

Form CP1 Application for Care and Protection Order or to Vary, Extend or Revoke Instrument of Guardianship

Form CP1

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
<p>Hearing Date and Time:</p> <p>Hearing Location: 75 Wright Street Adelaide</p>

APPLICATION FOR [CARE AND PROTECTION ORDERS/TO VARY AN INSTRUMENT OF GUARDIANSHIP/TO EXTEND AN INSTRUMENT OF GUARDIANSHIP OR RESTRAINING NOTICE/TO REVOKE AN INSTRUMENT OF GUARDIANSHIP OR RESTRAINING NOTICE]

YOUTH COURT OF SOUTH AUSTRALIA
CARE AND PROTECTION JURISDICTION

IN THE MATTER OF *[name[s] of child[ren]]*

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Add additional applicants as required
Applicant

Parent/Guardian 1

Parent/Guardian 2

Child

Other Party

Chief Executive of the Department for Child Protection

Only displayed on Application for Care and Protection Orders

Pre-Action Steps

Mark appropriate sections below with an 'x'

Has a Family Group Conference taken place? Yes [] No []

Does section 59(2) apply? Yes [] No []

Has an Instrument of Guardianship or Restraining Notice been lodged? Yes [] No []

Child the subject of this Application (Please duplicate box if multiple children)

Child	Full Name
Date of birth	Date of birth
Ethnicity	Ethnicity

Filed by the Applicant

Applicant	The Chief Executive of the Department for Child Protection			
Name of law firm / solicitor if any	Crown Solicitor's Office, Public Law Section Law Firm	Solicitor		
Address for service	Level 17, 10 Franklin Street Street Address (including unit or level number and name of property if required)			
	Adelaide City/town/suburb	SA State	5000 Postcode	Country
	childprotection@sa.gov.au Email address			
Phone Details	8207 1510 Type - Number			

Parent/Guardian 1

Full Name	Full Name			
Date of Birth	Day-Month-Year			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Phone Details	Type - Number			

Parent/Guardian 2			
Full Name	Full Name		
Date of Birth	Day-Month-Year		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		

Other Party			
Full Name	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		

Duplicate panel if multiple other parties

Application Details
<p>Mark appropriate sections below with an 'x'</p> <p>This Application is for Nature of Application in one sentence</p> <p>This Application is made for orders under s 53(1) of the <i>Children and Young People (Safety) Act 2017</i>.</p> <p>The Applicant seeks the following orders:</p> <p><input type="checkbox"/> An order requiring—</p> <ul style="list-style-type: none"> <input type="checkbox"/> (i) the child or young person; or <input type="checkbox"/> (ii) a parent or guardian of the child or young person; or <input type="checkbox"/> (iii) any other person who has the care of the child or young person to enter into a written undertaking in accordance with the legislation (s 53(1)(a)). <p><input type="checkbox"/> An order authorising or requiring examination and assessment of the child or young person (s 53(1)(b)).</p> <p><input type="checkbox"/> An order authorising or directing the assessment of a parent, guardian or other person who has, or is responsible for, the care of the child or young person in accordance with the legislation (s 53(1)(c)).</p> <p><input type="checkbox"/> In the case of a child or young person who is at risk of being removed from the State for a purpose referred to in section 18(1)(c)—such orders as the Court thinks necessary or appropriate to prevent the child or young person from being so removed, including (without limiting the generality of this paragraph)—</p> <ul style="list-style-type: none"> <input type="checkbox"/> (i) an order preventing a specified person from removing the child or young person from the State; or

- (ii) an order requiring that the child or young person's passport be held by the Court for a period specified in the order or until further order (s 53(1)(d)), or
- Other
- An order placing the child or young person, for a specified period not exceeding 12 months, under the guardianship of the Chief Executive (s 53(1)(e)).
- An order placing the child or young person, for a specified period not exceeding 12 months, under the guardianship of a specified person or persons (not exceeding 2) (s 53(1)(f)).
- An order placing the child or young person under the guardianship of the Chief Executive until they attain 18 years of age (s 53(1)(g)).
- An order placing the child or young person under the guardianship of a specified person or persons (not exceeding 2) until they attain 18 years of age (s 53(1)(h)).
- An order granting custody of the child or young person, for a specified period not exceeding 12 months, to—
 - (i) a parent or guardian of the child or young person; or
 - (ii) a member of the child or young person's family; or
 - (iii) any other person that the Court thinks appropriate in the circumstances of the case (s 53(1)(h)).
- An order granting custody of the child or young person to the Chief Executive (s 53(1)(j)).
- An order directing a person to do 1 or more of the following:
 - (i) to cease or refrain from residing in the same premises as the child or young person;
 - (ii) to refrain from coming within a specified distance of a specified place;
 - (iii) to do any specified thing, or to refrain from doing any specified thing, in order to minimise the risk of harm to the child or young person (s 53(1)(k)).
- An order revoking an instrument of guardianship dated [date] (s 53(1)(l)).
- An order revoking a restraining notice dated [date] (s 53(1)(l)).
- Such consequential or ancillary orders as the Court thinks fit, including (without limiting the generality of this paragraph) an order—
 - (i) requiring a person who has guardianship or custody of the child or young person pursuant to an order of the Court to care for the child or young person in a specified way; or
 - (ii) requiring a parent, guardian or other person who has the care of a child or young person to undertake specified courses of instruction, or programmed activities, in order to increase their capacity to care for the child or young person (s 53(1)(m)).
- The instrument of guardianship dated [date] be varied as follows (s 45(6)):
 - 1.
 - 2.
 - 3.
- The instrument of guardianship dated [date] be extended until [date] (s 47).
- The restraining notice dated [date] be extended until [date] (s 47).

The following is to be displayed on all Application types

- [Any other orders sought]
 - 1.
 - 2.
 - 3.

This Application is made on the grounds

[] set out in the Application as below:

[] set out in the accompanying Affidavit sworn by [full name]
on the day of 20 .

[] set out in the accompanying report by [name] dated [date].

[] set out in the accompanying document being [document description].

Grounds and Particulars of Application

Outline each of the grounds of the Application together with the Particulars of the factual allegations for each ground:

Please outline in separately numbered paragraphs and attach additional pages if necessary.

1.

2.

3.

To the lodging party: WARNING

This document will be served on all parties. If there is a safety concern and you do not wish to specify all of your personal information, please mark this information as **'Withheld'** and provide those details to the Youth Court Registry separately.

To the other parties: WARNING

The Applicant has applied for orders set out in this Application.

The facts that support this Application are set out in the accompanying documentation.

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it:

- you **must attend the hearing** and
- you **may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

Service

Mark appropriate section below with an 'x'

- [] It is intended to serve this Application on all other parties.
- [] It is not intended to serve this Application on the following parties: *[list names]*

because *[reasons]*

Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [] Supporting Affidavit (optional)
- [] If other additional document(s) please list them below:

Signature of Applicant/Applicant's Solicitor:

.....

Signature

.....

Name (Please print)

.....

Date