

Children’s Court of New South Wales

Practice Note 15

Requests for the provision of services to facilitate restoration in care proceedings

Issued 29 April 2022

1. Commencement

1.1 This Practice Note commences on 2 May 2022.

2. Introduction

2.1 Section 85 of the *Children and Young Persons (Care and Protection) Act* 1998 (“the Care Act”) provides that a government department or agency or a funded non-government agency that is requested by the Children’s Court to provide services to a child or young person or their family in order to facilitate restoration, is to use its best endeavours to provide those services.

2.2 The purpose of this Practice Note is to guide the process relating to requests by the Children’s Court for the provision of services to facilitate restoration.

3. “Restoration Service”

3.1 In this Practice Note a “Restoration Service” means any service provided to a child or young person or their family in order to facilitate the safe restoration of the child or young person to their family.

3.2 A Restoration Service may include, but is not limited to, the following categories of services:

- home-based intensive restoration services
- residential rehabilitation programs

- drug and alcohol counselling
- mental health assessment or services
- counselling for children, young persons and their families
- services for people with disabilities
- parenting education programs
- early childhood health services
- counselling and support for sexual assault or domestic violence
- respite care
- children's services
- youth support programs
- accommodation or housing services
- emergency financial assistance.

4. Request for the Provision of Restoration Services

4.1 The Children's Court may make a Request for the Provision of Restoration Services either on its own motion or in response to an application from a party to the proceedings.

4.2 An application by a party to the proceedings may be made by way of an oral application.

4.3 An application should include information relating to the following issues:

- the name and address of the Restoration Service and details of the appropriate officer to whom a request for service provision should be directed
- the nature of the Restoration Service sought
- the cultural safety, suitability and accessibility of that service for the child or young person or their family
- the steps that have been taken to consult with the child, young person or their family as to their preferred service
- the rationale for making the application
- any other information about the Restoration Service that may assist the Court.

4.4 Where it considers it appropriate to do so, the Children's Court may request in writing that a Restoration Service provide services to the child or young person or their family.

4.5 The written request for the Provision of Restoration Services from the Children's Court will include:

- the name/s of the person/s for whom the service is sought
- the nature of the service sought
- a statement that the agency is to use its best endeavours to provide the service in accordance with section 85 of the Care Act
- a request for the agency to provide a written response within 28 days in relation to how it has used, or intends to use, its best

endeavours to provide the service requested including the expected timeframe for provision of any service.

5. Procedure following the request for Restoration Services

- 5.1** The Children's Court may adjourn the case for not more than 35 days following the request.
- 5.2** In the absence of a response in writing from the government department or funded non-government agency, the party making the application for the request (or alternatively, the Secretary if the request is made on the Court's own motion) is to make enquires of the Restoration Service and report back to the Court on how the government department or funded non-government agency has used its best endeavours to provide the Restoration Service.

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

Her Honour Judge Ellen Skinner

President of the Children's Court of NSW