

Children's Court search warrants – Family Division

Children, Youth and Families Act 2005

(for abbreviations see p. 2)

Primary application warrants	
s. 237	TAO – a warrant is necessary to exercise powers under a temporary assessment order.
s. 241(1)(b)	PA by safe custody – a child is in need of protection and it is inappropriate to proceed by notice.
s. 270(6))	New IAO by safe custody – on an application for a new IAO a protective intervener is satisfied there is good reason not to proceed by notice.
Breach warrants	
s. 269(4)	Breach IAO by safe custody – has been a breach of an IAO or a condition of IAO, and satisfied there is a good reason not to proceed by notice or service of a notice cannot be carried out.
s. 314(2)	Breach SO, SCO or IPO by safe custody, and satisfied there is a good reason not to proceed by notice or service of a notice cannot be carried out.
Bench warrants (fail to appear)	
s. 243(3)	PA by notice – child is in need of protection and PA by notice is made, and the child does not appear before the court in compliance with the notice.
s. 247(1)	Therapeutic treatment – an application by notice has been made and the child does not appear before the court in compliance with the notice.
s. 261(1)	Irreconcilable differences – an application by notice has been made and the child does not appear before the court in compliance with the notice.
s. 268(5)(b)	Vary IAO – an application by notice has been made to vary an IAO, and the child does not appear before the court in compliance with the notice.
s. 269(3)(b)	Breach IAO by notice – an application by notice has been made alleging breach of an IAO or a condition of IAO, and the child does not appear before the court in compliance with the notice.
s. 270(5)(b)	New IAO by notice – an application by notice has been made for a new IAO and the child does not appear before the court in compliance with the notice.
s. 313(b)	Breach by notice of SO, SCO, or IPO – an application by notice has been made to breach a SO, SCO, or IPO and the child does not appear before the court in compliance with the notice.
Placement, return to placement, and undertaking	
s. 598(1)(a)	A child or parent has failed to comply with an undertaking to appear before the court under s. 530(2)
s. 598(1)(b)	A child is absent from their placement without lawful authority or excuse when placed under CTPO, SCO, IAO, CSO or GSO or from the lawful custody of the police member or another person.
s. 598(1)(c)	The Secretary has custody or guardianship and has directed that a child be placed pursuant to s. 173 and they or their parents refuse to comply with the direction.

Abbreviations

PA	protection application
TAO	temporary assessment order
IAO	interim accommodation order
SO	supervision order
IPO	interim protection order
CTPO	custody to third party order
SCO	supervised custody order
CSO	custody to Secretary order
GSO	guardianship to Secretary order