



# **Child Protection.**

**A guide for Parents and Family Members**

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*'One of the problems is that people know very little about them [DHS]. Most people who are in a situation where they need to know about them are too afraid to ask. I want to know concrete and material things about how they operate.'*

*'I know a report was made (three months ago). Why don't they [DHS] respond? What do they consider to be a child or woman at risk? Do they purposely set out to be a frightening institution to the victim?'*

*'The thing that always concerns me is as a casual user [of heroin] with a child, would they be able to take my child away? I had my baby with the CDU [Chemical Dependency Unit, Royal Women's Hospital]. What lengths are they allowed to go to, to find out what they want to? I feel like they are a service to be scared of.'*

# Contents

<b>Introduction</b> .....	<b>1</b>
<b>1. What is the law on child protection?</b> .....	<b>3</b>
1.1 Outline of child protection law	3
1.2 Changes to the law	4
<b>2. Protective intervention reports/notifications</b> .....	<b>7</b>
2.1 Investigative powers of DHS	7
2.2 Speaking to protective workers	8
2.3 Applications to Court	9
<i>Application by notice</i>	9
<i>Application by safe custody</i>	9
<i>Temporary assessment applications</i>	9
<b>3. When will a child be considered in need of protection?</b> .....	<b>11</b>
<b>4. Decision-making processes and principles</b> .....	<b>13</b>
4.1 Determination of Risk and Linking in With Supports	13
4.2 The report	13
4.3 Case conferencing	14
4.4 If DHS workers are unhelpful	14
4.5 Overview	15
4.6 Decision-making principles	15
4.7 The Victorian risk assessment framework	17
<i>Information gathering</i>	17
<i>Analysis</i>	17
<i>Judgment</i>	18
4.8 Specialist assessment guides	18
<b>5. Information for Aboriginal families</b> .....	<b>19</b>
5.1 Principles that must be followed	19
5.2 <i>Aboriginal agencies</i>	20
<b>6. Getting legal advice</b> .....	<b>21</b>
6.1 Your lawyer and a lawyer for your child	21
6.2 Costs	21
6.3 Talking to your lawyer about your case	22
6.4 If you are unhappy with your lawyer	22

<b>7. Powers of the Children’s Court.....</b>	<b>23</b>
7.1 Temporary assessment applications	23
7.2 Protection applications	23
7.3 Court orders that can be made	23
7.4 Receiving the notice	24
7.5 Receiving the DHS application	25
7.6 Returning to Court	25
7.7 Time at Court	26
7.8 In the courtroom	26
7.9 Reports and assessments	27
7.10 Signing consent orders	28
7.11 At the end of the hearing?	29
7.12 What about grandparents?	29
7.13 Court support services	29
<b>8. Orders .....</b>	<b>31</b>
8.1 Irreconcilable difference applications	31
<i>Counselling</i>	31
8.2 Temporary Assessment Orders	31
<i>Cancelling or varying a Temporary Assessment Order</i>	32
8.3 Interim Accommodation Orders	32
<i>Cancelling or varying an Interim Accommodation Order</i>	33
<i>Breaching an Interim Accommodation Order</i>	33
8.4 Undertakings	33
<i>Cancelling an undertaking</i>	33
8.5 Supervision Orders	34
<i>Cancelling or varying a Supervision Order</i>	34
<i>Breaching a Supervision Order</i>	34
8.6 Custody to a Third Party Orders	34
<i>Varying or cancelling a Custody to a Third Party Order</i>	34
<i>Breaching a Custody to a Third Party Order</i>	35
8.7 Supervised Custody Orders	35
8.8 Therapeutic Assessment Orders	35
<i>Cancelling or varying a Therapeutic Assessment Order</i>	35

8.9 Therapeutic Assessment (Placement) Orders	36
<i>Cancelling or varying a Therapeutic Assessment (Placement) Order</i>	36
8.10 Custody to the Secretary Orders	36
<i>Varying or cancelling a Custody to the Secretary Order</i>	36
8.11 Guardianship to the Secretary Orders	37
<i>Cancelling a Guardianship to the Secretary Order</i>	37
8.12 Interim Protection Orders	37
<i>Cancelling or Varying an Interim Protection Order</i>	38
<i>Breaching an Interim Protection Order</i>	38
8.13 Permanent Care Orders	38
<i>Cancelling or Varying a Permanent Care Order</i>	38
8.14 Long-term Guardianship to the Secretary Orders	38
<i>Cancelling or Varying a Long-term Guardianship to the Secretary Order</i>	39
8.15 Expiration of Orders	39
<b>9. Case Planning .....</b>	<b>41</b>
9.1 Case Plans	41
9.2 Stability Plans	42
<b>10. Complaints and Appeals .....</b>	<b>43</b>
10.1 How to complain about DHS	43
10.2 How to complain about your lawyer	43
10.3 How to appeal against a court order	43
<b>11. Commonly used terms.....</b>	<b>45</b>
<b>List of services .....</b>	<b>57</b>
<i>Victoria Legal Aid</i>	57
<i>Community Legal Centres</i>	57
<i>Department of Human Services</i>	59
<i>Children’s Court</i>	59
<i>Children’s Court Clinic</i>	59
<i>Victorian Aboriginal Child Care Agency Co-operative Limited</i>	59
<i>Women’s Domestic Violence Crisis Service of Victoria</i>	60
<i>Yooralla (Community Services for People with Disabilities)</i>	60
<i>Kids’ Helpline</i>	60



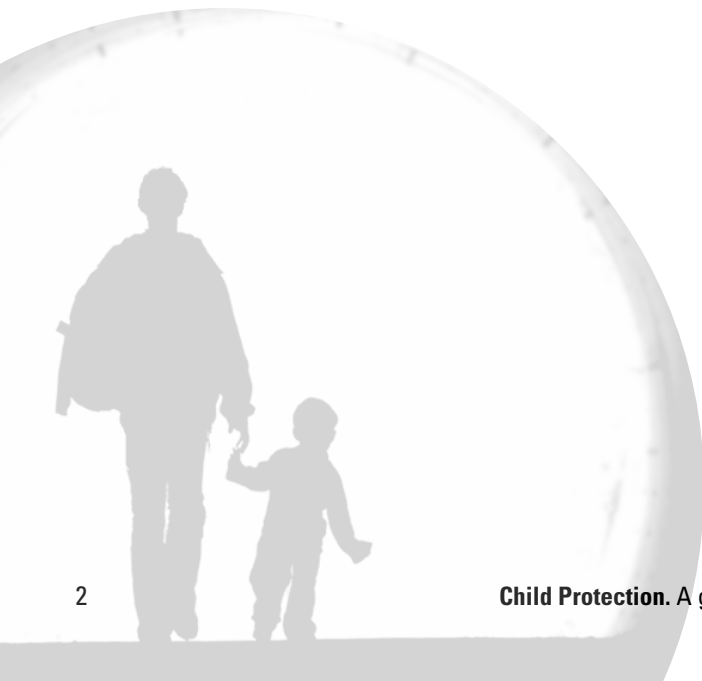
# Introduction

All children should be raised in a safe and secure environment. Our concept of this environment may vary according to our beliefs, values, and culture. Raising children can be rewarding, but is not always easy. Most parents and carers will feel stressed at some stage, especially when going through difficult periods. Sometimes families will need help to make their homes safe and nurturing places for their children. It is important to ask for the help and support you need and to keep trying if you find obstacles along the way.

This guide focuses on what happens if the **Department of Human Services** (DHS) becomes involved in your life. Any contact with DHS is likely to be stressful and confronting. It is, however, generally better for you and your child if you understand the way DHS works and can take part in any decisions affecting you and your child. This guide helps you by:

- » taking you through the legal process
- » explaining your rights and options
- » showing where you can get more help

A list of commonly used legal terms is in Chapter 11 and should be referred to where necessary. Terms that are explained in Chapter 11 appear in **bold** throughout this guide.



# 1. What is the law on child protection?

The law regulating protection of children in Victoria is set out in the **Children, Youth and Families Act 2005** [‘the CYFA’]. This law replaces the Children and Young People Act 1989 and part of the Community Services Act 1970. Almost all provisions of the CYFA are now in effect.

## 1.1 Outline of child protection law

The law generally provides that all DHS decisions and actions must be in **the best interests of the child**.

Protection of the relationship between a parent and child is recognised as a high priority and intervention should be limited to what is necessary for the safety and wellbeing of the child.

The best interests of the child are, however, always to be treated as paramount. This means that in deciding whether a decision or action is in the best interests of the child, the need to protect the child from harm and to promote their rights and development (taking into account age and stage of development) must always be considered.

Child protection law in Victoria is administered by DHS. Under the law, workers from DHS can investigate and make decisions about the welfare of children. Decision-making by DHS workers is regulated by law and is subject to review. Child protection cases are heard in the Children’s Court.

You may be worried that by getting legal advice or help you will be seen as ‘difficult’ by your DHS worker. You have a right to understand the laws affecting you and to have an independent advocate who can explain what is happening. It is best to get legal and other advice as soon as you become aware there is or may be an issue with DHS and your child. (See the Directory at the back for sources of free legal advice and other supports.)

## 1.2 Changes to the law

The CYFA introduced several significant changes to child protection law in Victoria. Some respond to problems that were identified in the old child protection system. Key areas of reform include:

- » Planning for long-term stability of children removed from families.
- » Recognising the effects of cumulative patterns of harm on children's safety and development, additional decision-making principles.
- » Consulting where Aboriginal children are concerned and improving regulation of community services and **out of home care**.

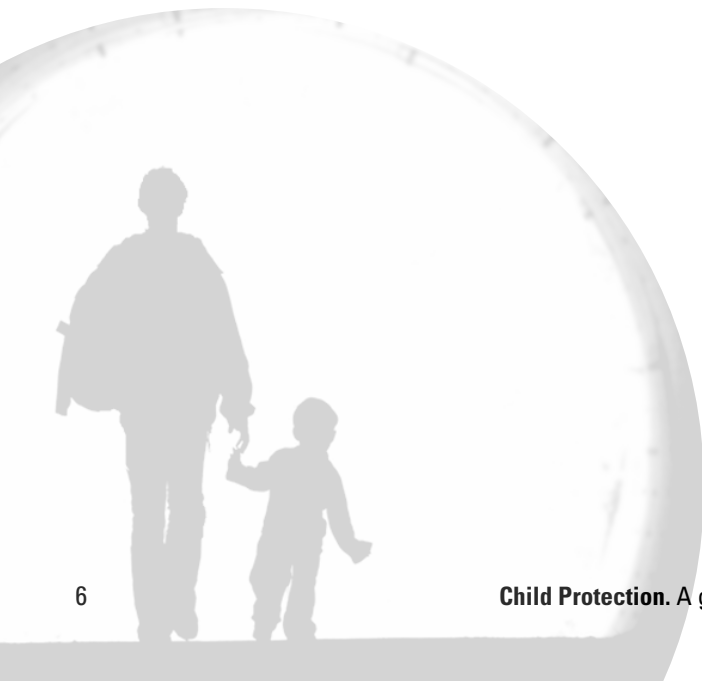
While many laws remain unchanged, some important changes that may affect you and your child are as follows:

- » The **best interests of the child** will be paramount in all decisions. The CYFA lists matters that will be taken into account. Decision-making principles are discussed further in Chapter 4.
- » The 'best interests' principle includes a **cumulative harm** aspect. This means that many lesser instances of harm can be looked at in combination, and can amount to significant harm to a child, which justifies DHS intervention.
- » Additional principles will guide decision-making for Aboriginal children. These principles include consulting Aboriginal agencies when placing an Aboriginal child in out of home care and that the child must be placed within the Aboriginal extended family or relatives if possible. Chapter 5 has further information for Aboriginal families.
- » A child who is mature enough can have their own lawyer to represent them in any court proceedings
- » **Reports** or **notifications** may be made to DHS about a child before birth if there are significant concerns for the child's future wellbeing.
- » An improved system is set up for the registration and regulation of **out of home (foster) carers**.
- » A **stability plan** must be prepared for a child who is placed in out of home care because of an **Interim Accommodation Order** or a **Protection Order**. A stability plan must look to the stable long-term out of home care for the child. A court cannot make a **Permanent Care Order** unless a **stability plan** is prepared.

- » The law reduces the time a child is required to be in out of home care before a Permanent Care Order can be made. The law only requires that the child has been in out of home care for a period adding up to six months out of the past 12 months before the court can make a Permanent Care Order. Clearly this will have a significant effect on families where children are placed in out of home care.
- » The law adds four new orders that the court can make. These are:
  - » **Temporary Assessment Order**
  - » **Therapeutic Treatment Order**
  - » **Therapeutic Treatment (Placement) Order**
  - » **Long-term Guardianship to the Secretary Order**

The law also enables the court to extend **Supervision Orders** and **Supervised Custody Orders**. Information on all these is in Chapter 8.

Child protection law is complex. It is vital that you get early advice on the processes you might go through and how the law affects your situation.



# 2. Protective intervention reports/ notifications

Anyone can make a report to DHS if they believe that a child is at risk of abuse (physical and/or emotional) or neglect.

This is referred to as a **Protective Intervention Report** and is sometimes known as a Notification.

Common grounds for reports may include family violence, substance abuse, and mental health. Poverty and social isolation may also give rise to circumstances which in turn create grounds for reports.

Some workers have to make notifications under law if they are alerted to a risk of abuse or neglect of a child. These include doctors, nurses, teachers, police officers, child-care workers, social workers, psychologists, and youth parole officers. You may want to discuss this with your worker so you know where you stand.

Once a report is made, DHS has a legal duty to investigate. The DHS worker will not be allowed to reveal who made the report. In some cases, a significant time may pass between a report being made and an investigation being carried out by a DHS worker.

It is important to be aware that many reports are not 'substantiated'. That is, after preliminary investigation an assessment is made that, on the available information, the child is not 'at risk' as defined by law and that no further action by DHS is required for the time being. Even if a report is not substantiated, a record of the report and investigation will be retained and may become relevant if a further report is received by DHS.

## 2.1 Investigative powers of DHS

DHS has wide powers to investigate and intervene in family life where this is considered to be in the best interests of a child.

A DHS worker may contact you or visit your family to discuss the problems that have been reported. You are entitled to refuse to speak to the worker, either outright or until you get legal advice. If you do talk to the worker, the worker will keep notes of this. These notes can be used in any report the worker may write for the court. If you refuse to speak to the worker, this may also be put in any later court report.

The worker may also want to speak to the child concerned, their teachers or childcare workers, family members, or other people who can provide information about the child's situation. Contact may initially be made at the child's school if the concerns are very serious, such as physical or sexual abuse. The DHS worker may also want to arrange for the child to see a doctor or other specialist.

You must be aware that once DHS identifies support workers and services you have attended, those workers or services may be made to respond to queries from DHS about treatment or support provided to you or your family.

If you do not understand what is happening at any stage you can ask the DHS worker to explain it thoroughly. Independent legal advice may also be appropriate for a fuller understanding of your rights and obligations.

## 2.2 Speaking to protective workers

Contact with DHS usually occurs at a time of family crisis, whether temporary or long-term. Any contact with DHS is likely to bring up a range of emotions – fear, guilt, anger, hopelessness, helplessness and so on. Dealing with these emotions at the same time as navigating the legal processes can be very challenging. It is important to think about the best way to communicate with the DHS worker assigned to your case.

As noted above, you do not have to speak to DHS workers about your child or circumstances, but DHS workers may then decide to be more forceful in carrying out their investigative and protective duties. Arranging for a first meeting with the worker, in which you can have a friend, relative or other support person present, may be an option that you feel more comfortable with.

It is very important to stay calm and constructive and to try to deal with the issues that may have led to the notification and investigation. By talking to your DHS worker you can ask them to identify their concerns in relation to your child and what it is they believe you should do to deal with them. Your DHS worker should also be able to help with some supports that may improve your family functioning.

It may be suggested that you enter into a **voluntary agreement** under which you agree to get some specific help or to attend a program. This may be the best outcome for you and your child, but you should have the opportunity to discuss this with your lawyer or advocate first. It is important that you sign a voluntary agreement only after you have received independent advice and you are confident that this is the best option for your child and your family. You should not feel that you have to make this agreement without having time to think about it. A failure to comply with a voluntary agreement may later affect other legal processes concerning you and your child.

DHS protective workers have certain tasks and steps that they have to follow. Many families understandably think the worst when DHS becomes involved in their lives. Responding quickly to concerns raised by DHS about your child and family is the best way to make sure your child's needs are met and your position as a parent is protected. If you need some help to respond, ask your DHS worker to provide some practical support. DHS workers must put the best interests of a child first in all their actions and decisions. Under the law this obligation includes supporting parents and families to care for their children themselves as much as possible.

## 2.3 Applications to Court

If, at the investigation stage, a DHS worker believes a child is not safe, the worker can make an application asking the Children's Court to make a **Protection Order**.

### Application by notice

If the DHS worker makes an application for a **Protection Order**, the worker will usually explain what this involves and how you can put your views to the court. This is called an **Application by Notice**. See Chapter 8 on 'Orders'.

### Application by safe custody

*'These two women arrived with two police officers and said they were taking my daughter. I did not understand who they were and why they were taking her.'*

If a DHS worker is very concerned about the immediate safety of a child, the worker may take the child into protective custody straight away. This is called an **Application by Safe Custody**, commonly called an **Application by Apprehension**. The DHS worker is required to take the child to the Children's Court. The court will decide what to do as soon as it can, but at most within one working day. If the apprehension occurs on a weekend, or outside normal working hours, the protective worker may make the application to a **bail justice** as soon as possible or at most within 24 hours. A bail justice has the power to make decisions about the short-term placement of children deemed to be at risk by DHS protective workers.

### Temporary assessment applications

The DHS worker can also make an application for an order allowing them to assess whether your child needs protection. These applications are called **Temporary Assessment Applications**. They are not **protection applications**. The worker can make the application by telling you first and requiring you to attend the court, or they can make the application without telling you beforehand. See Chapter 8 on 'Orders'.

The next step is attendance at court. See Chapter 6 on 'Getting legal advice' and Chapter 7 on 'Powers of the Children's Court'.

It is important that you understand what is happening and what is likely to happen. You could speak with other support agencies and get legal advice from your local Community Legal Centre or Victoria Legal Aid. A list of legal services appears in Chapter 12 of this guide.



# 3. When will a child be considered in need of protection?

The CYFA gives power to DHS to intervene when they believe a child is at risk and in need of protection.

The law has a list of circumstances in which a child (a person who is under 18) will be considered to need protection. The table below explains the possible areas of harm and what has to be shown for each type of harm.

NATURE OF HARM	WHAT MUST BE SHOWN
Abandonment	<p>The child has been abandoned by his or her parents and after reasonable inquiries:</p> <ul style="list-style-type: none"> <li>(i) the parents cannot be found; <b>and</b></li> <li>(ii) no other suitable person can be found who is willing and able to care for the child.</li> </ul>
Death or incapacity	<p>The child's parents are dead or incapacitated <b>and</b> there is no other person willing and able to care for the child.</p>
Physical abuse	<p>The child has suffered, or is likely to suffer, significant harm as a result of physical injury <b>and</b> the child's parents have not protected, or are unlikely to protect, the child from harm of that type.</p>
Sexual abuse	<p>The child has suffered, or is likely to suffer, significant harm as a result of sexual abuse <b>and</b> the child's parents have not protected, or are unlikely to protect, the child from harm of that type.</p>
Emotional/ psychological abuse	<p>The child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged <b>and</b> the child's parents have not protected, or are unlikely to protect, the child from harm of that type.</p>
Neglect	<p>The child's physical development or health has been, or is likely to be, significantly harmed <b>and</b> the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.</p>

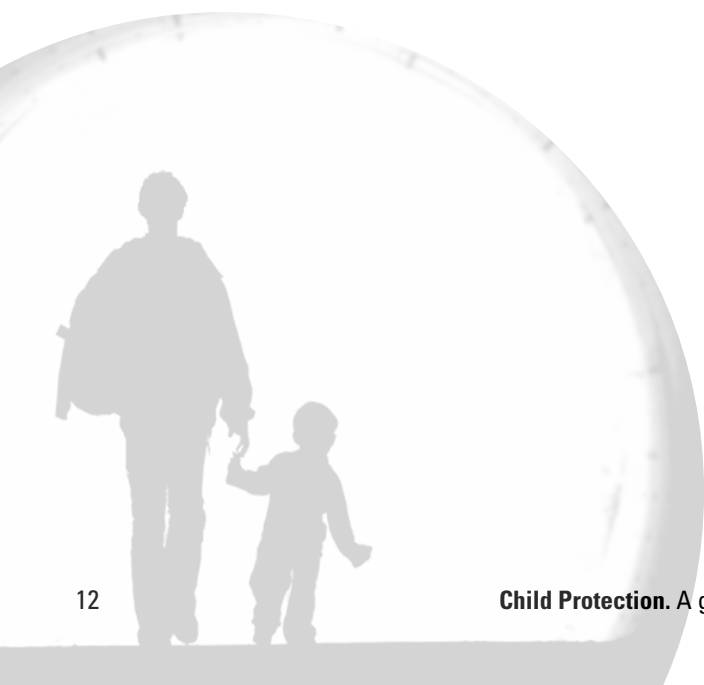
Under this section, the harms to a child that are alleged can involve a single act, omission or circumstance. They can also be from a number of acts, omissions or circumstances.

It is important to be aware that harmful experiences do not have to be directed at a child to constitute harm under the law. Common examples include a child living with family violence that is directed towards a parent and a child whose development may be affected by difficulties experienced by his/her parent(s), including mental health, drug dependence, homelessness, poverty and so on.

As you are probably aware, assessing some types of harm and what constitutes them may involve value judgments and subjective considerations. There may also be lesser and more serious versions of the harm.

As a result, understanding the way your child and circumstances are viewed by DHS workers and others may be difficult. It is very important to get a clear understanding of the concerns that are being raised and what you need to do to address them. If you are having trouble communicating with your DHS worker, you may need to get someone you trust who can help with this. You can also ask to be assigned a different DHS worker.

The more you are able to access supports, the more likely it is that your relationship with DHS will be short and you will then be able to return to and/or develop a better functioning family life.



# 4. Decision-making processes and principles

## 4.1 Determination of Risk and Linking in With Supports

As noted above, DHS workers must respond to a **protective intervention report** or **notification** that a child may have suffered or be at risk of harm. After interviewing you and your child (if appropriate), DHS workers may be able to refer you to support services that can help you to make your life and your child's life more manageable. If this happens, DHS may no longer be involved with your family. Support workers from services you attend may be approached by DHS to make sure you are accessing services and getting any help you may need.

A DHS worker may decide to make a **Protection Application** asking the court to determine if your child needs protection. DHS uses the **Victorian Risk Assessment Framework** to determine if your child is at risk. DHS workers will interview you, your child and any other people who have contact with your family to try to find out whether your child may be at risk of harm. They will assess the severity of that risk and any possible consequences for your child now or in the future.

## 4.2 The report

*'I was given some papers but I didn't understand what they meant.'*

When DHS workers interview you and your child (if appropriate) they must ask a series of questions that will form the basis of their report. The DHS worker has a duty to explain what is in the report so you can understand what their concerns are. If you can't read or understand English, let the worker know so they can make sure you get help either through an interpreter or someone who can sit down and go through everything with you. There will often be words you do not understand. Don't be afraid to say you don't understand what a particular word or term means. It is really important that you understand what claims are being made about you and your family.

You are also entitled to know what will happen next. Often it helps to have the process drawn in the form of a chart. Ask the DHS worker to do this for you. DHS workers have information they can give you about the system, types of protection orders and what may happen. If they do not give this information to you, then you should ask for it. You may also ask for it to be explained. If the worker does not have time, then ask for someone who could help you.

You are entitled to understand, and it is important that you understand, what people are saying about you so you can either agree or express your concerns. You may agree that your family is facing lots of pressures but you may also have some suggestions about how the situation could be improved for you and for your child. You might need some support at home, access to greater resources or help with emergency accommodation. Your DHS worker should explore these options with you.

As mentioned above in Chapter 2, it may be suggested that you enter into a **voluntary agreement** with DHS in which you agree to certain conditions. You should get independent advice before signing such an agreement, particularly if you have concerns about any aspect of it.

Sometimes you will not get your report until a few days before a court hearing of your matter. Sometimes you will not have the kind of relationship with your DHS worker in which you are able to discuss the contents of a report with them. In these circumstances, you should go through the contents of the report with your lawyer and advise them of any matters you disagree with or that you think should be included for consideration.

### **4.3 Case conferencing**

These meetings are chaired by a DHS staff member. You and your lawyer can attend. The DHS worker will also be present. The worker will be asked to explain their concerns and you will be given an opportunity to respond. Again, it is important that you understand what is being said and suggested. You are entitled to have a support person with you at these meetings. If you are asked to agree to certain conditions – for example, to have tests done or to do particular courses – then make sure it is possible for you to do them, both in time, distance and cost. Keep a record of these conditions and any costs you may need to pay to meet the conditions. DHS may be able to help with associated costs if you are in financial hardship. For example, DHS may be able to give you public transport tickets if you need to use public transport to comply with a particular condition.

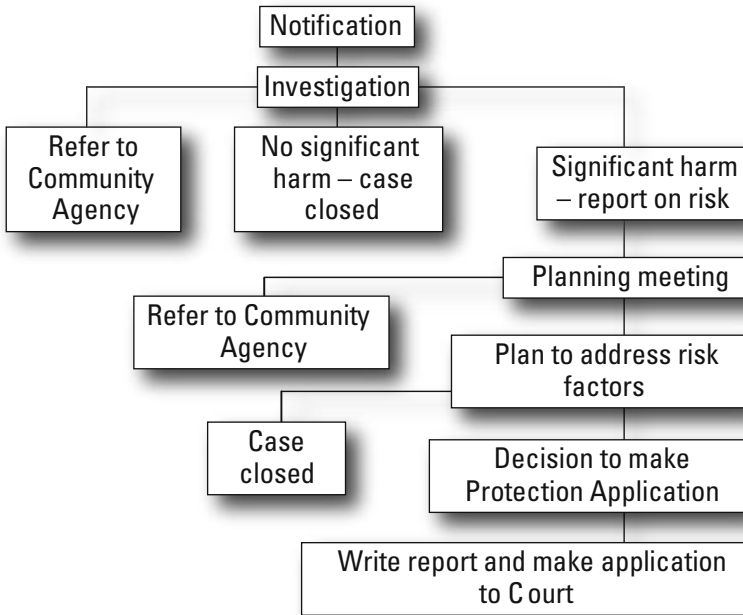
It is best to get legal advice from a lawyer experienced in child protection law before agreeing to anything you are not happy about.

### **4.4 If DHS workers are unhelpful**

If you are unhappy with the treatment you have received by DHS staff, see Chapter 10 on 'Complaints and Appeals'.

## 4.5 Overview

The following table sets out how DHS workers will investigate and make decisions.



## 4.6 Decision-making principles

As noted above, under the CYFA all decisions by the court and DHS workers must be based on the **best interests of the child**. This reflects international law and is the fundamental principle of child protection law. Understanding what this is likely to mean in your circumstances can be complicated.

The CYFA's 'best interests' principles provide that whenever the court or DHS workers make a decision affecting a child they must have regard to:

- » The need to protect the child from harm
- » The need to protect the child's rights
- » The need to promote the child's development (taking into account the child's age and stage of development).

Additionally the 'best interests' principle includes giving consideration to:

- » Preserving, strengthening and promoting existing family (and other significant relationships) by giving 'the widest possible protection and help to the parent and child'.
- » Actions taken by parent(s) to meet goals set in case plans
- » The capacity of parent(s), adult relatives or potential care givers to provide for the child's needs.
- » The child's views and wishes (where they can be found out). This will be given such weight as is appropriate in the circumstance.
- » The individual characteristics of the child including social, individual, cultural identity and religious faith.
- » The effects of cumulative patterns of harm on a child's safety and development.
- » The possible harmful effect of delay in making the decision or taking the action.
- » The desirability of continuity and stability in the child's care
- » The desirability of planning for family reunification

Under the 'best interests' principle set out in the CYFA, intervention in relationships between parents and children is to be limited to 'that necessary to secure the safety and wellbeing of the child.' Removal of a child from the care of his/her parent(s) is to happen only when 'there is an unacceptable risk of harm to the child.'

Decision-making principles set out in the CYFA also reinforce the rights of the parent(s) and other family members to meaningfully take part in decisions made by DHS workers and community services about the safety and wellbeing of their child. This includes the right:

- » To be provided with information you can understand
- » To have your views taken into account, to be provided with notice of meetings and proposed case plans.
- » To involve other people who can help you participate fully
- » To be supported to make decisions and take actions promoting your child's safety and wellbeing.

Extra principles are set out in the CYFA that apply to decision-making about indigenous children. See Chapter 5 'Information for Aboriginal families'.

## 4.7 The Victorian risk assessment framework

While DHS workers are governed by the provisions of the CYFA in making decisions, the practical tool relied on by DHS workers in analysing risk is the **Victoria Risk Assessment Framework (VRAF)**.

Risk is defined in the VRAF as 'the relationship between the degree of harm and the probability of the believed harm occurring (or of protection being provided)'. Assessment processes involve three main stages: information gathering, analysis, and judgment. Each stage is focused on working out the need for protection.

### Information gathering

This occurs at the investigation stage when the DHS worker gathers information relating to each of the following categories:

- » The child: age, development and functioning
- » The parent(s): attitudes to the harm and to the child, relationship with the child, general functioning, and demonstrated parenting capacity.
- » The opportunity for harm: access of the alleged perpetrator to the child, and exposure of the child to harm.
- » The source of harm: harm/incident causing behaviour, severity, history and pattern.
- » Networks: formal and informal supports, alternative carers for the child, and significant others in the life of the child and parent(s).

### Analysis

The information gathered by the DHS worker is then analysed according to the following four dimensions as set out in the VRAF:

1. Severity of harm: type and degree of harm
2. Vulnerability of child to harm: age, development and functioning, opportunity for harm to occur.
3. Likelihood of occurrence/recurrence/cumulating of harm: pattern, beliefs, complicating factors (including violence, substance abuse and mental health).
4. Safety of child: demonstrated strengths of parent(s) or relevant others, and protection given to the child in relation to the harm.

## Judgment

On the basis of this analysis the DHS worker will then judge the Future Risk Level for the child as high, medium or low, considering:

- » The *consequence* of the harm occurring, whether it be extreme, serious or concerning.
- » The *probability* of the harm occurring, whether it is highly likely, likely or unlikely.

An assessment will also need to be made by the DHS worker as to any immediate safety concerns for the child.

## 4.8 Specialist assessment guides

As well as the VRAF, Specialist Assessment Guides are used by DHS workers as a tool to analyse risk in specific categories of cases. These include (but are not limited to) the following focus areas:

- » Impacts of family violence
- » Parental substance abuse
- » Parents with intellectual disabilities
- » The developmental phases of a child
- » Attachment and bonding between a child and parent(s)
- » Children with problem sexual behaviours
- » Assessing risks to infants

You can view the guiding considerations contained in these documents by downloading copies from the DHS website at [www.dhs.vic.gov.au](http://www.dhs.vic.gov.au).



# 5. Information for Aboriginal families

If your child is an Aboriginal Australian there are extra principles that must be applied as well as what is in the child's best interests when a decision is made or action taken. The law says that your child's connection with their Aboriginal community must be maintained as fully as possible. It also says that you and other members of the child's extended family or Aboriginal community are able to contribute to any decisions made about your child.

Often an **Aboriginal agency** that is relevant to your child will be involved in the process. Under the law, an Aboriginal agency is defined as a registered community service that is managed by Aboriginal people, and carries on activities for the benefit of Aboriginal people, and is declared by the government to be an Aboriginal agency.

## 5.1 Principles that must be followed

The principles that must be followed by DHS are:

- » DHS should give an opportunity to members of the Aboriginal community to which your child belongs and other respected Aboriginal people to contribute their views.
- » A decision about an Aboriginal child should involve a meeting which is convened by an Aboriginal convener who has been approved by an Aboriginal agency. You should attend this meeting with your child, the members of the extended family of your child and any other members of the Aboriginal community who you think should be there.
- » An Aboriginal agency must be consulted before an Aboriginal child can be placed in **out of home care**. The **Aboriginal Child Placement Principle** must also be followed.

The Aboriginal Child Placement Principle states that if it is in the best interests of an Aboriginal child to be placed in **out of home care**:

- » As a priority, the child must be placed within the Aboriginal extended family or relatives if it is possible. If it is not possible, the child should be placed with any other extended family or relatives.
- » If placement with extended family or relatives is not practical or possible (after consultation with the relevant Aboriginal agency), the child may be placed with another Aboriginal family from the local community or from another Aboriginal community.

- » Placement with a non-Aboriginal family is only a last resort. If this happens, the non-Aboriginal family must live close to the child's natural family and the child's culture and identity must be maintained through contact with the child's community.
- » The court and DHS must also take into account whether the child identifies as Aboriginal and any wishes the child has expressed.
- » The advice of the relevant Aboriginal agency must be taken into account.
- » If the child has parents from two different Aboriginal communities, consideration should be given to the child's own sense of belonging as well as to the general principle(s). Arrangements must be made to make sure that the child has the opportunity for continuing contact with both communities.
- » If the child has one Aboriginal parent and one non-Aboriginal parent, the child should be placed with the parent with whom it is in the best interests of the child to be placed.

Both the court and DHS must follow the Aboriginal Child Placement Principle when they make decisions or take actions relating to the out of home care of an Aboriginal child.

## 5.2 Aboriginal agencies

DHS can authorise the principal officer of an Aboriginal agency to exercise their functions and powers in relation to a **Protection Order** that is made for an Aboriginal child. If you do not want to allow the relevant **Aboriginal agency** to exercise DHS powers, you have the right to tell DHS. Your views and the views of your child must be taken into account, if possible.

You should ask your lawyer if you have any questions about this.



# 6. Getting legal advice

It is very important that you try to have a lawyer represent you at court. With **Protection Applications by Notice**, you should try to see a lawyer experienced in child protection law before you go to court. In most cases there will be a lawyer for each parent and for any child mature enough to have their own lawyer.

Refer to the 'List of Services' section at the end of this guide for the closest Community Legal Centre or Victoria Legal Aid (VLA) office.

## 6.1 Your lawyer and a lawyer for your child

If your child is mature enough to tell a lawyer what they want, the court will usually want them to have a different lawyer from you. The lawyer will decide if your child understands what has happened well enough to have a say in their case. Generally if a child is about six or older the court will ensure they have their own lawyer, but this will depend on each individual.

The lawyer for a child will often get instructions outside court. You should ask your worker or lawyer whether it is necessary for your child to attend court, because it can be very stressful for children as well as parents.

Sometimes other people, such as a child's grandparents, will also want to be involved. They will need to ask the court's permission. This is called being made a party to the proceedings.

Sometimes there is not enough time to organise a lawyer before the case goes to court. This is usually the case with **Protection Applications by Apprehension**. In these circumstances, VLA may be able to organise a 'duty lawyer' (a lawyer on duty at the court on that date) to represent you. If your child is mature enough, they will also be allocated a lawyer to represent them.

Your lawyer should see you by yourself. Your child's lawyer will also need to see your child without you present.

## 6.2 Costs

There will be no charge for the services of a duty lawyer on the first day. You will, however, need to organise with the lawyer (or another lawyer if you prefer) to represent you after this day. If you can, you should arrange for a lawyer before the hearing date to make sure that you are represented. You can apply for a grant of legal aid to pay for all or some of the costs of your lawyer if you are unemployed or on a low income. You will need to fill out a legal aid application and you will need documents showing how much you earn, how much money you have in the bank and so on. Application forms are available from Community Legal Centres and Victoria Legal Aid

offices. If you go to a private lawyer who does cases funded by VLA, they should also be able to give you a form and help you fill it out. Whether you are eligible for a grant of legal aid will depend on your circumstances. It is important that you talk to your lawyer about any costs that may arise through representation.

### **6.3 Talking to your lawyer about your case**

*'I shouldn't have to tell them my story every time there is a new lawyer. It would be easier if I had the same lawyer each time.'*

*'I've been sitting here all day and I have hardly spoken to my lawyer.'*

When you get to court it may be confusing working out where to go and who to talk to. If you have organised a lawyer you should talk to them before court about where they want you to go and how you will get in contact with them. There are other people at court who can help you. See the 'List of Services' section at the end of this guide.

It is important that you tell your lawyer all about your family situation so they can build a picture of the family. Tell the lawyer about all the good things that happen and have happened, not only about the issues that have been raised by the DHS worker. It is up to the lawyer to present your story to the court and to protect your interests. It is good for the lawyer to know about all the things you have achieved in your life, not only about your current situation.

You may have to go to court more than once. You may not always be able to have the same lawyer representing you. There may be a barrister arranged to present your case. Be prepared to tell each new lawyer or barrister about your situation.

It is also possible that your lawyer will be helping another parent or child at the court on the same day. If this happens your lawyer may be called into a courtroom to deal with that case. It may also appear to you that the lawyer is spending a lot of time with DHS staff or DHS lawyers. This may be happening so the lawyer can negotiate on your behalf or for other children and parents. If you are uncomfortable about what is happening then ask the lawyer to explain what they are doing about your case and what the lawyers for DHS are asking for. It is important that you fully understand what is happening for your child and your family during the court process.

### **6.4 If you are unhappy with your lawyer**

If you are not happy with the way your lawyer has run your case then you can make a complaint. See Chapter 10 on 'Complaints and Appeals'.

# 7 Powers of the Children's Court

## 7.1 Temporary assessment applications

If DHS has a reasonable suspicion that a child is or is likely to need protection, and an investigation and assessment cannot go ahead unless a **Temporary Assessment Order** is made, the court can make such an order. This will give DHS power to enter the premises where the child is living and to take the child or to require that the child attend an interview or medical examination. A DHS worker can make an application for a Temporary Assessment Order without telling you or your child about it beforehand.

## 7.2 Protection applications

When a **Protection Application** is lodged with the Children's Court, it is up to a Magistrate to decide if your child needs protection and how your child can best be cared for.

Even before a court determines whether your child needs protection, an **Interim Accommodation Order** may be made (see the chapter on 'Orders'). Your child may be left in your care during this time or in the care of a third person. That person may be a family member or a family who looks after children in this situation – a foster family. Your child will not be allowed to remain at home if the Magistrate believes the child is not safe there.

## 7.3 Court orders that can be made

Once a **Temporary Assessment Application** or a **Protection Application** is proved and there are concerns about the safety of your child, there are various orders that the court may make (see Chapter 8 on 'Orders' for more details):

- » a **Temporary Assessment Order**
- » an **Undertaking**
- » a **Supervision Order**
- » a **Custody to the Third Person Order**
- » a **Supervised Custody Order**
- » a **Therapeutic Assessment Order**
- » a **Therapeutic Assessment (Placement) Order**
- » a **Custody to the Secretary Order**

- » a **Guardianship to the Secretary Order**
- » an **Interim Protection Order**
- » a **Permanent Care Order**
- » a **Long-term Guardianship to Secretary Order**

The court's responsibility is to protect the rights of children while at the same time protecting them from harm. Magistrates will consider the evidence given to the court based on the following considerations:

- » protection of the child from harm
- » the importance of strengthening, protecting and promoting family relationships and minimising disruption to existing routines around home, school, employment and so on.
- » the wishes of the child where appropriate
- » the effect an order may have on family relationships
- » the principle of minimising intervention to the extent necessary to ensure the protection of a child from harm.
- » the suitability of an order in terms of the welfare and interests of the child.

Removal of a child from the family home is only deemed necessary where there is an unacceptable risk to the child in remaining in the home. If removal is to occur, there must be planning for reunification of the family where this is appropriate.

Remember that all decisions must be in the **best interests of the child**.

## 7.4 Receiving the notice

You will receive a notice with the time and date of the court hearing. Read it carefully. It is important to get legal advice well in advance so you can be represented in court. It is important that you understand the allegations that are being made in DHS's application. It is important to attend the court whenever required.

You may need an interpreter at court so you can understand what is happening and so you can tell your story. Ask the DHS worker or your lawyer to organise this for you.

This can be a very emotional time for your family, with many different people involved. It is important to keep written records of the requests you make and the advice you are given in case you need to refer back to it.

## 7.5 Receiving the DHS application

You will usually have to attend court within a week or two of getting the application. If the DHS worker believes the situation is urgent, a hearing may be listed before a **Bail Justice**, who may make temporary orders straight away. There will then be a court hearing at the earliest opportunity afterwards.

You should be at the court at least a half an hour before the time your hearing is due to start (as indicated on your notice). As the court may be very busy, your hearing may not start on time and you may have to wait a long time. You should keep the whole day free just in case your hearing takes a long time or doesn't start until late in the day.

Depending on their age, your child may not have to attend court with you. If they do, it is important to have toys, books, food and drink with you as your child may also have to do a lot of waiting. There is no child care available at court, so if your child is young it may be best to find someone to look after them rather than having them in court all day. You may also want to take along a friend or family member for support.

## 7.6 Returning to Court

The number of times you will have to attend court depends on what happens at the first hearing. You will go to court for the first time soon after the **Protection Application** is made. The Magistrate will usually adjourn (put off) the case to another date, but will decide where your child should live until then. The Magistrate will make what are called **Interim Accommodation Orders**. Interim orders put an arrangement in place until the next court date. Your child may be returned home with you or placed with a family member or friend. If the Magistrate believes your child may not be safe at home with you, they may order that your child be placed with a foster family or in a short-term residential unit. (see the section on **Interim Accommodation Orders** in the Chapter 8 on 'Orders').

When the case comes back to court, the Magistrate will determine if the allegations in the **Protection Application** have been proved and if your child is at risk. If there is no risk proven, the case will be dismissed and you will no longer be involved with DHS. If the Magistrate finds your child is at risk, they will decide which type of order is most appropriate to protect your child. (See Chapter 8 'Orders')

## 7.7 Time at Court

*'I was told my case was being heard at 10 o'clock and I'm still here at 3 o'clock.'*

*'It is hard not to stress out when there are so many people in court and some get aggro or upset.'*

Your case may be called into court early in the morning and, if it is adjourned or determined quickly, you will be free to leave the court.

On the other hand, your case may not be called for several hours. That means you will be sitting around for a long time. You cannot leave. If you are a smoker, check where you can go to have a cigarette so you can still be available when you are called.

The court usually closes for lunch between 1 o'clock and 2 o'clock in the afternoon. You can leave and get some lunch, but remember to be back on time. You may want to pack some food and drinks to take with you just in case. This is very important if you have to take your child to the court with you. If you are going to the Children's Court in Melbourne and you have to take your child with you, there is a playroom where your child can be entertained.

Sitting around court all day can be very tiring and stressful. You may want to take something with you to keep you occupied, such as a magazine or book.

In some cases your child must attend, so be sure to check that with your lawyer or the DHS worker. If your child is not required at court it is probably best that they are cared for away from court as the day can be long and stressful.

Remember there is no child care available at court so if you can make other arrangements with family or friends then this would be preferable.

## 7.8 In the courtroom

When your child's name is called you will need to go into court. Your lawyer will show you where to sit (in the front row of seats behind your lawyer). For people attending the Children's Court in Melbourne it is possible to do a virtual tour of the court on the court website so it will not be such a strange environment. Most courtrooms in other courts are set out in a similar way.

On your first court date, decisions may be made about a temporary placement of your child or temporary conditions. You will not have to give evidence. Usually your lawyer will put your story to the court in the way that you want without calling on a witness.

In a final **contest** you may be called to give evidence. You will be asked to go into the witness box, swear on the Bible or swear that you will tell the truth, and answer all the questions the lawyers ask you. If you do not understand a question, you can ask for it to be repeated. If you still do not understand you can ask the Magistrate to direct that the question is made clearer. You should call the Magistrate, 'Your Honour' or 'Madam' or 'Sir'.

Your lawyer will ask you questions first and then the lawyer for DHS can cross-examine you. The lawyers for other parties – for example, another parent or your child – can also cross-examine you.

DHS may also call witnesses to give evidence. The witness may go into the box and answer questions or that person may prepare reports which are given to the court.

You may not get a chance to see reports until the day of the hearing. Read them carefully. Ask your lawyer or ask someone else to explain them to you if necessary.

*Remember, it is up to the lawyer for DHS to prove that you are unable to provide a minimum standard of care for your child.* It may be possible for you to be able to provide this standard of care with some support for yourself personally or in the home.

The lawyer may discuss your case with the DHS lawyer outside the courtroom. When this happens, your lawyer should be representing your interests and will usually be trying to negotiate a better outcome for you. Ask your lawyer to explain what they are doing and what they are trying to achieve for you. If you do not agree with what your lawyer is doing, tell them so. Your lawyer is there to represent you.

## 7.9 Reports and assessments

The Magistrate may feel they need more information to help them make their decision. They may order that you and your family have an assessment done by the staff at the **Children's Court Clinic ('the Clinic')**. The Clinic is next to the court building in Melbourne. The Clinic staff (psychologists and psychiatrists) work for the court only. They do not work for DHS.

If this happens, the staff from the Clinic will ring you to make a time for an interview. The phone call will be followed up with a letter confirming the time and date of your interview. The interview is usually held at the Clinic in Melbourne, although staff do go to country areas. The interview could take all day, so it is important to take nappies and food for your children if they are young. It is best if the clinic staff can meet both parents and your child and any other people who are relevant to your case, for example, grandparents. The clinic staff will ask lots of questions about you and your family, about your relationship before your child was born and since then, what

you like doing and about your work. They will be trying to get a whole picture of you and your family so they can write a report for the Magistrate that says whether they believe your child is safe in your care. You may be required to undergo some testing during the day. You will be asked to sign a form that gives the clinic staff permission to use any information that they get from you in their report.

It is best if the report can be done before the next hearing date, so the clinic staff may need to meet you as quickly as possible. When the report is sent to the court, it is up to the Magistrate to determine who can see it. DHS staff and their lawyer are allowed to look at the report, but not take it away. DHS workers are not allowed to take a copy or take notes from the report. You and your lawyer are also allowed to look at the report at court but you cannot get a copy unless the court orders that. You are entitled to ask the court for a copy of the report.

After the case is finished, DHS may get a copy of the report either by getting your permission or the court's permission. Clinic reports cannot be made available to outside agencies without your permission.

You are entitled to get your own psychologist or worker to do a report for you that can be presented to the court. You may have to pay for this.

## 7.10 Signing consent orders

*'I signed the piece of paper because that's what I thought I had to do.'*

Often parents feel they have to consent (agree) to the orders that DHS is asking for. You should not sign **consent orders** if you are not comfortable with what you are agreeing to.

Standard forms are often used to show what conditions are being agreed to. The form has many conditions listed, each with a tick box. The conditions that are put on your order will have ticks in the appropriate boxes.

It is important that you understand what DHS is asking for. *Do not agree to anything if you do not understand what is being asked of you and your child.*

Remember that if you do not meet the conditions of the order, then you can be in breach of that order. DHS will tell the court if this happens, which may have serious consequences for you and for your relationship with your child.

## 7.11 At the end of the hearing?

You will be given paperwork explaining the Magistrate's decision. If you do not understand what the document says or what is expected of you then ask your lawyer or the DHS worker to explain it in full. If you disagree with what is decided, you can appeal. See Chapter 8 on 'Orders' and refer to the particular order made or refer to Chapter 10 on 'Complaints and Appeals'. It is a good idea to keep a copy of all the paperwork you are given from each hearing.

## 7.12 What about grandparents?

If you are the grandparent of a child who has been subject to a **Protection Application**, then you may have rights also. Where the court agrees, you may be able to be joined as a party to the proceedings if you have had a significant role to play in the child's life. You may need to get your own legal advice.

## 7.13 Court support services

Court support people are at most courts each day.

In some courts there are volunteers from **Court Network** who are available to tell you about the court processes. They are not lawyers and cannot give you legal advice, but they do know how the court works and can offer you support while you are there. They also have information about many other community services that may be useful for you or your family. Contact Court Network on 1800 681 614 for more information.

The Salvation Army may also have staff at the court. They can also provide support for you at court. They may have an office where you and your family can go for a break, have a cup of tea or coffee, watch a video or just have someone to talk to about what is happening. The Salvation Army may also be able to organise help for you through one of their many community services.



# 8. Orders

There are several types of orders that can be made in different circumstances. They have very different implications.

## 8.1 Irreconcilable difference applications

A person who has the care and control of a child can make an application to the Children's Court for an order to be made if they believe there is a 'substantial and presently irreconcilable difference between himself or herself and the young person to such an extent that the care and control of the young person are likely to be seriously disrupted.'

A young person can also make an application to the court for such an order.

### Counselling

Before an **Irreconcilable Difference Application** is heard by the court, conciliation counselling must take place. This must be organised within 21 days of the application by DHS. A report from this counselling session is prepared by DHS for the court. If the Magistrate finds such differences exist, an order may be made.

It is advisable to seek legal advice for more information about this application. Contact your nearest Community Legal Centre or Victoria Legal Aid (see 'List of Services' section) for more information.

## 8.2 Temporary Assessment Orders

This type of order allows DHS to ask the court for permission to investigate and assess whether a child is at risk. DHS can apply for a **Temporary Assessment Order** if they have a reasonable suspicion that your child is likely to need protection and they think that further investigation and assessment is needed and that investigation cannot be carried out properly without the order.

DHS can apply for this order with notice (by telling you beforehand), and in doing so they can direct that your child appear in court. DHS can also apply without notice (without telling you that they are applying for the order). DHS cannot apply for a **Temporary Assessment Order** if a **Protection Order** (not including an **Undertaking**) is in place or if an application for a **Protection Application** has been made but has not been decided.

If DHS gives notice, the order can last for up to 21 days. If DHS does not give notice, the order can last for up to 10 days. A Temporary Assessment Order can allow DHS to enter the premises where your child is living, or can require that you allow DHS to enter the premises. DHS can interview your child there or take your child to a place

decided by DHS for that interview. An order can also allow a medical examination of your child to take place and can require that the results of the examination be given to DHS. If your child has enough understanding to give or refuse consent to a medical examination, he or she can refuse to go through with it.

DHS can also apply to the court for a search warrant. This will allow a police officer to enter any premises where they believe your child is and to detain your child to enable DHS to exercise its powers under a Temporary Assessment Order.

The court can only make a Temporary Assessment Order if it thinks it is in the best interests of your child to make the order, that it is necessary for DHS to assess whether or not your child needs protection and that an investigation cannot be carried out properly if the order is not made.

### **Cancelling or varying a Temporary Assessment Order**

You or your child can apply to the court at any time for a Temporary Assessment Order to be revoked (cancelled) or varied (changed) but only if the order was made without notice (DHS did not tell you that they were applying for the order beforehand).

If you have been given notice and you think that the order is unfair, you have the right to appeal against the order to the Supreme Court, within one month of the order being made. Ask your lawyer about this. Appeal forms are available from the court.

## **8.3 Interim Accommodation Orders**

This order is used in a few situations:

- » where a child has been placed in safe custody and the bail justice makes the order until the next working day when the case is heard by the Children’s Court.
- » where an application is made to the court for a **Protection Order** or an **Irreconcilable Differences Order** and a hearing is adjourned to another date.
- » where an application for an extension of or a variation to an existing **Interim Accommodation Order** is made.

The order may allow the child to be released into your care or the care of a suitable person until the next hearing date or a maximum of 21 days.

If your child remains in your care, you will be required to give an **undertaking** to the court verbally or in writing that the child will be available for the next hearing before the court. The order may also contain conditions, which you may be required to meet.

If the Interim Accommodation Order places your child in safe custody, you are entitled to know where your child is unless the court or bail justice believes that it is in the best interests of the child to withhold this information from you and makes a direction to that effect.

### **Cancelling or varying an Interim Accommodation Order**

An Interim Accommodation Order can be varied or extended by making an application to the court. You can apply to have this order cancelled by appealing to the Supreme Court. A judge of the Supreme Court can determine if the order can be dismissed or make whatever order they think should have been made.

### **Breaching an Interim Accommodation Order**

If you breach the terms of the Interim Accommodation Order or any condition attached to it, you may be required to come before the court and bring your child to the court immediately. If the DHS worker has enough evidence to believe your child is at serious risk, the child may be taken into safe custody and brought before the court or a bail justice within 24 hours.

## **8.4 Undertakings**

A parent can make a written **undertaking** to a Magistrate. An undertaking is a written statement which says what you agree to do or not to do in relation to the care of your child. It may contain conditions that a court considers are in the **best interests of a child**, for example that you attend counselling or parenting classes.

The court can make an order which requires a person to give an undertaking *but the undertaking can only be made if you agree to it*. It will generally last for a maximum of six months unless there are special circumstances where it can be made for up to 12 months. Your family will not be under the supervision of DHS.

### **Cancelling an undertaking**

You can apply to the Children's Court to cancel the undertaking if the situation at home changes and you believe your child is no longer at risk. Only a Magistrate can cancel an undertaking.

## 8.5 Supervision Orders

A **Supervision Order** allows for your child to remain living at home with you but under supervision of DHS. You remain the legal guardian of your child. It can last for 12 months but can be extended any number of times for up to two years each time. There may be conditions placed on you or your child that the court considers will help protect your child.

### **Cancelling or varying a Supervision Order**

A Supervision Order can be varied or revoked (cancelled) if circumstances change and your child is no longer at risk. You do this by making an application to the court.

If you think the order is unfair, you have the right to appeal against the order to the County Court, within one month of the order being made. Ask your lawyer about this. Appeal forms are available from the court.

### **Breaching a Supervision Order**

The DHS worker can bring an application for a breach of this order if the worker believes the child's safety is at risk or that you have not complied with conditions of the order. If this happens, an urgent hearing would be held and another decision would be made by the Magistrate. It is important that you speak with your lawyer about any breach.

## 8.6 Custody to a Third Party Orders

A **Custody to a Third Party Order** is made where a Magistrate determines that it is in the best interests of the child for your child to live with someone other than you. That person would have responsibility for making decisions each day for your child but you remain the child's legal guardian. A DHS worker must supervise the placement while at the same time helping you overcome the difficulties that led to this order being made. The order may also have conditions that you have to abide by, for example, when you can see your child or that you must attend counselling. This order can be made for up to 12 months.

### **Varying or cancelling a Custody to a Third Party Order**

Custody to a Third Party Orders can be varied or revoked (cancelled) if circumstances change and your child is no longer at risk. You do this by making an application to the Children's Court.

If you think the order is unfair, you have the right to appeal against the order to the County Court, within one month of the order being made. Ask your lawyer about this. Appeal forms are available from the court.

### **Breaching a Custody to a Third Party Order**

The DHS worker can bring an application for a breach of this order if the worker believes the child's safety is at risk or that you have not complied with conditions of the order. In this case an urgent hearing would be held and another decision would be made by the Magistrate. It is important that you speak with your lawyer about any breach.

## **8.7 Supervised Custody Orders**

This is the same as a **Custody to Third Party Order** except that DHS has powers and duties of supervision of your child. This type of order cannot last for more than 12 months, but it can be extended any number of times for up to two years each time.

If the court makes a **Supervised Custody Order**, DHS can direct that a child return to the sole or joint custody of their parents. If this happens, then on and from the date that the direction takes effect, the Supervised Custody Order is no longer seen as a Supervised Custody Order and becomes a **Supervision Order**.

## **8.8 Therapeutic Assessment Orders**

**Therapeutic Assessment Orders** require your child to take part in a therapeutic treatment program if your child is found to be in need of therapeutic treatment. (a child aged between 10 and 15 who has exhibited sexually abusive behaviour). DHS must get advice from the **Therapeutic Treatment Board** before they can apply for a Therapeutic Assessment Order for your child. This order can last for up to 12 months. It may have conditions that require that you take any steps that are necessary to enable that your child participate in the therapeutic treatment program. The order can be extended for up to 12 months.

### **Cancelling or varying a Therapeutic Assessment Order**

You can apply to the court to have the conditions of the order varied or to have the order revoked (cancelled) if you believe that your child's circumstances have changed and they no longer need therapeutic treatment. If the court cancels a Therapeutic Assessment Order that it has made for your child, that cancellation will also cancel any **Therapeutic Assessment (Placement) Order** that the court has made for your child.

## 8.9 Therapeutic Assessment (Placement) Orders

A **Therapeutic Assessment (Placement) Order** can only be made if the court has made a Therapeutic Assessment Order in respect of your child. This order gives sole custody of your child to DHS but does not affect the guardianship of your child. The court can only make this order if it is satisfied that it is necessary for the treatment of your child. This order can last for any period but cannot last longer than the Therapeutic Assessment Order that is in place for your child. The order can be extended for a period but not longer than the Therapeutic Assessment Order that is in place for your child.

### **Cancelling or varying a Therapeutic Assessment (Placement) Order**

You can apply to the court to have the conditions of the order varied or to have the order revoked (cancelled) if you believe that your child's circumstances have changed and it is no longer necessary for your child to be placed in the custody of DHS to receive therapeutic treatment.

If the court cancels a Therapeutic Assessment Order that it has made for your child, that cancellation will also cancel any Therapeutic Assessment (Placement) Order that the court has made for your child.

## 8.10 Custody to the Secretary Orders

**Custody to the Secretary Orders** are used where the court thinks it is in the best interests of your child to grant sole custody of your child to the Secretary of DHS. This custody is delegated to DHS protective workers. This type of order can be made for up to 12 months. The Magistrate may put conditions on the order that you have to meet or say how often you can have contact with your child. You remain the legal guardian of the child.

### **Varying or cancelling a Custody to the Secretary Order**

This order can be varied or revoked (cancelled) if circumstances change and your child is no longer at risk, by making an application to the court. DHS can also seek to have the order extended. The court must consider any possible reunification of the family, the benefits to the child of remaining in custody of DHS and the nature of the relationship between the child and their parents.

If you think the order is unfair, you have the right to appeal against the order to the County Court, within one month of the order being made. Ask your lawyer about this. Appeal forms are available from the court.

## 8.11 Guardianship to the Secretary Orders

**Guardianship to the Secretary Orders** have the effect of transferring your legal rights and responsibilities for your child to the Secretary of DHS. DHS will then be responsible for making all decisions for your child. The DHS worker is still responsible for talking to you and your child about future plans and what needs to be done to restore your rights as a parent and ultimately for the child to be able to be returned to your care. You may be entitled to have contact with your child and, if so, this should be a condition of the order.

This order lasts for 12 months, but DHS can apply to the court to extend the order if they believe it is in your child's best interests and protective concerns still exist. You must be told about this and are entitled to get legal help and oppose the extension of the order in court. (See Chapter 9 on 'Case Planning')

### **Cancelling a Guardianship to the Secretary Order**

If you are not happy with the decision of the Magistrate, you can apply to the court to have the order cancelled. The Magistrate will only revoke a Guardianship to the Secretary Order if they can be convinced that your child no longer needs the protection of DHS.

If you think the order is unfair, you have the right to appeal against the making of the order to the County Court. You have to do this within one month of the order being made.

## 8.12 Interim Protection Orders

If the Magistrate thinks there are problems of safety for your child, you and your child may be placed under temporary supervision of DHS for up to three months under an Interim Protection Order. The court may also make an **Interim Protection Order** when a Supervised Custody Order or a Custody to a Third Party Order is cancelled or if a Supervision Order has been breached.

The Magistrate may place conditions on you and your child, which you have to abide by. A DHS worker will work with you to try to solve any problems in relation to the safety of your child.

You must attend court when the Interim Protection Order expires and the Magistrate will make a final decision about your case. The DHS worker has to write a report for the court recommending whether a further order needs to be made for the

protection of your child. You and your child are entitled to discuss this report with the DHS worker. If you do not agree with what the report says, you can ask your legal representative to tell the court.

### **Cancelling or Varying an Interim Protection Order**

Interim Protection Orders can be varied or revoked (cancelled), if you think the situation has changed, by making an application to the court. DHS can also apply to vary or revoke an order. Only a Magistrate can make the final decision.

### **Breaching an Interim Protection Order**

A DHS worker can also ask the court to reconsider the order if they believe you have breached (broken) the conditions of the order and they believe your child is not safe. This means the case would go back to court immediately for another order to be made.

## **8.13 Permanent Care Orders**

Where a parent has not had the care of their child for at least six of the past 12 months DHS can apply to the court for a **Permanent Care Order** to be made. This order allows for a person other than the parent to have the long-term care and guardianship of the child. The order must contain a condition as to when and how the parent can spend time with the child if that is appropriate.

The court cannot make a Permanent Care Order unless a **stability plan** has been prepared. (See Chapter 9 on 'Case Planning').

### **Cancelling or Varying a Permanent Care Order**

Permanent Care Orders can be varied or revoked (cancelled), by making an application to the court. DHS can also apply to vary or revoke the order. Only a Magistrate can make the final decision, if it is considered to be in the best interests of the child.

## **8.14 Long-term Guardianship to the Secretary Orders**

**Long-term Guardianship to the Secretary Orders** grant custody and guardianship of a child that is 12 years or older to the Secretary to the exclusion of all other people. A court may make this order instead of extending a Guardianship to the Secretary Order. The court must be satisfied that there is a person available for your child to continue to live with for the whole duration of the order and that the order is in the best interests of your child. The court cannot make this order unless your child consents to it.

The operation of the order must be reviewed by DHS every 12 months. DHS must notify you, your child and the court before the end of each 12-month period if they believe the order should continue for another 12 months. If DHS does not do this by the end of the 12-month period, the order will end.

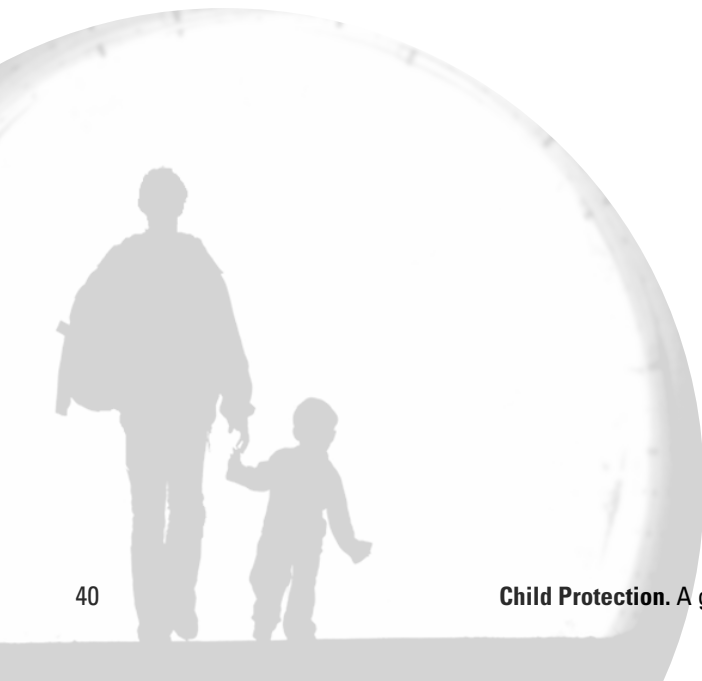
### **Cancelling or Varying a Long-term Guardianship to the Secretary Order**

A Long-term Guardianship to the Secretary Order cannot be varied. DHS can apply to revoke (cancel) the order. DHS must apply to have the order revoked if they become aware that the person that your child is living with no longer consents to the order continuing, or that the relationship between the child and that person has broken down. Only a Magistrate can make a final decision, if it is considered to be in the best interests of the child.

You can also apply to the court have the order revoked. If the order has been in place for more than 12 months, before you can apply you will need to get permission from the court to make the application.

## **8.15 Expiration of Orders**

All **Protection Orders** cease when the child reaches 18 years of age or when the child marries, if that is before the child turns 18.



# 9. Case Planning

## 9.1 Case Plans

A **Case Plan** must be prepared by DHS within six weeks after the making of a Supervision Order, a Supervised Custody Order, a Custody to the Secretary Order, a Guardianship to the Secretary Order, a Long-term Guardianship to the Secretary Order or a Therapeutic Assessment (Placement) Order.

The aims of the case planning process are to:

- » make sure that your child's welfare and interests are given highest priority.
- » work towards reuniting you and your child if that is in your child's best interests.
- » make sure that any decisions made consider the maintenance of family relationships.
- » make sure that you and your child are given every support to be able to fully participate (where it is safe to do so) in the planning meetings, to receive a copy of proposed plans and sufficient notice of meetings.
- » have meetings conducted in a way that means you can understand what is happening. That means having an interpreter if necessary.
- » make sure that your views are taken into consideration
- » have decisions reached by agreement and collaboration
- » in the case of the child being from an ethnic community, to have a member of that community who is chosen by or agreed to by the child or his parents present.
- » in the case of an Aboriginal child, that the principles of self-management and self-determination are considered in the determination of the child's care and/or custody. And that Aboriginal people from the community to which the child belongs are involved in decision-making (or if such a person is not reasonably available, a person approved by an Aboriginal agency as suitable for that purpose be involved).

A copy of the Case Plan must be given to you within 14 days of it being completed. The report must contain all decisions made about the present and future care of the child.

## 9.2 Stability Plans

**Stability Plans** are part of case planning. A Stability Plan for a child plans for stable long-term **out of home care** for the child and may include details such as a proposed long-term carer for the child or any orders that DHS considers is best for the child's long-term stable care. A Stability Plan can only be prepared for a child who is in out of home care and must be prepared for every child who is in out of home care as a result of an **Interim Accommodation Order** or a **Protection Order**.

The time required for a Stability Plan to be completed depends on the age of the child. A Stability Plan must be completed as soon as a child who is under two years old (when the order is made) has been in out of home care for periods totalling 12 months. For children between two and seven (when the order is made), the Stability Plan must be completed as soon as the child has been in out of home care for periods totalling 18 months. For children who are seven or older (when the order is made), the Stability Plan must be completed as soon as the child has been in out of home care for at least two of the past three years.

A copy of any **Stability Plan** that is prepared must be provided to the child (if they are 12 or older) and the parents of the child within six weeks after it is prepared.

If you do not agree with what is in the Stability Plan, you can talk to the protective worker about it. If you are still unhappy, you can write to the Senior Regional Officer of DHS who has responsibility to hear reviews. Please refer to the section on 'List of Services' for contact details of DHS offices.

If you do this, a review meeting should be held as quickly as possible. You can take someone else with you to the meeting to support you and help explain what you are unhappy with and what you would like to see happen. Staff from DHS will also be present and they will be able to give their opinions on the situation for you or your child.

A decision in writing should be available within two weeks. The Senior Regional Officer must make a decision that is in the best interests of the child.

If you have tried to have the decision reviewed and you are still unhappy with the outcome, you can apply to the Victorian Civil and Administrative Tribunal (VCAT) within 28 days of the decision being made. You can contact the Guardianship List of VCAT on (03) 9628 9700.

# 10. Complaints and Appeals

You have the right to complain about how you have been treated by workers and lawyers. You also have the right to have a decision of DHS reviewed and to appeal against a court order.

## 10.1 How to complain about DHS

DHS has specific procedures for complaints. If you are unhappy with something a DHS worker has said or done, you can ask to speak to that worker's Team Leader. If you are still not satisfied, you can contact the Unit Manager, then the Child Protection Manager and then, as a last resort, the Regional Director. It will generally be helpful to get an independent advocate to do this for you.

If you feel DHS have not taken your complaint seriously or you are unhappy with the outcome, you can complain to the Victorian Ombudsman, at Level 22, 459 Collins Street, Melbourne 3000, or by telephone on 1800 806 314. The role of this Ombudsman is to investigate complaints about State Government departments. This is an act of last resort once you have tried all the DHS complaints procedures.

At the same time, if you have been through all the internal DHS processes and you still feel you are not being listened to, you also have the right to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a further and final review. VCAT can be contacted at 55 King Street, Melbourne, or by telephone on (03) 9628 9700.

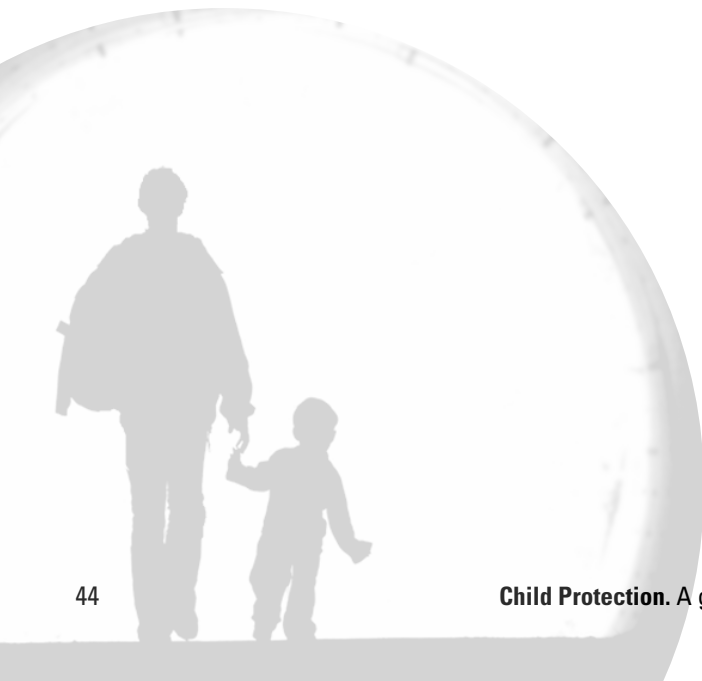
## 10.2 How to complain about your lawyer

If you feel your lawyer has not represented you fairly, you can complain to the Legal Services Commissioner, the Law Institute or the Bar Council.

For more information on how to complain about a lawyer you can telephone the Legal Services Commissioner on 1800 357 772 or write to Level 10, 461 Bourke Street, Melbourne 3000.

## 10.3 How to appeal against a court order

You have the right to disagree with an order that is made. The process for appealing a particular order is recorded under the information on that type of order in Chapter 8 on 'Orders'.



# 11. Commonly used terms

## Aboriginal agency

A registered community service that is managed by Aboriginal people and which carries on activities for the benefit of Aboriginal people and which is declared to be an Aboriginal agency.

## Aboriginal Child Placement Principle

If an Aboriginal child is to be placed in **out of home care**, in making that placement, regard must be had to the advice of the relevant Aboriginal agency and a number of principles, including: the priority to place the child within their Aboriginal extended family; the expressed wishes of the child and whether they identify as Aboriginal; whether the child's parents live apart; whether the child has both an Aboriginal and non-Aboriginal parent; and if the child is to be placed with a person not within an Aboriginal family or community, that arrangements are made to ensure the child has the opportunity to maintain contact with their Aboriginal family, community and culture.

## Access

Visit of or communication by a person to a child.

## Act [Act of Parliament]

Legislation. A law passed by Parliament and given Royal Assent.

## Adjourn

Postpone/put off the hearing of a case to a later time.

## Affidavit

A written statement made by a person who has sworn or affirmed before a person authorised to administer the oath or affirmation that the contents of the statement are true and correct.

## Appeal

A hearing in a higher court to determine whether or not a judgment of a lower court is correct.

## **Application by notice**

A **Protection Application** that is made by DHS and of which they give advance notice to the parent(s) of the child.

## **Application by apprehension/Application by safe custody**

A **Protection Application** made by DHS by taking a child into protective custody immediately without giving the child's parent(s) advance notice.

## **Apprehension**

The taking of a child into custody by either a police officer or a protective worker.

## **Attachment [bonding]**

The tie or bond of affection that develops between a child and the person or people who care for the child.

## **Bail justice**

A person appointed by the Attorney-General to make decisions out of court hours about whether a person charged with an offence should be remanded in custody or released on bail. Bail justices also make decisions relating to the short-term residential placement of children deemed to be at risk by DHS workers. Bail justices are employed in a voluntary capacity.

## **Best interests of the child**

A set of principles used by DHS, the courts and community services in making any decision in relation to a child.

## **Breach**

A failure by a person to comply with a court order.

## **Care [of a child]**

Daily care and control of a child, whether or not involving custody of the child.

## **Case plan**

A statement of all significant decisions relating to the present and future care and well-being of a child, including placement of and access to a child, made by DHS after the making of an order by the Children's Court Family Division in respect of the child. This includes any **Stability Plan** that is prepared for the child.

## **Child [Criminal Division]**

A person who at the time of alleged commission of an offence was under the age of eighteen but of or above the age of ten years, but does not include any person who is of or above the age of nineteen years when a proceeding for the offence is commenced in the court.

## **Child [Family Division]**

A person who is under the age of seventeen or, if a protection order, child protection order or interim order is in force in relation to him or her, is under the age of eighteen.

## **Child abuse**

The non-accidental misuse of power by adults over children involving an act or failure to act which has endangered or impaired, or is likely to endanger or impair, a child's physical or emotional health and development. Generally regarded as falling into four overlapping categories:

1. physical abuse;
2. sexual abuse;
3. emotional/psychological abuse;
4. neglect.

## **Child protection**

This term refers to the area of law dealing with the protection of children. It also refers to the branch of DHS which is responsible for investigating allegations that a child or young person is at risk of significant harm. This branch of DHS also provides supervision and/or services for children and young people considered or found to be in need of protection.

## **Children, Youth and Families Act (CYFA)**

The law that regulates the protection of children in Victoria.

## **Children's Court Clinic**

An independent body within the Department of Justice whose primary function is to make clinical [psychological and/or psychiatric] assessments of children and families and to submit reports to Victorian Children's Courts in both child protection and criminal cases.

## **Children's Court Clinic drug program**

A drug diversion program conducted by the Children's Court Clinic to provide clinical drug assessment and referral to drug treatment for a young person charged with a criminal offence.

## **Common law undertaking**

A promise made to the court. This is distinct from a Court Order, where a court rules on what must happen.

## **Community service**

A service operated or approved by DHS to meet the needs of children requiring protection, care or accommodation.

## **Conditions**

Obligations included in an order with which a parent, child, DHS and/or other person must comply.

## **Consent Orders**

Orders made by the court with the consent of all parties involved in a case.

## **Costs Order**

An order that a party [or occasionally another person] pay some or all of the legal costs of another party.

## **Contest (contested hearing)**

A court hearing in which parties and witnesses give evidence and may be cross-examined so that a Magistrate can make a decision about what orders (if any) are most appropriate.

## **Court Network**

An information, support and referral service for people attending court.

## **Cumulative harm**

Cumulative harm refers to the effects of patterns of circumstances and events in a child's life which diminish a child's sense of safety, stability and wellbeing.

## **Custody**

The right to have daily care and control of a child and the right and responsibility to make decisions concerning the daily care and control of a child.

## **Custody to Third Party Order**

A **Protection Order** which grants sole custody of a child to a person who is neither a parent nor the **Secretary** of DHS but does not affect the guardianship of the child.

## **Custody to Secretary Order**

A protection order which grants sole custody of a child to the Secretary of DHS but does not affect the guardianship of the child.

## **DHS [Department of Human Services]**

The Victorian Government Department responsible for, among other things, child protection and juvenile justice.

## **Directions Hearing**

A court hearing in the Family Division at which the presiding judicial officer sets dates for the case, ensures that the issues are clearly identified, that the witnesses the parties wish to call are available and that the estimated length of the time allocated for the contest is accurate.

## **Dispute Resolution Conference**

A mediation; A meeting of all the people involved in a child protection case in an attempt to resolve the disputed issues without the need for a formal court hearing. Formerly known as a **pre-hearing conference**.

## **Exceptional [in the context of 'exceptional circumstances']**

'Of the nature of, or forming an exception, unusual, out of the ordinary, special'.

## **Extension**

An order continuing the operation of an order.

## **Guardianship**

Responsibility for the long-term welfare of a child.

## **Guardianship to Secretary Order**

A **Protection Order** which grants custody and guardianship of a child to the Secretary of DHS to the exclusion of all other people.

## **Interim Accommodation Order**

A temporary order which controls where a child lives pending the final determination by the court of **Protection Application**.

## **Interim Protection Order**

A temporary order of up to three months' duration which the court may make upon finding a child to be in need of protection.

## **Intervention Order**

A court order which imposes prohibitions or restrictions on one person in order to regulate the conduct of that person towards another person.

## **Irreconcilable Differences Order**

An order may be made in relation to a child if the court finds that irreconcilable differences exist between the child and the person having custody of the child to such an extent that the care and control of the child are likely to be seriously disrupted.

## **Judgment**

The decision in a particular case and the reasons for which the judicial officer came to that decision.

## **Jurisdiction**

This is used in two senses:

1. the legal power which a particular court possesses, for example, power to hear and determine child protection applications;
2. the geographical area over which the court's legal power extends, for example, the state of Victoria.

## **Legal representation**

Representation of a person by a qualified legal representative (solicitor or barrister) in court proceedings.

## **Long-term Guardianship to Secretary Order**

An order that gives the sole custody and guardianship of a child to the **Secretary** of DHS.

## **Magistrate**

A judicial officer who hears cases in the Magistrates' Court [the lowest level court in Victoria] and/or in the Children's Court.

## **Mention**

A court hearing at which witnesses are generally not called and each party is given an opportunity to say in summary what should happen in the case. If the parties are not in complete agreement, the case is usually adjourned for mediation or a **contest**.

## Notice

An application served on a parent or child inviting them to come to court at a later date without the child having been taken into custody.

## Notification

A report of suspected child abuse made by a person to Child Protection, DHS. Certain professionals (including police, teachers and childcare workers) are obliged by law to report suspected child abuse. This is now called a **Protective Intervention Report**.

## Open court

Court proceedings which are open to the public.

## Out of home care

Care of a child by a person other than a parent of the child.

## Parent

Defined in very broad terms in the **Children, Youth and Families Act** as including:

- (a) the father or mother of the child;
- (b) the spouse of the father or mother of the child;
- (c) the domestic partner of the father or mother of the child;
- (d) a person who has custody of the child; or
- (e) a person registered as, acknowledged as or declared by a court to be the father of the child

## Permanent Care Order

An order which grants a person (other than a parent or the **Secretary** of DHS) custody and guardianship of a child. Similar to an adoption.

## Pre-hearing conference

A meeting by all the people involved in a child protection case to try and resolve the disputed issues without the need for a formal court hearing.

## Probability

A likelihood or chance of something happening.

## Protective intervener

A person entitled to file a **Protection Application** in the court in respect of a child whom they believe on reasonable grounds to be in need of protection.

## Protective Intervention Report

A report of suspected child abuse made by a person to Child Protection, DHS. Certain professionals (including police, teachers, and child care workers) are obliged by law to report suspected child abuse. This used to be called a **Notification**.

## Protection Application

An application made to the court for a finding that a child is in need of protection from actual or likely abuse.

## Protection Order

Any one of the eight types of court orders set out in s.275 (1) (a) of the **Children, Youth and Families Act** which the Children's Court may make upon finding a child to be in need of protection or upon finding that there are substantial and irreconcilable differences between the child and person who has custody of the child to such an extent that the care and control of the child are likely to be seriously disrupted.

## Registrar

Court administrator.

## Regulations

Legal rules made pursuant to an **Act** of Parliament.

## Report

A report of suspected child abuse made by a person to Child Protection (DHS)



## **Reunification**

Return of a child to the care of a parent.

## **Secretary**

The Secretary (Chief Executive Officer) of DHS.

## **Service**

Provision of an application or other document by one party to another party in a case.

## **Shared care**

Where the care of a child is shared between people in different households.

## **Stability plan**

A plan prepared by DHS which plans for stable, long-term, out of home care of a child.

## **Standing**

The right of a person who has a 'direct interest' in a child protection case to participate as a party in the hearing of the case.

## **Statutory declaration**

A statement in writing, other than an **affidavit**, which contains an acknowledgment by the person making it that it is true and correct and which is signed by the person making it in the presence of a person authorised to witness the signing of a statutory declaration.

## **Statutory intervention**

A case in which the Child Protection division of DHS issues a **protection application** in respect of a child.

## **Supervised Custody Order**

A **Protection Order** which grants sole or joint custody of a child to a person who is neither a parent nor the **Secretary** of DHS but does not affect the guardianship of the child. The order also gives DHS responsibility for the supervision of the order.

## **Supervision Order**

A **Protection Order** which gives the **Secretary** of DHS responsibility for the supervision of a child but does not affect the custody or guardianship of the child and which involves the child being placed in the day to day care of one or both of the child's parents.

## **Temporary Assessment Order**

An order that allows DHS to exercise certain powers so that an investigation and assessment can take place to see whether a child needs protection.

## **Therapeutic Treatment Board**

A board set up under the **Children, Youth and Families Act** to provide advice to DHS in relation to **Therapeutic Treatment Orders**.

## **Therapeutic Treatment Order**

An order that requires a child who is of or above the age of ten and under the age of fifteen years to attend therapeutic treatment if they have displayed sexually abusive behaviour.

## **Therapeutic Treatment (Placement) Order**

An order that requires a child that is on a **Therapeutic Treatment Order** to be placed in out of home care so that they can receive therapeutic treatment.

## **Undertaking**

A promise made to the court. May either be oral or in writing.



## **Undisclosed placement**

A temporary residence for a child whose address is not disclosed to the child's parents.

## **Variation**

An alteration (usually of conditions) of a court order.

## **Victorian Risk Framework**

A guide used by DHS to determine if a child is at risk or in need of protection.

## **Video-conferencing facility**

An audio-visual link between a courtroom and some other place (sometimes another court) which enables those taking part in a hearing to be in two different places.

## **Voluntary agreement**

An agreement you willingly enter into with DHS which usually refers to receiving some specific help or attending a program.

## **Voluntary intervention**

A case in which the Child Protection Division of DHS works voluntarily with a family without bringing the case to court.

## **Warrant**

An authorisation, usually issued by a judicial officer and directed to a person in authority. Often this is an authority to take a person into custody and bring the person before the court.



# List of services

## Victoria Legal Aid

- » Head Office Tel: 9269 0234  
350 Queen St,  
Melbourne Toll free: 1800 677 402

## Regional Offices

- » Bairnsdale,  
101A Main St Tel: 5153 1975
- » Ballarat,  
Area A, Level 1, 75 Victoria St Tel: 9329 6222
- » Bendigo, Tel: 5448 2333  
424 Hargraves St Toll free: 1800 254 500
- » Broadmeadows,  
Level 1, Building 2,  
Broadmeadows Station Centre,  
1100 Pascoe Vale Rd Tel: 9302 8777
- » Dandenong,  
1st Floor, 9-11 Pultney St Tel: 9784 5222
- » Frankston,  
cnr O'Grady Ave  
& Dandenong Rd Tel: 9784 5222
- » Geelong,  
Barwon Region Tel: 5226 5666  
Level 2, 199 Moorabool St 1800 196 200
- » Horsham,  
29 Darlot St Tel: 5381 6000
- » Morwell,  
cnr Chapel & Georges St Tel: 5134 8055
- » Preston,  
42 Mary St Tel: 9416 6444
- » Ringwood,  
23 Ringwood St Tel: 9259 5444
- » Shepparton,  
36-42 High St Tel: 5823 6200
- » Sunshine,  
1/474 Ballarat Rd Tel: 9300 5333

## Community Legal Centres

- » Aboriginal Family Violence Prevention and  
Legal Service  
Level 1, 210 Lonsdale St, Tel: 9654 3111  
Melbourne 3000 Toll free: 1800 105 303
- » Albury Wodonga Community Legal Service  
227 Lawrence St,  
Wodonga 3690 Tel: (02) 6056 8210
- » Barwon Community Legal Service  
73 Pakington St  
Geelong West 3218 Tel: 5221 4744
- » Brimbank Melton Community Legal Service  
822 Ballarat Rd, Tel: 9363 1811  
Deer Park 3023 Melton office: 9971 1800
- » Broadmeadows Community Legal Service  
180 Widford St,  
Broadmeadows 3047 Tel: 9302 3911
- » Casey Cardinia Community Legal Service  
42 Claredale Rd,  
Dandenong 3175 Tel: 9793 1993
- » Central Highlands Community Legal Centre  
34 Victoria St,  
Ballarat 3350 Tel: 5331 5999
- » Darebin Community Legal Centre  
265 High St,  
Northcote 3072 Tel: 9484 7753
- » Disability Discrimination Legal Service Inc  
Ross House, 247 Flinders Lane, Tel: 9654 8644  
Melbourne 3000 Toll free: 1300 882 872
- » Domestic Violence and Incest Resource Centre  
292 Wellington St,  
Collingwood 3066 Tel: 9486 9866
- » Eastern Community Legal Centre  
Inner East, Suite 3, Town Hall Hub,  
27 Bank St,  
Box Hill 3128 Tel: 9285 4822
- » Essendon Community Legal Centre  
13A Wingate Ave,  
Ascot Vale 3032 Tel: 93767929

- » Fitzroy Legal Service  
124 Johnston St,  
Fitzroy 3065 Tel: 9419 3744
- » Flemington and Kensington Community Legal Centre  
22 Bellair St,  
Flemington 3031 Tel: 9376 4355
- » Footscray Community Legal Centre  
220 Nicholson St,  
Footscray 3011 Tel: 9689 8444
- » Gippsland Community Legal Service  
162 Commercial Rd, Tel: 5133 0411  
Morwell 3840 Toll free: 1800 004 402
- » Loddon Campaspe Legal Service  
29 Queen St, Tel: 5444 4364  
Bendigo 3552 Toll free: 1800 639 121
- » Mental Health Legal Centre  
9th Floor, 10-16 Queen St Tel: 9629 4422  
Melbourne 3000 Toll free: 1800 882 545
- » Mildura Aboriginal Corporation Indigenous  
Family Violence Prevention Legal Service  
Toll free: 1800 882 545
- » Monash Oakleigh Legal Service  
60 Beddoe Ave,  
Clayton 3168 Tel: 9905 4336
- » Moreland Community Legal Centre Inc  
17 Sydney Rd,  
Coburg 3058 Tel: 9383 2588
- » Murray Mallee Community Legal Service  
122 Ninth St Tel: 5023 5966  
Mildura 3502 Toll free: 1800 243 002
- » North Melbourne Legal Service  
1st Floor, 504 Victoria St,  
North Melbourne 3051 Tel: 9328 1885
- » Outer East, Suite B, 6 Floriston Rd,  
Boronia 3155 Tel: 9762 6235
- » Outreach: 120 Madden Ave,  
Mildura Tel: 5022 1852
- » Peninsula Community Legal Centre  
BENTLEIGH  
82 Brady Rd,  
Bentleigh East 3165 Tel: 9570 8455
- » Peninsula Community Legal Centre  
CRANBOURNE  
Suite 12 33-39 High St  
Cranbourne 3977 Tel: 5995 3722
- » Peninsula Community Legal Centre  
FRANKSTON  
Chatsworth House,  
Suite 1-4, 431 Nepean Hwy  
Frankston 3199 Tel: 9783 3600
- » South Port Community Legal Service  
341 Coventry St  
South Melbourne 3205 Tel: 9690 9144
- » South West Community Legal Centre  
50 Fairy St, Tel: 5559 1055  
Warrnambool 3280 Toll free: 1300 361 680
- » Springvale Monash Legal Service Inc  
5 Osborne Ave,  
Springvale 3171 Tel: 9562 3144
- » St Kilda Legal Service Co-op Ltd  
161 Chapel St,  
St Kilda 3182 Tel: 9534 0777
- » Surfcoast Community Legal Service  
Torquay 3228 Tel: 0419 557 337
- » Villamanta Legal Service  
44 Bellarine St, Tel: 5229 2925  
Geelong 3220 Toll free: 1800 014 111
- » Western Suburbs Legal Service  
30 Hall St,  
Newport 3015 Tel: 9391 2244
- » West Heidelberg Community Legal Service  
21 Alamein Rd,  
West Heidelberg 3081 Tel: 9450 2002
- » Whittlesea Community Legal Service  
Shop 111 Epping Plaza,  
Epping 3076 Tel: 9401 6655
- » Women's Legal Service Victoria  
Level 3, 43 Hardware Lane,  
Melbourne 3000 Tel: 9642 0877

» Wyndham Legal Service  
Suite 10, 2-14 Station Pl,  
Werribee 3030 Tel: 9741 0198

» Youthlaw  
19 King St,  
Melbourne 3000 Tel: 9611 2412

## Department of Human Services

» Head Office  
50 Lonsdale St Tel: 9096 0000  
Melbourne 3000 Toll free: 1300 656 172

## Children's Court

» 477 Little Lonsdale Street,  
Melbourne 3000 Tel: 8601 6700

## Regional Offices

» Barwon-South Western Region  
State Government Offices  
2nd Floor, cnr Little Mallop & Fenwick Streets,  
Geelong 3220 Tel: 5226 4540

## Children's Court Clinic

» 477 Little Lonsdale Street,  
Melbourne 3000 Tel: 8601 6750

» Eastern Metro Region  
883 Whitehorse Road,  
Box Hill 3128 Toll free: 1300 360 452

## Victorian Aboriginal Child Care Agency Co-operative Limited

» Head Office  
139 Nicholson St  
East Brunswick 3057 Tel: 8388 1855

» Gippsland Region  
64 Church St  
Traralgon 3844 Tel: 5333 6669

» Gippsland  
126A Commercial Rd  
Morwell 3840 Tel: 5135 6055

» Grampians Region  
State Government Offices, cnr Mair &  
Doveton Streets,  
Ballarat 3350 Tel: 5333 6669

» Kurnai Hostel  
16 Hourigan Road,  
Morwell, Vic 3840 Tel: 5134 8774

» Hume Region  
43- 47 Rowan St  
Wangaratta 3677 Tel: 5722 0555

» Swan Hill  
14 - 18 McCallum St  
Swan Hill Tel: 5033 0564

» Loddon Mallee Region  
74- 78 Queen St  
Bendigo 3552 Tel: 5434 5555

» Northern Region  
145 Smith Street Toll free: 1300 360 408  
Fitzroy 3065 TTY: 9412 2647

» Southern Region  
122 Thomas St  
Dandenong 3175 Tel: 1300 555 526

» Western Region  
71 Moreland St (Cnr Napier St)  
Footscray 3011 Tel: 1300 360 462

**Women’s Domestic Violence Crisis Service of Victoria**

» Tel: 1800 015 188 (toll free)  
9373 0123

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**Yooralla (Community Services for People with Disabilities)**

» Tel: 1300 9667 2552  
Head office: 9650 2552

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**Kids’ Helpline**

» Free anonymous telephone advice  
Tel: 1800 551 800 (toll free)

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For any questions relating to drug and alcohol counselling, parenting classes, counselling services, mental & community health, please contact the local office of the Department of Human Services.







**Western Suburbs Legal Service Inc**

Registered No A6884 ABN 49 241 011 943

30 Hall Street, Newport VIC 3015

Phone: (03) 9391 2244

Fax: (03) 9399 1686

Email: [wsls@vicnet.net.au](mailto:wsls@vicnet.net.au)

Web: [www.communitylaw.org.au/westernsuburbs/](http://www.communitylaw.org.au/westernsuburbs/)