

# Administering Children’s Court orders

Order	Secretary involved	Secretary has parental responsibility	Maximum duration	Conditions	Counts as time in out-of-home care	Vary Who by?	Revoke Who by?	Breach Who by?	Extend Who by?	Apply for different order?	Annual review of operation of order	Change in nature of order	Considerations
<b>Temporary assessment order</b> s. 228 <a href="#">Form 1</a>	Yes	No	21 days (by notice) or 10 days (without notice)	Yes s. 232	No	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li></ul> s. 235 <a href="#">Form 3</a>	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li></ul> s. 235 <a href="#">Form 3</a>	No	No	No	N/A	No	Where there is 'reasonable suspicion' that a child is or may be in need of protection and that further investigation and assessment is warranted. If 'satisfied on reasonable grounds that a child is in need of protection' consider protection application instead.
<b>Interim accommodation order to parent</b> s. 263(1)(b) <a href="#">Form 12</a>	Yes	No	As specified s. 264(1)	Yes s. 263(7)	No	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>protective intervener</li></ul> s. 268 <a href="#">Form 15</a>	Not revoke, but can apply for new IAO <ul style="list-style-type: none"><li>child</li><li>parent</li><li>protective intervener</li></ul> s. 270 <a href="#">Form 15</a>	Yes <ul style="list-style-type: none"><li>protective intervener</li></ul> s. 269 <a href="#">Form 15</a>	Yes <ul style="list-style-type: none"><li>protective intervener</li></ul> s. 267	No	N/A	No	An IAO cannot be made: <ul style="list-style-type: none"><li>if Court is satisfied that a protection or permanent care order could be made – s. 262(5A)</li><li>if a family reunification, care by Secretary or long-term care order in force – s. 262(6).</li></ul> If made as result of breach of family preservation order, the family preservation order is suspended for the period of the IAO but its expiry date is not extended – s. 262(7). <a href="#">Form 13</a> Statement of placement availability – signed by or on behalf of the CEO of the hospital or parent and baby unit declaring that a placement is available – is required before an IAO of this type can be made – s. 263(1)(f) or (g). Parents are entitled to know the details of the child’s placement under an IAO unless the Court determines that it is in the best interests of the child to withhold the details – s. 265. Secretary can transfer child from one out-of-home care service to another or one secure welfare service to another, giving notice to parent (unless withheld) and to Court registrar – s. 266.
<b>Interim accommodation order to OOHC</b> s. 263(1)(c)–(g) <a href="#">Form 12</a>	Yes	No	As specified except limited to 21 days if to secure welfare, hospital, or parent and baby unit s. 264	Yes s. 263(7)	Yes	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>protective intervener</li></ul> s. 268 <a href="#">Form 15</a> <a href="#">Form 15A</a> if fail to appear TTO hearing	Not revoke, but can apply for new IAO <ul style="list-style-type: none"><li>child</li><li>parent</li><li>protective intervener</li></ul> s. 270 <a href="#">Form 15</a> <a href="#">Form 15A – TTO</a>	Yes <ul style="list-style-type: none"><li>protective intervener</li></ul> s. 269 <a href="#">Form 16</a> <a href="#">Form 16A – TTO</a>	Yes <ul style="list-style-type: none"><li>protective intervener</li></ul> (only one further extension of 21 days for secure welfare) s. 267	No	N/A	No	Can give reasonable lawful direction – s. 282(2). Following an annual review of operation of order, Secretary may, with agreement of child aged 10 or more and parent, determine order is to end. Court to be notified. Order ends at 12 months or on date notice is given, whichever is later – s. 280(3)–(7).
<b>Family preservation order</b> s. 280	Yes	No	Up to 12 months, or in special circumstances up to 2 years	Yes s. 281	No	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>Secretary</li></ul> ss. 299–300 <a href="#">Form 28</a>	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>Secretary</li></ul> ss. 303–304 <a href="#">Form 28</a>	Yes <ul style="list-style-type: none"><li>Secretary</li></ul> s. 312 <a href="#">Form 34</a>	Yes <ul style="list-style-type: none"><li>Secretary</li></ul> s. 293(1)(a) <a href="#">Form 27</a>	No	Yes, if order longer than 12 months	No	Can give reasonable lawful direction – s. 282(2). Following an annual review of operation of order, Secretary may, with agreement of child aged 10 or more and parent, determine order is to end. Court to be notified. Order ends at 12 months or on date notice is given, whichever is later – s. 280(3)–(7).
<b>Family reunification order</b> s. 287	Yes	Yes – limited	Initially with effect child not in out-of-home care more than 12 months Then with effect child not in out-of-home care more than 24 months s. 287A	Yes s. 287(1)(d)	Yes	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>Secretary</li></ul> ss. 299–301 <a href="#">Form 28</a> <a href="#">Form 28A – w/out notice</a>	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>Secretary</li></ul> ss. 303-304, 308, 310(3) <a href="#">Form 28</a>	No	Yes <ul style="list-style-type: none"><li>Secretary</li></ul> s. 293(1)(b), limited by s. 296 <a href="#">Form 27</a>	Yes App CBSO s. 289(1A) <a href="#">Form 41</a> App LTCO s. 290(1A) <a href="#">Form 42</a> App PCO s. 320 <a href="#">Form 31</a>	No	Yes taken to be FPO s. 288A	Time in out-of-home care needs to be under a court order (including IAO) and is cumulative. Disregard time in parental care under IAO or FPO and time placed voluntarily, and court-ordered out-of-home care during earlier period of intervention.
<b>Care by Secretary order</b> s. 289	Yes	Yes – exclusive	Fixed duration of 2 years Ends if child turns 18, or marries if that occurs first	No	Yes	No	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>Secretary</li></ul> ss. 303,305, 308 <a href="#">Form 29</a>	No	Yes <ul style="list-style-type: none"><li>Secretary</li></ul> s. 293(1)(c) <a href="#">Form 27</a>	Yes App LTCO s. 290(1A) <a href="#">Form 42</a> App PCO s. 320 <a href="#">Form 31</a>	Yes	Yes taken to be FPO s. 289A	Following an annual review of operation of order, Secretary may, with agreement of child aged 10 or more and parent, determine order is to end. Court to be notified. Order ends at 12 months or on date notice is given, whichever is later – s. 289(3)–(7).
<b>Long-term care order</b> s. 290	Yes	Yes – exclusive	Until child turns 18, or marries if that occurs first	No	Yes	No	Yes <ul style="list-style-type: none"><li>child</li><li>parent*</li><li>Secretary#</li></ul> ss. 303, 306, 309, 310(6)(7) <a href="#">Form 30</a>	No	No	App PCO s. 320 <a href="#">Form 31</a>	Yes	No	Specific carer who will not consent to PCO. Secretary must consent. Cannot be made if child 10+ opposes. Following an annual review of operation of order, Secretary may, with agreement of child aged 10 or more and parent, determine order is to end. Court to be notified. Order ends at 12 months or on date notice is given, whichever is later – s. 290(3)–(7). * after 12 mths parent needs leave of Court to apply to revoke – s. 306(3) # Secretary must apply to revoke if <ul style="list-style-type: none"><li>carer withdraws consent or</li><li>relationship breaks down or</li><li>child has not lived at placement for 3 mths and is unlikely to return – s. 306(2).</li></ul>
<b>Permanent care order</b> s. 319 <a href="#">Form 31</a>	No	No	Until child turns 18, or marries if that occurs first s. 321	Yes s. 321	No	Yes <ul style="list-style-type: none"><li>child</li><li>parent#</li><li>permanent care parent</li><li>Secretary</li><li>sibling</li></ul> ss. 326 <a href="#">Form 33</a>	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>permanent care parent</li><li>Secretary</li></ul> ss. 326 <a href="#">Form 33</a>	No	No	No	No	Yes taken to be CBSO Secretary to notify Court if informed all carers deceased s. 325A	Child must have been in out-of-home care for 6 months or 6 out of the last 12 months prior to application for PCO – s. 319(1). Parental responsibility to permanent care parents – usually exclusive (can be shared with birth parents in special circumstances) – s. 321(1)(b)) * Guidance re including other conditions – s. 321(1B) ^ When first made, limit on court-ordered contact of 4 per year with parent – s. 321(1)(d). If varied after 12 mths, limit no longer applies – s. 327(2) # Birth parent first needs leave to apply to vary or revoke – see guidance – s. 326(1C), and in first 12 months may only apply to vary if contact condition not complied with – s. 326(1B). Court may request report from Secretary to assist.
<b>Therapeutic treatment order</b> s. 246 <a href="#">Form 4</a>	Yes	No	Up to 12 months s. 250	Yes directing treatment s. 249	No	Yes <ul style="list-style-type: none"><li>Secretary</li><li>child</li><li>parent</li></ul> s. 257 <a href="#">Form 8</a>	Yes <ul style="list-style-type: none"><li>Secretary</li><li>child</li><li>parent</li></ul> s. 25 <a href="#">Form 8</a>	No	Yes – once <ul style="list-style-type: none"><li>Secretary</li></ul> s. 256 <a href="#">Form 9</a>	PA	No	No	For children aged 10–14 years of age who exhibit sexually abusive behaviours and an order is necessary to ensure access to or attendance at appropriate treatment.
<b>Therapeutic treatment (placement) order</b> s. 252 <a href="#">Form 6</a>	Yes	Yes	Up to length of TTO s. 254	Yes s. 253	Yes	Yes <ul style="list-style-type: none"><li>Secretary</li><li>child</li><li>parent</li></ul> s. 257 <a href="#">Form 8</a>	Yes <ul style="list-style-type: none"><li>Secretary</li><li>child</li><li>parent</li></ul> s. 258 <a href="#">Form 8</a>	No	Yes – once <ul style="list-style-type: none"><li>Secretary</li></ul> s. 256 <a href="#">Form 9</a>	PA	No	No	Must be concurrent with a therapeutic treatment order. For children subject to a therapeutic treatment order where placement is necessary for treatment.
<b>Undertaking – protection application not proved</b> s. 272	No	No	6 months, or in special circumstances up to 12 months	Yes s. 272(4)	No	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>carer</li></ul> s. 273 <a href="#">Form 19</a>	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>carer</li></ul> s. 273 <a href="#">Form 19</a>	No	No	No	N/A	No	Can only be made with consent of person entering into undertaking.
<b>Undertaking – protection order</b> s. 278	No	No	6 months, or exceptionally 12 months	Yes s. 278(3)	No	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>carer</li></ul> s. 279 <a href="#">Form 19</a>	Yes <ul style="list-style-type: none"><li>child</li><li>parent</li><li>carer</li></ul> s. 279 <a href="#">Form 19</a>	No	No	No	N/A	No	