

Court Orders – ongoing and new

Introduction

The commencement of the *Children, Youth and Families Act 2005* (CYFA) will have a significant impact on the presentation of evidence and Children's Court proceedings. The CYFA introduces a range of new orders to encourage greater flexibility in dispositions and significant changes to current orders. This fact sheet describes these new orders, as well as changes to current orders.

1. Interim Accommodation Orders (IAO)

There are some technical changes to IAOs, but the significant change is the new category of IAOs to hospitals and parent/baby units (s.263(f)(g)). Also, clarification is provided that IAOs will last for the full 21 days ordered.

2. Interim Protection Orders (IPO)

- a) This order is now considered a protective order; the other provisions remain the same.
- b) At the completion of an IPO the placement and conditions of the order remain on an IAO, unless there is agreement for a change or there has been a change of circumstances.

3. Supervision Order (S.O)

- a) S.O can now provide for the child to be placed in the day-to-day care of one or both of the child's parents, to support shared care arrangements.
- b) Can now be extended, but prior to seeking to extend consider whether an alternate disposition is in the child's best interest.

4. Custody to Third Party Orders

These orders still exist and now allow for a condition incorporating a cultural plan for Aboriginal children.

5. Supervised Custody Orders

- a) Can now reunify a child with parents within term of the order, which will then be considered a Supervision Order, without the need to return to Court.
- b) Can be extended.

6. Custody to Secretary Order

- a) No longer to consider reunification on every extension.
- b) Court has power in exceptional circumstances to vary any condition of the Order until final hearing.
- c) Extensions commence from date order is made.

7. Guardianship to Secretary Order

- a) No longer to consider reunification on every extension.
- b) Can now have long-term guardianship orders for children over 12 years who are in a stable placement and the child and Secretary consent to the order.

8. Permanent Care Order

- a) An order can now be made if the child's parent has not had the care of child for 6 of the previous 12 months.
- b) Specific provisions relating to access with siblings and other persons significant to the child.
- c) An order for an Aboriginal child must show compliance with the Aboriginal Child Placement Principle.
- d) Not available unless a stability plan has been prepared.

9. Undertakings

- a) Can now be made without the need to prove the P.A.

10. Temporary Assessment Order (TAO)

- a) New order.
- b) To be sought prior to issuing a P.A when there is a reasonable suspicion that the child is in need of protection and the ability to investigate and assess is warranted and cannot be achieved without the Order.

11. Therapeutic Treatment and Placement Orders

- a) Order sought where a child between 10-15 years is exhibiting sexually abusive behaviour and is in need of therapeutic treatment.
- b) Placement out of home for purpose of treatment can occur.

More information:

For more information, fact sheets and supporting documents, see the every child every chance website: www.dhs.vic.gov.au/everychildeverychance

Related fact sheets:

- Acting in the best interests of vulnerable children and youth
- Court orders – acting in children's best interests (forthcoming)