

# Youth Court at COVID-19 Alert Level 2

The constraints of courtroom availability, registry capacity, the number of persons who can attend court in person, and the ability of key agencies to provide services to the court are applicable under COVID-19 Alert Level 2.

It is important at Alert Level 2 to limit the travel to courts for young persons and their whānau, to keep them, and others, safe. This consideration also applies to Youth Advocates, Lay Advocates, Police, Oranga Tamariki, and other agencies (such as Health and Education), providing services to the Court.

These FAQs should be read in conjunction with the [District Court protocol](#) and the [Youth Court protocol](#) for COVID-19 Alert Level 2.

## Q: Is the Youth Court sitting during Level 2?

Yes – at Alert Level 2, the Youth Court will provide an essential service. Court buildings are open; however, for physical distancing reasons, access may be restricted, including a maximum number of people permitted in the courthouse at one time.

## Q: Are Rangatahi and Pasifika Courts sitting during Alert Level 2?

No – Rangatahi and Pasifika Courts will not continue until all participants consider it safe to do so. You should check with the Youth Court Registry about the status of your Rangatahi or Pasifika Court. Where monitoring appearances for these courts are being held in the mainstream Youth Court list cultural processes such as karakia and pepeha may be incorporated into these hearings on request from the Youth Advocate or Lay Advocate.

## Q: Can I appear in person at a hearing during Alert Level 2?

Police Prosecutors and Court Probation Officers in the 'vulnerable' category, may appear by telephone link or by AVL. Police Prosecutors and Court Probation Officers who are not in the 'vulnerable' category must appear in person.

Counsel are permitted to appear in Court in person. Counsel in the 'vulnerable' category may appear by telephone link or by AVL for all cases.

Counsel who are not in the 'vulnerable' category must appear in person for Judge Alone Trials, unless otherwise directed by the presiding Judge.

Counsel are otherwise permitted to appear by telephone link or by AVL provided that suitable AVL facilities or telephone links are arranged in advance. If not, counsel must attend in person, unless otherwise directed by the presiding Judge. Counsel are permitted to wear PPE in court.

Other professionals who ordinarily attend Youth Court hearings may attend in person during Alert Level 2, under the same provisions as set out above, unless otherwise directed by a judicial officer.

To gain entry to the Court, identification for contact tracing purposes may be required.

The presiding Judge may also direct the method of appearance for participants in a specific hearing or case under [s11 of the Courts \(Remote Participation\) Act 2010](#).

## Q: Will appointments for hearings continue for remote participation and required in-person appearances?

Yes – the Youth Court appointment system is in place to provide privacy for young persons and their whānau. This has additional importance now in limiting physical contact and keeping people safe. Specific appointment times will be allocated for each

case. The expectation is that where in-person attendance is required, those involved will not attend earlier than the appointment time for the case and will exit the Court building promptly afterward.

### **Q: What if a young person's court appearance requires air travel or inter-regional travel from the Residence?**

Air travel or inter-regional travel may be limited where possible during Alert Level 2, to prevent potential transmission risk and because airline capacity is likely to be restricted. Case-by-case discussion will be held between the Judiciary and stakeholders to determine which cases can be managed through remote participation by the young person.

Appearances should be made via AVL where inter-regional or air travel would otherwise be required to an area placed under Alert Level 3 or 4.

### **Q: What is a pre-hearing conference? Who is required to attend and how will this be arranged?**

A pre-hearing conference is similar to a callover, where parties meet to discuss a case prior to any hearing. The presiding Judge will convene these conferences using remote participation technology and will advise who is expected to attend. Details of how to dial into a pre-hearing conference will be provided to parties in advance by the registry.

### **Q: How do I arrange to appear at a hearing by AVL?**

Any parties wishing to appear in a Youth Court hearing by AVL should contact the Registry to arrange this. Any requests should be in line with the Youth Court Alert Level 2 Protocol for AVL appearances.

### **Q: What is the court etiquette for attendance by AVL?**

Parties attending a hearing by AVL should:

- appear in formal attire
- remain seated for the hearing
- speak directly into the microphone when addressing the Court.

- be familiar with how to mute your microphone and turn your video off
- mute your microphone when you are not speaking
- be mindful of camera angles, glare from windows, and the background
- speak more slowly than a normal courtroom pace and speak as clearly as possible
- note that audio cues are more important in a remote context – if your remarks are addressed to a particular person, identify them and audibly signal when you expect a response

**Note:** Youth Court rules still apply regarding confidentiality.

### **Q: Are support people allowed to attend Court during Level 2?**

Yes – There will be a need to limit the number of support persons and so the [process](#) issued on 3 April 2020 will apply

### **Q: Can victims attend hearings during Alert Level 2?**

Yes – victims can attend Youth Court hearings in person during Alert Level 2. Victims may also contact the registry if they wish to attend a hearing by AVL instead.

### **Q: Can media still attend hearings during Alert Level 2?**

Yes – accredited news media will continue to have access to the Court in order to report Court proceedings, and to ensure continued open and transparent justice. Remote access will continue to be facilitated in accordance with current Youth Court protocols.

### **Q: What happens when a young person is arrested during Alert Level 2? Who is involved?**

Young people arrested during Alert Level 2 will be brought before the Court as soon as possible. First appearances of young people from Police custody may be conducted by AVL where facilities exist, unless otherwise directed by the Judge. The Duty Youth Advocate will appear either in person or by

AVL and will be provided the opportunity to consult with the young person and take any instruction prior to the hearing.

Other parties who would normally attend a young person's first appearance will also appear either in person or by AVL.

**Q: What if a young person is arrested during Alert Level 2 who already has active matters in the Youth Court?**

Young people arrested who already have active matters before the Youth Court may also be brought before the Court via AVL as above.

The young person's continued offending may highlight the need for the Court to reconsider their bail conditions. The Court may decide to tighten or otherwise amend bail conditions, or consider placement in Oranga Tamariki or Police custody.

**Q: Are Family Group Conferences (FGCs) happening during Alert Level 2?**

Yes – FGCs will be convened and held during Alert Level 2. Generally, these will be held using remote participation, Oranga Tamariki premises, or other suitable venues where Alert Level 2 physical distancing and contact tracing can be carefully managed. FGC participants who are unable to attend in person will be offered remote participation options.

**Q: Will FGC plans continue to be monitored during Alert Level 2?**

Yes – Young people who have active FGC plans will be contacted regularly by Oranga Tamariki. Some plan components may not be physically possible to complete during the Alert Level 2 period, but the plan will still be monitored.

**Q: Do I still need to provide a report to the Court during Alert Level 2?**

Yes – all Youth Court professionals should continue to provide reports to the Court as normal. Reports should be submitted by email to the registry no later than two working days before the hearing.

During Alert Level 2, it is preferred that any information requested by the court is provided in

writing in advance of the hearing, including any Lay Advocate submissions. This will allow the presiding Judge the opportunity to consider the matter on the papers, before convening a hearing as required.

**Q: Will all stakeholders still receive reports prior to the hearing?**

Yes – reports will be distributed by email before the hearing as normal. If you require access to a particular report, please contact the registry.

Please note that due to reduced registry capacity, there may be some delay in addressing or responding to emails.

**Q: Will Lay Advocates continue to be assigned during Alert Level 2?**

Yes – Lay Advocates will continue to be assigned to cases during Alert Level 2, when directed by the presiding Judge.

**Q: Can Lay Advocates attend hearings during Alert Level 2?**

Yes – Lay Advocates may attend hearings in-person during Alert Level 2, unless otherwise directed by a judicial officer.

It is strongly recommended that Lay Advocates attend by AVL wherever possible, to support physical distancing requirements and reduce further risk of infection.

**Q: Can Lay Advocates still conduct home visits during Alert Level 2?**

No – Lay Advocates should not be conducting any in-person visits with young people or their whānau. Instead, Lay Advocates should make contact with young people and their whānau by phone or using AVL technology.

**Q: How do Lay Advocates conduct interviews with young people and their whānau during Alert Level 2?**

Lay Advocates should conduct interviews with young people and their whānau using alternative methods of contact such as by phone or video call.

When doing so, Lay Advocates should bear in mind that these methods may not provide the level of security and privacy which is required.

**Q: Will Communication Assistants continue to appear during Alert Level 2?**

Yes – Communications Assistants will continue to facilitate assessments and attend hearings during Alert Level 2, depending on the needs of the young person. Attendance by AVL or in person will be determined on a case-by-case basis in consultation with the Court, unless otherwise directed by a judicial officer.

**Q: Will Education Officers still provide information to the Court?**

Yes – written reports continue to be provided to the court, and Education Officers will appear at hearings by AVL where possible.

**Q: Will mental health assessments and reports continue to be provided?**

Yes – written assessments and reports continue to be provided to the Court, and health providers will appear at hearings by AVL where possible. Health assessments are also being conducted by AVL wherever possible, to reduce the risk of infection for young people and their whānau.

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