



**SPECIAL COMMISSION OF INQUIRY INTO
CHILD PROTECTION SERVICES IN NEW SOUTH WALES**

PUBLIC FORUM

ROLE OF COURTS

22 FEBRUARY 2008

AGENDA

The Children's Court is vested with the primary specialist jurisdiction in care and protection cases. The jurisdiction includes the review of emergency removal action taken by DoCS, care applications, the assignment of parental responsibility, interim and permanent placements of children in out-of-home care, and contact both during the proceedings and on a long term basis.

The proceedings are intended to be non-adversarial and not bound by the rules of evidence or by the formality experienced in regular Courts, yet they can potentially involve a number of parties with legal representation. Avenues of appeal exist from the decisions of these Courts to the District Court and the Supreme Court. The Administrative Decisions Tribunal has a review jurisdiction in relation to some aspects of the administrative decisions made by DoCS.

The Inquiry is interested in hearing opinions in relation to the following aspects:

1. Should the care jurisdiction remain with the Children's Court or be transferred in whole or in part to a Tribunal?
2. How can the non-adversarial objective be enhanced by changes to evidentiary requirements and practice and procedure?
3. Balancing the principle that the safety, welfare and well-being of the child is paramount with the least intrusive intervention principle.
4. Permanent placement and restoration issues, including the role of carers and agencies in proceedings.
5. Should the Court have jurisdiction over Contact orders?
6. Alternative dispute resolution strategies.
7. Any different approach that might better engage Indigenous people in care proceedings such as the care circle pilot.
8. Appeals from orders of the Court and review of administrative decisions of DoCS.