



Children's Court of Western Australia

Practice Direction 2 of 2015

PROTECTION APPLICATIONS – UPDATED PROCEDURES

Preamble

This Practice Direction updates some procedures in proceedings for protection orders under the *Children and Community Services Act 2004* (CCSA) in the Children's Court of Western Australia (CCWA).

Practice Direction

1. This Practice Direction shall take effect from 11 May 2015.

Filing and Electronic Service

2. Practice Direction No 6 of 2006 is amended by revoking sub-paragraphs 6.5 and 13.1(b) (iii) and replacing them with the following:

- 6.5 The applicant shall present for filing the original and one copy of each of the application form and the supporting affidavit.

The copy documents are to be given the seal of the Court and then returned for retention and scanning by the applicant for electronic service upon each party or for copying/printing and hard copy service where the respondent party has not agreed to accept electronic service.

13.1(b):

- (iii) the original affidavit is filed to enable the original to be placed on the youngest child's Court file and one copy which is to be given the seal of the Court and then returned for retention and scanning by the applicant for electronic service upon each party or for copying/printing and hard copy service where the respondent party has not agreed to accept electronic service.

Where there are multiple children, a further copy of the affidavit is filed if one parent of the child named in the application(s) differs from those of the youngest child.

3. Practice Direction No 1 of 2008 continues to apply.

Electronic Filing by DCPFS

4. The Interim Practice Direction issued on 16 June 2014 in relation to electronic filing by the Department of Child Protection and Family Support (DCPFS) is revoked and replaced by this Practice Direction.
5. The 3pm cut off time for filing of applications for protection orders is to continue to apply generally, save and except for the following.
 - 6.1 Where the 2 day statutory rule applies to an application and DCPFS has not been able to meet the 3pm Registry filing time requirement for the original and hard copy to put the application within the statutory time limit, then for those applications only, the application and supporting affidavit may be filed with the Court at the Registry of the Court by way of scanning and email to the Registrar of the Court, or another person or position in the Registry as nominated by the Registrar and notified by email to the CEO, DCPFS.
 - 6.2 The filing of the application and affidavit will be effective when it is electronically received as provided in paragraph 6.1.
 - 6.3 An officer of the Registry will confirm the electronic filing of the documentation with the sender of it from DCPFS, when it has been electronically received.
 - 6.4 Where an application has been electronically received as provided herein, then DCPFS must file the original and hard copy document(s) with the Registry on the next business day.

Dated this 6th day of May 2015

JUDGE D J REYNOLDS

PRESIDENT OF THE CHILDREN'S COURT OF WESTERN AUSTRALIA