

YOUTH JUSTICE ACT

FAMILY RESPONSIBILITY ORDERS

This practice direction is issued pursuant to section 140G(4) of the *Youth Justice Act* and shall come into force on 1 of July 2008.

Background

The introduction of provisions in the *Youth Justice Act* for Family Responsibility Orders has necessitated the need for a procedure for an inquiry into the circumstances of the youth and the making of Orders in the *Youth Justice Court*.

Procedure

Application

- (a) An application for an inquiry pursuant to section 140G of the *Youth Justice Act* shall be in the form of Form 1 (as attached to this practice direction).
- (b) An application shall be supported by an affidavit of the authorised officer of the appropriate agency or a police officer.
- (c) An application must be filed with the Court and once endorsed with a date and time for the first mention date, it must be served on the parents of the youth subject to the inquiry.
- (d) At the first mention date, the Court may make directions as to the case management of the inquiry including:
 - (i) Who is to be served with a summons to attend an inquiry
 - (ii) What reports are required at the inquiry
 - (iii) What affidavit evidence is required by the Court
 - (iv) What assessments are required for presentation at the inquiry
- (e) Any summons to require a person's attendance at an inquiry shall be in the form of Form 2 (as attached) and served personally.
- (f) After the completion of the inquiry should the Court decide a Family Responsibility Order is necessary, the Order shall be in the form of Form 4 (as attached).

Application for Variation or Revocation of Order

- (a) Any application to vary or revoke a Family Responsibility Order shall be in the form of Form 3 (as attached).
- (b) An application for variation or revocation of Order must be served on all parties to the original application and upon other interested parties as the Court may direct.

- (c) The application must be supported by an Affidavit setting out the facts relied upon for the revocation/variation.

Jenny Blokland
Chief Magistrate

1 July 2008

FORM 1

APPLICATION FOR FAMILY RESPONSIBILITY ORDER

In the Youth Justice Court

At.....

No

.....
<Appropriate agency police officer>

Applicant

.....
<Parent/parents of youth>

Respondent

To:

<parent name>

.....
<address>

The Applicant makes application to the Youth Justice Court to conduct an Inquiry into the family circumstances of

<Youth's name>

The basis for this application is that:

(delete whichever is inapplicable)

- You have entered a family responsibility agreement (as attached) but the youth has continued to exhibit behavioural problems.
- On the..... <date of agreement> you were invited to enter into a family responsibility agreement but have not done so.
- On the <date of agreement>you entered into a family responsibility agreement but have not complied with the terms in particular
 -
 -
- <name of youth> has been charged with an offence of.....<offence> and/or has breached the conditions of his/her bail with respect to a charge of<specify charge>.

This application will be mentioned at.....<time> on the.....<date> at Youth Justice Court at<venue>.....<address>.

Date day of 200 .

.....
Signed by applicant

Filed on day of 200 .

.....
Registrar

FORM 2

SUMMONS TO APPEAR AT INQUIRY

In the Youth Justice Court

at

No.....

.....

<Appropriate agency/ police officer>

Applicant

.....

<Parent/parents of youth>

Respondent

To:

.....

.....

<name and address of person to be summonsed>

TAKE NOTE: that on the day of 200.....

at<venue> the Youth Justice Court intends to conduct an Inquiry into the family circumstances of<name of youth> for the purposes of deciding whether the following circumstances exist in relation to<name of youth>:

- (a) that unstable or otherwise unsatisfactory family circumstances have caused or contributed to<name of youth> behavioural problems; and
- (b) if so, whether the situation is likely to improve by a Family Responsibility Order.

You are required to attend at the above inquiry to give evidence at that inquiry.

WARNING: If you do not attend aton<date> at<time> the Court may issue a warrant for your arrest.

WARNING: It is an offence to publish any information which identifies a party to a proceeding for a Family Responsibility Order, a youth for whom the order has been made or a person named or identified in a Family Responsibility Order. The penalty for this offence is 200 penalty units or imprisonment for one (1) year.

FORM 3

APPLICATION FOR REVOCATION OR VARIATION OF FAMILY RESPONSIBILITY ORDER

In the Youth Justice Court
at

No.....

.....
<Appropriate agency/ police officer>

Applicant

.....
<Parent/parents of youth>

Respondent

TO:
.....
<name and address>

Take note: that on theday of 200.....
a Family Responsibility Order was made in relation to<name of youth>.

The applicant applies for a variation/revocation of the order.

The terms of variation sought are:

.....
.....
.....

The application is listed for hearing aton theday of
.....20.....

WARNING: It is an offence to publish any information which identifies a party to a proceeding for a Family Responsibility Order, a youth for whom the order has been made or a person named or identified in a Family Responsibility Order. The penalty for this offence is 200 penalty units or imprisonment for one (1) year.

FORM 4

FAMILY RESPONSIBILITY ORDER

In the Youth Justice Court

At..... No.....

..... Applicant
<Appropriate agency/ police officer>

..... Respondent
<Parent/parents of youth>

ORDER

Upon the application of <applicant name> the Court hereby orders:

1. <name of parent/parents> undertake counselling/therapy to overcome addictive/destructive damaging behaviour.
..... <name of parent/parents> undertake counselling to provide guidance in the effective discharge of the parent's family responsibilities.
..... <name of parent/parents> undertake
..... <relevant course or program of personal development>
.....<name of parent/parents> exercise proper care and supervision of <name of youth> and in particular take all reasonable steps to ensure that he/she :
 - (a) attends school
 - (b) keeps away from, and avoids contact with <non associates>
 - (c) keeps away from <place>
2. <other orders>
3. This order remains in force for <period for not more than 12 months>

WARNING: A person who fails, without reasonable excuse, to comply with this order shall be committing an offence with the maximum penalty being 20 penalty units.

Should a person be fined for failing to comply and fail to pay the fine, then that person could have his/her property, not necessary for the maintenance of a modest lifestyle or for earning a livelihood, seized; or be subject to a Community Work Order.

WARNING: It is an offence to publish any information which identifies a party to a proceeding for a Family Responsibility Order, a youth for whom the order has been made or a person named or identified in a Family Responsibility Order. The penalty for this offence is 200 penalty units or imprisonment for one (1) year.