period of work specified by the Court.

A further difficulty may arise where the numbers of children or young persons who may derive benefit from this work exceeds the ability of any given organisation or its members on a particular project to effectively supervise them.

The Department has approval to employ a limited number of supervisors to assist by working with groups of up to nine children or young persons. This arrangement will allow the group to move from project to project under continuous and consistent supervision.

Before recommending that a child or young person join a work group, Social Workers will need to consult the Senior Social Worker responsible for the group's activities. Factors to be considered will be; the availability of a vacancy, the duration of the period of work, and the child's or young person's likely compatibility with the other group members.

#### E11.8 Appointment of supervisors

The State Services Commission has approved the employment of one suitable person as supervisor of community work in each district. Each supervisor may be paid for up to 8 hours per week and is to be under the control of the local Director. In selecting persons for these positions it is important to find someone with good community contacts, and who is resourceful, can establish rapport with young persons and is willing to work alongside the children or young persons on the job. The success of the scheme largely depends on the qualities of the supervisor. Supervisors are employed under normal staff ceiling limits and appointment must be approved by Head Office.

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E11.9 Role of Supervisor

The supervisor will work in close co-operation with the Senior Social Worker who is especially assigned to co-ordinate and direct the scheme for the district. It is for the supervisor, with the help of a committee where available (refer E11.12) to find suitable work. He then must take care of the organisation necessary for the children or young persons to undertake the work under his supervision. Records need to be kept so that hours worked and attendance at each session are noted.

While the supervisor will have the primary goal of seeing that the task is completed he will also have a secondary goal of observing group relationships and encouraging the harmonious development of these relationships. The Social Worker under whose supervision each child/young person is placed will retain overall supervisory responsibility concern for the child's or young persons's family and other interpersonal relationships.

E11.10 Equipping the Group

Any material required for the work in hand is to be supplied by the person for whom the task is being done and in so far as possible tools should be similarly supplied. To have sufficient tools available will often present some problems but a resourceful organiser can overcome most such difficulties.

A small stock of protective clothing should be available for the use of the children/young persons. Authority is given for the purchase of up to 9 pairs of shin gumboots and 9 parkas. These items are to be issued as necessary on the job and are to be collected after each work period. They are not to be used by anyone other than children/young persons employed on community work projects.

Tools to the total value of \$50 may be provided either by way of hire or purchase from annual allocations for furniture and equipment. If more substantial sums are required items are to be listed separately and will be considered and if found acceptable, approved when annual programmes are perused in Head Office. Approval will not be given for the purchase of power equipment - e.g. motor mowers.

A suitable first aid kit is to be available at all times and this may be purchased along with a thermette and teapot where necessary. Tea, milk and sugar may be purchased as required from petty cash. When morning tea is supplied the young person will be responsible for providing his own food and cup or mug. The supervisor is to be responsible for all equipment and must be able to account for it at any time.

E11.11 Transport

A readily accessible assembly point for the children/young persons should be established. In most instances the local district office will be as suitable as anywhere. The children/young persons will be expected to meet at the appointed time and place from where transport will take them to the place of work and return them at the end of the period. Departmental cars may be used to transport the children/young persons but care should be taken that such use does not lead to wide public identification of the children/young persons. Where numbers are sufficient a mini bus may be hired.

In those districts where a Community Work Supervisor is employed, and where it can be shown that the need often arises to use a trailer in connection with children/young persons directed to undertake community work, Directors may submit a recommendation to Head Office requesting approval for the fitting of a tow bar to one of their departmental vehicles.

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The need for a trailer for use on community work projects and for family homes is recognised. For this reason when the need to hire a trailer for both purposes exceeds 10 occasions p.a. approval will be given on application for the purchase of a trailer subject to the availability of funds. In this respect, provision must be made in annual financial programmes.

#### Ell.12 Records

When a child/young person is directed as a condition of supervision to attend a community work project, the District Judge also states the number of hours he is required to present himself.

In order that a careful check may be kept on the attendance of the young persons the Supervisor must keep a weekly sheet of those present and the total hours worked. This record could also include notes of the attitude and behaviour of each young persons and should be given to the Senior Social Worker after each session. It is the Senior Social Worker's responsibility to follow up any absences or behaviour problems and, if necessary, bring a young person back to Court under Section 48, 'Failure to observe conditions of supervision order'. The procedure for taking action under Section 48 is described in EB.19.

#### Ell.13 Introducing the young person to the scheme

When a child/young person has been ordered to participate in a community work scheme he should be told to present himself, with his parents, to the District Office at an appointed time a day or two prior to his first attendance at the work group. He will there be introduced to The Senior Social Worker and, where possible, the Supervisor. This meeting gives an opportunity to discuss fully all requirements and to answer any questions related to fulfilling the number of hours ordered by the Court. A printed list of instructions should be drawn up according to the needs of the individual Districts. (A copy of the Rotorua pilot scheme instruction list is given below as a guide to suggested content.) The instruction list should be gone through carefully with the child/young person and his parents and two copies of it signed by the child/young person, a parent and either the Senior Social Worker or the Supervisor. One copy should be given to the child/young person and his parents and the other retained in the office.

This meeting is considered an important step in getting each child/young person off to a good start within the scheme. It ensures as far as possible that misunderstandings are avoided not only with the child/young person but also with his parents and if the question of bringing action for failure to observe the conditions arises, there can be less room for dispute.

#### Suggested format of list of instructions:

##### DEPARTMENT OF SOCIAL WELFARE COMMUNITY WORK-SCHEME - ROTORUA

1. You are required to report to the Social Welfare District Office, Social Work Division in Eruera Street (upstairs above Baywright's) with a parent or guardian at the time specified by the Court and thereafter, on the days and at the times detailed by the Supervisor.

##### Times and dates must be adhered to strictly

##### 2. Clothing and private effects

Clean walking out clothes are to be worn at all times and the following items are to be brought to the place of departure each Saturday morning:

- a. A raincoat
- b. Clothing suitable for outside working conditions
- c. Working boots or shoes

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DO NOT BRING VALUABLES. No responsibility is accepted for losses.

3. Supervisor

The supervisor is responsible for the community work and supervision of all persons directed to carry out this work.

4. Conditions

You will be brought back before the Court if you:

- a. fail to report as directed by the Court or the Supervisor;
- b. leave the work group without the authority of the Supervisor;
- c. fail to obey any instruction given by the Supervisor;
- d. behave in an offensive, threatening or disorderly manner.

5. Morning Tea

Morning tea will be supplied. Bring your own eats and mug.

6. Sickness

If you are unable to attend at any time specified by the Supervisor, a Doctor's certificate must be produced to the Supervisor or your Social Worker immediately.

7. The Supervisor is there to assist and advise you. Do not hesitate to seek his help at any time.

I have read and understood this:

\_\_\_\_\_ (child young person)  
\_\_\_\_\_ (parent)  
\_\_\_\_\_ Supervisor  
\_\_\_\_\_ Date

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E12 SPECIFIED VOLUNTARY CENTRES & ATTENDANCE CENTRESE12.1 Introduction

The Children and Young Persons Act 1974 allows for the referral of young persons placed on supervision to either voluntary organisations or clubs or to attendance centres as a condition of the supervision order. The young person must attend a nominated centre at a specified time each week for a specified number of months. While there he must participate in the activities provided. The basic difference between the two types of centres is that Specified Voluntary Centres are ones already in existence and run by groups for the use of members of the public. The Attendance Centres are established by the Department for the specific purpose of catering for those referred from the Court under Section 47(1)(g).

It is hoped that curtailing the young person's personal liberty in such a manner will prove a constructive method of impressing a greater sense of responsibility on young persons appearing before the Court and kindle within them an interest which will prove constructive and useful and assist them to take their places in normal society.

E12.2 Legal provisions

Section 47(1) of the Act provides that, "The Court in placing a young person under the supervision of a Social Worker may in its discretion impose ..." a condition (as described in paragraph (g)) "That he attend and remain at for such week day, evening and weekend hours each week and for such number of months as the Court thinks fit, any specified centre which is approved by the Department and which conducts educational, recreational, instructional, cultural, or work programmes, or sporting activity, and reasonably and effectively take part in such activity as may be required by the person in charge of the centre."

This provision envisaged the use of existing clubs and organisations as well as the establishment of new facilities by the Department. The young person will be required to attend at a specified time each week for a specified number of months. It is hoped that in cases where the young person is attached to an on-going group such as Scouts, Y.W.C.A., Boy's Brigade, etc. attendance will not cease when any specified time has expired. The Social Worker and the group should work to this end when such a placement is ordered.

E12.3 Medical fitness to undertake programmes

As in the case of community based work, there is no medical report requirements for centre's programmes. Social Workers should inform the Court of the young persons fitness to undertake activities of a strenuous nature, and any known or apparent medical disability should be mentioned.

E12.4 Arrangement of placement

In many instances Social Workers will recommend that the Magistrate make as a part



of a supervision order a condition that a young person attend a specific centre and will have made the necessary arrangements to ensure that a suitable placement is available. However in those cases where the Magistrate wishes to make an order under this provision and the Social Worker for whatever reason, has not advised of suitable facilities being available then it is expected that a postponement order would be used to allow time for such enquiries and arrangements.

#### E12.5 The Social Worker's role

One experienced Social Worker in each district could liaise between the organisations and the other Social Workers to ensure the suitability of placements and to avoid the over-loading of any organisation. The Social Worker under whose supervision the young person has been placed will of course have continuing oversight of the young person in his day to day life.

#### E12.6 Approving specified voluntary centres

Directors will be responsible for selecting and approving suitable clubs and organisations within the local community. The types of clubs and organisations which might be considered for approval include Y.W.C.A., Y.M.C.A., Boy's Institute, some night classes, e.g. at the Polytechnic or local High School, and some sporting clubs where the subscription is not too expensive and a high level of involvement is possible. Only those groups and clubs which express willingness to co-operate should be recommended and used. Approval will basically depend on the programme offered and the type of leadership available. It will be a flexible matter taking into account the inevitable changes which go on in all such organisations. Regular contact will have to be kept with the organisations in order to be able to assess such changes. An experienced Social Worker will need to be assigned to this task. (Refer E12.5). It is expected that a register of approved 'centres' will be kept and reviewed regularly.

#### E12.7 Criteria for selecting specified centres

While some centres will be of reasonably wide interest and use for this scheme, others will only suit the very occasional young person. In deciding on suitable centres the following points should be taken into consideration. The quality of leadership should be such that it ensures a reasonable level of good behaviour and motivation. The type of activity should allow continual participation and be meaningful to the young person. Too much standing around waiting one's turn or watching others leads to behaviour problems. The activity should hold at least some interest, either vocational or general, for the young person concerned. Of course the young person's natural interest and ability should be ascertained before recommending he attend any specific group or club.

#### E12.8 Payment of fees etc. to centres

Where, as a condition of a supervision order, a young person is referred to a

specific club or organisation which requires payment of fees and purchase of any equipment (e.g. uniforms), this should be discussed with the parents prior to attachment and their active and practical support encouraged. In those cases where parents are unwilling to have their son involved then it is unlikely the attachment will prove a success.

Where the parents are unable to meet any cost involved the Department may make necessary finance available, e.g. where the parent would normally qualify for supplementary assistance. All such cases should be referred to the Director-General for consideration and approval.

In some cases the young person may, with encouragement and assistance be able to earn sufficient to meet any costs involved. Such an approach should be encouraged.

#### E12.9 The establishment of attendance centres by the Department

Section 69(1) of the Act gives the Director-General the authority to establish and maintain:-

- "... institutions and residences of such number and type as in his opinion may be required for the effective carrying out of his functions under this Act; and
- in particular he shall endeavour to establish a sufficient range of institutions and residences to cater effectively for the variety of special needs of the children and young persons coming into his guardianship and care."

Subsection (2) provides for the establishment of three particular kinds of institutions and residences ("... without limiting the generality of subsection (1) ...") and one of these is described as follows in paragraph (c):

"Day, evening, or weekend attendance centres which can provide for periodic training for recreational, educational or vocational activities, or for work either at the centre or in the community under supervision."

This provision ties in with Section 47(g) which provides for young persons to be directed to attend these centres (as well as other approved centres) as an additional condition of a supervision order.

Approval must be obtained from the Director-General to establish an attendance centre at an institution or elsewhere.

#### E12.10 Work programmes

Work programmes should generally follow the guidelines set down for the community based work projects. It is not intended that work in the community be a predominant part of the attendance centre programme and young persons who would gain the most benefit from this type of work should be directed to a community based project or work group.

E12.11 No authority to detain

Unlike the periodic detention centres operated by the Justice Department, this Department has no authority under the Act to detain any young person on supervision at an attendance centre. If a young person fails to attend the centre as directed by the Court, the only recourse is to initiate complaint action, by way of summons, on the grounds of failure to observe the conditions of a supervision order. There is no legal authority to interfere with the young person's custody by detaining him against his will.

E12.12 The appointment of supervisors

Where the Department sets up premises as an attendance centre a supervisor should be employed on the same basis as for the community based work schemes. Where the centre is at one of our institutions the supervisor would be responsible to the person in charge of that institution. The Director-General's approval is required for the appointment of a supervisor.

E12.13 Establishing centres at a Boy's Home or Girl's Home

A Boy's Home or Girl's Home may have the facilities to effectively run a variety of attendance centre programmes, for example, recreation rooms, gymnasium, workshops, classrooms and playing fields.

The operation of such a programme would be feasible as long as the number of young persons in attendance allowed for firm control, and provided the programme did not interfere with the activities of the residents or the running of the home. There should be no suggestion that the young person is or, could be, prevented from leaving at any time if they so desired.

Before any proposal to establish a centre at an institution is approved, details of organisation, programme, control, and indications of how the centre could operate without interfering with the running of the institution or the mixing of the residents of the institution with attendees at the centre must be forwarded to the Director-General. At present there is no delegated authority to Directors to establish attendance centres.

WARRANT TO REMOVE A CHILD OR YOUNG PERSON FROM HIS SURROUNDINGS

Section 28, Children and Young Persons Act 1974

(1) Full name To every Social Worker and to every member of the Police (1) Social Worker (or member of the Police).

(2) Full name of child or young person A complaint has been sworn that (2) JOHN..ROBERT..BROWN...., a child (or young person), is in need of care, protection or control, and I am satisfied on application made on oath that there is reasonable ground for suspecting that the said (2) JOHN..ROBERT..BROWN..... is likely to be ill treated, or neglected, or subject to inadequate care or control, or is seriously disturbed as to be likely to act in a manner harmful to himself or the person or property of others and is

(3) Give address or description of dwellinghouse, building, aircraft, ship, carriage, vehicle, or premises or place living (or is to be found) at (3) 38..ALEXANDER..ROAD,..... WHAREITI..... This is to authorise you at any time or times up to 21 days from the date of this warrant to remove (2) JOHN..ROBERT..... BROWN..... into your custody and convey him (or her) to a residence designated under the provisions of the Children and Young Persons Act 1974.

In exercising the authority conferred by this warrant you may -

- (a) Enter, by force if necessary, (3) 38..ALEXANDER..ROAD,..WHAREITI..... where the child or young person is believed to be living (or may be found).
(b) Enter by force any other (4) DWELLING-HOUSE..... in which you may reasonably suspect that the child or young person may be found.

(4) Enter dwelling-house, or building, aircraft, ship, carriage, vehicle, premises or place as the case may be Dated at Whareiti....., this 15th day of July..... 19 75...

D.G. Elmer
Magistrate (or Justice of the Peace or Registrar (not being a member of the Police))

APPLICATION FOR SEARCH WARRANT

PURSUANT to section 7 (1) of the Children and Young Persons Act 1974,

1) Full name I, <sup>(1)</sup>..... MARY JANE BROWN.....

2) Address of <sup>(2)</sup> WHAREITI....., occupation ..SOCIAL WORKER.....

3) Address or description of dwelling house, building, aircraft, ship, carriage, vehicle, premises, or place sought to be searched make application for the issue of a warrant authorising a member of the Police or a Social Worker to search <sup>(3)</sup>.....  
 ..... 32 KAHIKITERE TERRACE, WHAREITI.....  
 for <sup>(4)</sup> WILLIAM PATRICK STONE..... and ascertain whether there are grounds for making a complaint under section 27 of the Children and Young Persons Act 1974.

In support of this application I say on oath:

4) Full name of child or young person 1. That I have reasonable ground to suspect, and I do suspect, that the said <sup>(5)</sup> WILLIAM PATRICK STONE.....

5) Full name of child or young person of <sup>(6)</sup> 32 KAHIKITERE TERRACE, WHAREITI..., a child (~~or young person~~) within the meaning of the Children and Young Persons Act 1974, is being ill-treated (or neglected in a manner likely to cause unnecessary suffering or is living in an environment injurious to his (~~or her~~) physical or mental health).

6) Address

7) Here state fully the grounds relied on 2. That the grounds for my so suspecting are <sup>(7)</sup> that I have been told that William is left unattended in the house for long periods... I have visited the home and have... been unable to find any adult present but have heard the distressed cries of a child.....

3. That I have reason to believe that the said child (~~or young person~~) is living (or may be found) at <sup>(8)</sup>.....  
 ..... 32 KAHIKITERE TERRACE, WHAREITI.....

8) Address or description of dwelling house, building, aircraft, ship, carriage, vehicle, premises, or place sought to be searched

..... *M. J. Brown*.....  
 Signature of Applicant

Sworn at *Whareiti*....., this *2nd* day of *November*....., 19 *75*..., before me:

..... *D. G. Elmer*.....  
 Magistrate (or Justice of the Peace, or Registrar (not being a member of the Police)).

WARRANT TO SEARCH FOR CHILD OR YOUNG PERSON

Section 7, Children and Young Persons Act 1974

To ~~every Social Worker and to every member of the Police (or to~~  
(1) MARY JANE BROWN  
~~Social Worker (or member of the Police)).~~

1) Full name

I am satisfied on an application in writing made on oath that there is reasonable ground for suspecting that a child (~~or young person~~), namely (2) WILLIAM PATRICK STONE, is being ill-treated (or neglected in a manner likely to cause unnecessary suffering or is living in an environment injurious to his (~~or her~~) physical or mental health) and is living (or is to be found) at (3) 32 KAHIKITERE TERRACE, WHAREITI

2) Full name of child or young person

3) Give address or description of dwelling house, building, aircraft, ship, carriage, vehicle, premises, or place

This is to authorise you at any time or times within one month from the date of this warrant to search for the said child (~~or young person~~) and ascertain whether there are grounds for making a complaint under section 27 of the Children and Young Persons Act 1974.

In exercising the authority conferred by this warrant you may:

4) Give address or description of dwelling house, building, aircraft, ship, carriage, vehicle, premises, or place in respect of which the search is authorised

(a) Enter and search, by force if necessary, (4) at 32 KAHIKITERE TERRACE, WHAREITI

and

(b) If in your opinion the child (~~or young person~~) is seriously at risk of ill-treatment or neglect or needs to be detained to protect his (~~or her~~) physical or mental health, remove the child (~~or young person~~), using such force as may reasonably be necessary, and place him (~~or her~~) in a residence within the meaning of the Children and Young Persons Act 1974.

Dated at Whareiti, this 2nd day of November, 1975

DG. Elmer

~~Magistrate (or Justice of the Peace, or Registrar (including a member of the Police)).~~

Statement of date that child or young person was removed and placed in a residence (for purpose of section 7 (5) of the Children and Young Persons Act 1974)

---

I declare that the child or young person WILLIAM  
PATRICK STONE, named in this warrant, was removed by me and placed in a residence (as specified in the Children and Young Persons Act 1974), on 3. NOVEMBER

Signed M. J. Brown  
(~~Constable~~/Social Worker)





SUMMONS TO APPEAR BEFORE A CHILDREN AND YOUNG PERSONS COURT

Section 27, Children and Young Persons Act 1974

1) Full name of parent or guardian, or person having the care of the child or young person To (1).....VIRGINIA..ANNE..STONE.....  
of (2).....32..KAHIKITERE..TERRACE, WHAREITI.....  
occupation ...HOUSEWIFE.....

2) Address A ~~member of the Police (or a Social Worker)~~ has stated on oath that he (or she) reasonably believes that (3).....WILLIAM..PATRICK..STONE.....

3) Full name of the child or young person to whom the complaint relates ..... is a child (or young person) who is in need of care, protection, or control in that (4) He is neglected or..... is likely to be neglected and you are failing to exercise the duty and care of parenthood.....

4) Here enter the specific allegations set out in the complaint And that you are a parent (or a guardian or a person having the care) of that child (or young person).

You are summoned to appear on TUES..day, the NINETH.. day of .....NOVEMBER..... 1975... at .....10.... a.m. at the Children and Young Persons Court at ..WHAREITI.....  
(\*together with (5).....WILLIAM..PATRICK..STONE.....).

5) Full name of the child or young person to whom the complaint relates Dated at Whareiti....., this 21<sup>st</sup>..... day of .....November..... 19 75.....

.....DG Elmer.....  
Magistrate (or Justice of the Peace or Registrar (not being a constable)).

Notice to person summoned:

- (1) If you wish to have a solicitor act for you in this matter, you should employ one immediately.
- (2) Lack of money should not stop you approaching a solicitor as he will be able to tell you, among other things, whether you can have all or part of your costs paid by the Government.
- (3) If you are in any doubt consult a solicitor or the Registrar immediately.

SUMMONS TO APPEAR BEFORE A CHILDREN AND YOUNG PERSONS COURT

Section 27, Children and Young Persons Act 1974

(1) Full name of parent or guardian, or person having the care of the child or young person.  
(2) Address.

To <sup>(1)</sup> VIRGINIA ANNE STONE  
of <sup>(2)</sup> 32 KAHIKITERE TERRACE WHAREITI  
occupation HOUSEWIFE

(3) Full name of the child or young person to whom the complaint relates.

(4) Here enter the specific allegations set out in the complaint.

~~A member of the Police~~ (or a Social Worker) has stated on oath that he (or she)

reasonably believes that <sup>(3)</sup> WILLIAM PATRICK STONE

is a child (or young person) who is in need of care, protection, or control in that <sup>(4)</sup>

He is neglected or is likely to be neglected and you are failing to exercise the duty + care of parenthood

And that you are a parent (~~or a guardian or a person having the care~~) of that child (~~or young person~~).

You are summoned to appear on Tuesday, the Nineth day of November 19 80 at 10 a.m. at the Children and Young Persons Court at WHAREITI

(\*together with <sup>(3)</sup> William Patrick Stone

Dated at Whareiti, this 4th day of November 19 80

D. G. Elmer

District Court Judge (or Justice of the Peace or Registrar not being a constable)

\*Delete if inapplicable.

Notice to person summoned:

- (1) If you wish to have a solicitor act for you in this matter, you should employ one immediately.
- (2) Lack of money should not stop you approaching a solicitor as he will be able to tell you, among other things, whether you can have all or part of your costs paid by the Government.
- (3) If you are in any doubt consult a solicitor or the Registrar immediately.

STATEMENT OF SERVICE

Where served on Defendant personally.

This document was served by me by delivering a copy of the same to the defendant personally at 32 KAHIKITERE TERRACE, WHAREITI

(Show full address if it differs from that in summons.)

on the 5TH day of NOVEMBER 19 80

Officer of the Court M J Brown

Constable at

Where served by delivering to a member of family.

This document was served by me by delivering a copy of the same for the defendant

on the day of 19 at (Show full address if it differs from that in summons.)

his usual place of reside with

the \* of the said defendant, residing with the defendant and appearing to be over the age of 18 years.

Officer of the Court

Constable at

\*Father, mother, wife, husband, child, brother, sister, half-brother or half-sister.

AFFIDAVIT OF SERVICE

I, of (Occupation), do swear that I served with a summons a true copy of which is within written by delivering the same to personally at

on the day of 19

Signature of Deponent:

Sworn at this day of 19

before me:

Registrar, Justice of the Peace, Solicitor of the Supreme Court.

FIGURE 4(b)

STATEMENT OF SERVICE

Where served on Defendant personally

This document was served by me by delivering a copy of the same to the defendant personally at

(show full address if it differs from that in summons)

on the ..... day of ..... 19.....

Officer of the Court

Constable at.....

Where served by delivering to a member of family

This document was served by me by delivering a copy of the same for the defendant on the ..... day of.....

19..... at..... (show full address if it differs from that in summons)

his usual place of residence with.....

the \* ..... of the said

defendant, residing with the defendant and appearing to be over the age of 18 years

Officer of the Court

Constable at.....

\* Father, mother, wife, husband, child, brother, sister, half-brother or half-sister.

AFFIDAVIT OF SERVICE

I, MARY JANE BROWN.....

of WHAREITI, SOCIAL WORKER... (Occupation), do swear that

I served VIRGINIA ANNE STONE.....

with a summons a true copy of which is within written by delivering the

same to him personally at 32 KAHIKITERE TERRACE, WHAREITI...

on the FIFTH..... day of NOVEMBER..... 1975.....

Signature of Deponent: M. J. Brown.....

Sworn at WHAREITI..... this FIFTH... day of NOVEMBER...

1975..... before me:

D. G. Elmer.....

Registrar  
Justice of the Peace  
~~Solicitor of the Supreme Court~~

SUMMONS TO WITNESS

(1) Full Name

To:<sup>(1)</sup> MAVIS JEAN HENSHAW

(2) Address and occupation

of:<sup>(2)</sup> 30 KAHIKITERE TERRACE, WHAREITI  
HOUSEWIFE

**YOU ARE SUMMONED** at the request of the ~~informant/complainant/defendant~~ to appear as a witness at the ~~Magistrate's Court at~~ CHILDREN AND YOUNG PERSONS COURT at WHAREITI

on TUES day the NINETH day of NOVEMBER 1975 , at 10 a.m.

and on such other days as may be directed by the Court to give evidence in respect of a ~~charge of~~/complaint that (particulars of charge or complaint):  
WILLIAM PATRICK STONE is being neglected or is likely to be neglected and his mother is failing to exercise the duty and care of parenthood.

(3) Name of informant or complainant

~~made~~/ made by<sup>(3)</sup>

MARY JANE JONES

(4) Name of defendant

against<sup>(4)</sup>

VIRGINIA ANNE STONE

You are required to bring with you and produce (specify what is to be produced):

of November Dated at Whareiti this 6th day 1975.

D.G. Elmer

Justice of the Peace.

Deputy Registrar.

APPLICATION FOR REPORT OF PRINCIPAL OR HEAD TEACHER

CONFIDENTIAL

Department of Social Welfare,  
P.O. Box .98.....  
.WHAREITI.....  
Phone ..82659.....  
...1 AUGUST..... 19 75.

- 1) Name To (1) MR J. JOHNSTON.....  
Principal (or Head Teacher)
- 2) Name of school (2) MILNE STREET SCHOOL.....
- 3) Address (3) MILNE STREET, WHAREITI.....

- 4) Full name of child or young person PURSUANT to section 41 (5) of the Children and Young Persons Act 1974, I hereby make application for a written report in the form enclosed herewith (or set out on the back of this form) in respect of (4) WAYNE JOSEPH STEVENS..... who is being dealt with by the Children and Young Persons Court.

Your report is required for the guidance of the Court and for my assistance in completing my report to the Court.

Under the Act it is your duty to supply such a report as will inform the Court of the child's (or young person's) intellectual capacity, scholastic performance, and behaviour. The report should also give such other details as may prove helpful to the Court in reaching a decision about the child or young person.

Your report will be attached to my own report to the Court and in this way will be shown to the parents or guardians of the above-named and to any solicitor or counsel appearing for the child or young person or those parents or guardians. The Court may also order that a copy be shown to the child or young person.

You may, if you wish, attend the Court hearing. This hearing will be at .....10..... a.m. on .....TUES.....day, the TWENTIETH day of .....AUGUST..... 19 75..... in the Children and Young Persons Court at ...WHAREITI.....

I shall discuss the case personally with you as soon as possible, but if you want further information in the meantime please get in touch with me.

...*A. J. Brown (Miss)*.....  
Social Worker

FIGURE 6(b)

REPORT OF PRINCIPAL (OR HEAD TEACHER)

1) Full name of school of (1) *Milne Street School*

2) Full name of child or young person Concerning (2) *Wayne Joseph Stevens*

Date of birth: *4.12.62*

Date of enrolment: *1.2.74* Date left: .....

Present (or last) class: *Form II*

Attendance this year *Poor*; Last year *Good*; Any truancy? *Yes*

1/2 days present: *127* 1/2 days present: *324*

1/2 days school open: *240* 1/2 days school open: *400*

School progress, having regard to age and intelligence (including comment on intellectual capacity): *Partly satisfactory progress... Wayne appears to be of good average intelligence but is not applying himself*

Health, including nutrition, sight, and hearing: *Seems healthy... Sight and hearing good*

Behaviour (including out-of-school behaviour, if known): *Eccentric... Seems to be drifting towards a 'fringe' group... is becoming involved in incidents both at school and away*

Attitude to school work: *Good until about 3 months ago... now seems unable to concentrate*

Attitude to teachers: *Reasonable but has 'off' days*

Attitude to recreation and sport: *Good, shows particular aptitude for soccer*

Interest or participation in other activities, e.g., cultural or hobby pursuits: *Has limited interests apart from soccer*

Relationships with other children and adults: *Gets on well with peers*

Standard of care, clothing, and appearance: *Satisfactory*

Comment on any reasons given for any significant absence from school: *Usually absent for odd days... Reasons for absences not always given*

General remarks, including any observations you can make about home circumstances, control, home and school relationships, undue changes of school, etc. (please continue on a separate sheet if you wish):

*Mrs. Mrs. Stevens appear to take little interest in Wayne's schooling. They have not accepted invitations to discuss recent difficulties. Wayne appears to be given much freedom to please himself.*

3) Full name of Social Worker This report was applied for by (3) *MISS MARY JANE BROWN*, a Social Worker, in a written request dated *1.8.75* and made under section 41 (5) of the Children and Young Persons Act 1974.

Date *7/8/75* *J Johnston*  
Principal (or Head Teacher)

No.....

SN 668

ORDER FOR (1) COMPENSATION OR RESTITUTION TO BE MADE, OR (2) RETURN OF PROPERTY, OR (3) FORFEITURE OF PROPERTY TO THE CROWN

The Children and Young Persons Act - 1974 Section 31 (1)(e)-(g), Section 36 (1)(e)-(g)

WHEREAS

Name of child or young person WAYNE JOSEPH STEVENS of Address 51 CHAINCEY ROAD, WHAREITI (hereinafter referred to as "the said child or young person")

has this day been brought before the Children and Young Persons Court at WHAREITI

(1) & (2) Delete the statement which is inappropriate

(1) Charged with the offence of

\*(3) Identify the paragraph (a)-(f) under which complaint is made

(2) on a complaint that he is in need of care or control within the meaning of Subsection 2, paragraph (f) Section 27 of the Children and Young Persons Act, 1974.

\*(4) Delete words not required

AND WHEREAS I have heard and determined the complaint/charge \*(4) and such complaint/charge \*(4) has been proved to my satisfaction.

AND WHEREAS I am satisfied that a Social Worker has had the opportunity to investigate the circumstances of the case and to report thereon to the Court.

\*(5) Name of person, (parent, guardian) child or young person to whom order is directed

AND WHEREAS it has been proved to my satisfaction that the said child or young person was born on the FOURTH day of OCTOBER 1975

NOW, THEREFORE, I do order that \*(5) WAYNE JOSEPH STEVENS

(c) Delete section(s) not applicable

(6) pay to ROBERT JONES LTD. of MAIN STREET, WHAREITI the sum of \$20.00 by way of compensation (or restitution) for loss or damage to property.

(6) deliver to of property as specified

(6) forfeit the following property to the Crown

Given under my hand at the Children and Young Persons Court at WHAREITI this TWENTIETH day of AUGUST 1975

K J Francis

N.B. A certified copy of this order must be forwarded by the Registrar to the nearest Director of Social Welfare.

Magistrate authorized to exercise jurisdiction of a Children and Young Persons Court



WARRANT OF COMMITMENT ON POSTPONEMENT

(Section 31(3) 36(6) Children and Young  
Persons Act 1974)

CEY.P.C. No. /19

To: Every Constable, and Social Worker  
and to: The Director, Department of Social Welfare at ..WHAREITI.....

Name of child  
or young person .....WILLIAM..PATRICK..STONE.....

(hereinafter referred to as "the said child or young person"),  
has this day been brought before the Children and Young Persons  
Court at ..WHAREITI.....

(1) & (2) Delete the statement which is not applicable (1) ~~charged with the offence of~~ .....

(3) Insert (a)-(c) as appropriate (2) on a complaint that he is in need of care, protection or control within the meaning of paragraphs (3) (a) & (b)..... Subsection 2 Section 27 Children and Young Persons Act 1974 in that (4)

(4) Specific paragraph(s) The hearing of the charge(complaint) has been postponed and the said child or young person shall be in the custody of the Director General of Social Welfare for the period of the postponement.

I direct you the, said Constable (Social Worker), to deliver the said child or young person to the Director of the Department of Social Welfare at ....WHAREITI..... and you the said Director to receive the said child or young person into your custody and detain him in a residence until .....TUES day, the ..SEVENTH... day of .....DECEMBER.....1975.. when you are required to bring him to the Children and Young Persons Court at ..WHAREITI.... at .....10.....a.m./p.m. answer further to the charge(s) (or, so that the complaint may be proceeded with).

*K J Francis*

Magistrate  
~~Justice of the Peace~~

No. ....

S.V. 665

ORDER REQUIRING PERSON (TO WHOM COMPLAINT  
ADDRESSED, OR CHILD OR YOUNG PERSON TO WHOM  
IT RELATES) TO COME BEFORE COURT, IF CALLED  
UPON WITHIN TWO YEARS

The Children and Young Persons Act - 1974  
S.31 (1) (c)

WHEREAS

Name of Person  
to whom complaint  
has been addressed

.....JANE MAREE JONES..... of

Address

.....27B ELM GROVE, WHAREITI.....

Occupation

.....SHOP ASSISTANT.....

has been brought before this Court on a complaint that

Name of child or  
Young Person

.....FRANCES FAX JONES.....

(hereinafter referred to as "the said child or young person")

\*(1) Insert (a)-(f)  
as appropriate

is in need of care, protection or control with the meaning of  
subsection 2 paragraph \*(1)(e)....., Section 27 of the  
Children and Young Persons Act, 1974, in that \*(3) being  
of school age within the meaning of the Education  
Act 1964, she is persistently failing to attend  
school without reasonable cause.

\*(3) Type paragraph

AND WHEREAS I have heard and determined the complaint and such  
complaint has been proved to my satisfaction.

AND WHEREAS I am satisfied that a Social Worker has had an  
opportunity to investigate the circumstances of the case and  
to report thereon to the Court.

\*(2) Name of person  
to whom complaint  
has been addressed  
or child or young  
person named above

NOW, THEREFORE, I do hereby order that \*(2) JANE MAREE JONES  
come before the Children and Young Persons Court if called upon  
within two years from today's date so that the Court may take  
further action under Section 31 of the Children and Young Persons  
Act, 1974.

Given under my hand at the Children and Young Persons Court at  
.....WHAREITI..... this ELEVENTH day of.....JULY..... 1975

*K. J. Francis*

Magistrate authorised to  
exercise jurisdiction of a  
Children and Young Persons  
Court

N.B. A certified copy of this order must be forwarded by the  
Registrar to the nearest Director of Social Welfare

No.....

S.W 659

ORDER REQUIRING YOUNG PERSON (CHARGED WITH AN OFFENCE) TO COME BEFORE COURT IF CALLED UPON WITHIN 12 MONTHS

The Children and Young Persons Act - 1974  
S.36 (1) (b)

WHEREAS

Name of Young Person

..... SUSAN .MAY. JONES..... of

Address

..... 98 .MAIN .STREET,.....

..... WHAREITI.....

(hereinafter referred to as "the said young person")

has this day been brought before the Children and Young Persons Court at .WHAREITI..... charged with the offence of

.....THEFT AS A SERVANT.(2).....

AND WHEREAS I have heard and determined the charge and such charge has been proved to my satisfaction.

AND WHEREAS I am satisfied that a Social Worker has had the opportunity to investigate the circumstances of the case and report thereon to the Court.

AND WHEREAS it has been proved to my satisfaction that the said young person was born on the ..THIRD... day of JUNE.. 19.60..

NOW, THEREFORE, I do hereby order that the said young person come before the Children and Young Persons Court if called upon within twelve(12) months from today's date so that the Court may take further action under Section 36 of the Children and Young Persons Act, 1974.

Given under my hand at the Children and Young Persons Court at .WHAREITI..... this .EIGHTH. day of .APRIL..... 19.75..

*K J Francis*  
Magistrate authorised to exercise jurisdiction in a Children and Young Persons Court

N.B. A certified copy of this order must be forthwith forwarded by the Registrar, to the nearest Director of Social Welfare.

No.....

SN 507

DEPARTMENT OF SOCIAL WELFARE

ORDER PLACING CHILD OR YOUNG PERSON UNDER SUPERVISION OF A SOCIAL WORKER

The Children and Young Persons Act 1974

WHEREAS

Name of child or young person

.....WAYNE.. JOSEPH.. STEVENS..... of

Address

.....51.. CHAUNCEY.. ROAD.. WHARRITI.....

(hereinafter referred to as "the said child or young person"), has this day been brought before the Children and Young Persons Court at:

(1)(2) Delete the statement which is not applicable

.....WHARRITI.....

(1) ~~charged with the offence of~~ .....

(3) Enter (a)-(f) as appropriate

(2) on a complaint that he is in need of care, protection or control within the meaning of Subsection 2 paragraph (3) (f). Section 27 of the Children and Young Persons Act 1974

(4) Delete the words not required

AND WHEREAS I have heard and determined (4) the charge (complaint) has been proved to my satisfaction:

AND WHEREAS I am satisfied that a Social Worker has investigated the case and reported thereon to the Court:

AND WHEREAS it has been proved to my satisfaction that the said child or young person was born on the ...FOURTH... day of ...OCTOBER... 1975...

NOW, THEREFORE, I do hereby place the said child or young person under the supervision of a Social Worker, Department of Social Welfare at .....WHARRITI..... for the period from the TWENTIETH... day of ..AUGUST..... 1975... to the NINETEENTH... day of ..AUGUST..... 1976

(5) Enter additional conditions of supervision (if any).

For statutory conditions of supervision see overleaf.

(5) .....NIL.....

Given under my hand at the Children and Young Persons Court at ...WHARRITI..... this TWENTIETH day of AUGUST..... 1975...

*K.J Francis*

Magistrate authorized to exercise jurisdiction in a Children and Young Persons Court

N.B: A certified copy of this order must be forthwith Forwarded by the Registrar to the nearest Director, Department of Social Welfare.

STATEMENT OF SERVICE ON PARENTS OR GUARDIAN PERSONALLY

(1) Father or mother or parents or guardian

This document was served by me by delivering a copy of the same to SURLEY STEVENS..... the (1) ...MATHER..... of the within-mentioned child or young person personally at .....  
...51. SHANNCEY ROAD. WHAREITI......  
on the .....22ND..... day of .....AUGUST..... 1975..

.....W. Tukukino.....  
Officer of the Court  
Constable at Whareiti.....

STATEMENT OF SERVICE BY REGISTERED POST

(1) Father or mother or parents or guardian

This document was served by sending a copy of the same to .....  
..... the (1) .....  
of the within-mentioned child or young person by registered letter and attached is a receipt for such registered letter purporting to be signed by the said .....  
on the ..... day of ..... 19.....

.....  
Officer of the Court

CONDITIONS OF SUPERVISION

The following extract (Section 46) of the Children and Young Persons Act 1974 sets out the statutory conditions which apply to this Supervision Order.

46. Conditions of supervisions order - (1) Where any young persons is placed under the supervision of a Social Worker, the following conditions shall apply:-

- (a) Any Social Worker may, at all reasonable times, visit and enter the building or place in which the young person is living;
- (b) The young person shall report to the Social Worker under whose supervision he is, as and when he is required to do so by the Social Worker;
- (c) He shall not reside at an address that is not approved by the Social Worker;
- (d) He shall not continue in any employment or continue to engage in any occupation, that is not approved by the Social Worker;
- (e) The young person shall ensure that the officer in charge of the local office of the Department knows at all times of the address at which the young person is residing for the time being;
- (f) He shall not associate with any specified person, or with persons of any specified class, with whom the Social Worker has, in writing, warned him not to associate.

(2) Where any child is placed under the supervision of a Social Worker the following conditions shall apply:-

- (a) Any Social Worker may at all reasonable times, visit and enter the building or place in which the child is living;
- (b) The child shall report to the Social Worker under whose supervision he is, as and when he is required to do so by the Social Worker;
- (c) He shall not reside at an address that is not approved by the Social Worker;
- (d) The parents or guardian or person having the care of the child shall ensure that the officer in charge of the local office of the Department knows at all times of the address at which the child is residing for the time being.

No.....

S.W.667

ORDER PROVIDING FOR COUNSELLING FOR  
PARENT OR PERSON HAVING CARE OF CHILD  
OR YOUNG PERSON

Children and Young Persons Act - 1974  
S.31 (1) (h)

WHEREAS

Name of Parent  
or guardian or  
person caring for  
child or young  
person

.....VIGINIA ANNE STONE..... of

Address

.....32 KAHIKITERE TERRACE, WHAREITI.....

Occupation

.....HOUSEWIFE.....

is the parent or guardian or person having care of

Name of child  
or young person

.....WILLIAM PATRICK STONE.....

(hereinafter referred to as "the said child or young person")

and against whom a complaint (under Section 27 of the Children and Young  
Persons Act, 1974) has been made that the said child or young person is  
in need of care, protection or control.

AND WHEREAS I have heard and determined the complaint, and such complaint  
has been proved to my satisfaction.

AND WHEREAS I have found that the parent or person having care of the  
said child or young person, is in need of assistant in the upbringing  
of the said child or young person.

\*Name of Person

NOW, THEREFORE, I do hereby order that the Director-General of Social  
Welfare arrange through his Director at .....WHAREITI..... for a  
Social Worker, or other suitable person to see \*...VIGINIA.....  
.....ANNE STONE..... for the purpose of providing assistance by means  
of counsel or advice, to overcome the problems experienced in the  
upbringing of the said child or young person.

Given under my hand at the Children and Young Persons Court at  
.....WHAREITI..... this .....NINETH..... day of .....NOVEMBER..... 1975..

*K. J. Francis*

Magistrate authorised to exercise  
jurisdiction in a Children and  
Young Persons Court.

N.B. A certified copy of this order must be forthwith forwarded by the  
Registrar to the Director of Social Welfare at the location  
specified above.

No.....

ORDER PLACING CHILD OR YOUNG PERSON UNDER THE  
GUARDIANSHIP OF THE DIRECTOR-GENERAL

Children and Young Persons Act 1974

WHEREAS

Name of child or young person ..... WILLIAM PATRICK STONE ..... of

Address ..... 32 KAHIKITERE TERRACE, WHAREITI .....  
(hereinafter referred to as "the said child or young person") has this day been brought before the Children and Young Persons Court at

..... WHAREITI .....

(1) (2) Delete the statement which is inapplicable

(1) ~~charged with the offence of~~ .....

(3) Delete the words not required

(2) on a complaint that he (3) is in need of care, protection or control within the meaning of subsection 2, paragraph (a) & (b). (4) section 27 ~~(or has failed to observe the conditions of a Supervision Order within the meaning of subsection (2) section 4B)~~ and Young Persons Act 1974

(4) Enter (a)-(f) as appropriate

AND WHEREAS I have heard and determined (3) the charge (complaint) and such (3) charge (complaint) has been proved to my satisfaction

AND WHEREAS I am satisfied that a Social Worker has investigated the circumstances of the case and reported thereon to the Court:

AND WHEREAS it has been proved to my satisfaction that the said

child or young person was born on THIRTIETH day of JANUARY ..... 19.71 .....

NOW, THEREFORE, I do hereby place the said child or young person under the guardianship of the Director-General of Social Welfare under the provisions of Section 31(1)(d)(1) of the Children and Young Persons Act 1974

AND in accordance with section 98 of the Act I hereby specify the age of the said child or young person to be TWO...yearSand ..TEN...months

Given under my hand at the Children and Young Persons Court

at..... WHAREITI .....

this SEVENTH.....day of..... DECEMBER..... 19.75.....

*K. J. Francis*

.....  
Magistrate authorised to exercise jurisdiction in a Children and Young Persons Court

N.B. A certified copy of this order must be forthwith forwarded by the Registrar to the nearest Director of Social Welfare.

CHILDREN AND YOUNG PERSONS COURT

Children and Young Persons Act 1974

Section 15(2)

Direction to Complainant to report details of complaint to Childrens Board.

To MARY JANE BROWN (Complainant)

~~Police Officer~~/Social Worker

DEPT OF SOCIAL WELFARE

WHAREITI

Name of Child ..RANGI..TAIAPIRI..... Birth date ..25/2/64.....

Address ..18..RURU STREET.....

..WHAREITI.....

.....

Name of Parent or Person against whom complaint has been proved:

..JAMES..WIRIMI..TAIAPIRI

The above named child appeared before this Court on ..13..OCTOBER..1975.  
the subject of your complaint under Section 27 of the Children and Young  
Persons Act 1974. The Magistrate on finding the complaint proved, directed  
that you report the details of the complaint to the Childrens Board in  
order that the Board may deal with the matter.

*J. B. Clarke*

Registrar  
Children and Young Persons Court  
(Place) ..Whareiti.....



FIGURE 14

(To be completed by Social Welfare Office)

This child is KNOWN / WAS KNOWN\* to the Department

S.W. Register No:

PREVIOUS NOTICE

Date	Place	Reason for notice	Outcome
10/74	WHAREITI	THEFT (2)	FINE \$50

*A. P. Brown*

(for Director of Social Welfare) Date: 15/11/75

CHILDREN'S BOARD Name of Board: WHAREITI Location: WHAREITI

Action initiated by Police / S.W. / C.I.P. / Court \*

Date of first meeting: 20 / 11 / 75 Date of last meeting: 20 / 11 / 75

Were the parents present at any meeting? Yes/No\* Was the child? Yes/No\* S.W. report requested? Yes/No\*

Board's final disposal (give details):

- S.15(7) (a)
- (b)
- (c)

(d) RECOMMENDED COMPLAINT ACTION UNDER S.27(2)(f)

S.15(9)

CHILDREN & YOUNG PERSONS COURT Name of Court: WHAREITI

Date of first hearing: 30 / 11 / 75 Date of last hearing: 30 / 11 / 75

Was the child in S.W. custody during any adjournments/postponement? -Yes/No\*

Number of adjournments/postponements: Nil

Complaint: C.I.P. Act 1974 Section: 27 Subsection: 2 Para: 1

Offence:

Act	Year	Section	Type of offence

Number of Charges

Plea of Guilty? Yes/No\* Legal representation? Yes/No\* Legal Aid? Yes/No\*

S.W. recommendation: SUPERVISION 12 MONTHS

Final disposal (details):

SUPERVISION 12 MONTHS

Disposal made under C.I.P. Act 1974 Section: 31 (1) (a)

MAGISTRATE'S COURT OR SUPREME COURT

Name of Court:

Reason for referral:

Date of final hearing: / /

Final disposal (details):

Disposal made under Act 19 Section:

S.W. District: WHAREITI

S.W. serial no. 1074

\*Delete whichever not applicable



CHILDREN AND YOUNG PERSONS COURT,

WHAREITI

20 AUGUST 1975

MR R. J. STEVENS,  
51 CHAUNCEY ROAD,  
WHAREITI.

DEAR MR STEVENS,

Today your child .....WAYNE.....JOSEPH.....STEVENS.....was placed under the supervision of a Social Worker for .....ONE.....year(s) and this information in the form of a legal order will be sent to you later.

During the period of supervision, any instructions of the Social Worker, or any conditions imposed by that officer, must be complied with. If the Social Worker is not satisfied with your child's conduct, or with living conditions, your child may again be brought before the Court.

If this should happen, the child could possibly be taken away from home, a step best avoided by your co-operation with the Social Worker in the interests of the child.

Legislation provides for a right of appeal against the Order, and should you wish to exercise this right, I suggest you consult a solicitor immediately.

*G Howe*

Deputy Registrar.



CHILDREN AND YOUNG PERSONS COURT,

WHAREITI

7 DECEMBER 1975

MRS V. A. STONE,  
32 KAHIKITERE TERRACE,  
WHAREITI.

DEAR MRS STONE,

Today your child .....WILLIAM PATRICK STONE..... was placed under the guardianship of the Director-General of Social Welfare and this information in the form of an official order will be sent to you later. This means that your child is now a State ward, and that the Director-General has become the sole guardian, to the exclusion of all others.

The Director-General's guardianship can legally continue until your child is 20 years of age, but in practice discharge from the Director-General's care usually takes place when behaviour and home conditions seem to justify this step, or when the young person concerned seems financially and otherwise responsible. The Department of Social Welfare will welcome your co-operation to this end.

Legislation provides for a right of appeal against this decision now, and for a right of review of the Order after 12 months from the making of it. Should you wish to exercise the right of appeal, I suggest you consult a solicitor immediately.

G Howe

Deputy Registrar.

COMPLAINT THAT THERE HAS BEEN FAILURE TO OBSERVE  
CONDITIONS OF A SUPERVISION ORDER

Section 48, Children and Young Persons Act 1974

(1) Full name I, (1) MARY JANE BROWN

(2) Address of (2) WHAREITI

(3) Full name of child or young person to whom the complaint relates (3) WAYNE JOSEPH STEVENS

is a child (or young person) who was placed under the supervision of a Social Worker by order of the Children and Young Persons Court at WHAREITI on the 20TH day of AUGUST 1975 and that (4) WAYNE JOSEPH STEVENS has failed to comply with the conditions of that order in that (5) he is residing at and... refuses to leave a residence not approved of... in that his companions are known criminals. He also persistently neglects to report to the Social Worker as and when he is required.

(5) Enter specific allegations being one or more specific breaches of any one or more of the conditions of the Supervision Order

\*And that the person to whom this complaint should be addressed is (1) RODNEY JOHN STEVENS a parent (or a guardian or a person having the care) of that child (or young person).

~~\*And that I do not know the whereabouts of any parent or guardian or person having the care of the child (or young person).~~

~~\*And that the person caring for the child cannot reasonably be regarded as having continuing responsibility for the upbringing, care and control of the child (or young person) because~~

(6) Give reasons (6)

\*Delete if inapplicable

M. J. Brown  
Complainant

Sworn at Whareiti, this 6th day of March 1976 before me

D. G. Elmer  
Magistrate (or Justice of the Peace, or Registrar (not being a constable))

SUMMONS TO APPEAR BEFORE A CHILDREN AND YOUNG PERSONS COURT ON FAILURE TO OBSERVE CONDITIONS OF A SUPERVISION ORDER

S.W. 670

Section 48, Children and Young Persons Act 1974

(1) Full name To (1) ... RODNEY JOHN STEVENS ...
(2) Address and occupation of (2) ... 51 CHAININGBY ROAD WHARRITI ...

By order of the Children and Young Persons Court at ... WHARRITI ... made on the .20TH. day of .. AUGUST .. 1975;

(3) Enter full name of child or young person if applicable \*You (3) ... WAYNE JOSEPH STEVENS ... were/was placed under the supervision of a Social Worker on the conditions set out in that order.

A Social Worker has stated on oath that he (or she) reasonably believes that \*you (3) ... WAYNE JOSEPH STEVENS ... have/has failed to comply with the conditions of that order in that

(4) Enter the specific allegations set out in the complaint (4) ... he is residing at and refuses to leave a residence ... not approved of, in that his companions are known ... criminals. He also persistently neglects to the Social Worker as and when he is required.

\*And that you are the parent (or a guardian or a person having the care) of that child (or young person).

\*Delete if inapplicable

You are summoned to appear on TUES day, the EIGHTH day of ... MARCH ... 19 76. at ... 10 .. a.m. at the Children and Young Persons Court at ... WHARRITI ... \*(together with (3) WAYNE JOSEPH STEVENS ...)

The Court will then inquire into the circumstances of the case, and any reasonable excuse why the conditions of the order have not been complied with, for the purpose of ascertaining whether it should exercise any of its powers.

Dated at Whare it, this 6th day of March 1976 D.G. Elmer

Magistrate (or Justice of the Peace or Registrar (not being a constable)).

Notice to person summoned:

- (1) If you wish to have a solicitor act for you in this matter, you should employ one immediately.
(2) Lack of money should not stop you approaching a solicitor as he will be able to tell you, among other things, whether you can have all or part of your costs paid by the Government.
(3) If you are in any doubt consult a solicitor or the Registrar immediately.

SUMMONS BY WAY OF RECALL, TO APPEAR BEFORE A  
CHILDREN AND YOUNG PERSONS COURT

Section 31 (2), Children and Young Persons Act 1974

- 1) Full name To (1) JANE MARIE JONES
- 2) Address of (2) 27b ELM GROVE, WHAREITI, occupation SHOP ASSISTANT

By order of the Children and Young Persons Court at ..WHAREITI.....  
..... made on the ELVENTH day of ...JULY.....  
19 75...., you were ordered to come before that Court, if called upon  
within two years after the making of that order.

- 3) Specify That Court has now directed, on the application of a Social Worker  
(or a member of the Police), that this summons recalling you before  
that Court be issued. That application was made on the grounds  
(3) that FRANCES FAY JONES, being of school age within the  
.... meaning of the Education Act 1964, has continued to.....  
.... fail to attend school without reasonable cause,.....

- 4) Insert the name of the child or young person to whom the complaint related  
\*Delete if inapplicable  
You are summoned to appear on ...TUES...day, the ..THIRD.. day of  
.....NOVEMBER..... 19 75..... at ....10.... a.m. at  
the Children and Young Persons Court at ..WHAREITI.....  
(\*together with (4) FRANCES FAY JONES.....).

The Court will then inquire into the circumstances of the case and  
your conduct since the order was made for the purpose of ascertaining  
whether it should exercise any of its other powers.

Dated at ....WHAREITI....., this :FIFTEENTH. day of  
.....OCTOBER..... 19 75.....

..... K J Francis .....

Magistrate (~~or Justice of the Peace or Registrar (not being a constable)~~).

Notice to person summoned:

- (1) If you wish to have a solicitor act for you in this matter, you should employ one immediately.
- (2) Lack of money should not stop you approaching a solicitor as he will be able to tell you, among other things, whether you can have all or part of your costs paid by the Government.
- (3) If you are in any doubt consult a solicitor or the Registrar immediately.

DEPARTMENT OF SOCIAL WELFARE



S.W.652

District Office, WHAREITI.

If telephoning or calling  
about this letter please  
ask for  
MISS BROWN.

The Principal/Headteacher,

MILNE STREET SCHOOL -

WHAREITI

JOHN ROBERT BROWN b. 18.3.66

When the abovenamed appeared before the Children and Young Persons Court on 24 JULY 1975 he was placed under the guardianship of the Director-General of Social Welfare. He has therefore been removed from home and plans are now being made for future placement and school attendance. You will no doubt receive a request for the progress card in due course.

Your assistance in our enquiries has been greatly appreciated

*R.E. James*

for Director

## DEPARTMENT OF SOCIAL WELFARE



If telephoning or calling  
about this letter please  
ask for  
MISS BROWN

District Office, WHAREITI.

The Principal/Headteacher,

MILNE STREET SCHOOL,

WHAREITI

WAYNE JOSEPH STEVENS b. 4.10.62

When the abovenamed appeared before the Children and Young Persons Court on  
20 AUGUST 1975 he was placed under the supervision of a Social Worker  
of the Department of Social Welfare for a period of

During this period a Social Worker from this office will be visiting the home  
and keeping in touch with both child or young person and parents to advise  
and assist in any way possible.

If at any time you have cause for concern regarding this child's or young  
person's behaviour please do not hesitate to get in touch with this office.

Your assistance in our enquiries has been greatly appreciated.

*R.E. James*  
for Director



DEPARTMENT OF SOCIAL WELFARE



If telephoned or asked  
about this letter, please  
ask for  
MISS BROWN.

District Office, WHAREITI.

The Principal/Headteacher,

MILNE STREET SCHOOL

WHAREITI

JOE RANGI JONES      b. 15.5.65

When the abovenamed appeared before the Children and Young Persons Court  
on 4 JULY 1975 he was admonished by the Magistrate but  
was not made the subject of any further penalty or Court Order

*R.E. James*  
for Director