Child Protection

Know your rights

- DHHS Child Protection (Child Protection) has the right to apprehend and remove children it believes are urgently in need of protection. In other situations Child Protection may give you a written notice to attend the Children's Court on a later date or start by talking to you and other people about your child and link you to support services. Get legal advice as soon as you are contacted by Child Protection.
- Try to get some personal supports in place either through trusted family or other support services.
- It helps to show Child Protection that you can and will protect your child. Child Protection must investigate reports but cannot say who made the report.
- Where there is family violence police can assist with urgent safety notices/intervention orders to protect you from the violent family member. Children affected by family violence should be included on intervention orders and safety notices.
- The law sets out principles and processes which must be followed for Aboriginal and Torres Strait Islander children in child protection cases. Ask about these and make sure Child Protection is following them.
- Keep all letters and documents Child Protection or the police give you. Give these to your lawyer when you get legal advice and representation. Take notes when talking with Child Protection or the police so you can remember what was said.
- The Aboriginal Child Specialist Advice and Support Service (ACSASS) run by Lakidjeka through the Victorian Aboriginal Child Care Agency (VACCA) and ACSASS run by the Mildura Aboriginal Corporation, will be involved with all cases involving Aboriginal children in Victoria. You still need a lawyer to represent you as that is not VACCA's role. You can object to VACCA/ACSASS being involved but they will continue to advise Child Protection.
- A meeting(s) may be held to discuss your case. VACCA/ ACSASS and Child Protection will be involved. Always let your lawyer know about any meetings you are asked to attend with Child Protection. Always take a support person or if possible your lawyer with you to any meeting to make sure you understand the information, the process, what is being put to you and your views are taken into account.
- Don't sign any agreement or enter into any arrangement about your children without getting legal advice first.
- Try to get legal advice and representation in plenty of time before you go to court. If not, ask for the Victoria Legal Aid duty lawyer at Court to assist you.
- Other family members including grandparents can request permission from the Children's Court to be involved in the case.
- After a court order is made make sure you understand what you have to do to meet the conditions on the order and who is responsible for making the arrangements. If you follow the conditions in the Court order a good outcome is more likely.
- If you can't meet any of the conditions of your court order or case plan at any time make sure you let your lawyer know. Your lawyer may be able to negotiate on your behalf. Child Protection can take you to Court again for breaching the conditions on your court order.

There are processes and procedures which must be followed at every stage. Time limits apply, including seeking a review of a decision of Child Protection or taking other action. It is very important that you seek legal advice and representation as soon as possible.

- You can apply to cancel or change a Children's Court child protection order but you should seek legal advice first.
- You should obtain ongoing and regular legal advice as soon as possible. Time limits apply. **If your child is out of your care for more than two years, the legislation directs Child Protection to apply for an order that will keep your child out of your care until they are 18 years old.**

You can complain about a Child Protection worker to a Child Protection Manager, the Victorian Ombudsman (03 9613 6222/ 1800 806 314) or to the Commission for Children and Young People about children in out of home care (1300 782 978 or 03 8601 5884).

IMPORTANT REMINDERS

- **Get legal advice asap** – when first contacted by Child Protection, before court attendance, regularly while matters are ongoing
- **Don't sign agreements or enter into arrangements about your children** – without legal advice
- **Let your lawyer know** – if you can't meet court order or case plan conditions,or you are asked to attend a meeting with Child Protection

*The information in this publication is general information only. It is not legal advice. You must contact a lawyer for legal advice. The information is current at time of publishing in April 2017 but may change without notice.

Djirra
Sharing stories, finding solutions
1800 105 303
www.djirra.org.au

Useful contacts

Djirra's Aboriginal Family Violence Legal Service
1800 105 303

Safe Steps Family Violence Response Centre
Crisis telephone support, safety plans and emergency accommodation (24-hour crisis support)
Ph: 03 9322 3555, or 1800 015 188

Elizabeth Morgan House
Aboriginal Women's Refuge
Indigenous Outreach Worker (9am – 5pm Monday – Friday)
Ph: 0407 937 202 or 9482 5744

Centre Against Sexual Assault (CASA)
Crisis support, counselling and information for adults and children (24-hour crisis support)
Ph: 1800 806 292

Royal Children's Hospital Gatehouse Centre
Specialist service for children
Ph: 03 9345 6391 (9am – 5pm Monday – Friday)
Ph: 03 9345 5522 (after hours emergency only)

Victorian Aboriginal Health Service (VAHS)
Ph: 03 9419 3000
VAHS Family counselling service
Ph: 03 9403 3300

Victorian Aboriginal Child Care Agency (VACCA)
incorporating Aboriginal Child Specialist Advice and Support Service (Lakidjeka)
Ph: 03 8388 1855 (ask for regional numbers)
For ACSASS Mildura
Ph: 03 5023 6641 (Mildura Aboriginal Corporation)

Victorian Aboriginal Legal Service
Ph: 1800 064 865 or 03 9418 5999

Victoria Legal Aid
Ph: 03 9269 0234 (or ask for the number of your closest regional office)

Federation of Community Legal Centres Victoria
(for your local Community Legal Centre)
Ph: 03 9652 1500

Department of Human Services
General enquiries and phone numbers for Child Protection Offices
Ph: 1300 650 172
Child Protection (after hours)
Ph: 131 278
Complaints
Ph: 1300 884 706

Police/Ambulance
Ph: 000

Lifeline
(24-hour crisis support)
Ph: 131 114

Victorian Ombudsman
Ph: 03 9613 6222 or 1800 806 314

The Office of the Child Safety Commissioner
(about children in out-of-home care)
Ph: 1300 78 29 78 Ph: 03 8601 5884

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