



**Children's Court
Victoria**

PRACTICE DIRECTION

No. 2 of 2016

MELBOURNE CHILDREN'S COURT

CHILDREN IN CUSTODY ATTENDING COURT

This Practice Direction is issued pursuant to section 592 of the *Children, Youth and Families Act 2005*.

Preamble

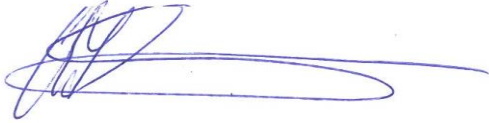
Sections 12(1AA) and 12(1B) of the *Bail Act 1977* (as amended) prohibit the Children's Court from remanding a child in custody for a period longer than 21 clear days. The purpose of this Practice Direction is to improve the management of criminal proceedings at Melbourne Children's Court where a child is on remand. The following directions set out the process by which the Court will consider whether the attendance of the child in person at Court is required and whether a 'waiver' will be approved.

Directions

1. This Practice Direction applies to all mention hearings subsequent to a first mention of criminal charges where a child is remanded in custody to appear at the Melbourne Children's Court on these or other charges.
2. The legal representative of the child must file the attached Custody Attendance Form (Form A) with the registry of the Melbourne Children's Court no later than 3 days prior to the further mention hearing.
3. If the Court does not approve a request to waive the need for the child to attend court in person for the further mention, the Court may direct that the child or young person attend via video link. If the request for waiver is approved, the Court may still require the attendance of a legal representative to attend Court for any adjournment application.
4. The legal representative will be notified within 24 hours of the Custody Attendance Form being filed as to whether the request for waiver has been approved or otherwise. If approved, the legal representative must arrange for the attached Waiver Form (Form B) to be signed by the child and filed with the Court no later than the day prior to the further mention hearing.

5. Waivers will generally be accepted by the Court where a child is remanded and a summary case contest, a contest mention or a contest hearing has already been scheduled on a date subsequent to the 21 day rollover.

This Practice Direction commences on 2 May 2016.



Judge Amanda Chambers
President
Children's Court of Victoria

2 May 2016

Form A

CUSTODY ATTENDANCE FORM

(To be completed by legal representatives and filed at Court three days prior to any child in custody listing)

Legal representative to complete	
Date of hearing:	
Name of child:	
D.O.B.:	
Court reference number/s:	
Child located at:	PARKVILLE / MALMSBURY (Please circle)
Is there a summary case conference, a contest mention or a contest hearing listed subsequent to this hearing?	YES / NO (Please circle) If YES, please advise the future date and listing type.
Is the matter part-heard before a judicial officer?	YES / NO Before whom?
Have you obtained updated instructions from the child for this hearing? Date instructions last obtained?	YES / NO (Please circle) Date:
Waiver request: *Please note all waiver requests must be approved by a judicial officer prior to having the child sign the waiver.	YES / NO (Please circle) If YES, Please advise reasons for waiver request? Eg Brief not yet received. If NO, Please advise how you intend the matter to proceed on the listing date. Eg. Plea of guilty
Is the attendance of the legal representative of the child required?	YES / NO
Legal representatives details:	Name: _____ Firm: _____
Coordinators to complete	
Date filed at Court:	
Hearing/s confirmed:	YES / NO (Please circle)
Judicial Officer to complete	
Request for waiver	GRANTED / REFUSED
Any additional Directions: Eg. If this matter is unsuitable for a waiver, is the matter suitable to proceed by way of videolink?	
Coordinator to notify solicitor & Parkville/Malmsbury of outcome.	
If waiver is granted, solicitor to arrange for waiver to be signed and filed with the Court.	

Form B**WAIVER FORM**

I, _____, understand that on ____/____/____ I will be further remanded to ____/____/____ at the Melbourne Children's Court.

I do not wish to attend court on ____/____/____.

I have spoken to my lawyer and understand that it is my right to attend court if I wish to do so and that I can change my mind, in which case I will inform the unit manager at Parkville/Malmsbury Youth Justice Centre.

Signed: _____

Name: _____

Date: _____

Witness signature: _____

Witness name and position: _____
