



Children's Court of Victoria Annual Report 2018-19

About the Court

The Children's Court of Victoria is a specialist court with two divisions dealing with cases involving children and young people.

The Family Division hears: applications relating to the protection and care of children and young persons at risk, and applications for intervention orders.

The Criminal Division hears: matters relating to criminal offending by children and young persons.

Acknowledgment

The Children's Court of Victoria acknowledges the Aboriginal and Torres Strait Islander people as the Traditional Custodians of the land. We also acknowledge and pay respect to their Elders, past, present and emerging.

Strategic Priorities 2019-2021

OUR VALUE STATEMENT

The Children's Court of Victoria is a fair, accessible, specialist court. Judicial officers bring legal expertise and experience to the consideration of matters involving children, young people and their families. Court processes are effective, equitable and clear. Our workforce is highly professional and committed.

OUR CULTURE

The culture of the Court is characterised by judicial officers who encourage parties to resolve matters in a way that is collaborative and respectful and where possible, utilising less adversarial processes. The Court's judiciary exercise proper control of the legal and court process. Resources are allocated to cases commensurate to their complexity.

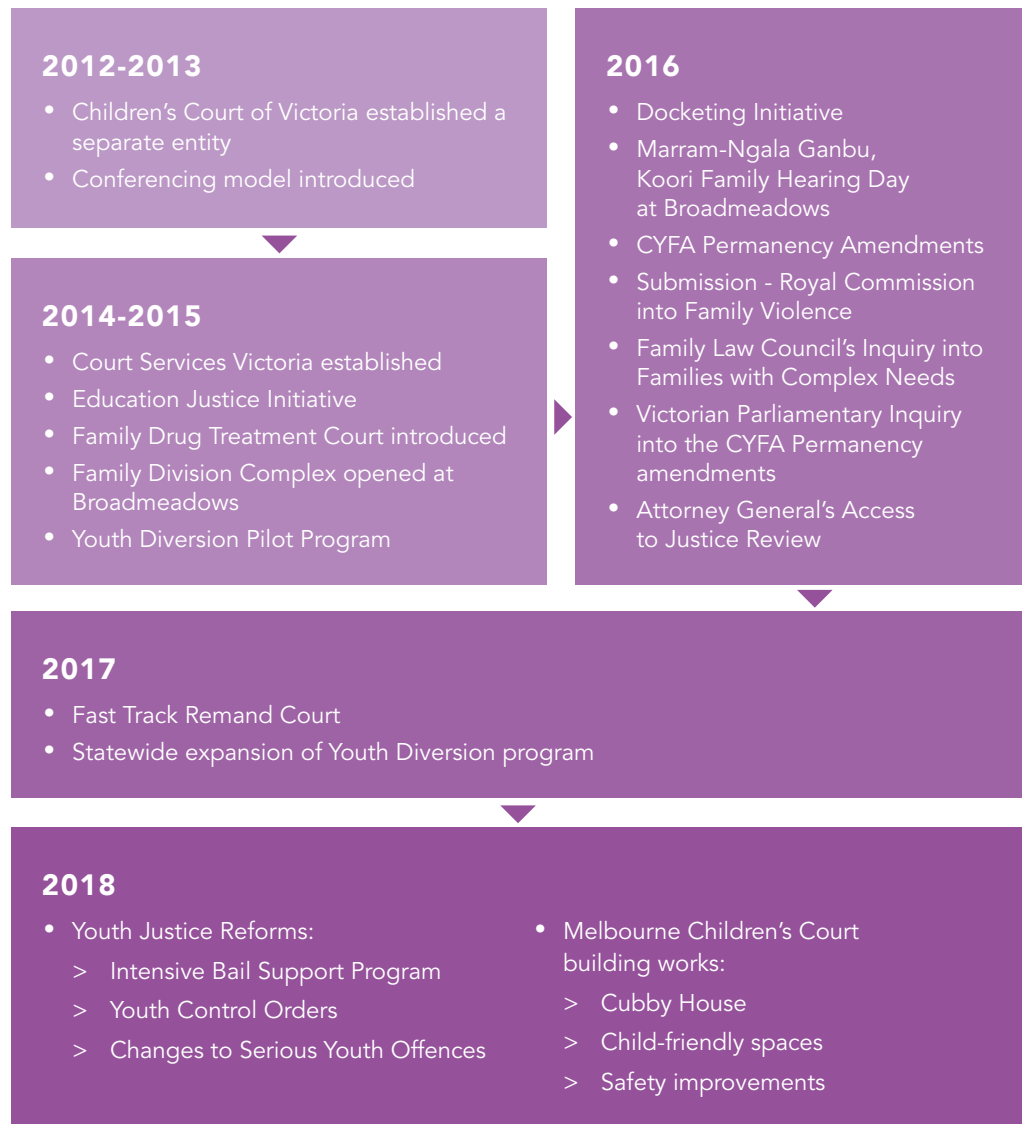
The relationship between the judiciary and court staff is one of mutual regard and respect. Judicial officers and senior managers are partners in building the Court's reputation as a high performing, innovative and respected jurisdiction in the State's court hierarchy.

We aim to work collaboratively and cooperatively with all those who interact with the Court. This includes Court Services Victoria, other jurisdictions, government and non-government agencies and service providers.







Statement of Priorities 2019-2021 Towards our Vision

Our vision is for all Victorians to have consistent access to a specialist, independent Children’s Court where cases involving children and young people are heard in safe and culturally appropriate environments.



OUR FIVE STRATEGIC PRIORITIES 2019

- 
PRIORITY 1 User-centric design and team-based practice
- 
PRIORITY 2 Greater statewide specialist capability
- 
PRIORITY 3 Culture and practices that are outcome and evidence-based
- 
PRIORITY 4 Enhanced public and professional sector engagement
- 
PRIORITY 5 Increased capacity for growth to meet the demands of system reform



In accordance with section 514 of the *Children, Youth and Families Act 2005* I have much pleasure in submitting the Children's Court of Victoria Annual Report for the year 2018-2019.

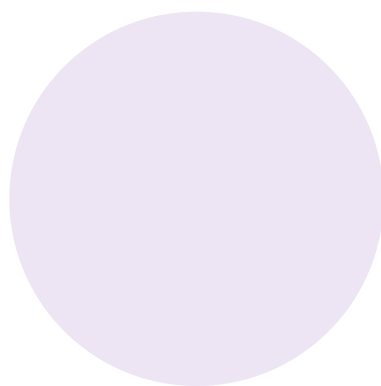
The report covers the Court's operation and performance, and provides information on our activities and achievements during the reporting period.

Yours sincerely

Judge Amanda Chambers
President, Children's Court of Victoria

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REPORTS

Report of the President Judge Amanda Chambers



“Initiatives that impact positively on the experience and outcomes for court users have been a priority in the Court’s work.”

I am pleased to present the Annual Report on behalf of the Children’s Court of Victoria for the 2018-19 financial year.

Over the past year, the Children’s Court has continued to expand programs and initiatives aligned to its *Statement of Priorities 2019-2021* to improve the way the Court serves the community as a specialist court for Victorian children, youth and families. It has been able to achieve these improvements despite the continuous – and growing – demand for its services, particularly in the critical work undertaken by the Court’s Family Division in hearing and determining child protection matters across the State.

Initiatives that impact positively on the experience and outcomes for court users have been a priority in the Court’s work. This year, the Court embarked on a Service Reform Project to shape the future of the Children’s Court using human centred design expertise, in collaboration with RMIT’s Centre for Innovative Justice and Graduate School of Business and Law, and Huddle Design Consulting. This service reform work places the court user experience at the forefront of future design. It is intended to align with the improved efficiencies facilitated by technological advancements as the Court implements a new case management system over the next few years.

Other services and programs implemented and expanded this year are already having a positive impact. These include:

- Introduction of on-site mental health assessments for children and youth by the Court’s new Mental Health Advice and Response Service (MHARS), provided through Orygen Youth Health;
- Establishment of the RESTORE program, a court-based initiative delivered by Jesuit Social Services to respond to the needs of adolescents using violence in the home and their families;
- Expansion of the Family Drug Treatment Court to Shepparton, an intensive clinical support program that features significant judicial oversight to improve the outcomes for families where children have been removed from their care due to parental drug or alcohol abuse;
- Commencement of the Intermediary Pilot Program at Melbourne Children’s Court to assist child and cognitively impaired complainants give their evidence in sexual offence hearings through the use of intermediaries, who are trained professionals with specialist communication skills;
- Introduction of a concierge service at the Melbourne Children’s Court to help guide and link court users – particularly first-time court users – to other court services, legal advice and other supports; and expansion of the Court Support Coordinator program, with Court Support Coordinators now located at Melbourne, Moorabbin and Broadmeadows Children’s Courts to provide information and support to court users.

FAMILY DIVISION – INCREASED DEMAND

As reported in previous years, the workload of the Court's Family Division continues to grow. This increased workload places significant demands on the service and judicial resources of the Court. Over the past five years the number of primary and secondary applications made to the Court has increased by over 25%, from a total of 14,879 child protection applications in 2014-15 to a total of 18,722 child protection applications in 2018-19. The Court has finalised more cases in this reporting period than in the previous one, but the rate of finalisations has not matched the growth in new applications.

The increasing workload poses real challenges for the Court when considering options to expand resource-intensive – yet highly effective – programs such as the Family Drug Treatment Court (FDTC), now in its fourth year of operation at Broadmeadows Children's Court. An independent evaluation of the FDTC conducted in 2018 found that parents, where they benefit from the intensive clinical support and active judicial monitoring of the FDTC, are 2.5 times more likely to reunify with their children than those engaged in mainstream court processes. The Children's Court acknowledges the financial support it received from Government to continue this successful program, with the allocation of \$8.1 million in the 2018-19 Victorian budget. With this support, the Court has been able to expand the FDTC program to families in the Shepparton region.

In the next financial year, the Children's Court will also expand its Koori Family Hearing Day, known as *Marram-Ngala Ganbu*, to Shepparton. *Marram-Ngala Ganbu* aims to provide culturally appropriate processes for Aboriginal children and their families in child protection proceedings, enabling decision-making informed by an improved cultural understanding. During 2018-19, a total of 184 individual family groups participated in *Marram-Ngala Ganbu*, supported by an expanded team of Koori family support officers and Koori conciliation convenors.

CRIMINAL DIVISION – CONTINUING TRENDS

In the Court's Criminal Division, this reporting period saw a continuation of recent trends with a reduction in the number of individual offenders sentenced in the Children's Court, despite an increase in the number of criminal charges initiated in the Court.

Certain amendments to the *Children, Youth and Families Act 2005* made by the *Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017* commenced in 2018. These amendments include the introduction of a legislative presumption that certain serious youth offences alleged to have been committed by a child aged 16 or over will be heard in an adult court. This reporting period saw a significant increase in the number of matters proceeding in the committal stream of the Children's Court, with 14 of those matters resulting in committals to the adult courts.

The effective diversion of young, often first-time offenders, from the criminal justice system can provide a child with a life-changing opportunity. The Court's statewide Youth Diversion Program continues to promote the rehabilitation of young people with 1408 cases adjourned for participation in a diversion program during this reporting period. Of those, 94% of participants successfully completed the program. The Youth Diversion service works closely with the statewide Education Justice Initiative (EJI) which assisted 829 children and young people appearing in the Court, including the Children's Koori Court, to be supported or to reengage in education, a critically important protective factor for all young people.

“The effective diversion of young, often first-time offenders, from the criminal justice system can provide a child with a life-changing opportunity.”

COMMUNITY ENGAGEMENT AND PROFESSIONAL DEVELOPMENT

The Court has continued with its program of community engagement throughout the year. Over 65 groups have visited the Court in the past year including child protection workers, foster carers, law students, students of social work, journalism, youth workers, community welfare and maternal and child health workers. Children's Court magistrates continue to give their time to address these groups and answer questions about the jurisdiction and operation of the Court.

The practice of the Court in providing addresses and presentations through its President and magistrates to a wide range of forums has continued this year, including delivery of the keynote address to the Youth Support and Advocacy Services (YSAS) Australian Youth Alcohol and other Drugs conference; training for Victoria Police specialist prosecutors working in the Children's Court; a lecture to Monash University law students on sentencing in the Children's Court; and a presentation to the public at the Courts Open Day for Law Week 2019 on trends in youth offending and sentencing in the Court.

The Children's Court, together with the Judicial College of Victoria (JCV), ran the first FDTA Annual Conference in April 2019, titled *'Working with a Common Purpose'*. Two highly successfully training sessions, titled *'It takes a Village'*, were conducted in Latrobe Valley in March 2019 and in Ballarat in July 2019 to promote multi-disciplinary work with young people in the youth justice sector.

The Children's Court Professional Development Conference in 2018 was also developed in conjunction with the JCV with a focus on *'The Voice of the Child'*. A number of distinguished guests attended the conference and spoke to magistrates on a variety of subjects relevant to the specialist work of the Court including Judge John Walker, Principal Youth Court Judge, New Zealand; Professor Pamela Snow, Speech Pathologist, Head of La Trobe Rural Health School College of Science, Health and Engineering; Justin Mohamed, Commissioner for Aboriginal Children and Young People; and Dr Katy Lamb, Faculty of Medicine, Dentistry and Health Sciences, University of Melbourne. The conference program also included a visit to Worawa Aboriginal College hosted by Aunty Lois Peeler AM, Executive Director and Principal of Worawa Aboriginal College, Healesville.

ACKNOWLEDGEMENT AND THANKS

As always, I wish to acknowledge and thank the individuals and organisations who have worked cooperatively with the Children's Court during the reporting period including the Children's Court Clinic, Victoria Legal Aid, legal practitioners and members of the Victorian Bar specialising in the work of the Children's Court, the Department of Health and Human Services including the Child Protection Litigation Office, Youth Justice, the EJI, Victoria Police including its Specialist Prosecutions Division for the Children's Court, the Office of Public Prosecutions, the Salvation Army, Court Network, Alannah and Madeline Foundation and the Court's security officers.

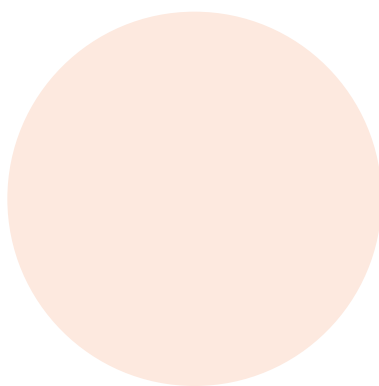
In January 2019, former Magistrate Peter Power OAM was acknowledged for his 25 years of exemplary service to the Children's Court by being the first recipient of the Dr Patricia Brown Award for Excellence, an award that acknowledges outstanding contributions to the work of the Children's Court. Peter Power was appointed a Magistrate in the State of Victoria on 26 April 1990. For most of his judicial career he has served with distinction in the Children's Court of Victoria, recognised by his receipt of the Order of Australia on 26 January 2007. I wish to take this opportunity to acknowledge his remarkable years of judicial service in this Court.

I would also like to acknowledge the staff of the Children's Court for their outstanding contribution to its operation and spirit. I thank the Court's Chief Executive Officer, Simon McDonald and his executive team for their professionalism and commitment to this Court.

For its effective operation the Children's Court depends on the support it receives from magistrates and Court staff across the State. I extend my gratitude to the Chief Magistrate, Peter Lauritsen, and State Coordinating Magistrate, Franz Holzer, for their assistance and cooperation throughout the reporting year.

On a personal note, I would like to thank my Executive Assistant, Ms Nola Los and the Court's Senior Legal Officer, Dr Lisa Lee for the outstanding assistance and support that they give to me.

Finally, I would like to thank all the magistrates of this Court and staff for their hard work, dedication and their service to the Victorian community.





CHILDRENS COURT
OF VICTORIA
477



CEO's Message Simon McDonald



This year the Children's Court has continued to deliver initiatives which improve the way the Court serves the Victorian community.

Alongside the delivery of new court programs and services which can be only achieved through the dedication and commitment of the Court's magistrates and staff, the Court consolidated its plans for the future through the development of its *Statement of Priorities 2019-2021*.

The *Statement of Priorities* expresses the Court's objectives by reference to five strategic priorities aimed at ensuring that all Victorians have consistent access to a specialist, independent Children's Court.

OUR FIVE STRATEGIC PRIORITIES 2019



PRIORITY 1
User-centric design and team-based practice



PRIORITY 2
Greater statewide specialist capability



PRIORITY 3
Culture and practices that are outcome and evidence-based



PRIORITY 4
Enhanced public and professional sector engagement



PRIORITY 5
Increased capacity for growth to meet the demands of system reform

SERVICE REFORM

The Court has begun work on these priority areas and this year commenced the Service Reform Project which is using human centred design to create systems and process to make the Court easier and simpler to access and navigate. The project, which is a collaborative partnership with RMIT School of Business and Law, the Centre for Innovative Justice and design firm, Huddle, is in the early stages and we are diligently going about the process of engaging with our key stakeholders and court users. I look forward to continuing close engagement with the project team and court stakeholders going forward and to transforming the Court through user-centred processes in the months and years ahead.

CASE MANAGEMENT SYSTEM

The Court continues to partner with the Magistrates' Court and Court Services Victoria on the development and implementation of a new computerised case management system (CMS). Both courts share IT systems which are outdated, with the core CMS being developed and installed nearly 30 years ago. While the current CMS delivers within the scope of which they were originally developed, they present significant barriers to meeting service expectations, handling growing demand and sharing information across government agencies. I am greatly indebted to the efforts of the project team, court staff and key magistrates on the extraordinary quantity and quality of the work which has been done this past year to ensure this project is well positioned when the successful supplier is announced in early 2019-20.

LOOKING AHEAD

Looking ahead, the Court continues to respond to increasing demand in child protection cases across Victoria. As one part and the end-point of a broader system, the Court will continue to explore innovative ways of dealing with these additional cases to ensure system delay is kept to a minimum and that children and families have their cases heard as soon as possible.

ACKNOWLEDGMENTS

I would like to acknowledge the President, Judge Amanda Chambers, for her extraordinary leadership of the Court and my management team for their support, hard work and commitment to good governance. Finally, I acknowledge all magistrates and staff for their unfailing commitment, dedication and expertise to ensure the Court fulfils its purpose each day across Victoria.



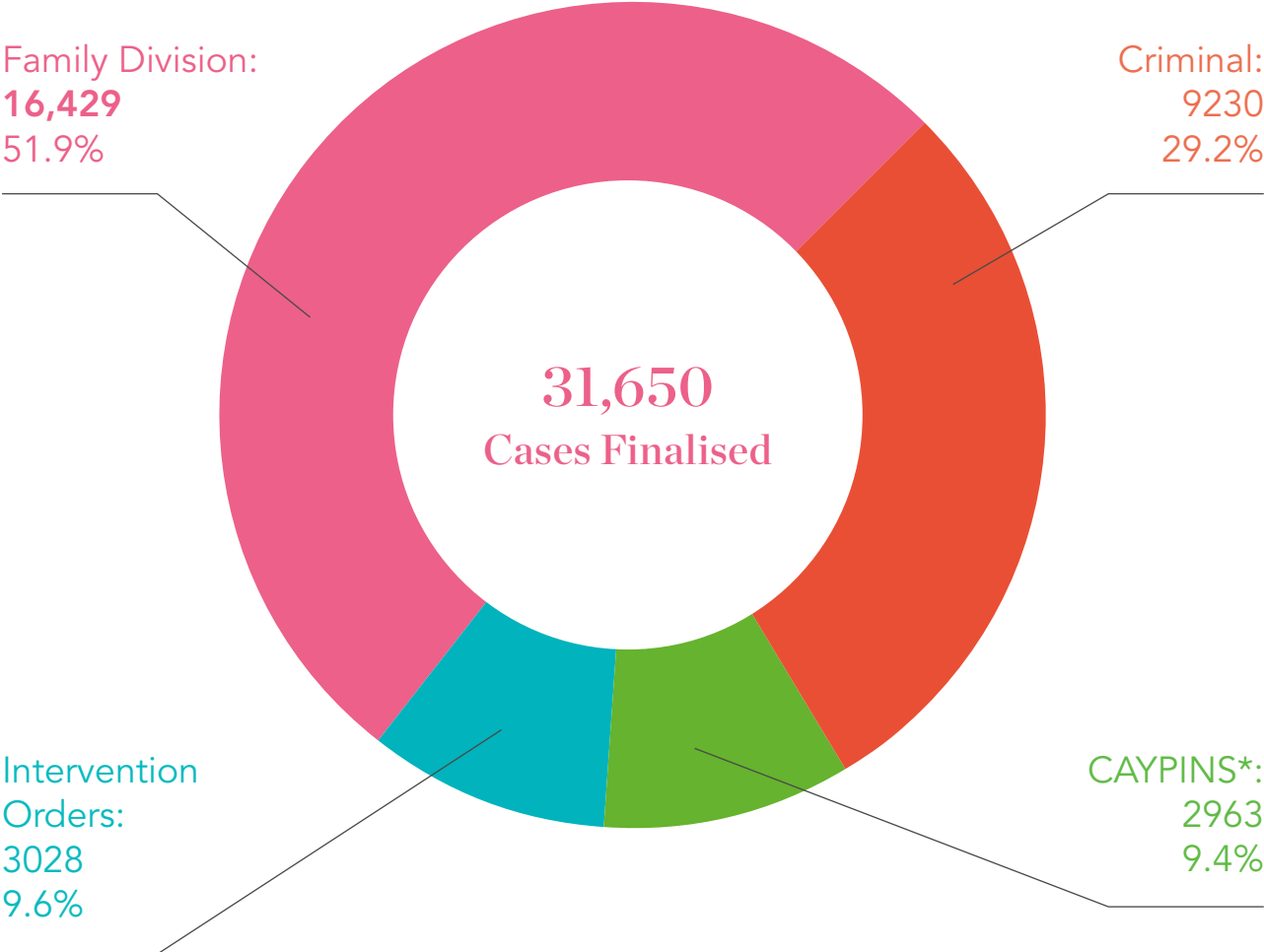
HIGHLIGHTS

The Year at a Glance

In the 2018-2019 year the Children’s Court of Victoria finalised a total of 31,650 cases.

When analysing the statistical information provided on these pages it should be noted that while country venues of the Court hear cases in both Divisions, in the metropolitan area Family Division child protection cases are heard at the Melbourne, Moorabbin and, since October 2015, the Broadmeadows venues of the Court. Suburban venues of the Court, other than Moorabbin and Broadmeadows, hear criminal matters and applications for intervention orders only.

More information about the operations of the Court is available on page 31.



*CAYPINS stands for “Children and Young Persons Infringement Notice System”. It is an alternative to court when dealing with children and young people who fail, in the first instance, to pay on-the-spot fines and other penalties issued to them by prosecuting bodies such as Victoria Police and the Department of Transport. A CAYPINS infringement is dealt with by a registrar who can make an order for payment of all or part of the fine.

Mental Health Advice and Response Service

On-site mental health assessments are now available at the Children's Court.

The Children's Court Mental Health Advice and Response Service (MHARS) commenced operation at Melbourne Children's Court in May 2019. MHARS is a specialist mental health service delivered by Orygen Youth Health (OYH) and funded as part of the Forensic Mental Health Implementation Plan. This is the first time that on-site specialist mental health assessments for children presenting with an acute mental health episode have been available at the Children's Court.

The service is based on the ground floor at Melbourne Children's Court. The MHARS Clinician can meet with young people in an interview room in the court building or in the police custody cells. Accredited assessment tools are then used to assess clients presenting with mental health difficulties.

Once a clinician completes a MHARS assessment, a brief Mental Health Assessment Report is provided to the Court, including recommendations for mental health treatment and support where appropriate.

The MHARS Clinician can:

- Provide mental health assessments for young people appearing before the Children's Court who present with suicidality, acute mental health concerns and/or distress whilst awaiting their court appearance.
- Advise the Court whether mental health concerns are present or whether factors related to mental health may have a bearing on the proceedings.
- Facilitate timely access to appropriate treatment and mental health support.

MHARS support is available to a young person if they are:

- Aged 10-18 years old;
- Charged with an offence and have been served with a summons, or are subject to a bail order; or
- In police custody at the Children's Court awaiting their matter to be heard in the Criminal Division; or
- Subject to proceedings in the Family Division (Secure Welfare only).
- At least one of the following criteria must also be met:
 - > There are concerns about the mental health and well-being of the young person;
 - > The young person is engaging in or expressing a desire to engage in deliberate self-harming behaviours, or is expressing suicidal ideation, or is having thoughts to harm others; and/or
 - > The young person's judgment is severely impaired by drug and/or alcohol use or for any undetermined reason.

Referrals may be initiated by:

- Magistrates and court personnel.
- Legal practitioners and police.
- Court advice and support officers.
- Forensic medical officers.
- Child Protection and Youth Justice.
- Family, support people or self-referral.

Referrals can be made by phone, email or in person, with referral forms completed either by the referrer or the MHARS Clinician.

CASE STUDY

A 15-year-old boy reported hearing voices and had not received his medication while on remand over a weekend. He was formally referred to the MHARS clinician by his lawyer, with his consent while in custody at Court. The referrer requested an assessment of the young person's mental state and recommendations for follow-up. This information would be used to help the Court determine the boy's bail application that day.

The MHARS clinician gathered information from the boy's Youth Justice case worker, as well as custodial-based health services at Parkville Youth Justice Centre. A search of the statewide mental health database was also conducted. The clinician learned that the boy had recently attended an emergency department in crisis and his mental health was deteriorating. While the emergency department had referred him to the relevant Child and Adolescent Mental Health Service (CAMHS), the referral was at risk of being closed because the young person was yet to engage the service.

The MHARS assessor's clinical view was that the young person was experiencing a psychotic episode. Commonly, a patient presenting in this way requires assertive engagement and timely access to treatment. A brief report was prepared for the Court that included recommendations should the young person receive a community or custodial-based disposition. The MHARS clinician then attended the Court hearing to provide any necessary clarification.

The Court granted the young person bail and MHARS subsequently liaised with the relevant CAMHS service to reengage him. Because of past challenges in engaging the boy in mental health treatment, the MHARS clinician also liaised with the relevant Youth Justice Mental Health (YJMH) clinician in the community, who was co-located with CAMHS. YJMH advocated for his referral to be given priority due to his serious mental illness, and supported CAMHS to engage him. These joint efforts helped secure an appointment for the young person within 48-hours of his release from custody. Through liaising with his Youth Justice case worker, he was transported to his appointment.

MHARS then provided a clinical handover to the CAMHS consultant psychiatrist about the reasons for re-referral. A follow-up from CAMHS confirmed that the young person had been accepted into the early-psychosis program for treatment, and that home-based appointments would be offered initially given the risk of disengagement.

This case study shows that being able to provide clinical assessments in a timely manner at Court; facilitate linkages in the community; and engage both community and custodial services can lead to the appropriate treatment being provided for young people during a vulnerable and difficult time.

Service Reform Project

A new project to improve the experience of court users and efficacy of court operations has been established using human centred design.

In 2019 the Children's Court established the Service Reform Project, which aims to shape the future of the Children's Court by addressing ever-increasing workloads and highly complex cases. The project was designed to encourage court users to work together towards better outcomes.

The RMIT Graduate School of Business and Law and the design firm Huddle, in consultation with the Centre for Innovative Justice, will assist the Court through this reform agenda. A design team will lead the Service Reform Project over the next 18 months to explore challenges and opportunities facing the Children's Court, with implementation of new initiatives to occur from early 2020.

The development and roll out of a new Case Management System (CMS) over the next few years will also help the Court further improve the effectiveness and efficiency of its operations.

Melbourne Children's Court Refurbishment

Stage 2 capital works have been completed.

This reporting year sees the completion of capital works in the Melbourne Children's Court. The revitalised spaces will improve the experiences of court users and enhance service delivery for children and families.

The scope of the works included:

- Construction of additional judicial chambers to accommodate new magistrates appointed to the Court.
- Enhanced office space to accommodate additional registry staff.
- Improvements to IT systems.
- Conversion of the eastern courtyard into a single-level meeting suite.
- Ground floor facilities to enable establishment of a concierge service.

Additional floor space in the Magistrates' chambers and Court registry was created by construction work over a former void in the building. The refurbishment works included the expansion of workstation spaces for existing staff and creation of extra space to accommodate new staff.

New chambers were constructed for three additional magistrates appointed to the Court.

Finally, the conversion of the eastern courtyard of the Melbourne Children's Court into three meeting rooms and a dedicated foyer/waiting space has also been completed. These new facilities have been built in the Court's Criminal Division and will be used for a variety of purposes including:

- Youth Control Order planning meetings.
- Conciliation Conferences.
- Informal video conferencing.
- Training events and meetings.

Improving the Court User Experience

The Children's Court has increased support for court users.

From the moment people step through court security, up until their appearance before a judicial officer, they can find the experience intimidating and confusing. The Children's Court implemented two initiatives in 2018-19 to help court users navigate their day at Court: The new concierge service and expanded Court Support Coordinator service.

CONCIERGE SERVICE

The Children's Court established the concierge service on 4 February 2019. The service is focused on ensuring court users are welcomed by concierge staff when they enter the court building and have assistance navigating the Court. The concierge service offers people information about where to go in the court building, court-based services, and the location of safe waiting spaces. The service also assists court users by confirming appearances, as well as advising the bench clerk and others of a person's attendance at Court.

COURT SUPPORT COORDINATOR

The Court Support Coordinator (CSC) role was first implemented at Melbourne Children's Court in January 2016 and later expanded to Moorabbin Children's Court in October 2017. In January 2019, the CSC role was introduced at Broadmeadows Children's Court.

The CSC is a specialist staff member with a background in social work. They offer on-site information and support to court users on the day of their court hearings to improve their understanding of court processes and to alleviate any levels of distress and anxiety felt while attending Court. CSCs can also facilitate referrals to off-site community-based services in relation to housing, alcohol and drug issues, mental health and family violence.



CASE STUDY

The CSC received a security notification from registry about a father in Court who had recently been released from prison, where he had served a sentence for violent offending. The man had a history of aggression and had previously made threats to child protection workers. After identifying and approaching the father, the CSC was able to support him during his day at court.

The CSC de-escalated incidents where the father was experiencing heightened distress and began to loudly vocalise his frustrations. The CSC took the man away from the public waiting areas to speak with him, where he reported feeling left out of conversations and "in the dark". The CSC liaised with the bench clerk, Protective Services Officers and Child Protection Litigation Office for updates to ensure the father received important documentation. Taking him away from the public waiting areas also ensured the safety of other court users and reduced disruption to other court proceedings.

On the advice of the CSC, the court matter was prioritised so the parties could depart from court as soon as possible. The CSC provided the father with a referral to a local community legal centre for advice and to *MensLine Australia*. He left the court without incident.

Family Violence Reforms

In 2015 the Children's Court of Victoria made a joint submission with the Magistrates' Court of Victoria to the Royal Commission into Family Violence (RCFV) to improve the Court-based responses to children and families affected by family violence.

Based on RCFV recommendations, specific roles and programs were introduced to improve how family violence matters are handled in the Court. In 2018, a Specialist Family Violence Registrar was appointed to lead the Children's Court responses to family violence matters across all Children's Court venues.

Last year the Court also addressed RCFV Recommendation 126 by engaging dedicated Applicant and Respondent Workers to provide tailored support to young people using violence in the home and their families. This Family Violence Support Service was provided by Merri Health and has continued throughout the 2018-19 financial year.

The following initiatives have been instigated in 2019, in response to RCFV Recommendations:

MULTIMEDIA INFORMATION ABOUT THE FAMILY VIOLENCE INTERVENTION ORDER PROCESS AND PLAIN LANGUAGE ORDER CONDITIONS

Addressing Recommendation 73, the Children's Court developed information in child-friendly language for display on digital screens at the Melbourne Children's Court.

FAMILY VIOLENCE INFORMATION SHARING PROTOCOL

Addressing Recommendation 28, the Children's Court entered into an information sharing protocol with the Department of Health and Human Services. The objective of the protocol is improved risk assessment in the context of child protection proceedings. The protocol was executed in May 2019 and commenced in June 2019.

ADDRESSING ADOLESCENT FAMILY VIOLENCE

The RESTORE pilot program was established by the Children's Court together with Jesuit Social Services (JSS) to support adolescent perpetrators of family violence and their families subject to intervention order proceedings at the Melbourne Children's Court.

Referrals to the RESTORE program commenced in August 2018. The pilot was due to end in August 2019, however has since been extended to December 2019.

The RESTORE program aims to:

- Meet the needs of the young person and family members affected by family violence;
- Provide an opportunity for all parties to participate in a restorative process;
- Work with the young person to accept responsibility for their violent behaviour; and
- Put practical strategies in place to keep affected family members safe.

Serious Youth Offences Reform

On 5 April 2018, the *Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017* (Youth Justice Reform Act) amended the *Children, Youth and Families Act 2005* (CYFA) to introduce new definitions of Category A and B serious youth offences.

Category A serious youth offences mean any of the following offences: murder, attempted murder, manslaughter, child homicide, intentionally causing serious injury in circumstances of gross violence, aggravated home invasion, aggravated carjacking, arson causing death, culpable driving causing death and certain terrorism-related offences. The six death-related offences remain excluded from the jurisdiction of the Children's Court and are subject to a mandatory uplift to a higher court.

Category B serious youth offences are the offences of recklessly causing serious injury in circumstances of gross violence, rape, rape by compelling sexual penetration, home invasion and carjacking.

The *Youth Justice Reform Act* also amended the CYFA to reduce the circumstances in which charges for certain serious youth offences can be heard and determined summarily in the Children's Court. This reform aims to ensure that, where appropriate, serious youth offences are heard in the higher courts with a full range of sentencing options available.

From 5 April 2018, a presumption of uplift to a higher court applies where a young person is charged with a Category A serious youth offence alleged to have been committed when the child was aged 16 years or over.

Where a child is charged with a Category B serious youth offence allegedly committed when the child was aged 16 years or over, the Court is required to consider whether the charge should be uplifted due to exceptional circumstances.

Upon the commencement of these legislative amendments, the President of the Children’s Court issued Practice Direction No. 2 of 2018, giving directions on the procedure for the filing, hearing and determination of Category A and B serious youth offences in the Children’s Court. If the Court uplifts a serious youth offence to a higher court, the Children’s Court will proceed to conduct a committal proceeding.

Since the commencement of this reform on 5 April 2018 until 30 June 2019, 16 cases have been uplifted to the higher courts. Of these matters: 8 were Category A serious youth offences, 6 were death-related offences and 2 were Category B serious youth offences.

Outcomes - Matters which commenced in committal stream and finalised in 2018-19

| | |
|------------------------------|---|
| Committed | 14 (9- committal hearing, 5- hand-up brief) |
| Summary jurisdiction granted | 7 |
| Com stream charge w/d | 15 |
| All charges w/d | 6 |
| Other | 5 |
| Total | 47 |

Fast Track Remand Court

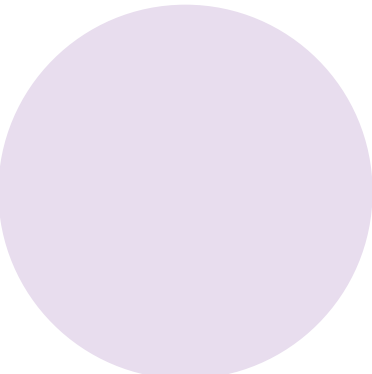
The Melbourne Children’s Court operates a Fast Track Remand Court (FTRC) to actively case manage the criminal charges of children held on remand.

The FTRC consists of:

- Specialist judicial officers assigned by the President of the Children’s Court.
- A team of dedicated court staff.
- Specialist Victoria Police Prosecutors assigned to FTRC duties.
- Legal practitioners from Victoria Legal Aid.
- The Children’s Court Clinic also provides dedicated clinical support.

The FTRC has proven to be successful in providing a focused and coordinated approach to prioritising matters where young people are on remand. The FTRC sits each day at Melbourne Children’s Court and hears matters from Melbourne, Sunshine and recently Moorabbin catchment areas.

The FTRC commenced as a pilot at Melbourne in November 2016, and in 2017-18 the Government invested \$3.4 million over two years to continue the operation of the FTRC in the Children’s Court. The 2019-20 Budget saw the Government renew and build on this commitment through the allocation of \$8.9m over four years. This funding will provide for the ongoing operation of the FTRC, including funds to support the specialist and dedicated services provided by Victoria Legal Aid and Victoria Police that operate within the FTRC.



Family Drug and Treatment Court

The Family Drug Treatment Court (FDTC) received funding for the next four years, with new data showing its positive impact.

The Family Drug Treatment Court (FDTC) provides intensive support and judicial monitoring to parents where a child has been removed from parental care due to the harms associated with drug and alcohol use or addiction. The FDTC is the only court of its kind in Australia, and its primary goal is achieving safe and sustainable family reunification.

The FDTC is a 12-month collaborative program where participants are supported by a dedicated multi-disciplinary team of professionals including the FDTC Magistrate, a court-employed clinical team, and a Child Protection Practice Leader. The holistic program works alongside a range of external service providers to support recovery, responding to the complexity of addiction and its common comorbidities.

The FDTC initially began as a three-year pilot in 2014. Since then, the program has been independently evaluated two times. The evaluations identified the FDTC's significant advantages in efficacy, efficiency and sustainability when compared with traditional mainstream adversarial approaches to the complexities of parental alcohol and drug use.

As the FDTC program has developed, reunification rates of children with parents have improved. Outcomes since 2017 show that the reunification rate for participants who maintain engagement for more than three months is 66 per cent and where engagement was maintained for more than six months, the reunification rate is 83 per cent.

Evaluations of the program have found that:

- FDTC participants are up to 2.5 times more likely to achieve reunification with their children than parental alcohol or drug users engaged in mainstream court processes.
- Of all FDTC program completions and graduations since 2014, the reunification rate is 85 per cent. For the entire population of FDTC inductees since 2014, a total of 49 per cent achieved reunification.
- In a matched comparison sample of court users in the mainstream court, the reunification rate was 43.3 per cent.
- Where reunification does occur, it does so more efficiently for FDTC participants compared with mainstream court users drawn from a matched comparison sample – with an average time to reunification of 1.1 years in the FDTC compared with 3.5 years in the mainstream court.
- FDTC participants who engage in the program over a longer period enjoy a higher success rate. Since 2014, participants who maintained program engagement for over three months have a reunification rate of 48 per cent and the reunification rate for those who maintain engagement for over six months is 67 per cent.
- Family reunification achieved through FDTC participation is sustainable, with FDTC participant families 2.1 times less likely to have any subsequent report substantiated by child protection in the post-court period than families where reunification has been achieved through mainstream court processes alone.

As a result of this success, the 2018-19 Victorian Budget provided \$8.1 million over the next four years.

*N.B. These figures do not include FDTC cases before Shepparton Children's Court.

FDTC EXPANDS TO SHEPPARTON

The FDTC expanded to the Shepparton Children's Court in March 2019. Referrals to the program in Shepparton exceeded initial referral rates for the program in Broadmeadows, indicating that the program's success has gained traction within the child protection, legal and child and family welfare sectors in the Goulburn Valley region.

FDTC CONFERENCE

The first FDTC annual conference and training day was hosted by the Judicial College of Victoria on 3 April 2019. The '*Working with a Common Purpose*' conference focused on the development of relationships amongst court personnel and those professionals whose work brings them in contact with the Court.

Over 50 people attended the event, including representatives from the Department of Health and Human Services' Preston Child Protection Office, the Northern Metropolitan CPLO team, private practitioners, judicial officers, Court staff, FDTC and *Marram-Ngala Ganbu* staff. The conference sought to create a better shared understanding of the court users' various roles, responsibilities, pressure points and challenges.

Conference workshops included a session exploring the meaning of family to Aboriginal people and attendees heard from a young person about his experience transitioning from out-of-home care (with the support of the CREATE Foundation) and the importance of young people's participation in the decision-making process.



Attendees at the 2019 FDTC conference and training day. Credit: Tanya Lee Photography.

Marram-Ngala Ganbu (Koori Family Hearing Day)

In 2016 the Children’s Court in Broadmeadows became the first Australian court to establish a Koori Family Hearing Day - *Marram-Ngala Ganbu* (MNG), meaning “We are one” in Woiwurrung language.

The program aims to improve processes and outcomes for Koori children and families in child protection proceedings, by providing a culturally appropriate setting. MNG also aims to improve adherence to the Aboriginal Child Placement Principle in the CYFA. A Koori Services Coordinator coordinates MNG and provides information and referrals to relevant services for Koori children and their families. MNG commenced sitting on 12 July 2016 and sits weekly.

In August 2018 the fourth phase of the Victorian Aboriginal Justice Agreement (AJA4) was announced, with \$12 million for *Burra Lotjpa Dunguludia*. This funding will allow for a limited expansion of MNG to a regional location in 2019-2020 and for a formal evaluation to be conducted.

The MNG team has doubled since its inception, with the addition of a new Koori Family Support Officer and an additional Koori conciliation conference convenor to meet the needs of the growing number of families attending. Every family with a Koori child that is listed at Broadmeadows Children’s Court is heard in MNG unless they wish to opt out. To date only two families have decided to opt out and have their matter determined in the mainstream court.

VICTORIAN PROTECTING CHILDREN AWARDS

Three MNG personnel were recognised in the 2018 Victorian Protecting Children Awards.

Practice leader of Child Protection (Preston) Karyn Lloyd won the Excellence in Child Protection Award for the North Division. The award noted the significant impact of Karyn's contribution to both MNG and the FDTC on the program and client outcomes at Broadmeadows.

Koori Services Coordinator, Ashley Morris, and Koori Family Support Officer, Marie Sehgal were named as finalists in the Minister's Awards for Innovation in Protecting Children. The duo was credited with *"creating a court community that is informed, specialised and sharing"* for Koori children and families.

This is an outstanding achievement and well-deserved recognition of their work in the development and implementation of MNG.



Ashley Morris (pictured) was recognised alongside Marie Sehgal as finalists in the 2018 Victorian Protecting Children Awards.

CASE STUDY

The Koori Services Coordinator (KSC) was referred to Jane* after meeting her at the Children's Court. Jane was panicked and reported concerns about a looming eviction for rental arrears and that Victoria police had advised her that the eviction would occur on the following Monday. Jane had only just got her daughter back after eight months of being removed from her care. She had no way to pay the rental arrears and nowhere to go if she was evicted.

Completing most forms was a challenge for Jane as she is illiterate. With no other support, she relied on assistance from a person who was violent towards her.

The KSC referred Jane to the outreach team of Elizabeth Morgan House (EMH). The KSC then helped Jane complete intake forms that allowed EMH to confirm the pending eviction and apply to the Victorian Civil and Administrative Tribunal (VCAT) to have the review hearing listed prior to Jane's eviction. EMH also contacted a VCAT Family Violence Liaison Worker.

Following a hearing, VCAT stayed the warrant to evict Jane. Contact was made with the Office of Housing and it was discovered that Jane's debt was falsely inflated due to an incorrect rebate. EMH assisted Jane to complete and submit a rebate with the necessary documents. This reduced the arrears that she owed from \$1,600 to just over \$300. The reduced debt also meant that when the matter was finally heard at VCAT the Office of Housing was happy to enter Jane into a payment plan.

EMH was also able to clear a \$1,800 maintenance debt Jane owed to the Office of Housing for property damage. They did this by obtaining copies of Jane's victim statements to police about her former partner committing property damage. Jane was referred to a local counsellor to deal with past and recurrent traumatic events and signed up to the EMH women's group.

Jane was a recipient of the Newstart Allowance but also eligible for the single parenting payment. EMH helped to organise a face-to-face appointment for Jane with the Aboriginal Liaison Officer at Centrelink so that she could apply for the single parenting payment. EMH then organised for Jane to see a financial counsellor (with her consent) to ensure ongoing well-being.

Jane's experience shows how good working partnerships that streamline referrals between Court/Tribunal staff, support staff, Centrelink and other agencies/people can make immediate and lasting positive changes in the lives of the families the KSC works with.

*Jane – not her real name

Conciliation Conference Unit

Conciliation conferences provide families in child protection proceedings the opportunity to participate in a non-adversarial process. Conferences enable parties to meet in an informal environment to discuss the action that should be taken in the best interests of the child.

In the 2018-19 financial year, a total of 3275 conferences were conducted at 30 venues across Victoria.

In 40 per cent of conferences, a negotiated settlement was achieved, a slight increase from the previous financial year (37.5 per cent in 2017-18). A further 36 per cent were partially resolved, ultimately reducing the time matters take before the Court. The remaining 24 per cent of matters did not settle, resulting in directions hearings being listed before the Court.

The Conference Unit continues to provide an environment where all parties can feel safe and heard. Enhancements to the case management system have improved communication with clients and increased conference participation. An enhanced Conference Calendar has enabled more timely bookings and reduced client waiting times.

Ongoing staff professional development have also improved the delivery of high-quality services for parties who participate in conferences. Professional development areas have included child-focused discussions; working with families where family violence is a protective concern; and safety planning.

Youth Diversion Service

The Children's Court Youth Diversion service (CCYD) commenced as a statewide service on 1 January 2017.

The CCYD provides an opportunity for eligible young people appearing before the Criminal Division of the Children's Court to:

- accept responsibility for their behaviour;
- complete a diversion plan with activities intended to:
 - > build upon or strengthen the individual's protective factors
 - > promote understanding of the harm caused by the offence/s;
- have the charge/s discharged, upon successful completion of the diversion plan;
- avoid the negative stigma associated with a criminal record.

The CCYD service complements the existing suite of options available to divert children and young people from further progression into the criminal justice system.

Other options occur pre-Court (e.g. police caution, referral to the Youth Support Service), pre-plea (e.g. bail supervision with Youth Justice, Ropes) and post-plea (e.g. deferral of sentence and Youth Justice Group Conferencing).

ACTIVITIES UNDERTAKEN

CCYD coordinators attend all scheduled sittings of the Children's Court to conduct assessments, provide advice to the Court on a young person's suitability for diversion and develop plans to promote positive behavioural change. Common diversion plan activities include:

- a letter of apology to the victim;
- a reflective practice discussion with the coordinator, to improve a young person's understanding of their offending behaviour;
- an education-related intervention (such as support to improve attendance or reengagement with education, training or employment);
- a commitment to participate in an activity to address a health or well-being concern (such as counselling or an assessment for a cognitive impairment or learning difficulty);
- engagement in a structured activity that promotes pro-social engagement (such as sport, cadets, music or art).

During the 2018-19 period, 1408 diversions were overseen by Diversion Service Coordinators. Of those, 94 per cent of diversion cases were successfully completed (excluding pending matters).

The majority of young people who participated in diversion were:

- 15 to 17 years of age (67 per cent).
- Male (69 per cent) over the course of the year.
- Born in Australia (88 per cent).

A total of 12 per cent of young people involved in diversions during this period identified as Aboriginal or Torres Strait Islander or both.

CASE STUDY

A 15-year-old came before the Children's Court charged with crimes against the person and dishonesty related offences. This young person identified as Maori and had moved to Australia from New Zealand in 2017.

At Court the young person was assessed by the CCYD as being suitable for diversion. The young person was tasked by the presiding Magistrate with completing two diversion activities:

- Engage in a culturally responsive restorative discussion and complete a reflective piece for the Court identifying strategies to avoid reoffending; and
- Write a letter of apology to the victim demonstrating victim impact awareness and personal reflection.

During the adjournment period the young person met with the CCYD Service and engaged in meaningful, culturally restorative discussions to identify strategies to avoid re-offending.

During this discussion the young person was able to identify values of importance to them, and how further involvement in the criminal justice system was likely to affect their access to their family and future work prospects.

In conversation with the CCYD Service the young person showed remorse and insight about their offending, which led them to complete a reflective piece and a write a letter of apology to the victim.

The CCYD Service drew on Maori cultural concepts such as the Maori well-being model throughout the discussion with the young person, encouraging him to identify the ways in which each aspect of this model (spirit, physical, mental and family) could support the further development of his values. Utilising the Maori well-being model allowed the young person to identify their own strengths, as well as identify actions they could undertake to avoid re-offending.

The young person did not engage in further offending and the CCYD Service recommended to the Court that the diversion be recognised as successfully completed and the charges be discharged.

Education Justice Initiative

The Education Justice Initiative (EJI) is run in partnership between the Court and the Department of Education and Training. The EJI was established as a pilot in 2014 in recognition that education is key to reducing young people's risk of reoffending, building positive life skills and improving long term outcomes.

Many young people before the Court are not regularly attending school or training. The EJI works directly with these young people, in a way that suits their needs, with the aim of re-engaging them back into a school or training environment.

During 2017-18 the Victorian Government funded the expansion of the EJI statewide. Currently there are 11 EJI regional team members (four Koori Education Children's Court Liaison Officers and seven Regional Education Children's Court Liaison Officers (RECCLOs)) that attend Children's Court sitting days in all headquarter Children's Courts and Koori Children's Courts. Referrals can be made to EJI staff at any of these courts. EJI supports children and young people (10-17 years of age) appearing before the Criminal Division of the Children's Court.

During the 2018-19 year, EJI provided assistance to 829 individual young people at the 22 Children's Courts and all Koori Children's Courts serviced by EJI across Victoria.

Of the 829 young people serviced by the EJI:

- 304 received direct support with school re-engagement;
- 275 were supported through secondary consultation (to the Department of Justice and Community Safety and other workers);
- 250 were provided with brief educational intervention or advice; and
- 169 were Koori young people in mainstream and Koori regional courts.

Of the 169 Koori young people serviced by EJI:

- 47 young people received direct support;
- 57 young people received support through secondary consultation; and
- 65 young people were provided with brief intervention or advice.

An 18-month evaluation of the EJI commenced in 2018-19. The evaluation will follow the statewide expansion of the program with a view to enhancing the existing and future service model.

CASE STUDY

A 14-year-old who appeared at the Children's Court had been expelled and was out of school for 18 months. The school had tried to contact the boy's mother, however a complex family situation and recent trauma meant she refused to engage with the school.

The RECULO worked closely with Youth Justice and was able to speak with the boy's mother at court. She accepted assistance and the RECULO was able to confirm her son's enrolment with a new school. In collaboration with Youth Justice and the school, the RECULO developed a behaviour management plan and individual learning plan for the boy. The objective was to support the young person's transition back to school with a modified timetable.

In recent months, the boy's school attendance has improved from 20 to 70 per cent and school reports show that his behaviour has improved (although still challenging). It is anticipated that the young person will return to school fulltime by the start of Term 4.

Children's Court Clinic

The Children's Court Clinic is an independent body which conducts assessments and provides reports on children and their families at the request of Children's Court magistrates across Victoria. The Clinic also has a small treatment function in selected cases and is a teaching facility.

The clinicians employed by the Clinic are a group of highly skilled clinical and forensic psychologists, clinical neuropsychologists and consultant psychiatrists who have specialist knowledge in the areas of child protection and youth offending. Forensic Psychologist Dr Sophie Reeves leads the team as Clinic Director. Dr Reeves took on the Director's role in October 2018 following the retirement of her predecessor Dr Patricia Brown.

Referrals to the Clinic typically involve requests for an opinion on parental mental health, attachment, parenting capacity, risk of harm to children within a family environment where they have been exposed to family violence, sexual abuse or another form of maltreatment and children's developmental needs. Recommendations regarding a child's contact with their parents, residence and support services that are in a child's best interest also typically form part of Clinic reports.

During 2018-19, 703 children from a combination of families with between one to seven siblings were referred to the Clinic from the Family Division of the Children's Court. Clinic psychologists completed a total of 300 reports relating to the 703 children referred to the Clinic.

In the Criminal Division of the Children's Court, 202 young people (34 females and 168 males) were referred to the Clinic and 159 psychological reports were completed. There were nine Family Violence referrals that originated from the Children's Court in the 2018/19 period.

A total of 34 psychiatric reports were completed for a combination of the Family and Criminal Divisions of the Children's Court. Overall, court referrals to the Clinic were at their highest in May 2019 (65 referrals).

Of all court referrals in Criminal Division cases, the highest referral source was Melbourne Children's Court which made 63 referrals. For Family Division cases, Melbourne, Broadmeadows and Moorabbin courts made the highest number of referrals, at 174, 94 and 81 referrals respectively. Of the regional courts, the Warrnambool and Wodonga courts had the highest number of referrals in Family Division cases, making 59 and 49 respectively.

CASE STUDY

The Children's Court Clinic was engaged to assist a family of separated parents and two children, aged 7 and 9. The family had been living in a shared care arrangement and, since 2011, were subject to 13 different Child Protection notifications. The immediate concerns to address included both parents' caring capacity; the mother's mental health; as well as emotional and behavioural issues being displayed by the 9-year-old, who has ADHD.

The Clinic's goal was to provide a recommendation for residence and contact arrangements. An assessment was conducted with the family, spanning a full day. Each parent and child were interviewed separately. Observational assessments of the parents and children were also conducted.

The 9-year-old child was assessed at future risk of mental health deterioration and disengagement from school. He presented with a high level of emotional and behavioural disturbance at school and at home, which impacted his learning and school performance. The assessing clinician found that he needed additional support at school, and that both parents needed support which would improve how they set limits with the children.

A recommendation was made for a therapeutic treatment service to engage with the boy and his parents for ongoing, individual and family-based treatment, beyond what can be offered in the private sector. The assessing clinician also recommended both parents work to improve their communication and try to find a middle ground in their parenting approaches (the father had a punitive parenting style, and the mother was diagnosed with a Major Depressive Disorder that needed further treatment intervention). It was further recommended both parents have respite from caring for their eldest child full-time, as well as assistance from family services.

Multi-disciplinary training

Improving outcomes for vulnerable young people together.

The Children's Court, Victoria Legal Aid and the Department of Health and Human Services receive ongoing funding to jointly deliver cross-disciplinary professional development for professionals working within the statutory child protection legal system. This training is delivered under the Multi-disciplinary Training Initiative, bringing professionals together so that their coordinated services improve outcomes for vulnerable children, young people and families.

PSYCHOLOGICAL HEALTH AND WELL-BEING

In 2018-19 Phoenix Australia, a national centre of excellence in post-traumatic mental health, was engaged to deliver psychological health and well-being training. A total of seven psychological health and well-being workshops were delivered across a four-month period, including two workshops in metropolitan Melbourne and five workshops in the following regional locations: Shepparton, Bendigo, Ballarat, Geelong and Traralgon. A total of 100 participants attended the training.

This training was part of the Multi-disciplinary Training Initiative and assisted participants to learn about:

- Well-being and the importance of resilience.
- The impacts of stress and trauma exposure in the workplace.
- Skills to manage the impacts of trauma and stress.
- How to support their colleagues.
- Developing a personalised self-care plan.
- When and where to seek help.

An evaluation of the training found that it had increased the participants' knowledge and understanding of the potentially stressful and traumatic nature of their work and how it could impact individuals and teams. Participants responded positively to the workshops and reported feeling more capable of recognising personal triggers and responding to them appropriately, with a greater focus on personalised self-care strategies.

THERAPEUTIC TREATMENT ORDERS

Therapeutic Treatment Orders (TTOs) provide effective, evidence-based treatment for young people exhibiting sexually abuse behaviour.

The Royal Commission into Family Violence recommended the Victorian Government amend the CYFA to extend TTOs to children aged 15 to 17 years. From the commencement of the TTO regime until 28 March 2019 applications for TTOs were restricted to children aged 10-14 years at the time the order was made. From 29 March 2019, the TTO regime was extended by the *Justice Legislation Amendment (Family Violence Protection and Other Matters) Act 2018* amendments to include children aged 15-17 at the date when the TTO is made.

Children's Court Magistrate Jennifer Bowles and Lisa Rodda from the Office of Professional Practice, Department of Health and Human Services, delivered an information session at the Court about these amendments on 19 March 2019. A video recording of the presentation can be viewed on the Children's Court website.

STRENGTHENING YOUTH JUSTICE RELATIONSHIPS

This year the Children's Court, together with the Judicial College of Victoria, conducted two days of multi-disciplinary training. The training session, called 'It Takes a Village', was hosted in the Latrobe Valley on 8 March and Ballarat on 10 July 2019. Both training days were developed following stakeholder consultation and in-court observations at Morwell and Ballarat Children's Courts.

The coordinated education sessions aimed to:

- Strengthen relationships between organisations and young people in the youth justice sector; and
- Understand how multi-disciplinary teams can better engage young people in rehabilitation.

A total of 112 participants attended the training, representing: the Children's Court; Child and Family Services; Youth Justice; Victoria Police; Victoria Legal Aid; Anglicare; the Department of Education and Training; Child Protection; Quantum; Headspace; Youth Support and Advocacy Service (YSAS); the Salvation Army and YMCA; the Moorabool Shire Council; the Dispute Settlement Centre of Victoria; Centacare; Berry Street; the Ballarat and District Aboriginal Co-operative; Uniting Ballarat; and legal practitioners.

The training assisted participants to understand:

- The youth justice landscape.
- Therapeutic jurisprudence in youth justice.
- The experiences of young people.
- Language barriers when communicating with young people.

Attendee feedback from both days was positive, with reports that the event laid a good foundation to further strengthen collaborative relationships.

The Ballarat and Latrobe training days were made possible by funding provided for implementation of the Youth Justice Reforms under the *Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017*. The 'It Takes a Village' training program formed part of a series of programs the Judicial College of Victoria delivered pursuant to this funding.



Attendees of the Morwell Children's Court program in March 2019.



COURT AND COMMUNITY

Law Week 2019

Law Week is an annual event facilitated by the Victoria Law Foundation (VLF).

The VLF works with a range of legal sector partners to stage numerous events that help the community find answers to their legal questions while gaining information about how the law and legal system works. Over 160 events were scheduled across Victoria, making 2019 the biggest Law Week ever.

SENTENCING AT THE CHILDREN'S COURT

On Courts Open Day, President of the Children's Court, Judge Amanda Chambers, spoke to the community about trends in youth offending and sentencing in the Children's Court. President Chambers discussed the sentencing framework provided under the CYFA (as distinct from the adult sentencing regime), data published in relation to youth offending, characteristics of children and young offenders reported by the Youth Parole Board, and various Children's Court initiatives in its Criminal Division.

CHILDREN'S COURT OF VICTORIA - INFORMATION STAND

The Children's Court was represented at the central information hub on Courts Open Day at the County Court Forecourt from 10am-3pm. This provided an opportunity for volunteer court staff to actively engage with visitors and provide information on the Court's programs including:

- Family Violence Applicant and Respondent Support Service.
- RESTORE Program.
- FDTC participant and lawyer information.
- Court Advice and Support officer information.
- Conciliation Conferences.

TOURS AND INFORMATION SESSIONS

The Children's Court regularly provides court tours and education sessions to groups. During the reporting period approximately 65 visits to the Melbourne Children's Court complex were conducted. These visits have included presentations by magistrates on the jurisdiction and operation of the Children's Court. Among those to visit the Court were secondary students, tertiary students (studying youth work, social work and law), youth justice and child protection workers, foster carers, and maternal and child health nurses. The Court also regularly receives official visitors from overseas, some of whom are members of the judiciary as well as court administration from other jurisdictions within Australia.

“In 2018-19 a total of 65 visits to the Melbourne Children's Court complex were conducted. These visits included presentations by magistrates on the jurisdiction and operation of the Children's Court.”

PROFESSIONAL TRAINING SESSIONS

The Children's Court often receives requests for the President or a magistrate to present on the work of the Children's Court as part of professional training.

During the reporting period the Court delivered education sessions for:

- An induction for new Department of Human Services child protection workers
- Monash University law students
- Victorian Bar Readers' Course
- Victoria Legal Aid
- Holmesglen TAFE
- Box Hill TAFE
- Melbourne Polytechnic
- Youth Referral and Independent Persons Program
- Centre for Excellence in Child and Family Welfare
- Springvale Monash Legal Centre
- Monash City Council Maternal & Child Health nurses
- Victorian high school students
- Latrobe University
- RMIT
- Swinburne University
- Victoria University
- OzChild carers
- McKillop Family Services
- Anglicare
- VACCA
- Institute of Tertiary and Higher Education Australia

CONTINUING PROFESSIONAL DEVELOPMENT SEMINARS (CPD)

The CPD Seminar Series at the Melbourne Children's Court involves lectures by professionals and experts speaking on a range of topics relating to the Children's Court jurisdiction, and is hosted at the Court.

To date, the CPD seminars have averaged over 60 attendees. The Court began filming and broadcasting the seminars via Skype in 2019, which allows professionals from regional locations to participate remotely.

In this reporting period, four CPD Seminars were delivered on the following topics:

- Overview of Youth Control Orders/Bail Amendments
- Legislative Changes to Witness Summonses and Therapeutic Treatment Orders
- Model Litigant Guidelines and Ethics
- Running an Effective Submissions Contest

The series program is developed by the CPD Organising Committee, which comprises representatives from the Children's Court judiciary, the Victorian Bar, Victoria Legal Aid, the legal profession and the Department of Health and Human Services.

Members of the CPD Organising Committee for this reporting period were: Magistrate Francis Zemljak, Magistrate Randall Kune, Sascha Gelfand, Sarah Masters, Georgina Rhodes, Melissa Stead, Fleur Ward, Howard Draper and Erica Contini.

The Children's Court thanks all current and past members of the CPD Organising Committee for their dedication in planning, organising and overseeing the seminars.

RESEARCH MATERIALS ONLINE RESOURCE

Former Magistrate Peter Power continues to maintain a dedicated section of the Court website called 'Research Materials'. The Court thanks Mr Power for his outstanding work in producing and maintaining this valuable resource. The 'Research Materials' are freely and publicly available on the Children's Court website.

CHILDREN'S COURT BENCH BOOK

The Court also maintains the Children's Court Bench Book, in conjunction with the Judicial College of Victoria. The Bench Book supplements the highly regarded 'Research Materials' authored and maintained by Mr Power. It is readily accessible on the JCV and Children's Court websites.





OPERATIONS

The Children's Court of Victoria has jurisdiction under the *Children, Youth and Families Act 2005* to hear cases involving children and young people aged 10-17 years at the time of alleged offending.

The Criminal Division of the Court has jurisdiction to hear and determine summarily all offences (other than murder, attempted murder, manslaughter, child homicide, culpable driving causing death and arson causing death) where the alleged offender was under the age of 18 but of or above the age of 10 years at the time the offence was committed and under the age of 19 when proceedings were commenced in the Court. The Children's Koori Court (Criminal Division) has jurisdiction to hear matters relating to criminal offending by Koori children and young persons, other than sexual offences.

The Family Division of the Court has the power to hear a range of applications and to make a variety of orders upon finding that a child is in need of protection, or that there are irreconcilable differences between a child and their parents. In the Family Division, the Court also has jurisdiction to hear applications relating to intervention orders pursuant to the *Family Violence Protection Act 2008* and the *Personal Safety Intervention Orders Act 2010* where the "affected family member" (family violence matters) or "affected person" (personal safety matters), or the respondent is a child. The Children's Court may also hear and determine an intervention order application when both parties are adults if there is a related child protection proceeding.

“The total number of young people found guilty of a criminal offence fell to 2067 (2364 in 2017-18) during this reporting period.”

Criminal Division

ACTIVITY WITHIN THE CRIMINAL DIVISION

General demand in the Criminal Division has slightly decreased throughout the State in both initiations and finalisations. The total number of young people found guilty of a criminal offence fell to 2067 (2364 in 2017-18) whilst the number of offenders ordered to be detained decreased to 210 (274 in 2017-18).

The Melbourne Children's Court continues to hear and determine custody matters that are not able to be listed at proper venues. Improved videoconferencing technology offers an alternative mode of hearing, reducing the need to transport young offenders to and from court.

Number of criminal matters initiated, finalised and pending, 2017-18 to 2018-19

| Court Region ¹ | 2017-18 | | | 2018-19 | | |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | Initiated | Finalised | Pending | Initiated | Finalised | Pending |
| Melbourne | 1618 | 1772 | 259 | 1605 | 1552 | 354 |
| Grampians | 472 | 474 | 83 | 440 | 466 | 84 |
| Loddon Mallee | 602 | 605 | 91 | 531 | 526 | 122 |
| Broadmeadows | 411 | 470 | 70 | 499 | 423 | 146 |
| Dandenong | 740 | 725 | 112 | 796 | 781 | 144 |
| Frankston | 1014 | 1017 | 266 | 856 | 914 | 228 |
| Barwon South West | 753 | 747 | 120 | 790 | 810 | 152 |
| Heidelberg | 642 | 686 | 114 | 737 | 661 | 207 |
| Gippsland | 817 | 939 | 165 | 764 | 730 | 247 |
| Ringwood | 784 | 726 | 215 | 858 | 876 | 234 |
| Hume | 608 | 614 | 130 | 716 | 700 | 168 |
| Sunshine | 798 | 738 | 284 | 735 | 778 | 296 |
| NJC – Collingwood ² | 18 | 17 | 5 | 12 | 13 | 18 |
| Total | 9277 | 9530 | 1914 | 9339 | 9230 | 2400 |

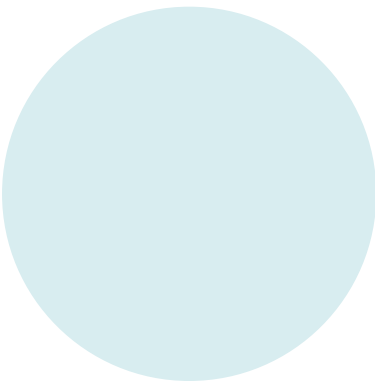
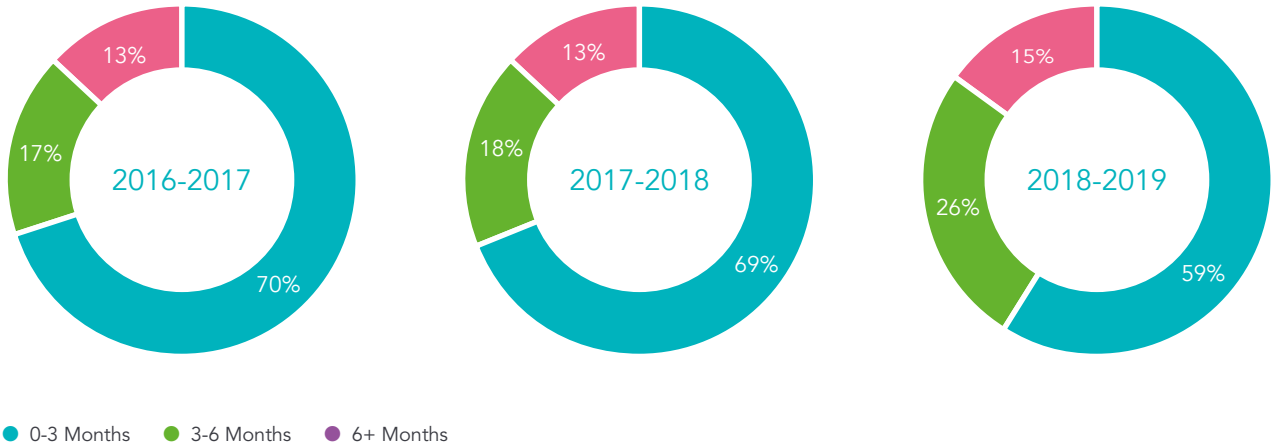
¹ A detailed list of court regions can be found on page 49 of this report.

² The Neighbourhood Justice Centre was launched on 8 March 2007 and has jurisdiction to hear Children's Court criminal matters where the accused either lives in the municipality of the City of Yarra or the alleged offence was committed in the City of Yarra.

Offenders found guilty, by outcome, 2016-17 to 2018-19

| Order | 2016-17 | 2017-18 | 2018-19 |
|---------------------------|-------------|-------------|-------------|
| Discharged | 8 | 9 | 8 |
| Unaccountable Undertaking | 20 | 16 | 15 |
| Accountable Undertaking | 174 | 128 | 129 |
| Good Behaviour Bond | 950 | 836 | 836 |
| Fine | 549 | 243 | 187 |
| Probation | 456 | 497 | 406 |
| Youth Supervision Order | 366 | 318 | 246 |
| Youth Attendance Order | 59 | 43 | 30 |
| Youth Residential Centre | 8 | 13 | 12 |
| Youth Justice Centre | 232 | 261 | 198 |
| Youth Control Order | 0 | 0 | 12 |
| Total | 2822 | 2364 | 2079 |

Number of criminal matters initiated, finalised and pending, 2016-17 to 2018-19



FAST TRACK REMAND COURT

Since 2013 the number of children held on remand has increased significantly, driven by significant reforms to the *Bail Act 1977*. The increase in the number of children held on remand, coupled with increased time of remand, resulted in the Children's Court of Victoria introducing a Fast Track Remand Court (FTRC) in May 2017.

The FTRC is located in the Melbourne Children's Court and is dedicated to hearing all matters in the Melbourne, Sunshine and Moorabbin catchment areas where young people are remanded in custody.

The objective of the FTRC is to deal with matters more quickly, providing better outcomes for young people by having earlier access to education and rehabilitation programs, as well as easing pressure on the youth detention system.

Operating subject to strict time frames under Practice Direction No. 7 of 2018 issued by the President of the Children's Court, the FTRC aims to finalise criminal proceedings where a child is remanded in custody within 12 weeks. During the reporting period, the average period on remand where the child's criminal charges were managed in the FTRC has reduced from 116 days (prior to commencement of FTRC) to 83 days.

Recent reforms requiring certain serious youth offences to be heard in an adult court has led to complexity in the efficient case management of these matters. This is because the charges are often the subject of contested applications to determine the appropriate jurisdiction for the charges to be heard and determined. These additional court events have impacted on the timely case management of these serious matters.

The President of the Children's Court has issued Practice Direction No. 2 of 2018 setting out the procedures and relevant timeframes to be followed in order to minimise any delays resulting from the added procedural complexities and case management requirements for serious youth offences.

It is anticipated that the President's Practice Directions and a planned evaluation of the FTRC will enable the Children's Court to continue to deal with remand matters quickly, whilst simultaneously navigating the added complexities associated with serious youth offences.

Since implementation in May 2017 until end June 2019, 521 young people have appeared in the FTRC. The sentences for finalised matters in the FTRC for 2018-19 are:

Table: Fast Track Remand Court outcomes 2018-19

| | |
|--------------------------|----|
| Dismissed | 1 |
| Diversion | 2 |
| Good Behaviour Bond | 5 |
| Probation | 14 |
| Youth Attendance Order | 6 |
| Youth Supervision Order | 42 |
| Youth Residential Centre | 1 |
| Youth Justice Centre | 54 |

The 2019-20 Victorian Budget has provided for the ongoing operation of the FTRC through the provision of \$8.9m over four years.

The Children's Court is also firmly committed to the FTRC given its potential to reduce the length of time young people spend on remand and its positive effects on both the youth detention system and young people's rehabilitation trajectories. The Court is also committed to seeking opportunities for improved collaborative practices within the FTRC and accordingly plans to commission an evaluation of the FTRC in 2019-20.

CHILDREN'S KOORI COURT

The Melbourne Children's Koori Court now sits on circuit to Heidelberg and Dandenong. The Children's Koori Court also sits at Shepparton, Swan Hill, Mildura, Warrnambool (including Portland and Hamilton), Morwell, Bairnsdale and Geelong.

Table: Young people appearing/matters finalised, 2017-18 to 2018-19

| Location | 2017-18 | | 2018-19 | |
|---|------------------------|-------------------|------------------------|-------------------|
| | Number of young people | Matters finalised | Number of young people | Matters finalised |
| Dandenong | 10 | 9 | 11 | 23 |
| Geelong | 32 | 41 | 14 | 44 |
| Heidelberg | 23 | 20 | 12 | 7 |
| Latrobe Valley | 14 | 42 | 4 | 1 |
| Melbourne | 37 | 79 | 46 | 93 |
| Mildura | 37 | 40 | 21 | 23 |
| Shepparton | 12 | 25 | 14 | 19 |
| Swan Hill | 5 | 3 | 2 | 3 |
| Warrnambool (including Portland & Hamilton) | 3 | 1 | 2 | 2 |
| Total | 173 | 260 | 126 | 215 |

*N.B. The figures in this table for 2017-18 have been corrected. The figures published in the 2017-18 Children's Court of Victoria Annual Report were incorrect.

YOUTH DIVERSION PROGRAM

The Children's Court Youth Diversion service (CCYD) commenced operation as a statewide service on 1 January 2017.

During the 2018-19 financial year, 1408 diversions were overseen by Diversion Service coordinators. When pending matters were excluded, 94 per cent of diversion cases were successfully completed.

The majority of young people who participated in diversion were:

- 15 to 17 years of age (67 per cent).
- Male (69 per cent), and 31 per cent females over the course of the year.
- Born in Australia (88 per cent).

A total of 12 per cent of young people involved in the program identified as Aboriginal or Torres Strait Islander or both.

SEXUAL OFFENCES LIST (MELBOURNE)

The Melbourne Children's Court runs a Sexual Offences List (SOL) in the Criminal Division designed to provide intensive case management and specialist expertise to these cases. A feature of the SOL is the ability of the Court to refer young people displaying sexually abusive behaviours for specialist treatment under a Therapeutic Treatment Order (TTO).

In 2018-19 the Children's Court increased the frequency of sitting days for the SOL from sitting monthly to every three weeks to meet demand and improve case management. A total of 50 young people appeared in the Melbourne SOL during this reporting period.

INTERMEDIARY PILOT PROGRAM

The Intermediary Pilot Program (IPP) commenced in the Melbourne Children's Court on 2 July 2018 and applies to criminal proceedings that relate to sexual or homicide offences. The introduction of the intermediary scheme was recommended in the 2016 Victorian Law Reform Commission Report on *The Role of Victims in the Criminal Trial Process*. In February 2019 the Geelong Children's Court was also gazetted as a participating venue.

Intermediaries are trained allied health professionals with specialist communication skills. An intermediary is an independent and impartial officer of the court. When matched with a child or cognitively impaired witness, their role is to assess the witness' communication needs and prepare a report with practical strategies and recommendations on how best to communicate with the witness. Their report will inform discussions at a ground rules hearing.

The Intermediary role aims to improve access to justice by assisting vulnerable witnesses to give their best evidence in court proceedings and, by doing so, to reduce their risk of re-traumatisation in doing so. In the 2018-19 period, the IPP matched nine eligible witnesses to an intermediary, a further three requests will be matched when the hearing dates are scheduled. A total of two Ground Rules Hearings proceeded in 2018-19.

EDUCATION JUSTICE INITIATIVE

The Education Justice Initiative (EJI) works to connect young people with supported education or training pathways in order to improve their educational engagement and outcomes and reduce offending.

During the 2018-19 year, EJI assisted 829 young people at the 22 Children's Courts and all Koori Children's Courts serviced by EJI across Victoria.

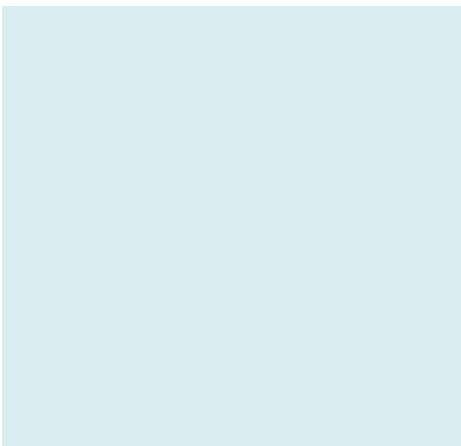
Of those 829 young people EJI supported:

- 304 received direct support with school re-engagement;
- 275 were supported through secondary consultation (to the Department of Justice and Community Safety and other workers); and
- 250 were provided with brief educational intervention or advice.

Of the 829 young people that the EJI supported, 169 were Koori young people in mainstream and Koori regional courts across the State to connect with educational pathways.

Of the group of Koori young people assisted by the program:

- 47 young people received direct support;
- 57 young people received support through secondary consultation; and
- 65 young people were provided with brief intervention or advice.



Family Division

ACTIVITY WITHIN THE FAMILY DIVISION

The Children's Court again experienced demand growth this year.

This year saw a further increase in the number of primary applications made to the Court where a child is considered to be in need of protection from abuse, neglect or harm. In 2017-18, 5567 primary applications were filed with the Court. That number increased to 5866 in 2018-19. A further 12,856 secondary applications, such as breach or revocation applications, were also filed with the Court. This was also an increase on the last reporting period. Significant demand growth has been experienced in the southern region, placing enormous stress on the workload and infrastructure of all who attend at and work in the Family Division of the Moorabbin Children's Court.

When reading the statistics in the table *Number of orders made, 2016-17 to 2018-19* the following information should be considered:

On 1 March 2016 amendments to the *Children, Youth and Families Act 2005* came into operation. The amendments are contained in the *Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014*. The amendments make significant changes to the regime of court orders that are able to be made by the court when dealing with child protection matters.

The following table lists the child protection related orders that can be made by the Court as from 1 March 2016. The orders that could be made by the Court prior to 1 March 2016 are also shown for comparison purposes.

| Prior to 1 March 2016 | From 1 March 2016 |
|---|-----------------------------|
| Interim accommodation order | Interim accommodation order |
| Interim protection order | No equivalent order |
| Undertaking | Undertaking |
| Supervision order | Family preservation order |
| Custody to third party order | No equivalent order |
| Supervised custody order | No equivalent order |
| Custody to Secretary order | Family reunification order |
| Guardianship to Secretary order | Care by Secretary order |
| Long-term Guardianship to Secretary order | Long-term care order |
| Permanent care order | Permanent care order |

Number of orders made, 2016-17 to 2018-19

| Order | 2016-17 | 2017-18 | 2018-19 |
|--|---------|---------|---------|
| Adjournment | 14,492 | 14,560 | 14,128 |
| Appointment – Independent Child Lawyer | 291 | 418 | 383 |
| Care by Secretary Order | 1339 | 1080 | 955 |
| Child attend Court | 31 | 30 | 36 |
| Conference Information Exchange Order | 5380 | 5839 | 6880 |
| Custody to Secretary Order | N/A | N/A | N/A |
| Custody to Third Party Order | N/A | N/A | N/A |
| DHHS must file further report | 6852 | 9711 | 12,597 |
| Dismissed | 30 | 24 | 19 |
| Extension of Care by Secretary Order | 499 | 245 | 624 |
| Extension of Custody to Secretary Order | N/A | N/A | N/A |
| Extension of Family Preservation Order | 495 | 498 | 552 |
| Extension of Family Reunification Order | 664 | 578 | 546 |
| Extension of Guardianship to Secretary Order | N/A | N/A | N/A |
| Extension of Interim Accommodation Order | 17,897 | 19,204 | 16,573 |
| Extension of Supervised Custody Order | N/A | N/A | N/A |
| Extension of Supervision Order | N/A | N/A | N/A |

| Order | 2016-17 | 2017-18 | 2018-19 |
|---|---------------|----------------|----------------|
| Extension of Therapeutic Treatment Order | 6 | 3 | 3 |
| Extension of Therapeutic Treatment (Placement) Order | 0 | 0 | 0 |
| Family Preservation Order | 3159 | 3389 | 3713 |
| Family Reunification Order | 2270 | 2094 | 2174 |
| Free Text Order | 21,914 | 23,309 | 24,278 |
| Guardianship to Secretary Order | N/A | N/A | N/A |
| Interim Accommodation Order | 8771 | 9823 | 14,121 |
| Interim Protection Order | N/A | N/A | N/A |
| Leave for TAO without Notice Order | 11 | 7 | 13 |
| Leave to apply to vary/revoke Permanent Care Order | 9 | 20 | 11 |
| Long-Term Care Order | 322 | 219 | 330 |
| Long-Term Guardianship to Secretary Order | N/A | N/A | N/A |
| Order for Costs | 364 | 504 | 416 |
| Permanent Care Order | 485 | 438 | 457 |
| Refusal to Make Protection Order | 1 | 1 | 3 |
| Search Warrant* | 6478 | 6505 | 7983 |
| Struck Out | 2057 | 1146 | 1287 |
| Supervised Custody Order | N/A | N/A | N/A |
| Supervision Order | N/A | N/A | N/A |
| Temporary Assessment Order | 16 | 18 | 26 |
| Therapeutic Treatment (Placement) Order | 0 | 0 | 0 |
| Therapeutic Treatment Order | 11 | 14 | 11 |
| Undertaking – Common Law | 15 | 11 | 30 |
| Undertaking s.272 PA / IRD Dismissed | 19 | 43 | 37 |
| Undertaking s.272 PA / IRD Refusal to make Protection Order | 12 | 6 | 7 |
| Undertaking s.272 PA / IRD Struck Out | 297 | 347 | 311 |
| Undertaking s.278 Protection Order | 204 | 252 | 284 |
| Dispense with Service Order | * | * | 269 |
| Joined Party Order | * | * | 118 |
| Procedural Directions Order | * | * | 3 |
| Release Documents Order | * | * | 3214 |
| Restrict Access to Report | * | * | 10 |
| s.550 Direction to Clinician | * | * | 317 |
| Total | 94,391 | 100,336 | 112,719 |

Explanation of orders

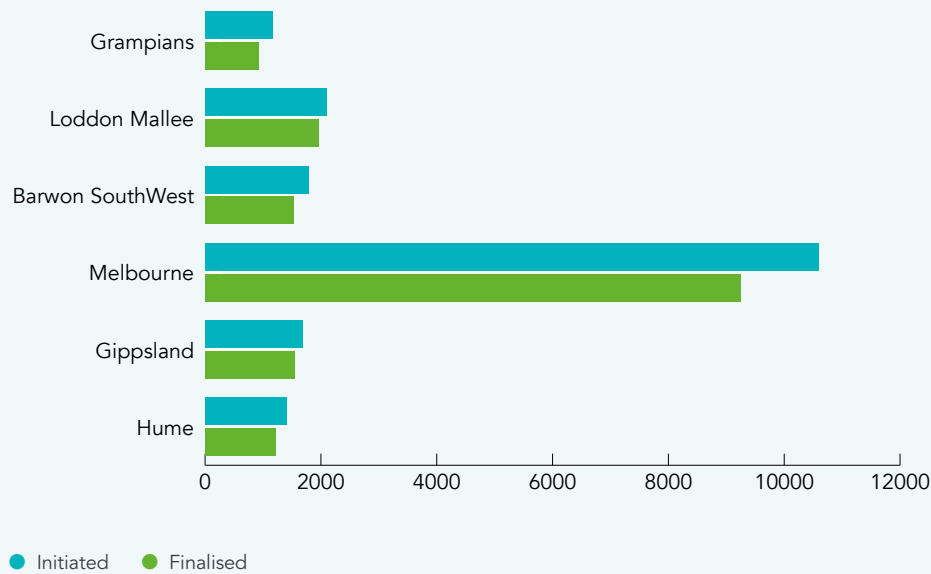
- New protection orders commencing on 1 March 2016 by virtue of amendments to the *Children, Youth and Families Act 2005*, resulting from the *Children, Youth and Families Amendment (Permanent Care and other Matters) Act 2014*.
- Protection orders repealed commencing on 1 March 2016 by virtue of amendments to the *Children, Youth and Families Act 2005*, resulting from the *Children, Youth and Families Amendment (Permanent Care and other Matters) Act 2014*.
- Procedural orders that were previously recorded as free-text orders.

FAMILY DIVISION MATTERS – STATEWIDE TOTAL

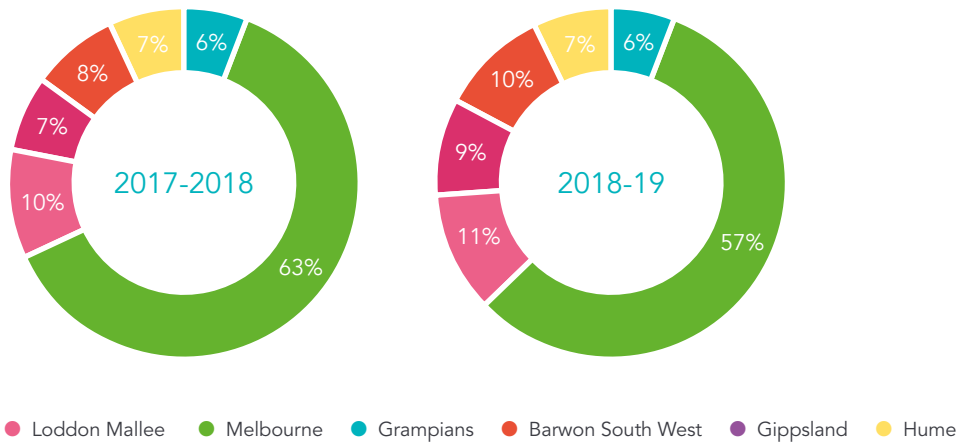
Total number of primary and secondary applications initiated, finalised and pending by region 2017-18 to 2018-19

| | 2017-18 | | | 2018-19 | | |
|------------------------|---------------|---------------|-------------|---------------|---------------|-------------|
| | Initiated | Finalised | Pending | Initiated | Finalised | Pending |
| Barwon South West | 1589 | 1357 | 423 | 1781 | 1531 | 558 |
| Gippsland | 1679 | 1316 | 525 | 1677 | 1552 | 548 |
| Grampians | 1042 | 906 | 275 | 1170 | 926 | 434 |
| Hume | 1333 | 1168 | 337 | 1402 | 1211 | 484 |
| Loddon Mallee | 1978 | 1680 | 545 | 2105 | 1966 | 545 |
| Metropolitan Melbourne | 9970 | 9774 | 2983 | 10,587 | 9243 | 4166 |
| Statewide | 17,591 | 16,201 | 5088 | 18,722 | 16,429 | 6735 |

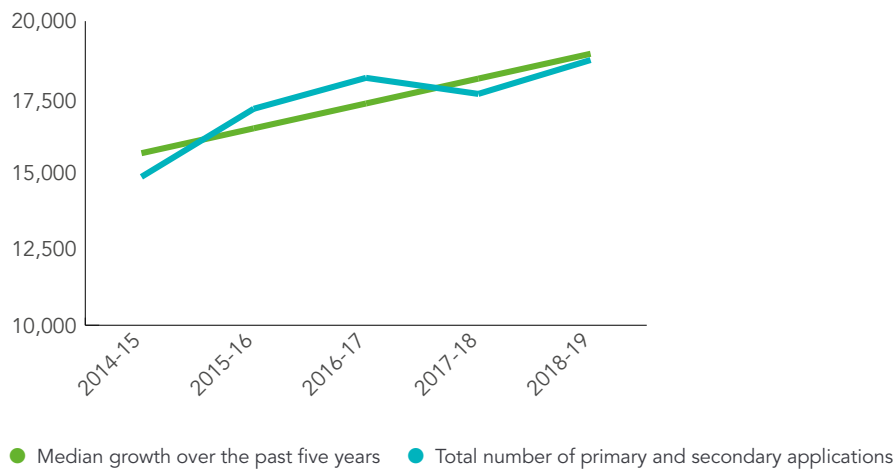
Total applications initiated and finalised, 2018-19



Regional caseload distribution for finalised primary applications, 2017-18 to 2018-19



Growth of statewide total applications



Number of safe custody warrants* filed 2013-14 to 2018-19

| | 2013-14 | 2015-16 | 2016-17 | 2017-18 | 2018-19 |
|--------------------|-------------|-------------|-------------|-------------|-------------|
| Granted | 4059 | 5393 | 6416 | 6444 | 7949 |
| Refused | 25 | 39 | 62 | 61 | 68 |
| Total filed | 4084 | 5432 | 6478 | 6505 | 8017 |

* A safe custody warrant may be issued under the *Children, Youth and Families Act 2005* for the apprehension of a child and placement of the child in emergency care in various types of circumstances, including when a child is in need of protection or where a relevant Family Division order has been breached.

CONCILIATION CONFERENCES

Conciliation conferences in the Family Division of the Children’s Court are intended to facilitate the early resolution of child protection proceedings through a non-adversarial process.

The conciliation conference process allows for:

- Better participation by people involved in the proceeding;
- More time for discussion in an appropriate environment;
- Department of Health and Human Services decision makers being present at the conference; and
- An appropriate process for those children who wish to participate.

The Court’s commitment to this model of alternative dispute resolution continues to benefit families in preventing many cases proceeding to a contested hearing. In 2018-19, over 2450 matters listed for a conference were resolved or partially resolved without a directions hearing before a magistrate.

Number of conciliation conferences conducted, 2016-17 to 2018-19

| | Total conferences conducted | Conferences resulting in settlements | Conferences resulting in partial settlements | Conferences resulting in directions hearing |
|---|-----------------------------|--------------------------------------|--|---|
| 2016-17 | | | | |
| Melbourne (including Moorabbin and Broadmeadows) | 1997 | 662 | 785 | 550 |
| Regional | 1168 | 568 | 385 | 185 |
| Total | 3165 | 1230 | 1170 | 735 |
| 2017-18 | | | | |
| Melbourne (including Moorabbin and Broadmeadows) | 1795 | 610 | 729 | 456 |
| Regional | 1277 | 543 | 525 | 209 |
| Total | 3072 | 1153 | 1254 | 665 |
| 2018-19 | | | | |
| Melbourne (including Moorabbin and Broadmeadows) | 1826 | 612 | 655 | 559 |
| Regional | 1449 | 674 | 536 | 239 |
| Total | 3275 | 1286 | 1191 | 798 |

KOORI FAMILY HEARING DAY

The Children's Court in Broadmeadows was the first Australian court to establish a Koori Family Hearing Day, known as *Marram-Ngala Ganbu* (MNG) meaning "We are one" in Woiwurrung language. It aims to improve outcomes for Koori children in child protection proceedings, providing a culturally-appropriate process to assist in decision making. It also aims to improve adherence to the Aboriginal Child Placement Principle in the *Children, Youth and Families Act 2005*.

The MNG team at the Broadmeadows Children's Court supported 184 individual family groups throughout the 2018-19 period. Within this reporting period, only one family opted out of the MNG process.

Number of *Marram-Ngala Ganbu* sittings 2018-19

| Month | Total sittings | Number of families* |
|----------------|----------------|---------------------|
| July 2018 | 4 | 40 |
| August 2018 | 4 | 36 |
| September 2018 | 4 | 44 |
| October 2018 | 5 | 52 |
| November 2018 | 3 | 31 |
| December 2018 | 3 | 36 |
| January 2019 | 4 | 48 |
| February 2019 | 4 | 43 |
| March 2019 | 4 | 45 |
| April 2019 | 5 | 52 |
| May 2019 | 4 | 45 |
| June 2019 | 4 | 39 |

*This column is indicative of the number of times a family came before MNG during any given month of the reporting period. It does not count the number of unique individual families supported by MNG in 2018-19.

FAMILY DRUG TREATMENT COURT

Throughout 2018-19, the FDTC program received 65 referrals and worked with 56 parents of 85 children across Broadmeadows and Shepparton. It is too early into the program for meaningful outcome data from Shepparton but in the 2018-19 period 52 per cent of parents on the program achieved reunification with their children. A total of 80 per cent of program participants who maintained engagement for at least nine months of the 12-month program have achieved reunification with their children.

Number of families in the FDTC program as at 30 June 2018

| | |
|--|-------------------------------------|
| Parents referred to program | 70 parents (94 children) |
| Parents inducted into program | 34 parents (57 children) |
| Current parent participants | 20 parents (30 children) |
| Participants awaiting assessment | 4 parents (2 children) |
| Participants exited program/returned to mainstream Family Division | 30 parents (55 children) |
| Completions | 6 parents (11 children) |
| Participants graduated from program | 2 (3 children) |
| Children of participants | 94 |
| Families reunified whilst on the program | 20 children reunified to 10 parents |
| Children reunified with parent/s | 30 children reunified to 17 parents |

FAMILY VIOLENCE AND PERSONAL SAFETY JURISDICTION

In 2018-19, the number of intervention order applications finalised was greater than the previous year (there were a total of 3028 finalisations during this reporting period, up 373 from 2017-18). Most applications were determined within three months, and in more than half of the cases, an intervention order was made. The bulk of intervention order applications relate to allegations of family violence and in 34 per cent of cases, the parties were not related.

Applications for an Intervention Order finalised by Act under which application made

| <i>Family Violence Protection Act 2008</i> | 2015-16 | 2016-17 | 2017-18 | 2018-19 |
|--|---------|---------|---------|---------|
| Intervention order made | 1291 | 1144 | 1118 | 1192 |
| Complaint refused | 12 | 14 | 5 | 15 |
| Complaint struck out | 184 | 160 | 147 | 144 |
| Complaint revoked | 11 | 13 | 6 | 11 |
| Complaint withdrawn | 335 | 400 | 352 | 414 |
| Complaint withdrawn with undertaking | 103 | 135 | 120 | 116 |

| <i>Personal Safety Intervention Orders Act 2010</i> | 2015-16 | 2016-17 | 2017-18 | 2018-19 |
|---|---------|---------|---------|---------|
| Intervention order made | 437 | 456 | 558 | 697 |
| Complaint refused | 12 | 6 | 1 | 4 |
| Complaint struck out | 109 | 129 | 98 | 113 |
| Complaint revoked | 3 | 0 | 0 | 1 |
| Complaint withdrawn | 113 | 118 | 128 | 150 |
| Complaint withdrawn with undertaking | 98 | 130 | 122 | 171 |

Applications for an Intervention Order finalised, by elapsed time between date of issue and finalisation, 2015-16 – 2018-19

| | 2015-16 | 2016-17 | 2017-18 | 2018-19 |
|----------------|---------|---------|---------|---------|
| Over 12 months | 79 | 76 | 80 | 83 |
| 9<12 months | 52 | 41 | 48 | 58 |
| 6<9 months | 84 | 110 | 105 | 149 |
| 3<6 months | 314 | 369 | 368 | 533 |
| 2<3 months | 272 | 233 | 292 | 387 |
| 1<2 months | 583 | 580 | 607 | 685 |
| 0<1 month | 1324 | 1296 | 1155 | 1133 |

CAYPINS

CAYPINS is an alternative system to the traditional open court summons process for dealing with children and young people who fail, in the first instance, to pay on-the-spot and other penalties issued to them by prosecuting bodies such as Victoria Police and the Department of Transport.

Number of CAYPINS matters initiated, finalised and pending, 2017-18 to 2018-19

| Court Region | 2017-18 | | | 2018-19 | | |
|-------------------|-------------|-------------|------------|-------------|-------------|------------|
| | Initiated | Finalised | Pending | Initiated | Finalised | Pending |
| Melbourne | 599 | 603 | 72 | 324 | 328 | 53 |
| Grampians | 58 | 81 | 1 | 28 | 26 | 2 |
| Loddon Mallee | 44 | 58 | 0 | 18 | 15 | 3 |
| Broadmeadows | 418 | 455 | 15 | 238 | 230 | 21 |
| Dandenong | 274 | 260 | 0 | 343 | 367 | 3 |
| Frankston | 460 | 553 | 19 | 434 | 413 | 14 |
| Barwon South West | 83 | 102 | 0 | 29 | 20 | 9 |
| Heidelberg | 448 | 455 | 2 | 331 | 410 | 1 |
| Gippsland | 84 | 96 | 0 | 42 | 32 | 8 |
| Ringwood | 451 | 445 | 4 | 590 | 625 | 4 |
| Hume | 53 | 70 | 0 | 11 | 8 | 3 |
| Sunshine | 508 | 601 | 53 | 470 | 462 | 85 |
| NJC – Collingwood | 16 | 8 | 0 | 29 | 27 | 1 |
| Total | 3496 | 3787 | 166 | 2887 | 2963 | 207 |

*N.B. The figures in this table for 2017-18 have been corrected. The CAYPINS figures published in the 2017-18 Children's Court of Victoria Annual Report were incorrect.

OUR JUDICIARY

The Children's Court at Melbourne is the only venue of the Court which sits daily in both divisions. The Children's Court at Melbourne, Broadmeadows and Moorabbin currently has 15 magistrates and two reserve magistrates sitting full-time together with the President who is a judge of the County Court.

Magistrates in other metropolitan courts also sit as Children's Court magistrates in those regions on nominated days and as required hearing Criminal Division and intervention order matters only. The exceptions are the courts at Moorabbin and Broadmeadows where child protection cases are heard on a daily basis.

Magistrates in country areas sit as Children's Court magistrates in both divisions on nominated days and as required.

PRESIDENT

Judge Amanda Chambers

MAGISTRATES

Ms Jacqueline Billings
(appointed September 2018)

Ms Jennifer Bowles

Mr Darrin Cain

Mr Peter Dotchin

Ms Michelle Ehrlich

Ms Lesley Fleming

Ms Jane Gibson

Ms Margaret Harding
(retired November 2018 to become
a Reserve Magistrate)

Ms Annabel Hawkins

Ms Gail Hubble

Mr Randall Kune
(appointed September 2018)

Ms Kay Macpherson

Ms Kim Parkinson

Ms Sharon Smith

Ms Mia Stylianou

Mr Francis Zemljak

RESERVE MAGISTRATES

Mr Peter Power
(retired February 2019)

Mr Gregory Levine

Ms Cathy Lamble

COURT LOCATIONS

With the exception of Melbourne, the Children's Court of Victoria sits at locations at which the Magistrates' Court is held pursuant to section 5(1) of the *Magistrates' Court Act 1989*. In accordance with section 505(3) of the *Children, Youth and Families Act 2005* the Children's Court "must not be held at any time in the same building as that in which the Magistrates' Court is at the time sitting unless the Governor in Council, by Order published in the Government Gazette, otherwise directs with respect to any particular building." Consequently, the Children's Court of Victoria sits at nominated times, and as required, at court venues throughout the state.

1. Melbourne region:

Melbourne (headquarters court), Moorabbin (Family Division only), Broadmeadows (Family Division only), Neighbourhood Justice Centre (NJC Collingwood).

2. Grampians region:

Ballarat (headquarters court), Ararat, Bacchus Marsh, Edenhope, Hopetoun, Horsham, Nhill, St. Arnaud, Stawell.

3. Loddon Mallee region:

Bendigo (headquarters court), Castlemaine, Echuca, Kerang, Kyneton, Maryborough, Mildura, Ouyen, Robinvale, Swan Hill.

4. Broadmeadows

5. Dandenong

6. Frankston

7. Barwon South West region:

Geelong (headquarters court), Colac, Hamilton, Portland, Warrnambool.

8. Heidelberg

9. Gippsland region:

Latrobe Valley (Morwell) (headquarters court), Bairnsdale, Korumburra, Moe, Omeo, Orbost, Sale, Wonthaggi.

10. Ringwood

11. Hume region:

Shepparton (headquarters court), Benalla, Cobram, Corryong, Mansfield, Myrtleford, Seymour, Wangaratta, Wodonga.

12. Sunshine region:

Sunshine (headquarters court), Werribee



