

Policy: Court Applications and Reports to the Family Matters and Youth Justice Courts

Policy Purpose

To outline the legal and regulatory requirements Territory Families staff must follow when preparing and filing applications or responding to applications in the Family Matters Court or when preparing and filing Youth Justice Court ordered reports, e.g. reports under section 51 of the *Youth Justice Act 2005*.

Policy Statement

Territory Families staff who prepare applications and related documents for the Family Matters and Youth Justice Court will write clear documents in plain English. Documents will be filed in a timely manner electronically or in person at the registry of the Court that will hear the matter, in order to avoid unnecessary adjournments.

Staff must be delegated to take action in either the Family Matters Local Court or Youth Justice Court and to sign Court applications as the 'Applicant' or delegated respondent to an application initiated by another party. For Care and Protection Applications the *Delegations Schedule* determines positions authorised to sign Applications or Responses.

Within Youth Justice, the *Schedule of CEO Delegations - Youth Justice Act 2005* provides the positions with authority to sign the variety of Court documents prepared for the Youth Justice Court.

Family Matter Local Court

The Family Matters Local Court Jurisdiction (also known as the Children's Court), is established under sections 87-92, of the [Care and Protection of Children Act 2007](#) (the Act). All applications and associated documents filed with the Court will:

- Be in line with the Principles in Part 1.3 of the Act;
- Meet the legal requirements for applications or responses under the Act; and
- Adhere to the current [Children's Court Practice Direction](#) under s49 (1) of the Local Court Act.

Youth Justice Court

The Youth Justice Court proceedings mandated under sections 52- 66 of the *Youth Justice Act* generally deal summarily with Youth criminal matters and take diversionary action to prevent the young person being held in detention. The Minister directs where this Court may sit that may include a location outside the Northern Territory.

All applications, reports and other documents prepared for the Youth Justice Court, established under sections 45-49 of the [Youth Justice Act 2005](#), will;

- Be in line with the Principles in section 4 (a)-(r) of the *Youth Justice Act*;
- Meet the legal requirements for Youth Justice Proceedings under that Act; and
- Adhere to the Court Practice Direction 26 established procedures for Youth Proceedings when acting on or responding to matters in the Youth Court.

Key Considerations across Child Protection and Youth Justice

Upcoming Court matters are complex and critical times for children, young people and their families. These are heightened when English is not the child or young person's first or preferred language, or when the child, young person or their family member has a disability, e.g. significant hearing loss, visually impairment. Case Managers will address this inequity by familiarising themselves with a working understanding of the *Using Interpreters, Translators and Assisted Communication Services Guidance* document.

Based on the development and level of understanding and maturity of a child or young person, Territory Families will inform them about the purpose of any application, explain the effect of any order sought on their behalf from the Court, and give them a copy of any Order made by the Court.

Team Leaders and Case Managers will plan ample preparation time to write, file and serve, clear, timely documentation to the relevant parties and the Court.

Case Managers will prepare thoroughly and present current information when required at any Court convened conference regarding the child, the young person and their family.

When attending Court in a professional capacity Territory Families staff must observe Court etiquette (see [Court Rules - Etiquette](#)), present in neat attire, and act in accordance with the relevant Acts and Court Directions.

Legislative Basis Related Resources

[Care and Protection of Children Act 2007](#)

[Local Court Act 2004](#)

[Youth Justice Act 2005](#)

Applying for Care and Protection Orders

Electronic Filing of Applications and Other Court Documents

Authorised by:	HPRM (TRIM): 61:F2020/766		
Executive Leadership Group	16/01/2020	Active from:	31/03/2022
Version 1.0	Combined Youth Justice and Child Protection guidance in relation to presenting documents to the Court.		
Review due:	March 22	Maintenance:	tf.policy@nt.gov.au