

Shaping a Better Child Protection System: Streamlining court processes

Court processes have been clarified and streamlined to ensure that a child or young person's needs will be responded to quickly and to minimise litigation.

Changes relating to guardianship orders

The amendments clarify that the Children's Court can make guardianship orders by consent. Where a guardianship order is the agreed best possible outcome for a child or young person, these agreements can now be legally formalised in the Children's Court by consent, without the need for a hearing. The Court will no longer need to rule that there is no possibility of restoration, empowering families to make decisions about the care arrangements for their children.

The Children's Court will also be empowered to make contact orders for longer than 12 months where a guardianship order is made. Providing the assurance of an ongoing connection between children and their parents where this is appropriate and in the best interests of the child or young person.

Progress reviews of suitability of care arrangements

The Children's Court will reopen and review the progress in implementing a child or young person's care plan if it is not satisfied proper arrangements have been made for their care and protection.

This is an important safeguard for children and young people to complement shorter term court orders. It will create a better pathway for children to remain visible to the Court after final orders are made.

Variation and rescission of care orders

The amendments provide that an application to vary or rescind a previous care order may only be made following approval by the Court. The Court may only approve an application if it appears that there has been a significant change in any relevant circumstances since the care order was last made or varied.

The Court must take certain matters into consideration before approving an application. When the Children's Court reviews the care arrangements for a child in considering an application to vary or rescind a care order, the Court must now prioritise the views of the child or young person. This means that children and young people are more active participants in decisions affecting their lives.

There are times when repeated applications for leave to vary or rescind a care order can be particularly destabilising for a child or young person. The Children's Court can now dismiss an application for leave to vary or rescind a care order if it is satisfied an application is frivolous, troublesome, an abuse of process or is one of a



series of applications made by the applicant with no reasonable prospects of success. This is consistent with the statutory powers available to other Courts and Tribunals.

Care proceeding participants can now make an application to vary an interim order during the proceedings. This may shorten care proceedings and be fairer to participants.