# Review of DHHS Child Protection Services decisions in VCAT – checklist

For use with the Review of DHHS Child Protection Services decisions in VCAT – toolkit (TK).

Client’s name:

Client’s date of birth:  / /

Role of client: child/mother/father/other

Child’s name:

Child’s date of birth:  / /

## Internal review

### Initial instructions and grants

| **Criteria**  | **Date/details** |
| --- | --- |
| Obtain instructions from your client to review the case planning decision |       |
| Obtain a grant of legal assistance |       |

### Internal review

| **Criteria**  | **Date/details** |
| --- | --- |
| Request an internal review of the case plan:* Send a written request for a review of a child protection decision to the senior regional officer at the relevant DHHS office: TK p. 4
 |       |
| Following the review meeting, receive a decision in writing from the reviewer:* If the written decision is insufficient, request a statement of reasons under s. 45 of the *Victorian Civil and Administrative Tribunal Act* (VCATA): TK p. 5
* If the statement of reasons is not provided within 28 days, make an application to VCAT for an order to provide reasons: TK pp. 2 and 5.
 |       |

## VCAT Review

### Initial instructions and grant

| **Criteria**  | **Date/details** |
| --- | --- |
| Obtain instructions from your client to review the decision in VCAT |       |
| Obtain/extend a grant of legal assistance |       |

### Initiating VCAT process

| **Criteria**  | **Date/details** |
| --- | --- |
| Does your client have standing to make an application for review at VCAT? TK pp. 5–6 |       |
| Is your application for review within the stipulated time limits (ie 28 days)? TK p. 7 |       |
| Complete the application and collate supporting documents: TK pp. 2 and 7  |       |
| Lodge the application for review with the Principal Registrar: TK pp. 7–8:* Advise the tribunal of any need for an interpreter: TK p. 13
 |       |

### Directions hearing

| **Criteria**  | **Date/details** |
| --- | --- |
| VCAT provides a date for Directions Hearing: TK p. 8 |       |
| Will you brief Counsel or appear yourself at the Directions Hearing? |       |
| Have you received material from DHHS prior to the Directions Hearing? TK p. 8 |       |
| Will you seek a stay of the original decision? TK p. 10 |       |
| Will you seek a further expert report at the Directions Hearing? |       |
| Has a compulsory conference been set? TK pp. 8–9 |       |

### Final hearing

| **Criteria**  | **Date/details** |
| --- | --- |
| Do you need to extend the grant of legal assistance? |       |
| Consider the evidence you intend lodging for/presenting at the hearing: TK pp. 9–10:* Witness statements, including any experts
* Witness summonses: TK p. 2
 |       |
| Will you brief Counsel or appear yourself at the Hearing?:* Are you aware of legal etiquette when appearing at VCAT?
 |       |
| Will you seek costs? TK p. 14 |       |
| If you seek an adjournment see TK pp. 2 and 15 |       |
| If the application is to be withdrawn see TK pp. 3 and 15 |       |