

# Child protection and the Childrens Court

## Why is Child Safety involved with my family?

Child Safety 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 Families, Seniors, Disability Services and Child Safety. 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 another family member, or in care.

The Office of the Child and Family Official Solicitor is part of Child Safety. You may have heard it called "OCFOS". OCFOS are lawyers who provide legal advice to Child Safety staff and help them to work out what they can legally do to keep you safe. An OCFOS legal officer will go to court for Child Safety if they want the court to make an assessment order or a temporary custody order.

## Why is the Director of Child Protection Litigation involved with my family?

If after talking to you and members of your family, and collecting information about your family situation Child Safety thinks you are not safe at home, they will want to ask the court to make a child protection order.

To do this, Child Safety talks to and works with lawyers at the Director of Child Protection Litigation. You may have heard it

called the "DCPL". The DCPL is an independent agency that handles child protection legal matters, which is part of another government department (separate to Child Safety) called the Department of Justice.

The DCPL reads the information received from Child Safety and works with them to decide whether to apply to the Childrens Court for a child protection order, and the type of order.

## Why is the Childrens Court involved with my family?

The law says children and young people need to be safe where they live. If there are worries (concerns) about your safety and wellbeing, an OCFOS legal officer from Child Safety or the DCPL can ask the Childrens Court to make an order (decision) to allow your situation to be checked out 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. Case plans are made at a meeting called a family group meeting. Your case plan will be reviewed at a meeting called a case plan review meeting.
- Work out whether the order Child Safety or the DCPL 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 and/or the DCPL about your family. This might include information from the police, your school and doctors. The court will be told 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, the DCPL and the court are required to seek cultural advice from an independent entity or independent person 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 is called a social assessment report and will be given to your separate representative, the court, your parents, Child Safety, the DCPL and other lawyers involved in the case.
- Information about what you think (your views and wishes). The court might get this information from Child Safety, your parents, your separate representative, a child advocate or your direct representative. The court might also get the information directly from you, if that’s what you want to do.



## What orders can the court make?

A child protection order is made by the Childrens Court if it believes you are in need of protection (not safe). This means the magistrate agrees you have been harmed or that there is a high risk you will be harmed (this is called unacceptable risk). Usually, the magistrate will make a child protection order if they think:

- you are not safe at home
- your parents are not 'able' and 'willing' to take care of you and keep you safe in their care.

'Able' and 'willing' are legal words that your lawyer or your CSO can explain to you.

There are different types of child protection orders, depending on a family's situation. These include:

- **Assessment order** — this allows Child Safety to collect information about whether you are in need of protection. You will usually live in care while this happens. An assessment order called a Temporary Assessment Order usually lasts for three days. You may have heard it called a TAO. An assessment order called a Court Assessment Order usually lasts for 28 days. You may have heard it called a CAO.
- **Directive order** — this tells a parent to do something or not to do something to care for you and keep you safe. For example they might not be able to see you or only see you if someone else is there. It can last for up to one year.
- **Supervision order** — this requires Child Safety to work with your parents to supervise your care to keep you safe.
- **Custody order** — this requires you to live in care with a person approved by Child Safety (such as a foster carer or family member). Custody means the person who is granted custody is responsible for looking after your daily needs. For example, looking after you each day, providing food and clothes, and taking you to see the doctor when needed.
- **Guardianship order** — this requires you to live in care with a person approved by Child Safety (such as a foster carer or family member) or another person Child Safety and the court think is suitable. Child Safety or another person Child Safety and the court think is suitable will be

responsible for long-term decisions about you. For example, where you go to school. If Child Safety has guardianship of you, it also has custody, so they will make decisions for you.

A child protection order can be:

- **temporary** — lasting up to three days or 28 days
- **short** — lasting up to two years
- **long** — lasting until the child turns 18.

## Do you need extra help accessing our services?



We are committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. To have this publication 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 on 1800 998 980.

If you are deaf or have a hearing or speech impairment you can contact us using the National Relay Service. Visit [www.accesshub.gov.au](http://www.accesshub.gov.au) and ask for 1800 998 980. 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

Level 4, Northern Securities  
Building, 22 Walker St, 4810

### WOODRIDGE

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

For more information  
about our services visit  
[legalaid.qld.gov.au](http://legalaid.qld.gov.au)

or phone **1300 65 11 88** or **1300 650 143**  
(Aboriginal and Torres Strait Islander Information Line)



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