

CHILDREN'S COURT OF VICTORIA – COVID-19 EMERGENCY RESPONSE

FAMILY DIVISION MATTERS – Stage 1 & 2

CRIMINAL DIVISION MATTERS – Stage 1 & 2

STAGE 1 - IMPLEMENTED WITH EFFECT 23 MARCH 2020

Response stage	Context	Goal	Outcome
Stage 1	<ul style="list-style-type: none"> • COVID-19 pandemic announced • Reported community person-to-person transmission of COVID-19 in Victoria • Identified need to implement social distancing as it relates to the operations of the CCV • No significant impact on judicial or registry resources • No significant impact on external resources, eg) child protection workers, CPLO, VLA, private practitioners and other support services 	To maintain the rule of law and the administration of justice in the best interests of children	<ul style="list-style-type: none"> • Introduction of temporarily modified listing practices to ensure operational continuity of the CCV; • The temporary suspension or modification of specialist Court/list practices and programs
		To protect the health, safety and wellbeing of the CCV judiciary, staff, court users and members of the public	<ul style="list-style-type: none"> • Take all reasonably practicable steps to reduce unnecessary face to face contact and attendances at court; • Take all reasonably practicable steps to reduce the volume of attendances at court at any given time.

Response stage	Context	Goal	Outcome
Stage 2	<ul style="list-style-type: none"> • Increased reported community person-to-person transmission of COVID-19 in Victoria; • Judiciary, staff and/or court user absences (resulting from isolation or illness) impacting on the operations of the CCV; • Other significant events impacting on the operations of the CCV as a result of COVID-19 (e.g. announced closures of public facilities, lockdowns, school closures etc). 	To maintain the rule of law and the administration of justice in the best interests of children	<p>The introduction of further modified listing practices to reduce court operations</p> <p>The maintenance of processes to ensure timely decision-making of all urgent and priority applications and matters.</p>
		To protect the health, safety and wellbeing of the CCV judiciary, staff, court users and members of the public	<p>The temporary suspension of or modification of specialist courts/ list practices and programs</p> <p>Take all necessary steps to reduce unnecessary court attendances or to facilitate attendances by alternative means, eg) via WebX video conferencing or any CSV approved mode of video conferencing.</p>

Stage 1 Response – Family Division

Activity
The CCV remains open and operational at all venues.
Conciliation Conferences – to limit face to face contact, conciliation conferences will be conducted with lawyers only in attendance and with family members (including children) to participate by teleconference.
Family Drug Treatment Court – with immediate effect, members of the FDTC teams (case managers, clinicians) will cease having face to face meetings with participants but will continue to provide support via electronic/telephone communication. The FDTC operations will be modified with monitoring hearings being conducted with participants attending by telephone.
IVOs – at venues conducting pre-court meetings, these will be suspended for a period of 8 weeks and the parties are directed to liaise by electronic or other means prior to hearings.
Clinic Assessments – Unless otherwise ordered by the Court after consultation with the Director of the Clinic, requests for all clinical assessments will be suspended for a period of 8 weeks. The situation will be reviewed thereafter. Existing referrals will be reviewed.
CCV to review listings and, where practicable to do so, introduce staggered listings.
CCV to temporarily suspend all education programs, professional development activities and other large gatherings.
CCV to maximise the use of AVL and telephone appearances to limit in-person appearances.
Telephone interpreter service to be utilised where practicable to do so.
Families are not required to attend Court in person provided lawyers hold up to date instructions and are able to contact their client by telephone. People who are not parties to the proceedings are discouraged from attending the court unless they are applying to be joined as a party to the proceeding.
Children are not to be brought to 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 electronic means. Children the subject of secure welfare applications are to appear before the Court by video link or telephone.
DHHS child protection staff are directed to file all court applications, affidavits of service and reports/documents electronically and without the need for filing in person. If DHHS subpoenaed documents are available in electronic form, they should be filed electronically.
DHHS child protection staff are not required to attend Court in person provided they have given instructions to the CPLO or have made alternative arrangements for those instructions to be given. CPLO must be able to obtain further instructions, if required, by telephone from an authorised child protection practitioner, who must be available during the hearing.
Prioritise listing of emergency matters and contests where a child has been placed in out of home care and the issue in dispute is placement with a parent/s in accordance with the following Protocol

Stage 1 – Protocol for the Prioritisation of Family Division matters

Matter	Activity
Protection Application by Emergency Care	No change to current practice
Submissions hearings	No change to current practice
Secure welfare matters	No change to current practice (with child to appear by AVL)
Protection Application by Notice	To be adjourned for mention in 12 weeks, unless otherwise ordered by the Court
Where an Interim Accommodation Order (IAO) is made to a parent or family member	To be adjourned for mention in 12 weeks, unless otherwise ordered by the Court
IAO to out-of-home care (OHC)	Adjourned for period to be determined by the Court
Mentions – consent/unopposed orders and adjournments	Parties are directed to file proposed Minutes of Consent orders no later than one business day prior to the hearing date for the Court to consider making orders in the absence of the parties
IAO Contests <ul style="list-style-type: none"> • Priority to be given to matters where a child is placed in OHC and the issue in dispute is placement with a parent/s; • All other IAO contests 	Listing of the IAO contest is to be determined by the Court To be vacated and listed for special mention in 12 weeks, or as otherwise directed by the Court
Contested hearings <ul style="list-style-type: none"> • Priority to be given to matters where a child is not on a final order • Where a child is on a final order (applications to extend) 	Listing to be determined by the Court Contested hearing to be vacated and listed for special mention in 12 weeks, or as otherwise directed by the Court
Breaches <ul style="list-style-type: none"> • Breaches of an IAO/final orders where the issue in dispute relates to placement 	No change to current listing practices

<ul style="list-style-type: none"> All other breach applications 	Adjourned for a period of 12 weeks, or as otherwise directed by the Court
Intervention Orders	No change to current practice. Listing of contested IVO matters is to be determined by the presiding magistrate.

Stage 2 Response – Family Division*

Activity
The CCV remains open and operational for emergency matters only. The use of AVL, telephone and other electronic means of communication will be utilised to conduct court hearings.
Telephone interpreter service to be utilised where practicable to do so.
DHHS child protection staff are directed to file all court applications, affidavits of service and reports/documents electronically and without the need for filing in person. If DHHS subpoenaed documents are available in electronic form, they should be filed electronically.

Stage 2 – Protocol for the Prioritisation of Family Division matters*

Matter	Activity
Protection Application by Emergency Care	No change to current practice
Submissions hearings	No change to current practice
Secure welfare matters	No change to current practice
Breaches of IAOs or final orders where placement of the child is the issue in dispute	To be listed at the direction of the presiding judicial officer
Intervention Orders – applications, extensions and variations	To be listed at the direction of the presiding judicial officer
All other matters	Listing to be vacated and matters adjourned for a period of 12 weeks for mention or special mention, as required, unless otherwise directed by the Court.

***The Stage 2 Protocol for the Prioritisation of Family Division matters is subject to ongoing consideration and review as the situation evolves.**

Stage 1 Response – Criminal Division

Activity
The CCV remains open and operational at all venues.
Children’s Koori Court hearings suspended for a period of 8 weeks with option available to child to have their matter heard and determined in the mainstream court.
Clinic Assessments – clinic assessments will continue to be undertaken for children and young people with an increased use of AVL as appropriate
CCV to review listings and, where practicable to do so, introduce staggered listings.
CCV to maximise the use of AVL appearances for all children in custody
Prioritise listing of Criminal Division matters in accordance with the following Protocol

Stage 1 – Protocol for the Prioritisation of Criminal Division matters

Matter	Activity
Bail applications, extensions, variations and revocations	No change to current listing practices
Fast Track Remand Court (in custody matters)	No change to current listing practices
Contest mentions/Summary Case Conferences	To be conducted by phone or email between prosecutions and lawyers
Charged on summons	To be listed or adjourned for 12 weeks, unless otherwise directed by the Court
On bail	To be adjourned (with bail extended/varied) to a date to be determined by presiding judicial officer
Mentions – consent/unopposed adjournments, extensions/variations of undertakings of bail	Parties are directed to file proposed Minutes of Consent orders no later than one business day prior to the hearing date for the Court to consider making orders in the absence of the parties

Stage 2 Response – Criminal Division

It is the intention of the CCV to maintain a bail and remand court, and to continue the operations of the FTRC, with the Court to operate with the use of audio-visual link and/or other CSV approved mode of video conferencing.