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**IN THE YOUTH COURT  
AT AUCKLAND**

**I TE KŌTI TAIOHI  
KI TĀMAKI MAKĀURAU**

**CRI-2021-204-000005  
CRI-2021-204-000154  
CRI-2021-204-000121  
[2021] NZYC 360**

**IN THE FAMILY COURT  
AT AUCKLAND**

**I TE KŌTO WHĀNAU  
KI TĀMAKI MAKĀURAU**

**FAM-2011-004-000265**

**NEW ZEALAND POLICE/ORANGA TAMARIKI  
Prosecutor/Applicant**

v

**[SD]  
Young Person**

Hearing: 16 August 2021

Appearances: Sergeant D Robertson for the Prosecutor in the Youth Court  
L Wainright for the Chief Executive in the Family Court  
L Tu'i as Youth Advocate in the Youth Court  
G Atimalala as Lawyer for the Child in the Family Court

Decision: 16 August 2021

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**DECISIONS OF JUDGE A J FITZGERALD**  
**[In the Youth Court and Family Court Crossover list]**

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**In the courtroom**

[1] [SD], I know this courtroom is a very uncomfortable place for you so I will try and keep things short and simple but there are some things I have to say, okay?

[2] I am going to bring your Youth Court charges to an end shortly, but I also want to talk briefly after that about your Family Court case. In a few days, a week at the most, the reasons for the decisions I will make today will be available to everyone in writing and you will get a copy and I hope you will read it when you feel ready. There is no rush; just when you feel ready to do that. Some things though I want you to hear me say, because I think they need to be said to you in person and not just in writing.

[3] When you were here last time you told me that you didn't want [JD] to go through what you have been through. When you said that, I didn't know exactly what you meant, not properly, and so I made sure to read everything I could on all the files we have here so that I could understand, and now that I have done that I think I know exactly what you meant. And importantly, I now know more than enough to realise what the right thing to do today is.

[4] The first important thing that needs to be done here is to say sorry to you because somebody needs to. You firstly deserve a sincere apology. I am so sorry about what you've been through in your life so far because most of it shouldn't have happened; certainly not in the way many things were done by people who are part of the system and I guess you probably see all of us here as part of that system too. So, on behalf of

a system that at times has been so cruel and so unfair to you I apologise from the bottom of my heart. I can't say I know what it would have been like for you to go through what you have because I can't even begin to imagine it, but I know that if it happened to me I would be so hurt, and so angry at times that it would affect how I think and how I act, the choices I would make and a whole lot more as well. ["Thank you"].

[5] In relation to your Youth Court case, it will finish today, in fact I may as well do that right now. All of your charges are discharged under s 282 of the Oranga Tamariki Act. In normal language, that means there will be no record that you came to the Youth Court for those charges; the s 282 order I have just made will make it seem as if the charges were never laid in court in the first place. They are gone for good.

[6] In a strange sort of way [SD], it's as if you and I could pretend that we had never even met, although for me I'm glad we did meet because you are a great person to know. I know now that you are a very capable young woman who we should trust more than we have to make the right choices about your path in life and stop trying to force you onto a path that we think you should be on. I think the way you have just gone out and got your first paid job on your own is fantastic. And I think it is time we stopped treating you like a criminal. I think you've paid more than enough for your mistakes.

[7] I just want to say one final thing about your Youth Court case and then we don't have to talk about it ever again, okay? ["Okay"]. I think the decision by the police to charge you with abducting [JD] and continuing with a charge of attempting to do so was completely wrong. I feel very offended by it and so I can't imagine the pain that would have caused you; it must have felt like a dagger through your already broken heart. The way [JD] was taken out of your life must have felt like an abduction to you and I think it is outrageous that you have been treated like a criminal for going to see your little brother at school because no one had arranged for you to see him properly otherwise. Having that charge before the court reflects very badly on the police, it doesn't reflect badly on you. My hope is that now the charge has gone as if it was never here, the pain it caused will go very soon too. ["I hope so too"].

[8] In relation to your Family Court case I know that you just want the order there gone so that everything to do with Courts is finished and you can just walk away and

forget about all of us and all of this stuff and I completely understand why you would feel that way.

[9] What I'm hoping though is that you will be willing to trust me enough to let me try and sort some things out properly, at least in relation to you and [JD] being able to spend the sort of good quality time that a sister and brother who love each other should be able to do. I really don't want to leave that situation like it is at the moment and I would like to try and see it sorted out properly. In fact, it's my duty to do that. I know you have started having some time with [JD] and can see him at your [grandmother]'s once every two months, but I think that arrangement is completely inadequate, completely. I think you and [JD] should be getting far more time than that together.

[10] I think the best way to approach things is to keep the order in the Family Court there for now and use it to get things sorted out. If, or I should say when the law is applied properly, and when the rights you and [JD] have are respected and upheld properly that should happen and it should happen soon. So, instead of discharging the order that is still there in the Family Court, I think we should use it to our advantage. The Chief Executive has a legal duty to you, and we need to see him fulfil that properly and quickly.

[11] You don't have to make a decision about this right now because I realise it is a lot to ask you to deal with in one day. [The social worker] is going to continue being your social worker for a while longer and she knows what I'm talking about. What I would like you to do is just think about this and talk to [the social worker] about it and I expect you will talk to your mum about it too, which is fine.

[12] You heard me earlier set a new court appointment for your Family Court case; it is 13 September at 11.45. That day I will find out what progress is being made and make sure that everything that needs to happen is happening to sort these contact arrangements out properly and I would like to have your voice in that heard loud and clear, and [JD]'s voice in that loud and clear too of course.

[13] I'm sorry that your mum's not here today because I wanted to talk to her too and I might just say a few things because what I am saying can be typed back and at

least she could read it and know what I wanted to say today if she had been here, because I wanted to acknowledge her. I think that for her, at least some of this whole horrible experience in the Youth Court will have been just as hard as it has been for you. Having got to know your mum over the past few months, just a bit, I have no doubt at all about her deep love and loyalty for you and her other children.

[14] I really appreciate her willingness to open her door for [the social worker] because I realise that would have gone completely against her instincts. Her willingness to do that, to let [the social worker] in, has had a major part to play in the outcome today in the Youth Court. You and your mum need to know that [the social worker] has done the most awesome job for you both but that was only made possible because of the willingness of you both to let her in enough to give me the information I needed and for your voice to be heard loud enough.

[15] So, although I know this will go against your mum's instincts as well, I am wanting her to trust me enough to allow me to try and sort things out properly. That's both for you and [JD] but also, I'm hoping at least to make things better than they are for her. I will do my best to see that happen, but I completely accept that for now that is going to have to be done just one step at a time.

[16] For today, the first step is that I am asking you and your mum please to talk to Gardenia, and I am so glad that you did talk to Gardenia before this. Until two weeks ago I didn't know, until [the social worker] told me, that there was still an order remaining on your Family Court file. I went and got that file and saw Gardenia was your lawyer and I was so happy. If I had to choose the person who I thought would be the best lawyer for you in this situation, it would be her. I'm sure she is the right person for the job. What I'm asking is for you both to give Gardenia a chance the way you gave [the social worker] a chance. I'm not asking for the door to be opened wide for a lot of people but I do think you both need really good people on your side for justice to be done here and I'm asking you to let Gardenia on your side too.

[17] So, I'll put the Family Court case off to that date I said before, 13 September at 11.45. You do not have to come to court that day if you do not want to, especially if all we are going to do is legal talk. But you would be very welcome.

[18] ["I'll come I want to be here"] You will? Awesome. You would be so welcome. You need to be involved because these are important things for you and your voice needs to be heard and so I look forward to seeing you that day. Well [SD], unless there was anything else you wanted to say, or questions to ask, that's it for today. ["Thank you"] You're welcome.

### **Introduction**

[19] The comments, orders and directions referred to above were made in the Auckland Youth Court crossover list on Monday this week where [SD] was appearing because she had charges before the Youth Court and care and protection proceedings before the Family Court. These lists aim to coordinate what is going on for children and young people in [SD]'s situation, because the issues that have brought them before both courts are always inextricably linked and cannot sensibly be dealt with in isolation.

[20] The way that has happened in [SD]'s case is especially poignant. I could not make the right decision about her Youth Court charges without seeing them in the context of her life experience which is one of extraordinary pain and sadness in many respects. There are also aspects of her life that tell, in a very moving way, of her love and devotion, firstly, for her mother which many, I think, do not understand. Secondly her love for her little brother [JD] and her deep and profound grief about the way they were ripped apart by the State and have been kept largely apart ever since.

[21] For reasons that will become apparent, it is necessary to set out [SD]'s journey through the Family Court system before talking about her Youth Court journey.

[22] My hope is that [SD] and her mother will read this decision one day and so it is important to say from the outset that what follows are not findings of facts by me; it is simply information I have taken firstly from [SD] and [JD]'s court files and I am not assuming the information is necessarily all correct. Although [GD] has been involved in the Family Court proceedings to some extent throughout, her voice, and her side of the events referred to below, is largely missing from the files.

[23] The other primary source of the things I will describe is [the social worker]'s outstanding social work report provided for the sentencing, but [GD] refused to provide information about her family for that report as she feels her story has already been shared too many times.

[24] I am very grateful to [the social worker] for providing, in her report, [SD]'s voice in relation to many of the events described below. Adjectives and verbs I have used to describe [SD]'s emotions and presentation at various events and stages of the process are exactly those used by the authors of the relevant documents on file, or of people who were interviewed.

[25] It is not possible or necessary to set out the history in full. Even [the social worker]'s report, which includes a succinct summary of the history, is 28 pages long. Instead I have set out events and issues that are most relevant in the current context and some snapshots of [SD]'s situation and perspective throughout.

### [SD]

[26] [SD] was born on [date deleted] 2005. At that time her mother was in a relationship with Mr [R] and they had two children, [MR] who was nine years old when [SD] was born and [CR] who was eight. It is unclear from the files who [SD]'s father is.

[27] From about 2001 onwards, the Ministry<sup>1</sup> had been receiving numerous notifications of concern about the safety and well-being of the children in the home and so it was already involved with the whānau when [SD] was born. The concerns, which are constant throughout the proceedings, were the children's exposure to family violence, parental alcohol and other drug abuse, emotional abuse and neglect, [details deleted].

[28] On 8 September 2005, an order was made under s 101 of the Act<sup>2</sup> granting custody of [CR] to the Chief Executive. Although it was noted at the time that [SD]

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<sup>1</sup> Over the course of [SD]'s life, the agency currently named Oranga Tamariki has had various other titles and so for convenience and consistency I will refer to it throughout as "the Ministry."

<sup>2</sup> The Oranga Tamariki Act 1989.

and [CR] had a positive attachment to their mother, the Ministry felt they needed to bring the matter before the Family Court because lesser forms of intervention had not succeeded. [GD] was said to be hiding the children away and not cooperating with the Ministry.

[29] On 22 December 2006, a s 78 interim custody order was made in relation to [MR] and [SD]. During the first half of 2007, concerns remained about [GD]'s continuous non-engagement and on 16 July 2007, declarations and s 101 custody orders were made in relation to [SD] and [MR]. Both the Police and the Ministry were involved in taking [SD] and her big brother from their mother.

[30] In the period that followed, whānau members with whom [SD] was placed would take her back to [GD] and so, after various safety checks, [SD] was returned to her mother's care in September 2008 and the custody order was replaced with a support order which expired a year later.

[31] Despite efforts to stabilise [SD]'s placement with [GD], problems continued. The Ministry kept receiving notifications of family harm incidents between [GD] and her new partner, Mr [F], their involvement in criminal offending and of the children being exposed to their alcohol and other drug abuse.

[32] When [SD] was spoken to at that time she spoke lovingly about her mother and her brother [MR] who she describes comforting her when she felt scared during family harm incidents. They were living in a caravan park at the time and on one occasion [SD] had gone to the office, because she was scared of the violence between her mother and Mr [F].

[33] Due to these concerns, Family Court proceedings were commenced again in relation to [SD] in February 2011. On 17 May 2011 another declaration was made and a s 101 custody order in favour of the Chief Executive. [SD] was again removed from her mother and moved through different whānau caregivers before being placed with non-kin caregivers. [SD] found this time very scary and does not remember anyone telling her why it was happening. She was moved from one non-kin placement after disclosing that she was assaulted by her caregiver, but an investigation by Police did



not find that substantiated and no further action was taken. [SD] now reports finding the constant changes of placement extremely traumatising. It made her feel the most alone she has ever felt in her whole life.

[34] During 2011, [GD] was being monitored by the Ministry because she was pregnant. After [GD] completed some alcohol and other drug treatment and several parenting programs, [SD] was returned to her care.

### **[JD]**

[35] [SD]'s younger brother [JD] was born on [date deleted] 2011 and [SD] remembers the lead up to his birth as being a really happy time. That was not to last.

[36] The Ministry had applied without notice for, and obtained, a s 78 interim custody order in relation to [JD] before he was born. Perhaps being aware of that, or at least suspecting it, [GD] left the hospital with her baby before the Police and social worker could get there to separate them. However, they were located [some days later] and [JD] was taken from his mother and placed with caregivers. A declaration in relation to [JD] was made on 28 September 2011 and a s 101 custody order on 26 October 2011.

[37] By 2012, [SD] had been removed again from her mother's care. At some point during that year, access between [SD] and her mother was stopped because of changes in [SD]'s behaviour following the access and concerns about [GD]'s alcohol and other drugs use. [SD] was exhibiting unusual attention seeking behaviours at school including hiding objects.

[38] Before contact would resume, conditions were imposed by the Ministry on [GD] and, although unhappy with them, she complied. Notes from the access visits are that [GD]'s behaviour with the children was good and she was very affectionate, touching them often.

[39] Access between [SD] and her mother during 2013 and 2014 was supervised at her grandmother's house. In early 2013 [SD] was described as being "irrepressibly

excited” to see her mother and, on the drive to access, she talked “excessively” about her. [SD] was always warmly received by her mother and the access was enjoyable for her. [SD]’s little brother [JD] clung to her and followed her everywhere throughout the access. Termination of access was traumatic for [SD] who cried “inconsolably” when it was time to leave.

[40] Later in the year however, [SD] started to become very emotional and tearful and stopped asking for access to her mother but wanted to continue seeing [JD]. Her behaviour changed and, uncharacteristically, she started being mean to other children in the caregiver’s home, bullying them, stealing treats from their bags and being emotional at school. The social worker therefore recommended that access be stopped until [SD] asked for it again.

[41] Social workers visited [SD] at school, but she would not say what was concerning her. The school reported her as being easily upset, crying in class, confused, frustrated, argumentative, angry, stressed and distraught. She was emotionally unsettled, sobbing inconsolably at school but would not verbalise what was causing her to be so distressed. Her level of distress escalated to the point where a referral was made to [a community mental health service] in [month deleted] 2013.

[42] Access resumed soon afterwards, when [SD] asked for it. She settled in well and her time with her mother was happy, but she was distressed when it came time to leave.

[43] [CR], [SD] and [JD] were returned to [GD]’s care in December 2014 and the custody orders were discharged. However, the Ministry continued to receive reports of family harm incidents, neglect, inadequate supervision, frequent alcohol and drug abuse (methamphetamine), criminal activity by [GD] and Mr [F] and their unwillingness to engage.

[44] Those concerns continued throughout 2015 to 2017. The Ministry attempted to put supports in place, but [GD] did not engage. On 16 May 2017 there was a without notice application for a s 78 interim custody order and on notice application for

declaration in relation to both [JD] and [SD]. In October 2017, [SD] was assaulted by her mother who was prosecuted for that.

### **Heartbreak**

[45] On [date deleted] 2018, a declaration and s 101 custody order in relation to both [SD] and [JD] was made. A few days later, both the Police and Ministry staff arrived to remove both children from their home, literally pulling [SD] and [JD] apart as they took them away to be placed separately with no arrangement for them to see each other. No one ever told [SD] why that was done; for her, this was the most traumatic experience of her life and she remains deeply traumatised by it. At the mention of [JD]'s name in court I have seen [SD] become distressed, crying uncontrollably.

[46] In May 2018, [SD] was sent by the Ministry to [a residential "care home"] in [the South Island] (at the very far end of the country from her own home) where she stayed until September. On the way back to Auckland, those transporting [SD] stopped in Hamilton from where she absconded and made her way back to her mother in Auckland.

[47] From August 2017 until January 2019, [SD] was registered as a missing person 20 times by the Police after absconding from various care placements, always to run home to her mother.

[48] [SD] started coming to the attention of the police who made notifications to the Ministry because of the trouble and risky situations she was getting into. Those concerns were at a very high level and were such that the Judge who dealt with the review of [SD]'s care and protection plan on 26 April 2018 described her as being one of the most vulnerable young people she had identified.

[49] Due to her continuous absconding from everywhere she was placed, [SD]'s Custody Order was eventually discharged in favour of a Support Order and [SD] was returned to the care of her mother. The Judge who made those orders on 16 May 2019, referred to the custody order being discharged "on the basis of extreme disdain held

and demonstrated by [SD] and her mother resulting in an inability to work with and protect [SD].”

[50] The Support Order expired a year later due to the complete non-engagement by [SD] and her mother. Eventually everyone gave up trying to keep them apart. However, the Ministry applied for and obtained an additional guardianship order to ensure that the Ministry was “able to make decisions based on what is best for [SD] regarding her placement options, health and educational needs”. The order, which remains current, is recorded as being “for all purposes” which is something I will return to later.

[51] Both [SD] and her mother describe the time apart from each other and [JD] as extremely distressing. Since 2018, [GD] has had limited contact with [JD] which decreased even further in September 2019, when she made threats to kidnap [JD] in court before a Family Court Judge.

[52] At a hearing in October 2019, to determine care arrangements regarding [JD], the Judge found [GD] to lack complete insight into her shortcomings and ability to care for [JD]. [SD], who by this stage was getting into trouble and not going to school, was essentially bracketed with her mother as a potentially detrimental influence on [JD] if access was to occur. For reasons I will comment on later, it is concerning that this is the only reference I can find on any file to sibling contact being mentioned. The issue of contact is otherwise only ever viewed as something between the parents and the children concerned.

[53] It is very clear from the court files regarding [JD] that the time following his removal from his mother and sister was very distressing for him too. His concerning behaviours included crying and anxiety at school and talking of how he missed his family. A file note from a teacher described [JD]’s distress at being away from his family as “heart-breaking”.

### **Adding trauma to trauma**

[54] The constant disruption to [SD]'s life, by the pattern of removing her from home, sending her from place to place and school to school, only to return her home before starting the cycle over again, has impacted on her adversely in so many ways.

[55] [SD] feels as if her family has been torn apart and the pain of that is still so raw that she and her mother have stopped celebrating events like birthdays and Christmas because it is too painful without [JD].

[56] Since starting school, the day after her fifth birthday, [SD] was enrolled at 14 different schools between 2010 until 2021. In more recent years, [SD] has had large periods of absenteeism which has affected her ability to re-engage once education was re-established. In April 2020, Auckland City Educational Services ("ACES") truancy services became involved and [SD] was enrolled with Te Kura Correspondence. At that point [SD] had been out of school for a year, with her previous year level being year 8. For reasons unclear, [SD] was enrolled with Te Kura at a Year 11 NCEA level. As a result, [SD] was unable to complete the work on her own and therefore, she did not engage. This experience knocked her confidence in her academic ability which has had ongoing implications for her engagement with education recently.

### **Youth Court**

[57] As already mentioned, [SD] had started coming to the attention of the police and, when she was old enough to be drawn into the youth justice system, inevitably she was. Initially her lower level offending, such as shoplifting, was dealt with in the community by alternative action. However, eventually she came before the court.

[58] The charges [SD] has admitted, in relation to which I made the s 282 order are:

- (a) **Robbery.** At [date deleted] **2020**, [SD] and the victim, [an under 15]-year-old girl, caught the same train [between two suburbs in Auckland]. Whilst on this train ride, both girls were staring at each other, which [SD] found offensive. When the victim got off the train, [SD] did too. After following the victim a short distance, [SD] grabbed her by the

arm and punched her in the face several times and threatened her with further punches unless she handed over her iPhone. Out of fear, the victim gave [SD] her phone and PIN number and [SD] ran off. The incident was emotionally distressing for the victim who was scared afterwards to go out in public and required counselling for that. She sought a koha of \$120.00 which [SD] was willing to pay.<sup>3</sup> Because [SD] failed to attend an intention to charge FGC, the charge was laid in court on 6 August 2020.

- (b) **Escaping custody on [date deleted – date 1] September 2020.** [SD] made her first appearance in court on 6 August 2020. She failed to appear on 24 August, but a warrant to arrest her was not sought. Instead a joint visit between the Youth Aid Police and a social worker was attempted. When [SD] failed to appear at court on 31 August, a warrant to arrest was issued. [SD] was arrested and appeared on [date deleted] September, was remanded in custody and promptly took off.
- (c) **Attempted abduction and Crimes Act assault on [date deleted] September 2020.** On [that date], [SD] went to the school [JD] attended and waited around his classroom. [JD]’s teacher saw [SD] and told her to leave as she was not allowed on school grounds or to see [JD]. A short time later [SD] went to [JD]’s classroom and, using a chocolate bar, enticed him to come out and talk to her. [SD] took hold of [JD]’s arm and the teacher came out to intervene and called out for assistance. [JD] sat down on the ground to prevent [SD] from pulling him further. When the teacher took hold of [JD]’s other arm to prevent [SD] from picking [JD] up, he came out of [SD]’s grip and ran back to his class. [SD] then punched the teacher on the right side of the back of her head and ran off. The teacher was shocked by the incident and concerned about the level of security at the school but suffered no injury. There is no mention of any adverse impact of this on [JD]. As mentioned later, he wants to see his sister, feels safe with her, and has enjoyed time they

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<sup>3</sup> A reparation order was made on Monday 16 August 2021 under s 283(f) in conjunction with the s 282 order in accordance with s 282(3) of the Act.

have spent together recently.

- (d) **Aggravated robbery on [date deleted] October 2020.** At [date deleted] 2020, the 14-year-old victim was walking through an underground walkway tunnel in [Auckland] and went past [SD] and another young person who were sitting at a bus stop. They then followed the victim. When the victim stopped to do up her jacket, placing her bag on the ground, [SD] and her friend asked the victim to use her mobile phone. She declined. [SD] grabbed the phone, held it behind her back, and resisted the victim's efforts to regain it. When [SD] asked for the pin code, the victim gave it, fearing she may be harmed if she didn't. [SD] then punched the victim in the left side of the face with her right hand knocking the victim to the ground. Whilst on the ground [SD] grabbed the victim's feet and took her white Nike shoes. The other young person took the victim's bag which contained her wallet, HOP card, debit card and other miscellaneous items. [SD] and her friend then left. The victim was significantly traumatised by this incident and found being left without shoes, as she went to seek help, humiliating and dehumanising. Reparation was not sought by the police.
- (e) **Escaping custody on [date 1] September 2020.** When remanded in custody that day, [SD] was taken to the Lighthouse (a non-secure community residence for girls) but a few hours after arriving there she escaped.
- (f) **Theft on [date deleted] October 2020.** At about 9.30 pm that day, [SD] and the victim were both on a train heading [between two suburbs in Auckland]. The victim was sitting by a window with her bag next to her, on the seat by the aisle. As the train stopped at the station [SD] got out of her seat, grabbed the victim's bag, and ran off from the train with it. The victim gave chase but was unable to catch [SD]. This caused the victim a lot of fear and made her more cautious about walking by herself in public. No reparation was sought.

- (g) **Assault with a weapon on [date deleted] January 2021.** That was a Saturday, and at about 4.15pm, [SD] and the victim, who did not know each other, were travelling by bus [between two suburbs in Auckland]. [SD] was with an associate. All three got off the bus and as they did, [SD] put on a pair of knuckle dusters, punched the victim in the head and took her phone which was later returned. The victim received a bump to the head, a damaged fingernail and bruising to her cheek and a sore jaw. She is still struggling with the emotional harm and is seeing a psychologist regularly for that. She and her family remain fearful because of things [SD] and her companion said to the victim.
- (h) **Escaping custody on [date deleted] January 2021.** [SD] appeared in court that day in relation to the assault with a weapon charge was remanded in custody. She escaped from custody two days later.

[59] After admitting those charges, the Youth Court process followed the normal path; [SD] was given the opportunity to complete a FGC plan, which was modified a few times. It included writing apology letters to victims, doing community work, having a mentor, going to counselling for alcohol and other drug use, going back to school and being subject to restrictive bail conditions that for a long time included a curfew with night time bail checks being carried out by the Police.

[60] [SD] struggled with many parts of the plan and did not complete several aspects, including counselling and community work. Her engagement with her mentor and her attendance at school was poor. It reached a point where it was decided that a decision would need to be made by the court about disposition.

[61] [SD]'s Youth Aid Officer, who is reported to be extremely disappointed and frustrated with [SD]'s lack of engagement with her FGC plan, and what he sees as her continuous unjustified refusal to engage, thought that a Supervision with Activity Order<sup>4</sup> should be made to give [SD] the structure and support she requires. The Police Prosecutor however submitted that a supervision order would be sufficient.

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<sup>4</sup> This order is the Group 5 response in s 283 of the Act; the second to highest order available in the hierarchy of orders in the Youth Court.



[62] Although it is true that [SD] had limited engagement with Korowai Mentoring, Supported Bail and Vocational Mentoring, and poor attendance at Tamaki College, the problem with those and other aspects of the plan was more to do with the plan itself rather than with [SD]. Plans need to be tailored to the individual needs and abilities of a young person, not the one-size-fits-all format that is adopted all too often. In this case, what was needed was a plan designed far more carefully to meet [SD]’s situation, and that was not done.

[63] In particular, the failure to engage properly needs to be seen against [SD]’s life history, so as to understand the reasons why she and her mother want to shut everyone out. It is also clear that there were unrealistic expectations about her re-engagement at school, given the many disruptions to her education and the way previous attempts to manage re-engagement were not handled well.

### **Criminalising care and protection**

[64] [SD]’s journey through the Youth Court process has been traumatising in a variety of ways related to her historical “care” experiences. She struggles to trust people, feels targeted, and does not feel she receives any acknowledgement for the positive things she has done. Both she and her mother have expressed confusion and fear when words like ‘monitoring’, ‘supports’, ‘programs’, and the acronym ‘FGC’, are used. Given their experience in the Family Court system, such things made them feel like their involvement in the Youth Justice system would result in the same outcome of having [SD] removed from her mother’s care.

[65] [Your social worker] describes an occasion when she was with [SD] as they entered one of the Ministry offices where [SD] was to do some community work. [The social worker] observed [SD] become physically upset, with tears in her eyes, explaining that Ministry and Police buildings “trigger” her memories of being brought in after being removed from her mother. Despite that anxiety, [SD] insisted on doing her community work that day which involved making sanitary packs for local community pantries explaining that she knew there are people out there who needed such resources and she felt proud to be part of giving back to her community.

[66] Having the police constantly visiting the home at night to do bail curfew checks must have been a living nightmare at times for [SD] given the role the Police played on at least three occasions to remove her from home as a child, most notably the traumatic separation from [JD] in 2018.

[67] It is hard to believe things could get much worse than that. But they did. On [date deleted] June 2021, I was presiding in the Auckland Youth Court and was told [SD] had been arrested and was in the court cells. The following are the first two paragraphs of the minute I recorded that day, describing what had happened:

[1] [SD] is just 16 years old. At 6 am today, she was arrested by the police, placed in handcuffs, taken in the police car initially [details deleted]. After that, she was transported to the Auckland Custody Unit before being brought to the Auckland District Court where she has been in the cells on her own until being brought into court at 2.15 pm.

[2] The police had given notice that they would be opposing her bail but the documents I had seen before walking into court did not indicate why she had been arrested or why bail was being opposed. It turns out that the police concern was that [SD] has been staying sometimes at the address of someone who the police believe is using children to involve in criminal activity. After clarifying the situation here, it was accepted by the police that essentially the concerns for [SD] were to do with her wellbeing as opposed to her being involved in further offending. She might have been breaching the residential condition of her bail sometimes, but she wasn't and hasn't been committing further offending or posing any danger to public safety. There has been no further offending, certainly none that has come to court, since January this year.

[68] This is yet another example of how we criminalise care and protection in this country. To charge and treat [SD] as a criminal for going to see her little brother at school, against the background of how those two children were forcefully taken from each other's lives, and the role of the Police in that, is shocking. Any concerns about [SD] choosing the option of going to see [JD] at school could and should have been dealt with in other ways.<sup>5</sup>

[69] To use powers of arrest and detention on [date deleted] June, supposedly out of concern for [SD]'s well-being because of a risk that someone might try and involve her in offending (whilst acknowledging she has not been offending), is an extraordinary abuse of power.

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<sup>5</sup> See paragraphs [103] to [105] below.

### **Re-introducing [SD]**

[70] Before turning to the law, it is important to mention the other things I have learnt about [SD] from everything I have read and heard about her and from our meetings in the courtroom.

[71] [SD] is of Cook Island descent. Her maternal whānau are from the Island of [name deleted]. [SD]'s mother was the first of the New Zealand born generation after her own mother moved here in the 1960's. Family celebrations are a time when Cook Island culture is apparent. [SD] says some Cook Island Māori is spoken at home, but usually just the basic greetings and commands. [SD] says overall, she knows little about the Cook Islands and mostly identifies as being a "kiwi" from [Auckland].

[72] Despite the pain and sorrow [SD] has endured throughout her young life, there are wonderful aspects of her character that shine through in the reports and other information on file, and when you meet her. Reports from the schools she went to describe her as a friendly, engaging, bright, outgoing girl whose behaviour and manners were always very good.

[73] At [primary school], in [year deleted], [SD] won the school talent contest. When she was in [the South Island] at the residence she was sent to, [SD] did extremely well with her learning. The absences from school in the previous three years were resolved with academic testing showing [SD] was moving towards being at the appropriate level for her age. [SD] has reflected on her time in [the South Island] and says that although it was really upsetting and hard to be away from her family, it was the most focused she has ever been with her education. [SD] speaks about [the South Island] as one of her favourite places and has a goal to return for a visit.

[74] In every meeting I have had with [SD], in the alien environment of a courtroom, she has been consistently engaging, respectful and polite in her own shy way. As I acknowledged to her in court on Monday, we have all underestimated her ability to make good choices about the path she should take in life and I am very impressed by steps she has taken, completely on her own, to find the start of the pathway that suits her.

[75] On [date deleted] July 2021, [SD] walked into the local [shop type deleted] in [her Auckland neighbourhood] and asked for a part time job. She is currently being paid for this job but reports she will be looking at making this job legitimate once her Court matters are finished. Her employer will only give her more than three shifts per week, if she shows him a plan for her education, as he wants her to aim higher for her future. This has been a very big motivator for [SD] and she has plans to look for full-time work at McDonalds in the near future.

[76] [SD]'s ideas for moving forward include meeting with her grandmother more regularly and being included in the bi-monthly visits with [JD]. However, [SD] will never leave her mother's care to be with other family members; only if she was moving out on her own.

[77] [SD] also has set herself a goal to look for more regular and potentially full-time employment within the customer service/hospitality field. She feels this will be a better pathway for her as she is driven to earn money. [SD] is also driven to work on her health and fitness as a way of dealing with her emotions and creating a healthier lifestyle and has recently obtained some fitness equipment to get started.

### **[JD]'s current situation**

[78] [JD] is currently with a non-kin caregiver due to a "Home for Life" placement falling over. [JD] became unsettled and distressed during that placement breakdown and so no access arrangements were made for some time for him to see his mother and sister.

[79] [JD]'s and [SD]'s maternal grandmother is currently being explored as a possible placement option for [JD] and there is an agreement that access for [SD] and her mother can occur bi-monthly (ie; once every two months), supervised at the grandmother's house. Earlier this year [JD] enjoyed a visit he had with [SD] and said he was happy to see her and not afraid. Reports refer to [JD] saying he enjoys seeing his sisters, [SD] and [CR], and wants to continue to have visits with them both.

## Law

[80] In the following assessment of the relevant law I will consider issues that are relevant to both the Youth Court and also the Family Court proceedings for [SD], starting with the Act.

[81] I have carefully considered in particular sections 4, 4A, 5, 13, 208 and 284 but do not think it is necessary to set them out in full here. Most of things that those sections require me to consider have been covered already or will be before the end of this judgement. Instead I will refer to aspects of those sections that I consider most relevant in this context.

## Purposes<sup>6</sup>

[82] The overarching purposes of the Act are to promote [SD]'s well-being and best interests, and that of her whānau and family group in the various ways specified in s 4. The types of affirmation, support, assistance and more that are required have not been provided anywhere close to adequately throughout the Family Court and Youth Court proceedings.

[83] A significant reason for that has been the persistent non-engagement by [GD] and then [SD]. However, the Ministry's interventions in the Family Court proceedings over the course of [SD]'s life simply replaced one form of abuse with another and that has been deeply traumatising for this vulnerable girl and her mother. I am sure the major reason for the non-engagement of [SD] and her mother is the brutal way the State intervened in their lives on many occasions.

[84] There is however an opportunity here to put at least some things right in accordance with the Act's purposes. One particular purpose I draw attention to is the requirement to maintain and strengthen [SD]'s relationship, not only with her family, but with **her siblings**<sup>7</sup> (emphasis added).

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<sup>6</sup> Section 4.

<sup>7</sup> Section 4(1)(h)(ii).

## **Sibling relationships**

[85] The sibling relationship is almost always collateral damage when the State rolls out its heavy machinery to intervene in the lives of families like [SD]'s. On at least three occasions in [SD]'s life, the combined power of the New Zealand Police and the Ministry took [SD] and her siblings not only from their mother and their home but from each other. In relation to [JD], he was literally torn away from [SD], without any explanation being given to the children as to why that happened, and without any thought given to maintaining and strengthening that relationship.

[86] As often happens, [SD] and her siblings were almost always located separately after they were taken from their home and little if any thought was given to them seeing each other at anything close to adequate frequency.

[87] Throughout [SD]'s and [JD]'s files, there is no mention of anyone considering their right to spend regular, happy good quality time with each other. The only time they are mentioned in the same paragraph of a judgment regarding access, is in 2019 when [SD] is bracketed with her mother as a potentially bad influence because, by then, she wasn't going to school and had been coming to police attention.

[88] One great injustice of that is that, very often, the sibling relationship is the most enduring relationship, especially in cases involving various forms of abuse and neglect by parents - often more enduring than the parent-child relationship.

[89] In cases like [SD]'s there is often a special bond of empathy, care and protectiveness that makes the sibling relationship special. Consider, for example, [SD] telling her social worker about her older brother [MR] comforting her during family harm incidents when she was little. Just as [MR] showed his protective instincts to comfort [SD] when she was little, she wants to try and protect [JD] from going through what she has. As [SD] has since explained to [the social worker], when she went to see [JD] at school, all she wanted was for him to know his family still love him and want him. [SD] felt she needed to tell [JD] this, because when she was going through various care placements herself, she felt extremely alone and did not want [JD] to feel this way.

[90] Surely, if the purpose in s 4(1)(h)(ii) is honoured here, [SD] and [JD] will be able to start seeing each other often and regularly, going to the movies, catching up at McDonalds, talking and laughing about how the week has gone and just being there for each other, only a call or a text message away if they need get in touch.

[91] A supervised visit every two months is hopelessly inadequate and at complete odds with this purpose of the Act.

### **Wellbeing and best interests<sup>8</sup>**

[92] In relation to [SD]'s Family Court case, her well-being and best interests are the first and paramount consideration.

[93] The 4 primary considerations in relation to [SD]'s Youth Court case are

- (a) Her well-being and best interests; and
- (b) the public interest, including public safety; and
- (c) the interests of the victims; and
- (d) Accountability for her behaviour.

[94] [SD]'s well-being and best interests have clearly not been a priority at all in how she has been treated in either the Family Court or the Youth Court. The approach taken to concerns about her well-being at home as a child, was to further traumatise her by the heavy-handed removals from her home, her mother and her siblings and then constant changes of placements and schools. She has then been even further traumatised by the way the Youth Justice system has criminalised aspects of her care and protection situation, in a way I described earlier.

[95] There is a public interest in ensuring that we support vulnerable children and young people who come to notice for offending on to good, well supported pathways in life and do the best we can to reduce risks of reoffending. There is not a public interest in over-involving them in criminal justice processes that only increase risk. As [the social worker] points out, [SD] has not reoffended since January this year and

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<sup>8</sup> Section 4A.

is now making sensible life decisions and that seems to coincide with her being able to see [JD] again.

[96] [SD] has provided apology letters to her victims and was willing to pay reparation to any victims who sought that. Only the victim of the robbery on [date deleted] May 2020 was seeking a koha of \$120.00 and [SD], with help from [the social worker], will do some fund raising to pay that.

[97] Being held accountable can be achieved in a wide variety of ways and is not limited to simply completing community work hours. As [the social worker] points out, during the time [SD] has been before the Youth Court she has spent five months on a 24-hour curfew, three months on a 7pm-7am curfew, one month on EM bail. She spent one day in a community placement, 10 days at Korowai Manaaki (the secure residence in Auckland) and has been arrested over three times, including the unjustified arrest on [date deleted] June 2021. [SD] also had over 24 court hearings, completed her apology letters to victims, was willing to pay reparation to any victim seeking that and has had over 40 social work engagements. Given [SD]’s traumatic “care” history, especially the role the Police played several times in removing her from her home and loved ones as a child, the re-traumatising experiences she has endured in the Youth Court add another level of accountability. That criterion has been well and truly satisfied.

### **General principles<sup>9</sup>**

[98] The general Principles that must guide everyone exercising powers under the Act now include respecting and upholding [SD]’s rights under the UN Convention on the Rights of the Child<sup>10</sup> (“the CRC”) which I will deal with separately below. They also require that [SD] must be treated with dignity and respect at all times and protected from harm. Although that has clearly not happened in the past, we have an opportunity here to put things right for [SD], her mother and her whānau in the future.

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<sup>9</sup> Section 5.

<sup>10</sup> United Nations Convention on the Rights of the Child 1577 UNTS 3 (opened for signature 20 November 1989, entered into force 2 September 1990) [CRC].



[99] On the issue of respect there is a very important aspect of this case that needs to be highlighted. There is widespread concern and criticism of [SD] and her mother for closing their door to everyone, failing to engage in the process and generally appearing to be disrespectful to the law and those in “the system” by trying to shut everyone out.

[100] In this regard, respect is required both ways. In my experience, there is usually respect shown for the law, and “the system”, if the law and the system is respectful itself in the way it is applied and administered by those responsible. This is not to suggest for one moment that there were not genuine reasons for the State to become involved out of concern for the well-being of [SD] and her siblings; most definitely that was necessary. But the way that happened throughout was often by simply replacing one form of abuse and neglect with another. It was rarely if ever respectful, nor did it show proper regard for [SD]’s well-being and best interests. It is little wonder to me that [GD] and [SD] do not want anything to do with anyone involved in a system that they feel has shown no respect for them.

[101] What stands out here however is that the door to the home of [SD] and her mother has been opened for [the social worker] because she has approached the task of engaging with them in a respectful, patient, polite, professional manner and provided a voice for [SD] and her mother that would not have been heard otherwise. If you look back through the history I have summarised, that says something that is enormously important. There is a lesson in that for all of us.

### **Care and protection principles<sup>11</sup>**

[102] Again, the paramountcy of [SD]’s well-being and best interests is emphasised here. Strengthening and supporting a child’s connection to family, whānau and extended family is an especially high priority. The need to maintain and strengthen the sibling relationship, and to preserve the connection between siblings is specifically referred to.<sup>12</sup>

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<sup>11</sup> Section 13 of the Act.

<sup>12</sup> Sections 13(2)(i)(D) and 13(2)(j)(ii)(A).

### **Youth Justice principles<sup>13</sup>**

[103] In relation to the Youth Justice principles<sup>14</sup> of relevance I draw attention to the first<sup>15</sup>, that unless the public interest requires it, criminal proceedings should not be instituted if there is an alternative way of dealing with the matter.

[104] There was no public interest in charging [SD] criminally with abducting [JD],<sup>16</sup> and a Crimes Act assault of the teacher. It was entirely possible to bring home to [SD] that she chose the wrong way to go about trying to achieve what she wanted without laying such serious charges. She clearly meant her brother no harm whatsoever, and because no one had thought to organise a way for her to see him, taking matters into her own hands is not surprising.

[105] The principle of addressing underlying causes of offending is dealt with in the next section.

### **Factors to be taken into account on sentencing<sup>17</sup>**

[106] The nature and circumstances of the offending committed by [SD] is set out at paragraphs [58](a) to (h) above. The charges involving violence are all very serious, and the impact on victims emotionally substantial. [SD] is justifiably ashamed of her terrible behaviour. She has made her apology to the victims and was willing to pay reparation to any victim seeking that.

[107] [SD]'s personal history, social circumstances, and personal characteristics have been set out in detail already.

[108] I have no doubt at all that [SD]'s remorse for all of her offending is deep and genuine. [The social worker] refers to observing that and I have seen it myself when the issue has been discussed in court. [SD] is embarrassed about her offending, cannot now believe she did such horrible things and cringes when she hears the summaries of

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<sup>13</sup> Section 208.

<sup>14</sup> Section 208.

<sup>15</sup> Section 208(2)(a).

<sup>16</sup> Later amended to an attempted abduction.

<sup>17</sup> Section 284.

facts read. More recently, she has expressed feeling “really bad” for the violence she used in some offending and is very angry at herself because she is not usually a violent person, and the offending was really violent.

[109] The issue of underlying causes of [SD]’s offending is addressed at some length by [the social worker] in her report and I cannot do better than to set out some of her helpful submissions on this issue:

- (a) Adverse Childhood Experiences (“ACEs”) are used to show the correlation between childhood trauma and negative wellbeing outcomes in adulthood. Out of the 10 commonly known ACEs, [SD] has experienced seven; physical abuse, verbal abuse, physical neglect, emotional neglect, a family member who is addicted to alcohol or other substances, witnessing their mother being abused and losing a parent via separation.
- (b) Although not a New Zealand study, Fox et al., (2015) found in their research that young offenders report a higher rate of ACEs than those from the general population. The study suggested that the more ACEs reported by the young person, the more serious the offending is. This can be seen with [SD]’s situation with seven ACEs apparent, and her offending becoming increasingly more violent over time. Also, [SD] has directly expressed how traumatic she found the involvement of the Ministry in her life.
- (c) The Youth Justice Indicators Summary Report (2020)<sup>18</sup> shows that 88% of young people referred for a Youth Justice FGC have had a previous report of concern in relation to their need for care and protection and suggests this figure is closer to 100% for females. Given [SD] has had over 16 reports of concern in her lifetime, these statistics suggest a referral to Youth Justice would be concerningly inevitable.

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<sup>18</sup> *Youth Justice Indicators Summary Report December 2020*. (A “report of concern” is made under s 15 of the Act).

- (d) Dynamic risk factors are another consideration for the underlying causes of [SD]'s offending. These are the changeable features of a person and the environment which can be thought to predict higher rates of offending and reoffending. [SD]'s history indicates attachment and the ability to form consistent and meaningful attachments has been significantly interfered with. [SD] was removed from [GD]'s care and placed with eight different caregivers during her time in the Ministry's care. Research suggests that experiences like these during the developmental years can lead to challenging behaviours and an inability to form meaningful relationships, leading to a lack of understanding around empathy and sympathy. Being removed from her mother's care along with [JD], and not ever having him returned, has meant family gatherings and celebrations have ceased, leading to longer periods without seeing extended family such as grandparents, cousins, and uncle and aunts.

[110] In my view, the absence of any meaningful contact with [JD] in her life, and how that came to be, is an underlying cause of [SD]'s offending. [The social worker] points out that there has been no further offending by [SD] this year since some contact resumed, albeit minimal.

### **Rights**

[111] As mentioned earlier, the Act now requires that [SD]'s rights under the CRC must be respected and upheld. In a variety of ways those rights go above and beyond the numerous rights and protections afforded to [SD] under the Act.

[112] When New Zealand ratified the CRC in 1993, that amounted to a guarantee to every single child in the country, that they are entitled every single day, to every one of the rights and protections contained in all 54 articles without qualification or compromise. That should mean what it says, and it does for the vast majority of children in New Zealand. For children whose upbringing is like [SD]'s it does not. Just as her treatment at the hands of the State has been contrary to the purposes and principles of the Act, it has shown almost complete disregard for her rights.

[113] The preamble to the CRC includes recognition that children, by virtue of their age, are entitled to certain safeguards and protection including legal protection. It also emphasises such things as the need to recognise that, for the full and harmonious development of her personality, [SD] should grow up in a family environment, in an atmosphere of happiness love and understanding. Just one of many sad examples of how [JD]'s removal from [SD]'s life (and her mother's) breaches this right, is the knowledge that his absence means that even events such as birthdays and Christmas are not celebrated, such is their sadness.

[114] Articles of the CRC that are relevant in [SD]'s case include:

- (a) Article 3 which requires that [SD]'s best interests be a primary consideration;
- (b) Article 8 which says we should respect [SD]'s right to preserve certain aspects of her identity, including their family relations, which must of course include siblings;
- (c) [The social worker] drew attention to article 13 which requires that [SD] has a right to express her views, obtain information and make ideas or information known;
- (d) Article 16 which says that [SD] should not be subjected to arbitrary or unlawful interference with her family (including siblings);
- (e) Article 40 which provides that sanctions and outcomes should be consistent with the promotion of [SD]'s sense of dignity and worth and also provides that a variety of dispositions should be available to ensure she is dealt with in a manner appropriate to her well-being and proportionate to the circumstances and the offending.

[115] Obviously, some of those articles are specific to the Family Court proceedings for [SD], and others to the Youth Court, although it is the breach of the articles regarding family-focussed rights that has contributed to [SD] being in the Youth Court.

As we move forward, respecting and upholding those family focussed rights must be a priority.

### **UN general comment no 24 (2019)<sup>19</sup>**

[116] On 18 September 2019 the UN issued its latest general comment, no. 24, (2019) on children's rights in the child justice system.

[117] The introduction points out, amongst other things, that children differ from adults in their physical and psychological make up, which constitutes the basis for lesser culpability and for a separate system with a differentiated individualized approach. It says that exposure to the criminal justice system has been demonstrated to cause harm to children, limiting their chances of becoming responsible adults. The commentary goes on to say that children accused of having infringed the criminal law need to be treated in a manner consistent with their sense of dignity and worth and that the evidence shows the prevalence of crime committed by children decreases after the adoption of systems in line with those principles.

[118] One of the strong themes of the general comment is an emphasis on increasing efforts to divert children from criminal justice processes. In the Objectives and Scope section for example:

- (a) Paragraph (6)(c)(ii) refers to promoting key strategies for reducing the especially harmful effects of contact with the criminal justice system, in line with key knowledge about children's development, and in particular scaling up the diversion of children away from formal justice processes and also the use of non-custodial measures to ensure detention is used as a measure of last resort.
- (b) Paragraph (7) encourages the use of non-stigmatising language relating to children who have infringed criminal law.

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<sup>19</sup> Committee on the Rights of the Child *General comment No. 24 (2019) on children's rights in the child justice system* UN Doc CRC/C/GC/24 (18 September 2019).

- (c) Paragraphs (8) and (13) both provide that measures for referring children away from the justice system should be considered at any time prior to, or during the relevant proceedings.
- (d) Paragraph (15) says “diversion involves the referral of matters away from the formal criminal justice system, usually to programs or activities. In addition to avoiding stigmatisation and criminal records, this approach yields good results for children, is congruent with public safety and has proved to be cost effective.”
- (e) Then, and importantly, paragraph (16) says “diversion should be the preferred manner of dealing with children in the majority of cases. State parties should continually extend the range of offences for which diversion is possible, including serious offences where appropriate.”

[119] Paragraph (72) emphasises that we should continually explore the possibilities of avoiding the court process or conviction through diversion and other measures.

[120] By reference to this helpful guidance, I am sure it was appropriate to bring [SD]’s Youth Court involvement in all respects to an end. She has done as much as she can do to try and put things right with her victims and has well and truly been held accountable.

[121] There is no useful purpose in ongoing Youth Court involvement and indeed allowing that to happen would only continue to traumatise her, thereby increasing her risk profile and would be contrary to her well-being and best interests.

[122] As to the Police desire to have her made subject to an order that would leave a record of her Youth Court involvement, the UN general comment is instructive. It is apparent from the text that the strong emphasis on increasing the use of diversion, even for serious offending in appropriate cases so as to avoid stigmatization, is based on the latest science which tells us that the prevalence of crime committed by children decreases after adopting approaches in line with the principles set out in the general comment.

## Result

[123] For all those reasons, the charges [SD] faced in the Youth Court were discharged under s 282 of the Act.<sup>20</sup>

[124] The issue of access between [SD] and [JD] needs to be addressed by the Family Court and the options for doing that will be considered at the conference on 13 September 2021.

[125] As I mentioned above<sup>21</sup>, the additional guardianship order in favour of the Chief Executive “for all purposes” should now be the means by which this issue is resolved, by reference to the relevant purposes and principles of the Act I have referred to, as well as the articles of the CRC.

[126] I am aware that the next review of [JD]’s care and protection plan has been set down for a judicial conference at the Manukau Family Court on 13 October 2021 at 10 am and it would be good to see if the issue of access could be resolved by then.

[127] If a mediation conference is considered to be a suitable means of trying to reach agreement, I am happy to offer whatever time is needed for that on my next Judge Directed Day (“JDD”) which is on 22 September 2021.

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Judge AJ Fitzgerald  
Youth Court and Family Court Judge

Date of authentication: 20/08/2021  
In an electronic form, authenticated electronically.

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<sup>20</sup> With the addition of the reparation order referred to at paragraph [58](a) above.

<sup>21</sup> At para [50] above.