

## **YOUTH COURT OF SOUTH AUSTRALIA PRACTICE DIRECTION 1 OF 2021**

### **REUNIFICATION COURT**

I, Penelope Eldridge, Judge of the Youth Court of South Australia pursuant to Rule 10 of the *Youth Court (General) Rules 2016* issue this practice direction in relation to the Reunification Court.

#### **1. FRAMEWORK FOR THE REUNIFICATION COURT**

- 1.1. In January 2019, the Youth Court of South Australia introduced the Reunification Court pilot program with the support and assistance of the Department for Child Protection (DCP) and Legal Services Commission (LSC).
- 1.2. The Reunification Court is a diversion court for matters where reunification between the child and the parent/s is actively being considered by DCP and pursued in timeframes which align with the child's developmental needs.
- 1.3. The Reunification Court oversees matters where the viability of reunification is being assessed by DCP, and if assessed to be viable, the process of reunification.
- 1.4. Matters referred to the Reunification Court are adjourned with interim orders made for periods of 6, 9 or 12 months pursuant to section 53(2) of the *Children and Young People (Safety) Act 2017 (the Act)*.

#### **2. CONSTITUTION OF THE COURT**

- 2.1 The Reunification Court when sitting must be constituted of a member of the Judiciary of the Youth Court (Judicial Officer).
- 2.2 A lawyer appointed by LSC to represent the child or young person (Child Representative) must be present at all hearings of the Reunification Court.

#### **3. ELIGIBILITY**

- 3.1. Eligibility for participation is based on the following criteria:
  - a. DCP identifies in the case plan that an assessment of the viability of reunification is to be undertaken;
  - b. The parent/s being assessed accept there is a need for intervention and consent to the matter being referred to the Reunification Court;

- c. The relevant parent/s agree to participate in the assessment and in the Reunification Court.

#### **4. REFERRAL & AVL LINKS**

- 4.1 The Youth Court Registry will notify DCP of the referral of a matter to the Reunification Court by attaching the hearing outcome to an email to the Family and Youth Court Liaison Unit.
- 4.2 The email referral should contain in the subject of the email “Referral to Reunification Court, the last name of the child and his or her date of birth”.
- 4.3 The Youth Court Registry will book any audio-visual links that have been recorded on the hearing outcome.
- 4.4 If the AVL was not requested in the Court Order, DCP will telephone or email the Youth Court Registry at least two business days prior to the Reunification Court hearing to check that the audio-visual link has been confirmed. DCP can complete the request for AVL as required.

#### **5. PROCEEDINGS**

- 5.1 Proceedings in the Reunification Court will be conducted at the bar table in a courtroom at the Adelaide Youth Court.
- 5.2 It is preferred that parent/s, DCP, the Child Representative and any support persons attend in person. Where this is not possible a telephone appearance or audio-visual link appearance may be arranged with the consent of the Judicial Officer.

#### **6. CASE FLOW**

- 6.1 Reunification Court hearings occur regularly every 6 to 8 weeks. Where parent/s are located in the APY Lands a longer period may be permitted to allow time for services to be put in place to work with the parent/s.
- 6.2 Reunification Court hearings will be listed for either 15 minutes or 30 minutes depending on whether parent/s are being jointly assessed for reunification or separately assessed.

## **7. PARTICIPATION**

- 7.1 Participants in the hearing are limited to the parent/s being assessed as viable for reunification, the Child Representative and the DCP caseworker.
- 7.2 Other parties, such as a support person or service provider working with the parent/s, may seek approval from the Judicial Officer to be present at and observe the hearing of the Reunification Court. Parent/s are to seek consent by emailing the registry at [youthcourt@courts.sa.gov.au](mailto:youthcourt@courts.sa.gov.au) at least 2 business days prior to the hearing or by asking the Sheriff's Officer to seek permission from the presiding Judicial Officer on the day.
- 7.3 Legal representatives for the parent/s do not attend hearings.
- 7.4 An Aboriginal Youth Justice Officer (AYJO) may also attend the hearing, where appropriate, in accordance with clause 11.
- 7.5 If any issues arise that may affect the legal rights of the parent/s, the hearing will be adjourned to enable the parent/s to obtain legal advice, and the matter will be listed in the Care and Protection List.

## **8. ROLES AND RESPONSIBILITIES**

- 8.1 The role of the Judicial Officer is to monitor the implementation of the case plan and the progress of the parent/s in meeting the outcomes stated in the case plan.
- 8.2 DCP determines the case direction and updates the Court with respect to the case plan and the progress being made by the parent/s.
- 8.3 The parent/s update the Court with respect to their progress and their engagement with service providers and raise any concerns with the Court.
- 8.4 In accordance with the Act, the child or young person is entitled to have their views and wishes considered by the Court and to participate in proceedings. Their participation in the Reunification Court may involve the Judge meeting with them. The child or young person will be represented by the Child Representative in the Reunification Court.

## **9. REFERRAL TO PROGRAMS AND SERVICES**

- 9.1 Referrals to programs and services are not the responsibility of the Court.

## **10. FILING AND SERVICE OF CASE PLAN AND REPORTS**

- 10.1 Clear, concise and easily understood information for all parties participating in the Reunification Court is critical.
- 10.2 Reunification Case Plan must be filed by DCP prior to the first Reunification Court hearing.
- 10.3 DCP is to prepare addendum court reports for each hearing, reporting on the progress of the parent/s in meeting the outcomes stated in the case plan.
- 10.4 Reports and case plans must be filed by emailing [CAAPMYouthCourtELodgement@courts.sa.gov.au](mailto:CAAPMYouthCourtELodgement@courts.sa.gov.au) at least 3 business days prior to the hearing.
- 10.5 DCP must file and serve any Case Plans, Addendum Report or any other report on the Child Representative and parent/s at least 3 business days before the scheduled Reunification Court hearing.
- 10.6 Any report filed by a parent/s, support person or service provider must be filed and served on DCP and the Child Representative in accordance with paragraphs 10.4 and 10.5.
- 10.7 Parties can serve via email where there is a nominated email address.

## **11. CULTURAL SAFETY**

- 11.1 To improve outcomes for Aboriginal and/or Torres Strait Islander children and their families, additional supports may be provided to an Aboriginal parent/s.
- 11.2 Where an application identifies a child as an Aboriginal and/or Torres Strait Islander, a referral will be made for the parent/s to the AYJO, and the Registry will notify the AYJO of files adjourned to the Reunification Court.
- 11.3 The AYJO may, with the consent of the participants, attend the Reunification Court. The role of the AYJO is to provide cultural support and information to the parent/s and, if requested, provide the Judicial Officer with relevant cultural information.
- 11.4 Where possible, Aboriginal and/or Torres Strait Islander matters will be listed in a separate Aboriginal and/or Torres Strait Islander list.

## **12. CONCLUSION OF PERIOD OF INTERIM ORDER**

- 12.1 Should reunification be achieved during the period of the interim order, the order may be revoked or alternatively lapse when the period has expired.
- 12.2 The Judicial Officer can extend an interim order if proper reason exists to do so, with the consent of the parties participating in the Reunification Court.

## **13. REUNIFICATION ASSESSED TO BE NOT VIABLE**

- 13.1 If DCP determines reunification to be not viable, the matter will be referred out of the Reunification Court to enable DCP to file an amended application seeking long term orders.
- 13.2 The Judicial Officer will adjourn the matter for approximately six weeks to a date and time in the Care and Protection list and recommend to the parent/s that they obtain legal advice prior to that hearing.
- 13.3 No admissions or other statements made by the parent/s in the course of a hearing in the Reunification Court will be admissible in subsequent proceedings.

This practice direction will come into operation on 23 August 2021.

DATED 23<sup>rd</sup> August 2021



Penelope Eldridge

Judge of the Youth Court