

PSYCHOLOGISTS PROVIDING REPORTS FOR THE YOUTH COURT

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RELEVANT LEGISLATION AND CONVENTIONS (NOT EXHAUSTIVE LIST)

- ▶ Treaty of Waitangi.
- ▶ United Nations (UN) Convention on the Rights of the Child (1989), UN Convention on the Rights of Persons with Disabilities (2006), UN Declaration on the Rights of Indigenous Peoples (2008)
- ▶ **Oranga Tamariki Act 1989, Children's and Young People's Well-being Act 1989.**
- ▶ **Criminal Procedure (Mentally Impaired Persons Act) 2003.**
- ▶ **Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.**
- ▶ **Mental Health (Compulsory Assessment and Treatment) Act 1992.**
- ▶ **Crimes Act 1961.**


YOUTH OFFENDING IN AOTEAROA (2016-2017)

- ▶ Young people account for less than 3% of all people charged in Courts.
- ▶ 16 year olds (44%), 15 year olds (29%), 14 year olds (24%), 13 year olds (2%).
- ▶ Majority male (80%).
- ▶ Maori 63 % (increase from 46% in past ten years), NZE 22%, Pasifika 9%.
- ▶ Prosecutions for violent offending increasing (14% compared to 9% in 96/97) including for females.


ROLE OF PSYCHOLOGIST

- ▶ Psychologists have a very important role in youth forensics. OT, CP(MIP) and ID(CCR) Acts specify disciplines for report writers including psychologists
 - ▶ Cultural competence
 - ▶ Trauma, child and adolescent development, mental health (including risk to self of self-harm or suicide), cognitive and neuropsychological assessment, neurodevelopmental disorders
 - ▶ Need to assess risk of reoffending/recidivism (e.g., violence, sexual offending, general offending)
 - ▶ Knowledge of specific forensic issues (e.g. fitness to stand trial and the insanity defence)
 - ▶ Knowledge of effective interventions and availability of services in areas
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CHALLENGES AND CONSIDERATIONS

- ▶ Code of Ethics
 - ▶ Code of Conduct - knowing your role and how to be an expert witness
 - ▶ Visitors in a legal system (and within other systems).
 - ▶ Understanding expectations of law while not being a legal expert (always seek advice)
 - ▶ Explaining grey areas in a more “black and white” arena, giving evidence
 - ▶ Avoiding or managing dual roles – e.g., advocating for young people versus impartiality to the court.
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CHALLENGES AND CONSIDERATIONS

- ▶ Understanding fluidity of adolescent development including testing and other factors
 - ▶ Reports can be very influential, assessments and diagnoses can be far-reaching and even 'stable' diagnoses can change over time
 - ▶ “Merchant of hope” – reports can be very helpful at a difficult stage in the life of the young person and their family/whānau
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- ▶ Training and support available
- ▶ Youth Forensic Paper offered by University of Auckland
- ▶ National youth forensic forum scheduled for October 2018
- ▶ Growing specialist workforce
- ▶ Psychologists have a key role in this field

INTERESTED???

REFERENCES

- ▶ Centre for Social Research and Evaluation (2010). *Crossover between child protection and youth justice, and transition to the adult system*. Wellington: Ministry of Social Development.
- ▶ Stats NZ Tatauranga Aotearoa (2018). Children and young people charged in court - most serious offence, 1992-2017. Available at <http://nzdotstat.stats.govt.nz>, accessed on 27/2/2018.
- ▶ The UN Convention on the Rights of the Child Monitoring Group. (2017). *Getting it right: The Children's Convention in Aotearoa*. Wellington.