

Having your say in the Childrens Court

For young people in care

How can I tell the Childrens Court what I think?

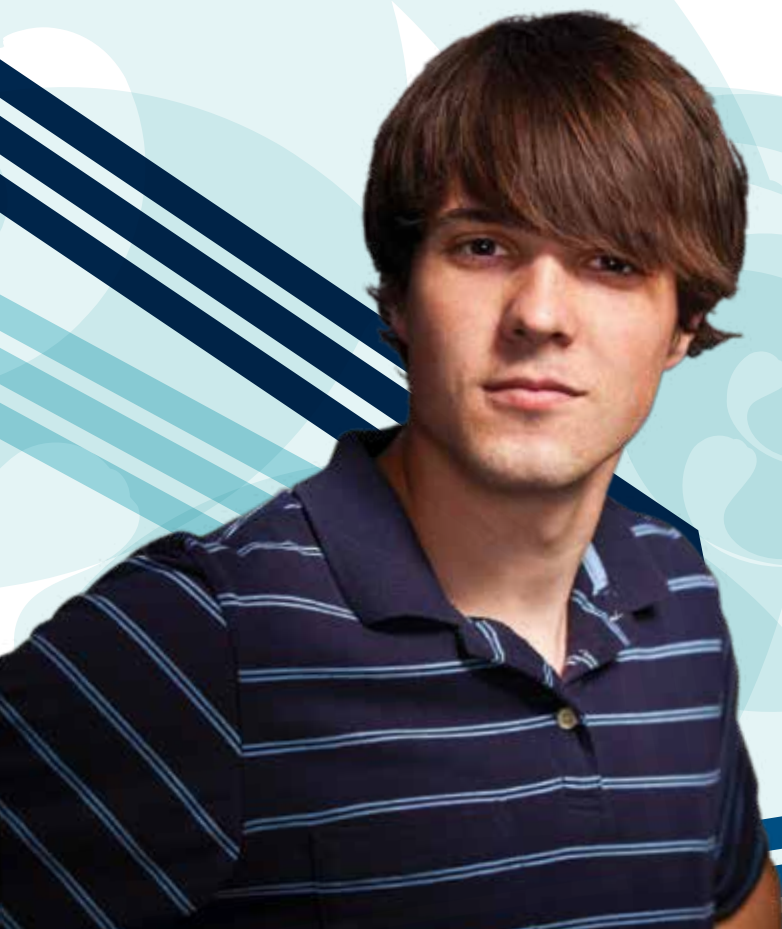
The law says children and young people need to be safe where they live. If Child Safety is concerned about your safety and wellbeing, a representative from Child Safety or the Director of Child Protection Litigation (DCPL) can ask the Childrens Court to make an order (decision) for them to check out your situation, or for you to be placed in care. The court will take into account your views and wishes — as well as other information — when making its decision. If you have any questions about what the court will consider when making its decision, you should talk to your child safety officer (CSO) or a lawyer. There are lots of different ways that you can make sure your views and wishes are given to the Childrens Court.

Child safety officer

Your child safety officer (CSO) writes information for the court about your views and wishes. If you feel comfortable talking to your CSO, you can let them know your views and wishes and they can tell the court. You can ask your CSO to show you what they have written down for the court, before they share it with anyone else, and add in anything else you want to say. You can also ask your CSO to change something they have written down for the court, if you think it is wrong or if you decide you don't want that information to be shared. It is OK if you do not want to share your views and wishes.

Separate representative

A separate representative is a lawyer appointed by the court to act in your best interests. If you want to, you can tell your separate representative your views and wishes about your situation so that they can tell this to the court. But, the separate representative must also tell the court what they think is best for you. Sometimes, what you want and what is best for you might not be the same thing. You can ask your separate representative to tell you what they plan to say in court. If you aren't sure how to get in touch with your separate representative, your CSO or Legal Aid Queensland (LAQ) can help you to contact them.



Social assessment report

Your separate representative may decide to have a report called a social assessment report prepared. A social assessment report includes information about your family's history, living situation and your views and wishes (if you want to share those). If your separate representative has asked you to meet with a report writer, you can tell the report writer what you think. You could also ask the report writer to tell you or show you what they have written about your views and wishes. A copy of the social assessment will be given to the court, lawyers involved in the case and other people, including your parents and your CSO.

Direct representative

You may decide you want to have a lawyer who will give the court information about what you want and argue for your point of view. This lawyer is called a direct representative. You might want a direct representative if you strongly disagree with what Child Safety or your parents are asking to do. You might also want a direct representative if you don't feel comfortable with your CSO or separate representative telling the court your views and wishes. You can ask your CSO or your separate representative to help you contact a direct representative, or you can contact LAQ for help.

Child advocate

A child advocate-legal officer is a lawyer from the Office of the Public Guardian (OPG) who can help you to express your views and wishes to the court, Child Safety, the DCPL and any other agencies. They are independent from everyone else involved in court. The child advocate can stand up for your views and wishes at court, and help you participate in the court proceedings by going to court with you, helping you to meet with the magistrate in private, or going on your behalf to express your views and wishes so you don't have to go. The child advocate can also help you contact a direct representative if you want legal advice or a direct representative to represent you. You can ask your CSO, your separate representative or your community visitor to help you contact a child advocate.

Independent entity or person

If you are Aboriginal or Torres Strait Islander, you can ask for someone of significance to you or your family, and who is able to speak about your culture, to support you and provide information about your culture to the court. Each person in your family can have their own independent person to support them, or the same independent person can support more than one person in the family. The information the independent person gives to Child Safety, the DCPL and the court can help to make sure you have a connection to your family, culture and community.



Telling the court yourself

Your ideas and feelings are a really important part of any decision the court makes about you. You may want to tell the court your views and wishes in your own words. You could write a letter to help the court understand you better. Or you might want to go to court and speak with the magistrate. If you decide to go to court, you should ask for information about what court is like and what will be happening.

What can I tell the court?

- What you think about the order the DCPL and/or Child Safety are asking for
- Who you want to live with and why, eg your mum, dad, another family member or someone else
- Who you think should be making decisions about you, eg your mum or dad, a carer, Child Safety or someone else
- Are you happy with how much contact you are having with your parents? Do you want more? Do you want less?
- Are you happy with how much contact you are having with your brothers and sisters, other family members and/or other important people in your life?
- Is there anything else you are not happy about or wished would be different?

Who gets to find out what I say?

You do not have to share your views and wishes or other information if you do not want to. If you do share information, it is important that you know it will not only be shared with the magistrate. It will usually be given to everyone who is involved in the proceeding — like your parents, the DCPL and other lawyers involved in the case. If you have concerns about your views and wishes or any other information being shared, you should tell your CSO, if you feel comfortable. You could also:

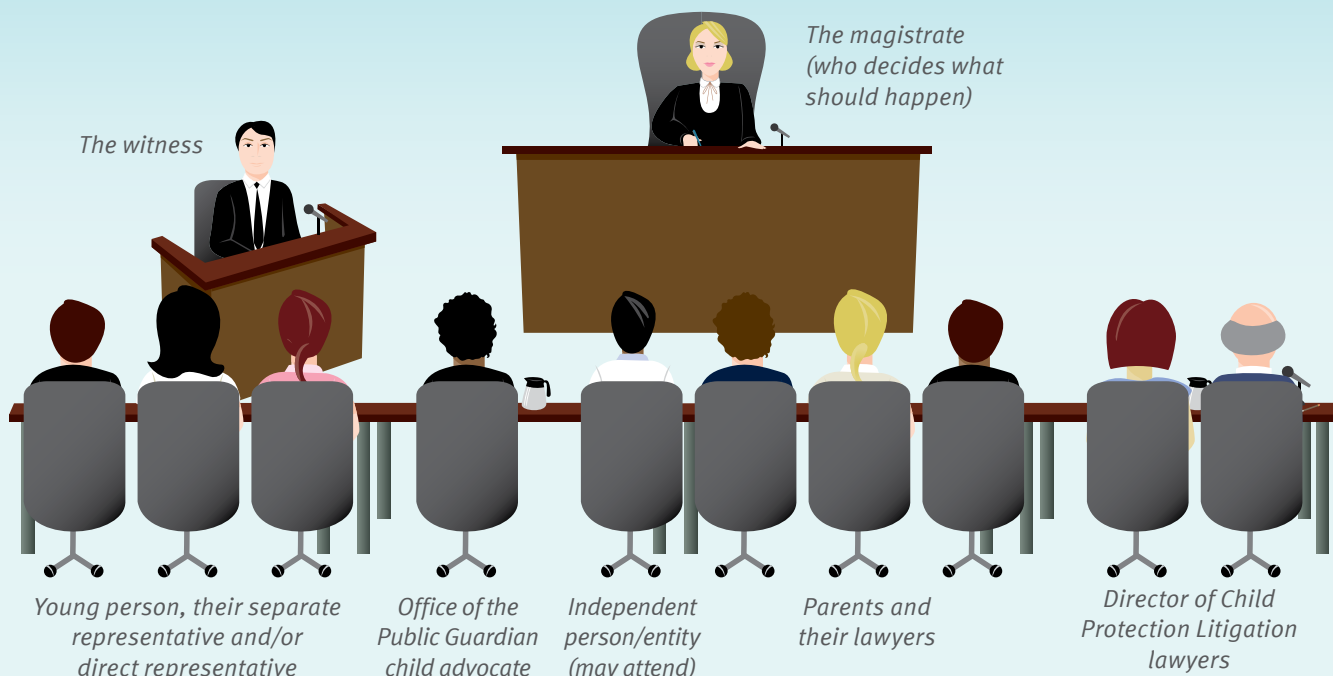
- talk to your separate representative
- contact a child advocate
- ask your CSO to help you contact a direct representative or contact LAQ.

These people can help you work out a plan to address your worries.

Worried about going to court?

Your participation in court needs to happen in a way that is appropriate for your age and takes care of you. If you feel unsure or worried about going to court, or who else will be there, or how your information might be used, you should talk to someone about it before you go. For help with this, or anything else to do with having a say in court, you can ask your CSO or contact LAQ on 1300 65 11 88.

Who will I see at court?



Questions to ask before going to court

- How long will I have to be at court?
- What sort of decisions will the court make when I go — for instance, will the court make a final order (decision)?
- Who else will be in the courtroom when I am in there?
- If I have worries about my safety at court, how can these be dealt with?
- Will what I say to the magistrate be recorded and shared with other people involved in my case?
- How will I get to court and get home afterwards?
- Can someone I trust be there to support me at court and afterwards?

You can choose anyone to support you at court. It might be your CSO, a friend, or a carer – someone who you're comfortable with.

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.

This resource is intended to be used with children and young people aged 10 to 17 years by child safety officers, lawyers and youth workers.



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 our Indigenous Hotline
on 1300 650 143.

