



John Chadwick

E tipu E rea:



# The Care and Protection of Maori Children

## Who are we?





- Iwi-owned and mandated research centre
- Undertake kaupapa Māori public health, health policy and health services research
- Expertise in tobacco control, whānau ora and kaupapa Māori methodology



## Ministry of Justice

- Lawyer for Child
- Lawyer for Subject Persons



## Ministry of Health

- District Inspector for Mental Health (WBOP)



NEW ZEALAND  
PAROLE BOARD

## New Zealand Parole Board

- Member

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# The Research Project

## The Research Project

A RESEARCH PAPER

*Care & Protection of our  
Māori Children, our Future:*

## A Whānau Perspective

*Contributors:*

Whakauae Health Research Unit

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Te Kōpū Legal

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## Justice Pipeline



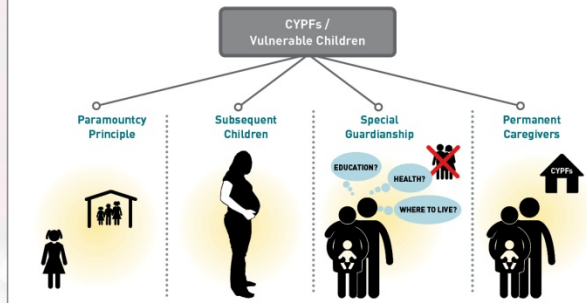
“...we have never been more imprisoned and more removed from our whanau than we are now in 2016”



## ASSISTING WHĀNAU THROUGH THE NEW FAMILY JUSTICE SYSTEM

Part A - The New Family Justice System  
Part B - Assisting Whānau who are self represented

### CYPFs / VULNERABLE CHILDREN



### » Without a Lawyer in the Family Court



A VIDEO RESOURCE FOR THE WHĀNAU



## Lotteries Board



Lottery Grants Board



FUNDS FOR YOUR  
COMMUNITY

**Application for Translational  
Research Funding (\$53,000)**

## Research Questions

### Whānau Perspective

Essentially it is hypothesised that Maori parents and grandparents, who have had children removed, are able to make a positive contribution to ensuring the safe care and protection of their tamariki/mokopuna.

The questions asked included: *If you had child/ren removed by CYFs and then returned to your care. How did you do it?*



*If you had child/ren removed but they were not returned to your care. What do you think would have helped you?*



## What did the whānau say?

- Lack of knowledge
- Lack of information
- Lack of communication
- Lack of accountability

### What worked well

*"I heavily relied on my uncle. ... Because he, he, yeah, like I said he's worked in there, iwi service, he's in iwi service himself and he knows the process. And he knew when CYFs had me backed in to a corner. So he would be my backbone pretty much. ..."*

### What didn't work well

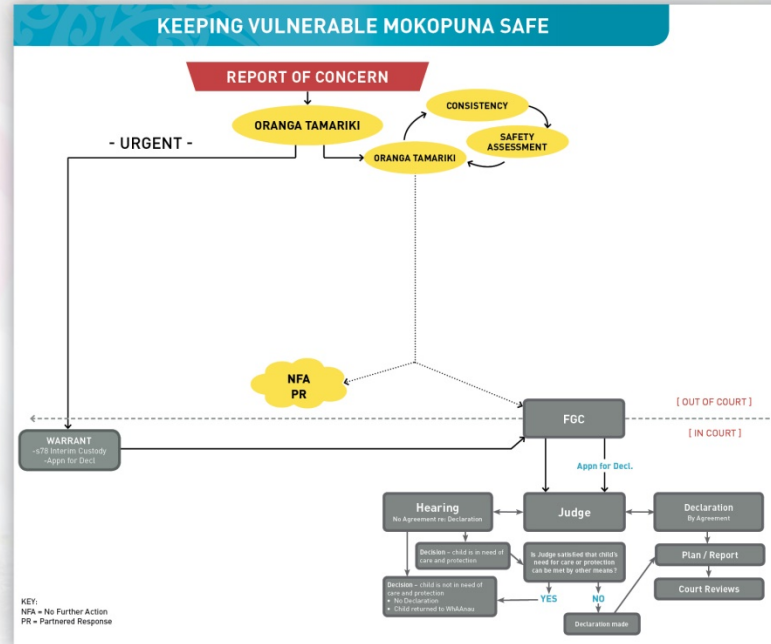
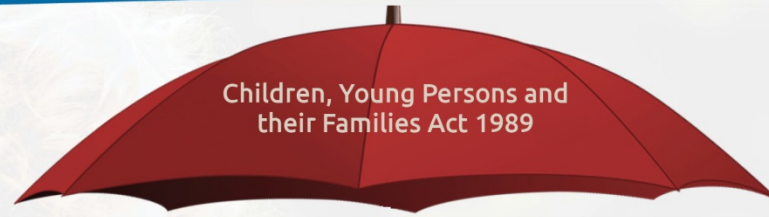
*"The white people. If it, if it got down to a cultural thing then definitely it, it was a white thing. And, and, and that's what it ended up being. It's like I'm brown, you're white, I'm fucked. I'm just gonna sit here, feel ashamed, let you all stare at me and go you should be ashamed cos that's exactly how you feel. That's exactly how these Child Youth and Family, lawyers and the judge make you feel, so ashamed."*

# Transformational Research



## INTERVENTION

# Care and Protection - Current Process



# Role of Social Worker

The law sets out the statutory duties of the Chief Executive in relation to the care and protection of mokopuna. The social worker carries out many of the Chief Executive's duties and their role is often pivotal. The social worker is often powerful, wielding the authority of Child, Youth & Family under the statute.

It is the social worker's role to investigate any reports of concern. This involves gathering information and evidence. The social worker (and anyone else exercising power under the Act) must apply certain principles. The welfare and interests of the child is the first and paramount consideration. The principles of the Act also support whānau participation in decision making for mokopuna, but those principles are clearly subject to welfare and interests of the child.



# Role of Whānau Support Person

The Whānau Support Person ("WSP") will support whānau who are involved with Child, Youth & Family, by assisting them to understand all (in and out of Court) options available to them together with the consequences of the same. The WSP will lend the strength of the Iwi/Community and act as the link for the whānau with – Child, Youth & Family, Social Services, Family Court and any other services that may become involved.

This is an opportunity to empower whānau by strengthening their connections to Iwi/the Community by providing a responsive, supportive and educative process for whānau. To support whānau to exercise/recapture what was once an innate ability to generate and implement solutions for the safe care of mokopuna.

The essential model is built around a partnership with whānau to take back control. For Māori, it would mean putting Iwi back in a kaitiaki role for whānau and restore decision making mana to the whānau themselves.





Children, Young Persons and  
their Families Act 1989

## MOKOPUNA ORA



*Mokopuna Ora is a partnership between*

**TWAIKATO  
TAI NUI**

 **ORANGA  
TAMARIKI**  
Ministry for Vulnerable Children

Where to from here?



**Oranga Tamariki Bill**  
Justice Pipeline - Family Court

# Children, Young Persons and their Families (Oranga Tamariki) Legislation Bill



- Maori abuse their children
- Extended whanau re-victimise their mokopuna
- Maori are part of the problem
- Maori, its culture and values are not the solution



- Maori make up 15% of the NZ population
- Maori children make up 30% of the children in NZ
- 57% of the children seen by CYFs by the time they are 5 are Maori
- Maori children make up 60% of the children in care
- Anecdotal evidence of significant re-victimisation of children and young people in care
- 60% of children exiting care were Maori
- 23% of children who returned to their parents were re-abused
- 10% of children who were placed with extended whanau were re-abused within 18 months

# Supporting families to make good decisions - Legal Navigation



Inform

Support

Educate

Connect



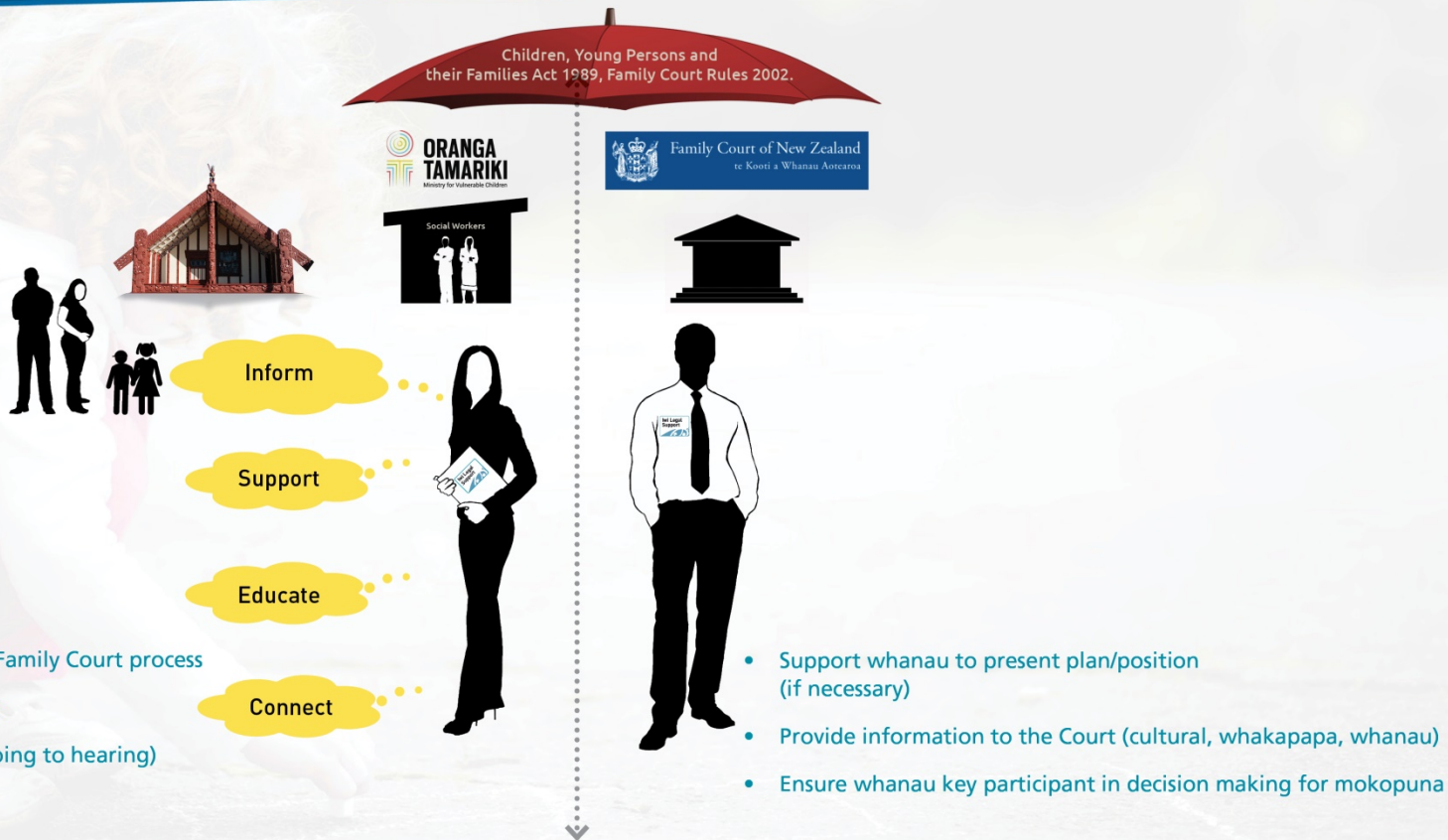
- Ensure whanau understand the CYFs legal process (social workers role and obligations, the care and protection process)
- Ensure whanau understand their choices/options and the consequences of those choices
- Assist whanau to put a plan together
- Support whanau to present that plan at the FGC
- Connect whanau to services if required/requested (A & D, Mental health, Parenting, Domestic Violence programmes ...)

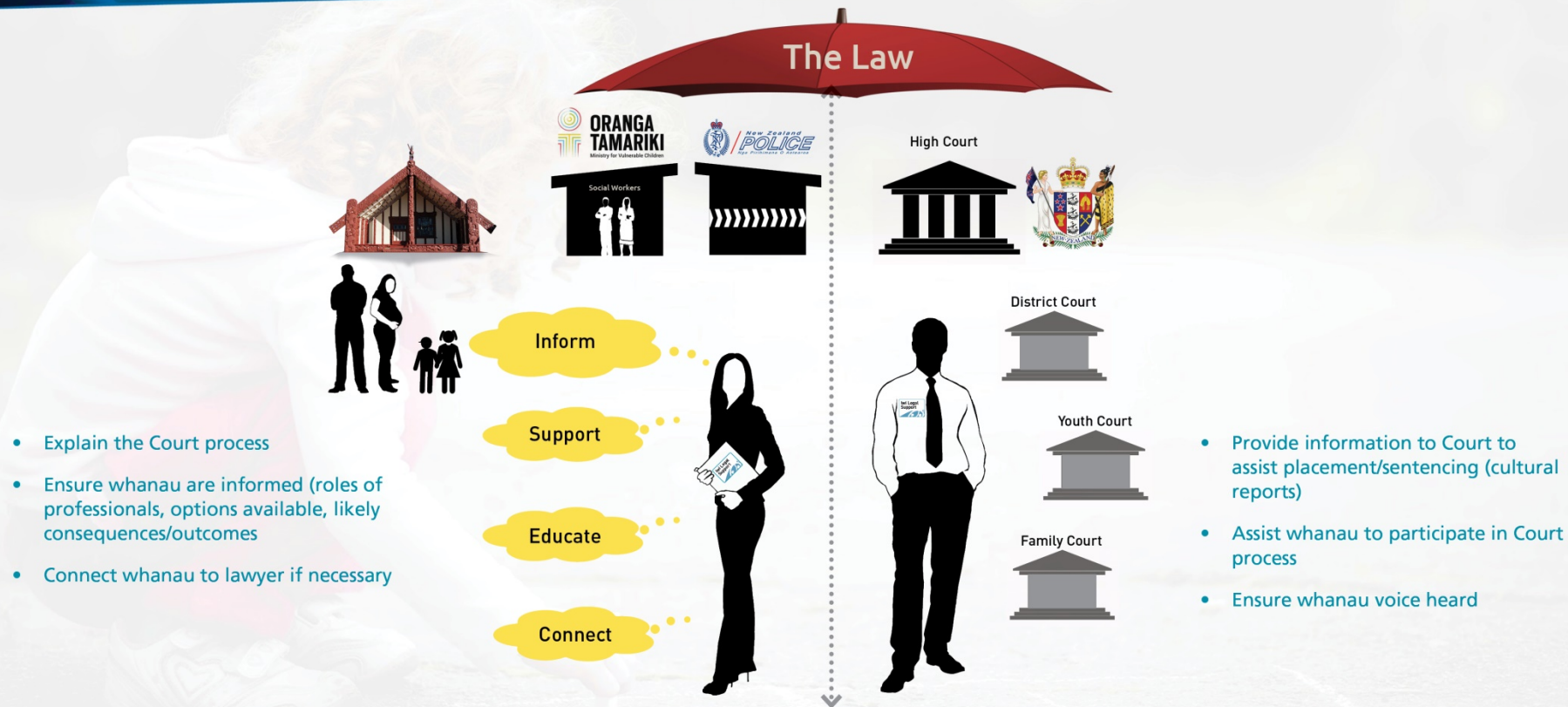


Oranga Tamariki



- Support whanau at FGC
- Support whanau in discussions/interaction with CYFs if necessary
- Ensure whanau are key participants in decision making for mokopuna







Educate

Inform



DEPARTMENT OF  
**CORRECTIONS**  
ARA POUTAMA AOTEAROA



Support

Connect

- Ensure whanau understand the legal environment with respect to care and contact with tamariki/mokopuna
- Explain process and pathways forward for whanau where there are or have been Family Court proceedings (CYFs involvement, Protection Orders, Parenting Orders)
- Connect whanau to lawyer if necessary



# Acknowledgements

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Health Research  
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