



## *Children's Court of New South Wales*

# **Protocol for Children's Registrars conducting Care Call Overs**

This protocol aims to provide clarification for Magistrates and Children's Registrars, as to the role, function and powers of a Children's Registrar when conducting a Care Call Over. The protocol provides a framework to ensure Children's Registrars apply consistent case management practices at any location where Care Call Overs are conducted.

## **Care Call Overs**

Care Call Overs will usually commence at 9.30am.

The primary purpose of the Care Call Over is for a Children's Registrar to assist the Magistrate in the case management of Care proceedings. Such assistance will enable the Magistrate to attend to more complex issues.

To ensure all Care matters proceed as expeditiously as possible, a Children's Registrar is to pay particular attention to [section 94\(4\)](#) of the Children and Young Persons (Care and Protection) Act 1998 which states;

*The Children's Court should avoid the granting of adjournments to the maximum extent possible and must not grant an adjournment unless it is of the opinion that:*

- a) it is in the best interests of the child or young person to do so, or*
- b) there is some other cogent or substantial reason to do so.*

Consideration must also be given to the time standards outlined in [Practice Note 5](#) which stipulate that the aim of the Children's Court is to complete 90% of cases within 9 months of commencement and all cases within 12 months of commencement.

Children's Magistrates have the overriding case management responsibility for care proceedings. The Children's Registrar is to work in conjunction with the Children's Magistrate to ensure compliance with time standards and that case management decisions are made in accordance with this protocol, the relevant legislation and [Practice Note 5](#).

Notwithstanding that a Children's Registrar has authority to deal with a particular issue, any application may be referred to a magistrate for determination if the Children's Registrar considers it appropriate to do so.

## General Powers of Children's Registrars conducting a Care Call Over

Children's Registrars are empowered to:

- Adjourn Care proceedings ([Rule 19\(g\) Children's Court Rule 2000](#));

The power to adjourn proceedings does not include the power to make or to continue an interim order where the interim order was time limited.

- Make directions regarding the preparation for hearing of an application for interim order and listing the matter for hearing ([Rule 19\(e\) Children's Court Rule 2000](#));

This includes but is not limited to, the making of case management directions as to filing and serving affidavits, care plans, joinder applications, assessment applications and case management documents.

Children's Registrars can make directions excusing a party from appearing if legally represented, when reasonable grounds exist for doing so.

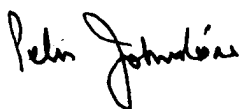
- Refer matters to ADR ([Rule 19\(f\) Children's Court Rule 2000](#));

This includes the determination as to whether an authorised clinician may attend a DRC pursuant to paragraph 8.8 of [Practice Note 6](#)

- Make consent orders granting access to inspect or take copies of any documents produced on subpoena. ([Section 109I C&YP \(C&P\) Act 1998](#)). See also paragraph 14 of [Practice Note 5](#)
- Dispense with service of any process ([Rule 19\(a\) Children's Court Rule 2000](#));
- Extend or shorten time ([Rule 19\(b\) Children's Court Rule 2000](#))
- Make orders in relation to service and substituted service ([Rule 19\(c\) Children's Court Rule 2000](#)) and [Section 109D C&YP \(C&P\) Act 1998](#));
- Arrange and conduct DRC's ([Section 65\(1A\) C&YP \(C&P\) Act 1998](#));
- Make parent capacity orders by consent ([Section 91F\(1-4\) C&YP \(C&P\) Act 1998](#))

**To ensure that Children's Magistrates are aware of cases that have the potential to fall outside the time standards Children's Registrars MUST refer the following matters to a Children's Magistrate for further case management:**

- Applications to adjourn Care matters which were commenced more than 6 months previously and are unlikely to be finalised within 9 months (unless allocating a hearing date);
- Applications to adjourn Care matters for more than 2 months (unless allocating a hearing date);
- Applications to adjourn Care matters where a child in the proceedings was less than 2 years of age when the interim order allocating parental responsibility was first made **and** 4 months has lapsed since the making of that order **and** a determination has not been made regarding the realistic possibility of restoration of that child ([S83\(5\)\(a\) C&YP \(C&P\) Act 1998](#));
- Applications to adjourn Care matters when a party has failed, without reasonable explanation, to comply with previous directions;
- Applications to vacate hearing dates for Care matters;
- Care matters in which the duration of the hearing is estimated to exceed 2 days;



Peter Johnstone  
President of the Children's Court of NSW  
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