

## Guide to completing care and protection forms

This is a guide to help you complete forms for care proceedings in the Children’s Court. All forms are available on the [Children’s Court website](http://www.childrenscourt.justice.nsw.gov.au) [www.childrenscourt.justice.nsw.gov.au] or at your nearest Children’s Court Registry.

### Meaning of terms

**Alternative Dispute Resolution (ADR) or Dispute Resolution Conference (DRC)** - A process where a trained person helps parties to resolve issues between them without taking sides.

**Applicant** – The person applying for court orders. This could be the Secretary of DCJ, a parent or carer, a person with parental responsibility or a person with sufficient interest in the welfare of the child/young person.

**Care order** – An order of the Court made with respect to the care and protection of a child/young person.

**Children’s Registrar** - The person responsible for managing a DRC.

**Contact order** – An order setting out the contact arrangements between a child/young person and their parents, relatives or other persons with significance to the child/young person.

**ECPO** – An emergency care and protection order is time limited to 14 days, however it can be extended by a further 14 days.

**DCJ** – Department of Communities and Justice.

**NGO** – Non Government Organisation is a not for profit organisation whose role is to provide out of home care services and casework.

**PCO** – A parent capacity order is a court order requiring a parent or carer to attend or participate in a program, service or course.

**PR** –Parental responsibility refers to the duties, powers, responsibilities and authority which, by law, parents or carers have in relation to their children.

**PRC** – A parent responsibility contract is a voluntary agreement between a parent or carer and DCJ.

**Party** – A person who is involved in a case which is before the Court including a biological parent, or a person who has parental responsibility for the child/young person because of a court order, the child/young person (through their legal representatives) and any other person who has been joined as a party to the proceedings by the Court.

**Respondent** – A person who has a legal right to respond or reply to an application.

**Service** – The process of giving documents to any party to an application.

**The Secretary** – The head officer of the Department of Communities and Justice.

### Important notes

- Provide as much information as possible in support of your application – attach extra pages if you need more space.
- Subpoenas in the care jurisdiction are issued under Rule 30A of the [Children's Court Rule 2000](#)
- All references to legislation are in relation to the [Children and Young Persons \(Care and Protection\) Act 1998](#).

| Form   | Application type   | Filed by  | Information  |
|--|--|---|--|
| 1<br>Application initiating care proceedings | Care order<br>Section 61<br><br>NOTE: This application may include applications for:<br>S 46 ECPO<br>S 46(4) Extension of ECPO<br>S 73 Undertakings<br>S 74 Support Services<br>S75 Therapeutic/treatment program<br>S 76 Supervision order<br>S 79 PR<br>S 79A Guardianship order | <ul style="list-style-type: none"> <li>• DCJ</li> </ul> | The application <u>must</u> specify the particular care orders sought, the grounds (section 71) for any final orders sought and include a report detailing: <ul style="list-style-type: none"> <li>- the support and assistance provided for the safety, welfare and well-being of the child/young person – s 63(1)(a).</li> <li>- the alternatives to a care order that were considered before the application was made and reasons why those alternatives were rejected – s 63(1)(b).</li> </ul> |

| Form   | Application type   | Filed by  | Information  |
|--|--|---|--|
|  |  |   | NOTE: DCJ to file Form 40 – Summary of proposed plan for the child/young person with the Children’s Court within 14 days (refer to Practice Note 5 – Case management in care proceedings).   |
| 1<br>Application initiating care proceedings | ECPO<br>Section 46   | <ul style="list-style-type: none"> <li>DCJ</li> </ul>   | As per application for care order.<br><br>The applicant <u>must</u> also provide details to the Court by affidavit, oral evidence or by other means approved by the Court detailing why the applicant considers that the child/young person is at risk of serious harm sufficient to warrant the Court making an ECPO. |
| 1<br>Application initiating care proceedings | Extension of ECPO<br>Section 46(4)   | <ul style="list-style-type: none"> <li>DCJ</li> </ul>   | As per application for ECPO.   |
| 1<br>Application initiating care proceedings | Order accepting undertakings<br>Section 73                                   | <ul style="list-style-type: none"> <li>DCJ</li> </ul>   | As per application for care order.   |
| 1<br>Application initiating care proceedings | Order for provision of support services<br>Section 74                        | <ul style="list-style-type: none"> <li>DCJ</li> </ul>   | As per application for care order.<br><br>NOTE: The Children’s Court will give notice of its intention to consider making an order to the person/organisation who would be required to provide support (refer to Form 20).   |
| 1<br>Application initiating care proceedings | Order to attend therapeutic or treatment program<br>Section 75               | <ul style="list-style-type: none"> <li>DCJ</li> </ul>   | As per application for care order.   |
| 1<br>Application initiating care proceedings | Order for supervision or extension of an order for supervision<br>Section 76 | <ul style="list-style-type: none"> <li>DCJ</li> </ul>   | As per application for care order.   |
| 2<br>Application (other than Form 1)         | Care plan with PR<br>Section 38(2)   | <ul style="list-style-type: none"> <li>Any person who is a party to the care application</li> </ul> | A care plan allocating PR to any person other than the parents of the child/young person requires a court order before taking effect.<br><br>The application will be listed before a judicial officer for consent orders to be made.<br><br>NOTE: Form 37 – Consent form must be attached to the application.          |
| 2<br>Application (other than Form 1)         | Application for joinder<br>Section 98(3)                                     | <ul style="list-style-type: none"> <li>Person/persons wanting to join the proceedings</li> </ul>    | The application <u>must</u> specify: <ul style="list-style-type: none"> <li>the reasons for making the application</li> <li>details of the genuine concern for the safety, welfare and well-being of the child/young person.</li> </ul>  |

| Form                                 | Application type  | Filed by   | Information  |
|--------------------------------------|---|--|--|
| 2<br>Application (other than Form 1) | Guardian ad litem or amicus curiae<br>Sections 100 & 101  | <ul style="list-style-type: none"> <li>• DCJ</li> <li>• Child/young person</li> <li>• A person with PR</li> <li>• Legal representative for the child/young person</li> <li>• Proposed guardian ad litem</li> </ul> | <p>The application <u>must</u> be accompanied by an affidavit in support which specifies:</p> <ul style="list-style-type: none"> <li>- the relationship, if any, between the proposed guardian ad litem and the child/young person or parent, and</li> <li>- the way in which the best interests of the welfare of the child/young person or parent would be promoted by the appointment of the proposed guardian ad litem.</li> </ul> <p>NOTE: Rules 28 and 29 of the <a href="#">Children's Court Rule 2000</a>.</p>   |
| 2<br>Application (other than Form 1) | Order approving alternative parenting plan<br>Section 116 | <ul style="list-style-type: none"> <li>• Child/young person</li> <li>• Parent/carer</li> <li>• DCJ</li> </ul>  | <p>The application <u>must</u> specify:</p> <ul style="list-style-type: none"> <li>- that all steps to resolve the matter have been taken and all appropriate forms of dispute resolution have been exhausted; or</li> <li>- that no useful purpose would be served in taking those steps or other forms of dispute resolution.</li> </ul>   |
| 2<br>Application (other than Form 1) | Review of temporary care arrangement<br>Section 152(6)    | <ul style="list-style-type: none"> <li>• Child/young person</li> <li>• A person having PR for the child/young person</li> </ul>  | <p>An application for review of temporary care requires a court order before taking effect.</p> <p>The application will be listed before a judicial officer for orders to be made.</p>   |
| 2<br>Application (other than Form 1) | Registration of alternative parenting plan<br>Section 119 | <ul style="list-style-type: none"> <li>• A party to the alternative parenting plan</li> </ul>  | <p>The application <u>must</u> include the following information:</p> <ul style="list-style-type: none"> <li>- The date on which the alternative parenting plan is made</li> <li>- The name of each party to the plan, and their relationship to the child/young person</li> <li>- The method by which the views of the parents and child/young person were obtained (for example, by interview, in person or over the telephone, and whether the persons were spoken to separately or together), and</li> <li>- Is to set out the way in which the needs of the child/young person are proposed to be met, and any proposals concerning: <ul style="list-style-type: none"> <li>(i) allocation of PR</li> <li>(ii) residential arrangements</li> <li>(iii) supervision</li> <li>(iv) contact arrangements</li> <li>(v) education and training</li> <li>(vi) medical care, and</li> <li>(vii) the provision of services.</li> </ul> </li> </ul> <p>NOTE: Form 37 – Consent form must be attached to the application.</p> |

| Form  | Application type                                 | Filed by   | Information   |
|---|--|--|---|
| <p>3<br/>Application for rescission/variation of care order</p> | <p>Rescind or vary care order<br/>Section 90</p> | <ul style="list-style-type: none"> <li>Any person who was a party to the original care application</li> <li>Any person who considers that they have sufficient interest in the welfare of the child/young person</li> <li>The child/young person's Guardian</li> </ul> | <p>A copy of the original care order <u>must</u> be filed with the application to rescind/vary.</p> <p>The application <u>must</u> specify:</p> <ul style="list-style-type: none"> <li>the reasons for making the application</li> <li>the reasons for leave being granted, in particular, details of any significant change in any relevant circumstances since the order was made</li> <li>details of interest in the welfare of the child/young person (where applicable)</li> </ul> <p>NOTE: Before granting leave the Court will consider:</p> <ul style="list-style-type: none"> <li>the nature of the application</li> <li>the age of the child/young person</li> <li>the length of time the child/young person has been with the current carer</li> <li>the plans for the child/young person</li> <li>whether the applicant has an arguable case</li> <li>matters concerning the care and protection of the child/young person that are identified in a section 82 report or section 85A report.</li> </ul> |
| <p>4<br/>Application for contact order</p>                      | <p>Contact order<br/>Section 86</p>              | <ul style="list-style-type: none"> <li>Any person who is a party to the care application</li> <li>Any person who considers that they have sufficient interest in the welfare of the child/young person</li> </ul>  | <p>The application <u>must</u> specify:</p> <ul style="list-style-type: none"> <li>the reasons for making the application</li> <li>the reasons for leave being granted, in particular, details of any significant change in any relevant circumstances since the order was made</li> <li>details of interest in the welfare of the child/young person (where applicable).</li> </ul>  |
| <p>5<br/>Application for PCO</p>                                | <p>PCO<br/>Section 91A</p>                       | <ul style="list-style-type: none"> <li>DCJ</li> </ul>  | <p>The application <u>must</u> specify:</p> <ul style="list-style-type: none"> <li>details of the deficiency in parenting capacity that has the potential to place the child/young person at risk of significant harm</li> <li>that it is reasonable and practicable to require the parent or care-giver to comply with the order</li> <li>why the applicant believes the parent or care-giver is unlikely to attend or participate in programs unless a PCO is made.</li> </ul>  |
| <p>6<br/>Application for variation or revocation of a PCO</p>   | <p>Revoke or vary PCO<br/>Section 91H</p>        | <ul style="list-style-type: none"> <li>Any person who is a party to the PCO</li> </ul>   | <p>The application <u>must</u> specify:</p> <ul style="list-style-type: none"> <li>the reasons for making the application, in particular, details of</li> </ul>   |

| Form  | Application type   | Filed by  | Information   |
|---|--|---|---|
|   |  |   | <p>any significant change in any relevant circumstances since the order was made</p> <ul style="list-style-type: none"> <li>- details of the change requested.</li> </ul>   |
| 7<br>Application for assessment order   | Assessment order<br>Sections 53 & 54                               | <ul style="list-style-type: none"> <li>• DCJ</li> <li>• Child/young person</li> <li>• Parent</li> <li>• Any other person who is a party to the proceedings</li> </ul> | <p>The application <u>must</u> specify:</p> <ul style="list-style-type: none"> <li>- why the assessment is being requested and why the information cannot be obtained elsewhere</li> <li>- the specific issue/s or person to be assessed.</li> <li>- The list of documents to be provided to the clinician.</li> </ul> <p>NOTE: Where the Court makes an assessment order Registry staff will forward Form 43 – assessment order together with the application for the assessment order to Children’s Court Clinic.</p> |
| 8<br>Application to transfer a child protection order from NSW  | Transfer child protection order<br>Section 231G                    | <ul style="list-style-type: none"> <li>• DCJ</li> </ul>   | <p>The application <u>must</u> specify:</p> <ul style="list-style-type: none"> <li>- whether the application is made by the Secretary</li> <li>- the child protection order is not subject to an appeal to the District Court</li> <li>- the interstate officer has consented in writing to the transfer and to the provisions of the proposed interstate order.</li> </ul>   |
| 9<br>Application to transfer child protection proceedings from NSW  | Transfer child protection proceedings<br>Section 231L              | <ul style="list-style-type: none"> <li>• DCJ</li> </ul>   | <p>The application <u>must</u> specify:</p> <ul style="list-style-type: none"> <li>- whether the application is made by the Secretary</li> <li>- that the interstate officer has consented in writing to the transfer.</li> </ul>   |
| 10<br>Registration of interstate child protection order in NSW  | Interstate child protection order<br>Section 231P(1)               | <ul style="list-style-type: none"> <li>• DCJ</li> </ul>   | <p>A copy of the administrative order transferring the child protection order to NSW and a copy of the child protection order <u>must</u> be filed with the application.</p> <p>NOTE: the Children’s Court will send written confirmation of the registration to the interstate Court and the liaison officer of that state.</p>  |
| 11<br>Application to register interstate child protection proceedings in NSW  | Interstate child protection proceedings<br>Section 231P(2)         | <ul style="list-style-type: none"> <li>• DCJ</li> </ul>   | <p>A copy of the order transferring the proceedings and a copy of the interim order <u>must</u> be filed with the application.</p>  |
| 12<br>Application for revocation of registration of an interstate child protection order or child protection proceeding | Revocation of registration of interstate documents<br>Section 231R | <ul style="list-style-type: none"> <li>• DCJ</li> <li>• Child/young person</li> <li>• Parent</li> <li>• Any other person who is a party to the proceedings</li> </ul> | <p>The application <u>must</u> specify the grounds of the application as either:</p> <ul style="list-style-type: none"> <li>- the decision or order to transfer the child protection order or the order to transfer the child protection proceedings was at the time of registration subject to appeal or</li> </ul>  |

| Form  | Application type  | Filed by  | Information   |
|---|---|---|---|
|   |   |   | <p>review or a stay, or</p> <ul style="list-style-type: none"> <li>- the time for instituting an appeal or seeking a review had not expired.</li> </ul>   |
| 13<br>Application for hearing date to be set  | Application for hearing date to be set  | <ul style="list-style-type: none"> <li>• DCJ</li> <li>• Child/young person</li> <li>• Parent</li> <li>• Any other person who is a party to the proceedings</li> </ul> <p>NOTE: The application is completed by or on behalf of one of the parties and signed by or on behalf of <u>all</u> the parties.</p> | The application <u>must</u> be completed and filed prior to a hearing date being allocated.   |
| 14<br>Application to vacate a hearing date  | Adjournment application   | <ul style="list-style-type: none"> <li>• DCJ</li> <li>• Child/young person</li> <li>• Parent</li> <li>• Any other person who is a party to the proceedings</li> </ul>   | <ul style="list-style-type: none"> <li>- Parts A &amp; B must be completed in full before the application is lodged.</li> <li>- The application will be dealt with in chambers unless there is a good reason for it to be listed before the Court.</li> </ul>   |
| 15<br>Specified documents in support of initiating application and report                       | Initiating report and service of the relevant portion of the Community Services file - Practice Note 2 – Initiating documents for care applications | <ul style="list-style-type: none"> <li>• DCJ</li> <li>• Child/young person</li> <li>• Parent</li> <li>• Any other person who is a party to the proceedings</li> </ul>   | DCJ must serve the specified documents with Form 1 as soon as possible, but no later than the first return date of the application.   |
| 16<br>Court order   | Interim/Final court order   | <ul style="list-style-type: none"> <li>• Registry</li> </ul>  | To be completed by Registry staff only.   |
| 17<br>Care proceedings attendance notice  | Care proceedings attendance notice Section 109A   | <ul style="list-style-type: none"> <li>• Registry</li> </ul>  | To be completed by Registry staff only.   |
| 18<br>Notice of removal or assumption of child/young person where no court order is required    | Removal or assumption of child/young person where no court order is required Section 45(3)  | <ul style="list-style-type: none"> <li>• DCJ</li> </ul>   | <p>The notice <u>must</u> be filed with the Children’s Court within 7 days (refer to Practice Note 5 – Case management in care proceedings) and include details specifying:</p> <ul style="list-style-type: none"> <li>- why the child/young person was removed or assumed; and</li> <li>- why no care application was made.</li> </ul> |
| 19<br>Notification of breach of an undertaking  | Breach of undertaking Section 73(4)   | <ul style="list-style-type: none"> <li>• Any person who is a party to the proceedings when an order accepting undertakings was made</li> </ul>  | A copy of the order accepting undertakings <u>must</u> be filed with the notification of breach.  |
| 20<br>Notice of intention of court to consider making an order for provision of support service | Notice of intention of court to consider making an order for provision of support service Section 74(2)(a)  | <ul style="list-style-type: none"> <li>• Registry</li> </ul>  | To be completed by Registry staff only.   |

| Form   | Application type   | Filed by   | Information  |
|--|--|--|--|
| 21<br>Notice of proposed extension of a supervision order                        | Notice of proposed extension of a supervision order<br>Section 76(6)   | <ul style="list-style-type: none"> <li>Registry</li> </ul>             | To be completed by Registry staff only.  |
| 22<br>Notification of breach of supervision order                                | Breach of supervision order<br>Section 77(2)   | <ul style="list-style-type: none"> <li>DCJ</li> </ul>                  | A copy of the supervision order <u>must</u> be filed with the notification of breach.  |
| 23<br>Report to Children's Court   | Report on supervision<br>Section 76(4)<br><br>Report on suitability of arrangements concerning PR<br>Section 82(2)   | <ul style="list-style-type: none"> <li>DCJ</li> </ul>                  | The report must be filed with the Registry in accordance with the timetable set by the judicial officer.   |
| 24<br>Notice of address for service or notice of acting                          | Address for service – legal practitioner<br>Notice of service – legal practitioner<br>Rule 30F of the Children's Court Rule 2000   | <ul style="list-style-type: none"> <li>Legal representative</li> </ul> | An address for service must be an address in NSW. A legal practitioner may change the address for service by filing Form 24.   |
| 25<br>Notice that a solicitor has ceased to represent a party                    | Notice that solicitor has ceased to represent a party  | <ul style="list-style-type: none"> <li>Legal representative</li> </ul> | <p>The notice must:</p> <ul style="list-style-type: none"> <li>- set out whether the party was notified and if not, why not; and</li> <li>- future address for service of the party, if known; and</li> <li>- whether the party was notified of when the matter is next listed before the Court.</li> </ul>  |
| 26<br>Notice of assessment order   | Notice of assessment order<br>Section 53   | <ul style="list-style-type: none"> <li>Registry</li> </ul>             | To be completed by Registry staff only.  |
| 27<br>Notice to Authorised Clinician to attend Court                             | Notice to authorised clinician to attend court<br>Practice Note 6 – Children's Court Clinic assessment applications and attendance of authorised clinicians at hearings, dispute resolution conferences and external mediation conferences.                  | <ul style="list-style-type: none"> <li>Registrar</li> </ul>            | The notice is to be issued by the Registrar to the Children's Court Clinic within 7 days of the matter being set down for hearing.   |
| 28<br>Notice to Authorised Clinician attend DRC or external mediation conference | Notice to Authorised Clinician attend DRC or external mediation<br>Practice Note 6 - Children's Court Clinic assessment applications and attendance of authorised clinicians at hearings, dispute resolution conferences and external mediation conferences. | <ul style="list-style-type: none"> <li>Children's Registrar</li> </ul> | <p>The notice <u>must</u> specify the discussion points arising from the Clinician's assessment report.</p> <p>In the case of a DRC the conference notice is to be issued by a Children's Registrar to the Children's Court Clinic within 3 working days of the conference date being set.</p> <p>In the case of an external mediation the notice is to be issued by the party seeking attendance within 3 working days of the mediation date being set.</p> |
| 29<br>Notice to Authorised Clinician attend joint conference of expert           | Notice to attend joint conference of expert witnesses<br>Practice Note 9 – Joint   | <ul style="list-style-type: none"> <li>Children's Registrar</li> </ul> | The notice is to be issued by a Children's Registrar within 3 working days of the expert's conference date being set.  |

| Form   | Application type   | Filed by  | Information  |
|--|--|---|--|
| witnesses  | conference of expert witnesses in care proceedings           |   |  |
| 30<br>Arrest warrant   | Warrant<br>Section 109B                                      | <ul style="list-style-type: none"> <li>Registry</li> </ul>  | To be completed by Registry staff only.  |
| 31<br>Warrant of commitment for refusal to give evidence   | Warrant<br>Section 109R                                      | <ul style="list-style-type: none"> <li>Registry</li> </ul>  | To be completed by Registry staff only.  |
| 32<br>First instance warrant to secure attendance of a witness at the hearing of an application for a care order | Warrant<br>Section 109L                                      | <ul style="list-style-type: none"> <li>Registry</li> </ul>  | To be completed by Registry staff only.  |
| 33<br>Subpoena   | Subpoena<br>Section 109C                                     | <ul style="list-style-type: none"> <li>Any person who is a party to the care application</li> </ul>   | <p>A subpoena may be issued by the Children's Court, Children's Magistrate or Registrar.</p> <p>The subpoena must be served at least 5 working days before it must be complied with.</p>   |
| 34<br>Affidavit of service   | Affidavit of service   | <ul style="list-style-type: none"> <li>Any person who is a party to the care application</li> </ul>   | <p>The affidavit <u>must</u> specify:</p> <ul style="list-style-type: none"> <li>when, where, how and by whom service was effected</li> <li>what, if anything, was said by the recipient at the time service was being effected</li> <li>that the person effecting service is over the age of sixteen years</li> <li>the document that was served.</li> </ul>      |
| 35<br>Affidavit  | Affidavit  | <ul style="list-style-type: none"> <li>Any person who is a party to the care application or any person considered to be able to provide relevant evidence on behalf of a party</li> </ul> | <p>When completing an affidavit, the person swearing or affirming the affidavit must:</p> <ul style="list-style-type: none"> <li>have knowledge of the facts being stated in the affidavit</li> <li>set out the facts that qualify the party to make the affidavit</li> <li>swear/affirm the affidavit and sign each page in the presence of a witness.</li> </ul> |
| 36<br>Form of undertakings   | Undertakings<br>Section 73(2)                                | <ul style="list-style-type: none"> <li>Any person who is a party to the care application</li> </ul>   | <p>An undertaking:</p> <ul style="list-style-type: none"> <li>is to be in writing signed by the person giving it; and</li> <li>remains in force for such period as may be specified in the undertaking.</li> </ul>   |
| 37<br>Consent form   | Consent order for care plan<br>Sections 38(2) and 38(3)      | <ul style="list-style-type: none"> <li>Any person who is a party to the care application</li> </ul>   | A consent form to accompany a care plan <u>must</u> be filed with Form 2.  |
| 38<br>Registration of alternative parenting plan   | Registration of alternative parenting plan<br>Section 119(3) | <ul style="list-style-type: none"> <li>Any person who is a party to the alternative parenting plan</li> </ul>   | <p>The Children's Court may register the alternative parenting plan if:</p> <ul style="list-style-type: none"> <li>it is of the opinion it is necessary and appropriate for the care and</li> </ul>  |



| Form  | Application type  | Filed by   | Information  |
|---|---|--|--|
|   |   |  | <p>protection of the child/young person; and</p> <ul style="list-style-type: none"> <li>- the child/young person and his/her parents have been advised of the desirability of seeking legal advice concerning changes to the allocation of parental responsibility.</li> </ul>   |
| 39<br>Agreed summary of matters                           | Agreed summary of matters for consideration by the Care Circle  | <ul style="list-style-type: none"> <li>• DCJ</li> </ul>  | An agreed summary of matters must be signed by all persons contributing to the information contained in the summary.   |
| 40<br>Summary of proposed plan for the child/young person | Summary of the proposed plan for the child/young person<br>Practice Note 5- Case management in care proceedings | <ul style="list-style-type: none"> <li>• DCJ</li> </ul>  | A summary of proposed plan must be filed and served within 14 days of the first return date.   |
| 41<br>Contract breach notice                              | Contract breach notice<br>Section 38E   | <ul style="list-style-type: none"> <li>• DCJ</li> </ul>  | <p>An Application for care order (Form 1) must be filed with a contract breach notice.</p> <p>A copy of the PRC <u>must</u> be attached to the contract breach notice.</p>   |
| 42<br>Notification of breach of Prohibition Order         | Breach prohibition order<br>Section 90A   | <ul style="list-style-type: none"> <li>• Any person who is a party to the care application</li> <li>• Any person who is affected by the prohibition order</li> </ul> | A copy of the prohibition order <u>must</u> be filed with the notification of breach.  |
| 43<br>Assessment order                                    | Assessment order<br>Section 53  | <ul style="list-style-type: none"> <li>• Registry</li> </ul>   | To be completed by Registry staff only.  |
| 44<br>Contact variation agreement                         | Contact variation agreement<br>Section 86A  | <ul style="list-style-type: none"> <li>• Any person who is a party to the care application</li> </ul>  | <p>The agreement must:</p> <ul style="list-style-type: none"> <li>- be in writing; and</li> <li>- be signed and dated by parties to the proceedings who are affected by the variation; and</li> <li>- be registered with the Court within 28 days of being signed.</li> </ul> <p>NOTE: If the contract variation agreement is made less than 12 months after the contact order was made the legal representative of the child must sign the agreement.</p>   |
| 45<br>Consent to guardianship order                       | Consent to guardianship order<br>Section 79A(3)(d)  | <ul style="list-style-type: none"> <li>• Child/young person</li> </ul>   | <p>The consent to guardianship order must:</p> <ul style="list-style-type: none"> <li>- be in writing; and</li> <li>- be signed by the child/young person in the presence of a witness; and</li> <li>- include a statement from the witness that at least 14 days before the consent was signed, the witness explained the nature and effect of the guardianship order to the child/young person and informed the child/young person in a language and manner that the child/young person can understand.</li> </ul> |

| Form | Application type   | Filed by   | Information   |
|------|--|--|---|
|      |  |  | <p>NOTE: The witness is to be:</p> <ul style="list-style-type: none"> <li>- the principal of the designated agency responsible for supervising the placement of the child/young person or an employee of that agency who has been directly involved in the supervision of the child/young person's placement;</li> <li>- an Australian legal practitioner.</li> </ul> |
|      | Registration of care plan<br>No form required<br>Section 38(1) | <ul style="list-style-type: none"> <li>• Any person who is a party to the care plan</li> </ul> | A care plan may, by agreement, be registered with the Children's Court.   |
|      | Registration of PRC<br>No form required<br>Section 38A(2)      | <ul style="list-style-type: none"> <li>• Any person who is a party to the PRC</li> </ul>       | <p>A PRC <u>must</u> be registered with the Children's Court but does not require any order of the Court.</p> <p>The PRC <u>must</u> specify the period of the contract to a maximum of 12 months and the circumstances in which a breach will authorise the filing of a contract breach notice.</p>  |

### Need legal advice?

It is important that you understand the meaning and effect of the orders you are seeking. Even if you do not have a lawyer, you should get legal advice about the meaning and effect of any orders.

Places where you can get legal advice include:

- [Legal Aid](http://www.legalaid.nsw.gov.au) [www.legalaid.nsw.gov.au] provide legal advice and help at court and can be contacted on 1800 551 589;
- [Aboriginal Legal Service](http://www.alsnswact.org.au) [www.alsnswact.org.au] provide legal advice and help at court to Aboriginal and Torres Strait Islander people and can be contacted on 1800 733 233;
- [LawAccess NSW](http://www.lawaccess.nsw.gov.au) [www.lawaccess.nsw.gov.au] is a free government telephone service that provides legal information, advice and referrals for people who have a legal problem in NSW and can be contacted on 1300 888 529; or
- [Search the Law Society database](http://www.lawsociety.com.au) [www.lawsociety.com.au] for legal firms and solicitors in your area.