



## Assessment Orders

In the Permanency Support Program (PSP) casework staff use many different assessments to help us understand the unique circumstances of every child and young person (child). For more information, see: [Foundations of Assessment](#).

Assessment orders are a specific type of assessment, ordered by the Court to assess a person's capacity for parental responsibility or a child's physical, psychological, psychiatric or other medical needs. These assessments happen in the context of a care application and are ordered when the Court wants an impartial and independent opinion on a child or the person who has parental responsibility. The Court can make an assessment order at any stage of care proceedings. They are usually made at the initial stages of a matter to assist the court and the parties to determine the best permanency options for the child.

### Assessment Order

The Children's Court can make an Assessment Order, under [section 53](#) and [section 54](#) of the [Children and Young Persons \(Care and Protection\) Act 1998](#). The purpose of an assessment order is to:

-  assess the physical, psychological, psychiatric or medical examination of a child (section 53)
-  assess a person's capacity to carry out parental responsibility, where consent by that person has been given (section 54)

Any party to proceedings can apply to the court for an assessment order if they can demonstrate a need. If the court approves the request and makes an assessment order, the assessment is carried out by the Children's Court Clinic.

### The Children's Court Clinic

When the Court makes an order for a Clinic Assessment, the Children's Court Clinic (Clinic) will appoint a clinician (psychiatrist, psychologist or social worker) to prepare the

assessment. The Clinic is the body that is responsible for arranging assessments ordered by the Children's Court. The Clinic runs under NSW Health (Sydney Children's Hospital Network). The Clinic's role is to help the Children's Court and local courts in care matters and the District Court in care appeals. They provide independent expert assessments of a child, and/or the capacity of parents and others to fulfil their parental responsibility.

The Clinic is independent from DCJ. This means that the clinician interviews all parties whom the Court has decided should be assessed and others who can provide relevant information. The Clinician will look at the evidence that is provided and write the assessment. Once they write the assessment, it is sent to the Court and the Court will determine the appropriate release to the parties.

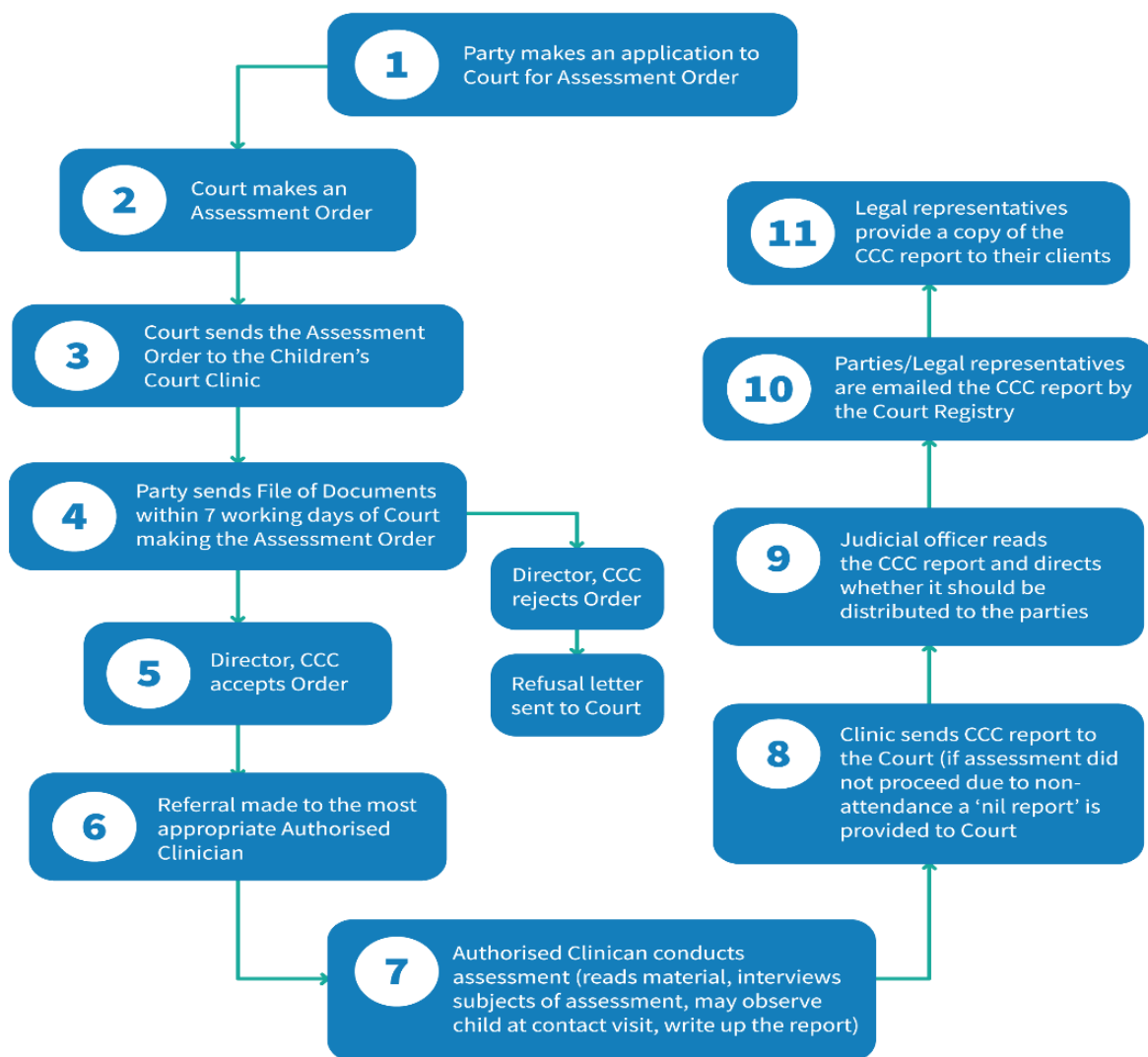
The Clinic's assessments and examinations cover physical, psychological, psychiatric and other medical examinations. Any party to proceedings can request an Assessment Order, including PSP Service Providers, although this is not common. The court will usually independently request a Clinic Assessment or DCJ will request an assessment.

## Timeframe for Clinic Assessments

Clinic reports usually take approximately six weeks to complete. Sometimes this may take a little bit longer depending on the complexity of the case, availability of the Clinician, and missed appointments.

## Children's Court Clinic Assessment Process

Please see below the Children's Court Clinic assessment process.



## A Clinic Assessment is Unlikely to be Ordered:

- when it only focuses on the impact of parental alcohol and/or drug misuse, domestic violence or sexual abuse
- when a child is living in an unsafe environment or living with a paedophile
- when the focus of the assessment is on placement suitability rather than permanency planning
- when the person to be assessed is currently experiencing issues with substance abuse
- when the person to be assessed is currently incarcerated

An expert assessment should only be made when the evidence in a care matter is questionable or when insufficient relevant evidence is available on which the Court can base its decision.

## After an Assessment Order is Made

Once an assessment order has been made by the Court, the party that applied for the order must email an electronic copy of the File of documents to the Clinic within seven days of the date of the assessment order. It is important to note that the Clinic report is for the Court only.

If any other relevant documents become available after the assessment order is made, all parties involved need to agree to any additional documents being sent to the Clinic for consideration in the assessment. If anyone objects to a document being forwarded, the matter will need to be re-listed in court. The Court will then decide whether the document should be sent to the Clinic. For more information, see: [Common Orders in Child Protection](#).

## The Role of PSP Service Providers with Assessment Orders

PSP service providers have an important but mostly indirect role in Assessment Orders. You are likely to provide current and specific information to the DCJ to inform the scope of the assessment. You are to prepare a child, their family or carer for court by explaining what the process is and what the family's roles are. Provide information to the family around court etiquette, e.g. dress code, language and protocols.

You may also be asked to be a support person for a child, their family or carer in court or facilitate, for example transport to and from court.

Only in exceptional cases would a PSP service provider be in a position to make a request for an Assessment Order. This would only be possible if they had joined a Care matter as a party to proceedings.

## References

Association of Children's Welfare Agencies. (2019). *Restoration: cautionary tales from the Children's Court of NSW*. <<https://www.acwa.asn.au/restoration-cautionary-theses-from-the-childrens-court-of-nsw/>>

New South Wales Government. Children and Young persons (Care and Protection) Act 1998. Available: <https://www.legislation.nsw.gov.au/#/view/act/1998/157>