The Children, Young Persons, and Their Families Act 1989 and the Paramount Interests of Children

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I: INTRODUCTION

Over the past one hundred and fifty years, the law's approach to child welfare has changed dramatically. Children were once regarded as mere chattels. Later, concern for future productivity led many to view children as important social capital. With the "discovery" of child abuse in the 1960s, children were seen as psychologically vulnerable beings. Since the 1970s, children have been recognised as individual citizens with rights.[1] The most recent shift has come with the enactment of the Children, Young Persons, and Their Families Act 1989 ("the CYPF Act"). This Act represents a significant departure from previous approaches to child welfare.[2] Under the Act, children are viewed primarily as members of families, whanau, hapu, iwi , and family groups.

This article considers whether the new approach is appropriate and beneficial for children.[3] In particular, it considers whether, and how, the CYPF Act should be amended to emphasise that children's interests must always be paramount. The concept of the paramountcy of children's interests is explored, and the ability of current law to recognise this principlc is examined. Both the statutory provisions of the CYPF Act and the approach of the courts are criticised.

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1 McDonald, "Children and Young Persons in New Zealand Society" in *Families in New Zealand Society* (1978) 44-45 cited in Trapski (ed), *Trapski's Family Law* (1991) Vol 1 para 1.1.02.

2 The previous approach is exemplified by the Guardianship Act 1968, the Adoption Act 1955, and the Children and Young Persons Act 1974.

3 For clarity, "children" refers to both children and young persons.

II: THE PHILOSOPHY OF THE ACT

The new Act shifts from a child welfare perspective to a family group perspective. The family group perspective involves the "presumption that the child or young person's interests and welfare are inextricably linked with the wellbeing of the family, whanau, hapu, iwi, or family group".[4]

As well as this philosophical shift, the Act effects a number of other changes. Care and protection processes are separated from youth justice processes, and family group conferences are established as a statutory decision-making process. In addition, a set of principles is developed for the care and protection of children, and for dealing with youth offending.

General Principles of the CYPF Act

The general principles of the Act are set out in ss 5, 6, and 13. The principles contained in s 5 include:[5]

(i) participation;

(ii) maintaining and strengthening the relationship between the child and the child's family and family group;

(iii) considering the child's wishes;

(iv) obtaining the support of the child and family for the exercise of powers and provision of services; and

(v) considering the child's sense of time.

Section 13 sets out nine principles to guide the exercise of care and protection functions under the Act. These include the principles that children must be protected from harm, that the primary role in caring for and protecting a child lies with the family, whanau, hapu, and iwi, and that the child should be removed from this family group only if there is a serious risk of harm. The aim of most of these principles would appear to be to strengthen and maintain the child's links with his or her family group.

The Act establishes an hierarchical framework among ss 5, 6, and 13. Section 13 is expressed to be subject to sections 5 and 6, and s 5 is subject to section 6. Section 6 contains the paramountcy principle discussed below.

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4 Trapski (ed), supra at note 1, at para I.2.05.

5 Butterworths, *Family Law in New Zealand* (5th ed 1992) para 6.605.

III: THE PARAMOUNTCY PRINCIPLE

1. Definition of the Principle

Simply stated, the paramountcy principle requires that the interests of the child must always be paramount. Section 23 of the Guardianship Act is an example of this principle, which is also recognised in Article 3 of the United Nations Convention on the Rights of the Child:[6]

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.[7]

The purported paramountcy provision in the CYPF Act is contained in s 6:

> Where, in the administration or application of this ... Act, any conflict of principles or interests arises, the welfare and interests of the child or young person shall be the deciding factor.

Section 6, unlike s 23 of the Guardianship Act 1968, makes separate reference to "welfare" and "interests". In *D-GSW v L*,[8] Richardson J suggested that the words "and interests" merely added emphasis to the notion of welfare which is a broad term concerned with all aspects of the wellbeing of the child.[9] Conversely, Bisson J drew a distinction between "welfare" (immediate day to day care issues) and "interests" (longer term issues such as maintaining a link with the child's natural family). This is an example of the difficulty with the wording of s 6.

2. Criticism of the Principle

Criticism of the paramountcy principle is centred on three issues. First, it is argued that the principle conflicts with the emphasis placed by the state upon family autonomy. Second, it is contended that the principle is based on the child welfare perspective, which has itself been criticised. Third, it is suggested that

6 See *The United Nations Convention on the Rights of the Child* (Office of the Commissioner for Children 1992) 11.

7 *Family Law in New Zealand* supra at note 5, at para 6.606 makes the point that the wording of the 1989 Convention is slightly ambiguous when compared with the 1959 Declaration of the Rights of the Child, in which Art 2 provided that "the best interests of the child shall be the paramount consideration".

8 [1989] 2 NZLR 314.

9 Ibid, 319.

"the centrality accorded the child is not in keeping with Maori tradition"[10] which is founded upon communitarian rather than individualistic paradigms.[11]

(a) Conflict with family autonomy

According to the then Minister of Social Welfare, Dr Michael Cullen, the paramountcy principle:[12]

> [A]ssumed that there was an inevitable conflict always present between the interests of the child and the interests of the family, that there was a necessary divorce between them, and that the interests of the child were paramount and always had to be considered separately from those of the family.

However this argument misinterprets the paramountcy principle. There is no assumption inherent in the principle that there is an inevitable conflict between the interests of the child and those of the family group. Rather it provides a statutory obligation to ask "what does *this child with this particular family situation* require for the child's welfare?"[13] In other words, there is no starting presumption that the interests of the child are necessarily the same as those of the family group, or, indeed, different from the family group. Rather, the particular needs and interests of the child must be assessed in the light of the relevant facts. In *Re B (children)*,[14] Judge Inglis QC outlined the operation of the paramountcy principle. His Honour's remarks are summarised in *Trapski's Family Law*:[15]

> [T]he Act has two paramount principles: that the welfare and interests of *these* children, in *this* particular family situation, must come first; and that any generalisations or theoretical assumptions about the value of family connections must, in the end, give way to the pragmatic reality that is the welfare of *these* children with *these* particular parents.

(b) Child welfare perspective

It has been argued that, ironically, in a system where the welfare of the child is the paramount consideration, the child may suffer. Thus, according to the Depart-

10 Annex Two of *Puao-Te-Ata-Tu* (1986) 52 cited in Tapp, Geddis, and Taylor, "Protecting the Family" in Henaghan and Atkin (ed), *Family Law Policy in New Zealand* (1992) 168, 179.

11 *Review of the Children, Young Persons, and Their Families Act, 1989: Report of the Ministerial Review Team to the Minister of Social Welfare* (1992) 12 (Mason Report).

12 47 NZPD 10246 (27 April 1989) cited in Trapski (ed), supra at note 1, at para I.2.05.

13 Tapp, *Conference Paper on the Children, Young Persons, and Their Families Act* (1994) (unpublished) p7.

14 [1992] NZFLR 726, 757-758.

15 Trapski (ed), supra at note 1, at n*(b)*.

ment of Social Welfare, the child welfare approach "often [eroded] the rights of family, whanau, hapu, iwi, and family groups, undermining their mana and destroying the skills and resources they could once provide for their children".[16] This "often subjected children and young people to the ill effects of prolonged substitute care, to disruption of their sense of identity and belonging and to the attendant stigma of being state wards".[17] Furthermore, "[t]he child welfare perspective meant that families were often stripped of their responsibilities for their children rather than supported in their efforts to provide appropriate care".[18]

The Mason Report acknowledges the power imbalance between the professional and the family. This, the report concludes, has led to abuses:[19]

> It cannot be denied that over the years, well intentioned social workers, and others, used [the paramountcy principle] to remove children from the family unit. On occasions children and families were parted for several years and regrettably some families were denied even minimal contact with a child so removed.

However, the Mason Report also suggests that the consequences attributed by the Department to the welfare approach were a reflection of social work practices and the "prevailing attitude of the period"[20] rather than a consequence of the paramountcy principle per se.

(c) Conflict with Maori traditions

The Ministerial Advisory Committee Report, *Puao-Te-Ata-Tu,*[21] stresses the importance of the hapu's rights and responsibilities as overriding the rights of the birth parents. In traditional Maori society, the importance attached to the child's interests is subsumed under the importance attached to the responsibility of the tribal group or hapu. The hapu is bound to provide for the physical, social, and spiritual wellbeing of the child. The Committee, therefore, considers that in the case of a Maori child, any relevant sections should acknowledge that the views and concerns of the child's hapu should be considered before determining what is in the child's interests.

However, it has been suggested that the rights and responsibilities of the hapu are not negated by a principle which focuses upon the separate and paramount right of the child:[22]

16 Department of Social Welfare, *Care and Protection Handbook* (1989), in Henaghan and Tapp, "Legally Defining the Family", cited in Henaghan and Atkin (ed), supra at note 10, at 28.

17 Ibid.

18 Ibid.

19 Supra at note 11, at 8.

20 Ibid.

21 *Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare* (1986) 52 cited in Trapski (ed), supra at note 1, at n*(g)*.

22 Tapp, Geddis, and Taylor, supra at note 10, at 179-180.

> It is impossible for a just and caring society not to come down in favour of the child's right to protection. It is inconceivable that any culture - Maori or otherwise - could have adopted a different stance because in so doing they would have sown the seeds of their own destruction.

The *Puao-Te-Ata-Tu* Report, like the Mason Report, suggests that culturally inappropriate decisions concerning children and young persons under the CYPF Act's predecessor, the Children and Young Persons Act 1974, did not arise from the paramountcy principle, but rather from the social work practices of the time.

IV: DOES THE ACT SUFFICIENTLY PROTECT THE INTERESTS OF CHILDREN?

It is submitted that ss 5, 6, and 13 fail to provide clear and unambiguous guidance as to the importance of the child's interests:[23]

> The Act fails to make clear which of a number of potentially conflicting objects is paramount: the State's interest in the wellbeing of children and young persons, the State's interest in the wellbeing of families, or the State's interest in te tino rangatiratanga.

There are several reasons for this failure. First, the contraposition of differing objectives in the long title and ss 4, 5, and 13. Second, the wording of s 6. Third, the underlying policy orientation of the Act towards family autonomy.

1. Conflicting Objectives in the Long Title, and Sections 4, 5, and 13

In *Re V*,[24] Judge Inglis QC recognised that the hierarchical framework established by the principles sections of the Act may generate confusion:[25]

> [T]he detail with which these principles [of ss 5 and 13] are stated may cause one to overlook the central principle stated in s 6.

The family group perspective paradigm underlies the principles in ss 5 and 13. This paradigm rests upon a presumption that a child's welfare is linked with that of the family, and any intervention which supports the autonomy and mana of the family or whanau will also advance the welfare of the child.[26] Section 13(e) introduces a significant threshold before removal of a child from his or her family group can be deemed justifiable:

23 Trapski (ed), supra at note 1, at para I.2.02A.

24 Family Court, Napier. 13 March 1991 CYPF 041 033 90 Judge Inglis QC cited in Butterworths, supra at note 5, at para 6.605 n1.

25 Ibid.

26 Trapski (ed), supra at note 1. This may be contrasted with the child protection perspective which instead considers the particular needs and interests of the specific child.

> [A] child or young person should be removed from his or her family, whanau, hapu, iwi, and family group only if there is a serious risk of harm to the child or young person.

The Mason Report suggests that this increase in the threshold for state intervention reflects a legislative desire to foster family autonomy. It seems that children must be at serious risk before action will be taken.[27] Only s 13(a) focuses upon the individual right of the child or young person to be protected from harm, and to have his or her rights upheld and welfare promoted.

Section 5 also largely reflects the assumptions of the family group perspective. For example, s 5(b) provides that:

> [W]herever possible, the relationship between a child or young person and his or her family, whanau, hapu, iwi, and family group should be maintained and strengthened.

Only subs (d) and (f) deal separately with the interests and welfare of the child.

Therefore, while ss 5 and 13 contain potentially differing objectives and principles, the general thrust is in favour of a family group perspective. This pattern is also reflected in the long title. The long title of the Act emphasises the importance of the family group by referring to the wellbeing of families before that of children and young persons, who are referred to only as "members of families, whanau, hapu, iwi, and family groups".[28]

Conversely, s 4 considers "children and young persons as individuals not merely as family members".[29]

2. The Wording of section 6

Section 6 makes the welfare and interests of the child the deciding factor where any conflict of principles or interests arises. It might be supposed that in practice, virtually all care and protection cases would activate the conflict requirement. This is what led Richardson J in *D-GSW v L*[30] to suggest that s 6 merely amounts to a "contemporary restatement" of the paramountcy principle, on the basis that "any conflict of principles or interests" would lead to the activation of the paramountcy of the interests and welfare of the child.[31] However, it is submitted that in practice the conflict threshold of s 6 may not be activated in certain cases. There are several reasons for this.

First, the general thrust of ss 5 and 13 supports a family group perspective. Hence, the statute implies that the principles may be reconciled without the need for conflict arising:[32]

27 Supra at note 11, at 12.
28 Trapski (ed), supra at note 1, at para 1.2.02A.
29 Ibid.
30 Supra at note 8.
31 Ibid, 319.
32 Hon J Shipley 537 NZPD 17306 (10 August 1993). Emphasis added.

> [The Mason Report] considered that, in the family group conference situation, the interests of the child or young person could be either overlooked or not understood, *given that the focus of the conference tended to be in resolving competing interests in the context of the wider family.*

Also, according to the authors of the Mason Report:[33]

> The idea of bringing the wider whanau and other players under the umbrella of the Act has increased the number of competing interests, and in our view has rendered the child or young person increasingly vulnerable .... We acknowledge the importance of the interests of families, whanau, hapu, iwi, and family groups. Nonetheless ... we believe that a clear, unequivocal restatement of the paramountcy principle is necessary.

Second, although the wishes of family group may conflict with the child's needs and interests, this conflict may not be expressed. This is especially likely in cases where both mother and child suffer abuse from a powerful male figure. There is a strong possibility that there will be conflict between the interests of the child and the wishes of the family in such cases, as the mother is also in a position of vulnerability.[34]

Third, the requirement of serious risk under s 13(e) may qualify the meaning of conflict. Therefore rather than any conflict activating the threshold in s 6, there must be a conflict that creates what is considered to be a serious risk to the child. The Mason Report noted that because of the way the principles are drafted, "a direct conflict may never arise, in that a child or young person's wishes need only be "considered" [under s 5(d)]".[35]

Fourth, social workers and care and protection co-ordinators may not in practice acknowledge a conflict of principles or interests when they do arise.[36] The authors of *Trapski's Family Law* suggest that because of the wording of s 6, the CYPF Act may be unable to prevent social workers from relying upon a family centred approach. This may result in workers focusing on adults rather than children, and characterising problems as adult or relationship problems rather than the concerns of the child. This would clearly compromise the interests and welfare of the child:[37]

> In theory, input into the family is supposed to trickle down to benefit the child. A focus on the family can result in failure to instigate appropriate child-directed investigation, and a failure to see conflicts between the interests of the child or young person and those of their family or whanau.

33 Supra at note 11, at 12.
34 Trapski (ed), supra at note 1.
35 Supra at note 11, at 11.
36 Ibid.
37 Trapski (ed), supra at note 1, at 1.2.02A

3. The Underlying Policy of Family Autonomy

Tapp suggests that there are two possible meanings of family autonomy. The first is that parents or families have a right to raise their children according to their own values, so long as they meet the minimum standards established by law.[38] This is the minimum feasible intervention approach, which creates a presumption in favour of maintaining children within their family groups. The second possibility is that family autonomy simply means the responsibility of parents and family to cope without outside assistance.[39]

Tapp, Geddis, and Taylor query the assumption implicit in the first definition that "given the resources, the information, and the power, a family group will generally make safe and appropriate decisions for children".[40] This assumption is relied upon by the state to justify a minimum intervention strategy. The authors contend that while it may be valid in the context of a non-dysfunctional family to assert that the family group generally knows best, this premise is invalid in relation to a dysfunctional family:[41]

> The intergenerational nature of abuse means that the dysfunctional family is usually in the midst of an extended family with similar problems .... It is unrealistic to expect a family network that has graphically demonstrated its inability to protect its children to suddenly be able to come together and formulate a rational and sensible plan that will effectively ensure the child's future safety.

Rather, Tapp submits that the presumption in favour of family group based solutions acts to disguise a policy of state withdrawal from providing welfare for children and families. She views this as an attempt to control fiscal expenditure.[42]

The presumptive approach adopted by the family group perspective ignores the existence of dysfunctional family groups, and is therefore in danger of propounding a dogma that ignores the specific needs and interests of particular children. In *Re Baby B*,[43] Judge Inglis QC stated:[44]

> Emphasis on the child's place within the family, if treated as a matter of doctrine rather than as a factor to be balanced against the child's welfare and interests, may achieve little more than locking the child back into the same inimical family situation from which the proceedings were designed to rescue him.

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38 Supra at note 13, at p2. Tapp defines the minimum feasible intervention approach as "the least possible intervention in family autonomy that will achieve state objectives". See also CYPF Act ss 4(b), 5(a), 13(b)-(g).

39 Ibid.

40 *Briefing Paper Two: Decision-Making Processes* 1 cited in Tapp, Geddis, and Taylor, supra at note 10, at 178.

41 Ibid, 202 n39.

42 Supra at note 13, at p2.

43 Family Court, Fielding. 9 March 1993 CYPF 15 002 93 cited in Trapski (ed), supra at note 1, at para I.2.03 n*(c)*.

44 Ibid.

It is submitted that the child protection perspective, which starts without a presumption in favour of the family group, is to be preferred. This perspective is concerned with the specific situation of the child. There is therefore a need for the paramountcy principle to be re-enacted in a clearer and less ambiguous form.

4. Summary

It is suggested that the hierarchical framework currently enacted within ss 5, 6 and 13 is defective. The paramount importance of the interests and welfare of the child are compromised by the underlying policies of the Act which focus upon family autonomy.

V: A CONTEMPORARY RESTATEMENT OF THE PARAMOUNTCY PRINCIPLE?

The authors of *Family Law in New Zealand*[45] suggest that the problematic nature of the Act's hierarchical framework may now be considered largely academic, due to the interpretative approach adopted by the judiciary towards s 6:[46]

> [T]here have already been judicial indications, from a number of judges, suggesting that the familiar paramountcy principle is in fact still operative under the Act.

It is therefore necessary to consider whether concern over the paramountcy principle has in fact been rendered academic.

1. Judicial Analysis

Judicial analysis since the enactment of the CYPF Act suggests that members of the judiciary are still employing the paramountcy approach when interpreting the principles of ss 5, 6, and 13. Richardson J stated in *D-GSW v L*:[47]

> Section 6 of the Children, Young Persons, and their Families Act 1989 is a contemporary restatement of that same legislative policy in providing as it does for the welfare and interests of the child or young person to be the deciding factor where any conflict of principles or interests arises.

45 Supra at note 5.

46 Ibid, para 6.606.

47 Supra at note 8, at 319.

This approach is also reflected in the decision of *Re Baby B*.[48] Judge Inglis QC referred to the legal tradition that surrounds the paramountcy principle as a justification for maintaining a child protection analysis which considered the interests and welfare of the child as the key issue:[49]

> The principle that the welfare and interests of the child must be the first and paramount consideration in the protective and parental jurisdiction of the Family Court is firmly embedded in our law and goes back centuries. It is quite clear that within ss 5, 6, and 13 a plain distinction is drawn between, on the one hand, matters that ought to be taken into account but which need not in themselves be decisive and, on the other hand, the overriding and paramount need to ensure that the result of the exercise benefits the child. In the end every factor has to be judged by the impact it has on the welfare and interests of the child.

In a further passage, his Honour stated that although the principles of s 5 may help determine where the interests of the child lie, the principles of ss 5 and 6 are focused on the welfare of the child as the main purpose of that determination.[50]

The explicit recognition of the paramountcy principle in s 23 of the Guardianship Act has also been compared with s 6 of the CYPF Act. In *D-GSW v H and S*,[51] Judge von Dadelszen considered that while the wording of s 6 may be different from s 23 of the Guardianship Act, "for all intents and purposes the meaning is the same".[52]

2. Criticism

This expansive approach of the courts has been criticised. Jefferson queries whether Richardson J's approach presents, as a matter of statutory interpretation, "a precise exposition of the law as set out in the Act".[53] For example, s 13(e) requires that a serious risk to the child or young person must exist before he or she may be removed from his or her family group. This is clearly inconsistent with a paramountcy principle activated upon "any conflict of principles or interests".[54] Such inconsistencies undermine the expansive approach to s 6. *Family Law in New Zealand* suggests that:[55]

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48 Supra at note 43.

49 Quoted in Trapski (ed), supra at note 1, at para I.2.05 n*(b)*.

50 Ibid, para I.2.03 n*(a)*.

51 [1991] NZFLR 373, 374.

52 Ibid.

53 Brown, Goddard, and Jefferson, *Children, Young Persons, and Their Families Act 1989* (New Zealand Law Society Seminar, October 1989) 9-10.

54 Ibid.

55 Supra at note 5, at para 6.606.

> [T]here [is] quite a significant difference between the unqualified paramountcy principle of s 23 of the Guardianship Act 1968 (stating that the welfare of the child is the first and paramount consideration), and the principle of s 6 stating that the child's welfare only becomes decisive where there is a conflict of interests or principles .... For if there is no conflict it must be arguable that the welfare and interests of the child do not become activated as the deciding factor.

The Mason Report noted the expansive approach adopted towards s 6. It concluded that although there is a judicial trend in favour of paramountcy analysis, law reform is still required. After all:[56]

> [T]he consequences for a child or young person are too serious to rely upon judicial support and leniency.

Furthermore, it is unlikely that in practice social workers and others will consistently adopt an analysis similar to that of the courts. As the Mason Report highlights, co-ordinators or social workers may fail to apply s 6, as they may not perceive a conflict. In such a case the child's welfare and interests will not be accorded paramountcy:[57]

> [T]he real danger is that with the emphasis on family group decision making in the Act, there will be no perceived conflict with the interests of the child provided all family members agree.

3. The Children, Young Persons, and Their Families Amendment Bill 1993

Despite liberal judicial constructions of s 6, there remains a need for a clear and unambiguous statement of the paramountcy principle. Such a view was espoused by the former Minister of Social Welfare, the Hon Jenny Shipley, at the introduction of the Children, Young Persons, and Their Families Amendment Bill 1993:[58]

> The Government has accepted there is a need to amend the Act to confirm the priority of the paramountcy principle in care and protection matters .... The amendment [in cl 3 of the Bill] will ensure that family interests do not override the interests of the child or young person while still having regard for the principles in sections 5 and 13 of the Act.

However, the actual wording of the proposed amendment belies any intention to confirm the priority of the paramountcy principle. Clause 3 of the Bill states that:[59]

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56 Supra at note 11, at 11.

57 Ibid.

58 Supra at note 32.

59 Children, Young Persons and Their Families Amendment Bill 1993.

[T]he welfare and interests of the child or young person shall be the first and paramount consideration, having regard to the principles set out in sections 5 and 13 of the Act.

It is suggested that the wording of cl 3 is problematic for several reasons. First, it further obscures the relationship between ss 5, 6, and 13. Sections 5 and 13 are currently expressed to be subject to the provisions of s 6. However, if s 6 requires that due regard be had to ss 5 and 13, this amounts to a qualification of the paramountcy of s 6. In other words, the requirement that due regard must be made to ss 5 and 13 partially negates the requirement that ss 5 and 13 are subject to s 6.

Second, the underlying policy of cl 3 remains the recognition of family autonomy and the family group perspective.[60]

Third, the wording of cl 3 does not address the requirement of Article 3 of the United Nations Convention of the Rights of the Child, that "in all actions concerning children ... the best interests of the child shall be a primary consideration". The authors of *Trapski's Family Law* view the Government's refusal to acknowledge its obligations under the Convention as inexplicable.[61]

VI: CONCLUSION

It is apparent that further reform of care and protection for children and young people is necessary. In practice, this will require a commitment from the government to provide greater financial resources to ensure greater expert input, increased support for children and young persons as well as their families, and the observation of accountability mechanisms and procedures by workers within the field. Furthermore, a clear, unequivocal restatement of the paramountcy principle is necessary. Unfortunately, the response from the government to the Mason Report's recommendation so far has been disappointing. The many tragic examples of child abuse illustrate the extremes that can arise when too much emphasis is placed on maintaining the child within the family group. In this context it is hard to ignore the comment of Health Department medical officer Zoe Düring:[62]

The extensive literature on child abuse gives overwhelming proof that it is not in the best interest of the child that parents have a divine right of ownership over their children, nor that parents must always be regarded as the preferred caretakers.

60 Trapski (ed), supra at note 1, at para I.2.08 n*(e)*.

61 Ibid.

62 During, "Children at Risk" *Listener* (26 September 1992) 10, 10-11.