

Matters to be negotiated when an interim order is to be transferred

Where the case for a child subject to an interim order is transferred, the following matters are negotiated between court coordinators and team leaders, on a case by case basis:

- whether the CSO with case responsibility will be required to become the new applicant. This decision will take into consideration factors such as, whether or not the matter is contested, how far the Court process has progressed or whether the original applicant is still employed by the department.
- who will be required to attend court proceedings. This may be the applicant only, or the applicant from the originating CSSC along with the CSO with case responsibility, if not the new applicant. Depending on how far along the court process is, having both the applicant and the CSO with case responsibility may be preferable as the CSO with case responsibility will have the most up to date and current knowledge of the child's situation. These expenses will be the responsibility of the CSSC who has transferred the case, not the receiving CSSC.
- the appropriate process for preparing and filing affidavit material and subpoenas on behalf of the CSSC who has case management responsibility. In general, where a case is transferred, the new CSSC will be responsible for filing affidavits and subpoenas, however, this may be negotiated in circumstances where there are significant geographical issues in relation to the location of the Court and the new CSSC (should it be unreasonable to have the new CSSC attend simply to file material). Negotiations will also need to take place in relation to the preparation of affidavit material and by whom this is prepared).
- whether to transfer the proceedings to another court. Take into account the child's best interests and be respectful of natural justice principles with respect to the parent. If considered necessary, consult with the Department of Justice and Attorney-General.