



# Annual Report

2015-2016



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# Governor's Letter



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29 October 2016

The Honourable Linda Dessau AM  
Governor of Victoria  
Government House  
Government House Drive  
MELBOURNE VIC 3004

Dear Governor

**CHILDREN'S COURT OF VICTORIA – ANNUAL REPORT 2015-2016**

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 2015-2016.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "Amanda Chambers", with a long horizontal flourish extending to the right.

**Judge Amanda Chambers**  
President  
Children's Court of Victoria

# Reports



## **Report of the President** *Judge Amanda Chambers*

It is with great pleasure that I present the Annual Report of the Children’s Court for the first full financial year of my term as President.

The Children’s Court prides itself on its impressive track record of performance and innovation in a specialist environment focused on providing fair and accessible court processes for children, young people and their families.

This year, I present a report that reflects an environment of significant legislative change with the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 coming into effect on 1 March 2016. The landmark report of the Royal Commission into Family Violence and the implementation of its recommendations will also have a significant impact on the future work of this court.

The year also saw the consolidation and expansion of initiatives aimed at impacting positively on the work of this jurisdiction.

Without doubt, the highlight of the year was the realisation of a key recommendation of the Protecting Victoria’s Vulnerable Children Inquiry with the opening of the new, purpose-built Family Division court complex at Broadmeadows in October 2015.

## Family Division

### Permanent Care Amendments

The Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 introduced significant changes to the processes and orders of the Children's Court Family Division when it came into effect on 1 March 2016.

The amending Act abolished many existing orders and introduced a suite of new orders the court could make to meet the 'permanency objectives' of the legislation. Perhaps the most substantial change was the introduction of legislated timeframes within which a Family Reunification Order could be made where a child was placed in out of home care.

The Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Act 2015 had the effect of reinstating s276(2) of the Children, Youth and Families Act 2005 which prevents the court from making a protection order unless reasonable steps have been taken to provide the services necessary in the best interests of the child.

A significant amount of work was required to ensure court forms and regulations were finalised and changes made to reflect the new orders in the court's case management system by the commencement date. I take this opportunity to thank Reserve Magistrate Peter Power, Principal Registrar, Leanne de Morton, Project Manager, Russell Hastings and the State Coordinator, Clare Francis for all their hard work in this area.

Reserve Magistrate Peter Power prepared a detailed paper on the new provisions and travelled extensively to various regions to present information and training on the legislative changes. I, together with Reserve Magistrate Power conducted three multi-disciplinary training sessions on the new laws to magistrates, court staff, conciliation conference conveners, legal practitioners and Department of Health & Human Services workers. I also provided information and training to regional colleagues at the Country Magistrates' Conference and at regional courts.

I take this opportunity to thank Mr Power and to acknowledge his significant contribution to ensure the smooth introduction of the legislative changes.

### Increase in Applications

It is notable that there has been a major increase in the workload of the court in every year since January 2006. This reporting period is no exception.

In 2015/16 there were a total of 17,108 applications issued, an increase of 16% on the previous financial year.

In the five years since 2011/12, the total number of child protection applications (primary and secondary) issued in the Children's Court has increased by approximately 44%, as shown in the table below

| 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 |
|---------|---------|---------|---------|---------|
| 11,912  | 12,228  | 14,049  | 14,789  | 17,108  |

The increase in the volume of work in regional venues of the court has also been profound. In 2015/16 the Grampians region experienced an increase of 50% in the number of primary applications initiated. Significant increases were also experienced in the Loddon Mallee and Gippsland regions.

The court performance measures indicate that 2015/16 was an efficient year at a time of increasing workloads. The court continues to improve its case management responses to the increase in demand, with an additional 630 conciliation conferences conducted this year (totalling 2,758 state-wide) and intensive directions hearing support contributing to high resolution rates. However, increasing stress on the available judicial and other resources of the court jeopardises the maintenance of these achievements into the future.



**New Family Division complex at Broadmeadows**

The opening of the new Family Division complex at Broadmeadows in October 2015 was a milestone event in the history of the Children’s Court. Launched by the Attorney-General, the Hon. Martin Pakula MP on 23 October 2015, this facility has been specifically designed to reduce the stress on the children, families, child protection workers and legal practitioners attending court by providing a colourful, light-filled environment with modern courtrooms, dedicated and private meeting rooms and large public spaces. In its layout and design, the new court encourages rather than hinders less adversarial court processes.

Sincere thanks go to the Alannah & Madeline Foundation (AMF) which collaborated with the court and specialist architects to create the Cubby House – featured on page 21 of this Annual Report – a safe and supported area for those vulnerable children placed in emergency care. Brilliantly designed and imaginatively fitted out, the Cubby House provides an engaging and distracting environment for the children and young people supported by a qualified AMF youth worker.

I wish to thank those who played a crucial role in the concept development and project oversight including past Presidents of the Children’s Court, Judge Paul Grant and Judge Peter Couzens, the court’s Project Manager, Russell Hastings, the court’s CEO, Simon McDonald and Brian Stevenson, Chief Operating Officer, Court Services Victoria.

The court is intended to operate as a venue of innovation, introducing docketing of all Family Division matters – put simply, one child, one magistrate – with improved case management of these matters and the launch, in the next financial year, of a Koori Family Hearing Day (to be known as Marram-Ngala Ganbu) supported by our new Koori Services Coordinator, Ashley Morris.

I take this opportunity to thank Magistrate Kay Macpherson for the commitment and passion she brings to her role as Regional Co-ordinating Magistrate at Broadmeadows.

### Family Drug Treatment Court

The Family Drug Treatment Court (FDTC) celebrated its second year of operation in May 2016. With the opening of the Family Division complex at Broadmeadows, the FDTC has successfully operated from that venue since October 2015.

As at 30 June 2016, a total of 103 parents, whose young children are no longer in their care due to drug and alcohol abuse, have been assisted by a judicially-monitored, multi-disciplinary approach to improve their prospects of family reunification.

A formal evaluation of the FDTC is being conducted by Health Outcomes International and is due to report in the coming year.

### D List

The D List is a specialist list at the Melbourne Children's Court in which a small number of magistrates provide intensive case management of protection applications in which there are allegations that a child has, or is likely to suffer harm as a result of sexual abuse. The D List is supervised by Magistrate Francis Zemljak, and I thank him and the other D List magistrates for their ongoing work in this area.

### Intervention Orders

– Family Violence Prevention and Personal Safety

In the 2015/16 year, a total of 2,708 intervention order applications were finalised in the Children's Court, a slight increase on the previous year.

The Report of the Royal Commission into Family Violence delivered in March 2016 made a number of recommendations relevant to the operation of this list in the Children's Court, including the need to appoint applicant and respondent workers in this jurisdiction. This recommendation will require funding to implement. More broadly, there is a need to address the absence of community based programs designed for adolescents acting violently in the home.



## Criminal Division

Contrary to community perception about the prevalence of youth offending, consistent with a trend identified over the past eight years, this year saw a further decrease in the number of young people found guilty of committing a criminal offence (see table below). Although there was a slight increase in the number of young people ordered to be detained, this number remains low.

### Number of offenders found guilty

| 2008/09 | 2009/10 | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 |
|---------|---------|---------|---------|---------|---------|---------|---------|
| 6,633   | 6,174   | 5,427   | 4,533   | 4,155   | 3,778   | 3,523   | 2,429   |

### Number of offenders ordered to be detained

| 2008/09 | 2009/10 | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 |
|---------|---------|---------|---------|---------|---------|---------|---------|
| 209     | 246     | 247     | 219     | 169     | 141     | 155     | 177     |

Last financial year, Judge Couzens reported on the alarming increase in alleged young offenders being admitted to remand following amendments to the Bail Act in December 2013. I am pleased to report that the Bail Amendment Act 2016, effective from 2 May 2016, introduced child-specific considerations into the Bail Act 1977 and removed the offence of breaching a bail condition for children in an attempt to address this concerning trend.

## Youth Diversion Pilot Program

The Youth Diversion Pilot Program (YDPP) commenced as a 12 month pilot in May 2015 with funding approved by the Attorney-General from the Court Fee Pool. The YDPP operates in the Dandenong, Broadmeadows, Sunshine and Werribee venues of the Children’s Court and in regional Victoria in Ballarat, Stawell and Ararat. The YDPP is provided in conjunction with Jesuit Social Services at these venues.

The YDPP aims to address the underlying factors leading to a young person’s offending behaviour and to prevent escalation into further offending and involvement in the criminal justice system.

In the 12 months from 1 June 2015 to 31 May 2016, 330 young people were referred to the YDPP and 270 diversion plans were finalised by the Children’s Court. Of those, 250 young people, representing 92.6%, successfully completed the diversion plan and had their criminal matters discharged. The key interventions over this period were assisting the young people with school disengagement, mental health issues, drug and alcohol use, and a lack of engagement in positive social activity. The YDPP also focuses on assisting the young person to develop a better understanding of the impact of their offending behaviour on victims and the broader community.

The YDPP is being independently evaluated by the Centre for Market Design together with the School of Global, Urban and Social Studies, RMIT.

I take this opportunity to thank Jesuit Social Services, YSAS, Centacare, Victoria Police and Victoria Legal Aid for their work in ensuring the success of the YDPP.

In May 2016, the Minister for Families, Children & Youth Affairs, the Hon. Jenny Mikakos MP announced a \$5.6 million investment over two years to implement a state-wide youth diversion program in the Children’s Court. This significant announcement will ensure successful diversionary outcomes are available for young people across Victoria.

## Children's Koori Court

During this reporting period, a Children's Koori Court (and an adult Koori Court) was launched at Geelong. As a result, the Children's Koori Court has expanded from Melbourne to local communities in Bairnsdale, Morwell, Warrnambool (Hamilton and Portland), Geelong, Shepparton, Swan Hill, Heidelberg and Dandenong.

I wish to acknowledge and thank the Manager of the Koori Court Unit, Travis Lovett, our Koori Court Officers, Krystal Cutajar and Tyson Austin, members of the Koori Justice Unit, the local RAJACS and as always, our Elders and Respected Persons for their commitment to the work of the Children's Koori Court. I also thank the Victorian Aboriginal Legal Service and our Education Justice Initiative staff for the assistance they provide to the Aboriginal children appearing in the Koori Court.

## Education Justice Initiative

The Education Justice Initiative (EJI), launched in September 2014, was the subject of a positive evaluation undertaken by the Victoria Institute, a research unit within Victoria University, in December 2015. The aim of the EJI, a partnership between Parkville College and the Children's Court, is to assist young people re-engage in education and training, with the assistance of the specialist Department of Education staff based at the Melbourne Children's Court.

The evaluation reported that from its commencement to June 2015 the EJI had contact with about half the young people appearing in the Criminal Division of the court – approximately 450 young people. The EJI worked intensively with 103 young people to support their re-engagement in education, of whom 70% were aged 12-16 years.

## Overseas delegations and community education

The Children's Court of Victoria continues to be a court that attracts a number of visitors, both international and interstate.

A particular highlight of the year was hosting a delegation from Cambodia, including the Minister for Justice, His Excellency Ang Vong Vathana and the President of the Cambodian Court of Appeal, His Excellency You Bunleng, as part of a five day program in March 2016 aimed at building the capacity of the Cambodian justice system to improve the welfare of children. This followed my participation in a four day youth justice workshop in Cambodia in October 2015, together with youth judges from New Zealand and Singapore, sponsored by UNICEF and Children's Rights International.

During 2015/16 the Children's Court continued its program of community education activities including addressing foster carers, trainee bail justices, students of the Victorian Bar readers course and students of law, social work, youth work, community services work, maternal and child health and journalism.

I thank the magistrates of the Children's Court for their commitment to this program of community education, giving up their time before Court to address these groups and to answer questions about the jurisdiction and operation of the Children's Court.

## Professional Development

In addition to the training provided on Magistrates' Court professional development days on the permanency amendments and Judicial College (JCV) seminars of interest, magistrates assigned to the Children's Court participated in a number of conference days conducted at the court specific to this jurisdiction. A JCV seminar, video-linked to regional courts, was conducted on the new legislation on 26 November 2015.

In addition, the Children's Court in conjunction with the JCV, conducted a seminar on the application of the Aboriginal Placement Principles under the Children, Youth & Families Act 2005 on 5 May 2016 featuring a presentation by Professor Muriel Bamblett AM, Chief Executive Officer with the Victorian Aboriginal Child Care Agency.

A multi-disciplinary training session available to all professionals working in the Children's Court was conducted on 16 June 2016 on the topic "Ethics for Professionals".

## Participation on Boards, Councils and Committees

During the reporting period I, together with other members of the Children's Court, participated in a number of boards, councils, reference groups and advisory bodies.

These included:

- Courts Council;
- Courts Council portfolio committees, including the Human Resources Committee (Chair), and the Finance, Assets & Accommodation Committees;
- Judicial College of Victoria;
- Aboriginal Justice Forum;
- Children's Koori Court Reference Group;
- Youth Diversion Pilot Steering Committee (Chair);
- CCV Diversion Steering Committee (Chair);
- Statewide Youth Diversion pre-plea program (Chair);
- Family Violence Taskforce;
- MCV/CCV Royal Commission into Family Violence Implementation Steering Committee (Co-Chair);
- Sexual Assault Advisory Committee; and
- Child Witness Service Advisory Committee.

## Conclusion

As always, I wish to acknowledge and thank all who work for the many organisations that support the work of the Children's Court

- Children's Court Clinic;
- Victoria Legal Aid;
- Youthlaw;
- Solicitors and barristers who practice in this court;
- Department of Health & Human Services
  - Child Protection Litigation Office
  - Youth Justice Court Advice Unit
  - Secure Welfare
- Victoria Police
- Parkville College
- Education Justice Initiative
- Alannah & Madeline Foundation and Charlie Bracey of the Cubby House
- Court Network
- Salvation Army
- Wilson Security

I would like to thank my colleagues at the Children's Court for the support they continue to offer me and even more so, for the commitment they demonstrate to the work of the court. I would also like to acknowledge and thank the staff of the court for their outstanding contribution to the work and spirit of the court.

Finally, the Children's Court is a state-wide court and its effective operation would not be possible without the contribution made by all magistrates. I thank them for their hard work and dedication, particularly in the face of increasing workloads. I would also like to thank the Chief Magistrate and the State Co-ordinating Magistrate for their assistance and cooperation throughout the reporting period.

I would particularly like to thank my Chief Executive Officer, Simon McDonald and his management team for their strategic advice and assistance. I also acknowledge the professionalism and dedication of the court's Media & Communications Manager, Janet Matthew. On a personal note, I would also like to thank my Executive Assistant, Nola Los for her loyalty, hard work and good humour.

## Report of the Chief Executive Officer *Simon McDonald*



The Children's Court has a unique role in the Victorian court system and as CEO I am privileged to work in a jurisdiction that provides service to many of the State's most vulnerable and often most disadvantaged children, young people and families.

The President, Judge Chambers, in her report has noted the significant highlights of the past year, including the opening of the new Broadmeadows Court, the implementation of the Youth Diversion Pilot Program, the ongoing success of the Family Drug Treatment Court and the expansion of the Children's Koori Court. In addition to these significant achievements I take this opportunity to acknowledge other initiatives that have been important milestones over the past year.

### **Conciliation Conferencing**

The court's ability to develop and deliver specialist programs is a real strength of this organisation. One such example is the conciliation conferencing program which provides non-adversarial dispute resolution in child protection cases. Throughout the year conference convenors have continued to assist parties to achieve high rates of negotiated outcomes both at the Conference Centre at Melbourne and across regional Victoria. An independent evaluation of the expansion of the conferencing program commenced earlier this year and will be completed shortly. I look forward to the evaluation observations and recommendations which will likely shape further evolution of the conferencing model and provide a roadmap for the possible expansion of non-adversarial and other ADR approaches to improve the court experience and outcomes for children and families in the Family Division.

### **Permanency Amendments**

The Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 became operational in March 2016. A significant amount of work was undertaken across the court to ensure that staff and magistrates state-wide were well prepared for the changes brought about by the legislation and I thank all who were part of those efforts. A review of the impact of the permanency amendments by the Commissioner for Children and Young People will commence in September 2016 and we look forward to constructively participating in that process.

### **New Children's Court Brand**

The Court's new brand which is on show in this report, was officially launched in November 2015. The brand represents a clear, contemporary moniker for the court, consistent with our focus on innovation as the driver of service and performance improvement and program design.

### **Royal Commission into Family Violence**

The Royal Commission into Family Violence (RCFV) reported on 30 March 2016 and it was pleasing to note that the Commission was supportive of the Court's joint submission as was reflected in the observations and recommendations relating to the Children's Court in the report. A number of committees have been established to plan and develop responses to the Commission's recommendations. The Court is represented on each of these and will also contribute to the State-wide Family Violence Action Plan to be developed later this year.

## Technology

The pursuit of opportunities for reform and innovation continue to be significantly constrained by the court’s ageing IT infrastructure. This is an ongoing challenge for us and work continues to develop solutions and to secure investment to ensure that the court’s case management systems continue to be viable and enable us to improve processes and services, and data capability and information sharing, the need for which was highlighted by the Report of the Royal Commission into Family Violence.

## Koori Programs

As I noted earlier, the expansion of the Children’s Koori Court to Geelong brought to nine, the number of venues where the Children’s Koori Court sits. The court continues to look for culturally safe responses to the significant over representation of Koori children, young people and families across all divisions of the court and in January this year our first Koori Services Coordinator was appointed. This role is based at Broadmeadows and will support the new Koori Family Hearing Day, the Marram-Ngala Ganbu, (MNG) developed to enhance culturally appropriate practices for child protection proceedings involving Koori children and families. The MNG will be officially opened by the Attorney-General in conjunction with the Minister for Families, Children and Youth Affairs on 25 August 2016.

## Looking Forward

The court will continue to pursue improvement through innovation, using available technology, development and trialling of new programs and ongoing review of services. Efforts for the coming year will be focussed on improving access to justice for all who use the Children’s Court, the expansion of innovative programs including the Alannah & Madeline Foundation Cubby House to other venues and implementation of the RCFV recommendations as they relate to the Children’s Court. As always, we will continue to seek opportunities to work closely with other jurisdictions, agencies and service providers to develop coordinated and systemic solutions to the common challenges we face in trying to continually improve the way we do things.

## Acknowledgements

It has been a busy, challenging and productive year for the Children’s Court and I would like to acknowledge Judge Amanda Chambers for her leadership of the court over this period. While the court’s workload, particularly in the Family Division continues to be relentless, Judge Chambers has fostered a spirit of collaboration and cooperation between the staff and magistrates of the court which is such a positive characteristic of this jurisdiction.

I am grateful too, to Kerry Osborne, CEO of Court Services Victoria and the staff of Jurisdiction Services who have continued to provide support and assistance to the court over the past year.

Thanks go also to Dr Patricia Brown, Director of the Children’s Court Clinic, and her staff of highly skilled clinicians for their tireless work to provide expert, independent advice to assist magistrates in their decision making.

Finally, I am fortunate to work alongside an outstanding and dedicated Children’s Court team. The past year’s operations reflect our absolute commitment to responsible and restrained financial management and to ongoing development and delivery of improved services and programs that are supported by evidence and driven by innovation. This is possible because of the hard work and dedication of Children’s Court staff at all locations. My special thanks go to the court’s management team and in particular Leah Hickey, Cate Ryan and Leanne de Morton for their support and advice and as always, to staff across the state who continue to work with enthusiasm, expertise and energy to deliver Children’s Court services.



# Year at a Glance



**31.50%**  
Infringements  
& Fines

**36.80%**  
Child  
Protection

**6.00%**  
Intervention  
Orders

**25.70%**  
Criminal

**45,000**  
Cases finalised

In the 2015-2016 year the Children's Court of Victoria finalised a total of 45,000 cases.

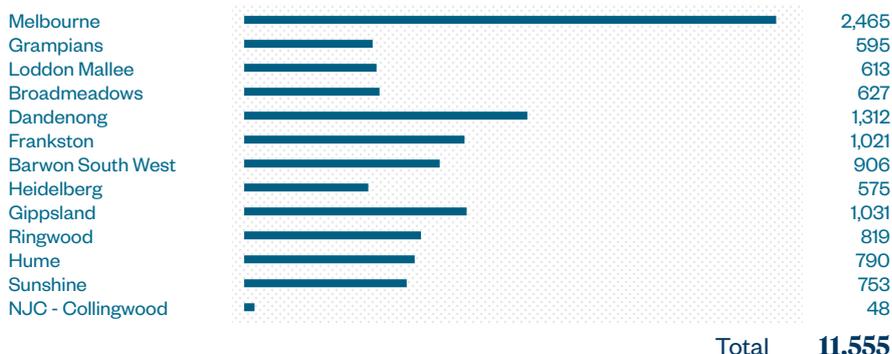
When analysing the statistical information provided on these pages it should be noted that while country venues of the court hear cases in both divisions, in the metropolitan area Family Division child protection cases are heard at the Melbourne, Moorabbin and Broadmeadows (from October 2015) venues 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 28.

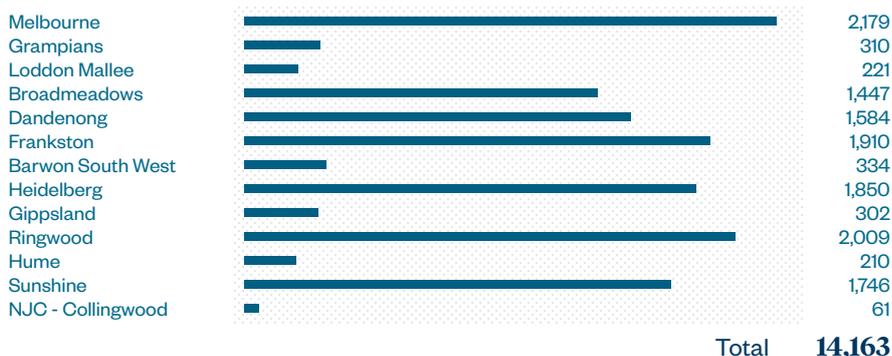


## Criminal Division

Criminal matters finalised, 2015/16



CAYPINS matters finalised, 2015/16

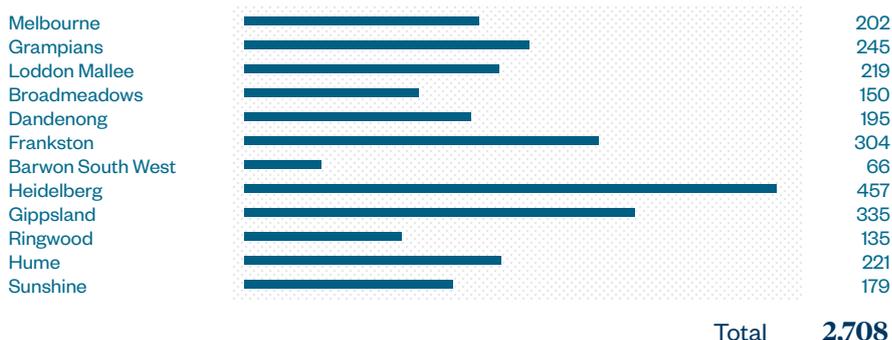


## Family Division

Child protection applications finalised, by region, 2015/16



Intervention order applications finalised, by region, 2015/16

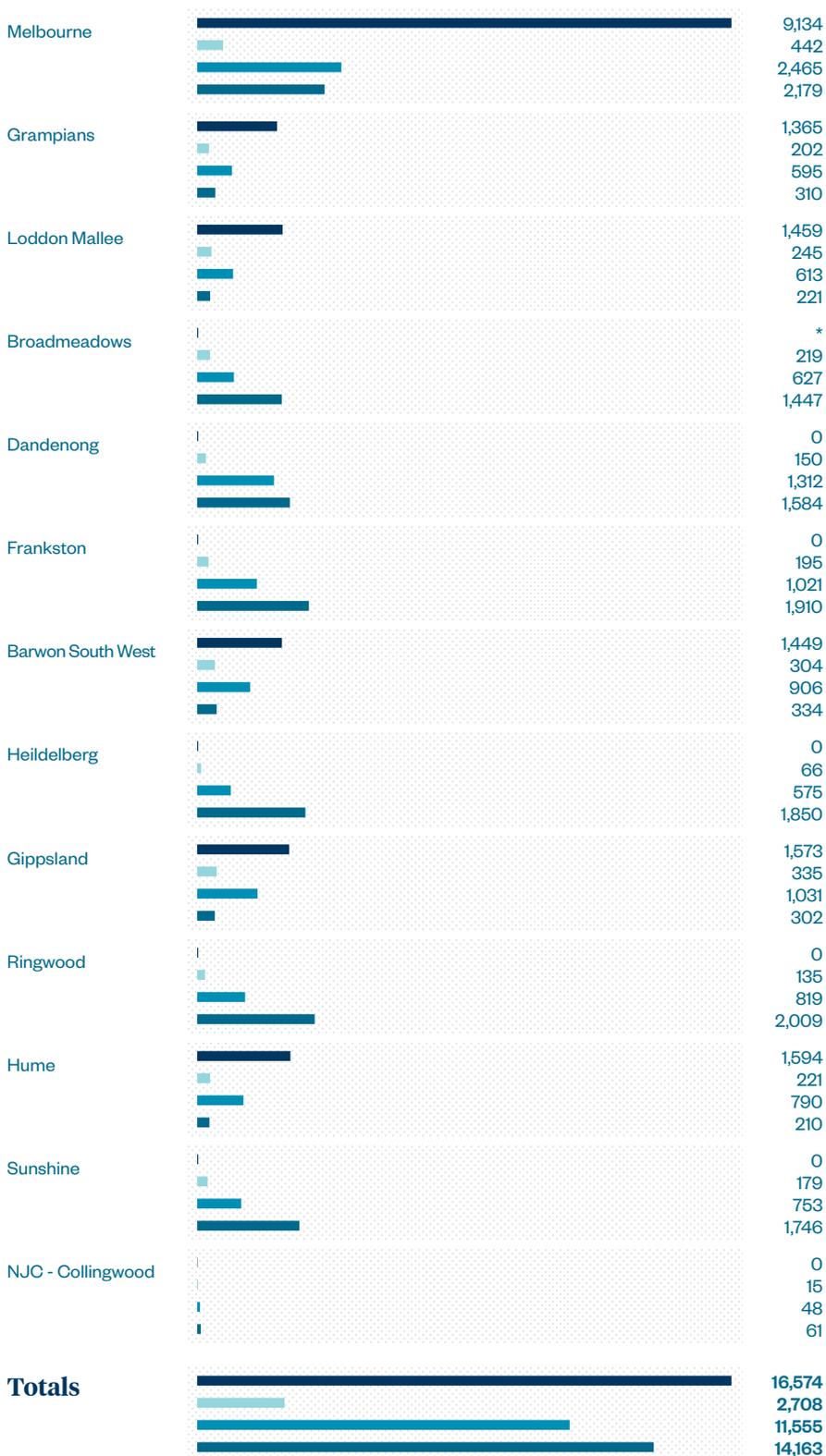


## Regional Breakdown

Regional breakdown of Children's Court cases finalised, 2015/16

- Child Protection
- Intervention Orders
- Criminal
- CAYPINS

\*For the purposes of child protection cases, Broadmeadows and Moorabbin form part of the Melbourne region.



# Highlights



## New Family Division complex at Broadmeadows

The new architecturally designed Family Division of the Children's Court opened on 23 October 2015. The modern and practical two-courtroom facility was designed to help families feel more comfortable in the court environment. It features abundant natural light, internal and external waiting areas, and several play spaces for children.

Situated adjacent to the Broadmeadows Magistrates' Court, the purpose-built facility was designed in response to the need for innovation recommended in the Protecting Victoria's Vulnerable Children inquiry. The court features a new docketing system, the Family Drug Treatment Court, Marram-Ngala Ganbu (the Koori Family Hearing Day), the Cubby House, and a less adversarial approach to court practice and procedure.

The Family Division deals only with child protection matters, and the Attorney-General officially opened it in a ceremony that included a smoking of the court by an Aboriginal Elder.

## Docketing

The new Children's Court at Broadmeadows is the first Victorian venue of the Children's or Magistrates' Court to use a docketing system.

Docketing allows one magistrate to handle a case from start to finish. This means no time is wasted rehashing past events or re-arguing matters another magistrate has already decided. The magistrate concerned is aware of the matter's history, allowing better and more consistent decisions.

One of docketing's unforeseen advantages is a reduction in the number of matters proceeding to a contested hearing. This has reduced delays, saved significant amounts of the court's time, and meant that parties are reaching agreement before contested hearings. This in turn is likely to help social cohesion because parents are generally more likely to comply with agreed orders.

## Family Drug Treatment Court

In May 2016, the Family Drug Treatment Court (FDTC) celebrated two-years in operation. During the reporting year it helped and supported 53 parents and 51 children, significantly more than double the number of those involved in the program's first year. Seven parents have fully graduated and had their children (11 in total) returned to their care after achieving a healthy, drug-free lifestyle. The Department of Health & Human Services has withdrawn its involvement from all seven families, and all continue to maintain safe and secure family environments.

In addition to the seven graduates, during the reporting year a further two parents completed 12 months in the program. The Department of Health & Human Services continues to remain engaged with those families, but the parents have had their children returned to their care.

The Broadmeadows Children's Court's docketing system has supported positive outcomes for children of parents still in the FDTC program: there has been a significant reduction in the length of time between commencement and finalisation of their matters before the court.

## Case Study:

### Joanna Smith (a pseudonym)

Ms Smith came to the Family Drug Treatment Court (FDTC) aged 40. She has three children ranging in age from four to 21, all of whom had been placed in out-of-home care since early childhood. At time of presentation, Ms Smith had struggled for 20 years with addictions to benzodiazepines, methamphetamines and opioids.

Although she reported enjoying a stable and supportive childhood, Ms Smith fell pregnant with her first child in her late teens. When she was accepted into the FDTC, she had been in a severely violent relationship for 14 years, and was hospitalised as a result of abuse experienced in that relationship soon after commencing the program. Ms Smith did not smile or speak often at first and built trust slowly. However, with the support of the magistrate and the FDTC team, she found the courage to extricate herself from her relationship. She later provided police with a 21-page report detailing the extensive violence to which she had been subjected.

After that, Ms Smith went from strength to strength. She participated in a six-month residential rehabilitation program and later secured her own house in time to have all three of her children returned to her care for their first family Christmas together. Ms Smith and her children continue to live healthily and happily together and the Department of Health & Human Services have withdrawn their involvement. At her graduation ceremony, Ms Smith thanked the FDTC team and explained that she could not have turned her family's life around without the program's help and support.

The FDTC's list of positive outcomes for families is expected to grow as the program undergoes Health Outcomes International's independent evaluation. The final report will be delivered in March 2017.

### **Koori Family Hearing Day (Marram-Ngala Ganbu)**

Approximately 20 per cent of children appearing at the Broadmeadows Children's Court are Aboriginal. They are many times more likely to be placed in out-of-home care than non-Aboriginal children and, in fact, there are now more Aboriginal children in out-of-home care than at the height of the Stolen Generations.

Many Aboriginal families are reluctant to come to court because they feel powerless and frightened about the possible outcome. As a result, orders are often made without parents and extended family's input, and therefore don't reflect children's best interests. To counter these issues, the Koori Family Hearing Day will commence on 12 July 2016. This specialist list is called Marram-Ngala Ganbu, meaning "we are one" in the Woiwurrung language of the Wurundjeri people on whose traditional land the court is situated.

Marram-Ngala Ganbu will sit every Tuesday at Broadmeadows. It's designed to be culturally appropriate for Aboriginal people, providing services to which they can relate and with which they're happy to engage. A variety of Aboriginal services will attend the court each week along with magistrates, participants and families. Everyone sits at the same table and attempts to work out what's in the best interests of the children. Discussions involve the need for children to maintain their cultural links while considering their ongoing safety. Orders made in Marram-Ngala Ganbu are the same as those made for non-Aboriginal children, but, importantly, families are more engaged.

### **The Cubby House**

Located on the second floor of the new Broadmeadows Children's Court complex, the child friendly Cubby House is a Victoria-first initiative. Designed and financed by the Alannah & Madeline Foundation, in partnership with the Court, the facility provides a safe haven for children who are the subjects of protection applications made by emergency care, and who have come to court to give instructions to their lawyers.

The Cubby House features bean bags, games, television, and a fully qualified Youth Worker employed and funded by the Alannah & Madeline Foundation. Instead of spending time in the court's stressful atmosphere, children go to the Cubby House's quiet and supported environment. One hundred and forty-four children have spent time in the Cubby House since the court opened in October 2015, and the court is extremely grateful to the Alannah & Madeline Foundation for its vision and generosity.



*Koori Services Coordinator, Ashley Morris*

## Managing increasing demand

### Family Division

Despite legislative amendments and continual growth in child protection applications, the Court has experienced only a minor increase in listing delay (i.e. the waiting period before a matter is ready to be listed for hearing). At the end of the reporting period, the Melbourne and Moorabbin venues had 13-week waiting periods. Broadmeadows Children's Court had a significantly shorter delay of six weeks due to only opening in October 2015.

Full hearings can prolong the legal process, increase the amount of time a child is in out-of-home-care, and cause parties distress and inconvenience. That's why the Court continues to focus on less adversarial practices for resolving child protection cases, including intensive case management. The latter often results in resolution, avoiding lengthy and costly contested hearings. When parties settle before contested hearings, it also means specialised directions hearings, to which magistrates must allocate significant amounts of time, are avoided.

A 27 per cent increase in child protection applications filed at the Court's regional venues has resulted in further demand for resources. The Children's Court has met this demand by providing judicial officers statewide for directions and contested hearings. The delays for contested hearings in regional Victoria are commensurate with metropolitan venues.

### Criminal Division

The Melbourne Children's Court Criminal Division secured additional police prosecution resources, allowing parties to have productive out-of-court discussions. This has reduced demand for contest mentions and contested hearings, improving the Court's efficiency.

The Court has also implemented processes to improve the management of criminal proceedings during which a child or young person is in custody. In response to the increasing number of remand cases, the Court proactively manages the planning for custody hearings. For example, where appropriate, a magistrate can approve videolink court appearances. This avoids the disruption young people experience when they're transported to court for short hearings.

## Conciliation Conferencing

In the reporting year the Court conducted an increased number of conferences, which led to improved settlement rates.

A total of 2,758 conciliation conferences were conducted statewide, a 30 per cent increase on the previous year. Of those conferences, 41 per cent settled, 20 per cent were adjourned part heard, 14 per cent were adjourned for mention, and 25 per cent did not settle, resulting in a directions hearing being listed.

The Conference Unit now uses a quality assurance mechanism. Families are asked about their experience. The statements below provide a snapshot of the majority of families' Children's Court conference experiences:

***"I felt heard."***

***"I got to talk to my lawyer."***

***"I had my say and DHHS listened."***

***"The convenor made me feel comfortable and I felt safe."***

Overwhelmingly, families preferred to come to a conference to talk about their children rather than have their cases litigated at court. And, significantly, families (including women who had experienced family violence) felt safe.

In the first half of 2016/17, the Conference Unit will begin a pilot program of conferences at the court's Moorabbin venue. The aim is to remove onerous travel times for families in the Frankston DHHS catchment and southern region Child Protection workers. The pilot will run until December 2016 and be evaluated in January 2017.

Health Outcomes International is conducting an evaluation of the conferencing model, which has operated since 2010. A report will be delivered in 2016/17.



## Children's Koori Court

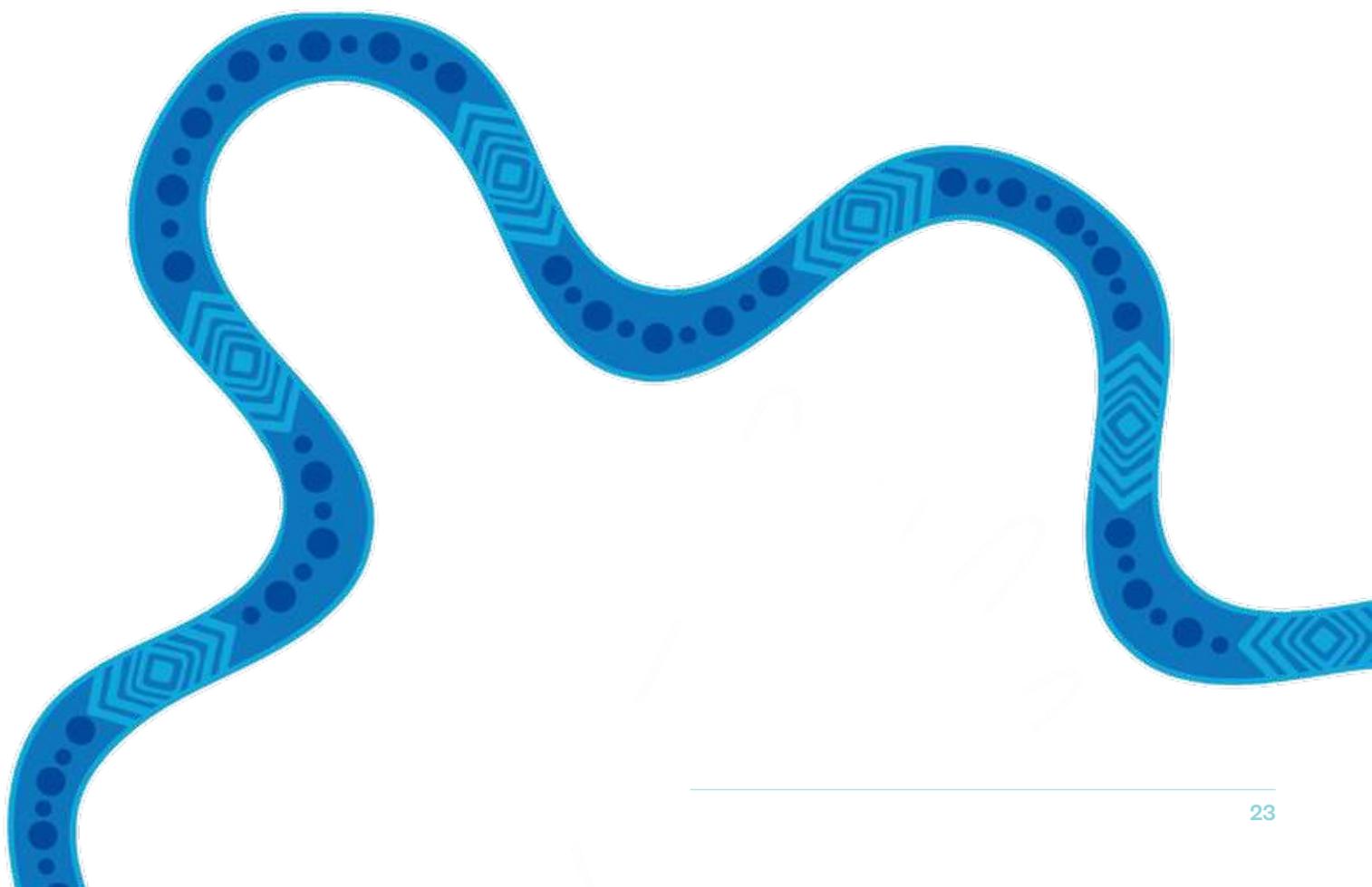
The reporting year marked the 10th anniversary of the establishment of the first Children's Koori Court in September 2005. The Court celebrated with an event attended by Victorian Attorney-General, the Hon. Martin Pakula MP, and the Hon. Marilyn Warren AC QC, Chief Justice of the Supreme Court of Victoria.

Several Elders who attended the event have been with the Children's Koori Court since its inception:

- Aunty Pat Ockwell;
- Uncle Kevin Coombs;
- Aunty Pam Pedersen;
- Aunty Helga Lehtinen; and
- Mrs Georgina Williams.

The Court wishes to acknowledge the Elders' ongoing commitment to the work of the Children's Koori Court and the young people who appear before it.

A Children's Koori Court was also launched in Geelong during the reporting year. That means the Children's Koori Court now sits at all regional venues where there is an adult Koori Court.



## Youth Diversion Pilot Program

The establishment of a statewide diversion program has long been a priority for the Children's Court. Offering young people an opportunity to address underlying causes contributing to their criminal behaviour could help them grow into responsible adults and divert them from further contact with the criminal justice system.

Diversion seeks to:

- change offending behaviours and attitudes;
- promote pro-social behaviour;
- assist rehabilitation;
- reduce crime;
- improve community safety; and
- cut criminal justice system costs.

### The Pilot

The Youth Diversion Pilot Program (YDPP) has operated since June 2015 at seven Children's Court venues: Dandenong, Sunshine, Broadmeadows, Werribee, Ballarat, Ararat and Stawell. In its first year of operation the YDPP has enjoyed strong support from the judiciary, the legal profession, Victoria Police and Youth Justice. By the end of June 2016, almost 300 young people had completed the program and, importantly, had avoided a finding of guilt being recorded.

Jesuit Social Services (JSS) delivers the program in partnership with the Youth Support and Advocacy Service (YSAS) and CentaCare (Grampians venues). It targets young people who acknowledge their offence/s and who have little or no history of offending. The aim is to provide support and intervention to divert them from the criminal justice system at this crucial point in their lives. The underlying reasons for offending are discovered, and intervention or support offered that assists young people to address problems likely to lead to further offending.

Magistrates order young people to complete the program and diversion plans are broad-ranging. They're created to fit the accused's circumstances and offending (e.g. letter of apology to the victim, drug and alcohol counselling, or attendance at employment services, etc.). Plans also focus on links to family, school and community.

### Referrals

In its first year, 330 young people were referred to the YDPP. Almost 40 per cent of referrals came from Dandenong, while the Grampians region accounted for just over 20 per cent. Seventy per cent of participants were male, and most were aged 15-17 years. The majority of young people identified as Australian, while 28 young people identified as Aboriginal or Torres Strait Islander.

### Offending

More than 40 per cent of young people referred to the YDPP had committed property and dishonesty offences, 21 per cent offences against the person, and 24 per cent recorded offences in multiple categories.

Assessment data indicates that about one third of participants have experienced a history of child protection involvement or family violence, 34 per cent reported alcohol or drug use, and 43 per cent reported mental health concerns.

There is strong evidence of correlation between offending and disengagement from education. Half of the YDPP participants had previously been expelled or suspended from school, and 37 per cent were not engaged in education or training at the time of referral.

YDPP's support and intervention has focused on ensuring the young person has a good understanding of the impacts of their offending. It supports them in regard to family relationships and links them with community activities. It also supports them to re-engage with education, training or employment, while linking them, if necessary, with mental health services. Brief intervention around alcohol and drug issues is also provided.

The most common outcomes to date (recorded by workers at program exit) have been:

- the young person demonstrating a better understanding of the impact of their offending;
- improved family and community relationships;
- re-engagement with education; and
- improved mental health.

### Evaluation

The YDPP has been extended to 31 December 2016. A three-stage evaluation was at time of writing being conducted to profile Children's Court clients, identify YDPP participants that later come into contact with the justice system, and examine program effectiveness.

## Education Justice Initiative

The Education Justice Initiative (EJI) at Melbourne Children's Court had a successful first year and the Department of Education in July 2015 committed funding for a further two years. Parkville College manages the initiative, which aims to address educational issues among young people involved in the youth justice system. EJI staff liaise with legal practitioners, Youth Justice workers and magistrates to identify young people at court who are experiencing education-related issues. They then provide information, advice, advocacy and support to assist these young people's re-engagement with school or other appropriate education/training options.

In the reporting year EJI provided assistance to 168 young people, of whom:

- 69 received direct support and advocacy with schools to resolve issues;
- 20 were supported through secondary consultation (to Youth Justice or other workers); and
- 79 were provided with brief advice/information only.

EJI provided assistance with a range of issues, including:

- school exclusions;
- education options and eligibility;
- school fees and charges;
- school attendance requirements; and
- other education system processes and policies (including the Out of Home Care Education Agreement protocol).

Of the young people with whom EJI worked, 66 were not enrolled in any education at time of first contact, and 65 had not attended school for six months or longer.

As well as having a daily presence at the Melbourne Children's Court, EJI attended 15 Koori Court sittings (Melbourne, Dandenong and Heidelberg). Twenty-four of the young people with whom EJI worked identified as Aboriginal or Torres Strait Islander.

## Case Study:

### Mason (a pseudonym)

Mason and his mother self-referred to EJI at the Children's Court for help to get Mason back in school. In 2015 he was in Year 10 at a Catholic school, and when he started to get into trouble with friends both in and outside school, the school suggested he find another setting for a fresh start in 2016. Because Mason had not been expelled, EJI initially advocated with the school for his return. Mason, however, decided he did not want to return so EJI provided information and advice about his local state school, other schools in his area, and TAFE options for completing his secondary education. EJI helped arrange an enrolment meeting with the local school and attended with Mason and his family. The family was facing financial hardship so EJI informed Mason's mother about options for reducing school costs, and advocated with his new school to minimise fees and establish an affordable payment plan. Mason is now enrolled and attending school regularly.

The evaluation of EJI's first year of operations was launched in December 2015. The Victoria Institute's Professor Kitty te Riele and Karen Rosauer produced Education at the Heart of the Children's Court which reported on EJI's activities and outcomes from September 2014 to June 2015. The report included a wide range of stakeholder views on EJI's value, concluding that its specialist knowledge and support around education issues for some of Victoria's most vulnerable children was filling a critical gap.

## Multi-disciplinary training

The Children's Court, Victoria Legal Aid and the Department of Health & Human Services receive ongoing funding to jointly deliver cross-disciplinary professional development for professionals in the court's Family Division. This allows participants working in the statutory child protection legal system to come together to learn, share ideas, understand each other's roles and prepare for change or reform.

In June 2015 a calendar of events was developed and published. The first "Court Craft Training" event was held in October 2015 and featured Magistrate Jennifer Bowles presenting on her Churchill Fellowship research findings: "What can be done? Residential treatment options for young people suffering substance abuse/mental illness". A panel discussion followed involving Magistrate Bowles, Associate Professor Rosemary Sheehan of the Faculty of Medicine, Nursing and Health Sciences (Social Work), Monash University, and Elisa Buggy, Program Manager, Family Drug Treatment Court, Children's Court of Victoria.

In February 2016, Children's Court President Judge Amanda Chambers and Magistrate Peter Power hosted two sessions on legislative amendments. Their sessions focused on amendments to the Children, Youth and Families Act 2005 which commenced on 1 March 2016. The sessions were video linked to regional court locations, including Geelong, Warrnambool, Ballarat, Latrobe Valley and Bendigo.

Also in February, the Victorian Aboriginal Child Care Agency (VACCA) was selected to design and deliver a one-day training program. The program was designed to address critical issues facing Aboriginal and Torres Strait Islander children and families in the child protection system, and to offer the MDT audience cultural awareness training. The first of six sessions was delivered in Melbourne in March 2016. Over the next year and a half, a further five sessions will be delivered in regional areas including Latrobe Valley, Mildura, Warrnambool and Shepparton.

On 16 June 2016, the first session of a two-part Court Craft Training series on ethics for professionals working in the Children's Court's Family Division was held. Presenters included Amanda Mendes Da Costa, Barrister, and Robyn Miller, former Principal Practitioner with the Department of Health & Human Services. The session also included Magistrate Francis Zemljak facilitating a panel discussion. The session was video recorded and, for the first time, streamed live on the web. This innovative new delivery method for professional development opportunities was well received and paves the way for live streaming of future Court Craft Training events. A link to the video recording was also published on the website. Part two in this series was scheduled for 11 August 2016.

Following a competitive procurement process, the MDT Board selected Women's Legal Service Victoria to design and deliver a Family Violence Training program. This follows awareness of the increasing impact family violence is having on children and families in the child protection system. This flagship event was scheduled for October 2016.

The training program, video recordings of events, and relevant papers are published on the Multi-disciplinary Training (MDT) webpage, accessible via the Children's Court website

## A New Brand for the Children's Court

In late 2014 it was decided that the Children's Court should be "re-branded". The idea was to establish a new, identifiable look – and consistency – for all Children's Court documents and publications following the court's administrative separation from the Magistrates' Court in 2012. The design process included consultation with the judiciary and administration to understand the Court's purpose, vision and mission.

The court's Annual Report 2014-2015 was the first document to feature the new branding. Since then significant work has been done on collating a body of documents for inclusion in an automated template menu system. The menu system is available for Children's Court staff and judicial officers statewide, ensuring:

- consistency of documentation and application of the brand;
- improved quality of documents produced; and
- improved efficiency (style and formatting of all documents is imbedded in the system's templates).

## Law Week 2016

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

The Children's Court invited a broad range of community representatives to visit the new Children's Court Family Division complex at Broadmeadows. The program included presentations from Judge Amanda Chambers and Magistrate Kay Macpherson. Charlie Bracey from the Alannah & Madeline Foundation also talked about her work with children in the Cubby House. In addition, Ashley Morris, Children's Court Koori Services Coordinator, discussed plans for the Koori Family Hearing Day, the specialist child protection list now available for Aboriginal and Torres Strait Islander families.

The event's highlight was hearing first-hand the experience of two parents who had been through the Family Drug Treatment Court program. They spoke openly about the circumstances that had brought them in contact with the child protection system, their experience of the Family Drug Treatment Court program, the improvements to their lives while in the program, and their children's eventual return to their care after they had graduated from the program. It was a rare opportunity for an audience to hear such personal stories.

After the formalities, court tours were offered, followed by refreshments and an informal discussion.



# 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 up to the age of 18 years, and in some cases up to 19 years.

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 his or her 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 Criminal Division of the court has jurisdiction to hear and determine summarily all offences (other than murder, attempted murder, manslaughter, child homicide, defensive 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.

## Criminal Division

### Activity within the Criminal Division

General demand in the Criminal Division is decreasing throughout the state in initiations and contested hearings in particular, and the total number of young people found guilty of a criminal offence fell to 2,429 (3,523 in 2014/15). Cell capacity for Children’s Court remands remains an issue statewide, and 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, avoiding the need to transport young offenders to and from court.

#### Number of criminal matters initiated, finalised and pending, 2014/15 – 2015/16

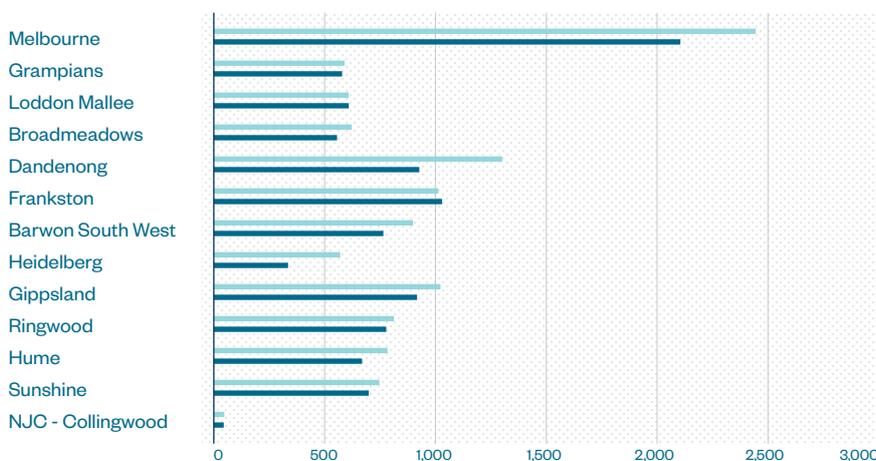
| Court Region <sup>1</sup>      | 2014/15       |               |              | 2015/16       |               |              |
|--------------------------------|---------------|---------------|--------------|---------------|---------------|--------------|
|                                | Initiated     | Finalised     | Pending      | Initiated     | Finalised     | Pending      |
| Melbourne                      | 1,923         | 2,533         | 531          | 2,105         | 2,465         | 567          |
| Grampians                      | 551           | 637           | 78           | 579           | 595           | 120          |
| Loddon Mallee                  | 614           | 705           | 129          | 609           | 613           | 179          |
| Broadmeadows                   | 562           | 584           | 117          | 556           | 627           | 106          |
| Dandenong                      | 874           | 1,096         | 256          | 927           | 1,312         | 192          |
| Frankston                      | 907           | 1,003         | 180          | 1,030         | 1,021         | 250          |
| Barwon South West              | 766           | 832           | 162          | 765           | 906           | 103          |
| Heidelberg                     | 620           | 650           | 142          | 335           | 575           | 82           |
| Gippsland                      | 903           | 942           | 256          | 917           | 1,031         | 261          |
| Ringwood                       | 919           | 966           | 180          | 778           | 819           | 213          |
| Hume                           | 873           | 941           | 128          | 669           | 790           | 114          |
| Sunshine                       | 684           | 800           | 223          | 699           | 753           | 249          |
| NJC – Collingwood <sup>2</sup> | 21            | 39            | 7            | 45            | 48            | 16           |
| <b>Total</b>                   | <b>10,217</b> | <b>11,728</b> | <b>2,389</b> | <b>10,014</b> | <b>11,555</b> | <b>2,452</b> |

1 A detailed list of court regions can be found on page 48 of this report.

2 The Neighbourhood Justice Centre 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.

#### Matters initiated and finalised, 2015/16

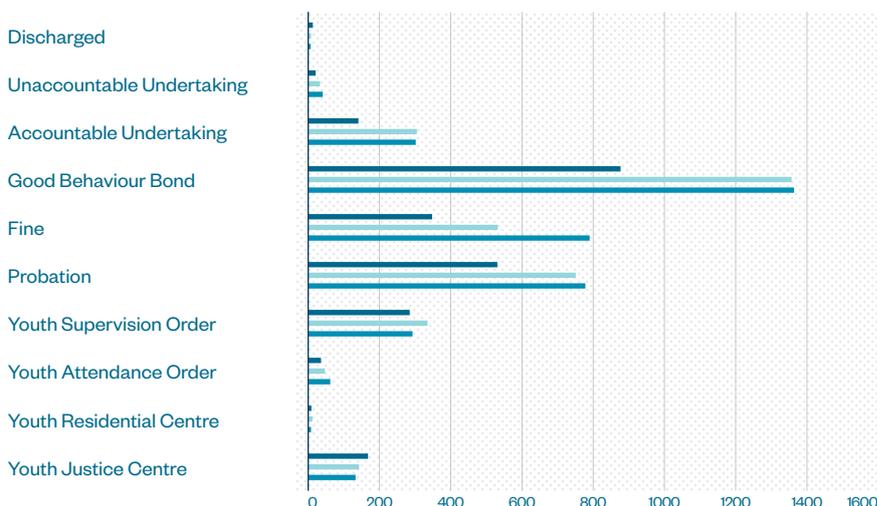
Finalised  
Initiated



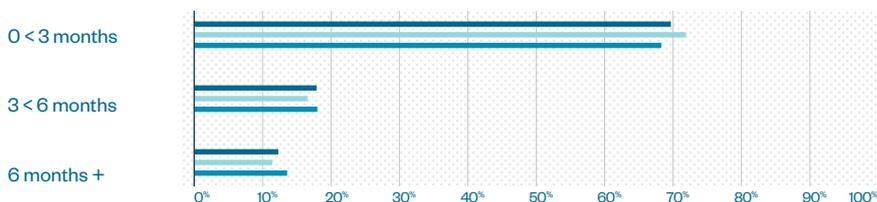
## Criminal Division

### Offenders found guilty, by outcome, 2013/14 – 2015/16

| Order                     | Number       |              |              | Percent       |               |               |
|---------------------------|--------------|--------------|--------------|---------------|---------------|---------------|
|                           | 2013/14      | 2014/15      | 2015/16      | 2013/14       | 2014/15       | 2015/16       |
| Discharged                | 7            | 8            | 13           | 0.2%          | 0.2%          | 0.5%          |
| Unaccountable Undertaking | 41           | 33           | 21           | 1.1%          | 1.0%          | 0.9%          |
| Accountable Undertaking   | 302          | 305          | 141          | 8.0%          | 8.7%          | 5.8%          |
| Good Behaviour Bond       | 1,364        | 1,357        | 877          | 36.1%         | 38.5%         | 36.1%         |
| Fine                      | 790          | 532          | 348          | 20.9%         | 15.1%         | 14.3%         |
| Probation                 | 778          | 751          | 531          | 20.6%         | 21.3%         | 21.9%         |
| Youth Supervision Order   | 293          | 335          | 285          | 7.8%          | 9.5%          | 11.7%         |
| Youth Attendance Order    | 62           | 47           | 36           | 1.6%          | 1.3%          | 1.5%          |
| Youth Residential Centre  | 8            | 12           | 9            | 0.2%          | 0.3%          | 0.4%          |
| Youth Justice Centre      | 133          | 143          | 168          | 3.5%          | 4.1%          | 6.9%          |
| <b>Total</b>              | <b>3,778</b> | <b>3,523</b> | <b>2,429</b> | <b>100.0%</b> | <b>100.0%</b> | <b>100.0%</b> |



### Distribution of criminal matter processing times, by elapsed time between date of first hearing and finalisation, 2013/14 – 2015/16



## 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 and finalised, 2014/15 – 2015/16

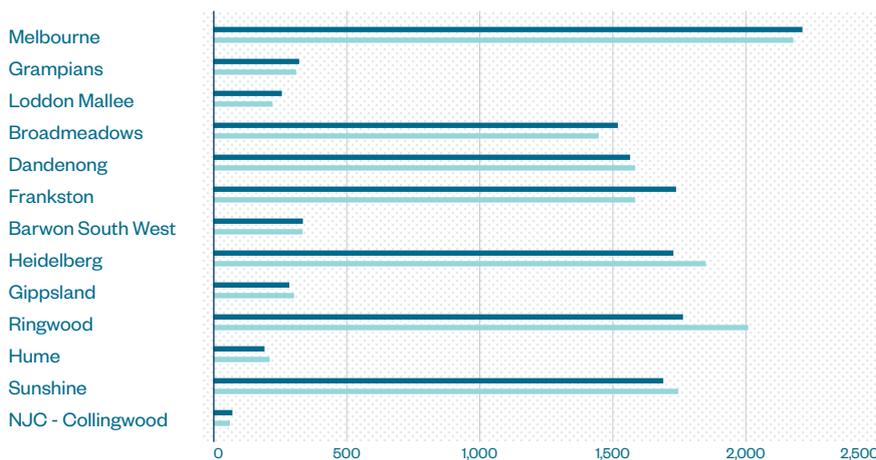
| Court Region <sup>3</sup>      | 2014/15       |              |              | 2015/16       |               |              |
|--------------------------------|---------------|--------------|--------------|---------------|---------------|--------------|
|                                | Initiated     | Finalised    | Pending      | Initiated     | Finalised     | Pending      |
| Melbourne                      | 1,880         | 1,643        | 288          | 2,213         | 2,179         | 162          |
| Grampians                      | 265           | 282          | 10           | 321           | 310           | 26           |
| Loddon Mallee                  | 170           | 162          | 41           | 256           | 221           | 51           |
| Broadmeadows                   | 1,010         | 1,001        | 110          | 1,519         | 1,447         | 179          |
| Dandenong                      | 1,028         | 1,058        | 135          | 1,565         | 1,584         | 103          |
| Frankston                      | 1,545         | 1,287        | 346          | 1,738         | 1,910         | 34           |
| Barwon South West              | 285           | 260          | 69           | 335           | 334           | 48           |
| Heidelberg                     | 527           | 456          | 189          | 1,728         | 1,850         | 195          |
| Gippsland                      | 249           | 236          | 52           | 284           | 302           | 37           |
| Ringwood                       | 1,568         | 1,316        | 390          | 1,764         | 2,009         | 141          |
| Hume                           | 267           | 250          | 54           | 191           | 210           | 38           |
| Sunshine                       | 1,256         | 1,244        | 150          | 1,690         | 1,746         | 116          |
| NJC – Collingwood <sup>4</sup> | 19            | 52           | 0            | 70            | 61            | 11           |
| <b>Total</b>                   | <b>10,069</b> | <b>9,247</b> | <b>1,834</b> | <b>13,674</b> | <b>14,163</b> | <b>1,141</b> |

<sup>3</sup> A detailed list of court regions can be found on page 48 of this report.

<sup>4</sup> The Neighbourhood Justice Centre 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.

### Matters initiated and finalised, 2015/16

■ Initiated  
■ Finalised



## 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.

### Number of young people appearing, number of matters finalised

| Location                                       | Number of young people | Matters finalised |
|--|------------------------|-------------------|
| Bairnsdale                                     | 4                      | 7                 |
| Dandenong                                      | 18                     | 16                |
| Heidelberg                                     | 4                      | 1                 |
| Latrobe Valley                                 | 15                     | 34                |
| Melbourne                                      | 37                     | 69                |
| Mildura  | 55                     | 79                |
| Shepparton                                     | 10                     | 27                |
| Swan Hill                                      | 3                      | 2                 |
| Warrnambool<br>(including Portland & Hamilton) | 6                      | 8                 |
| <b>Total:</b>                                  | <b>152</b>             | <b>243</b>        |

## Youth Diversion Pilot Program

The Children's Court commenced a pilot in May 2015 to offer a diversion program at Dandenong, Broadmeadows, Sunshine, Werribee, Ballarat, Ararat and Stawell. By June 2016, 330 young people had been referred to the program, with 93% completing their diversion plans and avoiding a finding of guilt.

## Sex Offences List (Melbourne)

The Melbourne Children's Court runs a sexual offences list in the Criminal Division designed to better manage these cases. This list is available to magistrates in metropolitan courts who may adjourn sex offence matters into this list for specialised case management.

## Education Justice Initiative

The Education Justice Initiative pilot, funded by the Department of Education and Training, was launched in September 2014. Managed by Parkville College, the initiative aims to address educational disadvantage among young people involved in the youth justice system.

Principally, the EJI connects young people appearing in the Melbourne Children's Court, and Heidelberg and Dandenong Children's Koori Courts, to an appropriate, supported education pathway by liaising and advocating with schools and training providers. In 2015/16, 168 young people were assisted via the program.

## Family Division

### Number of orders made, 2013/14 – 2015/16<sup>5</sup>

| Order   | 2013/14       | 2014/15       | 2015/16       |
|---|---------------|---------------|---------------|
| Adjournment   | 9,854         | 10,385        | 12,552        |
| Appointment – Independent Child Lawyer  | 59            | 147           | 261           |
| Care by Secretary order   | N/A           | ---           | 375           |
| Child attend court  | 21            | 10            | 13            |
| Conference information exchange order   | N/A           | N/A           | 1,594         |
| Custody to Secretary order  | 1,389         | 1,658         | 1,076         |
| Custody to third party order  | 7             | 13            | 4             |
| DHHS must file further report   | N/A           | N/A           | 1,868         |
| Dismissed   | 39            | 44            | 41            |
| Extension of care by Secretary order  | N/A           | N/A           | 309           |
| Extension of custody to Secretary order   | 1,498         | 1,543         | 1,027         |
| Extension of interim accommodation order  | 12,529        | 15,540        | 17,913        |
| Extension of family preservation order  | N/A           | N/A           | 150           |
| Extension of family reunification order   | N/A           | N/A           | 168           |
| Extension of guardianship to Secretary order                                    | 346           | 380           | 231           |
| Extension of supervised custody order <sup>6</sup> (repealed from 1 March 2016) | 194           | 231           | 172           |
| Extension of supervision order  | 393           | 380           | 219           |
| Extension of therapeutic treatment order  | 8             | 6             | 6             |
| Extension of therapeutic treatment (placement) order                            | 0             | 1             | 0             |
| Family preservation order   | N/A           | N/A           | 1,129         |
| Family reunification order  | N/A           | N/A           | 798           |
| Free text order <sup>6</sup>  | 14,728        | 18,620        | 23,535        |
| Guardianship to Secretary order   | 261           | 313           | 179           |
| Interim accommodation order   | 7,663         | 8,559         | 9,554         |
| Interim protection order)   | 1,131         | 1,218         | 662           |
| Leave for TAO without notice order  | 9             | 0             | 1             |
| Leave to apply to vary/revoke permanent care order                              | N/A           | N/A           | 1             |
| Long-term care  | N/A           | N/A           | 91            |
| Long-term guardianship to Secretary order                                       | 46            | 40            | 31            |
| Order for costs   | 36            | 124           | 342           |
| Permanent care order  | 318           | 305           | 535           |
| Refusal to make protection order (s.291(6) CYFA)                                | 122           | 121           | 78            |
| Search warrant  | 4,069         | 4,961         | 5,432         |
| Struck out  | 1,158         | 902           | 1,861         |
| Supervised custody order  | 579           | 737           | 616           |
| Supervision order   | 2,153         | 2,516         | 1,946         |
| Temporary assessment order  | 17            | 4             | 11            |
| Therapeutic treatment order   | 26            | 28            | 17            |
| Therapeutic treatment (placement) order   | 2             | 0             | 0             |
| Undertaking – common law  | 23            | 25            | 33            |
| Undertaking - application proved  | 201           | 196           | 263           |
| Undertaking - dismissed   | 24            | 26            | 27            |
| Undertaking - refusal to make protection order                                  | 12            | 8             | 8             |
| Undertaking - struck out  | 147           | 243           | 249           |
| <b>Total</b>  | <b>59,062</b> | <b>69,284</b> | <b>85,378</b> |

<sup>5</sup> Legislative amendments commenced in 2016 and changed the regime of court orders. See page 35 for an explanation.

<sup>6</sup> Free text orders most commonly record directions made by the court and orders made in response to oral applications e.g. directions for the release of Children's Court Clinic reports, and orders joining additional parties to proceedings. Free text orders may also record the withdrawal of proceedings.

## Activity within the Family Division

The Children's Court again experienced significant demand growth this year. In 2015/16, the Family Division workload continued to grow with a statewide increase of 9% in the number of primary applications issued compared to the previous year. Total applications (primary and secondary) increased by 16%. The most significant increases in primary applications occurred in the Grampians, Loddon Mallee and Gippsland regions.

For a second consecutive year, there has been a shift in caseload distribution, and about 45% of all protection applications were heard outside of Melbourne. Of the 2,758 Conciliation Conferences conducted, 937 of these were conducted regionally with a settlement rate of over 50%. In addition to conferencing, additional resources were allocated to regional courts in 2015/2016 with specialist magistrates conducting directions hearings. The court is achieving high resolution rates resulting in a reduced number of regional family division contests proceeding.

When reading the statistics in the table "Number of orders made, 2013/14 – 2015/16" the following information should be taken into account:

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        |

## Family Division

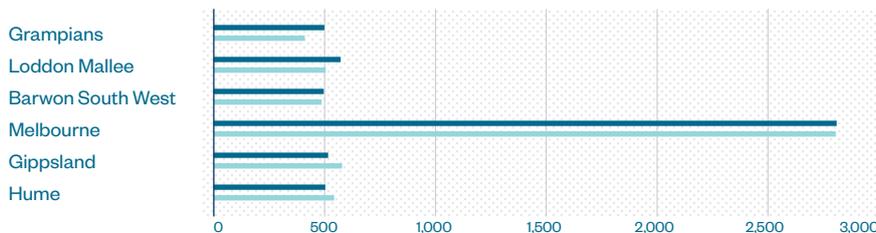
Number of primary applications initiated, finalised<sup>7</sup> and pending, 2014/15 – 2015/16

| Court Region      | 2014/15      |              |              | 2015/16      |              |              |
|-------------------|--------------|--------------|--------------|--------------|--------------|--------------|
|                   | Initiated    | Finalised    | Pending      | Initiated    | Finalised    | Pending      |
| Grampians         | 291          | 248          | 113          | 499          | 411          | 137          |
| Loddon Mallee     | 402          | 369          | 121          | 572          | 505          | 171          |
| Barwon South West | 434          | 461          | 91           | 496          | 487          | 98           |
| Melbourne         | 2,824        | 2,223        | 1,553        | 2,810        | 2,806        | 1,503        |
| Gippsland         | 448          | 400          | 158          | 516          | 579          | 138          |
| Hume              | 534          | 446          | 148          | 503          | 543          | 122          |
| <b>Total</b>      | <b>4,933</b> | <b>4,147</b> | <b>2,184</b> | <b>5,396</b> | <b>5,331</b> | <b>2,169</b> |

<sup>7</sup> The Children's Court has undertaken an audit of Family Division matters heard in 2015-16 in order to more accurately reflect the number of matters finalised. This has resulted in an increase in reported matters finalised and in the reported clearance rate.

Primary applications initiated and finalised, 2015/16

■ Initiated  
■ Finalised

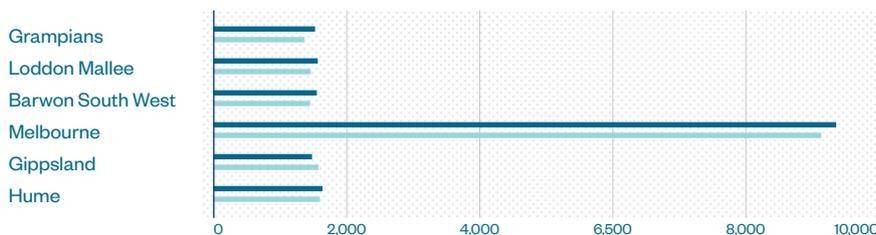


Number of secondary applications initiated, finalised and pending, 2014/15 – 2015/16

| Court Region      | 2014/15      |              |              | 2015/16       |               |              |
|-------------------|--------------|--------------|--------------|---------------|---------------|--------------|
|                   | Initiated    | Finalised    | Pending      | Initiated     | Finalised     | Pending      |
| Grampians         | 686          | 556          | 349          | 1,024         | 954           | 230          |
| Loddon Mallee     | 819          | 678          | 279          | 992           | 954           | 232          |
| Barwon South West | 835          | 703          | 323          | 1,053         | 962           | 312          |
| Melbourne         | 5,793        | 4,865        | 2,728        | 6,550         | 6,328         | 2,215        |
| Gippsland         | 861          | 681          | 424          | 961           | 994           | 253          |
| Hume              | 862          | 716          | 332          | 1,132         | 1,051         | 272          |
| <b>Total</b>      | <b>9,856</b> | <b>8,199</b> | <b>4,435</b> | <b>11,712</b> | <b>11,243</b> | <b>3,514</b> |

Total number of primary and secondary applications initiated and finalised, 2015/16

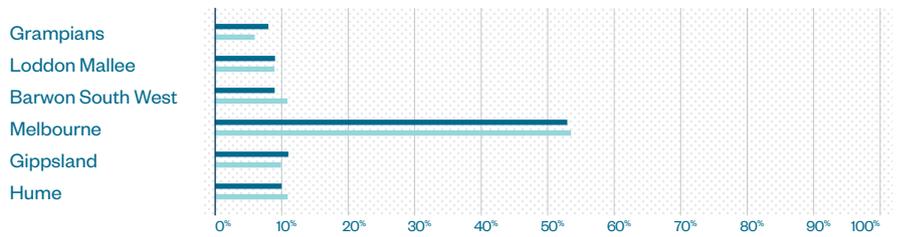
■ Initiated  
■ Finalised



## Family Division

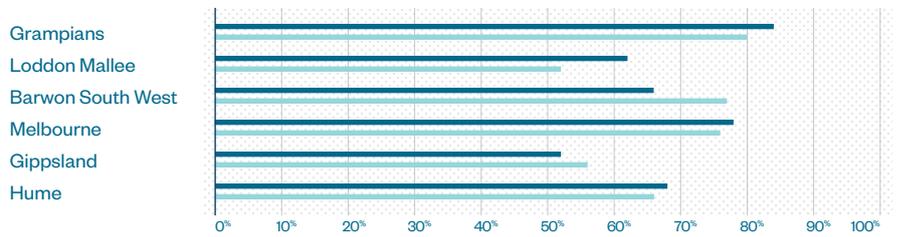
2015/16  
2014/15

Regional caseload distribution for finalised primary applications, 2014/15 – 2015/16



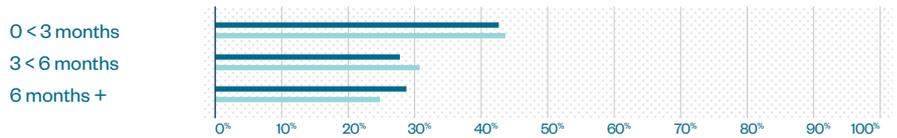
Percentage of protection applications initiated by emergency care, 2014/15 – 2015/16

2015/16  
2014/15



Distribution of primary application processing times, by elapsed time between date of first hearing and finalisation, 2014/15 – 2015/16

2015/16  
2014/15



### Conciliation conferences

Conciliation conferences in the Family Division of the Children’s Court are intended to facilitate the early resolution of applications through a non-adversarial process. The conciliation conference process provides for:

- better preparation by participants;
- more time for discussion in an appropriate environment;
- Department of Health & Human Services decision makers being present at the conference;
- appropriate behaviour by all participants; and
- an appropriate process for those children who wish to participate.

The court’s commitment to this model of dispute resolution continues to benefit families in preventing many cases proceeding to a contested hearing. Statewide rollout of conciliation conferences was completed in early 2014. In 2015/16, over 2,000 matters listed for a conference were resolved or partially resolved without a directions hearing by a magistrate.

#### Number of conciliation conferences conducted, 2014/15 – 2015/16

2014/15



2015/16



- Conferences resulting in settlements
- Conferences resulting in partial settlements
- Conferences resulting in directions hearing

## Family Drug Treatment Court

The Family Drug Treatment Court (FDTC) engages parents whose substance misuse/dependence has played a significant part in the removal of their children from their care. Utilising intensive case coordination and therapeutic intervention to address issues of substance misuse/dependence, mental health, housing, and deficits in parenting and financial management, among others, the FDTC aims to achieve permanent, sustainable family reunification of parents and their children.

The table below provides information on families on the FDTC program as at 30 June 2016.

|   |    |
|---|----|
| Parents referred to program   | 53 |
| Current parent participants   | 26 |
| Participants awaiting assessment                                      | 6  |
| Participants exited program or returned to mainstream Family Division | 40 |
| Parents referred to program or declined to participate                | 2  |
| Participants graduated from program                                   | 7  |
| Children of participants  | 51 |
| Families reunified whilst on the program                              | 11 |
| Children reunified with parent/s                                      | 13 |

## D List

The D List provides intensive management of cases in which there are allegations that a child has or is likely to suffer harm as a result of sexual abuse (section 162(1)(d) Children, Youth and Families Act 2005). In addition to applications brought under ground 162(1)(d), applications involving Therapeutic Treatment Orders as well as post-proof extensions and variations which include sexual abuse allegations have also been brought into the D List.

In actively case managing D List matters the court continues to recognise the need to prioritise matters involving sexual abuse allegations. Frequently these allegations involve serious allegations of abuse which require significant and sophisticated intervention and management by the Department of Health & Human Services from the outset. The children and families involved in such cases benefit from a timely and thorough investigation of not only the allegations but the appropriate responses, should such allegations be found proven.

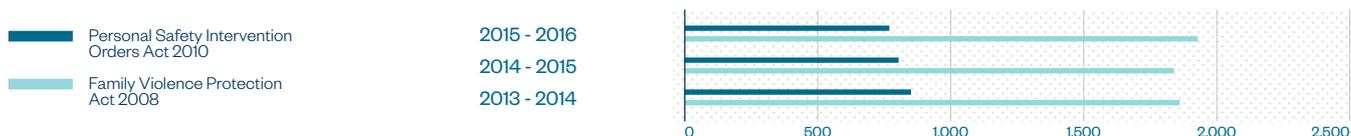
### Intervention Orders - Family Violence and Personal Safety

In 2015/16, the number of intervention order applications finalised was similar to the previous year. Most applications were determined within three months, and in just over half, an intervention order was made. The bulk of intervention order applications relate to allegations of family violence and in about one-third of cases, the parties were not related.

#### Applications for an intervention order finalised by outcome, 2013/14 – 2015/16

|                         | Number       |              |              | Percent       |               |               |
|-------------------------|--------------|--------------|--------------|---------------|---------------|---------------|
|                         | 2013/14      | 2014/15      | 2015/16      | 2013/14       | 2014/15       | 2015/16       |
| Intervention order made | 1,610        | 1,562        | 1,728        | 59.2%         | 58.9%         | 63.8%         |
| Refused                 | 35           | 29           | 24           | 1.3%          | 1.1%          | 0.9%          |
| Complaint struck out    | 477          | 388          | 293          | 17.5%         | 14.6%         | 10.8%         |
| Complaint withdrawn     | 588          | 662          | 649          | 21.6%         | 24.9%         | 24.0%         |
| Complaint revoked       | 12           | 13           | 14           | 0.4%          | 0.5%          | 0.5%          |
| <b>Total</b>            | <b>2,722</b> | <b>2,654</b> | <b>2,708</b> | <b>100.0%</b> | <b>100.0%</b> | <b>100.0%</b> |

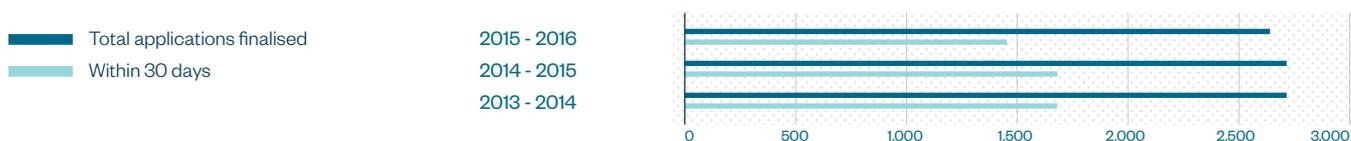
#### Applications for an intervention order finalised by Act under which application made, 2013/14 – 2015/16

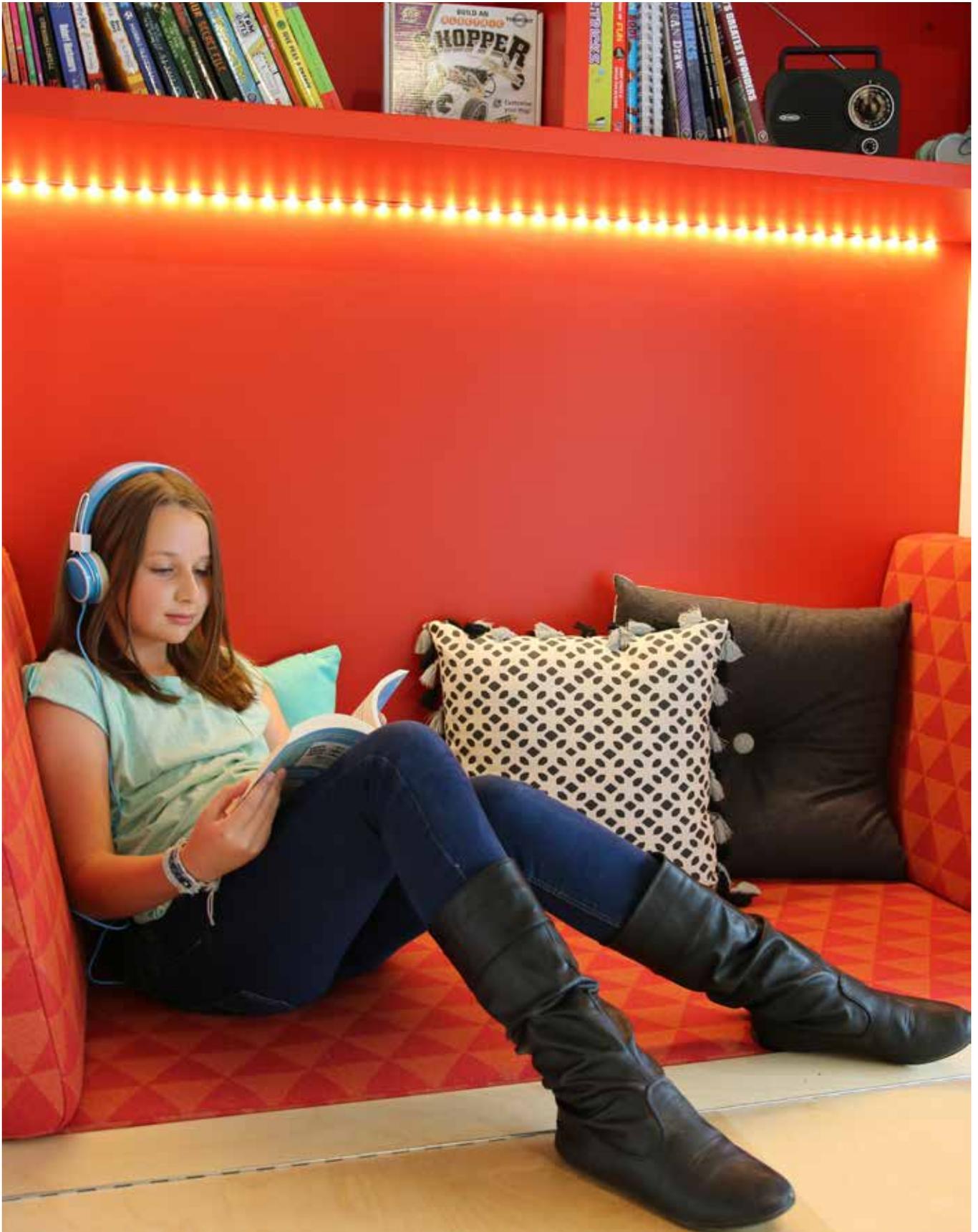


#### Applications for an intervention order finalised, by elapsed time between date of issue and finalisation, 2013/14 – 2015/16



#### Applications for an intervention order finalised, and proportion finalised within 30 days of issue, 2013/14 – 2015/16





## Children's Court Clinic

The Children's Court Clinic, under the directorship of Dr Patricia Brown, is an independent body which conducts assessments and provides reports on children and their families at the request of Children's Court magistrates throughout Victoria. The clinic also has a small treatment function in selected cases still before the court and is a teaching facility.

The clinicians employed are highly skilled psychologists and psychiatrists who have specialist knowledge in the areas of child protection and youth offending. Clinicians may be asked to provide advice about a child's situation in his or her family, the course of the child's development over the years, any special needs within the family, and if it is required, where treatment might be obtained. The clinic also makes recommendations to the court about what should happen in the child's best interest.

During 2015/2016 there were 940 court referrals to the clinic of children, young persons and their families, which represents an overall decrease of 4.7% (4.5% in protection matters and 4.4% in criminal matters) on referrals in the previous year. The greater proportion of the assessments were carried out by sessional clinical psychologists with psychiatrists, neuropsychologists and forensic psychologists also contributing to the service.

Of the 940 referrals for assessment during 2015/16, 280 were criminal cases, 641 were child protection cases and 19 were family violence/personal safety matters. Of the total, 575 referrals emanated from the metropolitan area and 365 were from country regions of the state.

In addition to assessments, the Children's Court Clinic also has a short-term treatment function in respect of cases where treatment at the clinic is made a condition of an interim order by a magistrate. During 2015/16 the clinic provided 52 such sessions.



# The Court and the Community

## Community Education Program

The President, magistrates and staff of the Children's Court regularly participate in presentations and information sessions about the court's work.

During 2015/16 the court facilitated approximately 60 presentations and community visits to Melbourne Children's Court. Visiting groups have included foster carers, trainee bail justices, teachers, maternal and child health workers, and a wide range of students.

Before court commences, Melbourne magistrates provide time to address these groups, answering questions about the jurisdiction and the Children's Court operations. In addition, the President and magistrates in this reporting year continued to provide addresses to a wide range of forums.

## International Visitors to the Court

Along with visitors from other Australian courts' judiciary and administration staff, the court also regularly receives official international visitors, some of whom are judiciary members. In the reporting year, the court received visitors from China (three delegations), Japan and Cambodia.

The Cambodian delegation's visit to Australia, facilitated by Children's Rights International (CRI) and funded by UNICEF, aimed to provide support for the first juvenile justice law being passed in that nation. The tour exposed Cambodian lawyers and officials to laws, procedures and best practice in juvenile justice, particularly in the areas of restorative justice and diversion.

As part of their visit, the delegation in March 2016 participated in a weeklong study program at the Children's Court. The program included presentations from Judge Amanda Chambers, Magistrate Jennifer Bowles, children's lawyer Andrew McGregor, and representatives from Jesuit Social Services and the Education Justice Initiative.



## Engaging the Community

The Children's Court is committed to engaging relevant sections of the community, whether that's children, young people and families we serve, key stakeholders in the court's process, the service sector or the wider Victorian community.

Koori families and young people are over-represented in our jurisdiction and the court addresses this through active partnering with the Koori community. Children's Court President Judge Amanda Chambers regularly meets with Elders and Respected Persons sitting in our Koori Court. In the reporting year the court participated in NAIDOC events and acknowledged the Koori Court's success by celebrating its ten-year anniversary and launching its Geelong operation.

Judge Chambers delivered the 2015 Chancellor's Lecture at Victoria University, "Children's Rights in Australia", and in May presented at "Education State Talks". Judge Chambers also presented to judicial colleagues at "Child Protection and the Aboriginal Placement Principles", a Judicial College of Victoria seminar.

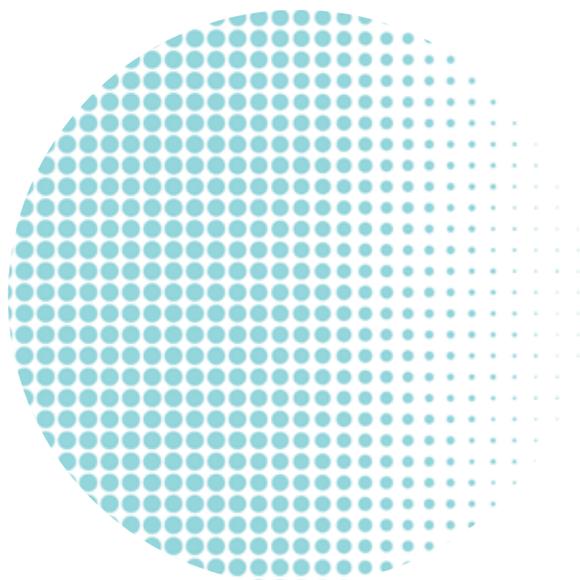
The President also regularly engages with the legal profession. She presented to the Bar Readers Course, hosted a meeting of the Law Institute of Victoria board, opened an ethics program for professionals working in the jurisdiction, and presented to Victoria Legal Aid lawyers on professional wellbeing.

Regional venues also featured in the President's diary with visits to Bairnsdale to examine youth diversion programs for young Koori offenders, an address to foster carers in Warrnambool, and a speaking engagement at the July opening of the Malmsbury Secure Youth Justice Centre.

## Work experience program

The Melbourne Children's Court has run a popular work experience program for many years. Designed for secondary and tertiary students, the program hosts at least one student every available week of the year. During 2015/16 the court hosted 41 students. Of those, 37 were secondary students completing a work experience week, while 4 were tertiary students on one or two-week placements.

Students view from a bench clerk's perspective court proceedings in a variety of cases from both the family and criminal jurisdictions. They view the court's computerised case management systems in operation and the deputy registrars' range of general office duties. Students are also encouraged to perform administrative tasks appropriate to their age and experience.



# 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 currently has 13 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 Jennifer Bowles

Mr Darrin Cain

Mr Peter Dotchin

Ms Lesley Fleming

Ms Jane Gibson

Mr Martin Grinberg

Ms Michelle Hodgson  
(from 1 February 2016)

Ms Gail Hubble

Ms Kay Macpherson

Ms Kim Parkinson

Ms Roslyn Porter

Ms Sharon Smith

Mr Mark Stratmann  
(until 29 January 2016)

Mr Francis Zemljak



# Court Locations And Sitting Days

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 (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.





