



**PRACTICE DIRECTION
NO. 7 OF 2020
INTERVENTION ORDER APPLICATIONS - COVID-19**

This Practice Direction is issued pursuant to Section 592 of the *Children, Youth and Families Act 2005* and replaces Practices Direction 3 of 2020 which is now revoked.

PREAMBLE

This Practice Direction applies to applications for intervention orders made to the Children's Court of Victoria (the Court) pursuant to the *Family Violence Protection Act 2008* (Vic.) or the *Personal Safety Intervention Orders Act 2010* (Vic.) and outlines protocols for the listing and hearing of intervention order proceedings in response to the COVID-19 pandemic at all venues of the Court. It is informed by the latest medical advice from Victorian public health authorities to ensure the health, safety and wellbeing of all Court users.

This Practice Direction takes effect from 15 June 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 attending Court must comply with the Court's social distancing protocol (see paragraphs 11 to 15 – Social Distancing Protocol at Court).

LISTING PROTOCOLS FOR INTERVENTION ORDER PROCEEDINGS

3. New listing protocols 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.
4. The following listing protocols will apply for **first** hearings of intervention order proceedings (new and urgent applications) at **all** venues of the Children's Court:
 - (a) First hearing of **urgent** applications, particularly in high risk situations, will continue to 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 hearing 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.

5. The following listing protocols will apply for **second and subsequent hearings** of intervention order proceedings at all venues **except** Melbourne, Broadmeadows and Moorabbin Children’s Court¹:

Unless otherwise ordered by the Court, second and subsequent listings will be allocated a new hearing date. Parties will be advised of the new date by way of hearing notice. Parties should expect to receive such hearing notice within 6 weeks of the current listing date. Where such notice is not received parties may call the relevant court to obtain a new hearing date. Parties must attend on the date specified in the hearing notice unless otherwise advised by the court.

6. The following listing protocols will apply for **second and subsequent hearings** of intervention order proceedings at Melbourne, Broadmeadows and Moorabbin Children’s Court venues **only**:

(a) Unless otherwise ordered by the Court, with the exception of paragraph 7 below, second and subsequent hearings for intervention orders will be subject to staggered listings to enable the Court to effectively manage the number of people within its buildings and allow appropriate social distancing to occur between individuals.

(b) Any intervention order application that is scheduled for second or subsequent hearing and is not listed alongside a related child protection or criminal

¹ Paragraph 6 refers to Children’s Court proceedings heard at metropolitan and regional venues of the Magistrates’ Court of Victoria and should be read in conjunction with the Magistrates’ Court of Victoria’s Practice Direction No. 6 of 2020 (Amended).

proceeding will be allocated a commencement time **not before 10:00am or, alternatively, not before 12:00pm.**

(c) The Court will provide parties a hearing notice in advance of each scheduled intervention order hearing that specifies the following information:

- (i) Date of hearing; and
- (ii) Venue of hearing; and
- (iii) Time of hearing (**10:00am or 12:00pm**)

7. 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 listed for the same time as the related proceeding, subject to any contrary order of the Court.
8. 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 3 months² 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*.
9. Attendance at Court for intervention order proceedings:
 - (a) Parties to an intervention order proceeding must comply with the Court's social distancing protocols whilst on the premises (see points 11 – 15).
 - (b) Parties **should not** attend the court registry before the time allocated on the date of hearing. If parties are unsure of the listing time for their hearing, they should contact the relevant registry of the Children's Court.

² Pursuant to Part 3.10, Division 2, Section 207B *COVID-19 Omnibus (Emergency Measures) Act 2020* (Vic.) and Part 3.15, Division 2, Section 181B *COVID-19 Omnibus (Emergency Measures) Act 2020* (Vic.)

(c) Any individual who has concerns about attending the Court for an intervention order proceeding should contact the relevant registry or their legal representative to discuss whether an appearance is required and/or alternative arrangements for attendance can be made (e.g. via telephone or audio-visual link).

10. Consent orders:

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 parties should 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

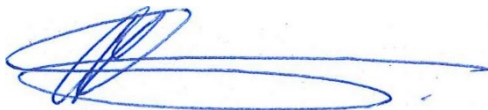
SOCIAL DISTANCING PROTOCOL AT COURT

11. No party is to enter the courtroom before their matter is called.

12. Counsel, solicitors and parties are to adhere to appropriate social distancing.

13. 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.
14. Parties are to refrain from approaching the bench clerk and should place any hard copy documents in the tray provided.
15. Parties are to leave the Court immediately after their hearing has concluded and make their way promptly to leave the Court premises, unless they have further matters before the Court.

This Practice Direction revokes Practice Direction 3 of 2020 and commences on 15 June 2020.



Judge Amanda Chambers
President
Children's Court of Victoria
9 June 2020