



**Children's Court
Victoria**

**PRACTICE DIRECTION
NO. 9 OF 2020**

**FAMILY DIVISION – COVID-19 EMERGENCY PROTOCOL
MELBOURNE, MOORABBIN & BROADMEADOWS VENUES OF THE
CHILDREN'S COURT¹**

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

PREAMBLE

- A. This Practice Direction introduces further temporary measures necessitated by the COVID-19 pandemic for the management of proceedings in the Family Division of the Children's Court of Victoria (**the Court**) at Melbourne, Moorabbin and Broadmeadows. This Practice Direction revokes Practice Direction No. 1 of 2020 for these venues of the Court only.
- B. This Practice Direction is to be read in conjunction with Practice Direction No. 6 of 2020 – Readiness Hearings and the Reintroduction of Reserved Submissions that commenced on 1 June 2020².
- C. This Practice Direction applies to all Family Division – Child Protection proceedings listed at the Melbourne, Moorabbin and Broadmeadows venues of the Court with effect

¹ For applications under the *Family Violence Protection Act 2008* and the *Personal Safety Intervention Orders Act 2010* see Practice Direction 8 of 2020.

² Any reference to Practice Direction No. 1 of 2020 in Practice Direction No. 6 of 2020 will be taken to be a reference to Practice Direction No. 9 of 2020.

from **13 July 2020** and will operate for the duration of the Stage 3 restrictions announced by the government on 7 July 2020 across the Greater Metropolitan Melbourne region.

DIRECTIONS

FILING

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

MANAGEMENT OF FAMILY DIVISION PROCEEDINGS

2. Unless the Court otherwise directs, Family Division proceedings will be case managed in accordance with the directions set out below.

Online Hearings

3. All Family Division proceedings will be heard online where it is practicable and fair to do so.

Protection applications by Notice

4. Unless otherwise directed by the Court, all protection applications issued by notice will be listed for a first return date within four weeks to be conducted by audio or audio-visual link. The Court will provide a time and date for the first return date at the time the application is issued. The Court will provide information about how to participate in an online hearing to be provided by the DHHS to the parties at the time the application is served.

Applications for variation or extension of orders

5. Any non-urgent application for variation or extension of an order will be listed for a first return date within six weeks to be conducted by audio or audio-visual link. The Court will provide a time and date for the first return date at the time the application is issued. The Court will provide information about how to participate in an online hearing to be provided by the DHHS to the parties at the time the application is served.

Submissions Hearings

6. The Court will allow the following urgent matters to be listed for a submissions hearing on the day the application is filed:
 - 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;
 - iv. an application for an urgent interim variation to a family reunification order; or
 - v. any proceeding where a child is, or is proposed to be, placed on an interim accommodation order to a secure welfare service.

Reserved Submissions

7. The Court will also consider any application for a matter to be adjourned for reserved submissions where it is in the best interests of the child to do so in the following circumstances:
 - i. any application for an IAO;
 - ii. any application for an urgent interim variation of a family reunification order; or
 - iii. any other matter where the Court considers it is in the best interests of the child for the matter to be listed for reserved submissions, including where there is a dispute regarding contact with the child.

Conduct of submissions and reserved submissions

8. The parties, and where legally represented their legal representatives, will attend all submissions hearings and reserved submissions hearings by audio or audio-visual link unless otherwise directed by the Court. The child protection practitioner with responsibility for the application will attend the online hearing.
9. For information about appearing by audio-visual link, the parties are directed to the [Fact Sheet for Online Hearings](#) published on the [Children's Court website](#).

Mentions to be adjourned on the papers

10. Subject to paragraph 12, all matters currently listed for mention will be adjourned in the absence of the parties with the existing order extended on the same terms and conditions on the following basis:
- i. where the order places a child with a parent, the proceeding will be adjourned for a period of 8 weeks;
 - ii. where the order places a child in out of home care³, the proceeding will be adjourned for a period of 6 weeks.
11. The parties will be provided with a copy of the order of the Court.
12. Any party to a proceeding that is adjourned in accordance with paragraph 8, may apply to the Court in writing by filing a [Request for Hearing form](#) for the matter to be listed for a submissions hearing, a conciliation conference or to be adjourned for a Readiness Hearing. The Request for Hearing form must set out the reasons for the request and be served on the parties to the proceedings. A Request for Hearing may be made at any time.
13. Where the request for hearing is granted by the Court, the mention date will be vacated and the parties notified of the date and time scheduled for the submissions hearing, conciliation conference or Readiness Hearing and of any directions made by the Court in advance of the hearing or conference.

Filing of Reports

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

Conciliation Conferences

15. All conciliation conferences will proceed by audio or audio-visual link. If the proceeding resolves at a conciliation conference, the parties must file consent or unopposed minutes

³ The term 'out of home care' including placement with a suitable person, in a hospital or secure welfare or other out of home placement

electronically with the Court that day. If the proceeding does not resolve at conciliation conference, then the proceeding will be adjourned to a Readiness Hearing in accordance with Practice Direction No. 6 of 2020 unless otherwise directed.

16. The Court will make relevant direction for the filing of Court reports and the issuing of subpoenas in advance of the Readiness Hearing.

This Practice Direction commences on 13 July 2020.

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Judge Amanda Chambers
President
Children's Court of Victoria
10 July 2020