



Pillars
Ka Pou Whakahou



Rt Hon Jacinda Ardern Prime Minister, Hon Kiri Allan - Minister of Justice & Hon Kelvin Davis-
Minister for Children

Tēnā koutou,

Pillars - Ka Pou Whakahou (Pillars) youth advisory panel is calling for urgent legislative action and policy change regarding the implementation of Children's Care Plans (CCP) for the children of incarcerated parents or community sentences.

Pillars Ka Pou Whakahou is a charity that works with the children and whānau of people in prison. Pillars has a youth advisory panel that is led by youth aged 15 to 23. According to Pillars data, 96% of Pillars children are struggling emotionally; 85% are struggling at school, and 88% have experienced family harm.¹

Pillars know first-hand that protective legislation for our youth is lacking. The tragic death of Malachi Subecz is a reflection of inadequate and lacking legislation to protect and safeguard children. Evidence clearly indicates that the impact on children whose parent(s) are sentenced to prison there is significant. Disappointingly though, children of incarcerated parents still receive little to no support². The absence of a legislative framework predisposes children of incarcerated parents to ending up in the criminal justice system themselves, and ultimately, leads to intergenerational harm.

Aotearoa needs whānau-centred CCP's alongside the establishment of a Whānau Outreach Liaison roles (beyond Family Court Navigators). We believe Whānau Outreach Liaison should be established in every court across Aotearoa. *To future proof these changes, we are seeking bipartisan agreement on CCP's to place children's safety and wellbeing before political populism which will also ensure we meet our international law obligations.*³

"The court has an obligation under art. 3 of UNCRC to ensure the best interests of the child is the primary consideration in all actions concerning children".⁴

¹ Dixon, C. (2022). *Complexities at a glance: Current datasets of Pillars whānau* (working document).

² Gordon, L. (2009). *Invisible children: First year research report. 'A study of the children of prisoners.'* Pillars. Available at: <https://www.pillars.org.nz/wp-content/uploads/2019/05/A-study-of-the-children-of-prisoners-year-1-report-2009>.

³ Above at 1

⁴ Maslin, F., & Minson, S. (2022, p. 371). *What about the children? Sentencing defendants who are parents of dependent children*. New Zealand Law Journal. LexisNexis NZ Ltd. Available at: [What about the children Sentencing defendants who are parents of dependent children — \[2022\] NZLJ 367.pdf](#)

Why do we need Children’s Care Plan legislation and policy:

Children with a parent in prison are an often-forgotten cohort who themselves serve an invisible sentence⁵ of adversity, trauma, and intergenerational harm. “Instability, financial hardship; emotional distress; long-term negative health and education outcomes; and high risk of intergenerational offending”⁶ mean that NZ children with a parent in prison are significantly more likely to go to prison themselves⁷. These adverse child experiences compound - and without intervention - perpetuate poor social outcomes that at worst can lead to early death.⁸ What happened to Malachi Subecz must not happen again. Governments need to “lead and coordinate support and resourcing for the benefit of children, and place the wellbeing of children and whānau at the centre of all justice decision-making and “facilitate meaningful whānau connection”.⁹

What is a Children’s Care Plan and how we should implement them:

A CCP would provide a wrap-around care and a positive and supportive pathway for every child with a sentenced parent. Each plan would be unique to the needs of every child, and would be written in consultation with whānau and the child.. These plans would cover acute needs like ensuring every child has a safe and supported place to live, counselling, healthcare, and education support or pathways to employment.

Children’s Commissioner, Justice Eivers, recently called for the incarceration of a parent to trigger an automatic notification to Oranga Tamariki. While some of the answers may be found in the state, (namely resourcing and accountability) we do not believe that all the answers are found in Oranga Tamariki. Rather we encourage the establishment of a Whānau Outreach Liaison role to be established, these liaisons will consult with whānau to co-design their Children’s Care Plan. This would be an automatic process that occurs through the courts. The Whānau Outreach Liaison would then refer whānau to the most appropriate local service providers based upon each child’s unique Care Plan. This Whānau Outreach Liaison role may be enacted through Whānau Ora, or potentially even through the growth of Pillars Ka Pou Whakahou. A similar role is already in action within the Family Court (Kaiārahi – Family Court Navigators). We are requesting that this specialized Whānau Outreach Liaison role be established in every court across Aotearoa, because “...in terms of the criminal jurisdiction — distinct from family — there is no express incorporation of a wellbeing and best interests’ assessment of dependent children in the Aotearoa sentencing framework.”¹⁰

Trust and rapport are vital for effective whānau outcomes, through a mana-enhancing and strengths-based process that empowers families as experts of their own lives.¹¹ Documentation of Care Plans would then be included into offenders’ cultural/background reports and could influence the sentence that a parent receives¹² and will certainly influence the support every child receives. An accessible nationwide directory of service providers is an actionable measure needed to enact

⁵ Above at 2

⁶ Above at 3

⁷ Lambie, I. & Gluckman, P. (2018). *Using evidence to build a better justice system: The challenge of rising prison costs*. Office of the Prime Minister’s Chief Science Advisor. Available at: <https://www.pmcsa.org.nz/wp-content/uploads/Using-evidence-to-build-a-better-justicesystem.p>

⁸ Centers for Disease Control and Prevention (2022). *About the CDC-Kaiser ACE Study*. Available at <https://www.cdc.gov/violenceprevention/aces/about.html>

⁹ Parliament of Victoria Legislative Council Legal and Social Issues Committee (2022, p.126). *Inquiry into children affected by parental incarceration*. Available at: [Vic Parliament Report 2021.pdf](#)

¹⁰ Above at 3

¹¹ Above at 1

¹² Above at 3

Children’s Care Plans. Referral to Oranga Tamariki may be a secondary action if the Whānau Outreach Liaison is unsuccessful in engaging with a particular whānau.

Glennis Phillip-Barbara (Assistant Māori Children’s Commissioner) stated that “governments need to see children in the context of their family, and the family in the context of community, and support the development of those” ¹³. We are calling for urgent action on Children’s Care Plan legislation, policy, and implementation. Follow your promises made by Hokai Rangi. Acknowledge your responsibilities to Te Tiriti o Waitangi. Protect our human rights as children and young people - that we deserve to be safeguarded from resounding harm of the justice system.

We need action now to draft and introduce this legislation immediately.

“Our hardship is real. Please- look at us, listen to us.” ¹⁴

Let’s work together towards a safer tomorrow for all children of incarcerated and sentenced parents.

Yours Sincerely,

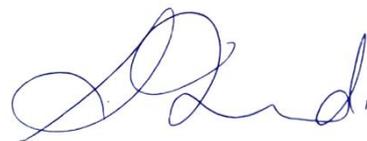


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¹³ Above at 9

¹⁴ Pillars Youth Advisory Panel member