

22 October 2020

Michele

fyi-request-13795-fe1f96d5@requests.fyi.org.nz

Tēnā koe Michele

Thank you for your email of 14 September 2020 to Oranga Tamariki—Ministry for Children (Oranga Tamariki), requesting the following information under the Official Information Act 1982 (the Act):

- *I would like to know - if you could supply any/all data relating to: Any Maori Children - who have been put into Oranga Tamariki/State-Care - but I would especially like for Oranga Tamariki to focus, especially on - Data of how many Maori Tamariki have been taken out of New Zealand - that were in State-Care/Foster-Care and/or by Foster Parents - NZ Churches who also operated under the then: CYFS umbrella - that WERE NOT OF & DID NOT HAVE/WERE OF: MAORI ORIGIN/HERITAGE/WHAKAPAPA*

On 22 September 2020, we contacted you to confirm the time period you were requesting for data relating to tamariki Māori. Later that day, you advised us that you would like data for the period 1955 to 1989. On 23 September 2020, we advised you that Oranga Tamariki holds data relating to entries to care as far back as 2001. Finally, we asked whether you would like to proceed with the following refinement of your request, for the F2001-F2020 time period. On 24 September 2020, you confirmed that you would like to proceed.

- *The number of Māori children and young people who have been taken into care; and*
- *The number of Māori children and young people who have been taken overseas, that were in state care, foster care, or in the care of non-Māori New Zealand Churches at the time.*

Please find our response to your request for information below. Each of your questions will be answered in turn.

- *The number of Māori children and young people who have been taken into care; and*

Oranga Tamariki is dedicated to supporting any child whose wellbeing is at risk of harm now, or in the future, and the decision to recommend bringing a child into our care is one of the most difficult decisions our staff have to make. It is not a decision we take lightly, and there are, quite rightly, a strong set of checks and balances in the process to ensure that the right decision is made. There are a range of reasons for a child coming to our attention and there are a range of different pathways for a child to come into our care as provided for under the Oranga Tamariki Act 1989 (the Oranga Tamariki Act). In every case there must be valid and verified concerns for the safety of the child, and in every case the parent and/or the Family Court must agree that those concerns warrant the child coming into our care.

Wherever it is safe and possible to do so, the child's parent(s), whānau and other people supporting the whānau will be involved in decisions around the child's care and custody. Unless there is a clear need for fast and decisive action to protect a child from immediate and imminent danger, all interim custody order applications are made 'on notice' to ensure the family/whānau are given the opportunity to have their say before the Family Court makes its decision. When staff do need to act faster to keep a child safe, we may seek interim custody orders on an ex parte 'without notice' basis. This involves the Family Court making a custody decision without representation from the child's parent(s) or guardians. 'Without notice' applications require additional checks to ensure we have followed a robust process in making the decision to apply for a custody order without notice by a Regional Legal Manager, Site Manager and Practice Leader, before they can be signed off. The Family Court will then need to decide, on the balance of probabilities, whether the risk to the child is such that it would be unsafe to defer making an interim custody decision.

There are a number of different warrants and legal orders under the Oranga Tamariki Act, each of which can apply in a range of different settings. All custody orders for unborn and new-born babies are made on an interim basis. Permanent orders are only made after planning around the needs, risks and strengths of the parent(s), whānau and baby has been completed, after the baby is born. Information on different warrants and custody orders and the processes around a baby or child entering into the care or custody of Oranga Tamariki, has been made available on our website. Please follow the link below for a copy of this information.

<https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Report-and-releases/data-about-how-we-work-with-children/Babies-and-children-entering-Oranga-Tamariki-care.pdf>

Oranga Tamariki recognises the importance of all aspects of a child's identity and we do not report by primary ethnicity, which is in line with Statistics New Zealand's standards on the use of ethnicity data and with how individuals identify

themselves. The need for all ethnicities to be reported has been driven by our work with iwi groups and their interest in understanding the iwi affiliation for tamariki and rangatahi in care. As you have specified 'Māori children/young people' in your request, we are providing you with information on the following two ethnic groups:

- children and young people who identify 'Māori' as one of their ethnicities.
- children and young people who do not identify 'Māori' as one of their ethnicities.

Please refer to Table One for the total number of entries to the care or custody of the Chief Executive of Oranga Tamariki, broken down by 'Māori' and 'Non-Māori', for F2001 to F2020.

Table One: Total number of entries to care or custody, broken down by 'Māori' and 'Non-Māori', for F2001 to F2020.

Financial Year	Māori	Non-Māori	Total
F2001*	2,049	1,752	3,801
F2002*	1,954	1,681	3,635
F2003*	1,746	1,533	3,279
F2004*	1,726	1,497	3,223
F2005	1,726	1,506	3,232
F2006	1,846	1,522	3,368
F2007	1,637	1,379	3,016
F2008	1,661	1,290	2,951
F2009	1,753	1,354	3,107
F2010	1,715	1,267	2,982
F2011	1,371	1,143	2,514
F2012	1,551	1,032	2,583
F2013	1,584	944	2,528
F2014	1,597	919	2,516
F2015	1,407	753	2,160
F2016	1,667	871	2,538
F2017	1,628	767	2,395
F2018	1,533	790	2,323
F2019	1,248	734	1,982
F2020**	776	537	1,334

* Please note that historical data from F2001 to F2004 should be treated with some caution due to issues with data recording associated with the introduction of CYRAS, our online case management system.

** Please note, there were 21 entries to care or custody in F2020 with no recorded ethnicity.

- *The number of Māori children and young people who have been taken overseas, that were in state care, foster care, or in the care of non-Māori New Zealand Churches at the time.*

Children and young people in the custody of the Chief Executive, or for whom the Chief Executive is party to a plan resulting from a Family Group Conference, will only be placed in permanent placements overseas under exceptional circumstances when:

- the overseas placement is in their best interests
- the overseas authority has recommended that the proposed caregivers are safe and suitable
- the Chief Executive's legal obligations have been discharged by the Court or any plan the chief executive is party to has been reviewed and concluded
- upon departure from New Zealand the case is closed; and
- the mokopuna is able to permanently reside in the relevant country
- the new caregivers are able and willing to legally assume custody and guardianship of the mokopuna.

Overseas placement is a guardianship decision and the consent of all guardians in writing must be obtained prior to the placement being made. This includes consent from any additional guardians granted under the Oranga Tamariki Act 1989 or the Care of Children Act 2004. Oranga Tamariki does not place children or young people, who are in our care or custody, in non-family/non-whānau placements overseas. You can find more information about children and young people going overseas, whether on holiday or for placement, at the following link.

<https://practice.orangatamariki.govt.nz/previous-practice-centre/policy/when-children-and-young-people-move/>

You have requested the number of Māori children and young people who have been taken overseas while they were in 'state care, foster care, or in the care of non-Māori New Zealand churches at the time'. An answer to this question can only be provided by reviewing thousands of individual case files, as Oranga Tamariki does not centrally record this information. As such, I am refusing this part of your request under section 18(f) of the Act, as the information cannot be made without substantial collation and research. I have considered whether we would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, our ability to undertake our work would still be prejudiced.

Oranga Tamariki intends to make the information contained in this letter available to the wider public shortly. We will do this by publishing this letter on our website. Your personal details will be deleted, and we will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@ot.govt.nz.

If you are not satisfied with this response, you have the right to ask an Ombudsman to review this decision. Information about this is available at www.ombudsman.parliament.nz or by contacting them on 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'Steve Groom', written in a cursive style.

Steve Groom

General Manager Public, Ministerial and Executive Services