

Young Serious Offender Declaration

YSO Declaration information for rangatahi and their whānau or family



The Youth Court can decide if a young person is a 'Young Serious Offender'.

What is a YSO Declaration?

A YSO declaration is when the Youth Court accepts an application from the Police and declares a rangatahi a Young Serious Offender.

The declaration gives the Court and Police more powers when dealing with rangatahi who reoffend.

It enables Oranga Tamariki to work with rangatahi and their whānau or family in a more intensive way.

What does the Court look at before making a YSO declaration?

The Court considers:

- The Family Group Conference plan
 - Past offending and what has been tried before
 - The underlying causes of the offending
 - What rangatahi and whānau are doing to address the behaviour
 - The attitude of rangatahi towards the offending
 - The impact on victims and their views
 - The risk of reoffending and community safety
 - Non-compliance with previous Court imposed bail conditions
- If a YSO declaration is not made, the rangatahi and whānau continue with the Family Group Conference plan or Court imposed plans.

Who can be declared a YSO?

A rangatahi may be declared a YSO if:

14 TO 17
years

1.

They are 14 to 17 years old at the time of offending.

2. Have committed 2 proven serious offences (punishable by 10+ years in prison e.g burglary).



3. Are considered likely to reoffend.



4.

Things tried before have not stopped offending.

What can happen if a rangatahi is declared a YSO?



Remember

A social worker will work closely with rangatahi and whānau to provide support.

A judge may:



Ask rangatahi to come back to court regularly to check how they are doing.



Ask for longer supervision and supervision with activity orders which may include a curfew with electronic monitoring (wearing an electronic strap).



Include supervision with residence, with no early release.



Impose a military-style academy Order for 3-12 months.

What if a rangatahi breaches orders or reoffends while under a YSO declaration?

- Police can detain or arrest without a warrant if they believe that the conditions of the Order are breached
- If further offending is alleged, the rangatahi will lose their right to an FGC, excluding custody FGC if offending is denied. Your social worker will explain what the next steps are
- The Court may direct a Family Group Conference, even if it isn't legally required.

What to do now?



- Have your say in the Family Group Conference plan
- Choose to engage with support services you have agreed to (education, health, counselling, cultural support)
- Engage with your Youth Advocate
- Work with your social worker and community supports to show the Court that progress is being made.

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Who makes the YSO declaration?

- The Youth Court Judge makes the decision
- The Judge will listen to what the Police, your whānau, your social worker and others have to say before making a decision
- The decision will be influenced by how compliant the rangatahi has been with previous plans and the seriousness of the offending.

Can a YSO declaration happen more than once?

- Yes, once it ends, the process can be repeated if the rangatahi commits further qualifying serious offences. The Court can consider making another YSO declaration for further period of 2 years
- A YSO declaration lasts for two years, but can be extended for up to another 12 months if further offending is proven.

Any questions

Have a conversation with your social worker for support and guidance.