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Sam Pandya
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Dear Sam

I am writing to you about the *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020* (the Omnibus Amendment Act) which commences on 21 October 2020.

The Omnibus Amendment Act extends measures established under the *COVID-19 Omnibus (Emergency Measures) Act 2020* in April this year to better provide for the health and safety of children, families, carers, child protection practitioners, judicial officers, carers, bail justices and other court users during COVID-19. The suspension of bail justice hearings when a child is taken into emergency care have been extended. Emergency care matters will continue to be brought before the Children's Court on the next working day

The Omnibus Amendment Act also includes a significant additional measure to address a any adverse impacts of COVID-19 pandemic on the progress towards reunification for children in need of protection and their parents, amending *Children, Youth and Families Act 2005* (CYFA) regarding family reunification orders.

When a child cannot safely remain in parental care, the CYFA allows family reunification orders to be made while parents work towards addressing protective concerns to enable them to permanently resume care of their child. Without this amendment, the length of time for which the Children's Court may make or extend a family reunification order is limited as follows:

- if a child has been residing in out of home care for less than 12 months, a family reunification order cannot have the effect that the child will be in care for a cumulative period exceeding 12 months (sections 287A(2) and 296(3))
- if a child has been residing in out of home care for 12 months or more but less than 24 months, a family reunification order cannot have the effect that the child will be in care for a cumulative period that exceeds 24 months (section 287A(3))
- the Children's Court may extend a family reunification order if the extension will not have the effect that a child will be in care for a cumulative period that exceeds 24 months (sections 294A(1)(b) and 296(4)).

The purpose is to promote decision-making in a timeframe consistent with children's developmental needs.

As a result of the COVID-19 pandemic, some parents working towards reunification may be impeded in their efforts to address protective concerns.

The CYFA now provides that the Court may make or extend a family reunification order for a period beyond the usual timeframes if the Court is satisfied that:

- the parent's progress towards reunification has been impeded as a result of the COVID-19 pandemic, and
- it is in the child's best interests to allow the additional time.

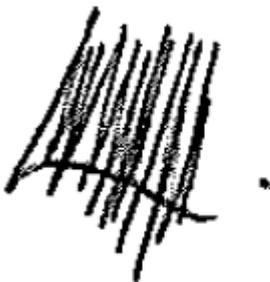
The additional period must not exceed that for which the parent's progress was impeded. Additional time may be granted at a single point or in increments at different stages, up to a total of a further six months.

This balances the need to provide additional time where parents' progress is impeded and reunification remains in the child's best interests, with the need children have for certainty about their future care. An additional six months provides a reasonable period for parents and services to adapt reunification efforts and service provision to the changed circumstances our community is facing as a result of the pandemic, while preventing drift in care for children in need of protection.

Please note the Omnibus Amendment Act provides that the sections amending the CYFA will be repealed on the 26 April 2021.

Should you have any queries, please contact Shane Wilson, Director, Child Protection and Care on 9096 6189 or Shane.D.Wilson@dhhs.vic.gov.au.

Yours sincerely



Simone Corin
Acting Deputy Secretary
Children, Families, Communities and Disability Division

22/10/2020