



Cabinet Social Wellbeing Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Taking a Child and Whānau-Centred Approach to Subsequent Children

Portfolio **Children**

On 22 July 2020, the Cabinet Social Wellbeing Committee (SWC):

- 1 **noted** that subsequent children provisions (sections 14(1)(c) and 18A-18D of the Oranga Tamariki Act 1989) set out how Oranga Tamariki responds to care and protection concerns when a subsequent child comes to the notice of the agency;
- 2 **noted** that in the majority of cases, subsequent children provisions are not ensuring greater oversight of the safety of subsequent children and can adversely impact the wellbeing of children, parents, family, and whānau;
- 3 **noted** that there are a small number of cases where a parent has a conviction relating to the murder, manslaughter or infanticide of a child in their care, where legislative safeguards are needed and it is reasonable to make a presumption about the risk of harm to a child due to the serious nature of the convictions;
- 4 **noted** that the Minister for Children is proposing a comprehensive and differentiated package of proposals to improve the safety and wellbeing of subsequent children, their parents, family, and whānau;

Partial repeal of subsequent children provisions

- 5 **agreed** to seek repeal of subsequent children provisions as they apply to subsequent children where a parent has had the care of a previous child or young person removed, and it has been determined that there is no realistic prospect of return to the parent(s) – section 18B(1) (b) of the Oranga Tamariki Act 1989;
- 6 **noted** that subsequent children provisions would be retained as they apply to subsequent children where a parent has a conviction relating to the murder, manslaughter or infanticide of a child in their care – section 18B(1)(a) of the Oranga Tamariki Act 1989;
- 7 **invited** the Minister for Children to issue drafting instructions to the Parliamentary Counsel Office to implement the proposal set out in paragraph 5 above;

Operational policy and guidance

- 8 **noted** that there is a need to ensure the safety and wellbeing needs of subsequent children that come to the attention of Oranga Tamariki, including through implementing robust assessment processes;

- 9 **noted** that Oranga Tamariki will amend and strengthen operational policy and practice guidance to ensure good practice is followed when a child with a sibling in care or a child of a parent convicted of the death of a child in their care comes to the notice of Oranga Tamariki;

Monitoring and reporting

- 10 **noted** that Oranga Tamariki will monitor and report on its management of cases which involve a child with a sibling in permanent care or a child of a parent convicted for the death of a child in their care, and the outcomes for these children;

Further work required on additional supports to parents, family, and whānau

- 11 **noted** that to reduce the risk of harm to possible future children there is a need to focus on preventative approaches that support parents, family, and whānau who have had a child permanently removed from their care, or where a parent has been convicted for the death of a child in their care;
- 12 **noted** that there are three potential ways to provide this additional support:
- 12.1 implementing and co-ordinating support for subsequent children, parents, family, and whānau through early intervention, including prototyping whānau planning approaches and piloting community-led responses to early intervention with iwi and Māori, that would be available where a child has been permanently removed;
- 12.2 s 9(2)(f)(iv) [REDACTED]
- 12.3 s 9(2)(f)(iv) [REDACTED]
- 13 **invited** the Minister for Children to report back to SWC by March 2021 on proposals described in paragraph 12 above to implement additional support for parents, family, and whānau who have had a child permanently removed from their care or where a parent has been convicted for the death of a child in their care;
- 14 **noted** that Oranga Tamariki will ensure that the implementation of proposals and additional support is coordinated to best support the safety and wellbeing of subsequent children.

Charlotte Doyle
Committee Secretary

Attendees: (see over)

Present:

Rt Hon Winston Peters
Hon Kelvin Davis
Hon Grant Robertson
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Andrew Little
Hon Carmel Sepuloni (Chair)
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Jenny Salesa
Hon Damien O'Connor
Hon Tracey Martin
Hon Willie Jackson
Hon Aupito William Sio
Jan Logie, MP

Officials present from:

Office of the Prime Minister
Officials Committee for SWC
Office of the SWC Chair