

PRE-HEARING CONFERENCES



**Children's Court
Victoria**

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Pre-hearing Conference

What is it?

A pre-hearing conference is a meeting of all the people involved in a case involving the protection of a child. It is run by an independent person called a **convenor**.

A Magistrate of the Children's Court can order a pre-hearing conference when you do not agree about the facts or recommendations made by the protective worker for your child's future.

What is it for?

In many cases people who do not agree about things to do with a child's future can reach an agreement once they meet to talk about things with the assistance of an independent person.

The conference is an opportunity for everyone to meet and sort out their differences and come to a fair and agreed solution.

The conference is important because it may help to avoid lengthy and stressful court hearings and will reduce delays in having the case finalised. It also provides an opportunity for everybody to say what they want in a less formal environment than the Court room.

Where will the Conference be held?

The Conference will be held in a specially designed room at the Court.

Who will be at the Conference?

When a Magistrate of the Children's Court orders a conference, the Magistrate can also state who should attend the Conference. This will include the protective worker, the child's parents and the child (if the child is old enough). The legal representatives may also attend.

The Court can also order other people involved with the child, such as relatives, interpreters or members of the child's ethnic community to attend the Conference.

What happens at the Conference?

All the people involved meet with the convenor. The convenor will decide how the conference will proceed and may meet with the people involved together or separately during the conference.

The convenor is independent. The convenor's role is to make sure that everyone has a fair and equal say at the conference. The convenor will help all the people involved to identify their differences in order to try to reach an agreement.

Everything that happens at the conference is confidential and anything said is generally not able to be repeated in Court unless the Court gives special permission.

After the Conference

At the end of the conference the convenor will, if agreement has been reached, set out that agreement in writing and it will be signed by all those involved.

The convenor will report back to the Children's Court the result of the Conference.

The people involved or their legal representatives must return to the Children's Court immediately after the Conference so that the agreement can be made part of a court order.

The Court will usually ratify any agreement reached by the parties but is not bound to do so.

If there is no agreement?

If an agreement cannot be reached at the conference the case will be returned to the Children's Court and a new date fixed for a Court hearing.

If you have any questions about Pre-Hearing Conferences the staff at the Inquiries Counter will be happy to assist you.

