

Child protection and the Childrens Court



Why is Child Safety Services involved with my family?

Child Safety Services becomes involved with your family if they are concerned about your safety or whether someone is looking after you properly.

Child Safety is part of a government department called the Department of Communities. You may have heard it called another name like 'DOCS', 'the department' or 'child safety'.

If Child Safety is involved in your life, you might still live at home, or with a carer, or in care.

Why is the Childrens Court involved with my family?

The law says children and young people need to be safe where they live. If Child Safety is concerned about your safety and wellbeing, they can ask the Childrens Court to make an order (decision) for them to check out your situation, or for you to be placed in care.

Going to court doesn't mean anyone is in trouble. The court's role is to hear the facts about your situation and then make a decision about how to take care of you and keep you safe. Because the decision affects you, you can have a say about it (if you want to).

What is child protection law about?

Child protection law aims to:

- Make sure you are safe from 'harm' – harm can mean your body being hurt, or your feelings being hurt, or that you are not being looked after properly.
- Find out whether your parents can take care of you and keep you safe from harm.
- Make sure that if you are in care, Child Safety has a case plan for you that is about the things you need. Your case plan explains how Child Safety, your parents, and other important adults in your life will take care of you and keep you safe. A case plan usually explains things like who you live with, where you will go to school, and how you will spend time with your family.
- Work out whether the order Child Safety has asked the court to make is the best order to make sure you are safe.

What helps the court make the decision about you?

The court will make its decision by looking at:

- Information it receives from **Child Safety** about your family. This might include information from the police, your school, and doctors. Child Safety will tell the magistrate whether everyone has been working on your case plan, and if it helped to make things better and keep you safe. Your Child Safety Officer (CSO) will put all their information into an 'affidavit'. The affidavit is like a letter written to the court, where the person writing it promises the information in it is true.
- Information from your **parents** about what has happened in the past and what they are doing to make sure you are safe in the future.
- If you are Aboriginal or Torres Strait Islander, Child Safety and the court are required to seek cultural advice from the **Recognised Entity** about your connection to your family, culture and community.
- Information from the **separate representative** about you and your family. This should include information from you, your parents, and other important adults in your life. The separate representative might also ask someone like a social worker to write a report for the court that explains your family situation. The **report writer** will usually spend time with you, your parents and other important people in your life. In their report, the report writer will make recommendations about what should happen to look after you and keep you safe. This report will be given to your separate representative and the Childrens Court.
- Information about what **you** think (your views and wishes). The court might get this information from Child Safety, your parents, your separate representative, or your direct representative. The court might also get the information directly from you, if that's what you want to do.



This resource has been developed as part of the Childrens Court Participation Project. It is intended to be used with children and young people aged 10 to 17 years by child safety officers, lawyers and youth workers.