



**Children's Court
Victoria**

PRACTICE DIRECTION

No. 4 of 2015

MELBOURNE CHILDREN'S COURT

Expansion of the D List

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

Preamble

Section 162(1)(d) of the *Children, Youth and Families Act 2005* provides that a child is in need of protection if the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

Since January, 2013 the Children's Court of Victoria has operated a specialist list, known as the D List, to provide intensive judicial management of these complex and challenging cases.

The Children's court is extending the operation of the D List to all child protection matters initiated in metropolitan regions where it is alleged a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse.

Directions

1. The following matters are to be referred to the D List operating at the Melbourne, Moorabbin and Broadmeadows venues of the Family Division of the Children's Court:
 - (a) Any protection application that lists s162(1)(d) as one of the grounds in the application;
 - (b) Any application for a Therapeutic Treatment Order or extension of a Therapeutic Treatment Order;
 - (c) All variation and extension applications which allege that a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse.

2. An eligible protection application issued by notice will be referred into the D List by a registrar at the time of issuing the notice.
3. An eligible protection application by safe custody will be referred into the D List by the presiding magistrate once the interim placement of the child has been resolved.
4. The parties are required to advise the Court where a variation or extension application alleges that a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse for the application to be listed or adjourned into the D List.
5. The D List sitting days will be set by the State Co-ordinator at the venues of the Children's Court in consultation with the President, however judicial officers may at their discretion list matters on non-scheduled list dates.
6. All adult parties are required to attend each listing in the D List and, where legally represented, it is expected that legal practitioners hold instructions and are briefed to inform the court of the issue or issues in dispute.
7. Where a proceeding in the D List is to be adjourned, all parties are required to complete the attached adjournment request form which adequately identifies the matters to be addressed during the adjourned period, a copy of which is to be provided to the presiding magistrate.

This Practice Direction revokes Practice Direction 1 of 2014.

This Practice Direction commences on 1 September 2015.



Judge Amanda Chambers
President
Children's Court of Victorian Department of Justice

25 August 2015



**Children's Court
Victoria**

D List Adjourment Record

Name of case / child:	DoHHS -v-
Case number:	/
Date:	
Adjourned date:	
Adjournment reasons:	
Current position with respect to proof, substantive orders, conditions and other issues:	
DoHHS:	
Mother:	
Father:	
Other party: Relationship to child: _____	
Other party: Relationship to child: _____	
Other party: Relationship to child: _____	

Matters to be attended to during adjournment period:

Responsible Party	Action
1.	
2.	
3.	
4.	
5.	

The legal representatives/parties confirm that they have read and understood this document and that their respective positions are correctly set out above

Signed: _____ (print name): _____ for (party):

_____ (print name): _____ for (party):

_____ (print name): _____ for (party):

_____ (print name): _____ for (party):

_____ (print name): _____ for (party):
