



Children's Court of Western Australia

Practice Direction 1 of 2015

USE OF CHILDREN'S COURT DOCUMENTS IN THE FAMILY COURT OF WESTERN AUSTRALIA

Preamble

Proceedings for protection orders under the *Children and Community Services Act 2004* (CCSA) in the Children's Court of Western Australia (CCWA) are sometimes concurrent with, or followed by, proceedings in the Family Court of Western Australia (FCWA) for parenting orders and/or protection orders, with respect to the same child.

Until now, evidence filed in, or documents produced for the CCWA proceedings, could not be used in the FCWA without leave being granted by the CCWA.

It is in the best interests of children for there to be a proper and efficient exchange of documentation between the CCWA and FCWA in such circumstances.

Practice Direction

1. Where parenting order proceedings or protection order proceedings have been commenced in the FCWA and involve the same child as in protection proceedings in the CCWA, then the leave of the CCWA is taken as given for the following documentation filed with, or received into evidence in, the CCWA, namely:
 - (a) affidavits;
 - (b) reports under s 139 of the CCSA, and if not written, then a record of it as otherwise directed;
 - (c) documents; and
 - (d) proposals under s 143 of the CCSA,to be provided as evidence in the proceedings in the FCWA.

2. If, in relation to protection proceedings in the CCWA, subpoenaed documents have been received by the CCWA Registry, and protection proceedings involving the same child have been commenced and are continuing in the FCWA rather than the CCWA, then upon request, the Registry of the CCWA shall forward a copy of the subpoena, and the subpoenaed documents, to the Registry of the FCWA for the purpose of the protection proceedings in that Court, and the Registry of the CCWA shall inform the Respondent to the subpoena accordingly.

3. This practice direction:
- (a) is subject to any order of the CCWA;
 - (b) does not impact at all on the question of the admissibility into evidence by the FCWA of any of the material referred to in paragraph 1; and
 - (c) is effective immediately.

Dated this 11th day of February 2015

JUDGE D J REYNOLDS

PRESIDENT OF THE CHILDREN'S COURT OF WESTERN AUSTRALIA