



Children's Court of New South Wales

Protocol for Children's Registrars conducting Care Call Overs

This protocol clarifies the role, function and powers of a Children's Registrar when conducting a Care Call Over to ensure consistent case management practices.

Care Call Overs

1. Children's Judges hold case management responsibility for care files. A Children's Judge must review a file before referring the file to call over.
2. Care Call Overs will usually commence at 9.30am.
3. The Children's Registrar is to work with the Children's Judge to ensure that case management decisions are made in accordance with this protocol, the relevant legislation and [Practice Note 5](#).
4. Children's Registrars are to apply [section 94\(4\)](#) of the Children and Young Persons (Care and Protection) Act 1998 (**C&Y (C&P) Act**) which states;

The Children's Court should avoid the granting of adjournments to the maximum extent possible and must not grant an adjournment unless it is of the opinion that:

- (a) it is in the best interests of the child or young person to do so, or*
- (b) there is some other cogent or substantial reason to do so.*

5. A matter should be referred to a Children's Judge if the Children's Registrar considers it appropriate, taking into account the evidence filed, the nature of the application and the positions of the parties.

General Powers of Children's Registrars conducting a Care Call Over

6. Adjourn Care proceedings ([Rule 19\(g\) Children's Court Rule 2000](#)). The

power to adjourn proceedings does not include the power to make or to continue an interim order where the interim order was time limited.

7. Make directions regarding the preparation for hearing of an application for interim order and listing the matter for hearing ([Rule 19\(e\) Children's Court Rule 2000](#)). This includes but is not limited to, the making of case management directions as to filing and serving affidavits, care plans, joinder applications, assessment applications and case management documents.
8. Make directions excusing a party from appearing if they are legally represented, when reasonable grounds exist for doing so.
9. Refer matters to ADR ([Rule 19\(f\) Children's Court Rule 2000](#)). This includes the determination as to whether an authorised clinician may attend a DRC pursuant to paragraph 8.8 of [Practice Note 6](#).
10. Make consent orders granting access to inspect or take copies of any documents produced on subpoena. ([Section 109I C&YP \(C&P\) Act 1998](#)). See also paragraph 14 of [Practice Note 5](#):
 - a. Dispense with service of any process ([Rule 19\(a\) Children's Court Rule 2000](#));
 - b. Extend or shorten time ([Rule 19\(b\) Children's Court Rule 2000](#));
 - c. Make orders in relation to service and substituted service ([Rule 19\(c\) Children's Court Rule 2000](#) and [Section 109D C&YP \(C&P\) Act 1998](#));
 - d. Arrange and conduct DRC's ([Section 65\(1A\) C&YP \(C&P\) Act 1998](#));
 - e. Make parent capacity orders by consent ([Section 91F\(1-4\) C&YP \(C&P\) Act 1998](#));
 - f. Issuing subpoenas;
 - g. Requesting files held by other Courts;
 - h. Filing of relevant evidence.

To comply with time standards and ensure that Children's Judges are aware of complex cases and delays, Children's Registrars MUST refer the following matters to a Children's Judge for direction or further case management:

11. Any matter where a legal representative or party seeks to have a matter listed before a Children's Judge, unless the Children's Judge directs that the matter remains in the call over.

12. Applications to adjourn Care matters which were commenced more than 6 months previously and are unlikely to be finalised within 9 months (unless allocating a hearing date).
13. Applications to adjourn Care matters for more than 6 weeks (unless allocating a hearing date). After a long adjournment and in such cases, matters are to be listed before a Children's Judge.
14. Applications to adjourn Care matters where a child in the proceedings was less than 2 years of age when the interim order allocating parental responsibility was first made and 4 months has lapsed since the making of that order and a determination has not been made regarding the realistic possibility of restoration of that child ([Section 83\(5\)\(a\) C&YP \(C&P\) Act 1998](#)).
15. Applications to adjourn Care matters when a party has failed, without reasonable explanation, to comply with previous directions.
16. Applications to vacate hearing dates for Care matters.
17. Care matters in which the duration of the hearing is estimated to exceed 2 days.
18. Care matters with the second consecutive listing before a Children's Registrar where the directions have not been reviewed and approved by the Children's Judge.
19. Care matters where there has been a significant change including placement change or change to the Secretary's assessment of restoration.
20. Care matters where the parties' consent to the court making findings of no realistic possibility of restoration.
21. Care matters where a party has applied for urgent interim, prohibition, interlocutory or Apprehended Violence Orders.
22. Any matters that have been re-listed by a Children's Judge for a progress review pursuant to [section 82\(3\) C&YP \(C&P\) Act 1998](#).
23. Any matter that is listed for first return following the filing of a new application.
24. Approval of DRC date where date is more than one month from callover date.

The Court also notes the following:

25. Children's Registrars are to record the following information on the bench sheet:
 - a. The applications made;

- b. The positions of each of the parties;
- c. If possible, the primary issues in dispute and contested and uncontested facts;
- d. Any significant updating information provided during the callover that is not contained in the evidence filed.

26. When conducting call overs, Children's Registrars are to consider the evidence required for Children's Judges to hear and determine Care matters in accordance with the objects and principles of the C&Y (C&P) Act 1998.

Updated 22 May 2026

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Nell Skinner
President of the Children's Court of New South Wales