



Children, Young Persons, and Their Families Amendment Act (No 2) 2013

Public Act 2013 No 110
Date of assent 4 December 2013
Commencement see section 2

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New Schedule 1AA inserted	

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

This Act is the Children, Young Persons, and Their Families Amendment Act (No 2) 2013.

2 Commencement

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

3 Principal Act

This Act amends the Children, Young Persons, and Their Families Act 1989 (the **principal Act**).

4 New section 2A inserted (Transitional and savings provisions relating to amendments to this Act)

After section 2, insert:

“2A Transitional and savings provisions relating to amendments to this Act

“(1) Schedule 1AA contains transitional and savings provisions—

“(a) relating to amendments made to this Act on or after the commencement of the Children, Young Persons, and Their Families Amendment Act (No 2) 2013; and

“(b) that affect other provisions of this Act (*see* subsection (2)).

“(2) The transitional and savings provisions set out in Schedule 1AA, which relate to amendments made to this Act on or after the commencement of the Children, Young Persons, and Their Families Amendment Act (No 2) 2013, have effect for the purposes of this Act.”

5 Section 311 amended (Supervision with residence order)

Replace section 311(2A)(a) with:

“(a) adjourn the proceedings to a date on which it will consider early release under section 314, and that is—

“(i) the date on which two-thirds of the period of the order under subsection (1) will have elapsed; or

“(ii) if it is not practicable to hold a hearing on that date, a date not more than 7 working days before that date; and”.

6 Section 314 amended (Court must in certain cases release young person from custody before expiry of supervision with residence order)

- (1) In section 314(1), after “must”, insert “on the date on which under section 311(2A)(a) it will consider early release under this section”.
- (2) In section 314(1), delete “the young person has been in that custody for at least two-thirds of the period of that order (as fixed under section 311(1)) and the court is”.
- (3) In section 314(2), replace “expiry of two-thirds of the period of that order” with “date on which under section 311(2A)(a) the court will consider early release under this section”.

7 Section 317 amended (When supervision with residence order ceases to have effect)

- (1) In section 317(1), replace “term of the order expires” with “order’s period elapses”.
- (2) After section 317(1), insert:

“(1A) If the period of an order made under section 311(1) elapses on a day that is a non-release day, the expiry of the order must for all purposes be treated as occurring instead on the nearest preceding day that is not a non-release day.

“(1B) **Non-release day**, in subsection (1A), means a day that is—

 - “(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, or Waitangi Day; or
 - “(b) a day in the period commencing with 25 December in a year and ending with 15 January in the following year; or
 - “(c) in respect of release from a particular place, the anniversary day of the region in which that place is situated.”

8 Section 356 amended (Effect of notice of appeal on certain orders)

In section 356(3), replace “term” with “period”.

9 New Schedule 1AA inserted

Before Schedule 1, insert the Schedule 1AA set out in the Schedule of this Act.

Schedule

s 9

New Schedule 1AA inserted**Schedule 1AA**

s 2A

**Transitional and savings provisions
relating to amendments to this Act****1 Application of sections 311, 314, and 317 (supervision
with residence orders: early release from custody)**

Sections 311, 314, and 317, as those sections are amended by the Children, Young Persons, and Their Families Amendment Act (No 2) 2013, apply to a supervision with residence order under section 311(1)—

- (a) made, and that has not expired, before that Act's commencement; or
- (b) made after that Act's commencement.

**2 Adjournment date of pre-commencement supervision
with residence orders**

Section 314 as amended by the Children, Young Persons, and Their Families Amendment Act (No 2) 2013 applies to an order specified in clause (1)(a) as if the adjournment date under section 311(2A)(a) (as in force before that Act's commencement) were the adjournment date under section 311(2A)(a) (as in force after that commencement).

Legislative history

19 November 2013	Divided from Statutes Amendment Bill (Bill 89-2) by committee of the whole House, third reading
4 December 2013	Royal assent

This Act is administered by the Ministry of Social Development.
