



**Children's Court
Victoria**

**PRACTICE DIRECTION
NO. 1 OF 2020**

FAMILY DIVISION - 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.

This Practice Direction applies to all Family Division - Child Protection proceedings filed in the Children's Court throughout Victoria with effect from 24 March 2020.

DIRECTIONS

FILING

1. All Protection Applications, Court reports and other relevant documentation must be filed electronically with the relevant [Children's Court Registry](#).

ATTENDING AT CHILDREN'S COURTS

2. 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](#).

3. Any person who meets the criteria for isolation according to the [Australian Government Department of Health guidelines](#) must not attend Court.
4. Any person attending Court must comply with the Court's social distancing protocol (see paragraphs 19 to 23 – Social Distancing Protocol at Court).
5. Wherever possible, parties should not attend Court in person.
6. Where a party is legally represented and their lawyer has up-to-date instructions and can contact their client by telephone or other means, that party is not required to attend Court and should not do so unless the Court otherwise directs.
7. Where a party must attend Court, the Court directs that their lawyer give priority to obtaining those instructions to enable that party to leave Court without undue delay.
8. Children must not attend Court unless there are no other care arrangements available for them. DHHS is to facilitate a child speaking with their lawyer to obtain instructions by telephone or other means. If a child must attend Court, the Court directs that the child's proceeding be given priority to enable the child to leave Court without undue delay.
9. Conciliation conferences will continue and will be conducted by teleconference.
10. All referrals to the Children's Court Clinic are suspended temporarily.

MANAGEMENT OF FAMILY DIVISION PROCEEDINGS

11. Unless the Court otherwise directs, Family Division proceedings will be case managed in accordance with the directions set out below.
12. The Court will list cases for submissions for urgent hearings as defined in paragraph 13. Submissions will be heard by teleconference, audio-visual link or if practicable, by audio-link at the direction of the Court.

13. Urgent hearings are:

(a) the first court date for:

- i. a Protection Application by Emergency Care;
- ii. a breach by Emergency Care;
- iii. an Application for a new interim accommodation order due to placement breakdown; or
- iv. an Application for an urgent interim variation to a family reunification order.

(b) any proceeding where a child is, or is proposed to be, placed on an interim accommodation order to a secure welfare service.

14. Following the urgent submissions hearing, the further case management of the proceedings will be in accordance with paragraph 15 below.

15. Matters will be adjourned in accordance with the following directions:

How long will the proceedings to be adjourned?

- (a) where the order places a child with a parent, the proceeding will be adjourned for a period of 20 weeks;
- (b) where the order places a child in out of home care, the proceeding will be adjourned for a period of 12 weeks.

What type of hearing will occur?

- (c) Where a proceeding is currently listed for a directions hearing, interim accommodation order contest or a final contest, the case will be adjourned for a special mention;
- (d) All other proceedings will be adjourned and listed for a mention.

When are reports due?

- (e) Any reports ordered during the adjournment period must be filed and served electronically no later than 7 days prior to the adjourned listing.

16. Where the parties agree and the Court directs, a proceeding may be adjourned for a conciliation conference to be conducted in accordance with paragraph 9. If the proceeding

resolves at a conciliation conference, the parties must file consent or unopposed minutes electronically with the Court that day. If the proceeding does not resolve at conciliation conference, then the proceeding will be adjourned to mention in accordance with paragraphs 15(a) or (b) above.

CURRENT LISTINGS – NOTIFICATIONS

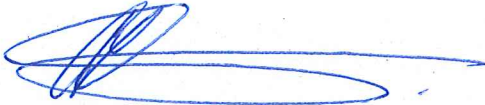
17. The Registry will use every endeavour to contact the parties in advance of any current listing to advise the parties and/or their legal representatives of the date to which the Court proposes to adjourn the proceedings. That notification will include advice about whether the proceeding is to be listed for mention or special mention.
18. Where the parties consent or do not oppose an extension of the current orders or a variation of the current orders being made, parties are to complete this [electronic form](#) “Consent/Unopposed Proposed Orders – Family Division” which must be filed by DHHS Child Protection Litigation Office no later than one business day before the scheduled hearing date. Parties are then not required to attend Court unless advised otherwise. The Court will notify the parties if an attendance is required.

SOCIAL DISTANCING PROTOCOL AT COURT

19. No party is to enter the courtroom before their matter is called.
20. Counsel, solicitors and parties are to adhere to appropriate social distancing.
21. 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.
22. Parties are to refrain from approaching the bench clerk and should place any hard copy documents in the tray provided.

23. 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 24th March 2020.



Judge Amanda Chambers
President
Children's Court of Victoria
23th March 2020

