



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

### **PUBLIC NOTICE OF RESPONSE TO COVID-19 PANDEMIC No. 13**

**8 January 2022**

**Commences 10 January 2022**

**Amended 24 February 2022**

The Children's Court has reviewed its operations in light of community transmissions of the COVID-19 virus.

This Notice supersedes other Public Notices unless otherwise stated.

#### **Part 1 – General listing arrangements applicable to all Children's Court proceedings**

1. All crime, parole, care and protection, education and AVO lists will continue to operate.
2. All legally represented parties are excused from attending court in person unless otherwise directed by a judicial officer.
3. All first appearance bail matters are to be conducted by AVL.
4. Legal practitioners are encouraged to appear by AVL.
5. Parties may appear by telephone or by AVL at courts where this option is available. Parties are encouraged to contact their legal practitioner or the court registry to make arrangements to attend remotely.
6. In relation to care and protection proceedings legal practitioners should attempt to agree on a position consistent with the arrangements put in place under [COVID-19 Public Notice No. 3](#). Filing directions should allow sufficient time for the documents to be filed and for consultation to occur between legal practitioners prior to the next listing.
7. Judicial officers will continue to travel on Children's Court circuits unless otherwise advised.

## Part 2 – Arrangements for the conduct of hearings

8. All criminal, AVO and care and protection cases listed for hearing are to be listed for Readiness Hearing approximately one month prior to the hearing date to determine whether the hearing can proceed. Any case that is listed for hearing and does not have a Readiness Hearing date is to be relisted for Readiness Hearing.
9. Parties are required to confer and file a [Readiness Hearing checklist](#) by 12 noon the day before the Readiness Hearing.
10. Hearings that can be conducted by AVL or by submissions only will proceed subject to judicial officer and staffing capacity at the relevant location.
11. Hearings that cannot proceed by AVL will be considered on a case-by-case basis having regard to the following considerations:
  - The government restrictions in place at the relevant location
  - The impact of further delay of the hearing on any persons involved in the case
  - The number of parties involved in a case and whether it is appropriate or possible for one or more parties to appear in the hearing by AVL from another room within the court premises or from an appropriate external location
  - Whether witnesses are required for cross examination
  - The number of witnesses required for cross examination
  - The type of witnesses required for cross examination and whether the evidence can appropriately be given by AVL from another room within the court premises or from an appropriate external location
  - Whether interpreters are required for any person involved in the hearing and whether suitable arrangements can be made to enable an interpreter to properly assist the conduct of the hearing
  - Whether there is a dispute as to the admissibility of any evidence which, once determined, may shorten the hearing

- The type and quantity of evidence that is likely to be tendered during the hearing and whether suitable arrangements can be made for the tender of documents or other material
- The length of the hearing
- In the case of a criminal hearing, whether the defendant is in custody and whether suitable arrangements can be made for the defendant to attend either in person or by video conference and properly instruct their lawyer
- The size and configuration of the court room and logistics of adopting appropriate social distancing practices during the hearing
- The availability of video conference technology in other rooms within the court building
- The availability of registry staff to support the proposed altered arrangements
- Whether any party is likely to be prejudiced by conducting the hearing in the manner proposed.

12. Where a party is concerned that a hearing delay is impacting the safety, welfare and wellbeing of a child, they should notify the Registrar and request that the case be listed before a judicial officer for consideration of allocating a priority hearing date.

13. Where a legal practitioner or prosecutor becomes aware that a witness, who is required to attend a Children's Court hearing in person, should not attend court because the person is

- a. COVID positive and is required to self-isolate, or
- b. has been advised by NSW Health to self-isolate or
- c. is otherwise unwell,

the legal practitioner or prosecutor should immediately notify the Court and all other parties involved in the hearing. All witnesses involved in the hearing should be advised to be on standby and not attend the Children's Court until the Court has determined whether the hearing can proceed.

### **Part 3 – Youth Koori Court**

14. Attendances at the Youth Koori Court will be conducted by AVL or telephone unless directed by a judicial officer in a particular case.
15. Community Panel Members will appear by AVL unless alternative arrangements are made by the Court.

### **Part 4 – Special Fixture Hearings**

16. Special fixture hearings will be considered on a case-by-case basis and may be relisted for a further Readiness Hearing to ascertain whether the matter is able to proceed.
17. Parties involved in special fixtures during the operation of these arrangements will be notified when a matter is relisted.
18. Parties are required to file a joint [Readiness Hearing checklist](#) by 12 noon the day before any Readiness Hearing.

### **Part 5 – Dispute Resolution Conferences**

19. All Dispute Resolution Conferences will be conducted by AVL across NSW unless otherwise determined by the Senior Children's Registrar.

### **Part 6 – Compulsory Schooling Order Conferences**

20. Requests for Compulsory Schooling Order Conferences to be conducted will be considered on a case-by-case basis by the Senior Children's Registrar.

### **Part 7 – Youth Justice Reports**

21. Matters requiring the preparation of a Youth Justice Background Report should be adjourned for a period of two weeks where a young person is in custody and for eight weeks (instead of the usual six week adjournment) where a young person is in the community.

22. Youth Justice may provide a verbal bail report (instead of a written bail report) when the information is required to expedite a bail hearing.

**Part 8 – General**

23. All persons on court premises are encouraged to wear a fitted face covering unless otherwise determined by the judicial officer hearing the case.

24. Please note that arrangements are subject to change at short notice.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke ending in a small upward tick.

Judge Ellen Skinner

President of the Children's Court of NSW