

Children's Court of Victoria Annual Report 2017/18

About the Court

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

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

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

Acknowledgment

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

Strategic Priorities 2016/2020

Our Value Statement

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

Our Culture

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

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

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



Children's Court of Victoria Annual Report 2017/2018

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 2017/2018.

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

Yours sincerely

Judge Amanda Chambers
President, Children's Court of Victoria

Contents

Reports	2
Report of the President	3
CEO's Message	9
Highlights	12
The Year at a Glance	13
Melbourne Children's Court Cubby House	14
Children's Court Family Violence Initiatives	15
Court Support Coordinators	16
Koori Family Hearing Day (Marram-Ngala Ganbu)	17
Youth Justice Reforms	18
Children's Koori Court	19
The Education Justice Initiative	20
State-wide Expansion of Youth Diversion	21
Multi-disciplinary Training	22
Court User Satisfaction Survey	23
Court and Community	24
Judicial Education and Engagement	25
Tours & Information Sessions	26
Professional Training Sessions	26
Law Week 2018	27
Work Experience Program	27
Operations	28
Criminal Division	30
Family Division	36
Family Violence and Personal Safety Jurisdiction	45
CAYPINS	48
Children's Court Clinic	49
Our Judiciary	50
Court Locations	51

Reports





Report of the President Judge Amanda Chambers

I am pleased to present the Annual Report on behalf of the Children's Court of Victoria for the 2017/18 financial year.

Farewells

In April 2018, the Children's Court farewelled Dr Patricia Brown as Director of the Children's Court Clinic following 53 years of service. The Children's Court Clinic has a remarkable and enviable history. From best estimates, and with considerable foresight, the Clinic was established in 1945 and became the model for other such clinics now operating across Australia. Established to provide high quality, independent clinical advice to assist the Court in its specialist work with children and families, it owes much of its standing and reputation to the forensic expertise Dr Brown brought to her leadership of the Clinic. The Children's Court and the children and families of Victoria have been the beneficiaries of her many years of service. We remain indebted to Dr Brown and wish her all the best of health and fulfilment in her well-earned retirement.

I wish to thank Forensic Psychologist, Dr Sophie Reeves for assuming the role of Acting Director of the Children's Court Clinic pending recruitment to this important position.

Collaborations

To be effective, the Children's Court cannot work in isolation. The Court recognises that a multi-disciplinary approach is necessary to work with the children, youth and families that appear before it. This year, the Children's Court continued its tradition of collaboration with other community organisations to expand the services available at Court to assist children and families.

The Royal Commission into Family Violence recognised the unique position of adolescent perpetrators of family violence and the need for Court-based services to provide both young people and their families with relevant information and referrals to services. The Children's Court engaged experienced community service providers comprising a consortium of Merri Health, Drummond Street Services and Deakin University to deliver these services. Operating out of the Melbourne Children's Court, this specialist family violence service works together with the Children's Court family violence team to provide comprehensive, targeted and integrated family support to both adolescent perpetrators and to their families.

To complement this family violence service, the Children's Court, in collaboration with Jesuit Social Services, has developed a twelve-month pilot of family group conferencing (the RESTORE program) incorporating restorative processes to address risk and improve relationships where adolescent violence in the home has resulted in an application for an intervention order in the Children's Court. I wish to acknowledge the work of the Children's Court Lead Magistrate for Family Violence, Magistrate Gail Hubble, in leading this work with Jesuit Social Services.

The need for a safe space for children who have been removed from family in child protection proceedings, led to the creation of the Cubby House initiative at Broadmeadows Children's Court in 2015 supported by the Alannah & Madeline Foundation. This year, the Children's Court at Melbourne was refurbished to provide safe waiting areas for those affected by family violence and to develop a purpose-built Cubby House at Melbourne, creating a safe, protected and supported environment for children taken into emergency care. I express my gratitude to the Alannah & Madeline Foundation for its tremendous support in this initiative.

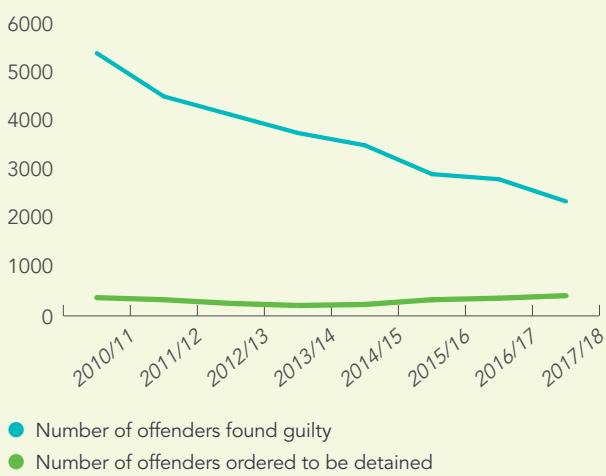
The Children's Court, in partnership with Monash University, has undertaken a study into effective responses to children and young people involved in both the criminal justice and statutory child protection systems. This study, once published, will assist the Court in developing court-based processes that better respond to the needs of this complex group of young people.

The Education Justice Initiative (EJI), developed by the Children's Court with the Department of Education and Training (DET), places education officers in every Children's Court. Following a successful pilot in 2014, the EJI was expanded in early 2018 to twenty-two venues of the Children's Court and the Children's Koori Court. This year, the EJI assisted 490 young people to re-engage in education.

The Youth Diversion program expanded State-wide from 1 January 2017, with Children's Court Youth Diversion coordinators now located at every Children's Court venue to assess and support young people who are found suitable to divert from the criminal justice system. This highly successful program diverted 1404 young people from the criminal justice system in this reporting period.

Criminal Division

This year is no exception to the downward trend in the number of young people found guilty of a criminal offence in Victoria since 2010/11, as illustrated by data contained in the graph below:



Last year I reported that 2,822 young people were found guilty of a criminal offence. In this reporting period that figure fell further, to a total of 2,364 young people found guilty of a criminal offence in 2017/18. This represents a dramatic reduction of 64 per cent in the number of individual young offenders appearing in the Children's Court over the past ten years.

This trend is not unique to Victoria but is seen in States and Territories across Australia. Equally however, despite this overall reduction in young offenders, for a small cohort of young people the serious nature of their offending has seen a continued increase in the number of orders for children to be detained, which is a sentence of last resort under the *Children, Youth and Families Act 2005* (the CYFA). In 2017/18, 274 orders were made for the detention of young people, increasing from 240 in the previous year.

In May 2017, the Children's Court at Melbourne instituted a Fast Track Remand Court (FTRC) to actively case manage the criminal charges of young people held on remand, with the support of additional Government funding of \$3.4 million. At the time this initiative was introduced, 81 young people on remand accounted for 91.5 per cent of the total youth detention population, with each spending on average 116 days on remand until sentenced. Since the FTRC was introduced, the average time on remand for cases managed in the FTRC is 47 days, a reduction in time on remand of around 60 per cent. The overall percentage of young people on remand has also decreased to 55 per cent as a proportion of the youth detention population.

In this reporting period, 325 individual young people appeared before the FTRC. Of those, only two matters proceeded to a contested hearing, with 99 per cent of matters resolving to a plea to appropriate charges through the intensive case management process.

The *Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017* introduced significant amendments to the CYFA, including the introduction of a new sentencing option being the Youth Control Order, which became available from 1 June 2018. Clearly, the impact of the new sentencing option is difficult to ascertain in this reporting period. Any trends, and the impact on the number of youth detained, will become clearer over the next 12 months.

The Children's Koori Court continues to provide a culturally appropriate court process for Aboriginal and Torres Strait Islander children. The Court celebrated the 10th Anniversary of the Children's Koori Court in Mildura, which first sat on 20 September 2007. To mark the event, a respected Elder, Uncle Peter Peterson painted a magnificent mural to greet the young people as they enter Koori court at Mildura. I take this opportunity to acknowledge and thank the Elders and Respected Persons of the Children's Koori Court for their expertise in assisting the young people who appear before them.

Family Division

It is in the Family Division of the Children's Court where the court has experienced significant growth over the past ten years. The Family Division deals with all child protection applications and with applications for family violence intervention orders.

This year saw a further increase in the number of primary applications made to the Court where a child is considered to be in need of protection from abuse, neglect or harm. In 2016/17, 5,129 primary applications were filed with the Court. That number increased to 5,567 in 2017/18. A further 12,024 secondary applications, such as breach or revocation applications, were also filed with the Court. Significant demand growth has been experienced in the southern region, placing enormous stress on the workload and infrastructure of all who attend at and work in the Family Division of the Moorabbin Children's Court.

As demonstrated by the graph below, the increase in the volume of child protection work coming into the Children's Court over the past ten years remains the most significant challenge for the Court in responding to demand growth across the State:



As this data demonstrates, a child in Victoria is over seven times more likely to have a case initiated in the Children's Court because they need protection from physical, sexual or emotional harm, abuse or neglect than they are to be found guilty of having committed a crime.

This is a second full reporting period since the permanency amendments to the CYFA, introduced by the *Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014*, commenced operation in March 2016. The legislative amendments aim to ensure permanent care arrangements for children in need of protection are made at the earliest available opportunity.

The permanency amendments alone have not resulted in any significant increase in the number of permanent care orders made by the Court. Since being introduced, the number of permanent care orders has remained relatively stable, with 485 orders made in 2016/17 and 438 orders made in 2017/18.

The most striking trend revealed by the data is the growth in care by Secretary orders since the introduction of the permanency amendments. The Children's Court has no legislative power to impose conditions on a care by Secretary order (or long-term care orders) under the amendments. In 2017/18, 1,080 care by Secretary orders were made. In 2015/16, 179 Guardianship to Secretary orders (the equivalent order pre-March 2016) were made. Of concern, there has been a notable increase in the number of safe custody warrants issued by the Children's Court, with 4,961 warrants issued in 2014/15 increasing to 6,505 warrants issued in 2017/18.

In contrast to the position with a care by Secretary Order, the Children's Court has broad power to impose conditions on interim accommodation orders in the best interests of the child. In a landmark decision of the Supreme Court of Victoria in *ZD v Secretary to the Department of Health and Human Services [2017] VSC 806*, Osborn JA upheld the decision of a Children's Court magistrate to order the vaccination of young children subject to interim accommodation orders, despite that condition having long-term implications. The Supreme Court held that the decision was consistent with the wide discretion of the Children's Court to impose any condition in the best interests of the child when making an interim accommodation order.

Family Drug Treatment Court

The Family Drug Treatment Court (FDTC), established within the Family Division of the Broadmeadows Children's Court in 2015, provides intensive support and judicial monitoring of parents where a child has been removed from the care of a parent due to drug or alcohol abuse. The FDTC does so through a dedicated team of professionals including a Court based senior clinician, clinical case managers, a dedicated child protection practitioner, supported by Drug & Alcohol services. In this year, twenty children were reunified with ten parents following their successful completion of the program, with a further thirty children reunified with seventeen parents following completion of the program.

Marram Ngala-Ganbu

The Koori Family Hearing Day (Marram Ngala-Ganbu) was developed in 2016 as an Australian first, to improve outcomes for Aboriginal children in child protection proceedings at the Broadmeadows Children's Court. The Court aims to improve adherence to the Aboriginal Child Placement Principle in the CYFA by supporting Aboriginal and Torres Strait Islander families to have a voice in proceedings, assisted by our Koori Services Coordinators. In this year, Aboriginal families made up 24.8 per cent of families appearing in the Family Division of the Broadmeadows Children's Court.

Thanks

I thank all my judicial colleagues for their unstinting work ethic, expertise and the conscientious way in which they deal with the demands of this specialist jurisdiction.

I also thank my Chief Executive Officer, Mr Simon McDonald and his leadership team for their commitment to the work of this court, their strategic governance and sound advice.

I am pleased to report that the Staff Satisfaction Surveys conducted each year reflect the collegiate nature of the Children's Court and the opportunities for learning and development that are offered to all staff. The registry, co-ordinators and other specialist support staff including the Conciliation Conference conveners, the Children's Koori Services Coordinators, the Koori Support Officer and our Court Support Coordinators, all provide outstanding assistance to the children and families attending at Court and are integral to the spirit of the Children's Court. I am grateful to each of them for their contribution to the work of the Court.

This Court would not operate without the dedication and professionalism of others involved in the operations of the Children's Court including the clinicians of the Children's Court Clinic, Victoria Legal Aid, Victoria Police and Police prosecutors, the Office of Public Prosecutions, the private practitioners and members of the Victorian Bar who specialise in the work of the Children's Court, the Department of Health and Human Services, the Child Protection Litigation Office, Secure Welfare, Parkville College, the EJI, Youth Justice and the Youth Justice Court Advice Unit and Bail support team, Court Network, the Salvation Army and G4S Security.

On a personal note, I could not do my job without the support, friendship and expertise of my Executive Assistant, Nola Los and the Court's Senior Legal Researcher, Lisa Lee whose recently completed PhD will be rightly celebrated when she adds Dr to her name.

The Children's Court is a State-wide court that is reliant on the contribution of all magistrates across the State. I thank them for their commitment to the work of the Children's Court particularly in times of increasing workloads and competing pressures. I also extend my gratitude to the Chief Magistrate, Peter Lauritsen and the State Coordinating Magistrate, Franz Holzer for their assistance and cooperation throughout the year.





CEO's Message

Simon McDonald

Each day, the Children's Court strives to fulfil its mandate and purpose – to be a specialist court dealing with matters relating to children.

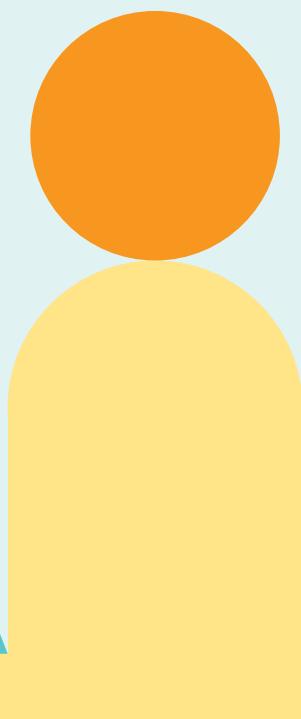
Whether that may be a child in the Family Division for whom removal from his or her parents is proposed, a young person alleged to have committed a criminal offence or a proceeding for a family violence intervention order, the Court's role is to uphold the rule of law as a specialist, fair and independent court for all Victorians.

This year the Court finalised more than 32,000 cases across Victoria. Each day hundreds of Victorian children and their families, legal practitioners, police officers, child protection practitioners, psychologists, witnesses and many other people come to a Children's Court. Through continuing service delivery improvements and ongoing investment in our facilities, the Court is maintaining a key focus on ensuring the court experience is safe, efficient and productive for all court users.

For the first time, the Court conducted a Court User Satisfaction Survey in late April 2018 to listen to and learn from the views of those who experience the Court on a regular basis. We will use the results of the first survey to tell us where we should be focussing our time, efforts and funding as we plan services, systems and facilities for the future. We look forward to sharing the results of the survey later in 2018 and the President has committed to conducting similar surveys every two years from now on.

This year we commenced the multi-year Case Management System Project which will replace the Court's existing suite of obsolete computer systems. At its conclusion, this technology project will enable the most significant service reform in the history of the Court and will re-define the way we deliver services to court users. Interactions with the Court registry will be simpler and digitally enabled and will allow the court's talented and committed staff to focus less on transactional paper-based tasks and more on providing help, advice and support to court users and more intensive administrative support to magistrates.

In the Criminal Division, the general downward trend of young people before the Court continues. In 2017/18 the number of young people found guilty of a criminal offence fell by 16 per cent compared to 2016/17. There does exist however a small cohort of young people committing serious offences and the Court will continue to deal with these matters in accordance with the law. The Court has also committed significant resources to prepare for the commencement of the Youth Control Order and Intensive Monitoring and Control Bail Supervision Scheme.



Looking Ahead

Looking to the future, it is clear the Court will be asked to respond to increasing demand in child protection cases across Victoria. As one part and the end-point of a broader system, the Court will continue to explore innovative ways of dealing with these additional cases to ensure system delay is kept to a minimum. While delay reduction is a key priority of all courts, it is never more important than in child protection cases where the living circumstances of Victoria's children are being determined.

Acknowledgments

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

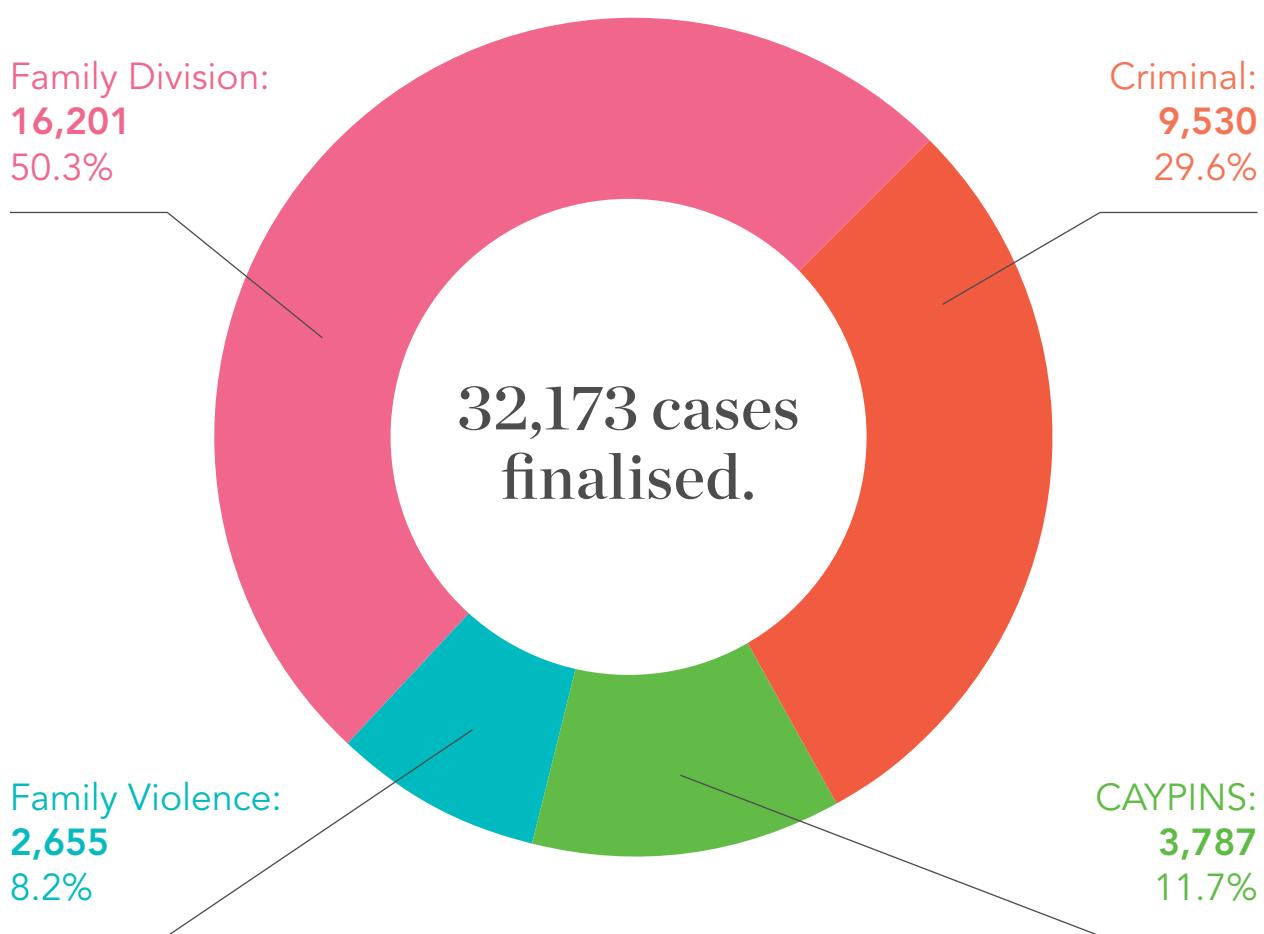


Highlights



The Year at a Glance

In the 2017/2018 year the Children's Court of Victoria finalised a total of 32,173 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 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.

Melbourne Children's Court Cubby House

The refurbished Melbourne Children's Court was officially opened on 18 April 2018.

The Court marked the opening with an event attended by the Attorney-General, the Hon. Martin Pakula and the Minister for Families and Children, Youth Affairs and Early Childhood Education, the Hon. Jenny Mikakos.

The improvements include tactile wall features for children to interact with while waiting at court and a refurbished ground-floor children's play area and outdoor courtyard. These enhanced spaces will allow children to avoid what can be a chaotic court environment and make the public areas of the building less intimidating for children and families.

The refurbishment creates safer waiting areas for victim survivors of family violence and new office spaces to provide private interview rooms for use by court-based family violence support staff. These spaces have been designed to improve the safety and support for victims by ensuring they have access to appropriate services and feel physically safe while attending court. Other improvements include enhancements to the ground floor lobby, the creation of a quiet space and modifications to existing facilities for staff and service providers which will improve the way children and families access community-based supports while at court.

A new, innovative Cubby House space has also been created, which provides a safe, protective and supported area away from the public for children who have been removed due to concerns of harm and placed in emergency care pending a placement decision by the Court. The Children's Court acknowledges the collaboration with the Alannah & Madeline Foundation in this initiative.

This expands upon the successful Cubby House development at Broadmeadow's Court, that opened in 2015 and has assisted in reducing trauma and conflict for children attending court having been placed into emergency care.



L-R: Minister for Families and Children, Youth Affairs and Early Childhood Education, the Hon. Jenny Mikakos; Attorney-General, the Hon. Martin Pakula; President of the Children's Court of Victoria, Judge Amanda Chambers; Alannah and Madeline Foundation Youth Workers Tammy Vicencio and Mimi Horne; and CEO of the Alannah and Madeline Foundation, Lesley Podesta at the launch of the Cubby House at the Melbourne Children's Court.

Children's Court Family Violence Initiative

"A child who lives with violence is forever changed, but not forever 'damaged' – and there is a lot we can do to improve their future prospects"¹

In 2015 the Children's Court of Victoria Court made a joint submission with the Magistrates' Court of Victoria to the Royal Commission into Family Violence (RCFV) to improve the Court based response to children and families affected by family violence. Children and young people are often the 'silent victims' of family violence.

The RCFV called for greater collaboration between child protection, specialist family violence services and funded positions to keep families safe, resulting in the introduction of specific roles and programs designed to help combat the use of family violence by adolescents coming through the Court.

Specialist Family Violence Registrar

The Specialist Family Violence Registrar (SFVR), appointed in 2018, oversees and leads the Children's Court response to family violence matters across all Children's Court venues with a particular focus on the specialist courts at Melbourne, Broadmeadows and Moorabbin. The SFVR provides a point of specialist contact and authoritative advice to registrars at metropolitan and regional courts in relation to managing Children's Court family violence matters and to children and families involved in proceedings arising from, or including, allegations of family violence.

Responsibilities include:

- Developing, implementing, monitoring and evaluating best practice policies and procedures for family violence cases, including matters that intersect with child protection proceedings in the Family Division.
- Local community engagement initiatives in relation to family violence.
- Family violence education to court staff to support best practice within the family violence and intervention order jurisdiction.

Family Violence Support Services at the Melbourne Children's Court

Addressing Recommendation 126, the Court engaged Merri Health to deliver dedicated applicant and respondent workers as part of a tailored Family Violence Support Service to meet the unique needs of the Court's jurisdiction.

Operating out of the Melbourne Children's Court this service commenced in July 2018 and comprises:

- An intake worker to provide initial triage and risk assessment for all victims and perpetrators of family violence.
- An applicant support worker to provide appropriate support and referral services for victim survivors.
- A respondent support worker to provide appropriate support and referral services to adolescent perpetrators of family violence.

¹ Royal Commission into Family Violence, Summary and Recommendations, p8

Adolescent Group Conference Pilot Program – RESTORE

The Children's Court together with Jesuit Social Services (JSS) has initiated a 12-month pilot of Family Group Conferencing (to be known as RESTORE program) to support adolescent perpetrators of family violence and their family subject to intervention order (IVO) proceedings at the Melbourne Children's Court.

RESTORE aims to:

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

The first referrals to the RESTORE program will commence in August 2018.

Court Support Coordinators

The role of Court Support Coordinator (CSC) commenced at the Melbourne Children's Court in January 2016 and in October 2017 the role was expanded to Moorabbin Children's Court. CSCs provide assistance and respond to court users in crisis, provide information and seek out appropriate referrals in relation to housing, alcohol and drug issues, mental health and family violence.

Case Study

The CSC became aware that a father's behaviour in Court was causing concern and that he was threatening to leave Court without appearing in his court case. The CSC spoke with the father in a private space, providing him with emotional support and encouraged him to remain at Court so he would have a chance to be heard.

The father's anger became tears as he expressed how defeated he felt by the process. The CSC spoke to the father about court etiquette. With the CSC's support, the father agreed to return to court and engage in a respectful manner. The CSC supported the father to speak with the DHHS' lawyer and the child protection worker. He was able to remain calm and negotiate a solution that resulted in the children remaining in his care.

The father thanked the CSC. He said he struggles to ask for help but recognises that he needs it. The CSC spoke with him about his coping strategies and provided him with a number for a service he can call in the future. Without the CSC's intervention it is likely the father would have left court in frustration and not have been able to meaningfully engage with the court process.

Koori Family Hearing Day (Marram-Ngala Ganbu)

In 2016 the Children's Court in Broadmeadows became the first Australian court to establish a Koori Family Hearing Day, known as Marram-Ngala Ganbu (MNG) meaning 'We are One' in Woiwurrung language.

It aims to improve outcomes for Koori children in child protection proceedings, providing a culturally-appropriate process to assist in decision making. It also aims to improve adherence to the Aboriginal Child Placement Principle in the *Children's Youth and Families Act 2005*. A Koori Services Coordinator coordinates MNG and provides information and referrals to relevant services for Koori children and their families.

Marram-Ngala Ganbu commenced sitting on 12 July 2016 and sits weekly. An official opening was held on 24 August 2016.

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

For the 2017/18 reporting period Aboriginal families on average made up for 24.8 per cent of the families at Broadmeadows Children's court. This is an increase of 1.8 per cent from the 23 per cent recorded in 2016/17.

Conciliation Conferences

Conciliation conferences afford families appearing in child protection proceedings the opportunity to participate in a non-adversarial process to assist the parties to resolve their child protection proceedings without recourse to a contested hearing.

In the 2017/18 financial year, the Court listed 4080 conferences with a significant resolution rate of 37.5 per cent, consistent with previous years.

It is noted that since 2015/16, there has been a continued decrease in the percentage of cases that proceed to a first-directions hearing (a procedural step before a contested hearing) following a conciliation conference. In 2015/16, 26 per cent of cases were adjourned to a first-directions hearing following conciliation, with that number reducing to 23.22 per cent in 2016/17 and 21.65 per cent in 2017/18.

A new Risk Assessment tool is being piloted in line with the Court's new computer system currently under development. Staff continue to build knowledge and skills in the area of Family Violence and all staff have completed or are due to complete competency training in recognising and responding appropriately to the risks posed where family violence is a feature of the child protection proceeding. Staff have also undergone Suicide Prevention Training (ASIST course) to recognise and respond appropriately in situations or to disclosures that may arise during risk assessment or conferences.

Youth Justice Reforms

As part of the Community Safety Statement 2018/19, the Government announced two key youth justice reforms: a new sentencing option known as a Youth Control Order (YCO) and the Youth Justice Bail Service (YJBS) to operate from 1 June 2018.

The Youth Justice Bail Service

The *Bail Act 1977* empowers the Court to make attendance and participation in a bail support service a condition on a young person's bail.

The YJBS is a service administered by the Department of Justice and Regulation – Youth Justice (YJ) and aims to assist accused young people to comply with court-imposed bail conditions.

The YJBS has two levels of service:

- Supervised Bail and
- Intensive Bail.

The Supervised Bail service supports young people who have had no previous contact with YJ and are charged with a serious offence or who have been on Supervised Bail previously and responded well.

Intensive Bail is targeted towards young people who have been charged with more serious offences and have a frequent offending history. It provides a more intensive level of service and more stringent supervision of young people that may require a greater level of intervention to ensure they comply with their bail conditions.

Youth Control Orders

The *Children and Justice Amendment (Youth Justice Reform) Act 2017* (the Act) sets out the parameters for the new YCO.

YCOs operate as an alternative sentence to youth detention by imposing intensive requirements for supervision and support for young offenders. YCOs include strict mandatory requirements placed on young offenders, including participation in education, training or work, and may include requirements for community service, treatment, counselling, curfews and social media bans and geographic exclusion.

The Act details a process to be followed, including the facilitation of YCO Planning Meetings to develop a plan to address offending. The plan is designed to assist the child to take responsibility for their actions, reduce reoffending, provide rehabilitative opportunities and inform the Court about the requirements it considers should be imposed under the YCO.

The Court may sentence a young offender to a YCO for up to 12 months and there are also strict reporting and monitoring requirements including the requirement for the child to attend the court at least monthly. YJ are also obliged to provide compliance reports to the Court prior to each attendance by the young person at court.

The delivery of these reforms has been supported by government funding of \$24.020m to appoint new magistrates, registry staff and YCO Convenors and fund related infrastructure upgrades. The YCO scheme commenced on 1 June 2018 and in the first month of operation seven YCO Planning Meetings had been ordered across the State.

Children's Koori Court

This reporting period marked the 10th anniversary of the establishment of the Children's Koori Court in Mildura which commenced sitting on 20 September 2007.

The Court celebrated with an event attended by Judge Chambers, President of the Children's Court and Deputy Chief Magistrate Jelena Popovic, Co-ordinating Magistrate of Koori Courts.

Uncle Peter Peterson, a Barkindji man, and a much-respected Elder in our Court, painted a culturally significant mural on an interior wall of the court building. The mural is of a river setting showing family and community gathering together.

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



Uncle Peter Peterson in front of the mural he painted at the Children's Koori Court at Mildura.

The Education Justice Initiative

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

During the 2017/18 reporting period, the EJI provided educational referrals and other assistance to 435 individual young people at the Melbourne Children's Court. Of these young people, 23 identified as Aboriginal or Torres Strait Islander.

In addition to this, Children's Koori Court Liaison Officers (CKCLOs) supported 88 Koori young people in mainstream and Koori regional courts across the State to connect with educational pathways.

The range of issues the EJI assisted with included exploring educational options and eligibility, supporting school enrolments, following up on educational status and school attendance requirements as well as supporting planning for educational engagement and education transitions from custody to the community.

Following a staggered expansion, as of June 2018, the EJI now services 22 venues of the Children's Court and all Children's Koori Courts across the State.

The significance of education in addressing offending behaviours in young people and the important role the EJI plays in the work of the Children's Court is best illustrated by following case studies:

Case Study 1

An aboriginal young person appeared before the Children's Court for his first offence. At the time, he was 'couch surfing' due to an unstable home life and was not enrolled in education.

The Diversion Coordinator consulted with the EJI to ensure the education component of the plan was realistic and also consulted around cultural support. It was a real, multi-disciplinary team approach. The young person was interested in a skills-based course and the EJI linked him with Youth Support Services at an Aboriginal organisation. The EJI facilitated a planning meeting to set education goals and next steps. The EJI also provided advice to the Aboriginal service about educational policy and steps to supporting educational outcomes.

The child was linked with Reconnect through a local TAFE to provide additional support with his enrolment and to ensure his successful transition. All fees were covered through the Skills First initiative. He has successfully transitioned to studying a Certificate II, having completed his Diversion program without any further offending.

Koori EJI education officer

Case Study 2

A 16-year-old girl was referred by the Court to the EJI. She was living in out-of-home care and had not attended her enrolled school all year. She spoke about doing a Certificate II at TAFE that she was interested in, as she didn't want to return to school. The EJI talked to her about the transition process and I set up a meeting for her at her school to discuss options and facilitate an exit, negotiated an enrolment in TAFE, liaised with her Child Protection worker to secure funding and guided the family through the transition from school.

She has been enrolled in the course for six months now, with perfect attendance and her teachers stating she is doing extremely well and is very engaged. She gained a part-time job at a workplace connected to her course and is loving her chosen pathway.

She completed her Diversion order and has not been back to the Children's Court.

EJI education officer

State-wide Expansion of Youth Diversion

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

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

- accept responsibility for their behaviour
- complete a diversion plan with activities intended to:
 - build upon or strengthen the individual's protective factors
 - promote understanding of the harm caused by the offence/s
- have the charge/s discharged, upon successful completion of the diversion plan
- restrict the release of criminal history information for these offences.

The CCYD complements the existing suite of options available to divert children and young people from further progression into the criminal justice system. Other options occur pre-court (police caution, referral to the Youth Support Service), pre-plea (bail supervision with Youth Justice, Ropes) and post-plea (deferral of sentence and Youth Justice Group Conferencing).

Activities Undertaken

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

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

This highly successful program diverted a total of 1404 young people from the criminal justice system in this reporting period.

Multi-disciplinary Training

The Children's Court of Victoria, Victoria Legal Aid and the Department of Health & Human Services receive ongoing funding to jointly deliver cross-disciplinary professional development for professionals working within the statutory child protection legal system.

This training is delivered under the Multi-Disciplinary Training (MDT) Initiative and provides professionals with an opportunity to work together to improve outcomes for vulnerable children, young people and families. A range of training opportunities were delivered under this initiative in 2017/18.

The Victorian Aboriginal Child Care Agency (VACCA) delivered the final two sessions of cultural awareness training, with sessions held in Melbourne (July 2017) and Traralgon (August 2017). This one-day program addressed the critical issues facing Aboriginal and Torres Islander children and families in the child protection system.

In October 2017 a session was presented on the Koori Family Hearing Day, known as Marram-Ngala Ganbu, meaning 'We are One'. This session was presented by Ashley Morris, Koori Services Coordinator at the Broadmeadows Children's Court, Magistrate Kay Macpherson and Les Corlett, Koori Conference Registrar. The session discussed the development of the Koori Hearing Day, the importance of ensuring compliance with the Aboriginal Child Placement Principles and of ensuring effective cultural plans are developed for every Aboriginal child.

In October 2017 Women's Legal Service Victoria (WLSV) were engaged to deliver a program of family violence training across Victoria. A one-day program titled 'Safe and Protected: Multidisciplinary response to family violence' was delivered in Geelong (October 2017), Bendigo (November 2017), Shepparton (November 2017) and Traralgon (February 2018).

The program was developed to improve practitioner's skills and knowledge in responding to the complexities of family violence within the Family Division. WLSV also delivered an intensive program on working with perpetrators and victims of family violence. The program covered best practice strategies for working with family violence perpetrators and improved skills to implement strength-based approaches to working with non-offending parents. The program was delivered in Ballarat in February 2018 and in Melbourne as a four-part twilight series on 7, 14, 21 and 28 March 2018 and across a full day on 16 March 2018.

In December 2017 a session was delivered on the legislative provisions and policy relating to Section 18 of the *Children, Youth and Families Act 2005*, which relates to the transfer of responsibility from the Secretary to an Aboriginal agency to exercise functions and powers in relation to a protection order in respect of an Aboriginal child. The session was presented by Anna Gibson, Legal Counsel with VACCA's In-House Legal Service and Kylie Ponchard, VACCA Kinship Care Program Team Leader.

On 21 June 2018 a session was delivered on the operation of the Family Drug Treatment Court and addiction. Judge Amanda Chambers, President of the Children's Court opened the session and participated in a panel presentation featuring Matthew Wilson, State-wide Program Manager of the Family Drug Treatment, Regional Coordinating Magistrate, Kay Macpherson and Darren Sims, peer mentor from Self Help Addiction Resource Centre (SHARC).

Court User Satisfaction Survey

The Court User Satisfaction Survey was conducted at Moorabbin, Broadmeadows, Melbourne Conference Centre and Melbourne Children's Court in April and May 2018.

It was the first survey of this nature undertaken by the Children's Court, with 170 surveys completed. The survey conducted face to face using iPads, together with hardcopy surveys at Melbourne.

The survey was also made available online for court users to provide their feedback at a more convenient time.

The survey examined qualitative and quantitative levels of satisfaction for various areas of the court experience. The Children's Court was interested in the views of all court users on a range of topics, including court building and facilities, safety and security, people (staff and judicial officers), court processes, day at court, hearing or conference (in the court room or at the conference), communication and technology and overall court experience (disregarding outcome of the case).

Preliminary survey results have highlighted several areas in which the court performed well and several areas of potential improvement.

The Children's Court will conduct court user surveys periodically to evaluate the perceptions and needs of court users to inform improvement activities for the Court.

This is a very important step for the Court and will inform much of our future work in the area of Human Centred Design and Innovation.



L-R: court staff Larissa Douglas; Charmaine Costas; Maxine Catton; Anne O'Hehir and Leah Penney.

Court and Community



Judicial Education and Engagement

The Children's Court of Victoria, through the President and magistrates, engage in a significant amount of public and legal education about the specialist work of the Court.

In this reporting period, the President and magistrates attended and presented at many events. The breadth of this engagement is impossible to list comprehensively but illustrative examples include:

- Lecture – Monash University Law faculty – Sentencing in the Children's Court
- Multi-disciplinary training with Victorian Aboriginal Child Care Agency – presentation
- Magistrates' Court of Victoria Professional Development training – Youth Justice Reforms
- Law Institute Victoria address – Criminal Law conference
- Address to the leadership of Supreme Court of Indonesia
- Launch of the Victorian Aboriginal Legal Service Launch, Balit Ngalu service
- Country Magistrates' conference presentation
- Berry St launch of film – the Invisibles
- Child Witness Service 10th Anniversary
- South Pacific Council of Children & Youth Courts
- Address – Blue Light and Vic. Police Youth Conference
- Address – Australasian Police Youth Justice forum
- Mildura Children's Koori Court 10th Anniversary
- Opening address – Specialised Police Prosecutors Training Course
- Opening address – Parkville College staff conference
- Presentation – Family Safety Victoria
- Presentation to Bar Readers course
- Presentation to the Board of Centre for Excellence for Child and Family Welfare
- Family Court – Australia Awards Fellows
- Address – VLA Child Protection conference
- Host delegation- Vanuatu and Fiji Judicial Delegation
- Presentation of Medical Evidence – training provided for the RCH Victorian Forensic Paediatric Medical Service
- 2018 Criminal Justice System Forecasting Model Forum (Workshop) presentation



Tours & Information Sessions

Additionally, the Children's Court regularly provides court tours and information sessions to educational groups. During the reporting period approximately 60 visits to the Melbourne Children's Court complex were conducted. These visits include presentations by magistrates on the jurisdiction and operation of the Children's Court. Visiting groups have included high school students, tertiary students studying youth work, social work and law, youth justice and child protection workers, foster carers, and maternal and child health nurses. The Court also regularly receives official visitors from overseas, some of whom are members of the judiciary as well as the administration from other courts within Australia.

Professional Training Sessions

The Children's Court regularly receives requests for either the President or a magistrate to give a presentation on the work of the Children's Court as part of professional training.

During the reporting period the Court delivered education sessions to:

- Department of Human Services induction program for new child protection workers
- Continuing Professional Development (CPD) for Children's lawyers
- Monash University law students
- Bar Readers course
- Victoria Legal Aid
- Holmesglen TAFE
- Box Hill TAFE
- Melbourne Polytechnic
- Youth Referral and Independent Persons program
- Springvale Monash Legal Centre
- Moorabool Shire Maternal & Child Health Nurses
- Port Phillip Council Maternal & Child Health Nurses
- Victorian high school students
- Latrobe University
- RMIT
- Swinburne University
- Victoria University
- OzChild Carers
- McKillop Family Services
- Anglicare
- VACCA
- Institute of Tertiary and Higher Education Australia
- IPC Health

Reserve Magistrate Peter Power continues to maintain his "Research Materials" section on the Court's website. The Court thanks reserve Magistrate Power for his outstanding work in producing and maintaining this valuable resource. "Research Materials" is freely and publicly available to all who wish to gain an understanding of the Court's work.

Law Week 2018

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. Over 160 events were scheduled across Victoria making 2018 the biggest Law Week ever.

Children's Court of Victoria – Information Stand

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

- FDTC participant and lawyer information pamphlets
- Court Advice and Support officer information flyer
- Practice Direction No.4 of 2016 – Marram-Ngala Ganbu
- Conciliation Conferences information pamphlet
- Judicial College of Victoria Children's Court Bench Book Flyer

Work Experience Program

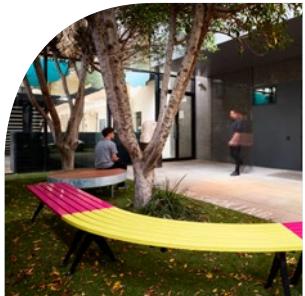
For many years a work experience program has been operating at Melbourne Children's Court. During the 2017/18 reporting period, the Court hosted over 20 students, including four tertiary students undertaking a one or two-week placement. The students are each given a work experience manual which provides details of the history of the court, the jurisdiction, orders made, court services provided and information on becoming a court registrar. All students participate in a discussion with the Work Experience co-ordinator at the end of their placement. Students are shown court proceedings from the perspective of a bench clerk and are also shown a number of general office duties performed by Deputy Registrars.



L-R: Samantha Ellis; Magistrate Lesley Fleming; Chantelle Marshall; Tiffany Ho and Clare Francis volunteering at the Children's Court Information Stand Courts Open Day 2018.

Operations

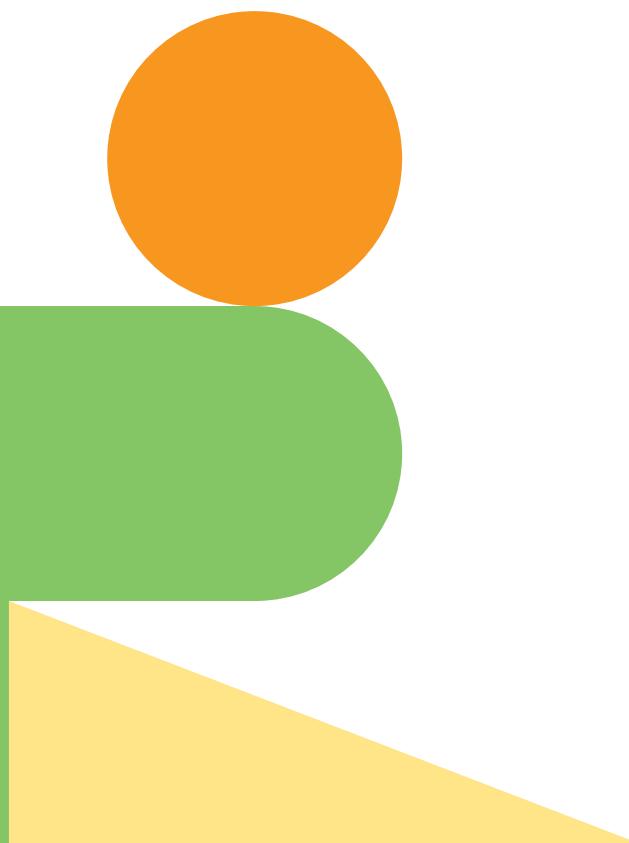




The Children’s Court of Victoria has jurisdiction under the *Children, Youth and Families Act 2005* to hear cases involving children and young people up to the age of 18 years, and in some cases up to 19 years.

The 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.

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 Court may also hear and determine an intervention order application when both parties are adults if there is a related child protection proceeding.



Criminal Division

Activity Within the Criminal Division

General demand in the Criminal Division has slightly decreased throughout the State in both initiations and finalisations. The total number of young people found guilty of a criminal offence fell to 2,364 (2,822 in 2016/17) whilst the number of offenders ordered to be detained increased to 274 (240 in 2016/17).

The Melbourne Children's Court continues to hear and determine custody matters that are not able to be listed at proper venues. Improved video conferencing 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, 2016/17 – 2017/18

Court Region ²	2016/17			2017/18		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	1,998	2,584	535	1,618	1,772	259
Grampians	566	617	115	472	474	83
Loddon Mallee	706	737	156	608	605	91
Broadmeadows	585	621	115	411	470	70
Dandenong	785	1,111	132	740	725	112
Frankston	1,141	1,251	275	1,014	1,017	266
Barwon South West	908	981	162	753	747	120
Heidelberg	677	777	195	642	686	114
Gippsland	897	950	324	817	939	165
Ringwood	763	896	155	784	726	215
Hume	667	762	134	602	614	130
Sunshine	774	914	274	798	738	284
NJC – Collingwood ³	10	0	1	18	17	5
Total	10,477	12,201	2,573	9,277	9,530	1,914

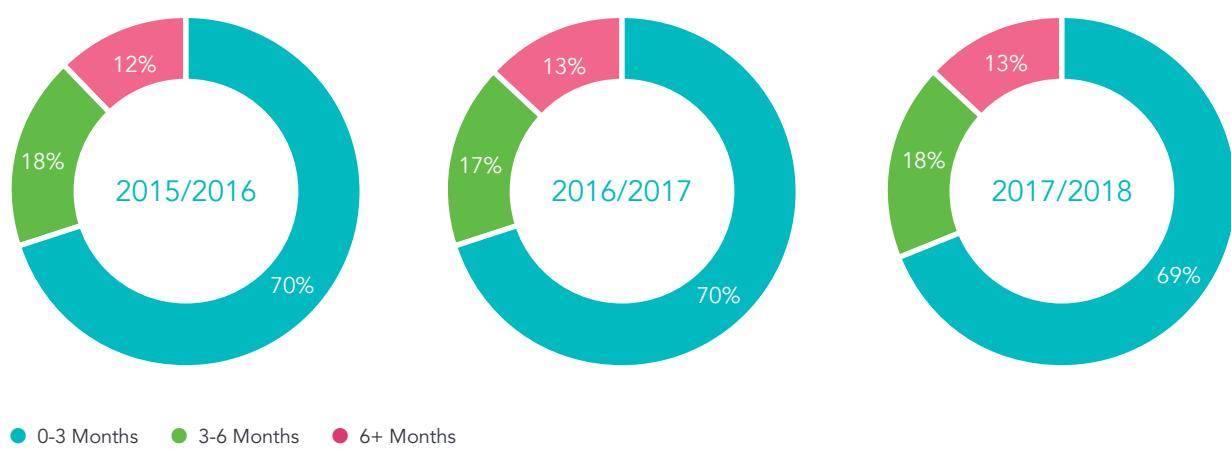
2 A detailed list of court regions can be found on page 51 of this report.

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

Offenders found guilty, by outcome, 2015/16 – 2017/18

Order	2015/16 ⁴	2016/17	2017/18
Discharged	14	8	9
Unaccountable Undertaking	23	20	16
Accountable Undertaking	175	174	128
Good Behaviour Bond	1,045	950	836
Fine	414	549	243
Probation	642	456	497
Youth Supervision Order	353	366	318
Youth Attendance Order	43	59	43
Youth Residential Centre	11	8	13
Youth Justice Centre	208	232	261
Total	2,928	2,822	2,364

Distribution of criminal matter processing times, by elapsed time between date of first hearing and finalisation, 2015/16 – 2017/18



4 The Children's Court conducted an audit of Criminal Division matters heard in 2015/16 in order to more accurately reflect the number of matters finalised. This has resulted in an increase in the reported number of offenders found guilty, by outcome in 2015/16.

Fast Track Remand Court

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

Operating subject to strict-time frames under a Practice Direction of the President, the FTRC aims to finalise criminal proceedings where a child is remanded in custody within 12 weeks. During the reporting period, the average period on remand where the child's criminal charges were managed in the FTRC has reduced from 116 days to 47 days (that is, under seven weeks).

Since the implementation of the FTRC, there has also been a 25 per cent reduction of the number of young people that have spent more than 12 weeks on remand. In addition, the FTRC has seen a significant reduction of 23.5 per cent in the number of court events required for each case.

The FTRC has averaged 4.3 scheduled matters and 1.3 new matters each day.

As of 30 June 2018, 325 individual young people had appeared in the FTRC. The recorded outcomes of these appearances include 164 finalised matters and 203 matters where bail was granted.

On average, 32 per cent of matters are adjourned for a plea of guilty or sentence daily.

Committed for trial	1
Dismissed	1
Good Behaviour Bond	6
Probation	14
Youth Supervision Order	34
Youth Attendance Order	6
Youth Justice Centre	72
Youth Residential Centre	3
Total	137

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.

Young people appearing/matters finalised, 2016/17 – 2017/18

Location	2016/17		2017/18	
	Number of young people	Matters finalised	Number of young people	Matters finalised
Bairnsdale	0	0	0	0
Dandenong	24	31	5	10
Geelong	13	26	14	32
Heidelberg	19	37	8	23
Latrobe Valley	14	21	10	14
Melbourne	22	45	9	37
Mildura	48	46	17	37
Shepparton	14	18	10	12
Swan Hill	4	7	5	5
Warrnambool (including Portland & Hamilton)	4	7	3	3
Total	162	238	81	173

Youth Diversion Program

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

During the 2017/18 financial year, 1,404 diversions were overseen by Diversion Service coordinators. These diversions related to 1,356 young people. The majority of young people who participated in diversion were:

- 15 to 17 years of age (64 per cent)
- male (69 per cent), with the proportion of females increasing six percentage points over the course of the year
- born in Australia (88 per cent).

Thirteen per cent of young people identified as Aboriginal or Torres Strait Islander or both.

Sex Offences List (Melbourne)

The Melbourne Children's Court runs a sexual offences list in the Criminal Division designed to provide intensive case management and specialist expertise to these cases. A feature of the sex offence list is the ability of the Court to refer young people up to the age of 15 years and who are displaying sexually abusive behaviours for specialist treatment under a Therapeutic Treatment Order (TTO).

Education Justice Initiative

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

During the 2017/18 year, EJI provided assistance to 435 individual young people at the Melbourne Children's Court, of whom:

- 170 received direct support with school re-engagement;
- 85 were supported through secondary consultation (to the Department of Justice and other workers); and
- 180 were provided with brief educational intervention or advice.

Of these young people, 23 identified as Aboriginal or Torres Strait Islander.

In addition to this, Children's Koori Court Liaison Officers (CKCLOs) supported 88 Koori young people in mainstream and Koori regional courts across the State to connect with educational pathways.

These young people generally appeared at Shepparton, Mildura, LaTrobe Valley and Geelong Children's Courts.

The CKCLOs provided:

- direct support to 55 young people;
- supported 22 young people through secondary consultation; and
- provided 11 young people with brief intervention or advice.



Family Division

Activity Within the Family Division

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

When reading the statistics in the table 'Number of orders made, 2014/15 – 2017/18' 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

Number of orders made, 2014/15 – 2017/18

Order	2014/15	2015/16	2016/17	2017/18
Adjournment	10,385	12,552	14,492	14,560
Appointment – Independent Child Lawyer	147	261	291	418
Care by Secretary Order	N/A	375	1,339	1,080
Child attend Court	10	13	31	30
Conference Information Exchange Order	N/A	1,594	5,380	5,839
Custody to Secretary Order	1,658	1,076	N/A	N/A
Custody to Third Party Order	13	4	N/A	N/A
DHHS must file further report	N/A	1,868	6,852	9,711
Dismissed	44	41	30	24
Extension of Care by Secretary Order	N/A	309	499	245
Extension of Custody to Secretary Order	1,543	1,027	N/A	N/A
Extension of Family Preservation Order	N/A	150	495	498
Extension of Family Reunification Order	N/A	168	664	578
Extension of Guardianship to Secretary Order	380	231	N/A	N/A
Extension of Interim Accommodation Order	15,540	17,913	17,897	19,204
Extension of Supervised Custody Order	231	172	N/A	N/A
Extension of Supervision Order	380	219	N/A	N/A

Order	2014/15	2015/16	2016/17	2017/18
Extension of Therapeutic Treatment Order	6	6	6	3
Extension of Therapeutic Treatment (Placement) Order	1	0	0	0
Family Preservation Order	N/A	1,129	3,159	3,389
Family Reunification Order	N/A	798	2,270	2,094
Free Text Order ⁵	18,620	23,535	21,914	23,309
Guardianship to Secretary Order	313	179	N/A	N/A
Interim Accommodation Order	8,559	9,554	8,771	9,823
Interim Protection Order	1,218	662	N/A	N/A
Leave for TAO without Notice Order	0	1	11	7
Leave to apply to vary/revoke Permanent Care Order	N/A	1	9	20
Long-Term Care Order	N/A	91	322	219
Long-Term Guardianship to Secretary Order	40	31	N/A	N/A
Order for Costs	124	342	364	504
Permanent Care Order	305	535	485	438
Refusal to Make Protection Order	121	78	1	1
Safe Custody Warrant ⁶	4,961	5,432	6,478	6,505
Struck Out	902	1,861	2,057	1,146
Supervised Custody Order	737	616	N/A	N/A
Supervision Order	2,516	1,946	N/A	N/A
Temporary Assessment Order	4	11	16	18
Therapeutic Treatment (Placement) Order	0	0	0	0
Therapeutic Treatment Order	28	17	11	14
Undertaking – Common Law	25	33	15	11
Undertaking s.272 PA / IRD Dismissed	26	27	19	43
Undertaking s.272 PA / IRD Refusal to make Protection Order	8	8	12	6
Undertaking s.272 PA / IRD Struck Out	243	249	297	347
Undertaking s.278 Protection Order	196	263	204	252
Total	69,284	85,378	94,391	100,336

Explanation of orders

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

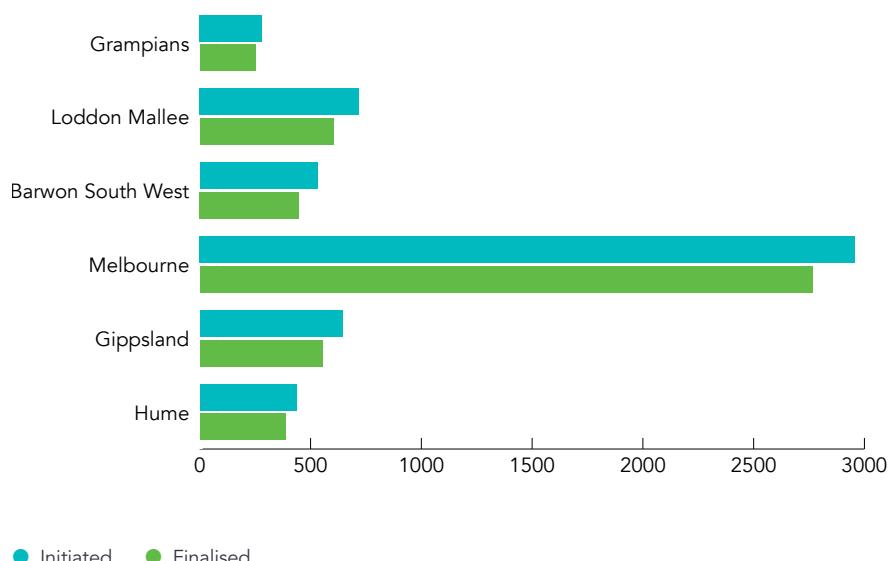
⁵ Free text orders most commonly record directions made by the Court and orders made in response to oral applications e.g. directions for the release of Children's Court Clinic reports, and orders joining additional parties to proceedings. Free text orders may also record the withdrawal of proceedings.

⁶ Previous Annual Reports have referred to "search warrant". The references to "safe custody warrant" in this Annual Report are made to avoid confusion with warrants in the Criminal Division.

Number of primary applications initiated, finalised and pending, 2016/17 – 2017/18

	2016/17			2017/18		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Grampians	283	327	91	280	251	93
Loddon Mallee	592	591	162	718	604	226
Barwon South West	449	448	98	532	448	152
Melbourne	2,841	2,976	1,315	2,957	2,767	1,475
Gippsland	534	476	183	643	553	197
Hume	430	433	117	437	386	140
Total	5,129	5,251	1,966	5,567	5,009	2,283

Primary applications initiated and finalised, 2017/18

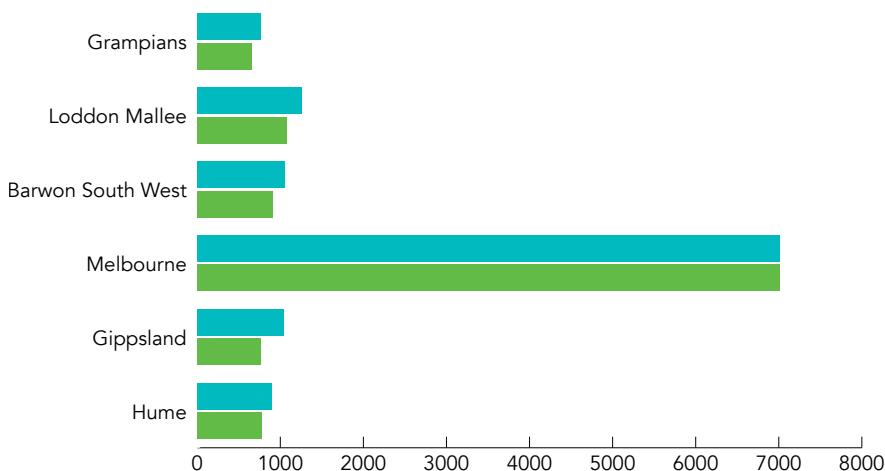


● Initiated ● Finalised

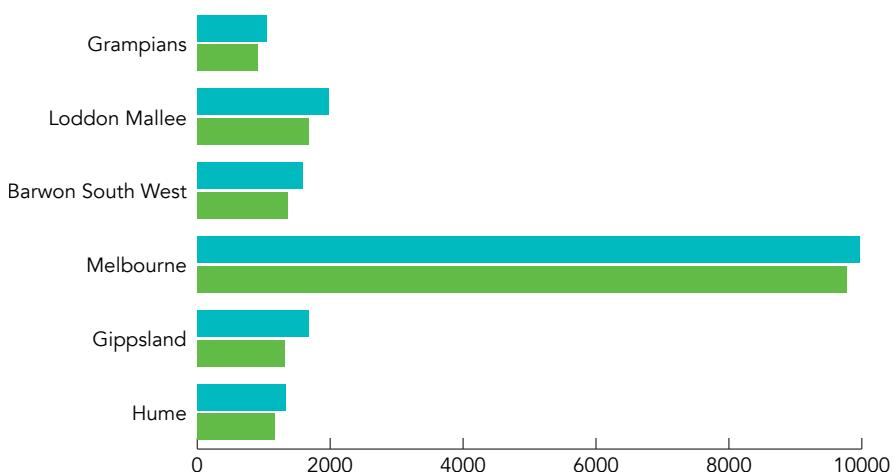
Number of secondary applications initiated, finalised and pending, 2016/17 – 2017/18

	2016/17			2017/18		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Grampians	882	847	201	762	655	182
Loddon Mallee	1,094	1,015	270	1,260	1,076	319
Barwon South West	1,024	1,034	273	1,057	909	271
Melbourne	7,865	6,714	1,628	7,013	7,007	1,508
Gippsland	1,112	1,078	201	1,036	763	328
Hume	1,027	1,042	211	896	782	197
Total	13,004	11,730	2,784	12,024	11,192	2,805

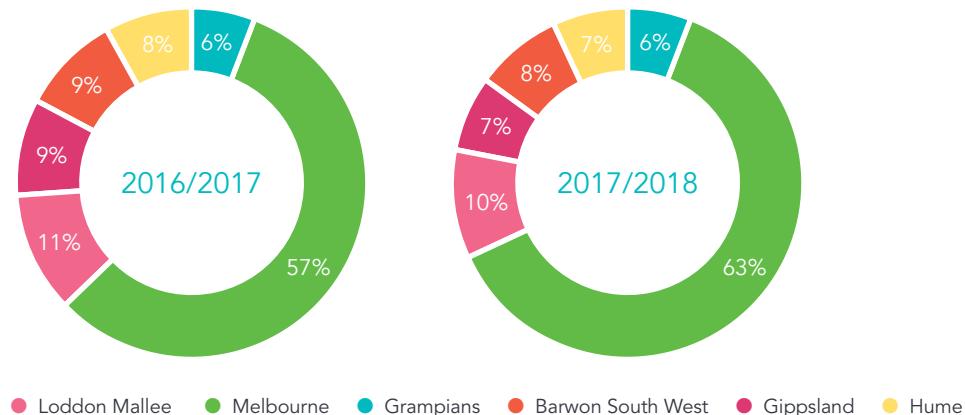
Secondary applications initiated and finalised, 2017/18



Total number of primary and secondary applications initiated and finalised, 2017/18



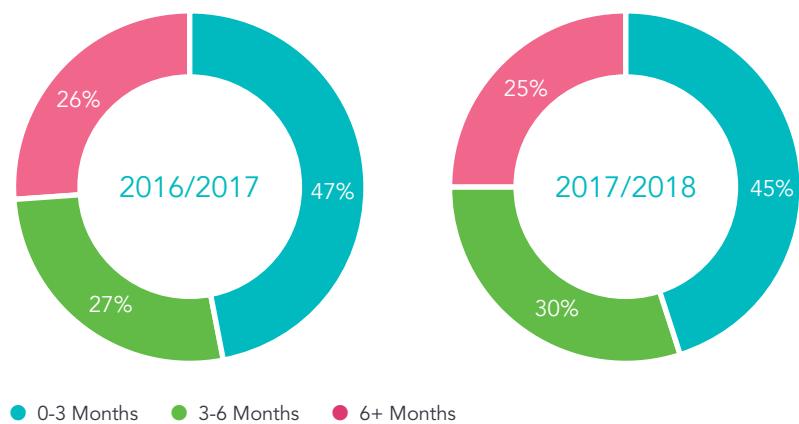
Regional caseload distribution for finalised primary applications, 2016/17 – 2017/18



Percentage of protection applications initiated by emergency care, 2016/17 – 2017/18

	2016/17			2017/18			% Apr.	
	By Apr.	By Notice	Total	% Apr.	By Apr.	By Notice	Total	
Grampians	218	61	279	78.1%	220	60	280	78.6%
Loddon Mallee	393	188	581	67.6%	428	290	718	59.6%
Barwon South West	274	172	446	61.4%	332	200	532	62.4%
Melbourne	2,269	531	2,800	81.0%	2,464	493	2,957	83.3%
Gippsland	241	291	532	45.3%	381	262	643	59.3%
Hume	321	109	430	74.7%	299	138	437	68.4%
Total	3,716	1,352	5,068	73.3%	4,124	1,443	5,567	74.1%

Distribution of primary application processing times, by elapsed time between date of first hearing and finalisation, 2016/17 – 2017/18



Safe Custody warrants⁷

	2014/15	2015/16	2016/17	2017/18
Granted	4,912	5,393	6,416	6,444
Refused	49	39	62	61
Total	4,961	5,432	6,478	6,505

⁷ A warrant issued where a child is alleged to be in need of protection or in respect of whom a relevant court order is alleged to have been breached.

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 2017/18, over 2,400 matters listed for a conference were resolved or partially resolved without a directions hearing by a magistrate.

Number of conciliation conferences conducted, 2015/16 – 2017/18

2015/16	Total conferences conducted	Conferences resulting in settlements	Conferences resulting in partial settlements	Conferences resulting in directions hearing
Melbourne	1,822	635	644	543
Regional	936	491	271	174
Total	2,758	1,126	915	717
<hr/>				
2016/17				
Melbourne	1,997	662	785	550
Regional	1,168	568	385	185
Total	3,165	1,230	1,170	735
<hr/>				
2017/18				
Melbourne (including Moorabbin and Broadmeadows)	1,795	610	729	456
Regional	1,277	543	525	209
Total	3,072	1,153	1,254	665



Koori Family Hearing Day

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

Number of Marram-Ngala Ganbu sittings 2017/18

Month	Total sittings	Number of families
July 2017	4	29
August 2017	5	44
September 2017	4	31
October 2017	5	39
November 2017	3	24
December 2017	3	36
January 2018	4	30
February 2018	4	46
March 2018	4	45
April 2018	4	47
May 2018	4	53
June 2018	3	33

Family Drug Treatment Court

The Family Drug Treatment Court (FDTC) has been established as a pilot program within the Family Division of the Children's Court of Victoria. The FDTC seeks to promote family reunification, child safety and well-being. The program is designed to assist families whose children have been placed in out of home care due to parental substance misuse.

The FDTC provides intensive treatment and supervision for families through a dedicated team of professionals including:

- a Senior Clinician,
- Clinical Case Managers,
- a dedicated Child Protection Practitioner, and
- other health professionals and support workers.

Led by a dedicated Magistrate, the FDTC team work together to support parents and their children in successfully completing their Family Recovery Plan (FRP).

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

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

Family Violence and Personal Safety Jurisdiction

In 2017/18, 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.

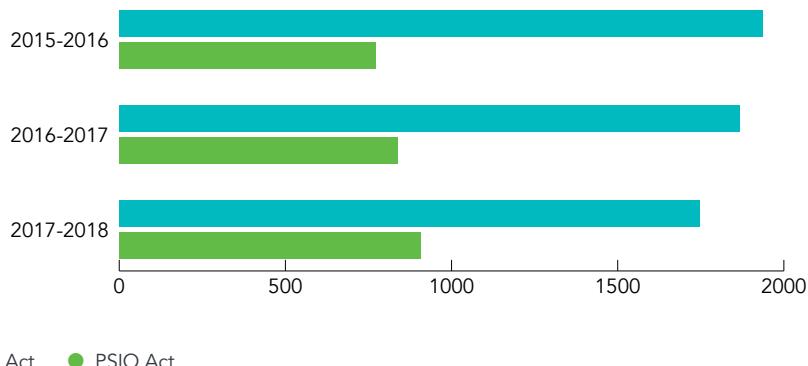
Applications for an Intervention Order finalised by outcome, 2015/16 – 2017/18

	2015/2016	%	2016/2017	%	2017/2018	%
Intervention order made	1,728	63.8%	1,600	59.2%	1,676	63.1%
Refused	24	0.9%	20	0.7%	6	0.2%
Complaint struck out	293	10.8%	289	10.7%	245	9.2%
Complaint withdrawn	649	24.0%	783	28.9%	722	27.2%
Complaint revoked	14	0.5%	13	0.5%	6	0.2%
Total	2,708		2,705		2,655	

Applications for an Intervention Order finalised by Act under which application made, 2014/15 – 2017/18

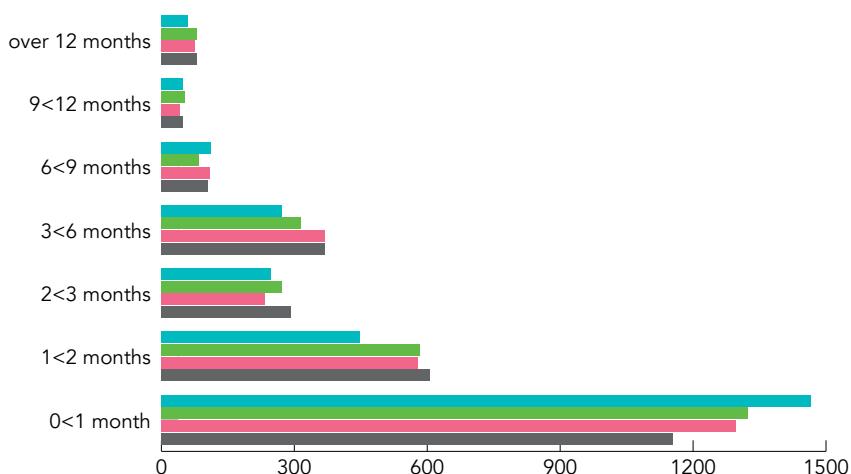
<i>Family Violence Prevention Act 2008</i>	2014/2015	2015/2016	2016/2017	2017/2018
Intervention order made	1,140	1,291	1,144	1,118
Complaint refused	19	12	14	5
Complaint struck out	243	184	160	147
Complaint revoked	12	11	13	6
Complaint withdrawn	336	335	400	352
Complaint withdrawn with undertaking	105	103	135	120
<i>Personal Safety Intervention Order Act 2011</i>	2014/2015	2015/2016	2016/2017	2017/2018
Intervention order made	422	437	456	558
Complaint refused	10	12	6	1
Complaint struck out	145	109	129	98
Complaint revoked	1	3		
Complaint withdrawn	89	97	105	118
Complaint withdrawn with undertaking	16	16	13	10
Complaint withdrawn with undertaking	116	98	130	122

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



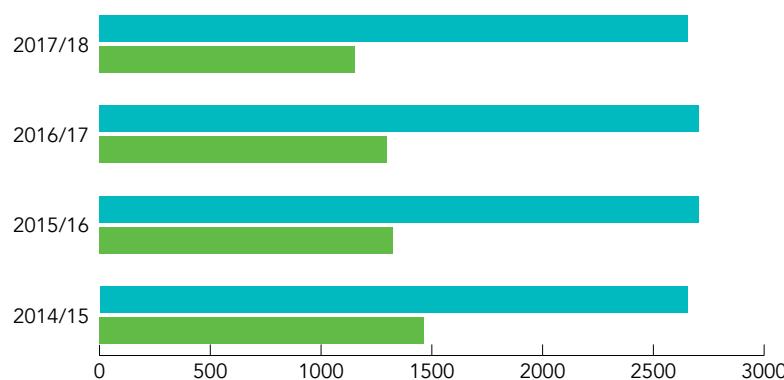
Applications for an Intervention Order finalised, by elapsed time between date of issue and finalisation, 2014/15 – 2017/18

	2014/2015	2015/2016	2016/2017	2017/2018
Over 12 months	60	79	76	80
9<12 months	49	52	41	48
6<9 months	111	84	110	105
3<6 months	273	314	369	368
2<3 months	248	272	233	292
1<2 months	448	583	580	607
0<1 month	1,465	1,324	1,296	1,155



Applications for an Intervention Order finalised, and proportion finalised within 30 days of issue, 2014/15 – 2017/18

	Total applications finalised	Number of applications finalised within 30 days
2017/18	2,655	1,155
2016/17	2,705	1,296
2015/16	2,708	1,324
2014/15	2,654	1,465



- Total applications finalised
- Number of applications finalised within 30 days



CAYPINS

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

Number of CAYPINS matters initiated, finalised and pending, 2016/17 – 2017/18

Court Region	2016/17			2017/18		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	2,213	2,179	162	1,208	1,211	85
Grampians	321	310	26	226	223	29
Loddon Mallee	256	221	51	150	172	20
Broadmeadows	1,519	1,447	179	1,200	1,308	54
Dandenong	1,565	1,584	103	803	837	64
Frankston	1,738	1,910	34	1,020	1,003	134
Barwon South West	335	334	48	210	234	19
Heidelberg	1,728	1,850	195	947	1,002	92
Gippsland	284	302	37	176	197	12
Ringwood	1,764	2,009	141	756	847	48
Hume	191	210	38	151	176	14
Sunshine	1,690	1,746	116	1,302	1,293	76
NJC – Collingwood	70	61	11	32	87	0
Total	13,674	14,163	1,141	8,181	8,590	647

Children's Court Clinic

The Children's Court Clinic is an independent body which conducts assessments and provides reports on children and their families at the request of Children's Court magistrates throughout Victoria. The clinic also has a small treatment function in selected cases still before the court and is a teaching facility. Former Director of the Clinic Dr Patricia Brown, retired in 2018 after 53 years. Dr Sophie Reeves is the current Acting Director.

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 2017/18 there were 855 court-ordered referrals of children/young persons and their families, which represents an overall decrease of 1 per cent on referrals from the previous year (This includes a 7 per cent decrease in protection matters , a 13 per cent increase in criminal matters and a 133 per cent increase in family violence matters). The referral numbers varied across the months and the highest number of referrals were received in May and June 2018.

Of the 855 referrals for assessment during 2017/18, there were 259 criminal cases, 582 protection cases and 14 family violence/personal safety matters. Of the total, 522 referrals emanated from the metropolitan areas and 333 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 2017/18 the clinic provided 17 such sessions.



L-R: Justice Jennifer Coate; Judge Paul Grant; Dr Patricia Brown; President of the Children's Court, Judge Amanda Chambers and Judge Peter Couzens.

Our Judiciary

The Children's Court at Melbourne is the only venue of the Court which sits daily in both divisions.

The Children's Court at Melbourne, Broadmeadows and Moorabbin currently has 14 magistrates and 2 reserve magistrates sitting full-time together with the President who is a judge of the County Court.

Magistrates in other metropolitan courts also sit as Children's Court magistrates in those regions on nominated days and as required hearing Criminal Division and intervention order matters only.

The exceptions are the courts at Moorabbin and Broadmeadows where child protection cases are heard on a daily basis.

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

President

Judge Amanda Chambers

Magistrates

Ms Jennifer Bowles

Mr Darrin Cain

Mr Peter Dotchin

Ms Michelle Ehrlich

Ms Lesley Fleming

Ms Jane Gibson

Ms Margaret Harding

Ms Annabel Hawkins

Ms Michelle Hodgson

Ms Gail Hubble

Ms Kay Macpherson

Ms Kim Parkinson

Ms Sharon Smith

Mr Francis Zemljak

Reserve Magistrates

Mr Greg Levine

Mr Peter Power

Court Locations

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

1. Melbourne region:

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

2. Grampians region:

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

3. Loddon Mallee region:

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

4. Broadmeadows

5. Dandenong

6. Frankston

7. Barwon South West region:

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

8. Heidelberg

9. Gippsland region:

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

10. Ringwood

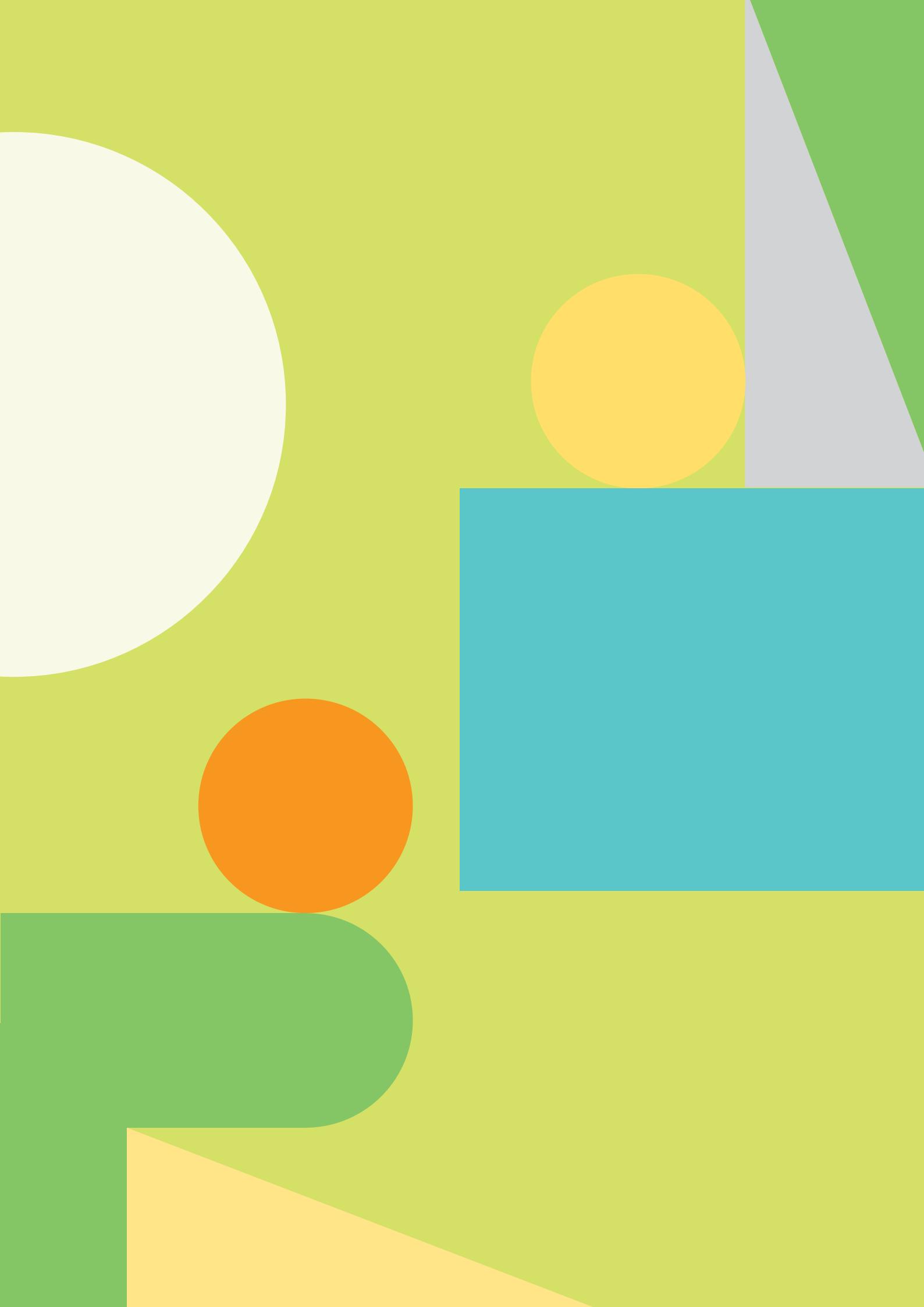
11. Hume region:

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

12. Sunshine region:

Sunshine (headquarters court), Werribee







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