



**ORANGA
TAMARIKI**
Ministry for Children



NEW ZEALAND
POLICE
Ngā Pirihimana o Aotearoa

Joint Protocol – Family Court Responses for Children Who Offend:

Agency expectations for enhanced collaboration

Between New Zealand Police and Oranga Tamariki–
Ministry for Children

October 2023

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Title and status

New Zealand Police (Police) and Oranga Tamariki–Ministry for Children (Oranga Tamariki) (the parties) are parties to the *Memorandum of Understanding between Oranga Tamariki - Ministry for Children and New Zealand Police*.

This protocol is a new agreement and is titled *Joint Protocol – Family Court Responses for Children Who Offend: Agency expectations for enhanced collaboration* (Protocol).

The parties agree that this protocol is added to the list of schedules at Appendix 1 of the Memorandum of Understanding and will make up part of the Memorandum of Understanding.

This protocol should be read alongside the [Joint Family Group Conference Protocol for Children Who Offend, July 2023](#). The Family Group Conference protocol streamlines the process of referring a child who has offended to a Family Group Conference (FGC) by setting out a shared understanding of when these referrals should be made, criteria for them, and clearly defining the roles and responsibilities of the relevant parties.

Purpose

Police and Oranga Tamariki have a joint commitment to work collaboratively when responding to children aged 10–13 years old who offend.

This protocol supports the decision making and expertise of frontline staff when deciding to file an application in the Family Court on grounds under section 14(1)(e) of the Oranga Tamariki Act 1989 (the Act). It sets out the shared understanding and agency expectations between Police and Oranga Tamariki for filing applications, monitoring of plans, and compliance with conditions attached to orders.

This protocol:

- Supports the parties to comply with the purposes, principles, and statutory obligations of the Oranga Tamariki Act 1989
- outlines the different processes for ‘With Notice’ and ‘Without Notice’ applications.
- clearly defines the roles and responsibilities of the parties when a child’s offending has led to a Family Court order being applied for/made on the grounds of s14(1)(e)
- aims to resolve tension points in the system and provide streamlined processes that support collaboration.

and clarifies:

- legislative requirements, including the parts of the Act that prescribe responsibilities upon both agencies at each stage of the Family Court process; from the initiation of filing an application, to the monitoring and eventual discharge of the order.

Responding to Children Who Offend

Children who offend often have other underlying care or protection needs. Offending by children needs to be understood in the context of their family, whānau, family group and community. It is important that when we hold children accountable for their offending, it is done in a restorative way that focuses on addressing underlying concerns and repairing the harm caused to others. The primary goal in addressing accountability for children is not punitive but to help them understand the consequences and impact of their actions, support personal growth and oranga (well-being) for children within the context of whānau and family, and reduce the likelihood of further offending.



Relational, inclusive, and restorative practice is essential because the impact of Family Court orders is significant for tamariki and whānau. This impact is more significant if an order shifts the custodial relationship and responsibilities away from family and whānau.

First and foremost, family and whānau must be supported to prevent harm and further offending. Agencies need to offer assistance, supports and services that build the capability and capacity of the family and whānau to respond to their child's offending behaviour at the earliest opportunity.

Applying a custodial Family Court response to children who offend should be approached in a similar way to custody in the youth justice system which considers the 'section 208' principles and applies a proportionate response through section 283; noting that custody is at the most serious end in the hierarchy of responses.

To achieve an effective working relationship, both Police and Oranga Tamariki need to:

- have regard for the oranga (well-being), best interests and safety of the child and an understanding of the whānau or family situation.
- understand both agency's roles in supporting children who offend.
- establish early and effective ways to communicate.
- support local relationships and communication.
- ensure this protocol is reflected in organisational policy and procedures.
- have regard for the interests of victims and impact of the offending on victims.
- have a shared understanding of key processes and timeframes when:
 - filing an application in the Family Court on [s14\(1\)\(e\)](#) grounds of the Act
 - monitoring compliance and responding to non-compliance for any Orders granted
 - attributing roles and responses to address escalating risk and/or reoffending.

Police is responsible for:

- apprehending the child and assessing the alleged offending with respect to evidential sufficiency, doli incapax and the public interest, as per the Solicitor-General's Prosecution Guidelines
- assessing the appropriateness of alternative action, care or protection, or Youth Court responses (i.e., initial assessment of the appropriate intervention and response to the offending)
- engaging with the child and whānau/family or guardian with regards to risk/immediate needs, responses, and [s14\(1\)\(e\)](#) proceedings
- facilitating and assisting victims and their whānau/family or guardians - including assisting them to obtain support, seeking victims' views (e.g., obtaining a Victim Impact Statement) and considering reparation.
- collating and preparing all the necessary and relevant information when filing an application in the Family Court on the grounds under section [s14\(1\)\(e\)](#)
- notifying Oranga Tamariki of Police's decision in terms of proceeding to Family Court applications.

Oranga Tamariki is responsible for:

- recognising and upholding the inherent rights of tamariki within the context of whakapapa and applying an oranga lens to the way we understand safety, harm and risk of harm.
- ensuring our legislative responsibilities are fulfilled, including meeting our Te Tiriti obligations under [s7AA](#) of the Oranga Tamariki Act 1989
- assisting families, whānau, hapū, iwi, and family groups at the earliest opportunity, to fulfil their responsibility to meet the needs of their children, to prevent further harm and/or reduce further offending behaviour.
- establishing, promoting and co-ordinating services through a Multi-Disciplinary Team (MDT) approach where supports are designed to affirm mana tamaiti within the context of whānau and are centred around the oranga and best interests of children.
- responding in a critical manner (24 hours or next business day) to applications, which includes completing an interim assessment that responds to the immediate needs of the child and family.
- monitoring the plan and conditions on orders, provision of support and responding to any non-compliance with conditions
- Ensuring that all assessments and planning:
 - promote and advocate the best interests of the child within the context of whānau and address the identified needs of the child and their whānau, including disability and neurodiversity.
 - recognise the rights and interests of victims and the community and consider these when planning a response.
 - hold the child/children accountable and encourage them to accept responsibility for their behaviour and support them to develop a sense of morality and empathy.
 - promotes and strengthens whānau ora.

Decision making process

A range of responses are considered at the outset

After Police identify a child has committed an offence, and there is sufficient evidence to link that child with the offence, and the public interest test is assessed, Police Youth Aid will determine the appropriate care or protection or youth justice response. The options available to Police include:

- a care or protection pathway, such as a Report of Concern or a s18(1) referral to a care and protection coordinator
- no further action
- a warning under s209 of the Act
- Alternative Action
- referral to a Local Coordination or Multi-Agency Team (where established)
- referral under s18(3), to a Youth Justice Coordinator, for an FGC, where an officer believes the child is in need of care or protection under s14(1)(e) on the basis of their offending
- commencing proceedings against the child under the provisions of s272(1)
- an application to the Family Court for a care or protection order, including a support or custody order (including interim orders), which may be made with or without notice.

Below is a guide and factors to consider when determining whether to commence a With Notice or Without Notice application. Where possible, the least restrictive option for the child or young person should be considered. The preferred approach would be to commence a With Notice application, unless the conditions for transferring custody of the child or young person to Oranga Tamariki, under Section 235 (note 1) are met. In this case, a Without Notice application should be considered.

When determining which process to undertake, Police will also consider:

- The family’s position and ability to care, supervise and provide appropriate boundaries for the child;
- Public safety;
- The victim’s views, especially in situations where the victim is vulnerable from interference from the child or re-victimisation;
- Any concerns, real or perceived, as to whether the child will abscond or be removed to a place where their whereabouts is unknown to the authorities; and
- The Sufficient number, nature or magnitude of the offending as described in Appendix 1 to the [Joint Family Group Conference Protocol for Children who Offend](#).

With Notice Applications

With Notice applications are the standard and expected practice consistent with the framework, principles and purposes of the Act where the parties receive notice of the application and are able to respond and be heard by the Court when the Judge first considers the application.

The decision to pursue a With Notice application may be made following:

- a s14(1)(e) FGC; or
- where a child has been arrested but the decision is to pursue the With Notice process, and the child is released under Section 234 of the Act (Note 2).

Police’s care and protection concerns related to a child’s offending will be discussed with the child and their parents/caregivers. Police will advise whānau/family or guardian and Oranga Tamariki that a Section 18(3) referral process will commence, with the intention to apply through the Family Court for a care and protection order under Section 68.

With notice application following an FGC

When a With Notice application follows an FGC (held on the grounds of Section 14(1)(e) of the Act), Police should already have signalled an intention at the FGC to proceed to the Family Court for a Care or Protection Order (under section 68) and discussed the suitability of any subsequent orders that may be sought.

Once Police have determined that proceeding to the Family Court is the appropriate response post the FGC, the Youth Aid Officer shall advise:

- the Youth Justice Coordinator (and/or local Oranga Tamariki Manager);
- the child and whānau/family or guardian; and
- the victim.

¹ Section 235: (a) the child or young person is not likely to appear before the court; or (b) the child or young person may commit further offences; or (c) it is necessary to prevent the loss or destruction of evidence relating to the offence with which the child or young person is charged or prevent interference with any witness in respect of any such offence.

² Custody of child or young person following arrest: where the child may be released, released on bail, or delivered to the custody of a parent/guardian; iwi social service or cultural service (with agreement of the child) or any other person or organisation (with agreement of the child) approved by the Chief Executive or constable for the purpose.

The Youth Aid Officer will advise and set out the likely timeframes for the filing of the application.

The Youth Aid Officer will discuss with Oranga Tamariki if Police is likely to seek any additional Family Court orders or conditions (for example under Sections 86/87/91/92) and whether or not a joint application (Section 69), or a parallel application by Oranga Tamariki, should be considered.

It is essential that the Court is provided with comprehensive information. The Oranga Tamariki Youth Justice Manager, supported by an assessment from the social worker, must therefore fully consider the benefits of submitting a parallel application or other information to the Court.

Oranga Tamariki will utilise an MDT approach to ensure there is an interim safety and support plan that responds to the needs of the child and their whānau and facilitate further assessments as required. This will be monitored and reviewed with the MDT, child, whānau and Police pending determination of the proceedings. The MDT should be set up within five working days of the FGC to implement, support and monitor the plan.

Refer to Oranga Tamariki Policy [Using Family Court orders to respond to tamariki who offend \(14\(1\)\(e\)\)](#) and Guidance [Tamariki with offending behaviours](#)

Once Police has filed the application with the Family Court, a date will be set for the hearing and the paperwork arranged to be served as per the Court's directions.

Without Notice Applications

Without notice applications are exceptions to the standard and expected practice. Parties are not given any notice of the application until after the Judge has considered it and potentially granted interim orders. Such applications for care or protection orders can only be made where Rule 220 of the Family Court Rules 2002 is relied on.

That Rule states that the delay that would be caused by making the application on notice would or might entail "*in proceedings under the Oranga Tamariki Act 1989, serious injury or undue hardship, or risk to the personal safety of the child or young person who is the subject of the proceedings, or any person with whom that child or young person is residing, or both.*"

A Without Notice applications may be appropriate when:

- The sufficient number, nature or magnitude of the offending is such that it is in the best interests of the child that an interim custody order is sought as a matter of urgency and there is no other available option but to have the child placed in Oranga Tamariki custody; or
- It is in the public interest that an interim custody order is made to prevent further harm to the community and there are concerns for the wellbeing of the child as a result of their offending and likelihood to commit further offending.

When Police Youth Services staff determine that the appropriate response is to seek a Without Notice interim custody order under Section 78 of the Act, the process is:

- If arrested, the child is to be placed into the custody of Oranga Tamariki under Section 235 of the Act with an explanation of Police's intention to submit an application under Section 78
- Police must decide whether the application is to be made under Section 78(1) or 78(1A) of the Act as this will determine whether additional orders could be granted at the same time as the interim custody order.
- The Section 78(1) process allows the Family Court, to grant an interim support order on application under Section 92 and set additional conditions under Section 96 which should be identified and noted on the application filed in Court. These can be granted at the same time the Without notice custody order is given. Any conditions sought can be similar to bail conditions granted by the Police or the Youth Court. These conditions can include residential, non-association and curfew conditions.
- Orders under section 92 and section 96 will be supported, monitored and reported on by

Oranga Tamariki, and will include addressing any non-compliance.

- The application under section 78(1A) will only determine the custody status of the child or young person for the limited time specified by the Judge. Any additional order or conditions will only be considered by the Family Court after a Family Group Conference has been held.
- Once Police decides to file a Without Notice application, the Police Youth Services staff will contact the local Oranga Tamariki Youth Justice and/or Site Manager (during business hours) or National Contact Centre (outside business hours) and advise of this decision, so Oranga Tamariki can make an interim assessment of the child's immediate needs, prepare for court, and provide further information to the Court as appropriate.
- Police complete an application for care and protection orders Without Notice, including a section 78 interim custody order, and file these with the Family Court
- Attend Family Court and advocate Police's position through written and oral submissions, as appropriate.
- Oranga Tamariki may seek to accompany Police if they have relevant information to provide the court about the wider situation relating to the child and their whānau/family.

If a custody order is made, Oranga Tamariki will:

- Comprehensively assess the current care arrangement to ensure the oranga and best interests of the child within the context of their family and whānau. If safety and the level of support required at the time cannot be achieved in the current placement, then Oranga Tamariki will consider if other suitable care arrangements available.
- All care arrangements for the child must align with the 'National Care Standards and Related Matters' Regulations.
- If the current placement is assessed as safe and adequate, additional supports and services will be provided immediately to promote safety for the child, their whānau, and the community. This includes utilising an MDT approach to implement robust safety and support plans, informing Police of those plans and the monitoring and review of the plan until an FGC is held and an agreed plan in place.

[Care Arrangements Policy](#)

Effective use of Support orders and additional conditions

Accountability is important in addressing offending behaviour, however, should not be confused with being punitive. The primary goal in addressing accountability with children is to help them to understand the consequences and impact of their actions, support personal growth and oranga and reduce the likelihood of further offending. It is important for children to have consequences that:

- focus on learning and working towards restoring oranga (for the tamariki, whānau or family and any victims of the offending)
- are appropriate for their age and understanding
- consider any disability, neurodiversity, or cognitive impairments
- are proportionate to the offending
- as close in timing to the behavior as possible to align with the child's sense of time and connect the consequences to the behavior.

S91 support order or s92 interim support orders for child offending

In many situations of child offending, a support order with conditions will be the most appropriate



level of order to address the offending alongside the care and protection concerns. A support order requires Oranga Tamariki to:

- provide or coordinate the provision of services and resources (including financial)
- monitor the care, protection and control provided to, or over, the child.

The following conditions apply when a support order is made:

- the social worker may, at all reasonable times, visit and enter the place in which the child is living.
- the parent, guardian or person with whom a child is living must ensure that the social worker knows the address where the child resides at all times.
- the child cannot reside somewhere the social worker has directed them not to reside.
- for an order following a 14(1)(e) application this can include a non-association condition.

Using additional conditions (s96) to reduce reoffending

If the court directs under section 91 or 92 that support is provided to a child, consider the most effective and age-appropriate use of these conditions to reduce the likelihood of further offending. Examples of additional conditions are:

- such conditions relating to the child's place of residence that the court deems appropriate, such as specifying an address the child must not reside at, or persons they must not reside with
- specifying a person or class of persons that the child must not associate with (only under s.91)
- the parent, guardians or other person with care of the child and with whom the child resides must ensure the support person (social worker) knows at all times the address at which the child or young person is residing (this condition is important as it covers holiday periods)
- requiring attendance at a specified center that provides educational, recreational, instructional, cultural, or work program, or sporting activities, and take part in such activities as required (with consent of the child and only under s.91)
- requiring the child attends such things as psychological assessments, counselling or therapy (this condition requires a parent's or guardian's consent: note the Chief Executive of Oranga Tamariki cannot provide consent for a child they have guardianship of).
- the social worker may, at all reasonable times, visit and enter the building or place in which the child or young person is living.
- Following a s.68 application, a curfew, or any other condition the court deems appropriate to reduce reoffending where the child is in need of care or protection based on the s.14(1)(e) criteria.
- Any other condition that may support the child and their family to reduce the risk of further harm from offending behaviors (e.g., increased monitoring in the Family Court).

It is essential that Oranga Tamariki ensures supports are provided to the child to give them the best opportunity to comply with any set conditions, manage risk and reduce further offending. Equally those caring for the child must be provided with the resources and services necessary to ensure they can support the child to meet any conditions set.

Monitoring and Review

Oranga Tamariki responsibilities for monitoring and responding to non-compliance with plans and conditions

Oranga Tamariki is responsible for implementing, monitoring, and reviewing the plan for Family Court orders. Police are not legally mandated to monitor compliance with plans or conditions attached to orders.

All children subject to an order based on the s.14(1)(e) criteria will be supported by an MDT approach and response. The MDT will be the primary vehicle for sharing information, collaboration, and planning with the family or whānau. Oranga Tamariki is responsible for convening the MDT.

Within 24 hours of an order being made, the social worker, or other person with their agreement (such as the lawyer for the child or other advocate) must meet with the whānau and the child to ensure they understand the conditions of the order, their responsibilities under the order and the MDT approach that will be used to support and monitor the order.

Oranga Tamariki will convene the MDT within five working days of the 14(1)(e) application being filed in Court by Police. If an FGC took place and Police agree to apply for orders, Oranga Tamariki will also convene the MDT within five working days of the FGC.

The social worker must ensure that those responsible for monitoring conditions and reporting non-compliance understand their obligations, including how reporting non-compliance contributes to the overall plan and how Oranga Tamariki will respond to such reports. It is important they understand potential consequences of not monitoring and reporting as agreed (e.g., the care arrangement may need to change if the parent/caregiver is not fulfilling their agreed responsibilities under the conditions, or the matters could go back before the court which could result in further conditions).

The social worker, together with the MDT, should have reasonable expectations of persons responsible for monitoring conditions and reporting compliance (e.g., monitoring conditions within a family relationship can be emotionally harder or have different consequences than doing the same thing within a professional caregiver and child relationship; family members may therefore need additional support to understand and comply with their obligations).

If any member of the MDT team (including family/caregivers) identifies non-compliance, they will notify the Oranga Tamariki social worker directly within 24 hours or the next business day so that appropriate action can be taken to strengthen the supports around the child and promote compliance.

If necessary, the MDT team should convene prior to the scheduled weekly meeting to support the social work response to non-compliance.

The social work approach to addressing reported non-compliance will consider the priority of response needed to mitigate the risk of further offending and respond within a timeframe that holds the child accountable as close as possible to the event.

The response must be proportionate to the offending risk associated with the non-compliance. Oranga Tamariki should determine priority of response (i.e., immediately or at the next MDT meeting) in consultation with Police and the social work supervisor.

Consideration and decision making must apply an 'enhanced support first' approach, rather than a punitive approach. The MDT will support the social worker to consider all aspects of non-compliance or further offending and respond proportionately.

The social worker and MDT must consider all factors, including any re-offending, in proportion to the overall progress of the plan when considering increasing support or control. Non-compliance with one aspect of the plan does not mean the entire plan has failed.



The social worker and MDT should consider what other supports will promote compliance and reduce re-offending, including the ongoing suitability of the care arrangements and the intensity of supports around the care arrangement.

The social worker and MDT will also consider where compliance with the plan and conditions is going well and there is scope to 'safely-test' scaling back supports.

If non-compliance with conditions continues despite enhanced support, the Oranga Tamariki social worker will consider next steps in consultation with their Practice Leader, Police and MDT members. These steps may include:

- bringing the child back before the Court to seek further conditions to address the non-compliance and risk of reoffending. The social worker and MDT should consider taking this step when non-compliance is persistent despite reasonable efforts to provide support and re-enforcement. They should consider the severity of the non-compliance and the resulting increased risk of re-offending. Oranga Tamariki will place matters back before the court with the support of relevant information from the MDT members. Examples of where non-compliance could result in this action include:
 - non-compliance with curfew multiple times over a week that has resulted in further offending or has included breaches of non-association conditions that increase the risk of re-offending.
 - increased non-attendance at a required program over several weeks, without a reasonable excuse.
- considering the need for alternative care arrangements. In the most extreme cases, these could include placing the child in care outside whānau or family, away from the child's local community, or in a more restrictive care environment. The overall needs and oranga of the child must be considered and balanced alongside the risk of further offending and harm.
- additional monitoring or support for the care arrangement that promotes compliance with conditions and mitigates the risk of reoffending.
- any other actions the social worker believes will support the child to re-engage with the plan, comply with the conditions and not reoffend.

Using the MDT approach

- MDT hui will be held weekly until determined otherwise and include the child (if appropriate), all relevant family or whānau and caregivers, Oranga Tamariki, Police, community providers and other relevant agencies.
- The MDT will share information pertaining to the safety and wellbeing of the child, review progress and monitor compliance with the Family Court orders and modify the plan as required to enable ongoing success. This may include agreeing to bring the matter back to Court for the Court to consider and address non-compliance matters.
- These meetings should be face-to-face and reasonable effort must be made to enable whānau participation by way of flexible scheduling, availability of technology (remote) and suitable location.
- The MDT will decide how to specifically monitor each plan. MDT members will be assigned specific tasks and accountabilities, but the social worker is ultimately responsible for ensuring the plan is implemented and for responding to non-compliance with conditions.
- Intensity of support and monitoring at the beginning is important. The initial plan should reflect the seriousness of the concerns and the risk of further harm and reoffending. Support and monitoring must start at a high level and can be scaled down (and back up again) as the plan progresses.

What must the plan include:

- Daily contact (face-to-face) by a member of the MDT with the child and the person caring for them in the initial weeks of the plan until such time as the MDT decide to scale back based on the child's compliance with the conditions. The MDT must set out in the plan who will make this contact, how and when. It may be in conjunction with another function of the plan (e.g., combined with an assessment appointment or mentoring activity), or be a standalone task.
- An MDT member will check that any person who is not allowed to reside with the child is complying with this condition. The plan will confirm who will check this, how and when.
- The plan will confirm who is responsible for responding to reports that a child is not attending a specific program and will outline how these reports are sent to the responsible MDT member.
- Details of the mechanisms to monitor conditions relating to non-association with a person or group of people (e.g., monitoring social media accounts). The plan will confirm who is responsible for this method of monitoring.
- Details of who will monitor curfew conditions, and when the monitoring will happen.

Review

At a minimum, the court must review every new order within two months of it coming into effect. If the order is for a period of five months or longer, it must be reviewed at least once more before it expires, with the court able to direct more regular reviews.

If agreed at the time of the court review that there are sufficient care needs, the plan can be extended for a period if this is in the best interest of the child, young person and their whānau to promote mana tamaiti.

Any Family Court orders relating to the child should only remain in place whilst required.

Where available, consider requesting that matters be managed in crossover court to provide the child and family with the benefit of judicial oversight with a care and protection, prevention, and accountability lens.

If the plans approved by the Family Court have worked effectively, all matters should be dispensed with as per the timeframe included in the plan. All orders should be discharged at the agreed time set out in the plan, when a final order is imposed in the Family Court, the child has completed their plan and there is no further offending.

Information Sharing

Sharing the right information, at the right time, with the right people, can make a huge difference to the outcomes for children and their families or whānau.

[Sections 65A](#) to [66K](#) of the Oranga Tamariki Act 1989 enable better information sharing within the child welfare and protection sector. However, the Act only enables the collection, use and disclosure of information for purposes related to the safety and wellbeing of children and young people set out in the Act. Information disclosed under the Act for a purpose connected to wellbeing must not be used for any other purpose.

[Section 66C](#) in particular, enables voluntary sharing of information to another Child Welfare and Protection Agency or an Independent Person but only for one of the specified purposes listed in this section. [Section 66C](#) is subject to an obligation to consult with the person concerned prior to disclosing information about them, as far as is practicable and appropriate.

Where information sharing is not enabled by the Oranga Tamariki Act, there are other provisions for accessing information such as the Family Violence Act 2018, the Privacy Act 2020 and the Search and Surveillance Act 2012.

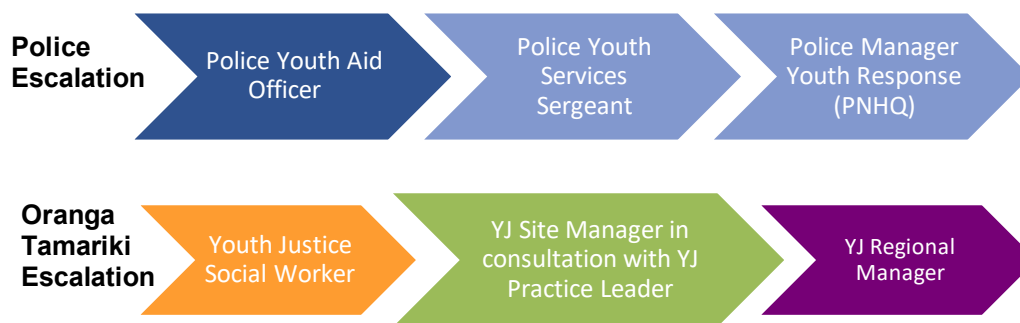
When sharing information on any basis, both Oranga Tamariki and New Zealand Police are subject to and will comply with all obligations under the Privacy Act 2020.

Oranga Tamariki policy requires its staff consult with people, as far as reasonably practicable, when we are considering sharing their personal information.

Further guidance on information sharing is attached in Appendix 2 of the [Joint Family Group Conference Protocol for Children who Offend – July 2023](#).

Conflict Resolution and Escalation

Escalation or advice may be necessary in some instances. For any issues which cannot be resolved at a local level, the internal processes for resolution are outlined below and provide pathways for staff to escalate their concerns.



Staff should also refer to the main MOU between Oranga Tamariki and Police for guidance with respect to conflict resolution and escalation, particularly the 'Issue or dispute resolution' and 'Escalation between Oranga Tamariki and New Zealand Police' sections of the MOU.

Term

This Schedule will commence on the date of signing by both parties and continue until modified or terminated in accordance with the terms of this Schedule, or the overarching MOU.

Review of the Protocol

This protocol must have an initial review in 12 months from the date of signing. After this period, the protocol will be reviewed as part of the MOU between Oranga Tamariki and Police which is 5-yearly.

Either party can initiate an urgent review, or a review out-of-cycle. The party requesting the review will give a reason for the request in writing.

Termination

This protocol may be terminated at any time by mutual agreement between the parties.

Either party may terminate this protocol by giving a minimum of 4 weeks' written notice in writing to the other party.

Signatories

Signatories to the *Joint Protocol – Family Court Responses for Children Who Offend: Agency expectations for enhanced collaboration* will be:

Oranga Tamariki

Title Acting Deputy Chief Executive System
Leadership
Oranga Tamariki

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Telephone 04 819 1601

New Zealand Police

Title Assistant Commissioner: Iwi & Community
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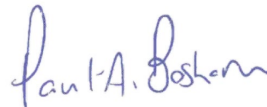
Address New Zealand Police National Headquarters
180 Molesworth Street
Wellington

Telephone 04 463 4416

Signed on this day:



Lydia Jarman
Acting Deputy Chief Executive System
Leadership
Oranga Tamariki – Ministry for Children



Paul Basham
Assistant Commissioner: Iwi & Community
New Zealand Police

Glossary of terms

The Act

The Oranga Tamariki Act 1989.

Child/tamaiti (children/tamariki)

Unless specified, 'child' means any child under the age of 14 years at the time of their referral.

Child welfare and protection agency

Police and Oranga Tamariki are considered a child welfare and protection agency. There are also other agencies as defined in [s2](#) of the Act.

Family Group Conference

A meeting in relation to Part 2 of the Act and convened or reconvened in accordance with [s247](#) of the Act.

Local Coordination or Multi-Agency Team

Local coordination teams work across government, community organisations and iwi in their area and operate, with local variation, to meet the needs of their community. With cross-agency involvement at a community level, the team works to provide immediate and intensive support for children and families following a child's apprehension.

Oranga Tamariki site

Local Oranga Tamariki office where social workers are situated.

Practice Leader

The role of the Practice Leader is to strengthen practice within Oranga Tamariki sites by providing professional leadership, influence, and guidance in order to maintain and enhance the level of practice excellence and capability.

Protocol

Joint FGC Protocol for Children who Offend, between New Zealand Police and Oranga Tamariki

Section [14\(1\)\(e\)](#) FGC

The grounds for which an FGC is referred and convened whereby a child of or over the age of 10 years and under the age of 14 years has committed an offence or offences of sufficient number, nature, or magnitude to cause serious concern for the wellbeing of the child.

Social Worker

A person employed by Oranga Tamariki as a social worker.

Tamariki

Children under 14 years of age.

Victim

Has the meaning given in [s2B](#) of the Act.



Wellbeing (Oranga)

In relation to a child or young person, includes the welfare of that person.

Whānau

Family, extended family and significant others who may share whakapapa with te tamaiti (i.e., they are linked by bloodline), and any others who may be defined as part of their family group.

Youth Aid Officer

A Police Officer assigned to the Police Youth Services/Youth Aid Teams.

Youth Justice Coordinator

A Youth Justice Coordinator appointed by the chief executive pursuant to [s425](#) of the Act.

Youth Offending Risk Screening Tool (YORST)

Screening tool used by the police to measure the risk of reoffending.