



Children's Court of NSW publications protocol

The Children's Court of NSW publishes Children's Court online decisions through [NSW Caselaw](#). The Court also produces a regular online publication known as [Children's Law News](#) that highlights important decisions and papers that have been published elsewhere and provides an avenue for the publication of papers relevant to the jurisdiction that are not otherwise available.

This protocol sets out the procedures followed by the Children's Court for both the publication of decisions on NSW Caselaw and the publication of Children's Law News.

NSW Caselaw

NSW Caselaw publishes decisions for New South Wales Courts and Tribunals administered by the NSW Department of Communities and Justice.

Magistrates submit written decisions to the Children's Court Caselaw Publication Convenor. The Children's Court Caselaw Publication Committee determines whether Children's Court judgments are suitable for publication by applying guidelines.

Magistrates are asked to consider publishing written decisions for any matters that meet Guideline 6 or 7.

The Children's Court Caselaw Publication Committee comprises of three specialist Children's Magistrates, appointed by the President, who have regional and metropolitan experience.

All judgments that meet the guidelines are referred to the President for approval prior to publication. The Convenor may refer the judgment back to the submitting magistrate for clarification or consideration of any comments by the Committee prior to referring the judgment to the President.

The President will ensure that judgments that meet the guidelines are broadly representative of the work and outcomes of the Children's Court.

The Children's Court is not able to publish all judgments. To do so would reduce efficiency and delay decisions about children.

To access NSW Caselaw, follow the link provided:
<https://www.caselaw.nsw.gov.au/search/advanced>

Guidelines

Matters to be considered when determining whether a judgment is suitable for publication on NSW Caselaw are:

1. The judgment addresses a matter of law, including interpretations of legislation and legal principles relevant to a case dealt with in the Children's Court.
2. The judgment clarifies practice and/or procedure.
3. The judgment is an example of good practice (in case work or through consolidating different aspects of law).
4. The judgment is an example of good decision making such as finding of facts, an analysis of the relevant law and the application of the law to the facts.
5. The judgment addresses a matter identified as a systemic issue.
6. Care proceedings involving Aboriginal or Torres Strait Islander Children/Young People where the Court does not make the orders sought by the Secretary on a final or interim basis regarding the placement of the children.
7. Care proceedings where Aboriginal or Torres Strait Islander Children/Young People are placed by way of Final Order after hearing into one of the following care arrangements:
 - a. Non-kinship/relative foster care: The term 'foster care' is used for the out-of-home care setting where a child is placed with a foster carer and is living with the carer and their family in the family home. Non-kinship/relative is where the carer is not a relative (other than a parent), or the carer is not considered to be family, or is not a person to whom the child shares a cultural or community connection.
 - b. Residential care: 'Residential care' is care provided to a child in a residential facility, usually a house with other children, and involves the use of paid staff rather than an individual carer matched with the child.
8. Judgments are properly anonymised including pseudonyms or redactions to comply with relevant legislation.

Children's Law News

Children's Law News (CLN) is a regular online publication that highlights important cases and papers considered to be relevant to the Children's Court jurisdiction.

The Children's Law News Editorial Committee determines whether judgments or articles brought to the notice of the Children's Law News Editorial Committee are placed on CLN.

The Children's Law News Editorial committee is made up of two specialist Children's Magistrates, members of the private legal profession and representatives from key justice sector agencies including Legal Aid NSW, Aboriginal Legal Service and the Department of Communities and Justice.

Articles written by Children's Magistrates and Children's Registrars, not previously published, are referred to the President for approval prior to being placed on CLN.

If the CLN Editorial Committee forms the view that there is value in an unpublished decision being published, the relevant judicial officer is contacted, and a request is made for him or her to publish their decision on Caselaw.

The Children's Law News Editorial Committee meets twice yearly.

To access Children's Law News, follow the link provided:

<https://www.childrenscourt.nsw.gov.au/childrens-court/publications/children-s-law-news.html>

A handwritten signature in black ink, consisting of a large, stylized initial 'E' followed by a long horizontal stroke that ends in a small upward tick.

Judge Ellen Skinner

President of the Children's Court of NSW

5 May 2022