

**Corrections (Mothers with Babies)
Amendment Bill**

Member's Bill

As reported from the committee of the whole
House

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Amendment Bill**

Key to symbols used in reprinted bill

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House**

text inserted

Sue Bradford

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Corrections (Mothers with Babies) Amendment Act **2006**.

2 Commencement

This Act comes into force on a date to be appointed by the Governor-General by Order in Council.

3 Principal Act amended

This Act amends the Corrections Act 2004.

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4 Purpose

The purpose of this Act is to amend the Corrections Act 2004 to provide for the best interests of the child by enabling young children of female prisoners to be placed with their mothers in prison until they turn 24 months old, for the purposes of bonding, feeding, and maintaining continuity of care, provided that certain criteria and conditions are met.

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5 New sections 81A to 81C inserted

The following sections are inserted after section 81:

“81A Request and approval for placement of child with mother

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“(1) A female prisoner who is the mother of a child less than 24 months old, or who is expecting a child, may request the chief executive’s approval to keep the child with her until the day after the date on which the child turns 24 months if she—

“(a) was the child’s primary caregiver before being imprisoned or is likely to be the child’s primary caregiver on release; and

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“(b) does not have a conviction for an offence involving sexual or violent offending against children; and

“(c) agrees to undergo screening for the purposes of identifying any mental health and substance abuse issues.

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“(2) The chief executive may approve a request under **subsection (1)** if—

“(aa) the chief executive is satisfied that the mother meets the criteria set out in **subsection (1)**; and

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“(a) the chief executive considers that placing the child with the mother—

“(i) is in the best interests of the child; and

“(ii) is not inconsistent with any court order relating to the child or any application or proceeding before

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- the court (whether pending or existing) relating to the child; and
- “(b) the mother enters into a parenting agreement under **section 81B** with the chief executive in relation to the child’s placement; and 5
- “(c) the chief executive is satisfied that there are appropriate facilities available to accommodate the child’s placement.
- “(2A) In considering whether placing the child with the mother is in the best interests of the child, the chief executive must have regard to the principles in section 5 of the Care of Children Act 2004 to the extent that those principles are relevant. 10
- “(3) The chief executive must—
- “(a) consult the chief executive of the department responsible for administering the Children, Young Persons, and Their Families Act 1989 before deciding whether to approve a child’s placement; and 15
- “(b) seek the advice of a child development specialist before deciding whether to approve or end a child’s placement, unless it is clear from the circumstances that it is not necessary to seek that advice. 20
- “(4) The chief executive may end the child’s placement if the chief executive considers that—
- “(a) **subsection (2)(a)(i) or (ii)** is not being met; or
- “(b) the mother’s responsibilities under the parenting agreement are not being met. 25
- “(5) In this section and **sections 81B and 81C**, unless the context otherwise requires,—
- “**child’s placement** or **placement** means the placement of a child with his or her mother in prison in accordance with this section. 30
- “**81B Parenting agreements**
- A parenting agreement to which **section 81A(2)(b)** relates must include, without limitation, all of the following:
- “(a) notice that the mother is responsible for the care of her child while the child is in prison: 35

- “(b) identification of an alternative caregiver who will care for the child when the placement ends or in an emergency: 5
- “(c) the chief executive’s agreement to—
- “(i) provide parenting information, education, and support to the mother; and 5
- “(ii) attend to arrangements for the child to receive any necessary health and well-being checks and any treatment required as a result of those checks; and 10
- “(iii) facilitate the mother’s access to any treatment or counselling required to support the mother to care for her child: 10
- “(d) for the purpose of ensuring that the best interests of the child are met, the mother’s agreement to— 15
- “(i) attend any parenting education programmes specified; and 15
- “(ii) facilitate arrangements for the child to receive any necessary health and well-being checks and any treatment required as a result of those checks; and 20
- “(iii) participate in any treatment or counselling required to address any mental health or substance abuse issues identified; and 25
- “(iv) attend any programmes identified in her management plan; and 25
- “(v) co-operate in a planned separation from the child when the placement ends. 25
- “81C Accommodation and feeding of children placed with their mothers 30**
- “(1) The chief executive must ensure that, to the extent practicable within the resources available, every prison in which female prisoners are imprisoned provides appropriate facilities for the accommodation of children under the age of 24 months, and that those facilities support the development needs of those children. 35
- “(2) The chief executive must ensure that every child who is placed with his or her mother in prison is,—

- “(a) if the child is breastfed, provided sufficient opportunity to be breastfed; and
- “(b) if the child is fed by other means, provided sufficient opportunity to be fed.”

6 Regulations relating to treatment of prisoners 5

Section 203 is amended by repealing paragraph (c) and substituting the following paragraph:

- “(c) prescribing conditions relating to the care of children of female prisoners who are allowed to remain with or visit their mothers in prison:” 10

7 Consequential amendments to Corrections Regulations 2005

- (1) This section amends the Corrections Regulations 2005.
- (2) The heading above regulation 170 is amended by omitting “*babies*” and substituting “*young children*”. 15
- (3) Regulations 170, 172, and 173 are revoked.
- (4) Regulations 171, 175, 177, and 178 are amended by omitting “baby’s” in each place where it appears and substituting in each case “child’s”.
- (5) The heading above regulation 175 is amended by omitting “*baby*” and substituting “*child*”. 20
- (6) Regulations 171, 175, and 178 are amended by omitting “6 months” in each place where it appears and substituting in each case “24 months”.
- (7) Regulations 171 and 174 to 178 are amended by omitting “baby” in each case where it appears and substituting in each case “child”. 25
- (8) Regulation 186 is amended by adding the following subclause:
 - “(6) This regulation does not apply to female accused prisoners who are allowed to keep their children with them in prison under **section 81A** of the Act.” 30

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Legislative history

15 June 2006	Introduction (Bill 56-1)
28 June 2006	First reading and referral to Law and Order Committee
9 November 2007	Reported from Law and Order Committee (Bill 56-2)
21 May 2008	Second reading
30 July 2008	Committee of the whole House (Bill 56-3)
