

CHILDREN'S COURT ORDERS

Foster Care Association of Victoria Position:

The Children's Court makes decisions about child protection matters, such as whether or not a child or young person should be removed from the care of their parents, the type of order a child or young person should be placed on, and the conditions and length of that order. The aim of this info sheet is to give carers an overview of Children's Court orders. Please refer to the Hyperlinks throughout the sheet for further information from the Department of Human Services on each order.

It is important to note that prior to any order being put in place, a Protection Application will have been sought (and proven) by the Department of Human Services Child Protection division through the Children's Court under Section 162 of the *Children, Youth and Families Act 2005* (CY&F Act 2005).

Order	Description	Time Period
<u>Interim Accommodation Order (IAO)</u> Section 262 CY&F Act 2005	<p>An Interim Accommodation Order provides for where a child/young person must reside on an interim basis. For this Order to be made, one (or more) of 12 identified circumstances must have occurred for the child/young person in question. The person with day-to-day care of the child/young person makes routine decisions on a daily basis. DHS is not automatically entitled to authorise activities that require the approval of a parent or guardian.</p>	<p>This Order can be for a period of one night but can be made for up to 21 days.</p>
<u>Interim Protection Order (IPO)</u> Section 291 CY&F Act 2005	<p>This Order can be sought if a period of supervision and placement of a child/young person is considered necessary. The Order can only be made once a Protection Application is proven.</p> <p>The Order can test the appropriateness of a particular course of action e.g. A child/young person's placement, adherence to conditions for parents, time to assess parental capacity to meet what is in the child/young person's best interest and testing out a case plan.</p> <p>When an IPO is made the parents maintain their rights as legal guardians and custodians. The Order usually states with whom the child/young person will reside.</p>	<p>This Order remains in force for a period not exceeding 3 months.</p>
<u>Supervision Order (SO)</u>	<p>This Order gives responsibility for the supervision of the child/young person to the Secretary (The Department of Human Services).</p>	<p>This Order remains in force for a period not exceeding 12 months.</p>
<u>Supervision Order (SO)</u> Section 280	<p>This Order does not affect the custody or guardianship of the child/young person and provides for the child/young person to be in the day-to-day care of one or both of the child's parents/carers.</p>	<p>In special circumstances this Order can be extended for a period</p>



<i>CY&F Act 2005</i>	In general terms, a child under a Supervision Order will be residing with their family and will not be in out of home care.	up to but not exceeding 2 years.
<u>Supervised Custody Order (SCO)</u> Section 284 CY&F Act 2005	<p>This Order provides for a person or persons (not the Secretary or a parent) to have custody of the child/young person for a specified period. The Secretary supervises the Order.</p> <p>The Order enables a gradual and well planned reunification process that is likely to result in greater stability of care for the child/young person. The case plan would detail the process of reunification and once this has occurred, the Order is deemed to be a Supervision Order.</p>	This Order remains in force for a period of 12 months but may be extended.
<u>Custody To Third Party Order (CTPO)</u> Section 283 CY&F Act 2005	<p>This type of Order may be made where there are protective concerns that cannot be managed by the parents and there is confidence the family can resume custody without risk to the child/young person within 12 months.</p> <p>This Order grants sole or joint custody of the child/young person to a person or persons named in the Order and does not affect the Guardianship of the child.</p>	This Order remains in force for a period not exceeding 12 months.
<u>Custody to Secretary Order (CSO)</u> Section 287 CY&F Act 2005	<p>This Order grants sole custody of the child to the Secretary, but does not affect Guardianship.</p> <p>DHS is responsible for the day-to-day decision making in respect to the child/young person, but DHS is not automatically entitled to authorise activities that require the approval of a parent/guardian, such as medical care or travel.</p>	This Order remains in force for a period not exceeding 12 months.
<u>Guardianship to Secretary Order (GTSO)</u> Section 289 CY&F Act 2005	This Order grants Custody & Guardianship of a child to the Secretary. The Court has no power to impose conditions, owing to the powers granted to the Secretary. The Secretary of the Department of Human Services is the legal Guardian of the child/young person and is responsible for all decision making regarding the child/young person and has responsibility for the long term welfare of the child/young person.	This Order may be made for up to 2 years in the first instance.
<u>Long Term Guardianship Order (LTGO)</u> Section 290 CY&F Act 2005	<p>This Order can only be made with the consent of the young person. If placement breaks down, or if young person withdraws their consent, the matter returns to the Children's Court.</p> <p>The Department annually reviews long-term guardianship orders as part of case planning process.</p>	This Order can be on-going.



<p><u>Permanent Care Order (PCO)</u></p> <p>Section 321 CY&F Act 2005</p>	<p>A Permanent Care Order grants exclusive custody and guardianship of a child to a suitable person other than the child's parents. The Court may make a permanent care order in respect of a child if the child's parent has not had care of the child for at least six months of the last 12 months, and it is satisfied that:</p> <ul style="list-style-type: none">➤ The parent is unable or unwilling to resume custody and guardianship of the child, or➤ It would not be in the best interests of the child for the parent to resume custody, and that➤ The person to assume custody and guardianship of the child is a suitable person.	<p>This Order can be on-going & can be revoked at any time.</p>
<p>Therapeutic Treatment Order (TTO)</p> <p>Section 249 CY&F Act 2005</p>	<p>This Order can be sought for children aged between 10-15 years who are exhibiting sexually abusive behaviours and a court order is necessary to ensure the child has access to or attendance at an appropriate treatment program.</p>	<p>This Order remains in force for a period not exceeding 12 months.</p>
<p>Therapeutic Treatment Placement Order (TTPO)</p> <p>Section 253 CY&F Act 2005</p>	<p>This Order grants sole custody of the child or young person to the Secretary (without affecting Guardianship) and allows the child to be placed in out of home care for the direction of any necessary treatment.</p>	<p>This Order remains in force for a period no longer than that outlined in the Therapeutic Treatment Order.</p>