



## Children's Court of Western Australia

### Practice Direction 5 of 2021

## Applications for Restraining Orders on behalf of children in Department of Communities care

The Children's Court of Western Australia has reviewed the practice of applying for restraining orders on behalf of children who are in the care of the Department of Communities.

### Commencement

1. This Practice Direction commences on 1 July 2021 and applies to all Children's Courts in Western Australia.

### Proper applicant for a restraining order brought on behalf of a child in Department of Communities care

2. An application for a restraining order may be brought on behalf of a child by a child welfare officer pursuant to s 18(2)(a), s 24A(2)(a), s 25(2)(a) or s 38(2) of the *Restraining Orders Act 1996* (WA). A child welfare officer is defined in s 3(1) as the Chief Executive Officer of the Department of Communities or an authorised officer under s 37 of the *Children and Community Services Act 2004* (WA).
3. Applications for restraining orders on behalf of children in the care of the Department of Communities should be brought by the Chief Executive Officer of the Department of Communities as applicant. Only in exceptional circumstances should an application be brought in the name of an authorised officer (case worker).

A handwritten signature in blue ink, appearing to read 'Hylton Quail'.

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Judge Hylton Quail

**President of the Children's Court of Western Australia**

29 June 2021