



ORANGA TAMARIKI ACT 1989

September 2017

The *Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill* passed into law on 13 July 2017.

A small number of amendments took effect immediately, and are outlined below.

The majority of amendments will not take effect until a later date set by Order in Council; any provisions not brought into force earlier will come into effect on 1 July 2019.



What has changed now?

Change	Description
Name of principal Act	The title of the Children, Young Persons, and Their Families Act 1989 (CYPF Act) changes to the Oranga Tamariki Act 1989 , or the Children’s and Young People’s Well-being Act 1989.
Definition of young person	The current definition of ‘young person’ is amended to include young persons who are or have been married or in a civil union.
Gendered references	Gendered references are replaced with gender-neutral language (eg, ‘his’ or ‘her’ with ‘their’).
Subsequent children provisions	<ul style="list-style-type: none"> • Section 18A(7)(b) is amended to state that an assessment of a parent of a subsequent child is not necessary if, before 1 July 2016, an FGC was held in relation to a child who would have fallen within the definition of a subsequent child, and the parent addressed the concerns raised and maintained care of the child. • The reference to ‘no realistic prospect’ in section 18B(2)(c) is amended to ‘no realistic possibility, which accords with the phrase used in ss.130 and 186. • Section 83 is amended to state that the Court may determine that there is no realistic possibility of return home either at the time of making an order under section 101 or section 110 or at any later time on application. • Section 158 is amended to state that the court, on hearing an application to discharge a care or protection order and an application to make a parenting

	<p>order under the Care of Children Act 2004, may determine that there is no realistic possibility of return home either at the time of making the parenting order or at any later time on application.</p> <ul style="list-style-type: none"> • Section 135 is amended to require a review of plan report to refer to the matters in section 186(2A) about whether there is a realistic possibility of return home.
Family group conferences (FGC)	<ul style="list-style-type: none"> • Section 22 is amended to clarify that the chief executive or their delegate is entitled to attend a care or protection FGC when it is convened under a provision in Part 2 or Part 3A. Currently the chief executive is only entitled to attend an FGC that is convened on the basis of a report under section 18. • Section 145 is amended to allow a youth justice co-ordinator to issue the necessary certificate in relation to the making of an extended care agreement that arises out of the decision of an FGC acting under section 261.
When custody order ceases to have effect	<p>Custody orders (see clause 12 in Part 3 of Schedule 1AA) that expire after commencement of the legislation will expire on the young person's 18th birthday regardless of when they were made and what may be stated on the face of the order.</p>
Financial assistance for children and young people in care is to meet reasonable needs	<p>Provision clarifies that payments under section 363 are intended to meet the 'reasonable needs' of the child or young person.</p>
Tax exemption for caregivers	<p>Amends Income Tax Act to clarify that foster care payments made under section 363 are non-taxable exempt income.</p>

[View the Oranga Tamariki Act 1989 as at 14 July 2017](#) (Legislation website)