

**Version No. 001**  
**Children, Youth and Families Regulations**  
**2007**

**S.R. No. 21/2007**

Version as at 23 April 2007

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**PART 1—PRELIMINARY**

**1 Objectives**

The objectives of these Regulations are to prescribe various matters required to be prescribed or permitted to be prescribed under the **Children, Youth and Families Act 2005**.

**2 Authorising provision**

These Regulations are made under section 600 of the **Children, Youth and Families Act 2005**.

**3 Commencement**

These Regulations come into operation on 23 April 2007.

**4 Revocation**

The Regulations listed in Schedule 1 are **revoked**.

**5 Definition**

In these Regulations—

*the Act* means the **Children, Youth and Families Act 2005**.

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## PART 2—PROTECTIVE SERVICES

### 6 Prescribed information holder

For the purposes of paragraph (n) of the definition of *information holder* in section 3 of the Act the following classes of persons are prescribed—

- (a) a person in charge of a body that receives funding from the Secretary under a State contract to provide family violence services;
- (b) a person in charge of a local government program, other than a program provided by a registered community service, that—
  - (i) provides services to meet the needs of children requiring care, support, protection, and accommodation; and
  - (ii) provides services to meet the needs of families requiring support;
- (c) a person in charge of a body that receives funding from the Secretary under a State contract to provide parenting assessment and skills development services;
- (d) a person in charge of a body that receives funding from the Secretary under a State contract to provide sexual assault support services;
- (e) a person in charge of a body that receives funding from the Secretary under a State contract to provide placement support services to children in out of home care.

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## **7 Prescribed service agencies**

For the purposes of paragraph (f) of the definition of *service agency* in section 3 of the Act, a prescribed body or a body in a prescribed class is—

- (a) a body that receives funding from the Secretary under a State contract to provide family violence services;
- (b) a municipal council that is not registered as a community service but is established to provide services to meet the needs of children requiring care, support, protection or accommodation and of families requiring support;
- (c) a body that receives funding from the Secretary under a State contract to provide parenting assessment and skills development services;
- (d) a body that receives funding from the Secretary under a State contract to provide sexual assault support services;
- (e) a body that receives funding from the Secretary under a State contract to provide placement support services to children in out of home care.

## **8 Notice of proposal to appoint an administrator**

For the purposes of section 67(2)(a) of the Act, the prescribed form of notice is set out in Form 1 of Schedule 2.

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## 9 Foster carers

For the purposes of section 75(1) of the Act the prescribed matters that an out of home care service must have regard to before approving a person to act as a foster carer for the service are—

- (a) any criminal records and criminal history of the person;
- (b) the medical history of the person, including psychiatric health;
- (c) the capacity of the person to provide stability for a foster child;
- (d) the capacity of the person to promote and protect a child's safety, wellbeing and development;
- (e) the capacity of the person to provide appropriate support to the maintenance of a child's cultural identity and religious faith (if any);
- (f) the capacity of the person to develop a positive relationship and to work collaboratively with a foster child's family;
- (g) the capacity of the person to develop a positive relationship and to work collaboratively with child protection services, registered out of home care services and professional providers of services to children;
- (h) the person's general character;
- (i) the person's relationship with family members and household members;
- (j) any criminal records and the criminal history of other usual members of the person's household (if any).

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**10 Matters to be regarded before employing or engaging carers**

For the purposes of section 76(1) of the Act the prescribed matters that an out of home care service must have regard to before employing or engaging a person to act as a carer are—

- (a) the person's criminal records and criminal history (if any);
- (b) the person's medical, including psychiatric, health;
- (c) the person's skills, experience and qualifications;
- (d) the person's capacity to provide stability for a child;
- (e) the person's capacity to promote and protect a child's safety, wellbeing and development;
- (f) the person's capacity to provide appropriate support to the maintenance of a child's cultural identity and religious faith (if any);
- (g) the person's capacity to develop a positive relationship with a child;
- (h) the person's capacity to develop positive relationships and work collaboratively with a child's family;
- (i) the person's capacity to develop a positive relationship and work collaboratively with child protection services, community services and professional providers of services to children;
- (j) the person's general character.

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**11 Information on the register of out of home carers**

For the purposes of section 80(2)(g) of the Act, the prescribed information is—

- (a) whether the out of home carer is an aboriginal person;
- (b) gender.

**12 Prescribed forms for matters before Suitability Panel**

- (1) For the purposes of section 96(2)(a) of the Act, a notice of referral is in the prescribed form if it is in the form of Form 2 in Schedule 2.
- (2) For the purposes of section 104(2)(a) of the Act, a notice of hearing is in the prescribed form if it is in the form of Form 3 in Schedule 2.
- (3) For the purposes of section 110(2) of the Act, an application is in the prescribed form if it is in the form of Form 4 in Schedule 2.
- (4) For the purposes of section 111(2)(a) of the Act, a notice of hearing is in the prescribed form if it is in the form of Form 5 in Schedule 2.

**13 Prescribed matters for the approval of a person as a suitable person**

For the purposes of section 148(3) of the Act, the prescribed matters are—

- (a) any criminal records and criminal history of the person;
  - (b) the previous history of the person as a carer of children;
  - (c) the capacity of the person to promote and protect child safety, wellbeing and development;
  - (d) any criminal records and criminal history of the usual members of the person's household.
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**14 Prescribed class of employees for the purposes of compulsory disclosure**

For the purposes of section 194(1) of the Act, employees of the Department of Human Services who are classified at—

- (a) executive (Level 1, Level 2 and Level 3);
- (b) child protection worker Grade 5 and 6 (inclusive)—

are in a prescribed class of employees.

**15 Information relating to the taking of children into safe custody**

For the purposes of section 242(1) of the Act, the prescribed information is—

- (a) the name, work address, work telephone number and position title of the protective intervener;
- (b) that the child is being taken into safe custody under section 241 of the Act;
- (c) the name and telephone number of a person who can advise of the child's wellbeing while in safe custody;
- (d) the time, date and location of the Court hearing under section 242(2) of the Act or hearing before a bail justice under section 242(3) of the Act;
- (e) the address and telephone number of Victoria Legal Aid.

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**16 Prescribed criteria for a report on the suitability of a person in respect of an interim accommodation order**

For the purposes of section 263(6) of the Act, the prescribed criteria that the Secretary must have regard to in preparing a report on the suitability of a person for the purposes of placing the child with that person are—

- (a) any criminal records and criminal history of the person;
- (b) the previous history of the person as a carer of children;
- (c) the capacity of the person to promote a child's safety, wellbeing and development;
- (d) any criminal records and criminal history of the usual members of the person's household.

**17 Notice of direction given by the Secretary**

For the purposes of section 282(2) and section 285(2) of the Act, the notice of direction is in the prescribed form if it is in the form of Form 6 in Schedule 2.

**18 Matters to be considered by a Court in making a permanent care order**

For the purposes of section 319(1)(c)(i) of the Act, the prescribed matters are—

- (a) the health, including medical and psychiatric health, of the person or persons;
- (b) the skills and experience of the person or persons;
- (c) the capacity of the person or persons to provide stability for a child for the duration of the permanent care order;

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- (d) the capacity of the person or persons to promote and protect a child's safety, wellbeing and development for the duration of the permanent care order;
  - (e) the capacity of the person or persons to provide appropriate support to the maintenance of a child's cultural identity and religious faith (if any);
  - (f) the person or person's appreciation of the importance of—
    - (i) contact with a child's birth parent and family; and
    - (ii) exchange of information about the child with the child's birth parent and family;
  - (g) the person or person's general character including any criminal history;
  - (h) the person or person's relationship with other household and family members and the criminal records and history of the household members (if any).
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**PART 3—CORRECTIVE SERVICES**

**19 Remand in custody and placement of child—prescribed regions**

- (1) For the purposes of section 346(4)(b) and section 347 of the Act, the municipal districts of the councils referred to in Schedule 3 are prescribed regions of the State.
- (2) For the purposes of section 347(1) of the Act, in a prescribed region, a child may by order be placed in a police gaol if the period of remand is not more than 2 working days.

**20 Youth supervision orders—prescribed regions**

For the purposes of section 387(2)(a) of the Act, the prescribed region is the whole of the State.

**21 Forms for Criminal Division**

Forms to be used for or with respect to proceedings in the Criminal Division of the Court are set out in Schedule 4.

**22 Advice in other languages**

- (1) In a proceeding in the Criminal Division of the Court, a form to the effect of Form 17 of Schedule 4 must be included with and served with any originating process served on a child or parent of a child and any process served on a witness.
- (2) A form to the effect of Form 17 of Schedule 4 must be included with and be served with any document that is caused to be given or sent to a child by the registrar of the Court in accordance with—
  - (a) clause 6(1) of Schedule 3 to the Act; or
  - (b) clause 9(1) of Schedule 3 to the Act; or
  - (c) clause 10(3) of Schedule 3 to the Act.

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**23 Application for time to pay fine, for instalment order or for variation of instalment order**

For the purposes of section 377 of the Act an application is made in the prescribed manner if it is made orally or in writing.

**24 Notice of suspension of service of youth supervision order**

For the purposes of section 390(1) of the Act, the prescribed form of notice is Form 9 in Schedule 4.

**25 Notice of required attendance at a youth justice unit**

For the purposes of section 402(2) of the Act, the prescribed form of notice is Form 10 in Schedule 4.

**26 Notice of suspension of service of youth attendance order**

For the purposes of section 403(1) of the Act, the prescribed form of notice is Form 11 in Schedule 4.

**27 Prescribed forms for warrants**

- (1) A search warrant for the purposes of the Act must be in the form of Form 12 in Schedule 4.
  - (2) A warrant to detain and detention order for the purposes of sections 410 to 413 and 419 of the Act must be in the form of Form 13 in Schedule 4.
  - (3) A warrant to arrest for the purposes of the Act must be in the form of Form 14 in Schedule 4.
  - (4) A remand warrant for the purposes of the Act must be in the form of Form 15 in Schedule 4.
  - (5) A warrant for the purposes of sections 456(5) and 460(5) of the Act must be in the form of Form 16 in Schedule 4.
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**PART 4—YOUTH PAROLE**

**28 Period within which the Youth Residential Board and Youth Parole Board must submit their annual reports**

For the purposes of sections 441(1) and 452(1) of the Act, the prescribed period is 1 July to 31 October each year.

**29 Terms and conditions of a youth parole order**

For the purposes of sections 454(4) and 458(4) of the Act, the prescribed terms and conditions are—

- (a) the parolee must not break any law;
  - (b) the parolee must be supervised by a parole officer;
  - (c) the parolee must obey any lawful instructions of his or her parole officer;
  - (d) the parolee must report as and when reasonably directed by his or her parole officer;
  - (e) the parolee may be interviewed by his or parole officer at any reasonable time and place that the parole officer directs;
  - (f) the parolee must advise his or her parole officer within 2 days after the change if the parolee changes his or her address;
  - (g) the parolee must not leave Victoria without the written permission of his or her parole officer;
  - (h) the parole officer of the parolee must not unreasonably withhold any written permission under paragraph (g).
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**PART 5—MISCELLANEOUS**

**30 Articles or things seized during a search of a detainee**

- (1) A search under section 486 of the Act must be conducted in accordance with Schedule 5.
- (2) If—
  - (a) a search is conducted under section 486(2) of the Act; and
  - (b) an article or thing of a kind referred to in section 486(3) of the Act is seized under that section—

the article or thing is to be dealt with in accordance with Schedule 5.

**31 Particulars of use of isolation to be recorded in register**

For the purposes of section 488(6) of the Act, the prescribed particulars are—

- (a) name of the person isolated;
- (b) the time and date isolation commenced;
- (c) the reason why the person was isolated;
- (d) the authorising officer's name and position;
- (e) the frequency and nature of staff supervision;
- (f) the behaviour of the person while in isolation;
- (g) the time and date of release from isolation.

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**32 Articles or things seized during a search of a visitor**

If a search is conducted under section 488E of the Act and an article or thing of a kind referred to in section 488E(2) of the Act is seized under that section the article or thing is to be dealt with in accordance with Schedule 5.

**33 Article or thing not allowed in centres or units**

For the purposes of section 501(1)(b) of the Act, money is a thing not allowed.

**34 Remission of sentences**

(1) If a person undergoing detention in a youth residential centre or youth justice centre either—

- (a) is determined by the Youth Residential Board to be ineligible for parole from a youth residential centre; or
- (b) is determined by the Youth Parole Board to be ineligible for parole from a youth justice centre—

that person, subject to his or her satisfactory behaviour in custody at the centre, is eligible for remission of his or her period of detention.

(2) A period of remission under subregulation (1) must not exceed one-third of the period of detention imposed by the Court.

**35 Supply of information by registrars and police**

For the purposes of section 544(2) of the Act, the prescribed manner of supplying information to the Secretary or a youth justice officer nominated by the Secretary is—

- (a) personal service; or
- (b) e-mail; or

- (c) fax; or
- (d) orally; or
- (e) post.

### **36 Specified agencies under section 582**

For the purposes of section 582 of the Act, a person or body listed in Schedule 2 to the Infringements (General) Regulations 2006<sup>1</sup> is a specified agency.

### **37 Enforcement agencies**

For the purposes of paragraph (c) of the definition of *enforcement agency* in clause 2 of Schedule 3 to the Act, a person or body or class of person or body described in Schedule 1 to the Infringements (General) Regulations 2006 is a prescribed person or body or class of person or body (as the case requires).

### **38 Infringement notice**

For the purposes of the definition of *infringement notice* in clause 2 of Schedule 3 to the Act, the following provisions are prescribed—

- (a) the provisions specified in Schedule 3 to the Infringements (General) Regulations 2006;
- (b) a provision which is deemed under section 207 of the **Infringements Act 2006** to be a lodgeable infringement offence within the meaning of that Act.

#### **Note**

See regulation 1203 of the Magistrates' Court General Regulations 2000 as in force immediately before its revocation.

### **39 Minimum registrable amount**

The amount specified for the purposes of clause 4(3) of Schedule 3 to the Act is \$10.00.

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**40 CAYPINS forms**

- (1) For the purposes of clause 3(1)(a) of Schedule 3 to the Act, a document must be in the form of and contain the details required by Form 1 of Schedule 6.
  - (2) For the purposes of clause 3(1)(b) of Schedule 3 to the Act, a certificate must be in Form 2 of Schedule 6.
  - (3) For the purposes of clause 5(1) of Schedule 3 to the Act, a notice must be in Form 3 of Schedule 6.
  - (4) For the purposes of clause 6(4) of Schedule 3 to the Act, application to the registrar must be in the form of Form 4 of Schedule 6.
  - (5) For the purposes of clause 9(1) of Schedule 3 to the Act, a notice of enforcement order must be in the form of Form 5 of Schedule 6.
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**SCHEDULES**

**SCHEDULE 1**

Regulation 4

**REGULATIONS REVOKED**

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<i>S.R. No.</i>	<i>Title</i>
88/2001	Children and Young Persons (Children's Court) Regulations 2001
89/2001	Children and Young Persons (General) Regulations 2001
139/2005	Children and Young Persons (Children's Court) (Amendment) Regulations 2005
119/2006	Children and Young Persons (Children's Court) (Amendment) Regulations 2006

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Sch. 2

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**SCHEDULE 2**

**FORMS**

**CHILD AND FAMILY SERVICES**

Regulation 8

**Children, Youth and Families Act 2005**

(Section 67(2)(a))

**FORM 1**

**NOTICE OF PROPOSAL TO APPOINT AN ADMINISTRATOR**

To— *(insert name of registered community service)*

of— *(insert full address of registered community service)*

I give notice of the proposal that the registered community service named in this notice should be administered by an administrator by way of an appointment by the Governor in Council under section 68 of the **Children, Youth and Families Act 2005**.

Date—

(Signature)

\*Minister for Community Services

\*Minister for Children

\* Delete if not applicable

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**FORM 2**

Regulation 12(1)

**Children, Youth and Families Act 2005**

(Section 96(2)(a))

**NOTICE OF REFERRAL TO SUITABILITY PANEL**

To the Chairperson

Notice is given of a referral to the Suitability Panel of a matter under Division 4 of Part 3.4 of the **Children, Youth and Families Act 2005** (*the Act*).

**Decision of the Secretary in relation to the report of the investigation—**

*(Set out decision of Secretary)*

**Reasons for that decision—**

*(Set out reasons for decision)*

**A copy of the report of the investigation is attached.**

*(Attach copy of report)*

Name and contact details of relevant officer at the Department of Human Services—

\_\_\_\_\_

**FORM 3**

Regulation 12(2)

**Children, Youth and Families Act 2005**

(Section 104(2)(a))

**NOTICE TO PERSON OF HEARING BY SUITABILITY PANEL**

To— *(insert name of person)*

By Notice dated [*date of notice of referral to Suitability Panel*] a matter under Division 4 of Part 3.4 of the **Children, Youth and Families Act 2005** (*the Act*) was referred to the Suitability Panel to conduct a hearing.

**Time and Place of the Hearing**

Date—

Time—

Place—

**Allegation**

The following allegation was referred to the Suitability Panel by the Secretary to the Department of Human Services—

[*set out allegation*]

**Notice given by the Secretary**

A copy of the notice of referral to the Suitability Panel given by the Secretary under section 96 of the Act, accompanies this notice in accordance with section 104(2)(h) of the Act.

**Nature of hearing**

The Suitability Panel will conduct the hearing and determine the matter. The Panel will be constituted by the Chairperson and two other members.

Subject to Part 3.4 of the Act and the Children, Youth and Families Regulations 2007, the procedure of the Panel is in its discretion. The proceedings of the Panel must be conducted with as little formality and technicality as the requirements of Part 3.4 of the Act and the proper consideration of the matter permit. The Panel is not bound by the rules of evidence.

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The Panel is bound by the rules of natural justice.

You are entitled to be present, to make submissions and to be legally represented.

The Secretary is entitled to be present, to make submissions and to be legally represented.

The hearing will not be open to the public.

#### **Findings that can be made by the Suitability Panel**

The Suitability Panel can find that you have or have not on the balance of probabilities, physically or sexually abused the child.

If the Suitability Panel finds that you have physically or sexually abused the child, the Panel must make a finding of misconduct against you.

If the Suitability Panel determines that the allegation is not proved, the Panel must state that fact and that no finding of misconduct has been made against you

If the Suitability Panel makes a finding of misconduct against you, the Panel must determine on the balance of probabilities whether or not you pose an unacceptable risk of harm to children.

If the Suitability Panel finds that you pose an unacceptable risk of harm to children, the Panel must find that you should be disqualified from registration. This finding results in disqualification under Part 3.4 of the Act.

If the Suitability Panel finds that you do not pose an unacceptable risk of harm to children, the Panel must state that fact and that no finding of disqualification has been made against you.

#### **Right to review the finding or determination of the Suitability Panel**

If you disagree with a finding or the determination of the Suitability Panel, you may request a review by the Victorian Civil and Administrative Tribunal.

An application to the Victorian Civil and Administrative Tribunal must be made within 28 days after the day on which you are given notice of the Suitability Panel's decision, or if you have requested a statement of reasons for the finding—

- (a) within 28 days after the day on which you are given a statement of reasons; or

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**Sch. 2**

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(b) you are informed that a statement of reasons will not be given.

[Name]

Executive Officer  
Suitability Panel

Date—

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**FORM 4**

Regulation 12(3)

**Children, Youth and Families Act 2005**

(Section 110(2))

**APPLICATION TO SUITABILITY PANEL FOR REMOVAL OF  
DISQUALIFICATION**

Details of Applicant—

Title—

Full name—

Residential Address—

Postal Address (*if different*)—

Gender (\*Male/\*Female)—

Date of Birth—

Telephone—is a text telephone required? \*Yes/\*No

Interpreter required— \*Yes/\*No (*if yes, please specify the language*)

Date you were disqualified by the Suitability Panel—

**The following three sections must be completed by the applicant—**

State the reasons why you believe your disqualification should be removed—

Set out how your circumstances have changed since you were disqualified  
and why you no longer pose an unacceptable risk of harm to children—

If this application is being made before the end of the 12 month period since  
you were disqualified, please explain the exceptional circumstances.

Attach photocopies of any documents or references in support of your  
application (*e.g. medical reports, counselling reports, employment history*).

Signature—

Date—

\* Delete if not applicable

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**FORM 5**

Regulation 12(4)

**Children, Youth and Families Act 2005**

(Section 111(2))

**NOTICE TO PARTIES OF HEARING BY SUITABILITY PANEL OF  
APPLICATION FOR REMOVAL OF DISQUALIFICATION**

To— The Applicant  
The Secretary

An application dated [*insert date*] under section 110(2) of the **Children, Youth and Families Act 2005 (*the Act*)** was made to the Suitability Panel to remove the disqualification from registration of the applicant, a disqualified person.

**Time and Place of the Hearing**

Date—

Time—

Place—

\*The information accompanying this notice as required by section 111(2)(h) of the Act is a copy of the application for review of disqualification.

**Nature of hearing**

The Suitability Panel will conduct the hearing and determine the matter. The Panel will be constituted by the Chairperson and two other members.

The procedure of the Panel is in its discretion and is conducted with as little formality and technicality as the requirements of Part 3.4 of the (*insert Act name*) permits.

The Panel is not bound by the rules of evidence.

The Panel is bound by the rules of natural justice.

The applicant and the Secretary are parties to the hearing. The parties are entitled to be present, to make submissions and to be legally represented.

The hearing will not be open to the public.

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**Findings that can be made by the Suitability Panel**

The Suitability Panel must determine on the balance of probabilities, whether the applicant should continue to be disqualified or have the disqualification removed.

If the Suitability Panel finds that the applicant's disqualification from registration should be removed, the applicant will no longer be disqualified under Part 3.4 of the Act.

**Right to Review the Determination of the Suitability Panel**

If either of the parties disagrees with a finding or the determination of the Suitability Panel, they may request review by the Victorian Civil and Administrative Tribunal. An application to the Victorian Civil and Administrative Tribunal must be made within 28 days after the day on which the party is given notice of the Suitability Panel's decision, or if the party has requested a statement of reasons for the finding—

- (a) within 28 days after the day on which the party receives a statement of reasons; or
- (b) the party is informed that a statement of reasons will not be given.

[Name]

Executive Officer  
Suitability Panel

Date—

\* Delete if not applicable.

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**FORM 6**

Regulation 17

**Children, Youth and Families Act 2005**

(Sections 282(2), 285(2))

**NOTICE OF DIRECTION**

I, (*insert name of Secretary*), Secretary to the Department of Human Services, in consideration of the best interests of (*insert name of child*) direct under section \*282(2)/\*285(2) of the **Children, Youth and Families Act 2005**—

(*name of child or parent of the child or person with whom the child is living*)

to— (*insert direction*)

Signature of Secretary

Date—

\* Delete if not applicable

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**SCHEDULE 3**

Regulation 19(1)

**Children, Youth and Families Act 2005**

(Sections 346(4)(b) and 347(1))

**PRESCRIBED REGIONS OF THE STATE**

Alpine Shire Council	Loddon Shire Council
Ararat Rural City Council	Macedon Ranges Shire Council
Ballarat City Council	Mansfield Shire Council
Bass Coast Shire Council	Mildura Rural City Council
Baw Baw Shire Council	Mitchell Shire Council
Benalla Rural City Council	Moira Shire Council
Borough of Queenscliffe	Moorabool Shire Council
Buloke Shire Council	Mount Alexander Shire Council
Campaspe Shire Council	Moyne Shire Council
Central Goldfields Shire Council	Murrindindi Shire Council
Colac–Otway Shire Council	Northern Grampians Shire Council
Corangamite Shire Council	Pyrenees Shire Council
East Gippsland Shire Council	South Gippsland Shire Council
Gannawarra Shire Council	Southern Grampians Shire Council
Glenelg Shire Council	Strathbogie Shire Council
Golden Plains Shire Council	Surf Coast Shire Council
Greater Bendigo City Council	Swan Hill Rural City Council
Greater Geelong City Council	Towong Shire Council
Greater Shepparton City Council	Wangaratta Rural City Council
Hepburn Shire Council	Warrnambool City Council
Hindmarsh Shire Council	Wellington Shire Council
Horsham Rural City Council	West Wimmera Shire Council
Indigo Shire Council	Wodonga City Council
Latrobe City Council	Yarriambiack Shire Council

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**SCHEDULE 4**

**FORMS TO BE USED IN THE CRIMINAL DIVISION OF THE  
CHILDREN'S COURT**

**FORM 1**

Regulation 21

**Children, Youth and Families Act 2005**

(Section 363)

**NON-ACCOUNTABLE UNDERTAKING**

Court Ref—

To— *(name)*

\*Male/\*Female

Date of Birth—

Address—

The Children's Court at *(venue)* on *(date)* found you guilty of—  
*(list offences)*

**You have not been convicted of these offences.**

**Details of the Order—**

**The Court made the following Order—**

That the charge(s) against you be dismissed

AND

That you give the following undertaking—

That your parent, *(name)* give the following undertaking—

---

**I agree to comply with this undertaking.**

**NOTE—An undertaking is a promise to the Court that you will or will not do the things specified in the undertaking.**

*(Signature of child)*

*(Signature of parent)*

Date—

\*Judge/\*Magistrate

\* Delete if not applicable

---

Sch. 4

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**FORM 2**

Regulation 21

**Children, Youth and Families Act 2005**

(Section 365)

**ACCOUNTABLE UNDERTAKING**

Court Ref—

To— *(name)*

\*Male/\*Female

Date of Birth—

Address—

The Children's Court at *(venue)* on *(date)* found you guilty of—  
*(list offences)*

**You have not been convicted of these offences.**

**Details of the Order—**

**The Court made the following Order—**

That the charge(s) against you be dismissed

AND

That you give the following undertaking—

AND

That if you breach the undertaking you be made accountable and be dealt with for the breach.

That your parent, *(name)* give the following undertaking—

---

---

**I agree to comply with this undertaking.**

**NOTE—An undertaking is a promise to the Court that you will or will not do the things specified in the undertaking. If you fail to comply with this undertaking the Court may direct that you be brought back before the Court.**

*(Signature of child)*

*(Signature of parent)*

Date—

\*Judge/\*Magistrate

\* Delete if not applicable

---

**FORM 3**

Regulation 21

**Children, Youth and Families Act 2005**

(Section 367)

**GOOD BEHAVIOUR BOND**

Court Ref—

To— (name)

\*Male/\*Female

Date of Birth—

Address—

The Children's Court at (venue) on (date) found you guilty of—  
(list offences)

**You have not been convicted of these offences.**

**Details of the Order—**

**The Court made the following Order—**

That the proceeding be adjourned until (end date) on condition that you enter into a good behaviour bond.

The amount of your Bond is— \$

**The following conditions apply to your good behaviour bond—**

That you appear, if so required by the Court, at the time to which the proceeding has been adjourned. (You will receive a notice if you have to come to Court).

That you appear before the Court, if required to do so, during the period of the adjournment. (You will receive a notice if you have to come to Court).

That you are of good behaviour during the period of the adjournment.

That you observe any special conditions imposed by the Court.

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**Special Conditions—**

**I agree to enter into this Good Behaviour Bond, to appear before the Court if required, and to observe any special condition imposed by the Court.**

*(Signature of the child)*

Date—

\*Judge/\*Magistrate

\* Delete if not applicable

---

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**FORM 4**

Regulation 21

**Children, Youth and Families Act 2005**

(Sections 378, 380, 381, 382)

**PROBATION ORDER**

Court Ref—

To— (name)

\*Male/\*Female

Date of Birth—

Address—

The Children's Court at (venue) on (date) found you guilty of—

You \*were/\*were not convicted of these offences.

**Details of the Order—**

The Court orders that you be placed on probation \*for (period) until (end date).

\*The Court directs that your probation order be served—

\*cumulatively on any uncompleted probation order.

\*in part concurrently with any uncompleted probation order.

\*Details of part concurrency—

**The following conditions apply to your probation order**

1. You must report to the Secretary within 2 working days after this order is made. (An officer of the Department of Human Services will contact you to let you know when and where you are to report).
2. You must report, during the period of the probation order, to your assigned youth justice officer as required by the youth justice officer.
3. You must not re-offend during the period of the probation order.
4. You must not leave the State without the written permission of the Secretary.

- 
5. You must notify your assigned youth justice officer of any change of residence, school or employment within 48 hours after the change.
  6. You must obey the reasonable and lawful instructions of your assigned youth justice officer.

**Note**

Any reference to the Secretary is to be taken as a reference to one of his or her delegated officers.

\*The Court also ordered that you comply with the following special conditions—

**\*I consent to this order being made.**

*\*(Signature of child)*

Date—

\*Judge/\*Magistrate

\* Delete if not applicable

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**FORM 5**

Regulation 21

**Children, Youth and Families Act 2005**

(Sections 378, 387, 388, 389)

**YOUTH SUPERVISION ORDER**

Court Ref—

To— (name)

\*Male/\*Female

Date of Birth—

Address—

The Children's Court at (venue) on (date) found you guilty of—

You \*were/\*were not convicted of these offences.

**Details of the Order—**

The Court orders that you be placed on a youth supervision order \*for (period) \*until (end date).

\*The Court directs that your youth supervision order be served—

\*cumulatively on any uncompleted youth supervision order(s).

\*in part concurrently with any uncompleted youth supervision order(s).

\*Details of part concurrency—

**Conditions applicable to your youth supervision order**

1. You must report to the Secretary to the Department of Human Services within 2 working days after this order is made.
2. You must report, during the period of the youth supervision order, to the Secretary as required by the Secretary.
3. You must not re-offend during the period of the youth supervision order.
4. You must not leave the State without the written permission of the Secretary.

- 
5. You must notify the Secretary of any change of residence, school or employment within 48 hours after the change.
  6. You must attend a youth justice unit or any other place specified in the youth supervision order.
  7. You must participate in a community service program or any other program, if so directed by the Secretary.
  8. You must obey the reasonable and lawful instructions of the Secretary.

**Note**

Any reference to the Secretary is to be taken as a reference to one of his or her delegated officers.

\*The Court also ordered that you comply with the following special conditions—

**I consent to this order being made.**

*(Signature of child)*

Date—

\*Judge/\*Magistrate

\* Delete if not applicable

---

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**FORM 6**

Regulation 21

**Children, Youth and Families Act 2005**

(Sections 397–401)

**YOUTH ATTENDANCE ORDER**

Court Ref—

To— (name)

\*Male/\*Female

Date of Birth—

Address—

The Children's Court at (venue) on (date) convicted you of—

and made a youth attendance order in respect of you\*for (period) \*until (end date).

\*The Court directed that your attendance order be served—

\*cumulatively on any uncompleted youth attendance order(s)

\*in part concurrently with any uncompleted youth attendance order(s)

\*Details of part concurrency—

**Details of the Order**

1. You must report to the Secretary within 2 working days at (venue) after this order is made.
2. You must not commit another offence during the period that the order is in force.
3. You must attend a youth justice unit for \*(period) \*until (end date).
4. You must not leave the State without the written permission of the Secretary.
5. You must notify the Secretary of any change of residence, school or employment within 48 hours after the change.

- 
6. You must comply with the provisions of a notice under section 402 and with the requirements for attendance in section 402(1)(a) and (b) of the Act.
  7. You must attend at any alternative day and time set by the Secretary under section 402(5) or attend for any extension of the term of the order as fixed by the Secretary under section 402(6) of the Act.
  8. You must carry out the reasonable and lawful directions of the Secretary or any person under the authority of the Secretary under sections 406 and 407(1) of the Act.

**Note**

Any reference to the Secretary to the Department of Human Services is to be taken as a reference to one of his or her delegated officers.

\*The Court also ordered that you comply with the following special conditions—

**\*I consent to this order being made.**

*\*(Signature of child)*

Date—

\*Judge/\*Magistrate

*(reverse)*

\* Delete if not applicable

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**FORM 7**

Regulation 21

**Children, Youth and Families Act 2005**  
(Sections 366, 369, 371, 378, 384, 392, 408)

**NOTICE TO APPEAR BEFORE THE COURT**

**CRIMINAL DIVISION**

Court Ref—

To— (name)

\*Male/\*Female

Date of Birth—

Address—

**Details of the Sentencing or Fine Default Order**

The order was made by the Children's Court at (*venue*) on (*date*).

The charges were filed by— (*full name of informant*)

Agency and address—

Phone—

The sentencing or fine default order was—

\*an Accountable Undertaking \*a Good Behaviour Bond \*a Fine

\*a Youth Supervision Order \*a Youth Attendance Order

\*a Probation Order \*an Instalment Order

\*The order was a fine default order.

**Details of this notice**

Reasons for service of this notice (*set out reasons*)

Applicant's name—

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Agency and address—

Phone—

Date—

(Signature)

**Details of the hearing**

A hearing of this case will be held at (*time*) a.m./p.m. on (*date*) at the Children's Court at (*venue*)

YOU MUST APPEAR BEFORE THE COURT AT THE HEARING.

IF THE ORDER WAS MADE AGAINST YOU, AND YOU FAIL TO APPEAR BEFORE THE COURT, THE COURT MAY ORDER THAT A WARRANT TO ARREST YOU BE ISSUED.

Issued at—

Date—

- (a) order of the Court; or
- (b) notice issued by the registrar.

Registrar

\* Delete if not applicable

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**FORM 8**

Regulation 21

**Children, Youth and Families Act 2005**

(Sections 381(5), 389(4), 409, 421)

**APPLICATION TO VARY OR REVOKE A SENTENCING ORDER**

Court Ref—

To— (name)

\*Male/\*Female

Date of Birth—

Address—

**Details of the Sentencing Order**

The order was made by the Children's Court at (*venue*) on (*date*).

The charges were filed by— (*full name of informant*)

Agency and address—

Phone—

The sentencing order was—

\*a probation order/\*a youth supervision order/\*a youth attendance order

**Details of this application**

This application is to \*vary the order/\*revoke the order.

The grounds for the application are—

Applicant's name—

Agency and address—

Phone—

---

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Date—

(*Signature*)

**Details of the hearing**

A hearing of this application will be held at (*time*) a.m./p.m. on (*date*) at the Children's Court at (*venue*)

Issued at—

Date—

Registrar

\* Delete if not applicable

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**FORM 9**

Regulation 24

**Children, Youth and Families Act 2005**

(Section 390(1))

**NOTICE OF SUSPENSION OF SERVICE OF YOUTH SUPERVISION  
ORDER**

To *(name)*

of *(address)*

On *(insert date of sentencing)*, at the *(insert name and address of court)*, you were placed on a youth supervision order for a period of *(insert number)* weeks.

A special condition of this order is that—

*(insert condition if any)*

Since you are currently in custody in *(insert name of prison/remand centre/youth justice centre/youth residential centre)* the service of your youth supervision order has been suspended under section 390 of the **Children, Youth and Families Act 2005**.

Your order is due to recommence on *(insert date and time)* when you must report to *(insert name of relevant manager or responsible officer, including address and telephone number)*

Your order is now due to be completed on *(insert date)*

Name and Signature of Secretary *(Signature)*

*(Name)*

Date—

---

---

**FORM 10**

Regulation 25

**Children, Youth and Families Act 2005**

(Section 402(2))

**NOTICE OF REQUIRED ATTENDANCE AT A YOUTH JUSTICE  
UNIT**

To *(insert full name of person)*

of *(insert full address of person)*

You are required to attend the *(insert name)* Youth Justice Unit at *(insert address and telephone number)* for *(insert number of hours)*

from \*a.m./p.m. *(starting time)* to a.m./p.m. *(finishing time)*  
each *(insert day of the week)*

for *(insert number of hours)*

from \*a.m./p.m. *(starting time)* to a.m./p.m. *(finishing time)*  
each *(insert day of the week)*

for *(insert number of hours)*

from \*a.m./p.m. *(starting time)* to a.m./p.m. *(finishing time)*  
each *(insert day of the week)*

for a total of *(insert number of hours per week—maximum of 10 hours)*

commencing on *(insert date)*

Date—

Name and signature of relevant manager or responsible officer—

*(Signature)*

*(Name)*

---

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FORM 11

Regulation 26

**Children, Youth and Families Act 2005**

(Section 403(1))

**NOTICE OF SUSPENSION OF SERVICE OF YOUTH  
ATTENDANCE ORDER**

To *(insert full name of person)*

of *(insert address of person)*

On *(insert date of sentencing)*, at the *(insert name and address of court)*, you were placed on a youth attendance order for a period of *(insert number)* weeks at *(insert name of youth justice unit)*.

A special condition of this order is that—

*(insert condition if any)*

Since you are currently in custody in *(insert name of prison/remand centre/youth justice centre/youth residential centre)* the service of your youth attendance order has been suspended under section 403 of the **Children, Youth and Families Act 2005**.

Your order is due to recommence on *(insert date and time)* when you must report to *(insert name of relevant manager or responsible officer, including address and telephone number)*

Your order is now due to be completed on *(insert date)*

Name and Signature of Secretary *(Signature)*

*(Name)*

Date—

\_\_\_\_\_

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**FORM 12**

Regulation 27(1)

**Children, Youth and Families Act 2005**

(Sections 237, 241–243, 247, 261, 268, 269, 270, 291, 313–315, 598)

**CHILDREN'S COURT SEARCH WARRANT**

**(SAFE CUSTODY)**

Court Ref—

Name or description of Child

[*and address if applicable*]

\*Male/\*Female

Date of Birth—

**AUTHORITY AND DIRECTIONS**

To [*name of a member of the police force*] or [*all members of the police force*]

You are authorised to—

break, enter and search any place where the child named or described in this warrant is suspected to be; and take into safe custody the child named or described in this warrant;

**AND if the warrant is issued under section 237 of the Act, to**

bring the child to the Secretary to enable the Secretary to exercise his or her powers under the temporary assessment order.

**AND if the warrant is issued under section 241, 243, 247, 261, 268, 270, 291, 313 or 314 of the Act, to**

\* bring the child before the Court for the hearing of an application for an interim accommodation order as soon as practicable and, in any event, within one working day after the child was taken into safe custody. Unless the child is brought before the Court within 24 hours after the child was taken into safe custody, he or she must (unless the child is of tender years) be brought before a bail justice as soon as possible within that period of 24 hours for the hearing of an application for an interim accommodation order.

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\* release the child on an interim accommodation order of the type referred to in section 263(1)(a) or 263(1)(b) of the Act in accordance with the endorsement below.

**OR if the warrant is issued under section 269 of the Act, to**

\* bring the child before the Court for the hearing of a proceeding for breach of an interim accommodation order as soon as practicable and, in any event, within one working day after the child was taken into safe custody. Unless the child is brought before the Court within 24 hours after the child was taken into safe custody, he or she must (unless the child is of tender years) be brought before a bail justice as soon as possible within that period of 24 hours for the hearing of a proceeding for breach of an interim accommodation order.

\* release the child on an interim accommodation order of the type referred to in section 263(1)(a) or 263(1)(b) of the Act in accordance with the endorsement below.

**OR if the warrant is issued under section 598 of the Act,**

the member of the police force who executed this warrant must take the child to the place specified in this warrant or, if no place is specified, to a place determined by the Secretary or, in the absence of a determination, to a place referred to in section 173 of the Act.

**Place Specified—**

**ENDORSEMENT**

The child may be released on an interim accommodation order to appear at the Children's Court at (*venue*) at (*time*) a.m./p.m. on (*date*)

Applicant's name—

Agency and address—

Phone—

Issued at—

Date—

\*Judge/\*Magistrate

\* Delete if not applicable

---

**FORM 13**

Regulation 27(2)

**Children, Youth and Families Act 2005**

(Sections 410–413, 419)

**WARRANT OF DETENTION**

Court Ref—

Name of Child—

\*Male/\*Female

Date of Birth—

Address—

The charges were filed by—

Name—

Agency—

The charges were heard in the Children's Court at (*venue*)

**Detention order summary**

Effective total term—

Time spent in custody.

Taken into account \*Yes/\*No

Sentences imposed in this case to be—

\*cumulative on other sentences presently being served

\*part concurrent with other sentences presently being served.  
(the concurrent portion of the sentence)

\*cumulative on any period owed to the Youth Parole Board or the Youth Residential Board

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\*part concurrent with any period owed to the Youth Parole Board or Youth Residential Board (the concurrent portion of sentence)

Date sentenced imposed—

The Court also ordered—

**Authority and directions**

To [*name of a member of the police force*] or [*all members of the police force*]

You are authorised to break, enter and search any place where the child named in this warrant is suspected to be and to take and safely convey the child named in this warrant to—

\*a youth justice centre                      \*a youth residential centre

and to deliver the child to the officer in charge of the youth justice centre or youth residential centre.

**To the Secretary to the Department of Human Services** or any other person into whose custody the child named in this warrant is transferred—

You are directed and authorised to receive that child into custody and to safely keep that child for the period specified, or in the circumstances described in this warrant or until that child is otherwise removed or discharged from custody by due course of law.

Issued at—

Date—

\*Registrar/\*Judge/\*Magistrate

\* Delete if not applicable

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---

**FORM 14**

Regulation 27(3)

**Children, Youth and Families Act 2005**

**WARRANT TO ARREST**

Court Ref—

Name of person to be arrested—

\*Male/\*Female

Date of Birth—

Address—

**Statement of Reasons for this Warrant**

\*The defendant failed to appear before the Court on (*date*) in answer to a charge and summons.

\*The defendant failed to attend before the Court on (*date*) in accordance with his or her bail.

\*The person failed to appear before the Court on (*date*) in answer to a notice to appear before the Court.

\*The person was served with a witness summons and failed to attend before the Court on (*date*) in answer to that witness summons.

\*Other—give details—

The defendant was charged with—

The charges were filed by—

Agency and address—

Phone—

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**Directions**

To [*name of a member of the police force*] or [*all members of the police force*]

You are authorised to—

break, enter and search, if necessary, any place where the person named or described in this warrant is suspected to be;

arrest the person named or described in this warrant;

AND TO

bring him or her before a bail justice of the Court within a reasonable time of being arrested to be dealt with according to law. If the warrant is issued in respect of a sentencing order alleged to have been breached, the child must be brought before the Court within a reasonable time of being arrested but not later than the next working day after the child is arrested and in the meantime must be placed as provided by the **Children, Youth and Families Act 2005**;

OR

release him or her on bail in accordance with the endorsement below;

OR

discharge him or her on bail under section 10 of the **Bail Act 1977**.

Issued at—

Date—

\*Registrar/\*Judge/\*Magistrate

**ENDORSEMENT FOR BAIL**

A judge or magistrate has authorised the following endorsement—

The person named may be released upon entering an undertaking of bail to appear at the Children's Court at (*venue*) on the following conditions—

Date—

\*Registrar/\*Judge/\*Magistrate

\* Delete if not applicable

---

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**FORM 15**

Regulation 27(4)

**Children, Youth and Families Act 2005**

(Section 419)

**CHILDREN'S COURT REMAND WARRANT**

Court Ref—

Name of defendant (*or witness*)—

\*Male/\*Female

Date of Birth—

Address—

The defendant (or witness) has been \*remanded in custody \*returned to the custody of the Secretary to the Department of Human Services

The proceeding has been adjourned and the defendant (or witness) is to be brought before the Children's Court at (*venue*) at (*time*) on (*date*).

The defendant has been committed to stand trial.

The defendant was charged with—

The charges were filed by—

Agency and address—

Phone—

The charge is filed

- at the Children's Court at (*venue*)
- with the Bail Justice making this order.

AUTHORITY AND DIRECTIONS

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***If a child is remanded in custody***

To [*name of a member of the police force*] or [*all members of the police force*] or the Secretary to the Department of Human Services or

You must take and safely convey the child named in this warrant to—

- a remand centre
- other (only in prescribed regions). Specify place where child is to be placed—

and deliver the child to the officer in charge of that facility.

***If an adult is remanded in custody***

To [*name of a member of the police force*] or [*all members of the police force*] or all prison officers

You must take and safely convey the person named in this warrant to—

\*a prison    \*a police gaol    \*a youth justice centre

and deliver the person to the officer in charge of that facility.

To the Secretary to the Department of Human Services or to the Secretary to the Department of Justice or to the Chief Commissioner of Police (as the case may be), or any other person into whose custody the person is transferred.

You must receive the person named in this warrant into custody and safely keep that person—

- (i) for the period specified, or in the circumstances described, in this warrant;
- or*
- (ii) until that person is otherwise removed or discharged from custody by due course of law.

**ENDORSEMENTS**

The defendant did not apply for bail.

I certify that the defendant's bail application was refused. The reasons for my refusal are—

I certify that bail was granted and the defendant is to be released from custody when he or she signs an undertaking with the conditions which are endorsed below—

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The defendant was legally represented by—

Signed at—

Date—

\*Registrar/\*Judge/\*Magistrate/\*Bail Justice

\* Delete if not applicable

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**FORM 16**

Regulation 27(5)

**Children, Youth and Families Act 2005**

(Sections 456(5) and 460(5))

**WARRANT FOR APPREHENSION AND RETURN TO \*YOUTH  
RESIDENTIAL CENTRE/\*YOUTH JUSTICE CENTRE**

To [*name of a member of the police force or other officer to be authorised*]

Parolee details—

Surname of parolee—

Given names of parolee—

Date of birth—

Convicted of (*insert conviction*)

The parolee was released on parole on (*insert date*) by an order of the  
\*Youth Residential Board/\*Youth Parole Board dated (*insert date*).

The \*Youth Residential Board/\*Youth Parole Board on (*insert date*)  
cancelled the parole.

You are authorised by this warrant to apprehend and return the parolee to  
the officer in charge of the \*youth residential centre/\*youth justice centre  
at (*insert address*).

Signed—

(\*Secretary to/member of the \*Youth Residential Board/\*Youth Parole  
Board/\*Magistrate)

Date—

\* Delete if not applicable

---

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**FORM 17**

Regulation 22

**Children, Youth and Families Act 2005**

**IMPORTANT—DO NOT IGNORE THIS DOCUMENT**

If you do not understand it, you should immediately have it interpreted and explained to you. You may then get advice from—

A Registrar of the Children's Court

Your local solicitor

Victoria Legal Aid (*insert address and telephone number*)

(Information to the effect of this advice to be printed in the English, Arabic, Cambodian, Chinese, Croatian, Greek, Italian, Macedonian, Polish, Serbian, Turkish and Vietnamese languages).

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**FORM 18**

Regulation 21

**Children, Youth and Families Act 2005**

(Section 490)

**ORDER TO BRING A PERSON BEFORE A COURT OR  
CORONER'S INQUEST**

Court Ref—

Name of Child—

\*Male/\*Female

Date of Birth—

To—

\*the Secretary

\*the Officer in charge at (*insert name of place where child has been remanded in custody or name of youth residential centre or youth justice centre where child has been detained*)

\*all members of the police force of Victoria

I order that the child is to be brought to the Children's Court at (*name and address of Children's Court or name and address of place where facilities exist to enable the child to appear by audio visual link within the meaning of Part II A of the Evidence Act 1958*) at (*time*) a.m./p.m. on (*date*)

**Details of the proceeding** (*describe the proceeding*)

**Reason for order** (*set out reasons*)

AND the person is to remain in the custody of that member of the police force, protective services officer or other officer acting under this order until returned to the officer in charge of the place of detention or remand.

Applicant's Name—

Agency and address—

Phone—

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Signed at—

Date—

\*Judge/\*Magistrate/\*Registrar/\*Coroner/\*Coroner's Clerk

\* Delete if not applicable

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**FORM 19**

Regulation 21

**Children, Youth and Families Act 2005**

(Section 530(5))

**ORDER TO BRING A CHILD BEFORE THE COURT PRIOR TO  
THE ADJOURNED DATE**

Court Ref—

Name of Child—

\*Male/\*Female

Date of Birth—

To—

\* the Secretary

\* the Officer in charge at (*insert name of place where child has been remanded in custody or name of secure welfare service where child has been placed*)

\* all members of the police force of Victoria

I order that the child is to be brought to the Children's Court at (*name and address of Children's Court or name and address of place where facilities exist to enable the child to appear by audio visual link within the meaning of Part IIA of the Evidence Act 1958*) at (*time*) a.m./p.m. on (*date*)

The child is to answer the following charges (*provide brief description*)

The charges are filed by—

Name—

Agency and Address—

The charges are filed at the Children's Court at (*venue*)—

*or*

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The child is to be brought before the Court on—

- \*a Protection Application
- \*an Irreconcilable Difference Application
- \*other (*give details*)

Signed at—

Date—

\*Judge/\*Magistrate

\* Delete if not applicable

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**FORM 20**

Regulation 21

**Children, Youth and Families Act 2005**

**WITNESS SUMMONS**

Court Ref—

To the witness—

\*Male/\*Female

Address—

**Details of the case**

Name of child—

Type of hearing—

- \*Charges (*brief description*)
- \*Protection application
- \*Irreconcilable Difference application
- \*Other (*specify*)

Name of informant/applicant—

Agency and address—

Phone—

**WHAT YOU HAVE TO DO**

You must bring this summons with you and—

- \* come to court to give evidence in the proceeding;
- \* come to court to give evidence and also produce at the hearing the following documents or things that are in your possession or control—  
(*specify documents or things*)

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\* produce at the hearing the following documents or things that are in your possession or control—

*(specify documents)*

You may produce this summons and the documents or things referred to above to the Registrar of the Children's Court at *(venue)* by hand or by post, in either case so that the registrar receives them not later than 2 days before the date on which you are required to attend.

If you are required to give evidence, you **must** attend at the hearing.

**WHERE YOU MUST GO**

**The Children's Court at *(address)***

**Phone—**

**When—**

**Time                      Day                      Month                      Year**

Issued at—

Date—

\*Registrar/\*Judge/\*Magistrate

\*Summons filed by *(identify party if any)*

\* Delete if not applicable

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FORM 21

Children, Youth and Families Act 2005

AFFIDAVIT OF SERVICE

I, *(full name)* of *(address)*, *(occupation)* \*swear/\*declare that I served a copy of the *(describe document)* on *(name of person served)* who is the *(capacity e.g. mother/father/child)* on *(date)* at \_\_\_\_\_ a.m./p.m. by—

\*delivering it to him/her personally at *(address)*

\*leaving it for him/her at *(address)*

being that person's last known place of \*residence/\*business with a person who apparently resided or worked there and who apparently was not less than 16 years of age.

\*posting it by\*prepaid ordinary post/\*registered post at *(address of posting)* in an envelope addressed to that person at his or her last known place of \*residence/\*business. I obtained this address from—

\*other *(specify)*

\*I acknowledge that this declaration is true and correct and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.

\*Sworn/\*Declared at *(place)*

in the State of Victoria

on *(date)*

Before

*(Signed by person)*

\*authorised under section 107A(1) of the **Evidence Act 1958** to witness the signing of a statutory declaration.

\*authorised under section 123C(1) of the **Evidence Act 1958** to take an affidavit.

*(Name and address in legible writing, typing or stamp)*

\* Delete if not applicable

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**SCHEDULE 5**

Regulations 30, 32

**Children, Youth and Families Act 2005**

(Sections 486, 488E and 488G)

**SEIZED ARTICLES AND THINGS**

**1 Definitions**

In this Schedule—

*centre* means a remand centre, youth residential centre or youth justice centre;

*drug* means—

- (a) a drug of dependence within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**; or
- (b) any other form of drug not lawfully in the possession of the person;

*frisk search* means a search of a person conducted by quickly running the hands over the person's outer clothing;

*officer in charge* means the officer in charge (however titled) of the relevant centre;

*strip search* means a search of a person or of things in the possession of or under the control of the person that may include—

- (a) requiring the person to remove all of his or her clothes; and
- (b) an examination of the person's body (but not of the person's body cavities) and of those clothes;

*weapon* means firearm, offensive weapon or other article which is capable of being used as a weapon.

## **2 Searches**

- (1) The officer in charge of a centre must ensure that a person is only searched by an officer or officers of the same sex if the search involves a strip search or a frisk search.
- (2) A search must not include an intrusive search of body cavities.

## **3 Seizure Register**

- (1) The officer in charge must establish and maintain a Seizure Register.
- (2) If an article or thing is seized during a search, the officer in charge must ensure that the following information is entered in the Seizure Register—
  - (a) the name of the person from whom the article or thing was seized (if known);
  - (b) the date and time of the seizure;
  - (c) a description of the article or thing seized;
  - (d) details of the discovery of the article or thing;
  - (e) the name and signature of the person who seized the article or thing;
  - (f) details of the manner in which the article or thing was dealt with.

## **4 Procedure subsequent to seizure**

- (1) If an article or thing is seized at a centre (except a weapon, an explosive substance, a drug or any other article or thing which is suspected of being stolen, or used in, or obtained as the result of, the commission of an offence), the officer in charge must ensure that—
-

- 
- (a) if the article or thing may be used in legal proceedings—
- (i) the article or thing is held securely until the end of those proceedings (if any) or until the article or thing is handed to a member of the police force; and
  - (ii) the person from whom the article or thing was seized is informed whether or not it will be returned to the owner; and
  - (iii) if the owner's name and address is known, the owner is informed whether or not the article or thing will be returned to him or her; and
  - (iv) the article or thing is dealt with in accordance with clause 5; or
- (b) if the article or thing is not to be used in legal proceedings—
- (i) the person from whom the article or thing was seized is informed whether or not it will be returned to the owner; and
  - (ii) if the owner's name and address is known, the owner is informed whether or not the article or thing will be returned to him or her; and
  - (iii) the article or thing is dealt with in accordance with clause 5.
- (2) If—
- (a) a weapon; or
  - (b) an explosive substance; or
  - (c) a drug; or
-

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(d) any other article or thing which the person carrying out the search suspects—

(i) is stolen; or

(ii) has been used in, or obtained as the result of, the commission of an offence—

is seized, that weapon, explosive substance, drug, article or thing must be handed to a member of the police force.

(3) A weapon, explosive substance, drug, or other article or thing to which this clause applies is forfeited to the Crown.

(4) If money is seized, and that money is not suspected of being stolen, or used in, or obtained as the result of, the commission of an offence, the money must be returned to the person from whom it was seized when the person is released from the centre or the person leaves the centre.

**5 Manner of dealing with seized articles or things**

Unless clause 4(4) applies, the officer in charge may direct which one or more of the following methods is to be used in dealing with an article or thing seized at a centre—

(a) disposal of the article or thing; or

(b) return of the article or thing; or

(c) dismantling the article or thing; or

(d) dealing with the article or thing in a manner that is appropriate having regard to the nature of the article or thing and the circumstances under which it was seized.

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## 6 Disposal

- (1) The officer in charge must ensure that at least two officers carry out the disposal of an article or thing.
  - (2) The officer in charge must ensure that, if an article or thing is disposed of, the following details are recorded in the Seizure Register—
    - (a) the date, time and manner of disposal;
    - (b) the name and position of the authorising officer;
    - (c) names and signatures of the persons carrying out the disposal.
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**SCHEDULE 6**

**CAYPINS FORMS**

**FORM 1**

Regulation 40(1)

**Children, Youth and Families Act 2005**

(Schedule 3 clause 3(1)(a))

**INFRINGEMENT PENALTY FOR REGISTRATION**

[*Name of Enforcement Agency*] seeks to have the infringement penalty, as detailed below, registered.

**DETAILS OF CHILD**

Surname— Other Names—  
Date of Birth—  
Address—  
Suburb— Postcode—

**DETAILS OF INFRINGEMENT NOTICE**

Description of offence—  
\*Act/\*Statutory Rule/\*Local Law/\*Subordinate Instrument/\*Commonwealth Act or any Act of another State or Territory or any subordinate instrument under such an Act that applies as a law of Victoria/\*Code—  
Infringement Notice No.—  
Time of offence— Date of offence—  
Place of offence— Date of Issue of Infringement Notice—

**VEHICLE DETAILS (if relevant)**

Registration Number— State of Issue (Registration)—  
\*Licence/\*Permit Number— Vehicle Class—  
State of Issue (\*Licence/\*Permit)—

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**ENFORCEMENT AGENCY DETAILS**

Informant's Name—

Enforcement Agency—

Address—

**PENALTY/INSTALMENT DETAILS**

The original infringement amount was— [*insert amount*]

The amount that has been paid is— [*insert amount*]

The amount to be registered (including \$ [*insert amount*] costs) is—  
[*insert amount*]

(The amount to be registered consists of the original infringement amount  
minus any amount previously paid to the Enforcement Agency (whether or  
not pursuant to a payment plan), plus any prescribed costs.)

\* Delete if not applicable.

NOTES—

This form can be replicated for each additional penalty/instalment.

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**FORM 2**

Regulation 40(2)

**Children, Youth and Families Act 2005**

(Schedule 3 clause 3(1)(b))

**CERTIFICATE FOR REGISTRATION OF INFRINGEMENT  
PENALTY**

I, [Name], an appropriate officer of [Name of Enforcement Agency] certify that in respect of the child or each child referred to in a document provided under clause 3(1)(a) of Schedule 3 to the **Children, Youth and Families Act 2005** with this certificate, the penalty indicated in the document is the prescribed penalty and the following requirements and any other prescribed requirements have been satisfied—

- (a) an infringement notice has been served on the child; and
- (b) a penalty reminder notice has been served on the child after the end of the time specified in the infringement notice as the time within which the infringement penalty may be paid; and
- (c) a period of at least 28 days has passed since the penalty reminder notice was served; and
- (d) the infringement penalty and any prescribed costs had not been paid, whether in full or in part, before this certificate was issued; and
- (e) if a payment plan under the **Infringements Act 2006** applies to the child in relation to the infringement penalty, the child has defaulted in making a payment under the payment plan and a specified amount still remains to be paid under that payment plan; and
- (f) if a part payment of the infringement penalty and prescribed costs has been made (otherwise than under a payment plan under the **Infringements Act 2006**) but no further payment has been made and a specified amount still remains to be paid; and
- (g) the child has not, under Part 2 of the **Infringements Act 2006** elected to have the matter of the infringement offence heard and determined in the Court; and
- (h) a charge in relation to the offence has not been filed; and
- (i) a charge may still be filed in relation to the offence, having regard to the time when the offence is alleged to have been committed; and

- 
- (j) if the infringement notice was served under section 87 of the **Road Safety Act 1986**, the child was at the time of the alleged offence—
- (i) the owner of the vehicle within the meaning of Part 7 of that Act; or
  - (ii) the person in charge of the vehicle as shown in a statement or declaration supplied in accordance with section 86(3)(a), 86(3)(aab) or 86(3)(ab) of that Act; and
- (k) if the infringement notice was issued in respect of an offence to which section 66 of the **Road Safety Act 1986** applies, the child was at the time of the alleged offence—
- (i) the owner of the motor vehicle within the meaning of section 66 of that Act; or
  - (ii) the driver of the motor vehicle as shown in a statement or declaration supplied in accordance with section 66(3)(a), 66(3)(aab) or 66(3)(ab) of that Act; and
- (l) if the infringement notice was issued in respect of an offence against section 73(1) of the **Melbourne City Link Act 1995**, the child was at the time of the alleged offence—
- (i) the owner of the vehicle within the meaning of Part 4 of that Act; or
  - (ii) the driver of the vehicle as shown in a statement or declaration supplied in accordance with section 87(3)(a), 87(3)(aab) or 87(3)(ab) of that Act; and
- (m) if the infringement notice was issued in respect of an offence under section 204 of the **EastLink Project Act 2004**, the child was at the time of the trip to which the alleged offence relates—
- (i) the owner of the vehicle within the meaning of that Act; or
  - (ii) the driver of the vehicle as shown in a statement supplied under section 199 or 219 of that Act.

Signed on behalf of the Enforcement Agency by—

Appropriate Officer—

Print Name—

Date—

\* Delete if not applicable.

\_\_\_\_\_

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**FORM 3**

Regulation 40(3)

**Children, Youth and Families Act 2005**

(Schedule 3 clause 5(1))

**CANCELLATION OF REGISTRATION OF AN INFRINGEMENT  
PENALTY**

Infringement No.—

Date—

Enforcement agency—

Child's name—

Address—

To the Registrar of the Children's Court at [*venue*]

The enforcement agency in this matter requests that you cancel the registration of the infringement penalty identified by this form.

Signed on behalf of the  
enforcement agency by—

Name—

Date—

  

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**FORM 4**

Regulation 40(4)

**Children, Youth and Families Act 2005**

(Schedule 3 clause 6(4))

**APPLICATION FOR ORDER THAT PAYMENT OF REGISTERED  
AMOUNT NOT BE ENFORCED**

Registration No.—

Date of registration—

Child's name—

Date of birth—

Address—

Description of offence—

Place of offence—

Date of offence—

Enforcement agency—

Registered amount— \$

I, [*name of child*], apply to the Registrar of the Children's Court of Victoria for an order that payment of the above registered amount not be enforced.

\* Details of my employment, school attendance and personal and financial circumstances are as follows—

OR

\* I have already provided details in writing to the Registrar of my employment, school attendance and personal and financial circumstances.

I am aware that a copy of this application together with any information provided under clause 6(3) of Schedule 3 to the **Children, Youth and Families Act 2005** will be provided to the enforcement agency that issued the infringement notice if an order is made that payment of the above registered amount not be enforced.

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Signed—

Name—

Date—

\* Delete if not applicable.

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**FORM 5**

Regulation 40(5)

**Children, Youth and Families Act 2005**

(Schedule 3 clause 9(1))

**NOTICE OF ENFORCEMENT ORDER**

**COURT REFERENCE NUMBER—**

**DATE OF REGISTRATION—**

**DETAILS OF CHILD**

Surname— Other Names—

Date of Birth—

Address—

Suburb— Postcode—

**DETAILS OF INFRINGEMENT NOTICE**

Description of offence—

\*Act/\*Statutory Rule/\*Local Law/\*Subordinate Instrument/  
\*Commonwealth Act or subordinate instrument that applies as a law of  
Victoria/\*Code—

Infringement Notice No.—

Time of offence—

Date of offence—

Place of offence—

Date of Issue of Infringement Notice—

**ENFORCEMENT AGENCY DETAILS**

Informant's Name—

Enforcement Agency—

Address—

**DETAILS OF ORDER**

On [date] , at [venue] the following orders were made—

Dated—

for Registrar

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Failure to make the payment required in this order or to make an application to the Registrar (see Notes) may result in further proceedings in the Children's Court.

Methods of payment (*insert details*)

**WARNING:**

**DO NOT IGNORE THIS NOTICE OR MORE  
SERIOUS PENALTIES MAY BE IMPOSED.**

Note:

- (1) You may apply to the registrar of the Children's Court at [*venue*] of one or more of the following—
    - (a) an order that the time within which the registered amount is to be paid be extended; or
    - (b) an order that the registered amount be paid by instalments; or
    - (c) an order for the variation of an instalment order.
  - (2) If this order requires you to make any payment, you have 28 days after the date of this notice to apply in writing to the Court for a review of the registrar's order.
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## ENDNOTES

### 1. General Information

The Children, Youth and Families Regulations 2007, S.R. No. 21/2007 were made on 17 April 2007 by the Governor in Council under section 600 of the **Children, Youth and Families Act 2005**, No. 96/2005 and came into operation on 23 April 2007: regulation 3.

The Children, Youth and Families Regulations 2007 will sunset 10 years after the day of making on 17 April 2017 (see section 5 of the **Subordinate Legislation Act 1994**).

**Endnotes**

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**2. Table of Amendments**

There are no amendments made to the Children, Youth and Families Regulations 2007 by statutory rules, subordinate instruments and Acts.

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### 3. Explanatory Details

<sup>1</sup> Reg. 36: S.R. No. 76/2006. Subsequently amended by S.R. Nos 103/2006, 145/2006 and 173/2006.