

New youth court now a reality

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Written by Merita Wi-Kaitaia (/national/crime/itemlist/user/83)

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Signatories to the memorandum of understanding for the launch of the new youth court Te Koro Aka'au (L-R) Ministry of Internal Affairs Secretary Bredina Drollet, Police Commissioner Maara Tetava, Chief Justice Thomas Weston, Ministry of Justice Secretary Tingika Elikana and representative from Crown Law Catherine Evans, absent is House of Ariki President Tou Ariki. 14092320

A new navigation in the court system that gives children and youth offenders a chance at starting over will now be a reality.

Officially named 'Te Koro Aka'au' – the new youth court that is family and community inclusive was launched yesterday with the signing of a memorandum of understanding. Te Koro Aka'au translated into English means 'enclosure for engaging in peace'. It will operate and exist within the legal framework of the High Court and Children's Court.

Its philosophy is to see whether a young offender can receive a discharge without conviction after successfully performing all aspects of an agreed diversionary plan set out at a youth court conference.

This can include rules such as reparation for damaged or stolen items, keeping out of trouble or committing to curfew times.

Representatives from the House of Ariki, Cook Islands Police Service, Cook Islands judiciary, Crown Law and the Justice and Internal Affairs ministries signed the MOU at Sinai Hall yesterday where they were praised for the new initiative and those who helped implement it.

Police Commissioner Maara Tetava described the new youth court as a new navigation

for the vaka of the community, one that will help youth who have “fallen in the water” or those who are about to.

“What we are partaking on is the future of our country, our children are that future,” he said.

Because the new court acts as an alternative, it won’t be held at the court house in Avarua. The intention is to hold it in the Vaka where the youth offender resides, at a place approved by the Court Registrar.

House of Ariki president Tou Ariki described how the new court can remove the fear and intimidation felt by children and youth when going to court and a system the Ui Ariki and Koutu Nui fully supports.

“When the proposal for this court was first brought to us, we were excited,” he said.

“We feel that those kids who have not been counted, should be, and helped to move on to their futures.”

Chief Justice Thomas Weston in his closing statement thanked the Pacific Judicial Development Programme, who helped local stakeholders in implementing the new court.

The new youth court is expected to start on October 1.

New youth court includes family,community - <http://bit.ly/1n2V3Wb>
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Stakeholders and members of the public watch on as a 'mock court' scenario is played out demonstrating the new youth court Te Koro Aka'au. 14092319

Slipping away from the formal and 'cold' enclosure of the current youth court system, the newly launched youth court Te Koro Aka'au aims to create a supportive enclosure.

Based on the Pasifika and Te Koti Rangatahi youth courts in New Zealand, the Cook Islands' youth court embraces Cook Islands customs and heritage in the court process.

The intention of the new youth court is to increase the involvement of the family of the young offender in the court process.

A demonstration was held at the launch of the Koro Aka'au yesterday, revealing how the youth court will run and who can attend.

Sitting in a semi-circle of tivaivai laden tables, all involved including the presiding justice of the peace are on the same level as the young offender.

As a support group for the youth, the parents or guardians of the youth attend the court, along with an advocate for the youth, a representative of any social welfare agency such as Punanga Tauturu or Cook Islands Family Welfare Association or school counselors.

From the judicial and policing sector a prosecution officer attends along with a community officer, a justice of the peace and court clerk.

Members of the young offender's community are included such as Rangatira, a pastor or elder.

The victim is also included if they wish to attend.

Because the main idea of the Koro Aka'au is to determine whether to discharge a young offender without conviction, one or more uipa'anga kopu tangata (family conferences) are held first.

Principles must be met before a recommendation towards a discharge is made, this includes the young offender admitting to the offence, rehabilitation, involvement of the family, protection of the community and an acknowledgement of the views of the victim.

At the conferences a recommended outcome may be reached. If the principles are not met the young offender is referred back to the Children's Court.