

**Authorised Version No. 003**  
**Children, Youth and Families (Children's  
Court Family Division) Rules 2007**

**S.R. No. 24/2007**

Authorised Version incorporating amendments as at  
1 January 2011

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Authorised Version incorporating amendments as at  
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The President together with 2 magistrates for the Children's  
Court of Victoria jointly make the following Rules:

**1 Object**

The object of these Rules is to prescribe certain  
matters and forms for the purposes of the Family  
Division of the Court.

**2 Authorising provisions**

These Rules are made under section 588 of the  
**Children, Youth and Families Act 2005** and all  
other enabling powers.

**3 Commencement**

These Rules come into operation on 23 April  
2007.

**4 Definitions**

In these Rules—

*the Act* means the **Children, Youth and Families  
Act 2005**.

**5 Forms**

The forms in these Rules must be used for or with  
respect to proceedings in the Family Division of  
the Court.

**6 Statement of placement availability—Form 13**

For the purposes of section 263(1)(f) and (g) of the Act, a statement of placement availability is in the prescribed form if it is in the form of Form 13.

Rule 7  
revoked by  
S.R. No.  
151/2010  
rule 5.

\* \* \* \* \*

Rule 8  
inserted by  
S.R. No.  
186/2009  
rule 5.

**8 Search warrant (safe custody)—Form 36**

A search warrant for the purposes of the Act must be in Form 36.

Rule 9  
inserted by  
S.R. No.  
186/2009  
rule 5.

**9 Witness summons**

- (1) A witness summons must be in Form 37.
- (2) A witness summons to give evidence or to give evidence and produce documents or things must be directed to one person.

Rule 10  
inserted by  
S.R. No.  
186/2009  
rule 5.

**10 Applications to the President—publication of proceedings**

An application under section 534(1) of the Act for the permission of the President for the publication of proceedings in the Family Division of the Court must be in Form 38.

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**FORMS**

**FORM 1**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 228, 229)

**APPLICATION FOR TEMPORARY ASSESSMENT ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Grounds for the application**

The Secretary—

- (a) has a reasonable suspicion that the child is, or is likely to be, in need of protection; and
- (b) is of the opinion that further investigation and assessment of the matter is warranted; and
- (c) is of the opinion that the investigation and assessment cannot properly proceed unless a temporary assessment order is made.

**Details of the application**

The Secretary applies for—

\*authorisation to enter the premises where the child is living;

\*a requirement that the parent of the child or any person with whom the child is living permit the Secretary to enter the premises where the child is living;

\*a requirement that the parent of the child or any person with whom the child is living permit the Secretary to interview the child and take the child to a place to be determined by the Secretary for that interview;

\*authorisation, subject to section 233, for the child to be medically examined by a registered medical practitioner or a registered psychologist;

\*a direction that the parent of the child or any person with whom the child is living permit the Secretary to take the child for that medical examination;

\*authorisation for the results of the medical examination to be given to the Secretary;

\*a requirement that the parent of the child or any person with whom the child is living attend an interview with the Secretary and subject to section 234, answer any questions put to them in the interview;

\*the following directions or conditions (*provide a brief description*)—

Applicant's Name—

Agency and address—

Phone—

Date—

(*Signature*)

**\*Application for Temporary Assessment Order (*without giving notice*) pursuant to Section 229**

The Secretary applies for leave for the application to be heard without giving notice under section 228 and is satisfied that the giving of such notice is inappropriate in the circumstances.

**Notice to the parties**

**To the Applicant**—You must come to the hearing of this application.

**\*To the child**—You are directed to appear at Court for the hearing of this application.

**\*To the parent(s)**—You are directed to produce the child at Court for the hearing of this application.

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Children, Youth and Families (Children's Court Family Division) Rules 2007

S.R. No. 24/2007

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**Form 1**

Issued at—

Date—

Registrar

\* Delete if not applicable

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**FORM 2**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 230–234, 236, 238)

**TEMPORARY ASSESSMENT ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

Applicant's Name—

Agency and address—

Phone—

\*The Children's Court is satisfied that—

the making of a temporary assessment order is in the best interests of the child; **and**

it is necessary for the Secretary to assess whether or not the child is in need of protection; **and**

the Secretary cannot properly carry out an investigation or assessment unless the order is made.

\*The Children's Court grants an application to vary the terms of the temporary assessment order made on (*date*) in respect of the child.

**Details of the order**

\*The Court makes a temporary assessment order under section \*228/\*229 of the **Children, Youth and Families Act 2005**.

\*The Court orders that the term(s) of the temporary assessment order made on (*date*) be varied.

The temporary assessment order—

- \* authorises the Secretary to enter the premises where the child is living— (*address*);
- \*requires (*name*) to permit the Secretary to enter the premises where the child is living— (*address*);
- \*requires (*name*) to permit the Secretary to interview the child and to take the child to a place to be determined by the Secretary for that interview;
- \*authorises, subject to section 233, the medical examination of the child by a registered medical practitioner or a registered psychologist;
- \*directs (*name*) to permit the Secretary to take the child for that medical examination;
- \*authorises the results of the medical examination to be given to the Secretary;
- \*requires (*name*) to attend an interview with the Secretary and, subject to section 234, to answer any questions put to them in the interview;
- \*any direction or condition— (*specify*).

This order remains in force for (*specify number*) days beginning from (*date*).

The Secretary must provide to the Court by (*date*) a report in writing setting out the matters referred to in section 238(2).

If this order is made under section 229, the child or a parent of the child may apply to the Court pursuant to section 235 for the variation or revocation of this order.

Order made at— (*venue*)

on— (*date*)

\*Judge/\*Magistrate

\* Delete if not applicable

**Notes**

- (1) Despite this order, a registered medical practitioner or registered psychologist must not examine the child if—
  - (a) the medical practitioner or psychologist is of the opinion that the child has sufficient understanding to give or refuse consent to the examination; and
  - (b) the child refuses that consent.

- (2) Despite this order a person may refuse to answer a question put by the Secretary in an interview authorised by the order if—
- (a) to answer might tend to incriminate the person; or
  - (b) the information is privileged on the ground of legal professional privilege.
-

**FORM 3**

Rule 5

**Children, Youth and Families Act 2005**

(Section 235)

**APPLICATION TO VARY OR REVOKE A TEMPORARY  
ASSESSMENT ORDER MADE WITHOUT NOTICE**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the order**

On the application of— (*full name*)

Agency and address—

Phone—

The Children's Court at (*venue*) on (*date*) made a temporary assessment order under section 229 of the Act.

**Details of the application**

This application is—

\*to vary the order

\*to revoke the order

The grounds for this application are— (*set out grounds*)

**Form 3**

S.R. No. 24/2007

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This application is made—

\*by the child

\*by a parent of the child

Applicant's name—

Address—

Phone—

Date—

*(Signature)*

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

\* Delete if not applicable

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**FORM 4**

Rule 5

**Children, Youth and Families Act 2005**

(Section 246)

**APPLICATION FOR THERAPEUTIC TREATMENT ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the application**

The Secretary is satisfied on the following grounds that— (*set out the grounds*)

the child is in need of therapeutic treatment.

Applicant's Name—

Agency and address—

Phone—

Date—

(*Signature*)

**Notice to the parties**

**To the applicant and child**— You must come to the hearing of this application.

**To the parent(s) of the child**— You are directed to produce the child at Court for the hearing of this application.

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Children, Youth and Families (Children's Court Family Division) Rules 2007

**Form 4**

S.R. No. 24/2007

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Issued at—

Date—

Registrar

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**FORM 5**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 248-251)

**THERAPEUTIC TREATMENT ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

Applicant's name—

Agency and address—

Phone—

\*The Children's Court is satisfied that—

- (a) the child has exhibited sexually abusive behaviours; **and**
- (b) a therapeutic treatment order is necessary to ensure the child's access to, or attendance at, an appropriate therapeutic treatment program.

\*The Children's Court grants an application to extend the therapeutic treatment order made on *(date)* in respect of the child.

\*The Children's Court grants an application to vary the condition(s) of the therapeutic treatment order made on *(date)* in respect of the child.

**Details of the order**

\*The Court makes a therapeutic treatment order.

\*The Court orders that the therapeutic treatment order made on *(date)* be extended.

\*The Court orders that the condition(s) of the therapeutic treatment order made on *(date)* be varied.

The child is required to participate in a therapeutic treatment program (*give details of program, agency and address*).

\*(*Name*) is to take any necessary steps to enable the child to participate in the therapeutic treatment program.

\*the child is to permit reports of his or her progress and attendance at the therapeutic treatment program to be given to the Secretary.

\*any other conditions (*specify*)

This therapeutic treatment order remains in force until (*end date*).

Order made at— (*venue name*)

Date—

\*Judge/\*Magistrate

\* Delete if not applicable

**Note**

Any statement made by the child when participating in the therapeutic treatment program under this order is not admissible in any criminal proceedings in relation to the child.

**FORM 6**

Rule 5

**Children, Youth and Families Act 2005**

(Section 252)

**APPLICATION FOR THERAPEUTIC TREATMENT (PLACEMENT)  
ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

The Children's Court at (*venue*) on (*date*) made a therapeutic treatment order in respect of the child.

**Details of the application**

The Secretary applies for a therapeutic treatment (placement) order on the following grounds— (*set out grounds*)

Applicant's Name—

Agency and address—

Phone—

Date—

(*Signature*)

**Notice to the parties**

**To the applicant and child**— You must come to the hearing of this application.

**Form 6**

S.R. No. 24/2007

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**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

  

---

**FORM 7**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 252–254)

**THERAPEUTIC TREATMENT (PLACEMENT) ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

Applicant's name—

Agency and address—

Phone—

\*The Children's Court made a therapeutic treatment (placement) order in respect of the child and the Children's Court is satisfied that a therapeutic treatment (placement) order is necessary for the treatment of the child.

\*The Children's Court grants an application to extend the therapeutic treatment (placement) order made on (*date*) in respect of the child.

\*The Children's Court grants an application to vary the condition(s) of the therapeutic treatment (placement) order made on (*date*) in respect of the child.

**Details of the order**

\*The Court makes a therapeutic treatment (placement) order.

\*The Court orders that the therapeutic treatment (placement) order made on (*date*) be extended.

\*The Court orders that the condition(s) of the therapeutic treatment (placement) order made on (*date*) be varied.

**Form 7**

S.R. No. 24/2007

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The therapeutic treatment (placement) order grants sole custody of the child to the Secretary but does not affect the guardianship of the child.

The therapeutic treatment (placement) order has the following conditions—

This order remains in force until (*end date*).

Order made at— (*venue name*)

on (*date*)

\*Judge/\*Magistrate

\* Delete if not applicable

---

**FORM 8**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 257, 258)

**APPLICATION TO VARY OR REVOKE A THERAPEUTIC  
TREATMENT ORDER OR THERAPEUTIC TREATMENT  
(PLACEMENT) ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the order that is sought to be varied or revoked—**

On the application of— (*full name*)

Agency and address—

Phone—

\*The Children's Court at (*venue*) on (*date*) made a therapeutic treatment order.

\*The Children's Court at (*venue*) on (*date*) made a therapeutic treatment (placement) order.

**Details of the application**

This application is—

\*to vary the order (*specify conditions to be varied*)

\*to revoke the order

The grounds for the application are— (*set out grounds*)

**Form 8**

S.R. No. 24/2007

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This application is made by—

\*the Secretary

\*the child

\*a parent of the child

Applicant's name—

Address—

Phone—

Date—

*(Signature)*

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

\* Delete if not applicable

---

**FORM 9**

Rule 5

**Children, Youth and Families Act 2005**

(Section 255)

**APPLICATION FOR EXTENSION OF THERAPEUTIC  
TREATMENT ORDER OR THERAPEUTIC TREATMENT  
(PLACEMENT) ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

\*The Children's Court at (*venue*) on (*date*) made a therapeutic treatment order.

\*The Children's Court at (*venue*) on (*date*) made a therapeutic treatment (placement) order.

**Details of the application**

The Secretary applies for an extension of—

\*the therapeutic treatment order

\*the therapeutic treatment (placement) order

The grounds for the application are— (*set out grounds*)

Applicant's name—

Agency and address—

Phone—

(*Signature*)

**Notice to parties**

**To the child and applicant**— You must come to the hearing of this application.

**To the 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 (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

\* Delete if not applicable

---

**FORM 10**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 240(1), 240(3), 243)

**PROTECTION APPLICATION**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

**Grounds for the application**

\*The child has been abandoned by his or her parents and after reasonable enquires—

- (i) the parents cannot be found; and
- (ii) no other suitable person can be found who is willing and able to care for the child.

\*The child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child.

\*The child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

\*The child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

\*The child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

\*The child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.

**Form 10**

S.R. No. 24/2007

---

Applicant's Name—

Agency and Address—

Phone—

Date—

(Signature)

*The child \*has/\*has not been taken into safe custody.*

**Notice to Parents and child**

**To the child—** You must come to the hearing of this application.

**To the parent(s)—** If your child is in your custody, the child must appear or be produced before the Court for the hearing of this application.

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*)

Issued at—

Date—

Registrar

\* Delete if not applicable

---

**Reverse**

**Affidavit/Declaration of Service of Protection Application**

I (*full name*) of (*address*)

(*occupation*)

\*swear/declare that I served a true copy of this notice on—

(*name of person served*) who is the (*capacity e.g. mother/father/child*) on  
(*date*) at a.m./\*p.m.

by—

\*delivering it to \*him/her personally at (*address*)

\*leaving it for \*him/her at (*address*)

being that person's last known place of \*residence/\*business with a person who apparently resided or worked there and who apparently was not less than 16 years of age.

\*posting it by prepaid ordinary post at (*address of posting*)

in an envelope addressed to that person at his or her last known place of \*residence/\*business. I obtained this address from (*insert relevant details*).

AND on (*name of person served*) who is the (*capacity e.g. mother/father/child*) on (*date*) at a.m./\*p.m.

by—

\*delivering it to \*him/her personally at (*address*)

\*leaving it for \*him/her at (*address*)

being that person's last known place of \*residence/\*business with a person who apparently resided or worked there and who apparently was not less than 16 years of age.

\*posting it by prepaid ordinary post at (*address of posting*)

in an envelope addressed to that person at his or her last known place of \*residence/\*business. I obtained this address from (*insert relevant details*).

AND on (*name of person served*) who is the (*capacity e.g. mother/father/child*) on (*date*) at a.m./\*p.m.

by—

\*delivering it to \*him/her personally at (*address*)

\*leaving it for \*him/her at (*address*)

being that person's last known place of \*residence/\*business with a person who apparently resided or worked there and who apparently was not less than 16 years of age.

\*posting it by prepaid ordinary post at (*address of posting*)

in an envelope addressed to that person at his or her last known place of \*residence/\*business. I obtained this address from (*insert relevant details*).

\*Sworn at \_\_\_\_\_ in the State of Victoria

on (*date*)

(*Signature of person making affidavit*)

Before—

(*Name and address in legible writing, typing or stamp*)

**OR**

\*I acknowledge that this declaration is true and correct and make it in the belief that a person making a false declaration is liable to the penalties of perjury.

Declared at \_\_\_\_\_ in the State of Victoria

on (*date*)

(*Signature of person making declaration*)

Before—

(*Name and address of person taking the declaration in legible writing, typing or stamp*)

\* Delete if not applicable

---

**FORM 11**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 259, 260)

**IRRECONCILABLE DIFFERENCES APPLICATION**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the application**

Name of Parent or Custodian—

Address—

Relationship to the Child— \*Mother/\*Father/\*Relative (*state relationship*)/  
\*Custodian

**Grounds for the application**

**\*If the applicant is a person who has custody of the child**

I believe that there is a substantial and presently irreconcilable difference between the child and me to such an extent that the care and control of the child are likely to be seriously disrupted.

**\*If the applicant is the child**

I believe that there is a substantial and presently irreconcilable difference between me and the person who has custody of me to such an extent that my care and control are likely to be seriously disrupted.

Applicant's name—

Agency and address—

Phone—

**Form 11**

S.R. No. 24/2007

---

Date—

*(Signature)*

**Notice to custodian or child**

**To the child**— You must come to the hearing of this application.

**To the person who has custody of the child**— 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 (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

\* Delete if not applicable

---

**FORM 12**

**Form 12  
substituted by  
S.R. No.  
151/2010  
rule 6.**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 262, 263)

**INTERIM ACCOMMODATION ORDER**

Court Ref.

Name of Child

\*Male/\*Female

Date of Birth

Address

Applicant's name

Agency and address

Phone

**Grounds for making this interim accommodation order**

[*set out grounds*]

A hearing in this case will take place at [*time*] \*a.m./\*p.m. on [*date*] at the Children's Court at [*venue name and address*].

**Interim accommodation order**

Until further order, I order that the child is to be—

\*released pending the hearing, or the resumption of the hearing.

\*released into the care of [*name of parent*] who is his or her parent pending the hearing, or the resumption of the hearing.

\*placed with [*name of person(s)*] who is a (are) suitable person(s) pending that hearing, or the resumption of, the hearing, and following a report (whether oral or written) from the Secretary on that person's or those persons' suitability.

\*placed in an out-of-home care service pending that hearing or resumption.

\*placed in a secure welfare service pending that hearing or resumption as there is a substantial and immediate risk of harm to the child.

\*placed in a declared hospital on the provision to the Court or bail justice of a statement in the prescribed form by or on behalf of the chief executive of the hospital that a bed is available for the child at the hospital.

\*placed in a declared parent and baby unit on the provision to the Court or bail justice of a statement in the prescribed form by or on behalf of the chief executive of the agency managing the parent and baby unit that a place is available for the child at the parent and baby unit.

The following conditions apply to this Order [*set out conditions*]

Order made at [*venue name*]

on [*date*]

\*Judge/\*Magistrate/\*Bail Justice

\*Delete if not applicable

---

**FORM 13**

Rule 6

**Children, Youth and Families Act 2005**

(Sections 263(1)(f), 263(1)(g))

**STATEMENT OF PLACEMENT AVAILABILITY**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

I, *(name)* \*being the/\* on behalf of the chief executive officer of *(name of hospital or name of agency managing a declared parent and baby unit)* state that there is a \*bed/\*place available for *(name of child)* at *(name of hospital or name of declared parent and baby unit)*.

Date—

*(Signature)*

Name—

\* Delete if not applicable

Children, Youth and Families (Children's Court Family Division) Rules 2007

**Form 14**

S.R. No. 24/2007

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**Form 14  
revoked by  
S.R. No.  
151/2010  
rule 7.**

\* \* \* \* \*

**FORM 15**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 268, 270)

**APPLICATION TO VARY AN INTERIM ACCOMMODATION  
ORDER OR FOR A NEW ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the interim accommodation order**

The Children's Court at (*venue*) on (*date*) made an interim accommodation order.

**Details of this application**

This application is—

\*to vary the order.

\*for a new interim accommodation order.

The grounds for the application are— (*set out grounds*)

Applicant's name—

Agency and address—

Phone—

Date—

(*Signature*)

**Note**

The applicant must give notice of this application to the person who applied for the interim accommodation order and any other party to the proceeding in which that order was made and any person with whom the child is living.

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (venue name and address).

Issued at—

Date—

Registrar

\* Delete if not applicable

---

**FORM 16**

Rule 5

**Children, Youth and Families Act 2005**

(Section 269)

**NOTICE TO APPEAR BEFORE THE CHILDREN'S COURT—  
BREACH OF AN INTERIM ACCOMMODATION ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the order**

The Children's Court at (*venue*) on (*date*) made an interim accommodation order.

**Details of this notice**

Reason for the service of this notice—

The interim accommodation order or any condition of the order has not been, or is not being complied with (*give details*).

Applicant's name—

Agency and address—

Phone—

Date—

(*Signature*)

**Notice to parent or child**

**To the child**— You must appear before the Court on the date and at the time listed below.

**To the parent(s) or other person with whom the child is living**— You must bring the child to Court on the date and at the time listed below.

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

  

---

**FORM 17**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 272, 273)

**UNDERTAKING—PROTECTIVE INTERVENTION**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

\*The Children's Court makes an order requiring an undertaking to be given by a person.

\*The Children's Court grants an application to vary the undertaking or the condition(s) of the undertaking made on (*date*) and the undertaking or condition(s) of the undertaking are varied.

**Details of the undertaking**

(*name*), \*the child/\*the parent of the child/\*the person with whom the child is living, gives the following undertaking— (*set out details of undertaking*)

This undertaking remains in force until (*end date*).

I consent to the making of this order and agree to comply with this undertaking.

(*Signature*)

\*Child/\*Parent/\*Custodian

Order made at— (*venue name*)

on— (*date*)

\*Judge/\*Magistrate

\* Delete if not applicable

**FORM 18**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 278, 279)

**UNDERTAKING—PROTECTION ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

\*The Children's Court \*has found/\*finds that the child is in need of protection. The Court makes an order requiring an undertaking to be given.

\*The Children's Court \*has found/\*finds that there is a substantial and irreconcilable difference between the person who has custody of the child and the child to such an extent that the care and control of the child are likely to be seriously disrupted. The Court makes an order requiring an undertaking to be given.

\*The Children's Court grants an application to vary the undertaking or the condition(s) of the undertaking in respect of the child given on (*date*) and the undertaking or condition/s of the undertaking are varied.

\*The Children's Court grants an application to revoke the protection order made on (*date*) in respect of the child and makes an order requiring a person to give an undertaking.

**Details of the undertaking**

(*name*), \*the child/\*the parent of the child/\*the person with whom the child is living gives the following undertaking— (*set out details of undertaking*)

This undertaking remains in force until (*end date*).

---

I consent to the making of this order and agree to comply with this undertaking.

*(Signature)*

\*Child/\*Parent/\*Custodian

Order made at— (*venue name*)

on— (*date*)

\*Judge/\*Magistrate

\* Delete if not applicable

---

**FORM 19**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 273, 279)

**APPLICATION TO VARY OR REVOKE AN UNDERTAKING**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the undertaking**

The Children's Court at (*venue*) on (*date*) made an order requiring the \*child/\*parent/\*person with whom the child is living (*specify*) to give an undertaking pursuant to section \*272/\*278 of the Act.

**Details of the application**

This application is—

\*to vary the undertaking (*specify the conditions to be varied*)

\*to revoke the undertaking.

The grounds for the application are— (*set out grounds*)

Applicant's name—

Agency and address—

Phone—

Date—

(*Signature*)

---

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

\* Delete if not applicable

---

**FORM 20**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 280–282, 293–294, 296, 298–301, 310, 318)

**SUPERVISION ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

\*The Children's Court \*has found/\*finds that the child is in need of protection.

\*The Children's Court \*has found/\*finds that there is a substantial and irreconcilable difference between the person who has custody of the child and the child to such an extent that the care and control of the child are likely to be seriously disrupted.

\*The Children's Court grants an application to extend the supervision order made on (*date*) in respect of the child.

\*The Children's Court grants an application to vary the condition(s) of the supervision order made on (*date*) in respect of the child.

\*The Children's Court grants an application to revoke the protection order made on (*date*) and a supervision order is made in respect of the child.

\*The Children's Court finds proved a breach of the protection order made on (*date*) in respect of the child.

**Details of the order**

\*The Court orders that the child be placed on a supervision order.

\*The Court orders that the supervision order made on (*date*) be extended.

\*The Court orders that the condition(s) of the supervision order made on (*date*) be varied.

This order remains in force \*until (*end date*)/\*until the current application to extend the order is determined by the Court.

The child is to be placed in the day to day care of the child's parent(s) (*name(s)*).

A supervision order gives the Secretary responsibility for the supervision of the child but does not affect the custody or guardianship of the child.

The following conditions apply to this supervision order—

*(set out conditions)*

*\*(If the order remains in force for a period exceeding 12 months from (date))—* The Court directs the Secretary to review the operation of this order before the end of the period of 12 months after *(date)* and to notify the Court, the child, the child's parent(s) and the following person(s) *(specify)* before the end of that period if the Secretary considers that it is in the best interests of the child for this order to continue for the duration of the period specified in this order.

Order made at— *(venue name)*

on— *(date)*

\*Judge/\*Magistrate

\* Delete if not applicable

**FORM 21**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 283, 299–301, 310)

**CUSTODY TO THIRD PARTY ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

\*The Children's Court \*has found/\*finds that the child is in need of protection.

\*The Children's Court \*has found/\*finds that there is a substantial and irreconcilable difference between the person who has custody of the child and the child to such an extent that the care and control of the child are likely to be seriously disrupted.

\*The Children's Court grants an application to vary the conditions(s) of a custody to third party order made on (*date*) in respect of the child.

\*The Children's Court grants an application to revoke a protection order made on (*date*) and a custody to third party order is made in respect of the child.

\*The Children's Court finds proved a breach of the protection order made on (*date*) in respect of the child.

**Details of the order**

\*The Court orders that \*sole/\*joint custody of the child be granted to—

Name(s)—

Address—

---

\*The Court orders that the condition(s) of the custody to third party order made on (*date*) be varied. That order grants \*sole/\*joint custody to—

Name(s)—

Address—

This order does not affect the guardianship of the child.

This order remains in force until (*end date*).

The following conditions apply to this custody to third party order—  
(*set out conditions*)

Order made at— (*venue name*)

on— (*date*)

\*Judge/\*Magistrate

\* Delete if not applicable

---

**FORM 22**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 284, 293–294, 296, 298–301, 310, 318)

**SUPERVISED CUSTODY ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

\*The Children's Court \*has found/\*finds that the child is in need of protection.

\*The Children's Court \*has found/\*finds that there is a substantial and irreconcilable difference between the person who has custody of the child and the child to such an extent that the care and control of the child are likely to be seriously disrupted.

\*The Children's Court grants an application to extend the supervised custody order made on (*date*) in respect of the child.

\*The Children's Court grants an application to vary the condition(s) of the supervised custody order made on (*date*) in respect of the child.

\*The Children's Court grants an application to revoke the protection order made on (*date*) and a supervised custody order is made in respect of the child.

\*The Children's Court finds proved a breach of the protection order made on (*date*) in respect of the child.

**Details of the order**

\*The Court order that \*sole/\*joint custody of the child be granted to—

Name—

Address—

\*The Court orders that the supervised custody order made on (*insert date*) be extended. That order grants \*sole/\*joint custody of the child to—

Name(s)—

Address—

\*The Court orders that the condition(s) of the supervised custody order made on (*date*) be varied. That order grants \*sole/\*joint custody of the child to—

Name(s)—

Address—

This order does not affect the guardianship of the child.

This order remains in force \*until (*end date*)/\*until the current application to extend the order is determined by the Court.

The person who has custody of the child must permit the Secretary to visit the child at his or her place of residence and carry out the duties of the Secretary under the order.

The Court directs the parties to take all appropriate steps to enable the re-unification of the child with his or her parent before the end of the period for which the order remains in force.

The following conditions apply to this supervised custody order—

**Note**

If while this order is in force, the Secretary is satisfied that it is in the child's best interests, the Secretary may in writing direct that the child return to the sole or joint custody of a parent or the parents of the child. In the event of such a direction—

- (a) the child ceases to be in the custody of the person in whom custody was vested under this supervised custody order; and
- (b) the child is deemed to be in the custody of the parent(s) of the child as specified in the direction; and
- (c) this order ceases to be a supervised custody order and is deemed to be a supervision order giving the Secretary responsibility for the supervision of the child and placing the child in the day to day care of the parent(s).

*\*(If the order remains in force for a period exceeding 12 months from (date))—* The Court directs the Secretary to review the operation of this order before the end of the period of 12 months after *(date)* and to notify the Court, the child, the child's parent and the following person(s) *(specify names)* before the end of that period if the Secretary considers that it is in the best interests of the child for this order to continue for the duration of the period specified in this order.

Order made at— *(venue name)*

on— *(date)*

\*Judge/\*Magistrate

\* Delete if not applicable

---

**FORM 23**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 287, 293–302, 310)

**CUSTODY TO SECRETARY ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

\*The Children's Court \*has found/\*finds that the child is in need of protection.

\*The Children's Court \*has found/\*finds that there is a substantial and irreconcilable difference between the person who has custody of the child and the child to such an extent that the care and control of the child are likely to be seriously disrupted.

\*The Children's Court grants an application to extend the Custody to Secretary Order made on (*date*) in respect of the child.

\*The Children's Court grants an application to vary the condition(s) of the Custody to Secretary Order made on (*date*) in respect of the child.

\*The Children's Court grants an application to revoke the protection order made on (*date*) and a Custody to Secretary Order is made in respect of the child.

\*The Children's Court finds proved a breach of the protection order made on (*date*) in respect of the child.

\*The Children's Court finds that exceptional circumstances exist warranting an interim variation of the condition(s) of the Custody to Secretary Order made on (*date*) in respect of the child.

**Details of the order**

\*The Court orders that sole custody of the child be granted to the Secretary.

\*The Court orders that the Custody to Secretary Order made on (*date*) be extended.

\*The Court orders that the condition(s) of the Custody to Secretary Order made on *(date)* be varied.

\*This order is an interim variation pending the final determination of an application to vary the Custody to Secretary Order.

\*This order remains in force \*until *(end date)*/\*until the current application to extend the order is determined by the Court.

**Note**

A Custody to Secretary Order grants sole custody to the Secretary but does not affect the guardianship of the child.

**The following conditions apply to this Custody to Secretary Order—**

*(set out conditions)*

*\*(If the order remains in force for a period exceeding 12 months from (date)—* The Court directs the Secretary to review the operation of this order before the end of the period of 12 months after *(date)* and to notify the Court, the child, the child's parent and the following person(s) *(specify)* before the end of that period if the Secretary considers that it is in the best interests of the child for this order to continue for the duration of the period specified in this order.

\*The Court directs the Secretary to take steps to ensure that at the end of the period of the order a person other than the child's parent applies to a court for an order relating to the child's—

- (a) custody; or
- (b) custody and guardianship; or
- (c) custody and joint guardianship.

Order made at— *(venue name)*

on— *(date)*

\*Judge/\*Magistrate

\* Delete if not applicable

**FORM 24**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 289, 293–298, 310)

**GUARDIANSHIP TO SECRETARY ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

\*The Children's Court \*has found/\*finds that the child is in need of protection.

\*The Children's Court \*has found/\*finds that there is a substantial and irreconcilable difference between the person who has custody of the child and the child to such an extent that the care and control of the child are likely to be seriously disrupted.

\*The Children's Court grants an application to extend the Guardianship to Secretary Order made on (*date*) in respect of the child.

\*The Children's Court grants an application to revoke the protection order made on (*date*) and a Guardianship to Secretary Order is made in respect of the child.

\*The Children's Court finds proved a breach of the protection order made on (*date*) in respect of the child.

**Details of the order**

\*The Court orders that custody and guardianship of the child be granted to the Secretary to the exclusion of all other persons.

\*The Court orders that the Guardianship to Secretary Order made on (*date*) be extended. That order grants custody and guardianship of the child to the Secretary to the exclusion of all other persons.

\*This order remains in force until (*end date*).

*\*(If the order remains in force for a period exceeding 12 months from (date))—* The Court directs the Secretary to review the operation of this order before the end of the period of 12 months after *(date)* and to notify the Court, the child, the child's parent and the following person(s) *(specify)* before the end of that period if the Secretary considers that it is in the best interests of the child for this order to continue for the duration of the period specified in this order.

\*The Court directs the Secretary to take steps to ensure that at the end of the period of the order a person other than the child's parent applies to a court for an order relating to the child's—

- (a) custody; or
- (b) custody and guardianship; or
- (c) custody and joint guardianship.

Order made at— *(venue name)*

on— *(date)*

\*Judge/\*Magistrate

\* Delete if not applicable

**FORM 25**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 290, 310)

**LONG-TERM GUARDIANSHIP TO SECRETARY ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

\*The Children's Court \*has found/\*finds that the child is in need of protection.

\*The Children's Court \*has found/\*finds that there is a substantial and irreconcilable difference between the person who has custody of the child and the child to such an extent that the care and control of the child are likely to be seriously disrupted.

\*The Children's Court grants an application to revoke the protection order made on (*date*) and a Long-term Guardianship to Secretary Order is made in respect of the child.

\*The Children's Court finds proved a breach of the protection order made on (*date*) in respect of the child.

The Court is satisfied that—

- (a) there is a person or persons available with whom the child will continue to live for the duration of the order; and
- (b) the Secretary consents to the making of the order; and
- (c) the child consents to the making of the order; and
- (d) the making of the order is in the best interests of the child.

**Details of the order**

The Court orders that custody and guardianship of the child be granted to the Secretary to the exclusion of all other persons.

This order remains in force until the child attains the age of 18 years or marries, whichever happens first.

The Court directs the Secretary to review the operation of this order before the end of each period of 12 months after the making of this order and to notify the Court, the child, the child's parent and the following person(s) (*specify*) before the end of that period if the Secretary considers that, to ensure the safety and wellbeing of the child, the order should continue for a further period of 12 months.

Order made at— (*venue name*)

on— (date)

\*Judge/\*Magistrate

\* Delete if not applicable

**FORM 26**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 291, 299–301, 303–304, 318)

**INTERIM PROTECTION ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

Applicant's name—

Agency and address—

Phone—

\*The Children's Court finds that the child is in need of protection.

\*The Children's Court finds that there is a substantial and irreconcilable difference between the person who has custody of the child and the child to such an extent that the care and control of the child are likely to be seriously disrupted.

\*The Children's Court grants an application to vary the condition(s) of the interim protection order made on (*date*) in respect of the child.

\*The Children's Court grants an application to revoke the protection order made on (*date*) and an interim protection order is made in respect of the child.

\*The Children's Court finds proved a breach of the protection order made on (*date*) in respect of the child.

**Details of the order**

\*The Court orders that the child be placed on an interim protection order.

\*The Court orders that the condition(s) of the interim protection order made on (*date*) be varied.

The Secretary is accountable to the Court for the implementation of this order.

(*name*) is to have the responsibility for the supervision of the child.

The Court directs the preparation and submission to the Court of an additional report by (*state person*).

This order remains in force until (*end date*).

**The following conditions apply to this Interim Protection Order—**

(*set out conditions*)

**Details of the further hearing**

The further hearing of this case will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Order made at— (*venue name*)

on— (*date*)

\*Judge/\*Magistrate

\* Delete if not applicable

**FORM 27**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 293, 294)

**APPLICATION FOR EXTENSION OF A PROTECTION ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

The Children's Court at (*venue*) on (*date*) made—

\*a supervision order

\*a supervised custody order

\*a custody to Secretary order

\*a guardianship to Secretary order

in respect of the child until (*end date*).

\*The Secretary has directed that on (*date*) the child return to the sole or joint custody of a parent or parents and accordingly, pursuant to section 286(1)(c) of the Act, the supervised custody order has been deemed to be a supervision order.

\*(*If the order has since been extended*) The Children's Court at (*venue*) on (*date*) last extended this order until (*end date*).

**Details of the application**

The Secretary applies for—

an extension of the \*supervision order/\*supervised custody order/\*custody to Secretary order/\*guardianship to Secretary order for a period of (*insert period*).

Applicant's name—

Agency and address—

Phone—

(*Signature*)

**Notice to parties**

**To the child and applicant**— You must come to the hearing of this application.

**To the 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 (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

\* Delete if not applicable

---

**FORM 28**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 300, 304)

**APPLICATION TO VARY OR REVOKE A PROTECTION ORDER**

**(Not for undertakings or for Guardianship to Secretary Order or for Long-term Guardianship to Secretary Order)**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the original order** (*not details of any subsequent variation or extension*)

The Children's Court at (*venue*) on (*date*) made the following order—

- \*a supervision order
- \*a custody to third party order
- \*a supervised custody order
- \*a custody to Secretary order
- \*an interim protection order

\*The Secretary has directed that on (*date*) the child return to the sole or joint custody of a parent or parents and accordingly, pursuant to section 286(1)(c) of the Act, the supervised custody order has been deemed to be a supervision order.

**Details of this application**

This application is—

\*to vary the order (*specify the condition(s) to be varied*)

\*to revoke the order

The grounds for the application are—

*(set out grounds)*

This application is made by—

- \* the child
- \* a parent of the child
- \* a person with whom the child is living
- \* a person who has been granted custody of the child
- \* the Secretary

Applicant's name—

Address—

Phone—

Date—

*(Signature)*

**Details of the hearing**

A hearing of this application will be held at *(time)* a.m./\*p.m. on *(date)* at the Children's Court at *(venue name and address)*.

Issued at—

Date—

Registrar

\* Delete if not applicable

---

**FORM 29**

Rule 5

**Children, Youth and Families Act 2005**

(Section 305)

**APPLICATION TO REVOKE A GUARDIANSHIP TO SECRETARY  
ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the order**

The Children's Court at (*venue*) on (*date*) made a Guardianship to Secretary Order in respect of the child which was to remain in force until (*end date*).

(*If the order has since been extended*)

\*The Children's Court at (*venue*) on (*date*) last extended this order until (*end date*).

**Details of the application**

This application is made on the grounds that—

\*circumstances have changed since the making of the Guardianship to Secretary Order and the applicant has asked the Secretary to review the case plan and the Secretary has either refused to review the case plan or has reviewed it in a way which the applicant finds unsatisfactory.

\*the Secretary makes a notification in accordance with section 289(2) of the Act in respect of the order.

\*(*State any other grounds*)

Applicant's name—

Agency and address—

Phone—

The applicant is \*the child/\*a parent of the child/\*the Secretary

Date—

(*Signature*)

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

\* Delete if not applicable

---

**FORM 30**

Rule 5

**Children, Youth and Families Act 2005**

(Section 306)

**APPLICATION TO REVOKE A LONG-TERM GUARDIANSHIP TO  
SECRETARY ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the order**

The Children's Court at (*venue*) on (*date*) made a Long-term Guardianship to Secretary Order in respect of the child.

**Details of this application**

This application is to revoke the order.

The grounds for the application are— (*set out grounds*)

This application is made—

\*by the child

\*by a parent of the child

\*by the Secretary

(*If this application is made by a parent of the child and the order has been in force for more than 12 months*)

\*I hereby apply for leave pursuant to section 306(3) of the Act to make this application.

Applicant's name—

Address—

Phone—

**Form 30**

S.R. No. 24/2007

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Date—

*(Signature)*

**Details of the hearing**

A hearing of this application will be held at *(time)* a.m./\*p.m. on *(date)* at the Children's Court at *(venue name and address)*.

Issued at—

Date—

Registrar

\* Delete if not applicable

---

**FORM 31**

Rule 5

**Children, Youth and Families Act 2005**

(Section 320)

**APPLICATION FOR PERMANENT CARE ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the application**

Applicant's name—

Agency and address—

Phone—

*(Signature)*

Name of child's mother—

Address—

Name of child's father—

Address—

Name of proposed carer 1—

Address—

Name of proposed carer 2—

Address—

Relationship of carer(s) to child: \*Relative(s) (*specify*)

\*Foster parent(s)

\*Other— (*specify*)

The applicant applies for a permanent care order in respect of the child.

A protection order \*is/\*is not in force in respect of the child. (*If a protection order is in force, set out relevant details—*)

An application to revoke the protection order \*has/\*has not been made.  
It \*has/\*has not been determined.

There \*are/\*are not current proceedings under the Family Law Act 1975 of the Commonwealth with respect to the custody and guardianship of the child, being a proceeding commenced by a person who is not a parent of the child, details of which are as follows— (*set out details, including who commenced such proceedings*)

**Notice to parties**

**To the child and applicant—** You must come to the hearing of this application.

**To the parent(s) and proposed carer(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 (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

\* Delete if not applicable

---

**FORM 32**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 319, 321)

**PERMANENT CARE ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

Name of child's mother—

Address—

Name of child's father—

Address—

\*The Children's Court grants a permanent care application in respect of the child.

\*The Children's Court grants an application to vary the condition(s) of the permanent care order made on (*date*) in respect of the child.

**Details of the order**

\*The Court makes a permanent care order.

\*The Court orders that the condition(s) of the permanent care order made on (*date*) be varied.

**Form 32**

S.R. No. 24/2007

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Custody and guardianship of the child is granted to—

Name—

Address—

Name—

Address—

\*Guardianship of the child is vested jointly in—(*names and addresses*)

The following conditions apply to this permanent care order—

(*set out conditions*)

Order made at— (*venue*)

on— (*date*)

\*Judge/\*Magistrate

\* Delete if not applicable

---

**FORM 33**

Rule 5

**Children, Youth and Families Act 2005**

(Section 326)

**APPLICATION TO VARY OR REVOKE A PERMANENT CARE ORDER**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

Applicant's name—

Agency and address—

Phone—

The applicant is—

\*the child

\*a parent of the child

\*a person granted custody and guardianship of the child under the order

\*the Secretary

The parents of the child are— (*names and addresses*)

**Details of the Permanent Care Order being sought to be varied or revoked**

The Children's Court at (*venue*) on (*date*) made an order granting custody and guardianship of the child to (*names and addresses*)

**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*)

Date—

(*Signature*)

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

\* Delete if not applicable

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**FORM 34**

Rule 5

**Children, Youth and Families Act 2005**

(Section 312)

**NOTICE TO APPEAR BEFORE THE CHILDREN'S COURT—  
FAMILY DIVISION**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the order**

The Children's Court at (*venue*) on (*date*) made—

\*a supervision order

\*a supervised custody order

\*an interim protection order

\*The Secretary has directed that on (*date*) the child return to the sole or joint custody of a parent or parents and accordingly, pursuant to section 286(1)(c) of the Act, the supervised custody order has been deemed to be a supervision order.

**Details of this notice**

Reason for the service of this notice—

\*There has been a failure to comply with a condition of the order (*give details*)

\*There has been a failure to comply with a direction given by the Secretary under section 282(2) of the Act (if supervision order) or section 285(2) of the Act (if supervised custody order). Details of the failure are— (*set out relevant details*)

\*The child is living in conditions which are unsatisfactory in terms of the safety and wellbeing of the child. The unsatisfactory conditions are— (*give details*)

Applicant's name—

Agency and address—

Phone—

Date—

*(Signature)*

**Notice to parties—**

**To the child—** You must appear before the Court on the date and at the time listed below.

**To the parent(s) or other person with whom the child is living—** You must bring the child to Court on the date and at the time listed below.

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

\* Delete if not applicable

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**FORM 35**

Rule 5

**Children, Youth and Families Act 2005**

(Sections 556, 559, 566, 570)

**APPLICATION TO RESTRICT ACCESS TO A REPORT**

Court Ref.—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

**Details of the order for the report**

The Children's Court at (*venue*) on (*date*) ordered the Secretary to submit to the Court the following report concerning the child named above—

- \*protection report
- \*disposition report
- \*therapeutic treatment application report
- \*therapeutic treatment (placement) report

The report is to be considered at a hearing of the relevant application on (*date*).

**Details of this application**

I apply to the Court for an order restricting access by—

- \*the child who is the subject of the report
- \*the child's parent
- \*the following party to the proceeding— (*insert name of party*)
- \*any other person specified by the Court namely— (*insert name of person specified*)

I seek that access be restricted to—

\*the whole report

\*a part of the report (*specify*—)

This application is based on the grounds that the information in the report or the part of the report may be prejudicial to the physical or mental health of the child or a parent of the child.

Applicant's name—

Agency and address—

Phone—

Date—

(*Signature*)

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./\*p.m. on (*date*) at the Children's Court at (*venue name and address*).

Issued at—

Date—

Registrar

\* Delete if not applicable

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**FORM 36**

Rule 8

**Children, Youth and Families Act 2005**

(Sections 237, 241 to 243, 247, 261, 268, 269, 270, 291,  
313 to 315, 598)

**CHILDREN'S COURT SEARCH WARRANT  
(SAFE CUSTODY)**

Form 36  
inserted by  
S.R. No.  
186/2009  
rule 6.

Court Ref:

Name or description of child

[*and address if applicable*]

\*Male/\*Female

Date of birth

**AUTHORITY AND DIRECTIONS**

To [*name of a member of the police force*] or [*all members of the police force*]

You are authorised to:

break, enter and search any place where the child named or described in this warrant is suspected to be and take into safe custody the child named or described in this warrant;

**AND if the warrant is issued under section 237 of the Act,**

to bring the child to the Secretary of the Department of Human Services to enable the Secretary to exercise his or her powers under the temporary assessment order.

**AND if the warrant is issued under section 241, 243, 247, 261, 268, 270, 291, 313 or 314 of the Act, to**

\* bring the child before the Court for the hearing of an application for an interim accommodation order as soon as practicable and, in any event, within one working day after the child is taken into safe custody. Unless the child is brought before the Court within 24 hours after the child was taken into safe custody, he or she must (unless the child is of tender years) be brought before a bail justice as soon as possible within that period of 24 hours for the hearing of an application for an interim accommodation order.

\* release the child on an interim accommodation order of the type referred to in section 263(1)(a) or 263(1)(b) of the Act in accordance with the endorsement below.

**OR if the warrant is issued under section 269 of the Act, to**

\* bring the child before the Court for the hearing of a proceeding for breach of an interim accommodation order as soon as practicable and, in any event, within one working day after the child was taken into safe custody. Unless the child is brought before the Court within 24 hours after the child was taken into safe custody, he or she must (unless the child is of tender years) be brought before a bail justice as soon as possible within that period of 24 hours for the hearing of a proceeding for breach of an interim accommodation order.

\* release the child on an interim accommodation order of the type referred to in section 263(1)(a) or 263(1)(b) of the Act in accordance with the endorsement below.

**OR if the warrant is issued under section 598 of the Act,**

the member of the police force who executed this warrant must take the child to the place specified in this warrant or, if no place is specified, to a place determined by the Secretary of the Department of Human Services or, in the absence of a determination, to a place referred to in section 173 of the Act.

**Place specified:** *[insert details]*

**ENDORSEMENT**

The child may be released on an interim accommodation order to appear at the Children's Court at *[venue]* at *[time]* a.m./p.m. on *[date]*

Applicant's name:

Agency and address:

Phone:

Issued at:

Date:

\*Judge/\*Magistrate

\* Delete if not applicable

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**FORM 37**

Rule 9

**Children, Youth and Families Act 2005**

Form 37  
inserted by  
S.R. No.  
186/2009  
rule 6.

**WITNESS SUMMONS**

Court Ref

To the witness [*name*]

\*Male/\*Female

Address

**DETAILS OF THE CASE**

Name of child

Type of hearing

\*Charges [*brief description*]

\*Protection application

\*Irreconcilable Difference application

\*Other [*specify*]

Name of informant/applicant

Agency and address

Email Address

Telephone

**WHAT YOU HAVE TO DO**

You must bring this summons with you and

\* come to court to give evidence in the proceeding;

\* come to court to give evidence and also produce at the hearing the following documents or things that are in your possession or control

[*specify documents or things*]

\* produce at the hearing the following documents or things that are in your possession or control

[*specify documents or things*]

You may produce this summons and the documents or things referred to above to the Registrar of the Children's Court at [*venue*] by hand or by post, in either case so that the registrar receives them not later than 2 days before the date on which you are required to attend.

If you are required to give evidence, you **must** attend at the hearing.

**WHERE YOU MUST GO**

The Children's Court at [*address*]

Telephone

When

Time

Day

Month

Year

Issued at

Date

\*Registrar/\*Judge/\*Magistrate

\*Summons filed by [*identify party if any*]

\* Delete if not applicable

FORM 38

Rule 10

Children, Youth and Families Act 2005

Form 38  
inserted by  
S.R. No.  
186/2009  
rule 6.

APPLICATION UNDER SECTION 534—PUBLICATION OF  
PROCEEDINGS

Court Ref

In the matter of

An Application by

The Applicant applies to the President of the Children's Court for the following orders:

1 An order pursuant to section 534(1) of the **Children, Youth and Families Act 2005** that *[insert name]* be permitted to publish the following *[list particulars]*.

2\*Such other or further orders as the Court sees fit.

**Grounds for Application**

The following grounds are relied on: *[list grounds]*

**Details of the hearing**

A hearing of this application will be held at *[time]* a.m./p.m. on *[date]* at the Children's Court at *[venue]*

Issued at

Date

Registrar

\*Delete if not applicable

Dated: 19 April 2007

PAUL DOUGLAS GRANT,  
*President of the Children's Court of Victoria*

GREGORY LEVINE,  
*Magistrate*

PETER THOMAS POWER,  
*Magistrate*

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## ENDNOTES

### 1. General Information

The Children, Youth and Families (Children's Court Family Division) Rules 2007, S.R. No. 24/2007 were made on 19 April 2007 by the President, together with 2 Magistrates of the Children's Court jointly, under section 588 of the **Children, Youth and Families Act 2005**, No. 96/2005 and came into operation on 23 April 2007: see rule 3.

The Children, Youth and Families (Children's Court Family Division) Rules 2007 will sunset 10 years after the day of making on 19 April 2017 (see section 5 of the **Subordinate Legislation Act 1994**).

## 2. Table of Amendments

This Version incorporates amendments made to the Children, Youth and Families (Children's Court Family Division) Rules 2007 by statutory rules, subordinate instruments and Acts.

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Children, Youth and Families (Children's Court Family Division) (Amendment No. 1)  
Rules 2009, S.R. No. 186/2009

*Date of Making:* 18.12.09

*Date of Commencement:* 1.1.10: rule 3

Children, Youth and Families (Children's Court Family Division) (Amendment No. 2)  
Rules 2010, S.R. No. 151/2010

*Date of Making:* 21.12.10

*Date of Commencement:* 1.1.11: rule 3

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### **3. Explanatory Details**

No entries at date of publication.