



## Children's Court of Western Australia

### Practice Direction 9 of 2020

#### Deferred arrest warrants

The Children's Court of Western Australia has reviewed the issue of arrest warrants for young people under the age of 18 years who fail to appear in court.

#### Commencement and revocation

1. This Practice Direction commences on 21 August 2020 and applies to all Children's Courts in Western Australia.
2. Practice Direction 3 of 2000 is revoked on 20 August 2020.

#### Deferred Arrest Warrant Notice

3. If a young person under the age of 18 years fails to appear in court, the court may exercise its discretion to issue a Deferred Arrest Warrant Notice (Children's Court ICMS Form), as an alternative to the immediate issue of an arrest warrant.
4. If a Notice issues, the matter should be adjourned for mention for one week (for Perth matters) or to the next convenient sitting of the court (for suburban and regional Children's Courts). Any bail already set should be extended to the mention date.
5. On the same day the Notice issues the judicial support officer or court manager must serve the Notice electronically on the local Youth Justice Service, and for Perth and suburban matters, also on the Metropolitan Youth Bail Service.
6. A youth justice or metropolitan youth bail officer must then be delegated to use their best endeavours to contact and serve the accused with a copy of the Notice. The officer must ensure the service copy of the Notice is filed with the court before 10am on the day prior to the next mention date, indicating whether the accused has been served or not.

7. If the accused fails to appear in court on the mention date and return of the Notice, an arrest warrant should issue, unless there are good reasons not to do so.



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Judge Hylton Quail

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

19 August 2020