

the Local Authority can issue a curfew notice, they **have** to consult residents living in the area to which the curfew will apply, and also the police. Local curfews may only last up to 90 days and can only be extended after further consultation with the local community and the police. Children in breach of a curfew will be taken home by the police. So far, no applications for a local **child** curfew have been filed, **but new measures to extend curfews to 10 – 15 year olds have just recently been announced, to which I will refer later.**

Child safety orders are designed to protect children under the age of ten who are at risk of becoming involved in crime or who have started to display anti-social or criminal tendencies. **They can** only be used where the local authority can show that:

- a child under the age of 10 has done something that would constitute an offence if he or she were over 10;
- a child's behaviour suggested he or she was at risk of offending;
- a child's behaviour was disruptive or harassing to local residents; or
- a child had breached a local curfew order.

The order specifies that certain requirements be undertaken to support the child, protect him or her from the risk of being drawn into crime and ensure proper care and control. To secure this, it is the Family Proceedings Court, not the Youth Court, which, for example, will require a child to attend school, be at home at certain times or stay away from certain people or places. An order is made on a named child, who is then placed under the supervision of a social worker or possibly a member of the Youth Offending Team. Such an order will normally last up to three months, but in exceptional circumstances may last up to one year.

This is the first time in the history of the English criminal law that children who have not committed an offence **but are considered to be at risk of so doing** may be brought before a **criminal** court. It reflects the growing concern about increasingly younger out-of-control children, but it remains to be seen whether it also provides a

solution. **So far, it has not been used.**

The Parenting Order

The **third** way in which the new legislation **shifted** the **notion** of responsibility is through the introduction of the Parenting Order.

Under the new order, a court may require an offender's parents to attend regular counselling or guidance sessions for a period not exceeding three months or comply with other requirements to help them control their children. The order **is** only available where a child or young person has been convicted of an offence or made the subject of a child safety order, an anti-social behaviour order (which I will come back to later), or a sex offender order. It **is** also available for parents who have been convicted of failing to send their child to school. In some cases, courts may impose additional requirements, such as requiring parents to ensure their children attend court or school or that they are at home during certain hours of the day or night. Such additional requirements may apply for up to one year and where a parent fails to comply with such requirements, they may be liable on conviction to a fine of up to £1,000, which is approximately DM 3,000.

Given the overwhelming evidence which now exists on the primary importance of the family in the aetiology of crime, it would seem sensible to reinforce parental responsibility in this way. Research has consistently shown that family relationships and parental supervision are important influences on offending. But a number of concerns have been expressed about the parenting order. These include the potentially counter-productive effect of exerting coercion on dysfunctional, uncooperative or lone parent families, including the possibility of increasing the chances of child abuse, family breakdown and children ending up in care. For poor parents, the imposition of a fine in cases of breach may also be counter-productive and the courts in such cases may prefer alternative, non-financial penalties. In practice, it **is** up to the courts to ensure that the potential for misplacing this new power is not realised and indeed before imposing a parenting order, the court **has** to assess the effects of such an order on the offender's family circumstances.