

Children's Court of Victoria Annual Report 2019-20



About the Children's Court

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

In its Family Division it hears applications relating to the protection and care of children and young people at risk, and applications for intervention orders.

In its Criminal Division it hears matters relating to criminal offending by children and young people.

Judicial officers bring legal expertise and experience to the consideration of matters involving children, young people and their families. Court processes are effective, equitable and clear. Our workforce is highly professional and committed.

OUR CULTURE

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

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

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

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.



The Maram-Ngala Ganbu possum skin cloak.

Statement of Priorities 2019-2021 Towards our Vision

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

2012-2013

- Children’s Court of Victoria established as a separate entity
- Conferencing model introduced

2017

- Fast Track Remand Court
- Statewide expansion of Youth Diversion program

2014-2015

- Court Services Victoria established
- Education Justice Initiative
- Family Drug Treatment Court introduced
- Family Division Complex opened at Broadmeadows
- Youth Diversion Pilot Program

2018

- Youth Justice Reforms:
 - > Intensive Bail Support Program
 - > Youth Control Orders
 - > Changes to Serious Youth Offences
- Melbourne Children’s Court building works:
 - > Cubby House
 - > Child-friendly spaces
 - > Safety improvements

2016

- Docketing Initiative
- Marram-Ngala Ganbu, Koori Family Hearing Day at Broadmeadows
- CYFA Permanency Amendments
- Submission - Royal Commission into Family Violence
- Family Law Council’s Inquiry into Families with Complex Needs
- Victorian Parliamentary Inquiry into the CYFA Permanency Amendments
- Attorney General’s Access to Justice Review

2019-2020

- Statewide specialist capability
 - > Planning and design of metropolitan Specialist Children’s Court in Dandenong (to open 2022)
 - > Planning and design of first Victorian regional Specialist Children’s Court as part of the Bendigo Court project (to open 2023)
 - > Planning for Marram-Ngala Ganbu expansion to Shepparton
- Service Reform Project
 - > Phase 1 - judicial support reform
- COVID-19 response
 - > transitioned to online hearings, online conciliation conferencing, support and registry services

OUR FIVE STRATEGIC PRIORITIES

-  **PRIORITY 1**
User-centric design and team-based practice
-  **PRIORITY 2**
Greater statewide specialist capability
-  **PRIORITY 3**
Culture and practices that are outcome and evidence-based

-  **PRIORITY 4**
Enhanced public and professional sector engagement
-  **PRIORITY 5**
Increased capacity for growth to meet the demands of system reform



In accordance with section 514 of the *Children, Youth and Families Act 2005*, I have much pleasure in submitting the Children's Court of Victoria Annual Report for the year 2019–20.

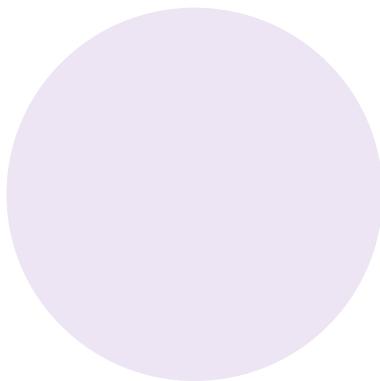
The report covers the Court's operation and performance, and provides information on our activities and achievements during the reporting period.

Yours sincerely

Judge Amanda Chambers
President, Children's Court of Victoria

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REPORTS

Report of the President Judge Amanda Chambers



“Between February and June 2020, we dealt with 340 new remands and determined 185 bail applications at the Melbourne Children’s Court alone, all by audio-visual link. We also prioritised plea hearings and the sentencing of children held in custody.”

As we approached 2020, nobody could have foreseen that the Children’s Court, like others, would need to respond to the challenges of delivering justice in the midst of a pandemic that has altered every aspect of our working and private lives.

With the announcement of restrictions to prevent the transmission of coronavirus (COVID-19), the Court needed to make significant changes to the way in which we operate. As a specialist Court that serves the community with a focus on children, youth and families, we had to be vigilant to ensure that pragmatic solutions did not interfere with important legal protections afforded to the most vulnerable.

The Children’s Court, as an essential service, has continued to operate. There were, of necessity, limitations on what we were able to do. This required the Court to balance the health, safety and wellbeing of all participants whilst prioritising the protection of liberties and matters requiring urgent decisions, such as the placement of at-risk children.

Under Stage 3 restrictions, we continued hearing all bail and remand applications for young people and the operations of the Fast Track Remand Court continued unchanged, with young people appearing in court by audio-visual link. Between February and June 2020, we dealt with 340 new remands and determined 185 bail applications at the Melbourne Children’s Court alone, all by audio-visual link. We also prioritised plea hearings and the sentencing of children held in custody. The Children’s Court Clinic continued to undertake clinical assessments of children in custody by audio-visual link. All other Criminal Division cases where children were on bail or charged on summons were adjourned on the papers. The diversion of young, often first-time offenders continued, also on the papers, without requiring the attendance of the child at court; in fact, a more effective ‘diversion’ from the justice system.

For the protection of our Elders and Respected Persons, whose role is fundamental to the sentencing conversation that gives the Children’s Koori Court its strength, the Court suspended all Children’s Koori Court sittings.

In child protection matters, the Court prioritised the safety of the most vulnerable children: those removed from the care of a parent due to protective concerns and children who might be placed on an order to a secure welfare service because of a substantial and immediate risk of harm. The Family Drug Treatment Court and its team continued to engage with participants online. The Court's non-adversarial dispute resolution processes continued online. Between April and 30 June 2020, over 4800 people participated in remotely-conducted conciliation conferences, resolving up to 40% of disputed child protection applications.

Urgent applications for family violence intervention orders, particularly in high-risk situations, were prioritised and heard by the Court. Our Court Support Coordinators and Family Violence Registrars continued to provide support, information and referrals for victims of family violence.

In previous years, I have highlighted the collaborative work of the Children's Court with other agencies and community organisations. Over the past months, time and time again I have seen the enduring benefits of working co-operatively to meet the challenges caused by COVID-19. Difficult issues that have arisen have been readily resolved by the collective efforts of the Court, its judiciary and staff, Youth Justice, Victoria Police and its specialist prosecutors, DHHS and child protection practitioners, Child Protection Litigation Office, legal practitioners, Victoria Legal Aid, the Law Institute and the Victorian Bar. I am immensely grateful to them all for their work with the Children's Court over these past months.

Perhaps the greatest – and most pressing challenge for the Children's Court in responding to the crisis – was to develop online access to court proceedings in both its Criminal and Family Divisions. That this was achieved so effectively, and efficiently, is due to the remarkable work of a dedicated team of judiciary and staff. I am indebted to Magistrate Kim Parkinson; Kylie Pieters, Operations Manager; Glenn Barnes, State Coordinator; Ashe Whitaker, ICT Project and Support Coordinator; and CSV's Pauline Diano in particular, for their tireless work.

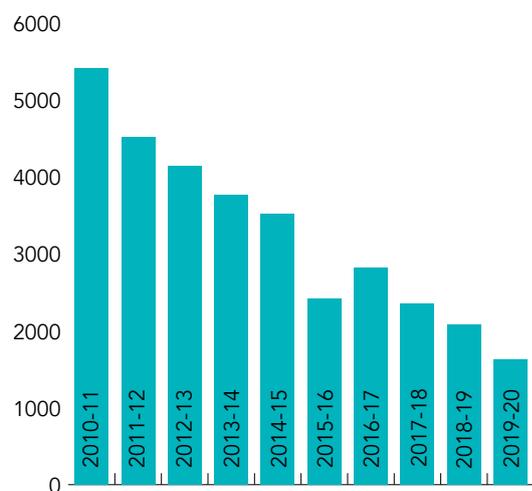
The Court was also well positioned to adapt to online hearings with the completion of two new state-of-the-art courtrooms earlier this year. Resourcing the Court and judiciary with appropriate technology has been critical to our response to the pandemic.

“Perhaps the greatest – and most pressing – challenge for the Children's Court in responding to the crisis was to develop online access to court proceedings in both its Criminal and Family Divisions.”

CRIMINAL DIVISION

Over the past five years, I have reported on the consistent downward trend in the number of children and young people found guilty of a criminal offence in Victoria. This year is no exception. With only 1632 children found to have committed a crime in the 2019-20 year, the overall trend is graphically demonstrated by the table below:

The total number of young people found guilty 2010-11 to 2019-20



The detention of children is a sentence of last resort. This reporting period saw a significant decrease in the number of children and young people sentenced to detention. In 2017-18, a total of 274 sentences of detention were imposed: a number that has reduced by 41% to a total of 161 in this reporting period. As in past years, the majority of children were sentenced to a good behaviour bond or a lower order supervisory sentence, such as probation, with a decrease in this reporting period of the number of children sentenced to the higher order youth supervision order.

The diversion of children and young people, often first-time offenders, is a powerful opportunity to turn young lives around. In 2019, 1595 young people were found suitable to have their criminal charges dealt with by way of diversion. Close to two-thirds of those young people were connected to education, training or employment programs, with the Children's Court Youth Diversion program working closely with education department staff based at the Court. Many other young people were referred under their diversion plan to mental health and other community services. This extraordinarily effective program resulted in 94% of young people successfully completing their diversion plan without a court record.

FAMILY DIVISION

Prior to COVID-19, the Children's Court was already managing an unprecedented number of protection applications in relation to children. In 2019-20, a total of 19,197 child protection cases were initiated in the Court. In contrast, a total of 14,879 child protection cases were initiated in 2014-15: a five year increase of 29%. This growth in demand continues to pose challenges to the judicial and other resources of the Court. Fortunately, case management strategies introduced by the Court have also resulted in an increase in finalisation rates, with 17,173 matters finalised this year.

The Children's Court is acutely conscious that delay in decision-making may prejudice the wellbeing of a child who is the subject of proceedings. To address this, the Court introduced Readiness Hearings to intensively case manage, resolve and identify cases suitable for online hearings in response to the pandemic. Early data indicates that this has been a successful initiative with 48% of cases resolving at the Readiness Hearing stage. The Court will continue to look at effective and fair mechanisms to manage its pending workload, as restrictions imposed in response to COVID-19 are progressively lifted.

The Family Drug Treatment Court (FDTC), the first court of its kind in Australia, was independently evaluated in 2018. The evaluation found that participants are 2.5 times more likely to reunify with their children when their cases are dealt with through its therapeutic, treatment-focused processes rather than in a mainstream court. This year, the Court expanded this highly successful program to Shepparton Children's Court.

In September 2019, the FDTC was honoured to receive the Robin Clark 'Making A Difference' Award at the Victorian Child Protection Awards, in recognition of the "exceptional contribution [of the FDTC] to improving the lives of non-Aboriginal and Aboriginal children, young people and families in Victoria".

The planned expansion of the Court's Koori Family Hearing Day, Marram-Ngala Ganbu, to Shepparton in early 2020 was deferred due to the pandemic. The positive evaluation of this program by Professor Kerry Arabena from Social Ventures Australia confirms that this initiative contributes to more culturally-informed decision-making for Aboriginal children, young people and their families. The planned expansion of Marram-Ngala Ganbu to Shepparton will proceed, when it is appropriate to do so, in early 2021.

COMMUNITY ENGAGEMENT AND PROFESSIONAL DEVELOPMENT

As a specialist Court, the ongoing professional development of the judiciary and the profession is critical. The Court also has a strong history of engagement with the community, child protection workers, youth workers, foster carers and law students about its essential work.

In 2019 the Children's Court Professional Development Conference *Informing Excellence in Decision-making in a Specialist Jurisdiction*, was a successful collaboration with the Judicial College of Victoria. The Court also worked with the College to offer its successful *It Takes a Village* program to the Barwon Region aimed at fostering better community collaboration to improve outcomes for young offenders.

Despite the restrictions imposed by the pandemic, the Children's Court has continued with its community engagement online. For Law Week 2020, the Court, in conjunction with the Law Foundation and assisted by the Department of Education and Training, offered Year 11 and 12 legal studies students the opportunity to hear from magistrates in an online forum attended by over 200 students. I am grateful to Magistrates Jennifer Bowles and Gail Hubble for joining me in this well-received program.

The Court also commenced a series of online webinar sessions focused on the work of the Court for court users across the State in response to the pandemic. I am grateful to Magistrate Francis Zemljak for co-ordinating this successful online education program.

ACKNOWLEDGEMENT AND THANKS

This year, the Court farewelled Uncle Kevin Coombs OAM, a much-loved and respected Elder who has sat on the Children's Koori Court since its inception in 2005. The Children's Court has been the beneficiary of Uncle Kevin's wisdom, integrity and passion for Koori youth. He will be greatly missed in his retirement.

I wish to thank the Court's Chief Executive Officer, Simon McDonald; my Strategic Advisor, Louise James and the Court's executive team for their professionalism and sound strategic advice and support throughout the year.

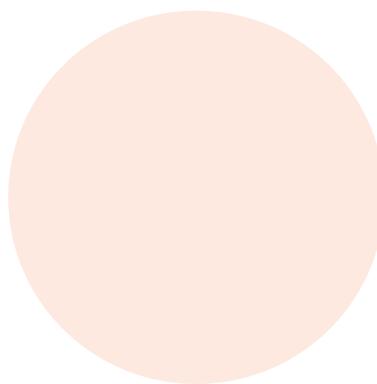
I also take this opportunity to acknowledge the tireless work and commitment of our dedicated team of registry and coordination staff over this challenging period. My sincerest thanks go to the Court's Operations Manager, Kylie Pieters and Statewide Coordinator, Glenn Barnes for their hard work and endless optimism.

I am indebted to the Court's Senior Legal Officer, Dr Lisa Lee and former magistrate Peter Power for their expert legal work throughout the year, particularly for their assistance in the Court's response to the pandemic. My sincere thanks also go to my Executive Assistant, Nola Los for her invaluable assistance and contribution to the spirit of this Court.

For its effective operation, the Children's Court also depends on the support it receives from magistrates and court staff across the State. I extend my gratitude to Chief Magistrate Judge Lisa Hannan, the coordinators and regional registrars of the Magistrates' Court for their assistance and support throughout the year.

Finally, I am enormously proud of the magistrates of this Court for their unstinting commitment and dedication to the administration of justice for the children, young people and families of Victoria, most particularly during these challenging times.

There will be many lessons learned from changes to practice, developed in response to this crisis, which should inform how we act in the future. Our next challenge will be to ensure that we capture the best practices and incorporate the innovations that worked well when we no longer face a crisis.





CEO's Message Simon McDonald



While the long-term health, social and economic impacts of COVID-19 are yet to be fully understood, its short-term influence on the way our society operates was felt immediately this year.

Like all public institutions, we very quickly adapted our practices in order to continue the Court's essential work while maximising the safety of all judicial officers, staff and members of the community.

Since COVID-19 restrictions commenced in March 2020, we implemented a program of building safety measures and upgrades, operational process reform and digital transformation to ensure we are best positioned to operate throughout the pandemic.

Early on in the pandemic we undertook building risk assessments and safety upgrades and implemented strengthened entry, access and spatial protocols to maximise social distancing and infection control.

We established specialist operational hubs to arrange our people into self-contained teams, each placed at separate and discrete locations to eliminate cross-mixing of groups.

And most importantly of all, we implemented a digital operating model to enable a full rollout of online hearings and electronic document lodgment to ensure that court hearings could continue without physical attendance. The majority of Children's Court magistrates and staff are now conducting online court hearings from home with lawyers, case parties and other participants joining from their home or office.

None of this could have been achieved without the extraordinary efforts of our magistrates and staff who have worked tirelessly through some of the most challenging circumstances imaginable. Their efforts, and those of the lawyers who practice in this Court, DHHS officers, Victoria Police members, Youth Justice staff and others, have been critical in maintaining court operations throughout this period. I extend my admiration and appreciation to each of you.

As we begin to contemplate the long road to a COVID-19 normality and plan the recovery process, we are as committed as ever to taking the lessons learned from the past six months and working with all stakeholders to capture and embed the positive innovations we have been able to make and ensure they are reflected in our ongoing operations. We are a court of innovation and we will continue to be so.

While COVID-19 dominated the later stages of this reporting year, the Court undertook significant work across our portfolio of key service reform and major asset projects. Detailed solution design work commenced in our Case Management System (CMS) Project and we advanced key commercial and design stages for our planned specialist Children's Court in Dandenong and key asset upgrades at Moorabbin to improve the court user experience. We also launched our new specialist Children's Court hearing facility at Level 7, 436 Lonsdale St in Melbourne's CBD (pictured) and established this venue as one of our COVID-19 service hubs. Everyone at the Court is incredibly proud of the new facility, which has been designed with particular consideration of the needs of children and families, and to leverage the latest technology.

OUR FIVE STRATEGIC PRIORITIES



PRIORITY 1

User-centric design and team-based practice



PRIORITY 2

Greater statewide specialist capability



PRIORITY 3

Culture and practices that are outcome and evidence-based



PRIORITY 4

Enhanced public and professional sector engagement



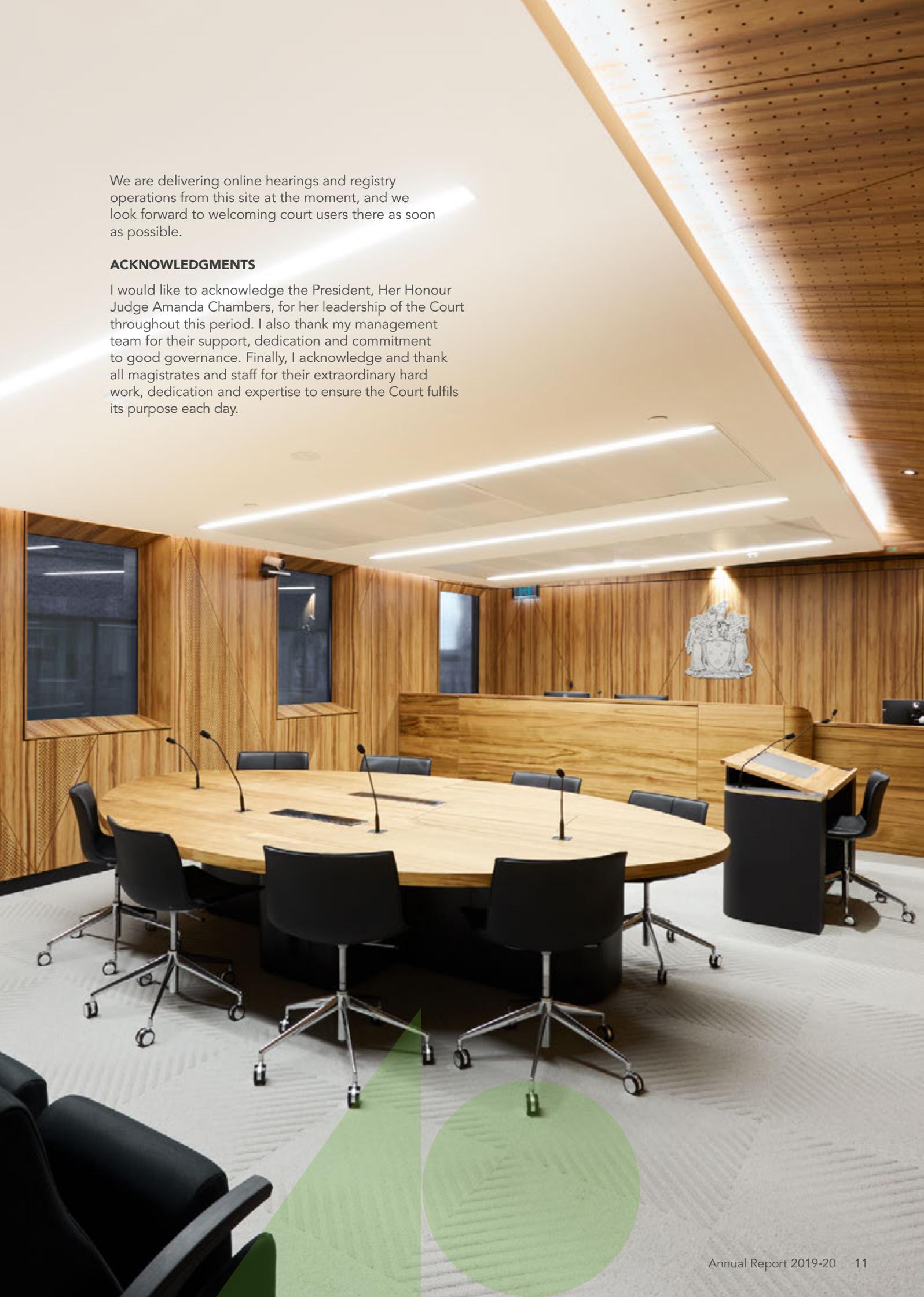
PRIORITY 5

Increased capacity for growth to meet the demands of system reform

We are delivering online hearings and registry operations from this site at the moment, and we look forward to welcoming court users there as soon as possible.

ACKNOWLEDGMENTS

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



COVID-19 Response and Transformation

The Court made significant changes in response to the challenges presented by COVID-19 in 2020.

2020

State of Emergency declared for Victoria

16 March

Chief Health Officer issues first set of directions prohibiting mass gatherings of more than 500 people

17 March

- Children’s Court establishes taskforce comprising key agencies, court user representatives and internal leaders in response to COVID-19 pandemic
- Posters in all Court buildings advising people to notify registry if unwell

24-25 March

- Entry to Children’s Court venues restricted
- All filing moved to electronic means
- Most urgent cases prioritised and listed according to identified criteria
- Some matters determined ‘on the papers’ without the need to attend court
- Hearings conducted online where possible
- All Conciliation Conferences and Family Drug Treatment Court move to online hearings
- Children’s Court Clinic assessments conducted online

Stage 3 Restrictions introduced

30 March

Chief Health Officer issues first Stay at Home Direction



COVID-19 IMPACT IN APRIL - JUNE 2020

Cases Initiated

15% decrease for cases initiated compared to April - June 2019



Cases Finalised

49% decrease for cases finalised compared to April - June 2019



April

- Safe facilities for court users when physical attendance at a court venue is required, including 'sneeze guards', posters and social distancing indicators
- Published plain English guides for court users to participate in online hearings

5 May

- Diversion Hearings may be heard 'on the papers' with no attendance required
- Unopposed bail variations may be heard 'on the papers' with no attendance required

20-22 May

- Online Law Week Q&A with Children's Court magistrates

12-15 June

- Online hearings training for legal practitioners including VLA, CPLO, DHHS, private practitioners and members of the Victorian Bar

15 June

- New listing protocols for Family Violence Intervention Orders (FVIO)

16 June

- Intensive case management and ADR Readiness Hearings commence



“The Court has worked collaboratively to ensure that the imperative for specialist judicial oversight of the needs and rights of vulnerable children and families has been maintained in both the Family and Criminal Jurisdictions, via online hearings. The efforts of the Court, counsel and solicitors have been tremendous, the learning curve steep and will continue to make improvements to the accessibility of the Court across the State.”

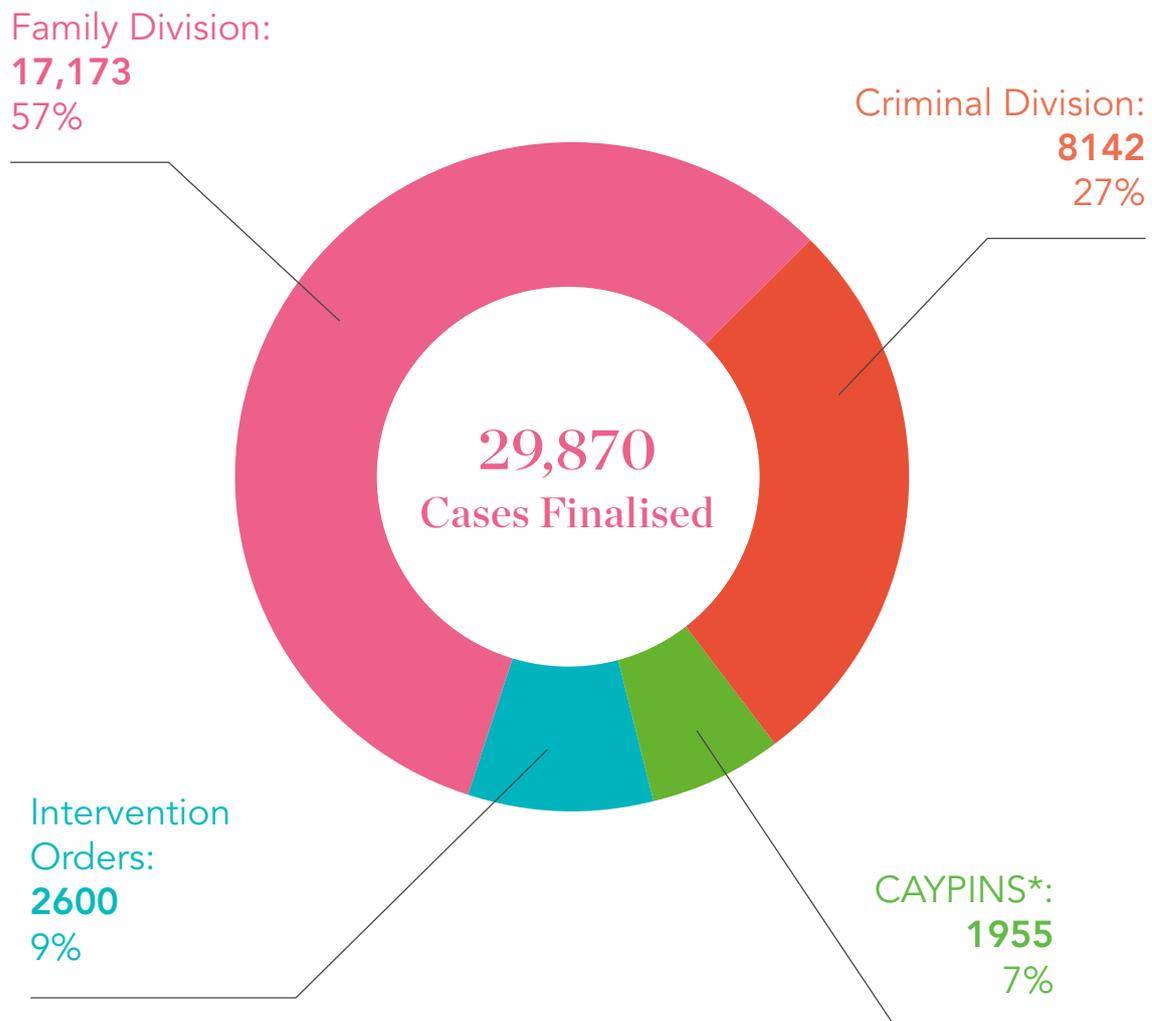
Melissa Stead, President
Children's Court Bar Association



HIGHLIGHTS

The Year at a Glance

In the 2019–20 year the Children’s Court of Victoria finalised a total of 29,870 cases.



The impact of COVID-19 was immediate and profound. While this impact was minimised by the Court’s transition to a fully online operating model and the determined efforts of magistrates, staff and stakeholders, a reduction in case finalisations has been an inevitable outcome of the impact of COVID-19.

From July 2019 to March 2020 (pre COVID-19) a total of 27,534 cases were initiated, and the court finalised

a total of 25,531 cases. This is largely consistent with the corresponding period in the previous year (25,231 matters initiated and 23,050 matters finalised).

From April 2020 to the end of June 2020, a total of 7776 cases were initiated and the Court finalised a total of 4339 cases. In the corresponding period in the previous year, there were 9095 cases initiated (14.5% more) and 8432 cases finalised (48.54% more).

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





Criminal Division

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

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

From 5 April 2018, a presumption of uplift to a higher court has applied where a child is charged with a Category A serious youth offence, alleged to have been committed when the child was aged 16 years or over. Where a child is charged with a Category B serious youth offence allegedly committed when the child was aged 16 years or over, the Court is required to consider whether the charge should be uplifted due to exceptional circumstances. This reform aims to ensure that, where appropriate, serious youth offences are heard in the higher courts with a full range of sentencing options available.

Children's Court Family and Criminal Division –
Initiations and Finalisations comparison 2018-19 and 2019-20

Crime	Initiations	Initiations	
	July to March	April to June	Total
2019-20	27,534	7776	35,310
2018-19	25,231	9095	34,326

Crime	Finalisations	Finalisations	
	July to March	April to June	Total
2019-20	25,531	4339	29,870
2018-19	23,050	8432	31,482

Children's Court Criminal Division –
Initiations and Finalisations comparison 2018-19 and 2019-20

Crime	Initiations	Initiations	
	July to March	April to June	Total
2019-20	9743	3036	12,779
2018-19	9136	3090	12,226

Crime	Finalisations	Finalisations	
	July to March	April to June	Total
2019-20	8865	1232	10,097
2018-19	8969	3224	12,193

Children's Court Family Division –
Initiations and Finalisations comparison 2018-19 and 2019-20

Crime	Initiations	Initiations	
	July to March	April to June	Total
2019-20	15,161	4036	19,197
2018-19	13,598	5124	18,722

Crime	Finalisations	Finalisations	
	July to March	April to June	Total
2019-20	14,497	2676	17,173
2018-19	11,979	4450	16,429

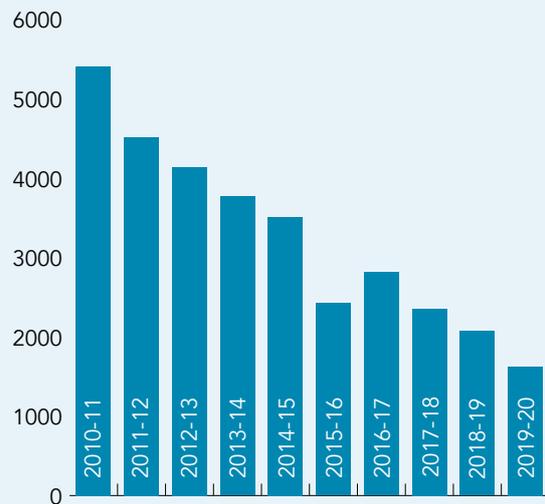


Trends in the Criminal Division

Guilty outcomes have decreased by 30%

Since 2010, Court data shows that number of young people who have appeared before the Children's Court and were found guilty, has decreased by 30%. For the past 10 years, the reduction in the number of young people found guilty shows a downward trend year-on-year.

The total number of young people found guilty 2010-11 to 2019-20



Top five offences young people were found guilty 2019-20

Assault

1961

2018-19 = 1338
2017-18 = 1410

Robbery/Burglary

1003

2018-19 = 579
2017-18 = 677

Theft

878

2018-19 = 681
2017-18 = 712

Traffic

375

2018-19 = 302
2017-18 = 268

Property damage

345

2018-19 = 270
2017-18 = 300

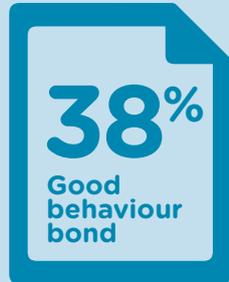
Male
70%

Female
30%

In 2019-20 males made up 70% of young offenders found guilty, and females the remaining 30%.

Sentencing outcomes

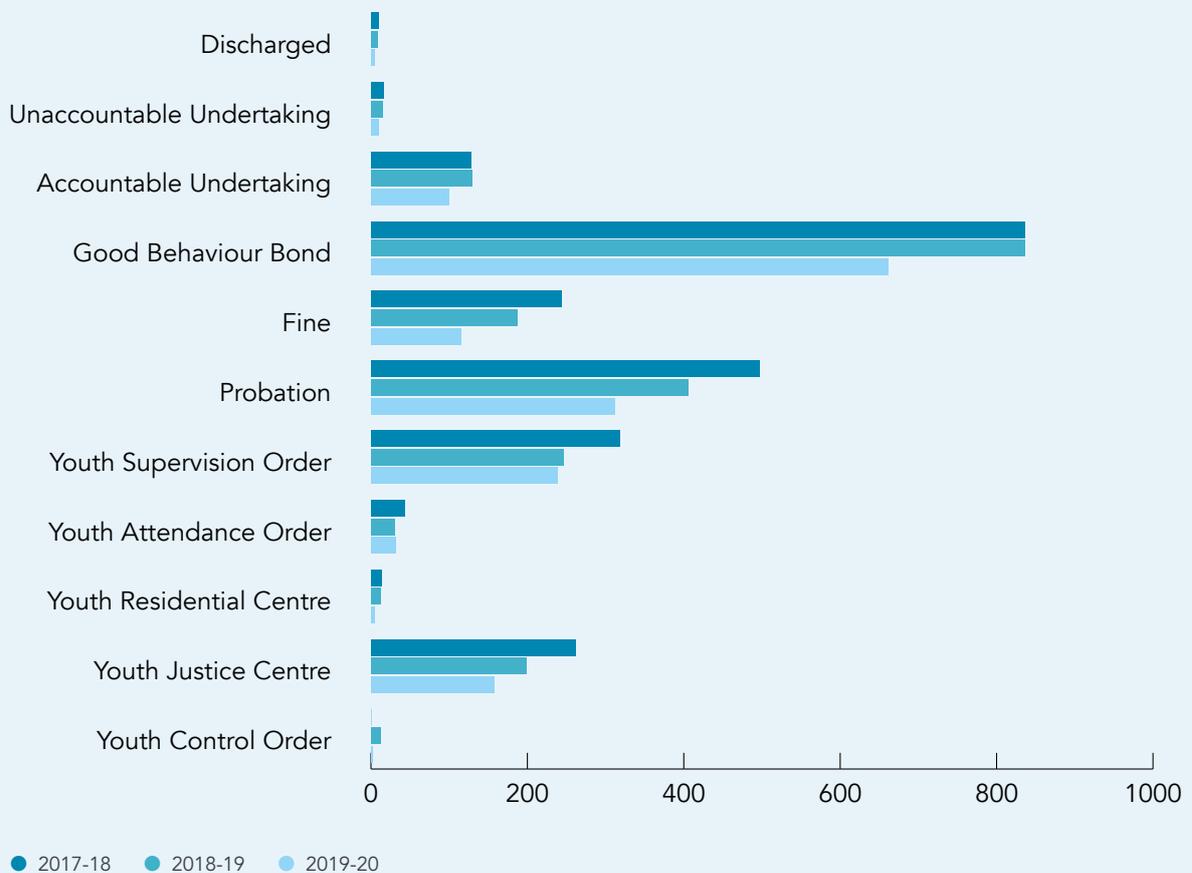
Over the past three reporting periods, approximately 38% of those young people who were found guilty by the Court were sentenced to a **good behaviour bond**.



The other sentencing disposition most frequently imposed from 2017-18 to 2019-20 were:

- **Probation 20%**
- **Youth supervision order 13%**
- **Youth Justice Centre 10%**
- **Fine >8%**
- **Accountable undertaking >5%**

Offenders found guilty, by outcome, 2017-18 to 2019-20



Activity Within the Criminal Division

General demand in the Criminal Division has decreased slightly throughout the State in both initiations and finalisations. The total number of young people found guilty of a criminal offence fell to 1632 (2067 in 2018-19) whilst the number of offenders ordered to be detained decreased to 161 (210 in 2018-19).

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

Criminal case processing times, 2017-18 to 2019-20



Number of criminal matters initiated, finalised and pending 2018-19 to 2019-20

Court Region ¹	2018-19			2019-20		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	1605	1552	354	2110	1622	799
Grampians	440	466	84	445	314	198
Loddon Mallee	531	526	122	683	608	257
Broadmeadows	499	423	146	500	383	274
Dandenong	796	781	144	1084	831	388
Frankston	856	914	228	903	728	435
Barwon South West	790	810	152	750	634	270
Heidelberg	737	661	207	733	617	331
Gippsland	764	730	247	682	596	334
Ringwood	858	876	234	932	791	376
Hume	716	700	168	511	444	199
Sunshine	735	778	296	810	558	647
NJC – Collingwood	12	13	18	11	16	4
Total	9339	9230	2400	10154	8142	4512

COVID-19 has had a significant impact on listings and finalisations in the reporting period. This should be considered when making comparisons with previous year data.

¹ A detailed list of court regions can be found on page 61 of this report.

Fast Track Remand Court

The Melbourne Children's Court operates a Fast Track Remand Court (FTRC) to actively case manage the criminal charges of children held on remand. The FTRC has performed a critical role in reducing the risks faced by vulnerable young people in custody by expediting the hearing and case management of custodial matters.

The FTRC consists of:

- specialist judicial officers assigned by the President of the Children's Court;
- a team of dedicated court staff;
- specialist Victoria Police Prosecutors assigned to FTRC duties;
- legal practitioners from Victoria Legal Aid; and
- dedicated clinical support from the Children's Court Clinic.

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

GROWING DEMAND DURING COVID-19

During the early stages of the COVID-19 restrictions, FTRC heard and determined on average 35 bail applications per month. Notably, for the same period in 2019, the average was 21 per month, indicating an increased demand during the pandemic. In the period between March and June 2020, the FTRC dealt with on average 69 new remands each month, peaking with 91 new remands in March 2020 (this represents the greatest single month of new remands since the initiation of the FTRC). By comparison, there were on average 28 new remands per month in 2017-18; 31 in 2018-19; and 58 in 2019-20.

During this recent period of increased demand, the FTRC has complied with stringent social distancing restrictions by increasing its capacity to conduct all proceedings via audio-visual link. The number of in-person appearances from Youth Justice custodial facilities was significantly reduced from 135 in-person appearances in June 2019 to 30 in June 2020. The number of audio-visual link appearances for the same period increased from 89 in June 2019 to 232 in June 2020.

The sentences for finalised matters in the FTRC are detailed in the table below.

Fast Track Remand Court outcomes 2018-19 and 2019-20

Outcome	2018-19	2019-20
Dismissed	1	3
Diversion	2	2
Good Behaviour Bond	5	24
Probation	14	31
Youth Attendance Order	6	4
Youth Supervision Order	42	40
Youth Justice Centre	54	21

Serious Youth Offences Reform

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

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

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

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

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

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

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

For this reporting period, 6 cases have been uplifted to the higher courts. Of these matters: 5 were category A serious youth offences (of which 2 were death related offences) and 1 was a category B offence.

Outcomes - Matters which commenced in committal stream and finalised in 2019–20

Committed	6 (4- committal hearing, 2- hand-up brief)
Summary jurisdiction granted	2
Committal stream charge withdrawn	9
Total	17

Children's Koori Court

RETIRED KOORI COURT ELDER HONOURED WITH SPECIAL PORTRAIT.

Uncle Kevin Coombs OAM was born in Swan Hill in 1941. A Wotjobaluk Elder, Uncle Kevin was Australia's first Aboriginal Paralympian, participating in the Rome Olympics in 1960, and is one of the country's most celebrated wheelchair basketball athletes. Uncle Kevin represented Australia at five Paralympics between 1960 and 1984 and he captained the entire Paralympic team in 1980.

Outside Uncle Kevin's sporting achievements, he has made a significant contribution to public life and the advancement of Aboriginal people. His 17-year commitment to the Koori Courts has been instrumental in its continuing success.

The Children's Court commissioned artist Weng-Ho Chong to create a portrait of Uncle Kevin in honour of his lifetime contributions to the Victorian community and the Children's Koori Court. The painting, which will be showcased outside the Elders' Room at Melbourne, was unveiled in early 2020.



L-R: Artist Weng-Ho Chong and Uncle Kevin Coombs; Children's Court President Judge Amanda Chambers; and Uncle Kevin (pictured centre) with former and serving Children's Court presidents: Judge Peter Couzens, Judge Amanda Chambers, Judge Paul Grant and Judge Jennifer Coate.

Young people appearing/matters finalised, 2018-19 to 2019-20 in the Koori Court

Location	2018-19		2019-2020*	
	Number of young people	Matters finalised	Number of young people	Matters finalised
Dandenong	11	23	6	46
Geelong	14	44	17	14
Heidelberg	12	7	17	12
Latrobe Valley	4	1	8	20
Melbourne	46	93	23	18
Mildura	21	23	9	2
Shepparton	14	19	4	4
Swan Hill	2	3	0	0
Warrnambool (including Portland & Hamilton)	2	2	5	6
Total	126	215	89	122

*The figures in this table for 2019-20 end at 18 March 2020, when the Koori Court was suspended due to the COVID-19 pandemic.

Sexual Offences List (Melbourne)

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

In 2018–19 the Children's Court increased the frequency of SOL sitting days from monthly to every three weeks to meet demand and improve case management. A total of 40 young people appeared in the Melbourne SOL during this reporting period.

Youth Diversion Program

The Children's Court Youth Diversion (CCYD) program delivers a brief and tailored intervention for children charged with low-level offences and who have little or no criminal history.

The CCYD provides an opportunity for eligible children to:

- address harm caused by their offending by taking responsibility and completing a diversion activity.
- address the underlying cause of their offending.
- receive assistance to engage with support services.
- on successful completion of the diversion activity have the charge/s dismissed, with a non-disclosable criminal record.
- avoid the stigma associated with a criminal record and its impact on future life opportunities.

The number of matters overseen by Diversion Service Coordinators has increased from 1408 diversions in 2018 to 1595 in 2019.

On 4 May 2020 Practice Direction No. 4 of 2020 was issued by the Children's Court President, allowing diversion matters to be determined in the absence of parties ('on the papers'). This allowed diversion from the criminal justice system to continue for young people.

During the reporting period, most diversions were for:

- dishonesty/property offences (40% or 633 orders) and offences against the person (33% or 533 orders), excluding family violence and sex offences;
- young people between the ages of 15 and 17 years (73% or 1158 orders); and
- males (71% or 1132 orders).

A total of 11% (176) of young people involved in the program identified as Aboriginal, Torres Strait Islander, or both.

A review showed that through the Diversion program many young people were linked to important mental health and educational supports such as:

- 61% (965) of young people on Diversion were engaged in an activity designed to improve participation in education or employment; and
- 34% (550) of all CCYD plans involved a health or wellbeing goal, including accessing mental health and/or disability support.

Group Conferencing

The Children's Court is unique in its ability to refer a child found guilty of a criminal offence to a group conference. A group conference aims to increase a young person's understanding of the impact of their offending on the victim, or a victim's representative, Victoria Police, family and community members, their family and/or significant others and the community. The group conference process can operate to restore relationships and repair harm.

Group conferencing also aims to reduce the likelihood of a young person re-offending through the development of an outcome plan that sets out what the young person will do to take responsibility and make amends for the harm caused. Recommendations from an outcome plan may include:

- assistance and support for the young person in areas such as education, skill development, employment and counselling; and
- ways of dealing with the offence. This could mean that the young person apologises, pays for all or part of the damage, undertakes volunteer work or makes a donation.

The *Children Youth and Families Act 2005* allows the Court to defer the sentence of a young person for the purpose of their participation in a group conference.

When deciding on an appropriate sentence, the Court will take into account the young person's participation in a group conference and the contents of the outcome plan.

In 2019-20, 186 group conferences were held across Victoria. Of the young people that participated in a group conference and were sentenced by the Court* in this reporting period:

- 91 young people (49%) were sentenced to a non-supervisory order (ie, dismissal, an undertaking, good behaviour bond or a fine);
- 48 young people (26%) were sentenced to a probation order;
- 32 young people (17%) were sentenced to a youth supervision order;
- 5 young people (3%) were sentenced to a youth attendance order;
- 2 young people (1%) were sentenced to a youth control order; and
- 7 young people (4%) were sentenced to detention in a Youth Justice Centre.

The benefits of group conferencing include:

- strengthening the young person's family and community supports.
- encouraging the young person to take responsibility for their offending behaviour.
- identifying ways for the young person to make amends for their offending behaviour.
- providing an opportunity for those most affected by the offending to be involved in the criminal justice system response.

Group conferencing also supports the Victorian *Youth Justice Strategic Plan 2020-2030*, with a focus on restorative justice to "promote the use of Youth Justice Group Conferencing". Youth Justice will deliver opportunities for young people to repair harm through restorative interventions. These opportunities will help develop a young person's understanding of the harm their actions cause their victims.

*Sentencing figures do not accord with total conferences held as the sentencing outcome is recorded at the time it is handed down and some young people that participated in group conferences may not have been sentenced prior to the conclusion of the reporting period.

Education Justice Initiative

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

During the 2019–20 year, 2159 young people received support from the EJI at 22 Children’s Courts and all Koori Children’s Courts across Victoria.

Of those young people EJI supported during this reporting period:

- 230 received direct support with school re-engagement;
- 236 were supported through secondary consultation (to the Department of Justice and Community Safety and other workers); and
- 1693 were provided with brief educational intervention or advice.

The following outcomes of the EJI have been observed in the interim report of a current evaluation that is underway:

- 1 in 8 young people coming into the Children’s Court are provided with direct support from the EJI;
- 72% of participants have re-engaged in education or training, or are continuing to work with another service following EJI support;
- the EJI workforce operating from the Children’s Court is bridging the justice and education gap and is enabling prompt information sharing and follow up;
- a key strength of the EJI model is its focus on education and how this drives the work with young people;
- the EJI workforce is uniquely equipped to navigate the education system on a young person’s behalf;
- the EJI is providing practical advice to magistrates and other court stakeholders; and
- stakeholders believe the program may be effective in reducing offending.

The EJI interim report has also recognised the role Koori Education Children’s Court Liaison Officers (KECCLOs) play in providing culturally safe support to Koori young people appearing before the Court in regional areas. KECCLOs serve as connections to community, adding specific cultural insight into factors which may be affecting a young person. This is in addition to the general benefits of the EJI focus on education outcomes and reconnecting young people with education and training pathways.

Since COVID-19 restrictions came into effect, the EJI has adjusted its operations to provide services remotely. The team has been able to adapt its practices to remote work because the service is collaborative by design, and due to strong existing relationships with court users.

Mental Health Advice and Response Service

In 2019-20 the Mental Health Advice and Response Service provided assessment and mental health support to 98 young people.

The Children’s Court Mental Health Advice and Response Service (MHARS) commenced operation at Melbourne Children’s Court in May 2019. MHARS is a specialist mental health service delivered by Orygen Youth Health (OYH) and funded as part of the Forensic Mental Health Implementation Plan.

The service is based on the ground floor at Melbourne Children’s Court. Prior to COVID-19 restrictions, the MHARS Clinician was able to meet with young people in an interview room in the court building or in the police custody cells.

In response to COVID-19 restrictions, the MHARS service suspended face-to-face operations in March 2020. The service has adapted its services over this period, offering secondary consultation and remote assessment where practicable.

The MHARS Clinician utilises accredited assessment tools to assess clients presenting with mental health difficulties.

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

The MHARS Clinician can:

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

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

- aged 10–18 years old;
- charged with an offence and have been served with a summons, or are subject to a bail order; or
- in police custody at the Children’s Court awaiting their matter to be heard in the Criminal Division; or

- subject to proceedings in the Family Division (Secure Welfare only).
- at least one of the following criteria must also be met:
 - there are concerns about the mental health and well-being of the young person;
 - the young person is engaging in or expressing a desire to engage in deliberate self-harming behaviours, or is expressing suicidal ideation, or is having thoughts to harm others; and/or
 - the young person’s judgment is severely impaired by drug and/or alcohol use or for any undetermined reason.

Referrals may be initiated by:

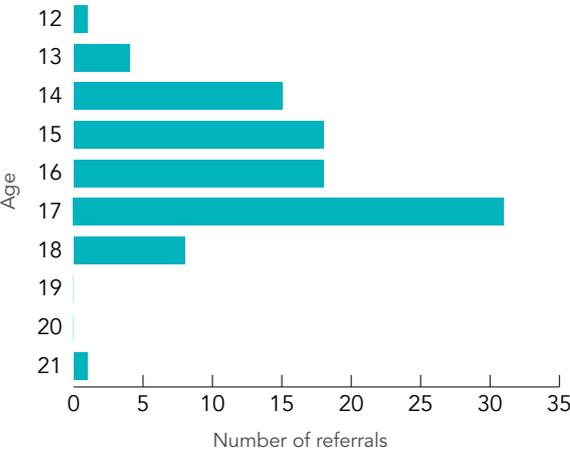
- magistrates and court personnel.
- legal practitioners and police.
- court advice and support officers.
- forensic medical officers.
- Child Protection and Youth Justice.
- family, support people or self-referral.

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

MHARS REFERRALS

In 2019-20 the MHARS service provided assessment and mental health support to 98 young people (60% male, 38% female, and 2% who identified as transgender/gender-diverse).

Referrals to MHARS by age 2019-20







Family Division

The Children's Court Family Division hears applications relating to the protection and care of children and young people at risk; and applications for intervention orders under the *Family Violence Protection Act 2008* and *Personal Safety Intervention Order Act 2010*.

The Family Division of the Court has the power to make orders about where a child should live (either as a temporary or permanent arrangement) as well as other conditions. The Court makes these decisions based on all of the evidence presented but always based on what is in the best interests of the child or young person.

Parents or guardians may appear before the Court because a child protection worker is concerned their children are at serious risk or harm. The magistrate will listen to anyone who may be able to help with information about the situation, including experts.



Launch of the report: ‘Cross-over kids: Effective responses to children and young people in the youth justice and statutory child protection systems’

In February, the Children’s Court hosted the launch of a research report about “Cross-Over Kids” co-authored by Monash University’s Professor Rosemary Sheehan and Dr Susan Baidawi from the Department of Social Work. The study was funded by the Australian Institute of Criminology and the Department of Justice and Community Safety as a collaboration between Monash University and the Children’s Court of Victoria.

The academics also co-authored the book ‘Crossover’ *Children in the Youth Justice and Child Protection Systems* that explores the outcomes faced by the group of children who experience involvement with both child protection and youth justice systems across several countries, including the United States, United Kingdom, Canada, New Zealand, and Australia.

Pictured L-R: Dr Susan Baidawi, Children’s Court President Judge Amanda Chambers, Children’s Court Magistrate Jennifer Bowles, Latrobe Valley Regional Coordinating Magistrate Fiona Hayes, and Professor Rosemary Sheehan.

There are six grounds (A, B, C, D, E and F) that can be used to make an application in the Family Division. The most common ground relied on is Ground E.

Family Division Protection Application Grounds
(from the *Children, Youth and Families Act*) 2019-20

5632 

Ground E applications

The child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type – 162 (1) (e) CYFA

4319 

Ground C applications

The child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type – 162 (1) (c) CYFA

1365 

Ground F applications

The child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care – 162 (1) (f) CYFA

514 

Ground D applications

The child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type – 162 (1) (d) CYFA

88 

Ground A applications

The child has been abandoned by his or her parents – 162 (1) (a) CYFA

48 

Ground B applications

The parents are dead or incapacitated – 162 (1) (b) CYFA

Note that applications may include a number of grounds

Family Division

ACTIVITY WITHIN THE FAMILY DIVISION

The Children’s Court has again experienced demand growth in its Family Division.

This reporting period 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 2018-19, 5866 primary applications were filed with the Court. That number remained stable in 2019-20 with 5881 primary applications filed. A further 13,316 secondary applications, such as breach or revocation applications, were filed with the Court. This was an increase of 3.45% on the last reporting period.

Trends show that the south-east region has experienced significant demand growth in the Family Division, placing overwhelming caseload pressures on the Moorabbin Children’s Court.

5881 primary applications and 13,316 secondary applications filed with the Court in 2019-20

Number of orders made, 2017-18 to 2019-20

Order	2017–18	2018–19	2019-20
Child Protection Order			
Family Preservation Order	3389	3713	3559
Extension of Family Preservation Order	498	552	446
Family Reunification Order	2094	2174	1772
Extension of Family Reunification Order	578	546	505
Care by Secretary Order	1074	952	946
Extension of Care by Secretary Order	245	624	410
Care by Secretary Order Conversion	6	3	8
Long-term Care Order	219	330	277
Permanent Care Order	438	457	376
Leave to apply to vary/revoke Permanent Care Order	20	11	1
Undertakings	659	669	822
Interim Accommodation Order	9823	14,121*	15,955*
Extension of Interim Accommodation Order	19,204	16,573	15,405
Therapeutic Treatment Order	14	11	21
Extension of Therapeutic Treatment Order	3	3	6
Safe Custody Warrants	6505	7983	8439
Procedural Orders			
Appointment – Independent Child Lawyer	418	383	349
Adjournment	14,560	14,128	13,035
Order for Costs	504	416	507
Free Text Order	23,309	24,278	24,156
Total	83,560	87,927	86,995

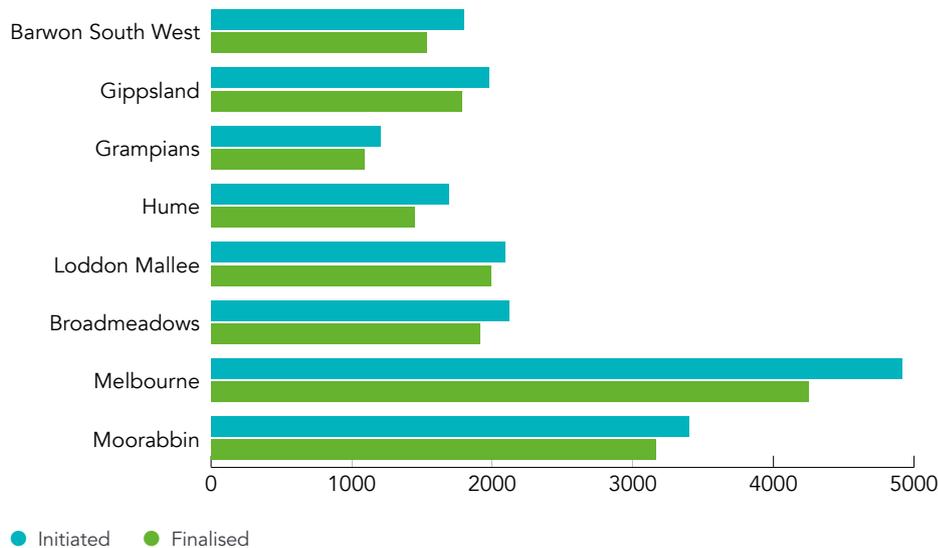
*Due to enhancements to the Court’s case management system, variations of Interim Accommodation Orders have been recorded as ‘Interim Accommodation Orders’, whereas previously they were recorded as ‘Extension of Interim Accommodation Orders’. In the 2019-20 reporting period, 5275 Interim Accommodation Orders were varied.

FAMILY DIVISION MATTERS – STATEWIDE TOTAL

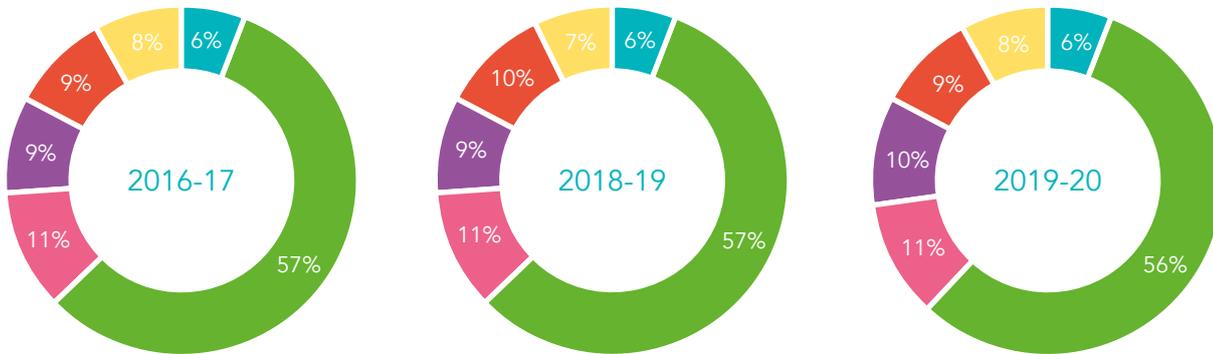
Total number of primary and secondary applications initiated, finalised and pending by region 2018–19 to 2019–20

	2018-19			2019-20		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Barwon South West	1781	1531	558	1797	1535	736
Gippsland	1677	1552	548	1977	1786	699
Grampians	1170	926	434	1207	1092	521
Hume	1402	1211	484	1691	1449	651
Loddon Mallee	2105	1966	545	2089	1989	566
Broadmeadows	2247	2013	862	2122	1909	1026
Melbourne	4823	4577	1734	4918	4247	2961
Moorabbin	3517	2653	1570	3396	3166	1285
Statewide	18,722	16,429	6735	19,197	17,173	8445

Total applications initiated and finalised, 2019-20

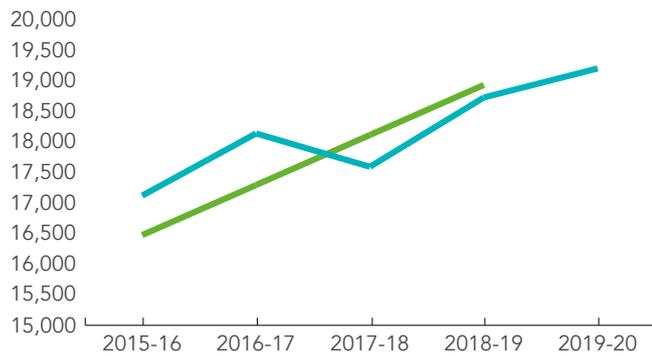


Regional caseload distribution for finalised primary applications, 2017-18 to 2019-20



- Loddon Mallee
- Melbourne
- Grampians
- Barwon South West
- Gippsland
- Hume

Growth of statewide total applications



- Median growth over the past five years
- Total number of primary and secondary applications

Number of safe custody warrants* filed 2015-16 to 2019-20

	2015-16	2016-17	2017-18	2018-19	2019-20
Granted	5393	6416	6444	7949	8350
Refused	39	62	61	68	89
Total filed	5432	6478	6505	8017	8439

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

EMERGENCY CARE WARRANTS – CHILDREN MISSING FROM CARE

EMMA'S STORY

Emma* is 14 years of age and resides in residential care. She is on an interim accommodation order to out of home care. She and her siblings have been exposed to significant trauma due to family violence perpetrated by her father. Her mother has left the children unattended for multiple days at a time.

Emma has been diagnosed with Autism Spectrum Disorder and possibly has an intellectual disability. Emergency care warrants have been issued for Emma due to her frequently going missing for weeks at a time, and she has reported sleeping on the streets. She has had a number of admissions to a psychiatric ward, self-harms and has spoken about her desire to jump in front of a train. She has had multiple stays in secure welfare.

Emma is very vulnerable to sexual exploitation. She has been seen leaving the unit in cars with adult males. She has recently disclosed using cannabis and ice and has been interviewed by police for a number of robberies.

One day Emma leaves her placement at 8pm after arguing with another young person at the unit. She does not own a phone and was speaking of harming herself. She is assessed to be at immediate and significant risk of harm. A s 598 warrant is sought to enable police to take her into emergency care and conduct a risk assessment.

* name has been changed to protect this family's privacy.



Family Drug Treatment Court

The Family Drug Treatment Court (FDTC) has been recognised for directly improving the lives of children, young people and families in Victoria.

In 2019 the FDTC received the Robin Clark 'Making a Difference' award at the Victorian Protecting Children Awards ceremony. The award recognises an individual, team or group within the child and family service sector that has made an exceptional contribution to directly improve the lives of non-Aboriginal and Aboriginal children, young people and families in Victoria. It is the first time this kind of award has been conferred to a court-based program.

In January 2020, Governor of Victoria, Her Excellency the Honourable Linda Dessau AC hosted an afternoon tea at Government House to celebrate the recipients of the Victorian Protecting Children Award. Magistrate Annabel Hawkins and Matthew Wilson, FDTC Statewide Program Manager, represented the program at the event.

EFFECTIVE AND SUSTAINABLE OUTCOMES

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

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

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

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

GROWING DEMAND

Referral rates across the FDTC have remained consistent with 2018-19, at an average of slightly more than one referral per week, while the rate of participants inducted into the program have similarly remained steady at 2.5 referrals per month across both program locations. This represents a slight increase in the conversion rate of referrals to inductions, with 61.5% of referrals leading to induction in 2019-20 compared to 58.6% in 2018-19.

Considering the limitations court-users have faced due to COVID-19 restrictions, the consistency of this reporting period with 2018-19 data is indicative of an increased demand for FDTC services. As COVID-19 restrictions came into effect the FDTC program in Shepparton experienced an 80% increase in referrals based on the comparable time period in 2018-19.

COVID-19 SERVICE DELIVERY RESPONSE

The FDTC has continued to provide intensive support and service integration to participants, and has continued to see high levels of participant engagement and success. The operational changes responding to COVID-19 have also created opportunities for the FDTC to extend its reach beyond physical court venues, holding promise for future expansion across regional Victoria.

In response to COVID-19 restrictions, all FDTC operations moved online in March 2020. Weekly progress review hearings, where participants ordinarily attend court to discuss their progress and challenges with the magistrate and the FDTC team, are also now conducted by telephone or online.

The FDTC's rapid transition to online hearings has ensured continuity of services for participants. However, the model is generally less optimal than the support that can be offered face-to-face given participant vulnerabilities. While some parent participants have continued to make progress with their recoveries (and flourish as a result of more flexible service delivery), others have struggled without the motivation and encouragement that comes from ordinary in-person support.

Restrictions on Child Protection to facilitate face-to-face contacts between FDTC participants and their children has been a significant challenge, as have restrictions on the availability of urinalysis collection facilities (regular urine screening is a requirement of the FDTC program). COVID-19 related disruptions to community support services (including alcohol and drug counselling and support, mental health support and housing assistance), have also impacted on participants, highlighting the critical nature of continued FDTC engagement during this time.

FAMILY DRUG TREATMENT COURT

MIRIAM'S STORY

Miriam's* son was removed from her care, and she joined the FDTC in July 2019 with a 20-year history of substance misuse. Miriam was keen to engage in the program, however initially demonstrated minimal insight into the negative impacts of her ongoing substance misuse. She struggled with her commitment to the program and by March 2020 (prior to COVID-19 restrictions commencing) her exit from the FDTC program was being contemplated.

When FDTC operations moved online, the likelihood of Miriam's continued engagement appeared slim. However, with the enhanced flexibility offered by online service delivery, Miriam's engagement with the FDTC and support services significantly improved, as did her insight and commitment to achieve and sustain long-term changes for both herself and her son. She progressed to Phase 2 of the FDTC program in two months, after having spent 10 months working through the initial phase of the program with limited progress.

Miriam's recent progress in such a short space of time has been remarkable, despite the additional challenges faced by COVID-19. She completed the program substance-free and progressed to overnight contact with her son with a reunification plan in place. In August 2020 Miriam's son was returned to her full-time care, with Miriam maintaining her commitment to sustaining the changes she has made for herself and her son.

Miriam reflected at the time of completing the FDTC program that she was her own "biggest doubter" about her ability to achieve and sustain the changes required in order for her son to be returned to her care. She can now identify as a "substance-free parent".

* name has been changed to protect this family's privacy.

KNOWLEDGE-SHARING

Interest in the success of the FDTC has been expressed across multiple care and protection jurisdictions throughout Australia, and in New Zealand.

The NSW Special Commission of Inquiry into the Drug 'Ice' invited FDTC Reserve Magistrate Gregory Levine

OAM and Mr Matt Wilson, Statewide Program Manager, Family Drug Treatment Court to give expert evidence in 2019. Their evidence outlined how the FDTC was developed and its operation, with the Commission's final report recommending that the FDTC be piloted in NSW.



Pictured L-R: HE the Honourable Linda Dessau AC, Magistrate Annabel Hawkins, Matthew Wilson and the Honourable Luke Donnellan MP, Minister for Child Protection and Minister for Disability, Ageing and Carers

REUNIFICATION TRENDS

During the reporting period, the FDTC program received referrals for 62 parents of 118 children across both the Broadmeadows and Shepparton program locations, leading to the induction into the program of 30 parents of 59 children. Of the total number of FDTC participants (inclusive of those inducted prior to the commencement of the 2019-20) 57% achieved reunification with their children. There is a notable difference in the reunification rate between participants in Broadmeadows (71% reunification rate) and Shepparton (36%). The reunification gap can be attributed to the Broadmeadows FDTC program being delivered within a specialist Children’s Court context, whereas the Shepparton FDTC program operates with more limited capacity.

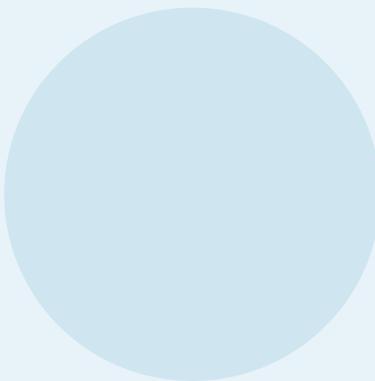
Since the FDTC program moved online from March 2020, limited access to technology, and generally poorer internet connectivity compared with metropolitan Melbourne, may also have reduced program efficacy in Shepparton.

Number of parents referred and inducted to FDTC 2019-20

	Parents referred to the program	Parents inducted into the program
Broadmeadows	39 parents of 70 children	16 parents of 29 children
Shepparton	23 parents of 48 children	14 parents of 30 children
Total	62 parents of 118 children	30 parents of 59 children

Reunification rates 2019-20

	Parents whose time on program ended in 2019-20 who have achieved reunification	Children reunified with their parents, where their parents’ time on the program ended 2019-20
Broadmeadows	71%	77%
Shepparton	36%	32%
Total	57%	51%



Marram-Ngala Ganbu (Koori Family Hearing Day)

MARRAM-NGALA GANBU (MNG) RECOGNISED FOR ADVANCING SELF-DETERMINATION IN VICTORIA

In February MNG was named a finalist in the 'Advancing Aboriginal Self-Determination' category at the 2020 Leadership in the Public Sector Awards hosted by the Institute of Public Administration Australia (Victoria). The Aboriginal Self-Determination Award celebrates active partnerships that "transfer policy and program decision-making and resources to the Victorian Aboriginal community".

The Children's Court in Broadmeadows was the first Australian court to establish a Koori Family Hearing Day, known as Marram-Ngala Ganbu (MNG) meaning "We are one" in the 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*.

IMPROVING OUTCOMES FOR KOORI CHILDREN AND FAMILIES

MNG promotes participation by family members at court, provides culturally appropriate court processes, enables decision-making informed by improved cultural understanding, and offers cultural supports. The Koori Family Hearing Day is an opt-out process and consent for program participation is confirmed by the Aboriginal staff members.

A Koori Services Coordinator and Koori Family Support Worker coordinate the hearing list and assist family members in obtaining legal representation and understanding the court process. The courtroom is adorned with Aboriginal cultural items, children can play with toys in a quiet space, and care packs are available for people experiencing unstable housing.

MNG staff work closely with the Department of Health and Human Services and local Aboriginal Community Controlled Organisations such as Djirra, VACCA and VALS. The staff also facilitate warm referrals to appropriate support agencies, many of whom are local and Aboriginal community controlled.

The Koori Family Hearing Day commenced sitting on 12 July 2016 and sits weekly. In August 2018 the fourth phase of the Victorian Aboriginal Justice Agreement (AJA4) was announced, with \$12 million for Burra Lotjpa Dunguludja. This funding will allow for a limited expansion of MNG to a regional location in 2019–20 and for a formal evaluation to be conducted.

The MNG team has doubled since its inception, with the addition of a new Koori Family Support Officer and an additional Koori Conciliation Conference Convenor to meet the needs of the growing number of families attending. Every family with a Koori child that is listed at Broadmeadows Children's Court is heard in MNG unless they wish to opt out.



Pictured L-R: Les Corlett, Ashley Morris, Aislinn Martin, Children's Court President Judge Amanda Chambers, Magistrate Annabel Hawkins, Magistrate Kay Macpherson, Karyn Lloyd, Matthew Wilson and Peter Lamb

COVID-19 SERVICE DELIVERY RESPONSE

MNG’s operations at Broadmeadows have been significantly impacted by COVID-19. Significant work has been undertaken between April and June to establish an online operating model capable of supporting the MNG’s unique therapeutic process.

In the current circumstances, online hearings will enable matters to be heard by docketed magistrates who are familiar with cultural practices, and with the support of staff and legal representatives regularly operating within the MNG.

MNG EVALUATION

The Children’s Court commissioned an independent evaluation of MNG led by Meriam woman Professor Kerry Arabena, together with Social Ventures Australia and Professor Wendy Bunston. The evaluation set out to understand the efficacy of MNG at Broadmeadows and inform the expansion of the hearing day to other communities. Over 30 Koori adults and young people were interviewed for the evaluation, as well as 30 people from other organisations involved in the program. Court data was also analysed.

The evaluation revealed how the court has been transformed through Aboriginal leadership, successfully encouraging Aboriginal people to feel welcome, heard and empowered. Through consultation with families, many simple and common sense changes have been made to the court process – including adapting the court setting to allow families and young people to sit around the table and speak at the same level as magistrates, and offering support before, during and after court

BUILDING RELATIONSHIPS WITH FAMILIES

In a summary report prepared for the MNG participants who were interviewed as part of the evaluation, SVA provided this description of the key findings:

“MNG is providing a more effective, culturally appropriate and just response for Koori families through a more culturally appropriate court process, enabling greater participation by family members and more culturally informed decision-making.”

“Koori families are more likely to attend court at MNG, and more likely to follow court orders due to the support of the magistrates and Koori staff. The Department of Health and Human Services (DHHS) is more accountable to magistrates and the court process in MNG. There is greater compliance with the Aboriginal Child Placement Principle. There are also early indicators that more families are staying together and having their children returned.”

The following quotes were obtained from parents as part of the MNG Evaluation:

“I was able to be heard and was able to speak. My voice was heard, and my children’s voice was heard. Other courts people are speaking for you and it’s frustrating”

MNG participant (Koori parent)

“Any worries and concerns with the stress leading up to Court I could get in contact with the support workers and it makes a whole lot of difference. I was excited going to [Marram-Ngala Ganbu] because of the fairness”

MNG participant (Koori parent)

The MNG team at the Broadmeadows Children’s Court supported 184 individual family groups throughout the 2019–20 period. Within this reporting period, only one family opted out of the MNG process.

Number of Marram-Ngala Ganbu sittings 2019–20

Month	Total sittings	Number of families*
July 2019	5	47
August 2019	4	48
September 2019	4	44
October 2019	5	53
November 2019	3	29
December 2019	3	27
January 2020	4	47
February 2020	5	52
March 2020	5	64
April 2020	4	30
May 2020	4	21
June 2020	4	40

*This column is indicative of the number of times a family came before MNG during any given month of the reporting period. It does not count the number of unique individual families supported by MNG in 2019–20.

Court Support Coordinator

THE COURT SUPPORT COORDINATOR (CSC) ROLE IS A SPECIALIST STAFF MEMBER WITH A BACKGROUND IN SOCIAL WORK

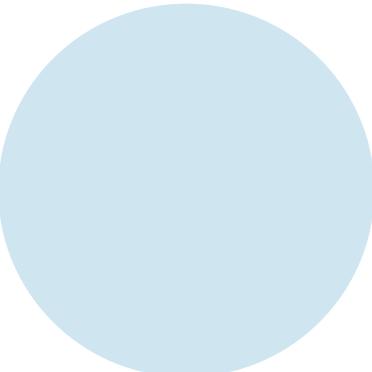
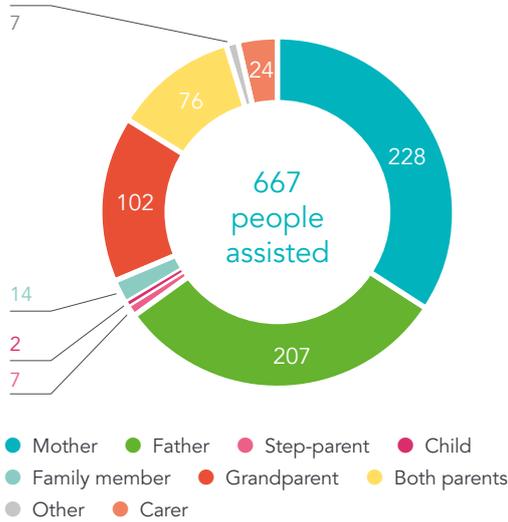
The CSC aims to provide a safe and supportive environment at the Children’s Court for some of the community’s most vulnerable and disadvantaged populations. The CSC aims to reduce the need for emergency security requests, improve court efficiency and improve the overall court experience. The CSC achieves this by practising trauma-informed care with court users, assisting court users to navigate the court processes, linking them in with relevant supports in the community and alleviate any levels of distress and anxiety felt while attending court.

Since the restrictions began in relation to COVID-19 in March, the CSC’s role has evolved in order to carry out support in the most practical and appropriate manner. The Court quickly recognised that self-represented litigants (SRLs) required extra support in order to improve their court experience. This support initially involved the CSC contacting all identified SRLs to discuss the current practice directions, including matters being adjourned for lengthy periods. This helped to alleviate stress for SRLs and establishes a central contact point for any further other issues that may arise.

Since matters have progressed to online hearings, the CSC has continued to make contact with all SRLs to provide procedural information, assisting with technology (how the person will participate in the hearing), liaising with the Court, attending online court hearings, providing debrief and any further support that may be required.

In the past financial year, the CSC have supported 667 SRLs, with 184 of those supported during the COVID-19 climate, in addition to supporting 48 people attending court for the first time during the pandemic.

Self-represented litigants assisted by Court Support Coordinators 2019-20



Alternative dispute resolution: Conciliation Conferences

A Conciliation Conference is a form of court-ordered mediation. At the conference a court-appointed and impartial convenor brings the family and child protection workers together, with their lawyers, to try to reach an agreement about what is in the best interests of the child or children in the family. The convenor helps to guide the discussion and ensure that participants speak for themselves, listen to each other and remain child-focused.

Before a conference, the Court's intake officers contact all family members to provide information about what to expect and to undertake a detailed risk assessment. The purpose of the risk assessment is to ensure that supports are put in place to enable the active and safe participation of families. Conferences may be held with all parties together, or in a 'shuttle' format where parties each meet with the convenor separately.

Conferences are ordinarily held in a conference room close to a court venue. On average, each conference involves seven participants, as well as a convenor. In some conferences, there are up to 15 participants. In the reporting period, over 16,000 people participated in conferences statewide.

In the 2019–20 financial year, a total of 3260 conferences were conducted at 30 venues across Victoria. In 39% of conferences, a negotiated settlement was achieved, a slight decrease from the previous financial year (40% in 2018–19). A further 34% were partially resolved, ultimately reducing the time matters take before the Court. The remaining 27% of matters did not settle, resulting in Directions Hearings being listed before the Court.

COVID-19 SERVICE DELIVERY RESPONSE

The Court moved all conferences to online hearings at the end of March 2020 due to the risks of having close proximity between participants in a conference room. Since that time, over 800 conferences have been conducted remotely, initially by telephone and then online.

The Court's commitment to this model of alternative dispute resolution continues to benefit families in preventing many cases proceeding to a contested hearing. During the reporting period the Court held 3260 conferences. In 39% of those conferences, the parties came to a full agreement about a way forward to support and protect the children in the family. In a further 34% of conferences, parties reached a partial agreement and sought more time to resolve the issues. In only 27% of conferences parties were unable to reach an agreement and the case was listed for a readiness hearing or final contest.

SNAICC CONFERENCE

The Court was represented at the 8th Secretariat of National Aboriginal and Islander Child Care (SNAICC) National Conference. The conference was held in Adelaide from 2-5 September 2019.

Koori convenors Kate Walker and Les Corlett, and conciliation conference deputy manager Angela Carney delivered a presentation on Koori Conciliation Conferences. They shared their knowledge and experiences of facilitating conferences with Aboriginal families and how the Court has developed a culturally appropriate environment for these discussions to occur.



Kate Walker presents at the SNAICC national conference, in September 2019.



3260 Conferences
across Victoria



Involving **16,405** people



39% fully settle
Final orders made



34% partial settlement



27% listed for
Readiness Hearing

Number of conciliation conferences conducted 2017–18 to 2019–20

	Total conferences conducted	Conferences resulting in settlements	Conferences resulting in partial settlements	Conferences resulting in directions hearing or readiness hearing
2017–18				
Melbourne (including Moorabbin and Broadmeadows)	1795	610	729	456
Regional	1277	543	525	209
Total	3072	1153	1254	665
2018–19				
Melbourne (including Moorabbin and Broadmeadows)	1826	612	655	559
Regional	1449	674	536	239
Total	3275	1286	1191	798
2019–20				
Melbourne (including Moorabbin and Broadmeadows)	1826	617	617	582
Regional	1444	659	515	270
Total	3260	1276	1132	852

Family Violence

FAMILY VIOLENCE SUPPORT SERVICES

The Court's contract with Merri Health to deliver dedicated applicant and respondent support services to the Melbourne Children's Court has now concluded. The Court is committed to ensuring that all individuals impacted by family violence continue to be supported throughout the court process and will implement a new, in-house family violence support service to commence in the first quarter of 2020-21. The replacement model will incorporate court-employed family violence practitioners who will provide support to adolescents using violence in the home. Program staff will work collaboratively with practitioners in the Magistrates' Court of Victoria to promote consistency in service delivery for individuals impacted by family violence who are engaged in both jurisdictions.

RESTORE

Delivered by Jesuit Social Services, RESTORE is a pilot program operating out of the Melbourne Children's Court designed to utilise Family Group Conferencing to support families in situations where young people are using violence in the home over a three month adjournment period.

RESTORE has been successful in gaining additional funding that will see the pilot continue for a further 18 months prior to a formal program evaluation. In light of COVID-19 the operation of the program has been suspended until restrictions are lifted. Prior to its suspension:

- 13 separate families were identified by Court stakeholders as potentially suitable for the program and 9 were formally assessed for participation.
- 6 separate families engaged and successfully exited the program – 4 of these completed a minimum of two Family Group Conferences.

COURT SUPPORT FOR KIDS (CS4K)

The Court Support 4 Kids (CS4K) service supports women who are attending court, in relation to family violence intervention order (FVIO) applications, who are accompanied by children.

The CS4K service provides a specialist worker to engage with children onsite while their mother attends court. Having children at court is not a desirable situation, however the Court acknowledges that some women do not have a viable option other than to bring their children with them.

CS4K utilises a family-centred approach, recognising the impact of family violence on children and the anxiety and trauma that accompanies patterns of power and control within families. The trained CS4K worker delivers distractive play and trauma-informed support to children. Children or young people (up to the age of 18), who are not themselves responding to a charge of family violence, are also eligible for help from this service and priority for CS4K support is given to high-needs cases.

CS4K aims to:

- offer a child-centred support service that engages with children and young people through playful activities contributing to a positive court experience;
- minimise the impact of the court experience on children and, where possible, protect children from information that may further traumatise them;
- enable women with children to complete FVIO proceedings by providing support for children whilst at court;
- informally refer families to in court support services for safety planning and support;
- support families presenting at court for FVIO proceedings by providing information, informal referrals and basic safety planning when appropriate; and
- advocate for women and children with a focus on:
 - reducing the amount of time spent at court;
 - ensuring children remain with their mother if separation causes anxiety;
 - relocating families to remote facilities if safety is a concern;
 - having a woman represented if she is unable to be in court because of caring responsibilities; and
 - alerting court staff to the presence of children.

The program was initially piloted and established by McAuley Community Services for Women at Sunshine Magistrates' Court in 2015. CS4K commenced at Melbourne Children's Court in October 2019.

CS4K is a unique service and there is currently no other program of its type operating in Australia. In the period between October to December 2019 the program in Melbourne assisted 32 women and 30 children in specific family violence proceedings and 143 women and 239 children in non-family violence related proceedings.

In March 2020, with the onset of the COVID-19 and the introduction of restrictions associated with the Children's Court COVID-19 response, CS4K paused its service provision activity.

MARAM ALIGNMENT

In 2018 the Magistrates' Court of Victoria (MCV), the Children's Court of Victoria and Court Network established a shared project to align the Multi-Agency Risk Assessment and Management (MARAM) Framework over a three-year period. During this reporting period, a senior project officer was appointed to ensure the Children's Court MARAM alignment activities are acted upon in this cross-jurisdictional project. The project officer ensured that any training material developed for MCV and the Children's Court workforces incorporated a strong focus on the intersection between child protection and family violence. Whilst COVID-19 impacted delivery timelines and required much of this work to be done online, the Court was able to ensure that all operational staff assessed as needing to undertake comprehensive training have now done so. The Court also developed and delivered a one-day training program to Conference Unit staff introducing the Family Violence Information Sharing Scheme and contextualising the MARAM framework as a precursor for more targeted intermediate training that will be deployed statewide in 2020-21.

COVID-19 SERVICE DELIVERY RESPONSE

Specific operational measures introduced in response to COVID-19 include:

- FVIO pre-court triage meetings are now conducted by video-conference;
- a pre-court referral program is now in operation whereby individuals who contact the registry in advance of an FVIO hearing are referred to legal services for assistance;
- FVIO applications listed with related child protection proceedings are heard online;
- FVIO applications, and interim orders where sought, are listed and determined on the papers or online;

- FVIO applications, where submissions are required, are listed and heard online; and
- a staggered listings policy designed to maximise social distancing in situations where physical attendance is permitted has been developed for the Melbourne Children's Court.

The Court is actively considering additional ways technology can be used with respect to the listing of FVIO proceedings in the current climate and this will remain a priority focus over the coming twelve months.

Applications for an intervention order finalised by Act under which application made

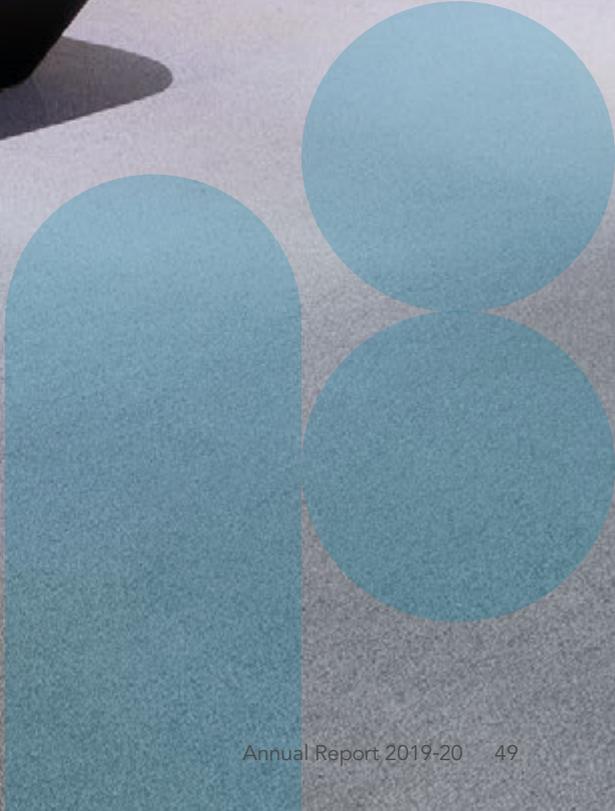
<i>Family Violence Protection Act 2008</i>	2018–19	2019–20
Intervention Order made	1192	996
Application refused	15	11
Application struck out	144	167
Application revoked	11	2
Application withdrawn	414	430
Application withdrawn with undertaking	116	137

<i>Personal Safety Intervention Orders Act 2010</i>	2018–19	2019–20
Intervention Order made	697	473
Application refused	4	8
Application struck out	113	96
Application revoked	1	0
Application withdrawn	150	134
Application withdrawn with undertaking	171	146

Applications for an intervention order finalised, by elapsed time between date of issue and finalisation, 2018-19 to 2019-20

	2018–19	2019–20
Over 12 months	83	62
9<12 months	58	59
6<9 months	149	162
3<6 months	533	520
2<3 months	387	401
1<2 months	685	598
0<1 month	1133	798

COURT



Children’s Court Clinic

THE CLINIC

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

Clinical and forensic psychologist Dr Sophie Reeves has led the team as the Clinic Director since 2018. The clinicians employed at the Clinic are experienced clinical and forensic psychologists; clinical neuropsychologists; educational and developmental psychologists; and consultant forensic psychiatrists. The team collectively offer specialist skills and knowledge in the areas of infant, child, adolescent and adult mental health, disability, risk assessment, youth and adult offending, trauma, child development and family systems.

Referrals from the Family Division of the Children’s Court typically involve requests for an opinion on parental mental health, parental cognitive capacity, parent-child attachment, family dynamics, parenting capacity, risk of harm to children within a family environment where they have been exposed to family violence, sexual abuse or another form of maltreatment and the children’s mental health and developmental needs. Recommendations regarding a child’s contact with their parents, and residence and support services that are in the child’s best interests also typically form part of the Clinic reports. Family Division assessments typically span a whole day and involve various clinical interviews with family members, observational interviews of child-parent dyads and psychological testing, in addition to consultations with relevant professionals involved in working with the family (forensic psychology, clinical neuropsychology and psychiatry).

Assessments involving cases referred by the Criminal Division of the Children’s Court typically span from 1 to 2 hours and take place either at the Clinic or Parkville or Malmsbury Youth Detention Centres. A small number of cases are also assessed at Secure Welfare. A typical psychological assessment involves assessing the young person, psychological testing, including a risk/needs assessment, and consultation with relevant family members/carers and professionals working with and supporting the young person.



HIGHLIGHTS

The Clinic is a well-established teaching unit with several clinical and forensic doctoral students from Swinburne University of Technology completing their placement with the Clinic, which includes observational training and supervision from Clinic clinicians and experience in writing mock reports.

Clinic assessments often evoke considerable anxiety for families and can also trigger painful memories and trauma. In light of this, the physical environment is incredibly important to ensuring people feel welcomed, safe and as comfortable as they can. A refurbishment of the Clinic took place in April 2020, providing a more welcoming, therapeutic, calming and safe space for children, young people and families to visit and spend time. Refurbishments included brightening the reception area, updating the television and play areas for children, and interview spaces with calming colours, acoustic panels and safety devices.

During this reporting period, the Clinic has also moved to establish a research partnership with Swinburne University of Technology's Centre for Forensic Behavioural Science. This partnership will provide enhanced outcomes for vulnerable children and families.

In 2019-20 the Clinic developed and reviewed internal procedures (such as best practice guidelines for Clinic assessments) and undertook ongoing professional development and training in various domains (such as risk assessment, working with Aboriginal families, assessing attachment and working with individuals on the Autism spectrum).

COVID-19 SERVICE DELIVERY RESPONSE

From March 2020 onwards, COVID-19 has had a significant impact upon Clinic assessments, largely affecting Family Division assessments, and creating significant delays in assessments. Factors impeding assessment completion have included services/carers being unable to transport family members to their assessments due to restrictions (particularly in rural regions), clients being anxious about travelling into the CBD to partake in face-to-face interviews and safety concerns for all parties and staff. Clinic staff have worked hard to continue completing assessments for the Court under these circumstances, with only very minor delays occurring for Criminal Division cases due to COVID-19.

Stage 4 restrictions, which came into effect in late July 2020, resulted in the Clinic solely conducting tele-health assessments, as face-to-face assessments were not permitted.

CLINIC OUTPUT FOR 2019-20

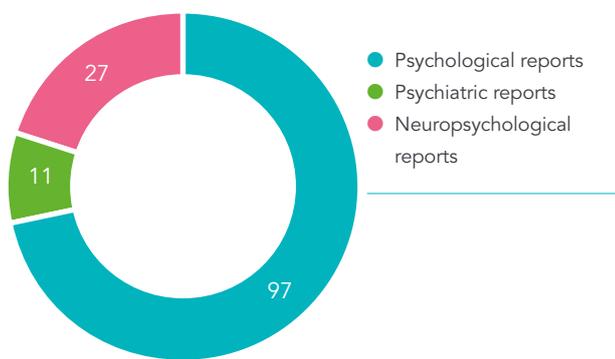
Overall, a total of 397 reports were completed by the Children's Court Clinic in 2019-20. This is a decrease in the total number of reports from the last few years that can be attributed to the reduction in Criminal Division referrals and a less substantial drop in Family Division reports.

The decrease in psychological reports this reporting period is largely due to COVID-19 impacting referrals and assessment completion. However, there has been a steady increase in neuropsychological referrals over the last seven years, while the number of psychiatric referrals has remained stable.

CRIMINAL DIVISION CASES

A total of 140 young people from the Criminal Division of the Children’s Court were referred to the Clinic this reporting period. The number of psychological assessment reports completed was 97, and there were 11 psychiatric reports and 27 neuropsychological reports completed. Due to courts markedly reducing the number of criminal proceedings from March 2020, the number of referrals for psychological reports in 2019-20 was significantly lower than that of previous years.

Criminal Division Reports completed in 2019-20

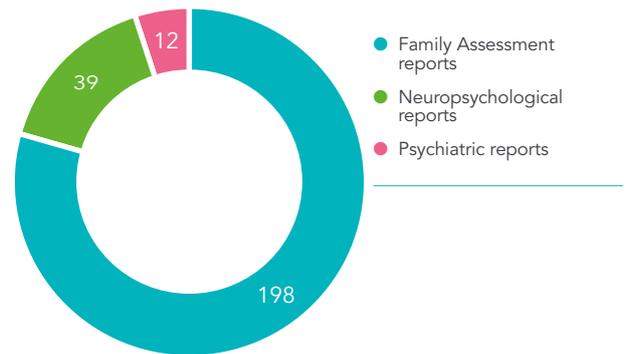


As per previous years, the majority of Criminal Division referrals in 2019-20 came from Metropolitan Melbourne. Of these metropolitan referrals 50% were from the Melbourne Children’s Court, 15% were from Dandenong and 9% were from Heidelberg.

FAMILY DIVISION CASES

In 2019-20 the Clinic completed 198 family assessment reports, 39 neuropsychological reports and 12 psychiatric reports for the Family Division of the Children’s Court. This is illustrated in the table below.

Family Division reports completed in 2019-20



Compared to previous years, the completion of family assessments in the Family Division has remained steady with an average of 237 reports being completed per year over this time period. COVID-19 impacted Clinic output over the last 5 months, in particular April and May 2020, with an estimated reduction in output of family assessment reports.

With regard to referral sources for Family Division cases, 48% of these were from Metropolitan Melbourne Courts (39% of these was from Melbourne Children’s Court, 30% was from Broadmeadows and 27% were from Moorabbin). Wodonga and Shepparton Courts equally shared the majority of Hume region referrals. For the Barwon region, Geelong Court, Warrnambool and Hamilton Courts were responsible for 28%, 44% and 26% of referrals within this region respectively. For the Loddon Mallee region, Bendigo Court was responsible for 65% of referrals. Horsham Court was responsible for 45% of referrals in the Grampians region and Ballarat was responsible for 52% of referrals in this same region.

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 fines 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, 2018-19 to 2019-20

Court Region	2018-19			2019-20		
	Initiated	Finalised	Pending	Initiated	Finalised	Pending
Melbourne	324	328	53	628	289	126
Grampians	28	26	2	8	5	7
Loddon Mallee	18	15	3	7	9	4
Broadmeadows	238	230	21	178	181	16
Dandenong	343	367	3	315	245	128
Frankston	434	413	14	381	310	104
Barwon South West	29	20	9	27	26	16
Heidelberg	331	410	1	289	204	136
Gippsland	42	32	8	30	25	24
Ringwood	590	625	4	468	365	174
Hume	11	8	3	9	6	5
Sunshine	470	462	85	285	289	106
NJC – Collingwood	29	27	1	0	1	0
Total	2887	2963	207	2625	1955	846





PRIORITY PROJECTS AND REFORM

Case Management System

A new case management system (CMS) for the Children's Court and the Magistrates' Court was announced with \$89.2 million provided to Court Services Victoria in the 2017-18 State Budget.

The Children's Court and the Magistrates' Court hear more than 300,000 cases a year between them. Cases are becoming increasingly complex and continue to increase in number year-on-year. Both Courts share case management applications which are outdated, with the current system developed and installed nearly 30 years ago.

While the current systems deliver within the scope of which they were originally developed, they present significant barriers to meeting service expectations, handling growing demand, sharing information across government agencies and supporting court reform and innovation.

The new CMS will be the one point-of-entry for all cases in the Children's Court. It will make court processes faster, through minimising manual practices and moving some court processes online, where appropriate.

It will streamline how the Courts capture and record data, reduce the reliance on paper, and link people to cases to provide a holistic view of a court case.

The new CMS will also support greater integration and connectivity for the whole of justice system, including strengthening the ability to capture and share appropriate critical information in individual cases across jurisdictions and courts, and with external parties, where appropriate.

Once rolled out, the CMS will be applied across the following areas of the Children's Court:

FAMILY DIVISION

- Child Protection cases
- Family violence and personal safety intervention Orders
- Family Drug Treatment Court
- Marram-Ngala Ganbu (Koori Family Hearing Day)
- Conciliation conferences

CRIMINAL DIVISION

- Criminal cases
- Koori Court
- Fast Track Remand Court

CHILDREN'S COURT CLINIC

- All matters referred for a Children's Court Clinic report

KEY MILESTONES

In July 2019 Journal Technologies (JTI) were appointed as CSV's technology partner for the CMS Project. Since then, the project has progressed into the Implementation Phase which involves detailed configuration of JTI's eCourt software package so that it will meet the needs of the Court and will support organisational reform and service improvement objectives.

In early 2020 and as a result of the impacts of COVID-19, the CMS rollout plan was amended to fast-track delivery of electronic document lodgement and document management components of eCourt – called eDocs – ahead of schedule. This was done to support the Court's move to a COVID-19 digital operating model.

Release 1 of eDocs is scheduled for delivery in the first half of 2020-21. Six 'end-state' releases (staged across a two-year period spanning October 2020 to October 2022) are also scheduled for rollout across:

- Civil (MCV);
- Child Protection (Children's Court);
- Intervention orders (Children's Court and MCV);
- Criminal (Children's Court and MCV);
- Specialist courts and programs (Children's Court and MCV); and
- VOCAT.

New Specialist Children’s Court facility in Melbourne

The new facility is located directly behind the Melbourne Children’s Court at 477 Little Lonsdale Street and was completed in April 2020.

This reporting year sees the completion of a new Specialist Children’s Court facility, incorporating two multi-purpose court rooms at Level 7, 436 Lonsdale Street, Melbourne. The facility has been designed with particular consideration of the needs of children, young people and their families, providing a therapeutic and culturally-welcoming environment.

Importantly, the new facility continues to support the Children’s Court COVID-19 response by accommodating a separate team facilitating online Readiness Hearings. The additional courtrooms and space will also address current and future demand for Children’s Court services in Melbourne.

The new space was designed based on principles including professionalism, therapeutic engagement, flexibility and accessibility. The facility provides:

- a child-focused and family-friendly environment, with design including zoning and haptic interactive elements for children and young people with special needs;
- an emphasis on safety, security for all court users particularly vulnerable victims and witnesses (including victim survivors of family violence);
- an emphasis on accessibility, incorporating passive wayfinding;
- co-location and collaborative spaces for multi-disciplinary teams;
- concealed integration of technology for online court hearings and conciliation conferencing; and
- flexible and adaptable court rooms that facilitate traditional court room and round table hearings for specialist lists.

The Level 7 conference and breakout rooms have also been named in the Wurundjeri language, selected by the Wurundjeri Land Council. These include:

- **Wilim Daminon-inon** meaning ‘room of peace’ for a discrete waiting room;
- **Wilim Ngarrang** meaning ‘room of thoughts’; and **Ngalimbe ba Ngang-gak** or ‘sit and listen’ for the conference rooms;
- **Bagung** meaning ‘gathering’;
- **Gahgook-djak Wilim** or ‘respectful place’;
- **Womin joka** meaning ‘welcome’;
- **Noogal** meaning ‘belong’; and
- **Kulin-bulok Wilim** meaning ‘community room’ for the breakout rooms.

Special acknowledgement is made for work of the Assets Planning and Management team within Court Service Victoria, and the Architect appointed to this project, Jarvis Pinto from Guymer Bailey Architects, for translating the Court’s vision and requirements into the design of this contemporary Children’s Court facility.



Specialist Children’s Court for Dandenong

Planning is underway for a new Specialist Children’s Court at Dandenong to meet the growing justice demands of the south-east metropolitan region.

The proposed Court is currently in the design stage and is forecast to commence operations from July 2022 and will expand the Specialist Children’s Court model which currently operates at Moorabbin, Broadmeadows and Melbourne.

The proposed Dandenong Children’s Court will accommodate Family Division matters, including Child Protection, Intervention Orders, Family Drug Treatment Court and Marram-Ngala Ganbu, as well as criminal matters including custody cases through a fast track remand court.

The three-courtroom building is being designed to provide a child and family-friendly environment, be safe and accessible, particularly for vulnerable court users (including family violence victims) and will support collaborative practice and integration of multi-disciplinary teams.

MOORABBIN REDEVELOPMENT

The Moorabbin Children’s Court will be upgraded to better service court users and continue to meet growing operational demands. Construction is forecast to commence in December 2020 and be completed by end April 2021.

The upgrade will include:

- an improved public foyer, constructed with acoustically sound materials to reduce noise.
- construction of a custom designed children’s corner and private and safe spaces to create a calmer and therapeutic environment for court users.
- a new registry counter to help provide better service to the public.
- modification and extension of the Children’s Court registry, creating additional space for staff as well as increased filing and storage space.
- construction of an airlock to accommodate security scanning, including the relocation and recommissioning of security equipment and assist with the improvement of the indoor environment (heating & cooling). The new entry airlock will also provide a safer and more structured path through the security point. The relocation of security scanning will also increase space within the foyer.
- four new interview rooms, creating extra space for court users and lawyers to conduct meetings in an appropriate, confidential and safe manner. The addition of two new offices for specific court services will also help to improve functionality and overall service delivery.



BENDIGO COURT

The Victorian Government provided \$152.4 million in the 2019-20 State Budget, to build a new regional headquarter court in Bendigo for the Loddon Mallee Region, which is expected to begin operations from January 2023.

The new court complex will accommodate Victoria's first regional Specialist Children's Court, incorporating specialist lists such as Marram-Ngala Ganbu and Family Drug Treatment Court. Throughout the year, work has continued in planning and design for the new facility, ensuring the physical environment will facilitate best practice for the Children's Court and meet the needs of children, young people and families in this region.

SERVICE REFORM PROJECT

In 2019 the Court established the Service Reform Project, which has been working to shape the future of the Children's Court by addressing current challenges including increasing and more complex cases being heard across both the Family and Criminal Divisions. In recognition of the complex needs of many of the young people and families coming before the Court, this project seeks to design service delivery that is responsive to their needs.

Through a human-centred design framework, the RMIT Graduate School of Business and Law and the design firm Huddle, in consultation with the Centre for Innovative Justice, have conducted extensive consultations to understand and inform improvement of the experience across users of the Children's Court. These consultations have included magistrates, court employees, legal professionals, government agencies and support services staff, as well as the young people and families the Court ultimately serves.

The most significant outcome from research with magistrates and court staff was the development of a design trial for reformed judicial support. Through a series of co-design workshops (attended by magistrates, registry and leadership staff) and research with registry, a single trial was developed for improved support through the implementation of small dedicated registry teams attached to specific magistrates.

The Court has been able to fast-track the implementation of key elements of the design trial through its organisational response to COVID-19. The detailed design work undertaken within the project has meant the Court was able to rapidly adopt a teams-based working model and its COVID-19 hubs arrangement. The Court will continue to refine and implement its teams-based design trial in 2020-21.

SUDANESE CULTURAL SUPPORT GUIDE PROGRAM

The Cultural Support Program commenced a pilot in October 2019 and is a partnership project between the Children's Court and Court Network. The program, currently staffed with one Sudanese Networker and 13 Cultural Guides, enables appropriate cultural support to Sudanese Australian families attending court.

The program was developed in response to an identified service delivery gap in the context of cultural support for families of Sudanese background appearing in the Family and Criminal Divisions of the Court. The identified gaps meant that parents and other family members from Sudanese and South Sudanese backgrounds were less likely to participate in and understand court processes.

The pilot project has developed referral pathways to culturally and linguistically diverse services, and allows Court Network to have greater capacity to provide non-legal information and support to Sudanese and South Sudanese families. It has also built greater understanding of the specific risk factors facing young Sudanese people, the role of their families and community, their customs and beliefs, and the trauma and refugee experience that is an indelible part of their history.

Prior to the commencement of the pilot, it was anticipated that the demand for culturally appropriate support for Sudanese and South Sudanese Australian families would be approximately 65 appearances per year, or 5 per month. Court Network has since reported that between October 2019 and February 2020 the Cultural Support Program provided support to 487 family members.

The program has been temporarily paused due to COVID-19 but Court Network and the Children's Court plan to work together to develop processes that may allow for the program to continue remotely.



Multi-disciplinary Training

IMPROVING OUTCOMES FOR VULNERABLE YOUNG PEOPLE TOGETHER

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

The Court and partner agencies continue to work together to plan and develop relevant training for these services. Work is currently underway to develop an online learning portal for the MDTI. The portal will improve the way in which the Children's Court delivers training under the MDTI by introducing alternative methods of training delivery. It is a timely resource to support critical staff and services to access these learning and development resources online.

STRENGTHENING YOUTH JUSTICE RELATIONSHIPS

This year the Children's Court, together with the Judicial College of Victoria, delivered a multi-disciplinary training program for the Geelong Children's Court and its stakeholders at the High Ground (Wurdi Youang), Geelong Library and Heritage Centre on 11 February 2020. It was the third in a series of regional multi-disciplinary training programs delivered by the College for the Children's Court of Victoria.

The training focused on multi-disciplinary team approaches to assist young people engaging in high-risk offending behaviours, and who have serious charges related to that behaviour. A record number attended the training with five judicial officers and a further 74 participants representing a wide range of professions from 18 local organisations including Youth Justice, Child Protection, Department of Education and Training, Victoria Police, Victoria Legal Aid, Victorian Aboriginal Legal Service and private legal practitioners, Barwon Child, Youth & Family, and other services working with young people

The training included presentations about:

- current trends in youth justice by Judge Amanda Chambers;
- the local Geelong context by Magistrate McGarvie;
- communicating with young people by Professor Pamela Snow; and
- a facilitated activity where participants worked together in groups to explore a multidisciplinary process that is inclusive of the young person.

Feedback was positive with participants noting the value of the content and the benefit of learning in a multidisciplinary setting.

"I really enjoyed the day. I hope that this could be something that continues either on a quarterly or bi-annual basis."

"Professor Snow's tips on how to talk to young people will be something I carry in my toolbox for years to come. They were invaluable for me."

"I really enjoyed [the facilitated] activity, in that it allowed us to have time to talk directly to magistrates and also for a magistrate to ask us questions in regards to our role."

"Thank you for the training. It was good to have such diverse workers across the training."





COURT AND COMMUNITY

Law Week 2020

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

The VLF works with a range of legal sector partners to stage numerous events that help the community find answers to their legal questions while learning about how the law and legal system works. This year the Children's Court took its Law Week offering online for an accessible virtual experience during the COVID-19 restrictions.

JUDICIAL OFFICER LIVE STREAM Q&A

The Children's Court hosted three online Q&A sessions for students in Year 11 and 12 to hear from Magistrate Gail Hubble, Magistrate Jennifer Bowles and President of the Children's Court, Judge Amanda Chambers. Topics canvassed by the Law Week presenters were developed with the Victorian Legal Studies Curriculum in mind.

More than 200 students and teachers tuned in to learn about the specialist function of the Children's Court, sentencing, the role of a magistrate and the principles of therapeutic justice. Each session ran for over 60 minutes and included a presentation from the judicial officer, followed by a Q&A.

TOURS AND INFORMATION SESSIONS

The Children's Court regularly provides tours and education sessions to groups. These visits have included presentations by magistrates on the jurisdiction and operation of the Children's Court. Among those to visit the Court were secondary students, tertiary students (studying youth work, social work and law), youth justice and child protection workers, foster carers and maternal and child health nurses. COVID-19 restrictions saw all public visits suspended in March 2020.

“More than 200 students and teachers tuned in to learn about the specialist function of the Children's Court, sentencing, the role of a magistrate, and the principles of therapeutic justice.”



PROFESSIONAL TRAINING SESSIONS

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

During the reporting period the Court delivered education sessions for:

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

CONTINUING PROFESSIONAL DEVELOPMENT SEMINARS (CPD)

In 2020 the Children's Court began hosting all CPD seminars online via WebEx Events. Three online CPD events were hosted during this reporting period, and each was attended by over 250 professional court users from across Victoria. The President or a magistrate presented on the work of the Children's Court as part of professional training.

During the reporting period the Court delivered education sessions for:

- the Children's Court response to the COVID-19 pandemic: Practice Directions;
- managing child contact during the COVID-19 pandemic: Implementing the practice advice for court ordered contact; and
- preparing for and appearing in a submissions hearing: the role of Department workers and lawyers.

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

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

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

RESEARCH MATERIALS ONLINE RESOURCE

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

CHILDREN'S COURT BENCH BOOK

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



OUR JUDICIARY

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

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

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

PRESIDENT

Judge Amanda Chambers

MAGISTRATES

Ms Jacqueline Billings

Ms Jennifer Bowles

Mr Darrin Cain

Mr Peter Dotchin

Ms Michelle Ehrlich

Ms Lesley Fleming

Ms Jane Gibson

Ms Annabel Hawkins

Ms Gail Hubble

Mr Randall Kune

Ms Elizabeth Langdon (appointed 11 February 2020)

Ms Kay Macpherson

Mr Shiva Pillai

Ms Kim Parkinson

Ms Kristen Rose (appointed 18 February 2020)

Ms Sharon Smith

Ms Mia Stylianou

Mr Francis Zemljak

RESERVE MAGISTRATES

Ms Margaret Harding

Mr Gregory Levine

Ms Cathy Lamble

COURT LOCATIONS

The Children's Court of Victoria sits at:

- the Melbourne, Broadmeadows and Moorabbin Children's Courts; and
- locations at which the Magistrates' Court is held pursuant to section 5(1) of the *Magistrates' Court Act 1989*.

In accordance with s 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:

Family Division: Melbourne Children's Court (headquarters court), Moorabbin, Broadmeadows.

Criminal Division: Melbourne Children's Court (headquarters court), Moorabbin, Broadmeadows, Dandenong, Frankston, Heidelberg, Neighbourhood Justice Centre Collingwood, Ringwood, Sunshine, Werribee.

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. Barwon South West region:

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

5. Gippsland region:

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

6. Hume region:

Shepparton (headquarters court), Benalla, Cobram, Corryong, Mansfield.



