

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

Rule 6

APPLICATION TO VARY OR REVOKE A PERMANENT CARE ORDER

Children, Youth and Families Act 2005

Section 326

Court Reference: _____

Name of Child: _____

Gender: _____ Date of Birth: _____

Details of the current order

The Children's Court at [venue] _____ on [date]
_____ made a permanent care order conferring parental
responsibility for the child on [names and addresses of permanent care parents]

Details of this application

This application is:

*to vary the permanent care order

*to revoke the permanent care order

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

This application is made by:

Application to vary or revoke a permanent care order

*the child

*a permanent care parent of the child

*the Secretary

*the principal officer of an Aboriginal agency

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

*a parent who does not have parental responsibility for the child
[must have leave of the Court to make the application: see Form 36]

Applicant's name: _____

Applicant's email: _____

Agency [if applicable]: _____

Applicant's [or agency] address: _____

Applicant's phone: _____

Application filed by—

*Legal Representative

Name: _____

Email: _____

Agency/Firm: _____

Address: _____

Phone: _____

*Applicant

Date: _____

Signature: _____

Notice to the parties

***To the applicant:** You must come to the hearing of this application.

**To the *Secretary/
*principal officer:** You must come to the hearing of this application.

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

To the non-applicant parent(s) and permanent care parent(s): You should come to the hearing of this application. If you do not attend, the Court may proceed to hear and determine the application in your absence.

Details of the hearing

Commented [RL(1): NOTE]

The CMS version combines both this and the last option as one "a permanent care parent of the child or a parent who does not have parental responsibility for the child". This is because CMS could not distinguish when to populate this option or the last.

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

Date: _____ Time: _____

Place: _____

Issued at [place]: _____

Date of issue: _____

Registrar

Note

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

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

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

*Delete if not applicable