

Bail Support, Court Intake and Remand Intervention Procedure

Essential Summary:

Audience

All employees who work in a Youth Justice NSW (YJNSW) Community Office or Centre


When to use this procedure:

When a young person:

- is on remand in custody and wants to apply for further release applications
- has been granted bail but one or more conditions cannot be met
- appears at court having been bail refused by police
- is on a control order, has lodged an appeal and wants to be released from custody until the appeal hearing.

Printed or saved copies of this document may not be up to date.

Please check in the [Operations Manual \(TOM\)](#) to ensure you have the latest version before using this document.

CIMS  **[CLICK]** When using CIMS refer to [CIMS \[CLICK\]](#) for step by step instructions

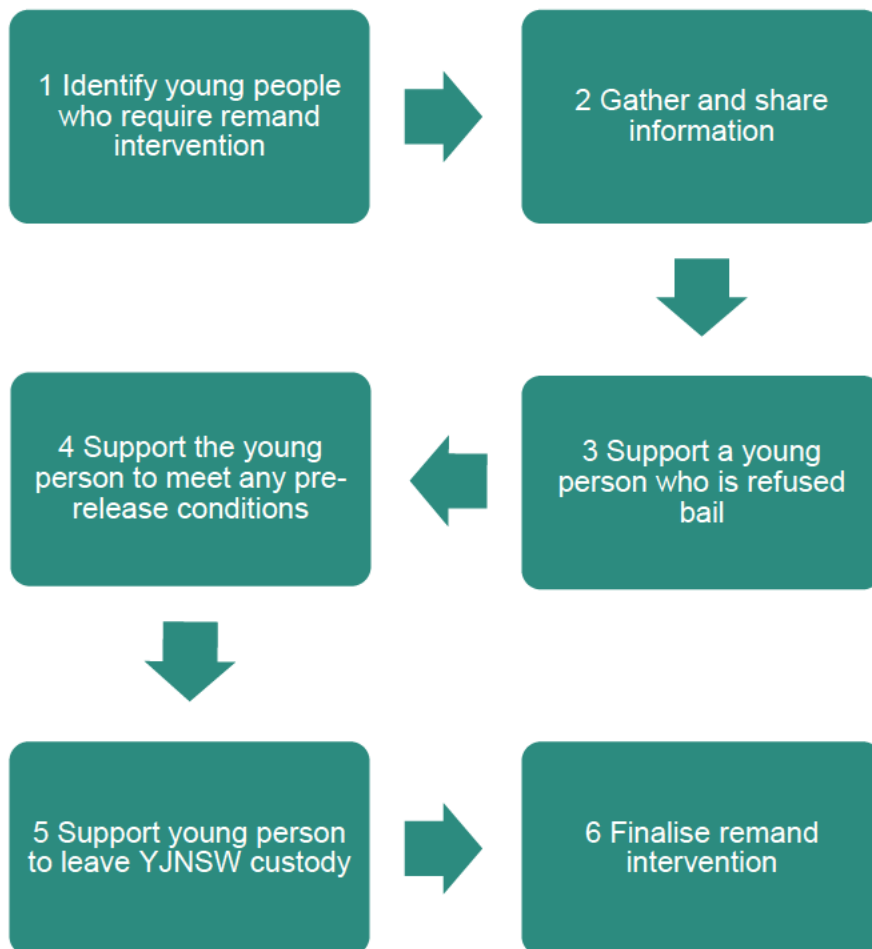
DOCUMENT DETAILS

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1 Purpose

The purpose of this procedure is to provide steps for how the *Bail Support, Court Intake and Remand Intervention Policy* will be put into action.

2 Process Map



3 Procedural Steps

Step 1 – Identify young people who require remand intervention
Responsibility: Court Intake Caseworker
<p style="text-align: center;">Tasks</p> <p>Check the CIMS '<i>Clients in Detention</i>' report for young people who were admitted to custody overnight.</p> <p>Review the unit diary (CIMS report #CIDS200) for young people who are already in custody, that are attending court for a bail hearing.</p> <p>Check the Court List if available and contact the relevant Caseworker (Community) and Assistant Manager (Community) advising of the young person's court appearance.</p> <p>Record all interactions as a <i>Legal Matters</i> case note (see the <i>Case Note Manual</i>).</p> <p>Create a Remand Intervention in CIMS if a relevant one is not already open.</p> <p>Monitor for young people who are added to the court list throughout the day, based on local arrangements.</p>
Responsibility: Caseworker (Community)
<p style="text-align: center;">Tasks</p> <p>Use the <i>My Clients</i> list in CIMS to identify whether any of your allocated young people are in custody at the start of the day.</p> <p>Create a remand intervention if a relevant one is not already open.</p> <p>Check your in-tray daily for any remand intervention notifications</p>
Responsibility: Assistant Manager (Community)
<p>Nominate a person from your office to check the CIMS <i>Client in Detention</i> report each morning.</p> <p>Check that all young people in custody from your area on remand are reviewed daily and provided with appropriate support in applying for bail.</p> <p>If there is not an allocated court intake caseworker for your area implement a process for identifying when young people are in custody and provide intake information to the court when young people apply for bail.</p>
Responsibility: Area Manager
<p style="text-align: center;">Tasks</p> <p>Provide an intake service to all Children's Courts which are in your area.</p> <p>Either provide a caseworker at Children's Courts in your area or ensure there is a process for providing intake information on children's list days where there is not a court intake caseworker.</p>

Provide systems so that the Court can contact the local office as required when Youth Justice is unable to be represented in court.

Check local controls are in place to provide all young people in custody with support when trying to access bail.



Step 2 – Gather and share information

Responsibility: Court Intake Caseworker (including weekend bail court employee)

Tasks

When possible, conduct a brief interview with the young person to:

- explain the limits of confidentiality and your role
- confirm accommodation options
- obtain legal and family details from the young person.

Open or update a remand intervention in CIMS

Seek the young person's consent to contact their parents/ carer and work with/ seek permission from court logistics and classification employees or centre employees to provide them with a consent form.

Obtain background information from CIMS and their Youth Justice Community Office (YJCO) (e.g. allocated caseworker, duty officer or an assistant manager) if young person is known.

If it has not been completed by the YJCO, contact parent/carer to ask them to attend court. Obtain further information for the *Court Intake Form* and request that they arrange transport for the young person if they are released from custody.

Record court intake information (using *Court Intake Form*, or an email template).

If applicable, contact the local, or supervising Department of Communities and Justice, Child Protection and Permanency (DCJ CPP) office if young person is under the care of the Minister to request that they attend court, obtain further information and check transport can be arranged by them if young person is released.

If there are concerns regarding the young person's physical or mental health, discuss with the YJNSW court logistics and classification court supervisor a referral to JHFMHN and action any decision made by the JHFMHN employee and court. Participate in court in person, or through AVL, providing any requested information.

Provide relevant information to the court.

When relevant, notify the YJNSW Operations unit [REDACTED] of any young people who have a supervised bail condition, without a finding or plea of guilt.

Consider offering Direct Bail support to young people who are not supervised by YJNSW (section 12.1 of the Bail Policy).

Consider whether there are any barriers that may stop the young person from returning to their next court appearance (e.g. distance from their home address to court) and bring this to the attention of the court and the young person's legal representative.

For weekend Bail Court

Gather as much information from above as possible.

Contact the young person's carer to confirm whether they will be participating in the court process in person, or through a phone call.

Provide the Court Registrar with the carer's details if they are planning on participating.

Responsibility: Caseworker (Community)

Tasks

In consultation with your manager, complete all applicable court intake caseworker steps, if there is no court intake caseworker providing a service for the sitting Children's Court.

Complete a *Court Intake Form – First Appearance* found on The Operations Manual or CIMS, (Client> Remand Intervention> Court Intake Form List) for any young people you supervise, or unallocated young people you are directed to prior to their first court appearance for new matters.

Submit the *Court Intake Form – First Appearance* to your manager on CIMS for approval before submitting it to the court. If the form is not able to be approved before being submitted to the court due to time restraints, then record this in legal matters casenote. Provide the *Court intake form First Appearance* to the Court, prosecution, the young person's legal representative and the YJNSW court intake caseworker.

Open or update a Remand Intervention in CIMS

Provide the following information to the Court Intake Caseworker (where practicable) for any young people applying for bail who are part of your area:

- current supports that are in place (e.g. kin, counselling, disability funded supports, youth programs, YJNSW joint support programs)
- education or employment status
- other known court orders or matters.
- if the young person has a YJNSW supervised order:
 - what the legal orders are
 - when supervision ends
 - compliance with supervision
 - any breaches or revocations in place
- accommodation:
 - any confirmed accommodation
 - whether a support person can attend court and transport them home and
 - who will be supervising them at home
 - involvement by DCJ CPP
- disability information which may impact on the young person's ability to comply with bail conditions
- mental health concerns which may impact on the young person's ability to comply with bail conditions.
- alcohol or other drug use
- any other information that may help the court.
- protective factors if they are not already listed.

Consult with the court intake caseworker, DCJ CPP caseworker and the young person's carers as required. Take on any information gathering tasks that the intake worker is not able to do due to workload.

Create a remand intervention if one is not already open.

Responsibility: Assistant Manager

Tasks

Ensure that all court intake caseworkers and weekend bail court caseworkers are aware of the local process for weekend bail court and that they understand how court works.

Put in place processes to support any caseworkers who undertake intake work.

Review and approve any *Court Intake Form – First Appearance* forms for community caseworkers. If due to time constraints a form is submitted to the court without your approval, approve the form in CIMS as is. Confirm that the YJNSW caseworker entered a case note identifying that the form was submitted without manager approval.

Responsibility: Area Manager

Tasks

Provide on-call support to caseworkers who are participating in weekend bail court.

Implement a process to ensure that young people allocated to your area who attend court for the first time have a *Court Intake Form – First Appearance* form completed.



Step 3 – Support a young person who was refused bail

Skip to step 4, if the young person has not been refused bail

Responsibility: Caseworker (Custody)

Tasks

Explain to the young person

- the outcome of court
- their next court date
- their right to contact their solicitor for advice on further bail applications
- the process of applying for Supreme Court Bail

Provide the Caseworker (community) with relevant information if required for an *Information to Court Regarding Bail Report*.

Responsibility: Caseworker (Community)

Tasks

Identify which unacceptable risks were cited by the court.

Identify whether the unacceptable risks could be addressed through referral, identification of community support/advocacy and bail support planning.

Explain to the young person their right to contact their solicitor for advice on further bail applications.

Explain the process of applying for Supreme Court Bail

Complete an *Information to the Court Regarding Bail Report* if:

- the young person is between 10 and 13 years old and has an initial Supreme Court hearing or
- requested by the court or directed by your manager.

Responsibility: Assistant Manager (Custody)

Tasks

When young person is on remand or is appealing a bail decision or condition

Monitor all bail matters during the Client Services Meeting (CSM) to ensure they are included in the young person's case management.

Responsibility: Court Intake Caseworker, or Allocated Caseworker

Tasks

Investigate the reasons for bail refusal and determine what 'unacceptable risks' were cited.

Liaise with the allocated YJNSW Caseworker or relevant Assistant Manager for assistance in mitigating risks and making release plans.

Responsibility: Area Manager

Tasks

Notify assistant managers of any *Information to the Court Regarding Bail Report*, for young people 10-13 years old who have a matter at the Supreme Court.

Notify the Court and the Regional Directorate Office if an *Information to the Court Regarding Bail Report* cannot be completed before the court date, for young people 10-13 years old who have a matter at the Supreme Court.

Responsibility: Assistant Manager (Community)

Tasks

Allocate young people that are refused bail to a community caseworker.

Consult with the Caseworker and determine if an *Information to the Court Regarding Bail Report* should be provided to the court, even if not requested.

Review and countersign the *Information to the Court Regarding Bail Report*.

Responsibility: Regional Directorate Office

Tasks

Notify the appropriate Area Manager when a Supreme Court bail application has been placed for a young person 10-13 years old.

Notify the Area Manager when the Supreme Court provides a hearing date.



Step 4 – Support young person who has pre-release conditions

Responsibility: Caseworker (Custody)

Tasks

Assist the young person to address obstacles to meeting pre-release requirements, in collaboration with the Caseworker (community) and Duty Manager

Add activities to the Remand Intervention screen in CIMS and case note any casework completed.

Liaise with the Caseworker (Community) and Court Intake Caseworker and support completion of outstanding remand intervention tasks, facilitating the young person's involvement wherever possible.

For young people with a section 28 order:

Review remand intervention work that has occurred so far on CIMS.

Check if DCJ CPP involvement is warranted as per the "*Leading Agency Delegations: Accommodation Pre-Release Requirements*" and notify duty manager or the unit manager.

Contact the supervising YJNSW community office to confirm whether a proposed address is suitable and consider whether an address check should be requested (Refer to *Address Check Request Form* for instructions). Assess suitability with the YJNSW Community employees and pass this information to the Duty Manager.

Record all information regarding suitable accommodation in an *Accommodation* case note

Help the young person, their carer, the YJNSW caseworker and DCJ CPP caseworker, where appropriate, to identify suitable accommodation.

Responsibility: Assistant Manager (Custody)

Tasks

Monitor progress during CSM of suitable alternatives for bail conditions that cannot be met.

Check that notices are sent to the appropriate court for young people who cannot meet their bail conditions.

Immediately allocate the task of supporting a young person in custody with a pre-release condition to a caseworker.

Responsibility: Caseworker (Community)

Tasks

Assist the Court Intake Caseworker to liaise with DCJ CPP and perform any other bail support planning activities as requested.

Liaise with the Assistant Manager (community), Caseworker Custody, Duty Manager and Assistant Manager (custody) as required.

Add any activities to the Remand Intervention screen in CIMS and case note all remand intervention activities, using the appropriate case note type for the activity.

Address any barriers for young people who are held in custody with a pre-release condition.

Email a summary of steps taken to secure accommodation to the Court Intake Caseworker (for courts that have one), and the custody admissions team, every 48 hours for their section 28 adjournment.

Identify whether an address is suitable with the Assistant Manager (community) when a young person has a section 28 bail condition. Refer to the *Address Check Request Form* if an address check is being considered.

Responsibility: Assistant Manager (Community)

Tasks

Approve section 28 placements for young people if they are identified as a suitable arrangement (see section 11.5 of the *Bail Policy*).

Keep your area manager informed of any young people that remain in custody on a section 28 condition.

Responsibility: Area Manager

Tasks

Monitor young people who have bail with pre-release conditions that cannot be met.

Inform the Community Director of any young people who have pre-release conditions that have not been met after 5 days.



Step 5 – Support the young person to leave YJNSW custody

Caseworker (Custody)

Tasks

Case management update/handover with the Caseworker (community) if the young person is subject to community supervision.

Explain the bail agreement to the young person and their family before they exit YJNSW custody (when possible).

Responsibility: Caseworker (Community)

Tasks

Make early preparations for transport (in consultation with the Assistant Manager) if parent/carer or DCJ CPP is not able to provide transport including gaining consent from the carer of a 14-16 year old to use public transport if necessary. Follow section 11 of the *Bail Policy*, Exiting custody on bail.

Follow the *Bail Supervision Procedure* if the young person is subject to supervised bail.

Responsibility: Assistant Manager (Community)

Tasks

Assist the Caseworker to make early preparations for transport if their parent/carer or DCJ CPP is not able to provide transport.

Responsibility: Area Manager

Tasks

Identify the most appropriate means of transport if YJNSW is to provide transport arrangements to a young person being released from remand.

Liaise with centre managers where required.

Attend court user meetings on a regular basis, meet with magistrates as required to discuss any issues that arise.



Step 6 – Finalise remand intervention

Responsibility: All employees

Tasks

Record the type of work, and amount of time spent on remand intervention in the CIMS Remand Intervention screen.

Record all case work and case management tasks as a *Legal Matters* case note.

Responsibility: Court Intake Caseworker or Allocated Caseworker

Tasks

Record all court outcomes as a *Legal Matters* case note.

Close the remand intervention on CIMS when

- the young person has entered bail shortly after attending court
- bail is not applicable
- the young person has been sentenced

Email the young person's supervising office regarding any open remand interventions.

Responsibility: Caseworker (Community)

Tasks

Close the remand intervention on CIMS when:

- young people who have exited custody after being held on pre-release conditions for more than one day
- the young person is in custody with no further active remand intervention work being done (e.g. the young person has been bail refused and there is no further release application date).

Finalise the outcomes of any *Information to the Court Regarding Bail Reports*

Responsibility: Area Manager

Tasks

Monitor compliance for recording remand intervention activities.

4 Legislation:

This procedure is supported by the following legislation:

- *Bail Act 2013*
- *Bail Regulation 2014*

5 Supporting documents:

This procedure is supported by the following documents:

Policy

Bail Policy
Court Communication Policy

Related procedures

Bail Supervision Procedure
Non-compliance and breach procedure
Admission and Discharge Procedure

Resources

Case Note Manual
Court Report Writing Manual

Forms

Acceptable person character acknowledgement

Acceptable Person Bail Security Agreement
Address Check Request Form
Character Acknowledgement Form
Court Intake Form
FORM 1 - List of Juvenile Detainees for Audio Visual Appearance before the weekend and Public Holiday Bail Court at Parramatta (FORM 1)
Interagency SOP for Weekend and Public Holiday Bail Resource
Security Agreement Acceptable Person- Forfeiture Form
Security Agreement Accused Person - Forfeiture Form

6 Document Information

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7 Document History

Version	Date	Reason for Amendment
1	14 December 2021	Supersedes Bail Support (Court Intake and Remand Intervention) Procedure D21/01343/YJ
1.1	16 May 2023	Added direction to complete an Information to the Court Regarding Bail Report for Supreme Court matters for young people 10-13 years old. Added direction to complete the <i>Court intake - first appearance</i> form. Directed non supervision of not guilty plea notifications to go to Operations Unit instead of the court. D23/06980/YJ
