



# **Children, Young Persons, and Their Families Amendment Act 2012**

Public Act    2012 No 99  
Date of assent    11 December 2012  
Commencement    see section 2

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**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Children, Young Persons, and Their Families Amendment Act 2012.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Principal Act amended**

This Act amends the Children, Young Persons, and Their Families Act 1989.

**4 Expiry of orders**

- (1) Section 296(1) is amended by adding “; or”, and also by adding the following paragraphs:

“(j) a custody order under section 297B(5); or

“(k) a custody order under section 307(4).”

- (2) Section 296(2) and (3) are repealed and the following subsections substituted:

“(2) The order expires (if it does not expire sooner) when the young person in respect of whom it is made attains the age of 18 years, if it is—

“(a) an order specified in subsection (1)(a) to (i) and made on or after 1 October 2010; or

“(b) an order specified in subsection (1)(j) or (k) and made after the date on which the Children, Young Persons, and Their Families Amendment Act 2012 comes into force.

“(3) The order expires (if it does not expire sooner) 6 months after the young person in respect of whom it is made attains the age of 17 years if it is an order specified in subsection (1)(a) to (i) and made before 1 October 2010.

“(4) The order expires under section 108 if it is an order specified in subsection (1)(j) and (k) and made before the date on which the Children, Young Persons, and Their Families Amendment Act 2012 comes into force.”

**5 Interim suspension order**

Section 296F(3) is amended by omitting “or (2)”.

**6 Nature of programmes, who may consent to medical treatment, and related custody orders**

Section 297B is amended by repealing subsection (7) and substituting the following subsection:

- “(7) A custody order under subsection (5) has the same effect as if the young person had been placed in the custody of the relevant person or organisation under an order under section 101, except that—
- “(a) a custody order under subsection (5) expires under section 296 (and so generally not under section 108); and
  - “(b) section 365 (which would empower the chief executive to place the young person in a residence established under section 364) does not apply to the young person.”

**7 Supervision with activity order**

Section 307 is amended by repealing subsection (6) and substituting the following subsection:

- “(6) A custody order under subsection (4) has the same effect as if the young person had been placed in the custody of the relevant person or organisation under an order under section 101, except that—
- “(a) a custody order under subsection (4) expires under section 296 (and so generally not under section 108); and
  - “(b) section 365 (which would empower the chief executive to place the young person in a residence established under section 364) does not apply to the young person.”

**8 Privilege for reports**

Section 338 is amended by omitting “section 308C or section 319A” and substituting “section 296M or section 308C or section 314 or section 319A or section 320”.

**9 Access to reports and plans under this Part**

- (1) Section 339(a) is amended by omitting “section 308C or section 319A” and substituting “section 296M or section 308C or section 314 or section 319A or section 320”.
- (2) Section 339(b) is amended by inserting “section 296M or” after “pursuant to”.

**10 Application of sections 362, 364, 365, 387, 390 to 392, 394, and 395**

Section 361 is amended by inserting the following paragraph after paragraph (h):

“(ha) any child or young person who is placed in the custody of the chief executive or an iwi social service or a cultural social service or the director of a child and family support service pursuant to an order made under section 297B(5) or 307(4) (except that, under section 297B(7)(b) or 307(6)(b), section 365 does not apply to the child or young person):”.

**11 Chief executive may place children and young persons in residences**

Section 365(5) is amended by inserting “sections 297B(7)(b) and 307(6)(b) (which ensure this section does not apply to children and young persons subject to custody orders under sections 297B(5) and 307(4)) and to” after “This section is subject to”.

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**Legislative history**

5 December 2012	Divided from Statutes Amendment Bill (No 3) (Bill 349–2) by committee of the whole House, third reading
11 December 2012	Royal assent

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This Act is administered by the Ministry of Social Development.

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