



**PRACTICE DIRECTION
NO. 3 OF 2020**

INTERVENTION ORDER APPLICATIONS - COVID-19

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

PREAMBLE

This Practice Direction introduces temporary measures necessitated by the COVID-19 pandemic. It is informed by the latest medical advice from Victorian public health authorities to ensure the health, safety and wellbeing of all Court users. In order for the Children's Court to continue its critical role in the administration of justice for the children, young people and families of the State of Victoria, the following Directions are made as a temporary measure.

This Practice Direction applies to all applications for intervention orders made to the Children's Court pursuant to the *Family Violence Protection Act 2008* (Vic.) or the *Personal Safety Intervention Orders Act 2010* (Vic.) with effect from 30 March 2020.

DIRECTIONS

ATTENDING AT CHILDREN'S COURTS

1. Entry to Children's Courts is restricted in order to protect the safety of all persons at Court premises and in order to maintain the security, good order and management of Court premises in the interests of all Court users. Entry to Children's Courts will be permitted in accordance with the attached [Notice](#).

2. Any person who meets the criteria for isolation according to the [Australian Government Department of Health guidelines](#) must not attend Court.
3. Any person attending Court must comply with the Court's social distancing protocol (see paragraphs 8 to 12 – Social Distancing Protocol at Court).

LISTING TIME FRAMES

4. New listing timeframes will apply in relation to the following proceedings:
 - (a) Intervention order applications under the *Family Violence Protection Act 2008* (FV IVOs). This includes new applications and applications for variation, extension and revocation; and
 - (b) Intervention order applications under the *Personal Safety Intervention Orders Act 2010* (PS IVOs). This includes new applications and application for variation, extension and revocation.
5. The following listing time frames will apply:
 - (a) First listings of **urgent** applications, particularly in high risk situations, will be listed on a case by case basis. Direct contact should be made with the registrar of the relevant Children's Court venue to request the listing of an urgent application;
 - (b) **Otherwise**, first listing dates for intervention order applications initiated by way of:
 - (i) Victoria Police FV IVO and PS IVO applications – will be allocated through the use of the electronic mention diary; and
 - (ii) Non-Victoria Police FV IVO and PS IVO applications – will be allocated by the registrar of the relevant Children's Court venue.
 - (c) Unless otherwise ordered by the Court, and subject to paragraphs 6 – 7 below, second and subsequent listings will be adjourned by the court for a period of 12 weeks for further mention. Parties are not required to attend Court on second and

subsequent listing dates and will be advised in writing by the Court of the new hearing date. The Court will notify the parties if an attendance is required on any second or subsequent listing.

(d) Where the parties to an intervention order proceeding reach agreement that:

- (i) the application for an intervention order is to be struck out as withdrawn by leave of the Court; or
- (ii) the application for an intervention order is to be struck out as withdrawn with a right of reinstatement on the basis of a written undertaking being given by the respondent; or
- (iii) a final intervention order is to be made either with or without admission of the allegations contained in the complaint and the terms of that order;

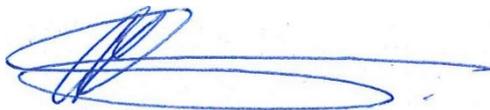
the Court directs that the parties file terms of the proposed consent orders electronically with the relevant [Children's Court Registry](#) no later than 24 hours prior to the second or subsequent mention date. The Court will advise the parties if an attendance is required. If no attendance is required, the parties will be advised in writing of the orders made by the Court

6. Where an intervention order application is listed together with a related child protection application in the Family Division or a related proceeding in the Criminal Division of the Children's Court, that application will be adjourned to the next hearing date of the related proceeding, subject to any contrary direction of the Court.
7. In the case of an application to extend an Intervention Order, where an *ex-parte* interim extension of the order has been made by the court, and the Respondent has not yet been served with notice of the application, the application will be listed no later than 28 days from the date the interim extension order has been made. This is to enable the court to consider whether to make a further interim extension of the Intervention Order pursuant to section 107 of the *Family Violence Protection Act 2008* or section 84 of the *Personal Safety Intervention Orders Act 2010*.

SOCIAL DISTANCING PROTOCOL AT COURT

8. No party is to enter the courtroom before their matter is called.
9. Counsel, solicitors and parties are to adhere to appropriate social distancing.
10. Practitioners who have not entered their appearance for a party electronically or by telephone prior to the hearing will be required to announce their appearance for a party at the commencement of the proceedings.
11. Parties are to refrain from approaching the bench clerk and should place any hard copy documents in the tray provided.
12. Parties are to leave the Court immediately after the hearing has concluded, and then make their way promptly to leave the Court premises unless they have further matters before the Court.

This Practice Direction commences on 30 March 2020.



Judge Amanda Chambers
President
Children's Court of Victoria
30th March 2020