

CHILDREN, YOUTH AND FAMILIES (CHILDREN'S COURT FAMILY DIVISION) RULES 2017  
FORM 35

Rule 6

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

**Children, Youth and Families Act 2005**

Section 326

Court Reference: \_\_\_\_\_

Name of Child: \_\_\_\_\_

Gender: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

**Details of the current order**

The Children's Court at [venue] \_\_\_\_\_ on [date]

\_\_\_\_\_ made a permanent care order conferring parental  
responsibility for the child on [names and addresses of permanent care parents]

**Details of this application**

This application is:

\*to vary the permanent care order

\*to revoke the permanent care order

The grounds for the application are [set out grounds]:

This application is made by:

\*the child

\*a permanent care parent of the child

\*the Secretary

\*the principal officer of an Aboriginal agency

\*a sibling of the child [*application to vary the order only*]

\*a parent who does not have parental responsibility for the child

[*must have leave of the Court to make the application: see Form 36*]

Applicant's name: \_\_\_\_\_

Applicant's email: \_\_\_\_\_

Agency [*if applicable*]: \_\_\_\_\_

Applicant's [or agency]  
address: \_\_\_\_\_

Applicant's phone: \_\_\_\_\_

Application filed by—

\*Legal Representative

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Agency/Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

\*Applicant

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

### Notice to the parties

**\*To the applicant:**

You must come to the hearing of this application.

**To the \*Secretary/  
\*principal officer:**

You must come to the hearing of this application.

**\*To the child:**

You are not required to come to the hearing of this application unless you wish to do so.

**To the non-applicant  
parent(s) and  
permanent care  
parent(s):**

You should come to the hearing of this application. If you do not attend, the Court may proceed to hear and determine the application in your absence.

**Details of the hearing**

A hearing of this application will be held at the Children’s Court as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Place: \_\_\_\_\_

Issued at [*place*]: \_\_\_\_\_

Date of issue: \_\_\_\_\_

\_\_\_\_\_  
Registrar

**Note**

Pursuant to section 326(1)(b) of the Act, an application made by a parent who does not have parental responsibility for the child to vary or revoke a permanent care order may only be made with the leave of the Court.

Under section 326(2A) of the Act, such an application must not be served on the child or the permanent care parents unless the leave of the Court has been granted.

Pursuant to section 326(1B) of the Act, an application to vary a permanent care order by a parent who does not have parental responsibility for the child made within 12 months of the making of the permanent care order may only be made on the basis that a contact condition in the order has not been complied with.

\*Delete if not applicable