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| CHILDREN, YOUTH AND FAMILIES (CHILDREN’S COURT FAMILY DIVISION) RULES 2017 | | | | | | | | | | | | | | | | | | | | |
| FORM 35 | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| Rule 6 | | | | | | | | | | | | | | | | | | | | |
| **APPLICATION TO VARY OR REVOKE A PERMANENT CARE ORDER** | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| **Children, Youth and Families Act 2005** | | | | | | | | | | | | | | | | | | | | |
| Section 326 | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | Court Reference: | | | | | |  | | |
|  | | | | | | | | | | | | | | | | | | | | |
| Name of Child: | | |  | | | | | | | | | | | | | | | | | |
| Gender: | |  | | | | | | |  | Date of Birth: | | | | | | |  | | | |
| Address: | |  | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| **Details of the current order** | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| The Children's Court at [*venue*] | | | | | | | |  | | | | | | | | | | | on [*date*] | |
|  | | | | | | | made a permanent care order conferring parental | | | | | | | | | | | | | |
| responsibility for the child on [*names and addresses of permanent care parents*] | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| **Details of this application** | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| This application is: | | | | | | | | | | | | | | | | | | | | |
| \*to vary the permanent care order | | | | | | | | | | | | | | | | | | | | |
| \*to revoke the permanent care order | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| The grounds for the application are [*set out grounds*]: | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| This application is made by: | | | | | | | | | | | | | | | | | | | | |
| \*the child | | | | | | | | | | | | | | | | | | | | |
| \*a permanent care parent of the child | | | | | | | | | | | | | | | | | | | | |
| \*the Secretary | | | | | | | | | | | | | | | | | | | | |
| \*the principal officer of an Aboriginal agency | | | | | | | | | | | | | | | | | | | | |
| \*a sibling of the child [*application to vary the order only*] | | | | | | | | | | | | | | | | | | | | |
| \*a parent who does not have parental responsibility for the child  [*must have leave of the Court to make the application: see Form 36*] | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| Applicant’s name: | | | | |  | | | | | | | | | | | | | | | |
| Applicant’s email: | | | | |  | | | | | | | | | | | | | | | |
| Agency [*if applicable*]: | | | | |  | | | | | | | | | | | | | | | |
| Applicant’s [or agency] address: | | | | |  | | | | | | | | | | | | | | | |
| Applicant’s phone: | | | | |  | | | | | | | | | | |  | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| Application filed by— | | | | | | | | | | | | | | | | | | | | |
| \*Legal Representative | | | | | | | | | | | | | | | | | | | | |
| Name: | | | | |  | | | | | | | | | | | | | | | |
| Email: | | | | |  | | | | | | | | | | | | | | | |
| Agency/Firm: | | | | |  | | | | | | | | | | | | | | | |
| Address: | | | | |  | | | | | | | | | | | | | | | |
| Phone: | | | | |  | | | | | | | | | | |  | | | | |
| \*Applicant | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| Date: | | | | |  | | | | | | | | | | |  | | | | |
| Signature: | | | | |  | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| **Notice to the parties** | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| **\*To the applicant:** | | | | | | You must come to the hearing of this application. | | | | | | | | | | | | | | |
| **To the \*Secretary/ \*principal officer:** | | | | | | You must come to the hearing of this application. | | | | | | | | | | | | | | |
| **\*To the child:** | | | | | | You are not required to come to the hearing of this application unless you wish to do so. | | | | | | | | | | | | | | |
| **To the non-applicant parent(s) and permanent care parent(s):** | | | | | | You should come to the hearing of this application. If you do not attend, the Court may proceed to hear and determine the application in your absence. | | | | | | | | | | | | | | |
| **Details of the hearing** | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| A hearing of this application will be held at the Children’s Court as follows: | | | | | | | | | | | | | | | | | | | | |
| Date: |  | | | | | | | | | | Time: | | | |  | | | | |  |
| Place: |  | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| Issued at [*place*]: | | | |  | | | | | | | | | |  | | | | | | |
| Date of issue: | | | |  | | | | | | | | | |  | | | | | | |
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|  | | | | | | | | | | | | | Registrar | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| **Note** | | | | | | | | | | | | | | | | | | | | |
| Pursuant to section 326(1)(b) of the Act, an application made by a parent who does not have parental responsibility for the child to vary or revoke a permanent care order may only be made with the leave of the Court. | | | | | | | | | | | | | | | | | | | | |
| Under section 326(2A) of the Act, such an application must not be served on the child or the permanent care parents unless the leave of the Court has been granted. | | | | | | | | | | | | | | | | | | | | |
| Pursuant to section 326(1B) of the Act, an application to vary a permanent care order by a parent who does not have parental responsibility for the child made within 12 months of the making of the permanent care order may only be made on the basis that a contact condition in the order has not been complied with. | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | |
| \*Delete if not applicable | | | | | | | | | | | | | | | | | | | | |