



ORANGA TAMARIKI ACT 1989

July 2017

[The Children, Young Persons, and Their Families \(Oranga Tamariki\) Legislation Bill](#) was enacted on 13 July 2017.

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

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



What changes 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’ replaced with ‘their’)
Subsequent children provisions	A number of technical amendments to the provisions in the Act relating to subsequent children: <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 s.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 CoCA, 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	Custody orders that expire after commencement of the legislation will expire on the young person's 18 th birthday regardless of when they were made and what may be stated on the face of the order.
Financial assistance for children and young people in care is to meet reasonable needs	Provision clarifies that payments under section 363 are intended to meet the 'reasonable needs' of the child or young person.
Tax exemption for caregivers	Amends Income Tax Act to clarify that foster care payments made under section 363 are non-taxable.
Parliamentary report on accountability settings	The Minister is required to report to Parliament by 1 July 2022 and at least once every three years thereafter, on the extent to which accountability settings are meeting the needs of children and young people the Ministry is concerned with, including reporting specifically on outcomes for Māori.

The Vulnerable Children Act 2014 has also been amended to place responsibility for coordination of the cross-agency vulnerable children's plan with the chief executive of the Ministry for Children, Oranga Tamariki, and to ensure children's agencies work strategically around populations of interest to the Ministry.

An amendment also makes the Ministry for Vulnerable Children, Oranga Tamariki, one of the key agencies that is able to grant exemptions from the workforce restriction for core children's workers with specified convictions and to prosecute non-compliance with the duties under the safety checking regime.

A number of amendments enabling regulations to be made also come into effect immediately, along with a requirement for the Minister to recommend within 12 months the making of regulations for standards of care.