



**Children's Court
of Victoria**

**PRACTICE DIRECTION
No. 3 of 2026**

This Practice Direction is issued pursuant to Section 592 of the *Children, Youth and Families Act 2005* (the Act) and incorporates changes arising from the full implementation of the *Youth Justice Act 2024*.

1. This Practice Direction applies to all Criminal Division proceedings filed with the Children's Court of Victoria (the Court), other than CAYPINS matters, with effect from **30 September 2026**.
2. The following Practice Direction is revoked:
 - No. 2 of 2026.

ALL CHILDREN'S COURTS - STATEWIDE

FILING

3. For first remand hearings, all initiating documents and any accompanying material must be sent by email to the appropriate [Children's Court registry](#).
4. All other initiating documents, forms, Court Reports and other relevant documentation must be filed electronically in the Case Management System Portal (**CMS**). Filing in CMS does not satisfy service requirements. Service must be effected pursuant to Part 8.1 of the Act.
5. All cases must be initiated in accordance with the following:
 - a) For matters where the Court has either no summary jurisdiction or restricted summary jurisdiction, in accordance with [53] to [55].
 - b) For metropolitan cases, at the Children's Court venue closest to the child's place of residence in accordance with the [metropolitan crime listing tool](#), and
 - c) for non-metropolitan cases, at the Children's Court venue closest to the child's place of residence.

REQUIREMENTS FOR ONLINE ATTENDANCE AND APPEARANCES

6. All online appearances and attendances must meet the relevant technical requirements for an audio visual link (or, if permitted by the presiding Judicial Officer, an audio link) as set out in the *Evidence (Miscellaneous Provisions) Act 1958*.
7. To request to appear or attend online, contact the [relevant Court registry](#) by email no later than 3 clear working days prior to the listing date.
8. The Court will confirm whether the party or parties may appear or attend online.
9. In the event that a Judicial Officer determines that a matter will be heard fully online with all attendances and appearances to be online, the parties will be informed and are not required to request an online appearance or attendance.

LEGAL PRACTITIONERS

10. Legal practitioners must:

- a) obtain a CMS account by contacting cms.support@courts.vic.gov.au;
- b) for remand matters notify the Court of their appearance as soon as possible;
- c) for all other hearings, notify the Court of their appearance by 3pm on the day prior to the listing;
- d) immediately notify the relevant Children's Court Registry in CMS and all parties by email of their intention to cease to act¹;
- e) seek the leave of the Court to cease to act if less than 7 days prior to the listing of a final contested hearing;
- f) manage the number of matters they appear in on any given day to ensure they are available when matters are called to allow the proper running of the Court; and
- g) appear in person if their client attends Court unless permission is granted by the presiding Judicial Officer to attend online.

FIRST REMAND HEARINGS

11. A child who is being held in custody must be brought physically before the Court², unless the Court directs otherwise.³
12. Where a child is physically brought before the Court, prosecution and lawyers are required to appear in person.
13. Subject to any contrary direction by the Judicial Officer, Informants and other witnesses may appear before the Court online, provided this does not cause delay or other interruption to Court business.

¹ See Form 1 (Notice that practitioner ceases to act) and rule 2.01 in *ChCV Criminal Procedure Rules*. Rule 2.01 requires the legal practitioner to file a Form 1 and serve a copy of the notice on the informant, accused, and DPP (if committal).

² S. 42O *Evidence (Miscellaneous Provisions) Act 1958* - Appearance before court of accused who is a child.

³ S. 42P *Evidence (Miscellaneous Provisions) Act 1958* - Making of a direction for audio visual appearance by a child.

SECOND AND SUBSEQUENT REMAND HEARINGS

14. Following the first remand hearing, a case must not be adjourned for a further period longer than 21 clear days.⁴
15. If the child is remanded in custody, unless otherwise directed by the Court, the following timelines apply from the date of:
 - a) First remand to second mention – no longer than 21 clear working days;
 - b) Second mention to either a plea of guilty or contest mention – no longer than 21 clear working days;
 - c) Contest mention to plea of guilty – no longer than 21 clear working days;
 - d) Contest mention to hearing, to the earliest date possible that can be accommodated by the Court.
16. The following set out the processes by which the Court will consider whether the attendance of the child in person (physically or online) at Court is required or whether a “waiver” will be approved:
 - a) The lawyer for the child must file a [Custody Attendance Form \(Form A\)](#) in CMS no later than 3 working days prior to the further mention hearing;
 - b) If the Court approves the request, the lawyer must arrange for the [Waiver Form \(Form B\)](#) to be signed by the child and filed in CMS no later than the working day prior to the further mention hearing; and
 - c) If the Court does not approve a request for waiver the child must attend and the lawyer must appear as directed by the Court.

BAIL APPLICATIONS

17. After the first remand hearing, parties may seek approval from the presiding Judicial Officer to appear or to attend online.
18. To obtain a hearing date and, if requested, to seek approval for the child to attend online, the child’s lawyer must contact the Court coordinator at the proper venue of the Court according to paragraph 5.
19. Unless urgent, the child’s lawyer must serve an application for bail on the informant and prosecution at least 3 clear business days prior to the scheduled hearing.

BAIL VARIATION(S)

20. An application for a variation of bail conditions (save for the circumstances as set out in [28] and [29]), whether opposed or unopposed, may be heard in Court (either online or in person) or ‘on the papers’ pursuant to section 337A of the *Criminal Procedure Act 2009*.
21. An application for an unopposed variation of bail conditions may occur on the papers if all parties consent and the child is legally represented.
22. To list an unopposed application to vary bail ‘on the papers’ the following documents must be completed by the parties and filed in CMS electronic communication as a single package to the relevant registry of the Children’s Court at which the matter is listed:

⁴ S.12(4) and s.12(5) *Bail Act 1977*.

- a) [Form CV — Application for an Unopposed Bail Variation 'On the Papers'](#);
 - b) Copy of charge(s) with any agreed amendments;
 - c) Summary of alleged facts;
 - d) Agreed criminal history (if any);
 - e) An outline by the applicant of the reasons why variation is sought;
 - f) Consent (unopposed) to variation signed by or on behalf of the respondent; and
- Supporting materials relied upon by the applicant and or respondent.
23. The parties will be advised of the date for listing of the application before a Judicial Officer. This will be a date that is at least 3 working days after the filing of the application unless the Court determines the application is urgent.
 24. On the listed date the Judicial officer will hear and determine the application 'on the papers'.
 25. The Court will provide the prosecutor and the lawyer for the child with a certified extract of the Judicial officer's decision by electronic communication on the day of the decision.
 26. If the application for variation is granted, the child, within 7 days of the variation being ordered, is required to attend at a Children's Court registry to sign and enter the new undertaking of bail or to enter the new undertaking by electronic communication pursuant to s.17A of the *Bail Act 1977*. The variation will have no effect until the undertaking is entered.
 27. If the application for variation is not granted 'on the papers', the Judicial officer will list the application for hearing. The parties will be notified of the hearing time and date by email.
 28. In the event the child has been granted bail by a bail justice or the Court and within 24 hours after the grant of bail, the child is unable to meet the conditions of bail an application to vary cannot occur on the papers.
 29. Further, the 'on the papers' procedure cannot occur if there is a bail guarantee or a deposit of money on the current bail or if a bail guarantee or a deposit of money is sought on the varied bail.

DIVERSION

30. At any time before taking a formal plea from a child in a criminal proceeding for an offence, the Court may adjourn the proceeding to allow the child to participate and complete a diversion program.⁵
31. A young person may be assessed for diversion or their matter may be referred to diversion at Court on the day of the hearing.
32. Diversion hearings 'on the papers' may occur pursuant to section 337A of the *Criminal Procedure Act 2009*.
33. To list a matter for diversion the following documents must be completed and filed in CMS as a single package:
 - a) [Form CD - Application for diversion hearing on the papers](#);
 - b) Completed diversion notice signed by the lawyers for the prosecution and the child;
 - c) Copy of charge(s) with agreed amendments (if any);
 - d) Agreed summary of facts;

⁵ *Youth Justice Act 2024*, Part 6.3 of Chapter 6.

- e) CCYD Assessment report and proposed diversion plan;
 - f) Criminal history (if any); and
 - g) Victim impact statements (if any).
34. In addition to the mandatory materials outlined in the previous paragraph, parties may include the following materials in the single package:
- a) Any mitigatory materials sought to be relied upon by the child;
 - b) Outline of defence submissions; and
 - c) Outline of prosecution submissions.
35. The parties will be advised by the Court of the date set for the diversion application to be considered by the Judicial officer on the papers. No attendance is required on that date.
36. If the Court considers diversion is appropriate, the Judicial officer will adjourn the proceeding for a period not exceeding 4 months⁶ to enable the child to participate in and complete the diversion plan.
37. The Court may adjourn the proceeding for a further period not exceeding 2 months if it considers it to be appropriate to enable completion of the diversion program.⁷ The total adjournment period for a diversion program must not exceed 6 months.⁸
38. The prosecution and the child's lawyer will be notified of the result of the diversion hearing by email.
39. On the adjourned date, if the Judicial officer is satisfied the diversion plan has been satisfactorily completed, the child will be discharged without any finding of guilt on the charge(s) on which diversion was granted without the need for an attendance by any party.
40. If the Judicial Officer considers that -
- a) either diversion or the diversion plan is not appropriate to be determined on the papers; or
 - b) the diversion program has not been satisfactorily completed -
- the Judicial Officer will adjourn the case and it will be listed for further hearing.

The parties will be told the date of the further hearing by a Hearing Notice issued by the Court. Unless the Court directs otherwise, only the prosecution and the child's lawyer need to attend the online hearing to make further submissions; the child does not need to attend, but the child's lawyer must be able to contact the child during the hearing.

SUMMARY CASE CONFERENCING

41. The Court directs parties to conduct case conferencing prior to any mention date to avoid unnecessary adjournments.

⁶ S.193(3) *Youth Justice Act 2024*.

⁷ S.197(1) *Youth Justice Act 2024*.

⁸ S.197(2) *Youth Justice Act 2024*.

SEXUAL OFFENCES

42. Criminal proceedings that relate wholly or in part to a charge for a sexual offence will be listed at the proper venue and in the Sexual Offences List at that venue, if available.
43. The [Sexual Offences Contest Form](#) must be filed with the Court either at the contest mention or at any other hearing where it is sought to fix the proceeding for a summary contested hearing.
44. A party who intends to make an application for leave to compel production of a document containing a confidential communication or protected health information⁹ must at the time of a contest mention:
 - a) inform the Court and all other parties, and
 - b) have it noted on the [Sexual Offences Contest Form](#).
45. If leave is granted, unless the Court otherwise orders, the subpoena must be made returnable at least 3 days before the special mention or ground rules hearing.
46. If a general subpoena¹⁰ is to be issued which might produce a confidential communication or protected health information the subpoena must specify that documents containing confidential communications or protected health information are excluded from the material sought under the subpoena.

INTERMEDIARIES

47. The availability of the Intermediary Program is set out in [the Multi-jurisdictional Court Guide for Ground Rules and the Intermediary Program](#) as varied from time to time.
48. The Court may appoint an Intermediary:
 - a) On the oral or written¹¹ application of a party to the proceeding; or
 - b) On its own motion.
49. Section 389A(1) of the *Criminal Procedure Act* 2009 sets out when a ground rules hearing may be held.¹² The Court may direct that a ground rules hearing is to be held:
 - a) On the oral or written application of a party to the proceeding; or
 - b) On its own motion.
50. A ground rules hearing must be held in criminal proceedings referred to in s. 389A(1) of the *Criminal Procedure Act*:
 - a) If an Intermediary is appointed; or
 - b) If the witness is a complainant in relation to a charge for a sexual offence.¹³
51. The Intermediary's assessment report must be filed and served no later than 7 days prior to the ground rules hearing.
52. The prosecutor and defence practitioner who will appear at the hearing or committal must attend the ground rules hearing and are expected to have discussed their proposed questioning of the witness with the Intermediary.

⁹ Division 2A of Part II of the *Evidence (Miscellaneous Provisions) Act 1958*.

¹⁰ That is not being issued specifically for the purposes of producing a confidential communication or protected health information.

¹¹ Written applications should be made using the Intermediary form.

¹² See also *Multi-jurisdictional Court Guide for Ground Rules and the Intermediary Program*.

¹³ S. 389B(3) *Criminal Procedure Act 2009*.

MANDATORY AND PRESUMPTIVE UPLIFT MATTERS

53. The following directions apply for matters in which the Children’s Court of Victoria either has:
- a) no summary jurisdiction; or
 - b) restricted summary jurisdiction;

and where a child is alleged to have committed any of the relevant offences **on or after 27 February 2026**.¹⁴ See also Table 1 below for matters commencing after 30 September 2026.

54. Where a child is charged with any of the following offences:

- (a) Murder
- (b) Attempted murder
- (c) Manslaughter
- (d) Child homicide
- (e) Homicide by firearm
- (f) Arson causing death
- (g) Culpable driving

the proceeding must be listed for a filing hearing at the Melbourne Children’s Court.

55. Where a child aged 14 – 17 is charged with any of the following offences:

- (a) Causing serious injury intentionally in circumstances of gross violence
- (b) Causing serious injury recklessly in circumstances of gross violence
- (c) Home invasion
- (d) Aggravated home invasion
- (e) Aggravated carjacking
- (f) Carjacking

the proceeding must be listed for a filing hearing at the Melbourne Children’s Court in accordance with paragraphs 56 and 57.

APPLICATIONS FOR SUMMARY JURISDICTION

56. Applications **for summary jurisdiction** using [Form 6 General Application Form](#) must be filed in CMS and served on all parties.
57. Unless otherwise ordered by the Court, written submissions must be filed and served no less than 3 working days prior to the hearing.

FILING HEARINGS

58. Where a child is remanded in custody or granted bail, the filing hearing must be listed within 7 days of the child being charged.
59. Where a child is served with a summons, the filing hearing must be listed within 28 days of the charge being filed.
60. Subject to the Court’s discretion, for a filing hearing listed at Melbourne Children’s Court:

¹⁴ Any reference to a charge against a child of a certain age means their age at the date of alleged offending.

- (a) A child who is in custody or is currently located in metropolitan Melbourne must attend in person.
- (b) A child who is in custody or is currently located outside metropolitan Melbourne may attend online by both audio and visual link.¹⁵
- (c) When a child attends in person both their lawyer and the prosecutor must also appear in person.

61. At subsequent hearings the parties are to attend as directed by the Court.

COMMITTAL MENTIONS AND MENTIONS

62. Committal Mentions, and/or mentions for matters listed in paragraphs 54 and 55 are to be listed on a Wednesday at the Melbourne Children's Court.

ADJOURNMENT OF CASES

63. Where a case is sought to be adjourned and the child has cases listed on any other day, the cases are to be abridged and, subject to the discretion of the presiding Judicial Officer, adjourned as a group.

64. Where the parties seek to adjourn a case for—

- a) a contest mention;
- b) a directions hearing;
- c) a contested hearing; or
- d) any other purpose—

the case is to be listed in accordance with the metropolitan crime listing tool.

ABORIGINAL OR TORRES STRAIT ISLANDER CHILDREN

65. Where the child:

- a) is Aboriginal or Torres Strait Islander; and
- b) currently resides in either the West, Central, Northeast or East metropolitan catchment,

their case/s are to be listed at the Melbourne Children's Court on a Tuesday.

66. Upon a matter being adjourned to the Children's Koori Court (at any venue) the following are to be filed:

- a) Certificate of Readiness;
- b) Agreed Summaries;
- c) Prior Criminal History (if relevant); and

¹⁵ S.42G *Evidence (Miscellaneous Provisions) Act 1958* technical requirements for audio visual links.

d) Any other document that will be relied upon by a party.

CHILD UNDER THE AGE OF 14

67. Any matter, existing or new, where the child:

- a) at the time of the offence is under the age of 14; and
- b) currently resides in the West, Central, Northeast or East metropolitan catchment areas,

is to be listed at the Melbourne Children's Court on a Friday.

This Practice Direction commences on 30 September 2026



Judge Jack Vandersteen
President
Children's Court of Victoria
29 September 2026

TABLE 1

Mandatory uplift to a higher court	
Child aged 12-17 charged with death-related offence	Murder
	Attempted murder
	Manslaughter
	Child homicide
	Homicide by firearm
	Arson causing death (<i>Crimes Act</i> s.197A)
	Culpable driving causing death (<i>Crimes Act</i> s.318)
Child aged 15-17 charged with designated offence	Intentionally causing serious injury in circumstances of gross violence (<i>Crimes Act</i> 1958 s.15A)
	Recklessly causing serious injury in circumstances of gross violence (<i>Crimes Act</i> 1958 s.15B)
	Home invasion (<i>Crimes Act</i> s.77A)
	Aggravated home invasion (<i>Crimes Act</i> s.77B)
	Aggravated carjacking (<i>Crimes Act</i> s.79A)
No summary jurisdiction	
Child aged 12-17 committed for trial for a related offence and there is no substantial and compelling reason to hear and determine the charge summarily	Any indictable offence
Presumption of uplift to a higher court	
Child aged 14 charged with designated offence	Intentionally causing serious injury in circumstances of gross violence (<i>Crimes Act</i> 1958 s.15A)
	Recklessly causing serious injury in circumstances of gross violence (<i>Crimes Act</i> 1958 s.15B)
	Home invasion (<i>Crimes Act</i> s.77A)
	Aggravated home invasion (<i>Crimes Act</i> s.77B)
	Aggravated carjacking (<i>Crimes Act</i> s.79A)
Child aged 14-17	Carjacking (<i>Crimes Act</i> s.79)
Uplift to a higher court if exceptional circumstances exist	
Child aged 12-17	Any indictable offence