

How will a separate representative help my child in their protection matter?

A separate representative's role explained

A separate representative acts in your child's best interests and will ensure their views and wishes are considered by the court during legal proceedings.

What is a separate representative?

A separate representative is a lawyer appointed to represent your child before the Childrens Court when it is deciding if a child protection order should be made.

How is a separate representative appointed?

A separate representative can be appointed by the court during child protection proceedings if the magistrate considers it important in protecting your child's best interests. If this is the case, the Childrens Court will ask Legal Aid Queensland to appoint a lawyer to be the separate representative.

How will I be involved with the separate representative?

It is important the separate representative remains independent from the people involved in the case.

If you have your own lawyer, the separate representative will communicate with you through them. It is important you do not contact the separate representative yourself. If you do not have a lawyer, the separate representative will contact you either in person, by phone or in writing.

How will the separate representative recognise my child's best interests?

The separate representative is responsible for representing your child's best interests. They may gather information about the case by:

- reading the information given to the court by you, the Department of Child Safety, Youth and Women (Child Safety) and the Director of Child Protection Litigation (DCPL)
- meeting your child in person
- requesting a social assessment report
- speaking to teachers, guidance officers or other people who have spent a significant amount of time with your child
- requesting reports from other professionals such as social workers, psychologists or psychiatrists.



What is a social assessment report?

A social assessment report is used to help the court understand your family situation and your child's views, wishes and emotional attachments.

A social worker or another professional, such as a psychologist or a psychiatrist, will write the social assessment report. The separate representative will ask you to take part in an interview to help the report writer collect the information they need.

What will happen before a hearing?

Before a hearing takes place, the Childrens Court will ask you to attend a court-ordered conference with representatives from the DCPL and Child Safety. The conference aims to decide which issues affecting your child are in dispute and tries to resolve them. A chairperson and the separate representative will also attend.

Family group meetings will also be held to ensure there is a case plan in place for your child before the magistrate makes their final decision about whether a child protection order should be made.

A case plan covers the arrangements that will be in place to meet your child's care and protection needs while they are in out-of-home care, or subject to a child protection order in your care. If your child is in out-of-home care, the case plan will contain information about what changes must be made before your child can return home, or if your child is at home, what changes need to be made for the child protection order to be revoked. It also deals with things like what contact you will have with your child, how your child's cultural needs will be supported, and how your child's education and other needs will be met.

Child Safety organises the family group meeting and involves you (the child's parents), other family members, the separate representative and anyone else who might make a useful

contribution to preparing a case plan, such as support workers, counsellors, teachers, and if appropriate, an independent person or independent entity.

What happens in court?

The separate representative will present evidence to the court about your child's views and wishes.

They will ask relevant witnesses—such as representatives from Child Safety, the report writer, you (the child's parents) and other professionals involved in your child's life—questions to 'test' the evidence before the court about what is in your child's best interests. This means your child's views and wishes may not always be followed.

Any information for the court proceedings will be included in reports and affidavits presented to the magistrate. If your child wants to give evidence in court they may be able to do so if the court gives them permission beforehand.

Your child can give evidence in court if they:

- are 12 years or older and
- are represented by a lawyer and
- agree to give evidence.

When the magistrate makes their final decision about whether a child protection order should be made, the separate representative may explain the outcome and next steps to your child.

Do you need extra help accessing our services?



If you would like this factsheet explained in your language, please phone the Translating and Interpreting Service on 13 14 50 to speak to an interpreter. Ask them to connect you to Legal Aid Queensland. If you are deaf or have a hearing or speech impairment you can contact us using the National Relay Service. To make a call, go to the National Relay Service Website and ask for 1300 65 11 88 (Legal Aid Queensland's legal information line). These are free services.

Your Local Legal Aid Queensland office:

BRISBANE

44 Herschel St, 4000

BUNDABERG

3rd Floor, WIN Tower,
Cnr Quay & Barolin Sts, 4670

CABOOLTURE

Ground Floor, Kingsgate
42 King St, 4510

CAIRNS

Level 2, Cairns Square Complex,
42-52 Abbott St, 4870

INALA

Level 1, Inala Commonwealth
Offices, 20 Wirraway Pde, 4077

IPSWICH

Level 7, 117 Brisbane St, 4305

MACKAY

Ground Floor,
17 Brisbane St, 4740

MAROOCHYDORE

Ground Floor, M1 Building
1 Duporth Ave, 4558

MOUNT ISA

6 Miles St, 4825

ROCKHAMPTON

Ground Floor, 35 Fitzroy St, 4700

SOUTHPORT

Level 2, 7 Bay St, 4215

TOOWOOMBA

1st Floor, 154 Hume St, 4350

TOWNSVILLE

3rd Floor, Northtown
280 Flinders St, 4810

WOODRIDGE

1st Floor, Woodridge Place,
Cnr Ewing Rd & Carmody St, 4114

For more information
about our services visit
legalaid.qld.gov.au

or phone 1300 65 11 88
or 1300 650 143 (Indigenous Hotline)

