

Supervision of children

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

A court may require a child to be supervised when the child is with their parent or guardian.

What is supervision?

Supervision is when a court wants a responsible person to be around when a parent or guardian spends time with their child.

Why does a Court order for a child to be supervised?

There may be a number of reasons a court requires supervision. Some reasons may include:

- The child has not seen the parent for a time and the court thinks that some gradual reintroduction will help the child
- Someone has claimed that the child is afraid of the parent
- The child may have asked to have someone else present
- The Court is concerned about the safety of the child in the parent's care.

Does a child supervisor get paid?

The role is not a paid position and you will need to cover your own expenses including travel costs.

What does a supervisor have to do?

As a supervisor you need to make sure the child is safe during their time with the parent. This means you must stay with the child the whole time. You should be able to always see them, remain within earshot and make sure they know where you are in case they need to talk to you.

If the parent acts in a way which may harm, frighten or upset the child, you will need to step in and stop the behaviour or remove the child from the situation.

At no time can you leave the parent and child alone or leave the visit to return later.

What if a supervisor sees something go wrong?

If you become concerned that the child is really not safe with the parent during the visit, or the child is so distressed by the visits that time together is not in their interests, you should make this known to the Court or the Independent Children's Lawyer (who may have been appointed by the court to represent the child). You may have to refuse further supervision. As a supervisor, you cannot stand by and see the child come to harm.

What should I consider before I agree to be a supervisor?

Do I support time together?

If you personally do not agree with this parent having time with this child, you shouldn't agree to a supervision role. It may do harm to your relationship with both parents and with the child. It may be better to say No.

Can I commit to this role?

Agreeing to supervise time together is a significant commitment of your time, so be realistic about whether you are willing and available to take it on. If not, it is better for another person to supervise all the way through, rather than having to change supervisors after a few weeks.

Supervision is a regular commitment of several hours at a time. It is usually once or twice a fortnight, but sometimes can be as frequent as every few days. If the parent is employed, time together may be in the evening or on a weekend and can continue for a few months.

Am I prepared to say 'NO' to the parent?

The Court will be relying on you to make this time safe for the child. This may mean that you have to step in and stop the parent from doing something which is dangerous or distressing to the child. Saying 'No' can be difficult to do but will be essential in keeping the child safe.

Am I scared of the parent?

If you are afraid of the parent or do not feel able to stand up to them, you may not be an effective supervisor.

Am I willing to be a witness in court?

Supervisors can be asked to report to the court on how time together is going and can be called to give evidence at trial. You may be asked to sign a document (called an undertaking) agreeing to do this.

This may mean you will have to testify against your family member or close friend, if time together has not gone well. This can put a great strain on relationships.

Is there anything else to consider?

Your role is important but try to be as unobtrusive as possible. Both the parent and the child are likely to be very emotional and may be out of practice at relating together. With patience, the parent and child may be able to work things out in their own way.

Remember that supervised time has not been arranged for the child to see you, but for them to see the parent. Although you yourself may be keen to develop your relationship with the child, supervision is not really the opportunity for you to do this. Stay in the background unless there is something which calls for your intervention.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.