

## When Child, Youth and Family (CYF) visit, what to consider.

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This is a basic outline of strategies people might want to consider when dealing with **Child, Youth and Family (CYF) New Zealand**. For people who live here the reason why I state which country is because this is mainly an online document and people want to know its origins. There is more than one CYF worldwide.

This advice is in no particular order, so eventually please read the entire document to get the full perspective. If you are already amidst a CYF battle in the meantime I suggest most people just look for the relevant headings for where you are at in your case and what you need to know in this moment.

So for example if you just want to know **how to complain about CYF staff** or **get your files** just seek out those headings in this document about that. I realise this document can seem a little daunting and for where some people are at this could be information overload. You can always come back to the other sections on another day or as you see fit if or whenever required.

While this document is longer than was wanted, that's because we included the reasons why somethings have been suggested so you can see the rationale and pros and cons of an idea.

Some groups and people give indifferent advice to us and the last thing people need is to be ill-informed or confusion amongst their CYF issues on top of what they already have to contend with. This information is provided to hopefully give you options and ideas you might not otherwise think of. Some people just want advice without going to a group and having to divulge too much of their situation as they would rather go it alone. To that end this document is written.

This has been written as a type of self-help guide where it's hoped you can glean something out of it that the reader might be able to use in your situation.

That is partly because there is no one right or wrong way as such, when dealing with CYF and while somethings will work well in some cases, they may not in others, as will be explained why later.

This document is based upon the fact I am a qualified Social Worker and advocate myself and helped in over 1700+ cases at the time of this documents writing. The advice given is based upon all those cases about what we found worked and ideas you might want to consider.

Given I am very dyslexic my literacy skills can at times not be up to par. So I hope you overlook the wording (spelling and grammar or punctuation errors) and instead focus on the essence and context of what it is I am trying to convey. What I mean is more important than how it's said if you can follow it.

**If CYF pay you a visit hope for the best and plan for the worst.**

### **General advice if CYF just turn up:**

If CYF turn up on your doorstep unannounced inquire of them what prompted the visit at first if you can. They might insist that's better talked about inside... Should you feel uneasy about them just turning up politely asked them to come back another day by mutual arrangement?

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Make it clear you are not refusing to cooperate and use the excuse you have other appointments and/or things planned that at short notice can't be put off. This will give you time to prepare.

Let's face it most people don't see a visit from CYF as a good thing and can go into a shock mode thinking the worst at times. Do try and stay calm and don't use bad language or abuse them because getting offside from the outset when that's avoidable is never a good thing from what I have seen.

CYF have been known to turn up air their concerns and go never to be seen or heard from again.

There is no sure-fire thing as far as a strategy at this point except to keep good records of their visits just in case they take matters further or come back again in the future to do with other issues.

Make sure you get the Social Workers cards or contact information before they leave. More so their email addresses as this helps you keep a written record of communications to and from CYF if needed to be relied upon later.

### **To covertly audio record CYF, or not?**

Some people and groups think by suggesting covertly recordings CYF without telling them that is happening is illegal and a moral breach of trust. I will address the legalities of this here and the other comments near the end of this document. On that page there will also be examples of cases where covert recordings happened to better illustrate the circumstances surrounding them rightfully or wrongly. As they have nothing to do with CYF in general is why we will leave that discussion until then for now.

**When possible while dealing with CYF and as long as it's within the law to do so at all time's audio record every meeting and conversation with them for evidence. You can't audio/video record the Family Group Conferences or the Family Court I am aware of to date.** Here is the relevant legislation on the topic of recordings:

#### **Crimes Act 1961 Section 216B Prohibition on use of interception devices**

##### **216B Prohibition on use of interception devices**

(1) Subject to subsections (2) to (5), every one is liable to imprisonment for a term not exceeding 2 years who intentionally intercepts any private communication by means of an interception device.

(2) Subsection (1) does not apply where the person intercepting the private communication—

(a) is a party to that private communication; or

<http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM329814.html>

So I take it from that if you are a party/involved with the conversation you can intercept/record it but if you are a bystander can't.

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People often use their smartphones for this. I know of many CYF clients that record them without telling the staff they are doing so. If you need to use the recordings in court as others have successfully done you get them transcribed. Then if CYF call the transcripts into question offer up the recordings to support them to the Court. Up until that point don't reveal you have recordings or the CYF staff will be more careful about what they say in the future.

However, the downside to this is if CYF catch you covertly recording them without first advising them of this there could be dire consequences and repercussions like access being cut etc. So you need to consider if the risks outweighs the benefits of doing so.

Audio recordings can be a two edge sword wherein they can help or hurt your case if you have said anything that can later be used as evidence against yourself. People have tried to provide partial recordings and transcripts as have CYF at times and that's never a good idea to lie via omission.

In the heat of the moment things can be said by either side and it's really hard to take accurate written notes during such a time. That's where audio recordings can be so invaluable.

Sometimes CYF staff also covertly record their clients without them knowing as we have caught the odd one out doing this which is rather hypocritical given what's to come.

**However**, some CYF staff is now saying they don't agree with being audio recorded to protect the Children's or young people's Privacy rather than them being worried about their own per se. That to record CYF staff is a breach of the Children's or young people's privacy.

**"When it comes to privacy and accountability, people always demand the former for themselves and the latter for everyone else."** - David Brin

If you decide to audio record CYF treat them as privileged and confidential and for your own reference purposes only. I have known people to upload their recordings to Youtube and alike and that might well see you run afoul of the law. If people say covertly recording officials is illegal ask them where it says or implies this and in what Act/laws or circumstances that might or not apply. Everyone I know of who has made such a claim about the possible illegality of this has as yet to substantiate them. Near the end of this document I provide examples and cases where covert recordings have happened rightfully or wrongly.

## You must keep accurate records:

If you choose to record CYF this will help you keep accurate records.

You must keep accurate records of meetings, phone conversations and all emails to and from CYF etc. The Judge will take more notice of the written record as opposed to your memory of it some time later. Having things in writing also means you can submit it to the judge rather than just wing it and hope you get the chance to raise the issues in court later.

Judges often do a lot of background reading before the hearing and can have their minds half made up before then.

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Don't spring anything new on judges if possible. You are better off being over-prepared than not at all. People often say judges don't give them they're say and that's often because there are no evidence/records to support their claims.. Also people make the mistake of telling a story but then having nothing to support it in the way of facts as inaccurate records. Things like CYF said this on 5<sup>th</sup> March 2018....., that's all hearsay and unsubstantiated personal opinion without any record/evidence to support it. Also what they said, and mean and your or their interpretation of it can be so very different and an audio recording can help resolve that.

The reason for this is without evidence the Judge will listen more to CYF than you and take them at their word over yours generally in the absence of hard evidence on your behalf.

### **Don't sign anything you don't understand or agree with:**

It should go without saying but I will again anyway. Never ever under any circumstances whatsoever sign anything you don't fully understand. Seek good advice if you're unsure about signing anything.

Sometime CYF staff will threaten you by saying if you don't sign this we can uplift your kids anyway.

That's the catch 22, many people face and there is no one easy answers for these kinds of situations.

I am not saying people should or not sign things but what I am saying is when presented with anything make sure you fully understand it first. So ask what does a section 101 mean and give CYF the power to do. What if I change my mind... ask logical questions?

Consider audio recording this conversation encase you get misinformed and sign on the wrong premise or **under duress**. If you need to write "**signed under duress**" if you feel coerced into this as that might give you some comeback. However that's not guaranteed so be it on your own head if you do sign anything you don't fully understand as getting that recanted afterwards is not easy.

### **Information is everything and without it you have nothing.**

It should stand to reason that you need to know what information CYF and others relevant (schools/DHB's etc) to your situation have on you and to see as much of that as you can. Sometimes information we have requested has yielded no results at all. Other times it's given us the breakthrough we needed.

You will never know how helpful or not asking for your information will be until you tried it. To that end I suggest you ask the **Ministry of Social Development (MSD)** not just CYF for all information held on you by them or others they know about. This might include Work and Income (formerly and better known as **WINZ**) if you're on a benefit and housing New Zealand if in a state house.

That's because the MSD/CYF can scatter your information through different files if there be more than one. So if you only ask for your CYF file that's all you will get nothing more. When

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there could be so much more information on or about you elsewhere one is entitled to from the MSD if you would but just ask for more than just your file from them.

Also ask everyone (children/teens as well) involved with the case to request their information only after the main person involved has. By main person I mean the one CYF have identified is at risk or the reason for their involvement. There is normally a person the situation centres around per se. However if there is more than one person ask away and seek that information out about them.

Whoever has the legal authority to request the Teens/children's information has to be the one to get that on their behalf?

In my opinion only after the main person has received their information should everyone else involved apply for theirs over time if needed? Don't all do it at once because what one redactor might leave in a different might blackout so you can't see it? As the redactors can be rather inconsistent they might leave something in that will help your case that's not revealed in other files.

Go through your information with the fine tooth comb and have misinformation corrected because remember if you have a lawyer they will be working off your file as given to them by CYF. Make sure your lawyer is informed of incorrect information relevant to the Family Court proceedings only.

Be aware that other agencies/organisations might hold information on you that are contracted to the MSD/CYF. If visitation/access is supervised or assessment or reports are done by a private firm they might hold that on the MSD's behalf. So make sure you get to see them if permissible. Sometimes they refuse to let you see things in which case you take that up with the **Office of the Privacy Commissioner**. The **Official Information Act (OIA)** and **Public Records Act 2005** complaints go to the **Office of the Ombudsman's**.

**Note** the Public Records Act 2005 was slipped in but you need to do your own research on that....

## How to request your information.

We suggest wording similar to this.

I request under the **Privacy Act 1993** and **Official Information Act 1992**, all information held on me by the MSD or their staff or about me on behalf of the MSD by others. The information I am requesting includes but not just limited to all electronic and/or paper based files, reports or any diary notes and transcripts, all recordings and or photos/videos.

Make sure you get all copies and stages of transcripts as in:

- 1, original (done on the spot) then
- 2, drafted (at the office) and
- 3, final copies approved and put on your files.

Sometimes there can be rather large variances between the three or more copies. When you ring the staff they generally take notes so make sure you get them as well.

Try and get all and every bit of information about you and or a reason why they can't or won't provide it.

Email requests to [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz) and [NAT\\_POI\\_Requests@cyf.govt.nz](mailto:NAT_POI_Requests@cyf.govt.nz)

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The catch 22 here is only start seeking your information if or when you think it will be of the most use. That's because staff have been known to delay putting stuff on your files until after you applied for them. Put in regular requests for updated information since you last requested it for that reason.

It can take a long time to get your files and you can ask for them on CD/DVD rather than paper copies.

### **CYF transcribing things.**

If CYF offer to transcribe meetings ensure their accuracy and pass it around those that were there to check for that. Look for things that can be easily misunderstood and what is written, is what was said and what you meant. They can at times be three different things. Get someone to play devil's advocate with the transcript as well.

**Also remember if you have received a copy of the transcript and not notified CYF of any issues it is taken as being correct.**

### **How to complain about CYF staff:**

You need to keep creating a paper trail of complaints and for that reason I recommend you use these email: [complaints@cyf.govt.nz](mailto:complaints@cyf.govt.nz) and [cyfcallcentre@cyf.govt.nz](mailto:cyfcallcentre@cyf.govt.nz) outlining the issues. If you get no response try [Info@MSD.govt.nz](mailto:Info@MSD.govt.nz) Always ask for an acknowledgment of your complaints in the first instance as they seem to have a habit of going astray at times. Keep following up on your complaints until such time as you get written confirmation they are being looked at in due course or of the outcomes.

The MSD/CYF head office will normally hand your complaints back to your local office for them to answer for themselves. Eventually you may end up before the **Chief Executive's Advisory Panel (CEAP)** However they can't look at affidavits or look into individual staffs actions as per se because of their terms of reference as written by the MSD who also run CYF.

Please remember not all CYF staff is Social Workers and of the ones that are Social Workers not all of them are registered. To see if they are registered follow this link and look them up

<http://www.swrb.govt.nz/public-information/search-the-register>

If your Social Worker is registered then look at the **Social Workers Registration Board (SWRB) Code of Conduct** <http://www.swrb.govt.nz/complaints/code-of-conduct> .

You can email them on [info@swrb.govt.nz](mailto:info@swrb.govt.nz) or FREEPHONE: **0508 797 269**.

Remember how I have talked about the importance of your own record keeping. This is where it will come into its own. That's because you need to state the time and day something was said and verbatim also. As in on this **day and time** the Social Worker said or did this in breach of their code of conduct if they are registered.

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This is where any audio recordings might become invaluable at this point but don't give them up until you really need to and more so if you have an ongoing involvement with CYF. Only as a last resort should you ever reveal they exist.

If the CYF employee is not a Social Worker or registered I suggest this path. All state sector employees must comply with the **State Services Commission (SSC), Standards of integrity**. The MSD/CYF must comply with them. If you think they have been breached contact the SSC on [integrityandconduct@ssc.govt.nz](mailto:integrityandconduct@ssc.govt.nz) and [commission@ssc.govt.nz](mailto:commission@ssc.govt.nz) pointing out where you think CYF have failed to comply. You can download those standards here:

[http://www.ssc.govt.nz/upload/downloadable\\_files/Code-of-conduct-StateServices.pdf](http://www.ssc.govt.nz/upload/downloadable_files/Code-of-conduct-StateServices.pdf)

***Please note:*** *All Government departments, agencies, and State sector organisations should comply with those standards. To see the full list of who is meant to come under those standards go here:* <http://www.ssc.govt.nz/code-organisations>

*However give the MSD/CYF the chance to address your complaints first otherwise in most cases you will be referred straight back to them for that to happen.*

Also find out if the Social Worker is a member of the **Aotearoa New Zealand Association of Social Workers (ANZASW)** via this email address [admin@anzasw.org.nz](mailto:admin@anzasw.org.nz) and ask them to send you a copy of their code of ethics which should be free for the public.

## Taking notes at a Family Group Conference (or FGC's)

You can take notes at a FGC as CYF confirmed in their **Need2know** magazine and I quote:

**" An FCG coordinator can't insist that participants don't take notes, or insist that notes are handed over at the end of the FGC; but they can discuss and remind people about maintaining privilege/non-publication requirements. If someone insists on taking notes, the coordinator can remind them that publishing a report of FGC proceedings is an offence and can result in a substantial fine"**

Issues 234 dated 08 May 2012.

## To use support people or not:

Sometimes having support people present at meetings can be at your detriment. That's because CYF will be on their very best behaviour and have their guards up not down. Sometimes your audio recorder is all you need and to seem like easy pickings. There have been things said just with the clients and CYF worker present that would not have been with someone else as a witness.

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I am not saying support people don't have their value and should not be used but where and when they come into play should be carefully considered. I often only get involved much later on for that reason and just offer advice in the background. You need to pick your moments and battles wisely.

However if you want support people there from the beginning that's up to you and so be it.

### **Social media here is the problem with privacy.**

Please be careful what you put on Social Media with things like Facebook etc...

Private or secret groups might be anything but that unbeknown to you.

Even you're so-called private messages (PM) might not be as private as you think and you could be inadvertently providing ammunition to be misrepresented later.

Whenever you sign up to use a platform like Facebook you agree to their terms and conditions which in some cases means they can choose how private your information remains. Some Social media sites have an agreement to pass over information upon request to law enforcement without the need for a warrant. You often agree to them doing this via their sites terms and conditions of use.

So things might not be as secure and private as you might think. It's very difficult to enforce the Privacy Act that applies within New Zealand to overseas or international places outside of New Zealand and more so when they are multi-million or billion dollar conglomerates. People might say if you have nothing to hide no need to worry. However, who has not let off steam online or in a Private Message and been less than careful about their choice of words. It's so very easy to mischaracterise or misinterpret people is the problem.

While this might be counterproductive for my "**Child, Youth and family services (CYF) accountability**" Facebook group I learnt some CYF staff spy and monitor them. So by you being on them can set off alarm bells for the staff and they therefore act more circumspect than they otherwise would have.

My group numbers have gone down after I advised people of this but we must do what's right by the CYF clients even at the expense of numbers/support. You can also get a friend to ask questions on your behalf in groups as well. However be careful how questions are framed and that's because in the asking sometimes you give away for who you are asking to the CYF staff watching that might know the case. Don't underestimate just how cunning some CYF staff can be.

Most people's first reaction is joining a group and that's why CYF keep an eye on their members. Please don't get me wrong I am not against you joining groups but rather saying please stay incognito to avoid collateral damage as I don't want you to jeopardise your own case.

### **Point and case about covert audio recording.**

After having tried we found the Privacy Commission rather non-committal on this topic and in fact they advised us to seek legal advice about this as it's not their job.

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Other support groups tell people it's illegal to covertly record officials without their consent. Yet they can't tell us what section of the privacy Act or any others this could be breaching by doing this. I decided to add this section to show my logic case and point.

Bronwyn Pullar covertly recorded ACC meetings which I might add proved to be handy as you can read by following the link below:

**Recording at odds with ACC extortion allegations** PHIL KITCHIN  
<http://www.stuff.co.nz/national/politics/6826982/Recording-at-odds-with-ACC-extortion-allegations>

When Bronwyn Pullar made the tapes public to disprove the accusation she tried to blackmail them ACC took no action against her for the covert recordings. Why?

**One**, what she did was not illegal and **two**, as soon as ACC made that public claim she was entitled to respond publicly as well.

Just think had she not have recorded that meeting people might have believed ACC version of events. That's why it always pays to record everything just in case it's ever needed. You are always better off safe than sorry in my view. While it can often seem like a waste of time the one time you need the recordings outweighs the others when they are not called upon.

David Henderson also had many covert recordings when he had his dealings with IRD. They were used in a book and made into a film called "**We're Here to Help**" 2007. No action was taken against David either for having made the covert recordings.

While some people refer to the covert recordings known as the teapot tapes [https://en.wikipedia.org/wiki/Tea\\_tape\\_scandal](https://en.wikipedia.org/wiki/Tea_tape_scandal) you will note two points of difference.

**First**, Bradley Ambrose was not a party to the conversation as it was between Banks and Key..

**Second**, he claimed the recording was made by accident.

Also the police did not charge him anyway.

As for the alleged case of Todd Barclay MP secret recordings, if they existed it sounds like he was not a party to the conversation and is in an employment relationship with those staff anyway.

However from an article about that we have these two points:

### Secret recordings in employment cases on the rise

**"The starting point is that, generally speaking, it is illegal to record a private conversation that you are not a party to"**

Please note it stated "private" rather than official anyway. If staff is acting on behalf of their organisation that's way more official than it is private. However I suggest you seek your own advice about this if you have doubts still. Just one more point from that article:

**"The legal lines are blurred when it comes to discussions where one party knows it is being recorded and the other does not"**

<http://www.stuff.co.nz/business/opinion-analysis/78144334/secret-recordings-in-employment-cases-on-the-rise>

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So those two cases are not at all comparable to covertly recording CYF if you so wish as I see it.

The issues are that no one case is ever exactly the same even if they look on the face of it very similar. There are different clients, Lawyers and Social Workers involved and Judges. Let alone if the child is being coached. Sometimes CYF do really need to be involved as well.

Now as for the people who claim my advice about covert audio recordings is a moral breach of trust.

The good CYF workers should have nothing to hide or not be bothered by this. People should have the right to protect themselves against unscrupulous Social Workers who lie, bully and threaten clients in which it's their word against yours. I am unapologetic about my advice in that regard for those and many other reasons as outlined in my **You-Be-The-Judge**, Book 2015.

It's already too easy for CYF to manipulate the Family Court processes to get their own way and if you want to know what I mean about that I have written a 300-page book which will explain this for you.

You can download my book from here for free.

**ISBN: 978-0-473-33469-7.**

**Anyone of these download links:**

<https://jumpshare.com/v/b7hd0l3FXk4f3MEdirSq>

[http://filebin.net/l0q8xbxohn/You-Be-The-Judge2015\\_Axford.pdf](http://filebin.net/l0q8xbxohn/You-Be-The-Judge2015_Axford.pdf)

If you can't get a copy of the book for any reason please email and ask for one which will come in PDF via from [CYFwatchers@gmail.com](mailto:CYFwatchers@gmail.com)

**Please feel free to pass this document around in the hope it will reach those it might help.**

***The information I have provided is rudimentary and not intended as legal advice per se at all. It's up to you if you want to follow my advice or not. You do so for your own benefit or at your own risk.***

***Laws or their interpretations can often change so it pays to double check everything and getting a second or third opinion. In fact I encourage it.***