



Children's Court
Victoria

**PRACTICE DIRECTION
NO. 8 OF 2020
INTERVENTION ORDER APPLICATIONS - COVID-19**

This Practice Direction is issued pursuant to Section 592 of the *Children, Youth and Families Act 2005* and replaces Practices Direction 7 of 2020 which is now revoked.

PREAMBLE

This Practice Direction applies to applications for intervention orders made to the Children's Court of Victoria (the Court) pursuant to the *Family Violence Protection Act 2008* (Vic.) or the *Personal Safety Intervention Orders Act 2010* (Vic.) and outlines protocols for the listing and hearing of intervention order proceedings in response to the COVID-19 pandemic at all venues of the Court. It is informed by the latest medical advice from Victorian public health authorities to ensure the health, safety and wellbeing of all Court users.

This Practice Direction takes effect from 13 July 2020 and will operate for the duration of the Stage 3 restrictions announced by the government on 7 July 2020 across the Greater Metropolitan Melbourne region.

DIRECTIONS

LISTING PROTOCOLS FOR INTERVENTION ORDER PROCEEDINGS

1. New listing protocols will apply in relation to the following proceedings:
 - (a) Intervention order applications under the *Family Violence Protection Act 2008* (FV IVOs). This includes new applications and applications for variation, extension and revocation; and
 - (b) Intervention order applications under the *Personal Safety Intervention Orders Act 2010* (PS IVOs). This includes new applications and applications for variation, extension and revocation.
2. The following listing protocols will apply for **first** hearings of intervention order proceedings (new and urgent applications) at **all** venues of the Children's Court:
 - (a) First hearings of **urgent** applications, particularly in high risk situations, will be listed on a case by case basis. Contact should be made with the registrar of the [relevant Children's Court](#) venue by telephone;
 - (b) **Otherwise**, first hearing dates for intervention order applications initiated by way of:
 - (i) Victoria Police FV IVO and PS IVO applications – will be allocated through the use of the electronic mention diary; and
 - (ii) Non-Victoria Police FV IVO and PS IVO applications – will be allocated by the registrar of the relevant Children's Court venue.

3. The following listing protocols will apply for **second and subsequent hearings** of intervention order proceedings at all venues **except** Melbourne, Broadmeadows and Moorabbin Children's Court¹:

Unless otherwise ordered by the Court, second and subsequent listings will be managed by the relevant court. Parties should make enquiries with the registry of the relevant court to confirm when an application is listed, how it will proceed and whether an attendance is required.

4. The following listing protocols will apply for **second and subsequent hearings** of intervention order proceedings at Melbourne, Broadmeadows and Moorabbin Children's Court venues **only**:

Unless otherwise ordered by the Court, and subject to paragraphs 5 – 6 below, second and subsequent listings will be adjourned by the court for a period of 8 weeks for further mention. Parties are not required to attend Court on second and subsequent listing dates and will be advised in writing by the Court of the new hearing date. The Court will notify the parties if an attendance is required on any second or subsequent listing.

5. Where an intervention order application is listed together with a related child protection application in the Family Division or a related proceeding in the Criminal Division of the Children's Court, that application will be listed for the same time as the related proceeding, subject to any contrary order of the Court.
6. In the case of an application to extend an Intervention Order, where an *ex-parte* interim extension of the order has been made by the Court, and the Respondent has not yet been served with notice of the application, the application will be listed no later than 3 months² from the date the interim extension order has been made. This is

¹ Paragraph 3 refers to Children's Court proceedings heard at metropolitan and regional venues of the Magistrates' Court of Victoria and should be read in conjunction with the Magistrates' Court of Victoria's Practice Direction No. 6 of 2020 (Amended) and any other Practice Directions subsequently issued.

² Pursuant to Part 3.10, Division 2, Section 207B *COVID-19 Omnibus (Emergency Measures) Act 2020* (Vic.) and Part 3.15, Division 2, Section 181B *COVID-19 Omnibus (Emergency Measures) Act 2020* (Vic.)

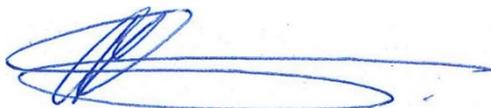
to enable the court to consider whether to make a further interim extension of the Intervention Order pursuant to section 107 of the *Family Violence Protection Act 2008* or section 84 of the *Personal Safety Intervention Orders Act 2010*.

Consent orders:

7. Where the parties to an intervention order proceeding reach agreement that:
- (i) the application for an intervention order is to be struck out as withdrawn by leave of the Court; or
 - (ii) the application for an intervention order is to be struck out as withdrawn with a right of reinstatement on the basis of a written undertaking being given by the respondent; or
 - (iii) a final intervention order is to be made either with or without admission of the allegations contained in the complaint and the terms of that order;

the parties should file terms of the proposed consent orders electronically with the relevant [Children's Court Registry](#) no later than 24 hours prior to the second or subsequent mention date. The Court will advise the parties if an attendance is required. If no attendance is required, the parties will be advised in writing of the orders made by the Court

This Practice Direction revokes Practice Direction 7 of 2020 and commences on 13 July 2020.



Judge Amanda Chambers
President
Children's Court of Victoria
10 July 2020