



Children's Court
New South Wales

Practice Note 19

Support Plan Conference Pilot

Issued 30 April 2024

1. Commencement

1.1. This Practice Note commences on 2 May 2024.

2. Application

2.1. Subject to any direction made by the Court, this Practice Note applies to all new s 61 Applications for care orders filed at Surry Hills Children's Court between 2 May 2024 and 1 November 2024.

3. Purpose

3.1. The purpose of this Practice Note is to make provision for the conduct of an Alternative Dispute Resolution Conference (the 'Support Plan Conference') by a Children's Registrar. A Support Plan Conference is an early Dispute Resolution Conference as per Practice Note 3, paragraph 3.

3.2. The Children's Registrar will conduct the Support Plan Conference to assist parties to reach agreements on:

- a) the specific risk and safety concerns for the child;
- b) actions a parent or carer¹ can take to reduce the risk and safety concerns for the child;
- c) the support that will be provided to the parent or carer to address the risk and safety concerns;
- d) the person or agency that will fund or provide any programs and / or services;

¹ This excludes an 'authorised carer' as defined in s 137 of the *Children and Young Person (Care and Protection) Act 1998* (NSW).

- e) the level of engagement or achievement by the parent or carer that would demonstrate a reduction in risk;
- f) the most appropriate short-term and proposed long-term placement for the child, if identified;
- g) contact arrangements between the child, parents, carers, siblings and significant people during court proceedings;
- h) cultural planning.

3.3. The pilot model will be guided by the following principles outlined in the *Children and Young Persons (Care and Protection) Act 1998* (NSW):

- a) the paramountcy principle (s 9);
- b) the first preference for the permanent placement of a child is restoration to a parent (s 10A(3)(a));
- c) Children's Court cases are not to be conducted in an adversarial manner (s 93(1)); and
- d) Children's Court cases are to be conducted with as little formality and legal technicality and form as the circumstances permit (s 93(2)).

4. Attendees

4.1. Attendees of the Support Plan Conference will be as per Practice Note 3, paragraph 4 and Practice Note 17, paragraphs 5.3 and 5.4.

4.2. Subject to the discretion of the Children's Registrar, Aboriginal Community Controlled Organisations and other support services are encouraged to attend the Support Plan Conference.

5. First court date

5.1. At the first mention, the Court will:

- a) decide any application for an interim order;
- b) direct the Secretary to file a draft Summary of Proposed Plan within 14 days;
- c) direct the Secretary to file a brief affidavit within 21 days. The affidavit will include:
 - i. updated information since the filing of the care application;
 - ii. information about the placement of the child;
 - iii. information about contact between the child, parents, siblings, and significant people;
 - iv. paternity and family finding;

- v. availability of relevant programs and services to support the parents, carers and child;
- d) make directions for parents or carers to file as requested; and
- e) adjourn the matter to a Support Plan Conference which should be held within 6 weeks of the first mention (allowing time for parties to organise legal representation).

5.2 The Court may decline to set a Support Plan Conference date if all parties determine there is no prospect that a Support Plan Conference would reduce or resolve issues in proceedings.

6. The Support Plan Conference

- 6.1. Participation in a Support Plan Conference does not require a parent to make a concession that a child is in need of care and protection under s 71.
- 6.2. At the Support Plan Conference, the parties should agree on a Support Plan that addresses each of the criteria in paragraph 3.2 - 'Purpose'. The Support Plan is to be filed within 7 days of the Support Plan Conference. The Children's Registrar will prepare the Support Plan at the Conference.
- 6.3. If the parties do not agree to a Support Plan, the Department is to file a Summary of Proposed Plan prior to the next listing.
- 6.4. At the conclusion of the Conference, the Children's Registrar will return the matter to the general care list for a finding that the child is in need of care and protection and / or further orders and directions.
- 6.5. Once the Court has made a finding that the child is in need of care and protection, the parties may ask the Children's Magistrate to list the matter in the Registrar's call-over list for a review of the progress of the Support Plan.

7. Other matters

- 7.1. All discussions or documents considered in the Support Plan Conference, except for the signed Support Plan, are confidential unless the disclosure is permitted by law.
- 7.2. The procedures set out in sections 65, 91D, 244B and 244C of the *Children and Young Persons (Care and Protection) Act 1988* apply to the Support Plan Conference.