

General Court Terms and Definitions

Adjournment	Postponing a Court hearing or other Court appearance to another date.
Adoption Order	An adoption order is made by the Supreme Court of NSW under the Adoptions Act and legally transfers all the parental rights and responsibilities, guardianship and custody of the child's parents to the adoptive parents
Affidavit	Is a written statement voluntarily made by a person under an oath or affirmation.
Applicant	A person who makes an application with the Children's Court. In the vast majority of cases initiated by the NSW Department of Communities and Justice (DCJ) the applicant is the Secretary of DCJ. However if parents or another interested person make a s90 they are the applicants.
Children's Court of NSW	A specialist court that deals with children and young people. This includes most matters related to child protection and out-of-home care but does not include adoption. The Children's Court also deals with children and young people who are accused of committing a crime or who may be the subject of an application made by Department of Education in relation to schooling.
Children's Registrar	This is a person who is employed by the Children's Court who can make procedural orders in a matter and who can undertake Dispute Resolution Conferences.
Closed Court	Generally refers to a case or parts of a case that are heard in private. The public are not allowed to view such proceedings. The Children's Court is a closed court.
Dispute Resolution Conference	This is a mediation that the Court Orders the parties attend and which is undertaken by Children's Registrar.

Filing	Taking or sending documents to the Court registry. The Registry staff will stamp the documents and put it on the Court file and return stamped copies to be served on the other parties.
Final order	If the court decides that the child or young person is in need of care and protection then it will make final orders about what should happen to ensure the safety, welfare and wellbeing of the child or young person. These are orders that can only be changed through a Section 90 application or by an Order made in another Court, such as an Adoption Order.
Grant of leave	When the Court has granted permission to a party to do something in the proceedings. An example could be when a party seeks additional time to file evidence or to file an amended application.
Guardian ad litem	Sometimes the court will also appoint a person other than a solicitor to look out for the best interest of a parent or child or young person in the proceedings. This person is known as a guardian ad litem.
Guardianship order	Is a final order made under section 79A of the Care Act and occurs when a person (or persons) are allocated all aspects of parental responsibility for a child or young person. The order is in force until the child turns 18 years of age.
Hearing	When the Court hears or has the evidence in the proceeding presented. There can be an interim hearing or a final hearing.
Interim order	An interim order is a temporary order made by the Children's Court that relates to the child or young person while proceedings are underway to decide upon the best final order for a child or young person. Interim orders usually allocate parental responsibility to the Minister.
Magistrate	A magistrate is a judicial officer who hears cases in the Children's Court or the Local Court.
Mention	A mention is when a matter is listed in Court for procedural matters to be dealt with, such as parties seeking time to file material. A mention does not deal with the factual issues in dispute.

Party	All persons involved in the proceedings are known as the Party. This will include DCJ, the parents, the child or young person (through their legal representative) and anyone else the Court has granted leave to be part of the proceedings.
Parental responsibility	Refers to the duties, powers, responsibilities and authority which, by law, parents (or others appointment by the Court) have in relation to their children.
President of the Children’s Court	The President of the Children’s Court is appointed under s 6A Children's Court Act 1987. As well as dealing with cases in the Court the President has responsibility for the administration of the Court including issuing Practice Notes, overseeing the training of Children's Magistrates and consulting with community groups and agencies on matters involving children and the Court.
Registrar	Registrar is an employee of court who can provide information, assistance and guidance to members of the public on local court procedures and applications.
Respondent	The party to proceedings who didn’t lodge the application
Stay of proceedings	If a party wishes to delay the Court orders coming into effect, they can apply to the Court to delay the order coming into effect for a period of time. This would normally occur where an appeal is being considered.
Service/Serving	This is the process of giving or sending documents that have been filed at the Court to the other parties to the proceedings.

Summary of proposed plan (SOPP)	A SOPP outlines if DCJ believes restoration is possible, tasks and changes parents need to undertake for children to be returned to their care and who DCJ propose the children spend time with. A SOPP is not the final position of DCJ and is based on information held by DCJ at the time. The position of DCJ can change during the proceedings.
Subject	Child or young person who the hearing is about.
Subpoena	A court order telling a person or a company to bring documents to the Court or to appear at Court to give evidence.
Witness	A person that has seen or has information about an event or issue that a court is making a decision about.