

Child Safety – court orders explained

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 can make a range of different orders to keep a child safe.

Who can explain things to me?

There are lots of things that can happen when Child Safety is worried that a kid is not safe. A lawyer can help you understand what things mean. A Child Safety worker will discuss things with their management and within a court advisory group and will take directions from them. You can also ask Child Safety workers to explain what is going on.

You can also talk to the Child Advocate to discuss what is happening with your kid. Their details are:

Phone: 1800 549 725

Email: child.advocate@communities.tas.gov.au

Website: <https://www.decyp.tas.gov.au/children/out-of-home-care-in-tasmania/child-advocate/>

What is a Family Group Conference?

A family group conference is a meeting to talk about keeping a kid safe. A person called a Facilitator will organise the time and place for the family group conference. They will be there too. Their job is to make sure everyone has their turn to say what they want to say.

What is a 5 Day Order or short-term custody?

Child Safety may ask a court to take a kid to live somewhere else for 5 days. Child Safety will do this if they think they need to do this to work out what is best for the kid. Child Safety workers will work out what is best to keep the kid safe in those 5 days and will either return the kid to their home or ask a court for an Initial Assessment Order.

What is an Initial Assessment Order?

Child Safety may ask a court for an Initial Assessment Order to allow them time to investigate the matter further. An Initial Assessment Order allows Child Safety time to work out what needs to happen to make the kid safe. An Initial Assessment Order means that Child Safety workers can find another house for the kid to live in while everything is being worked out.

How long can an Assessment Order last?

An Assessment Order goes for 4 weeks. It can be extended for up to another 4 weeks (or 8 weeks if a Family Group Conference is going to be held).

Can I see my child when an Assessment Order is in place?

Child Safety workers will work out with the family if they can see the kid while the Assessment Order is in place.

What is a Care and Protection Order?

Child Safety may ask a court to make a Care and Protection Order. This usually goes for 12 months so that the family have time to make changes so the kid can return home. During this time the kid lives in another house. Sometimes a court can say it's okay for the kid to live at another family member's house. Sometimes the Order will tell you to do certain things, or to stop doing certain things.

What kind of orders can be made?

- i. Supervision – this means that a kid remains living in their house but with visits from Child Safety works and other professionals.
- ii. Custody – this means that a kid lives in a new home but that the family or guardian continue to make big decisions about the kid's life, such as where they go to school
- iii. Guardianship – this is when the kid lives in a new home and other people make big life decisions about the kid's life.

You should talk to a lawyer if you do not understand what a Care and Protection Order means.

Can a Care and Protection Order be extended?

Yes, a Care and Protection Order may be extended. Sometimes Child Safety may apply for a Care and Protection Order to be extended for another year or longer. If Child Safety believe that at the end of an Order that the kid is safe, then and the Order will be over. Sometimes Child Safety ask a court to make a new Care and Protection Order that will last until the kid is 18 years of age.

Once the order is running what happens then?

A Child Safety worker will visit the kid regularly. If you are worried about what is happening, there are some different places you can go to get some help. You could talk to Child Safety workers; you could also talk to the Commissioner for Children. A lawyer can help you work out who is best to talk to and what to say.

A lawyer can also talk to you if you want to ask a court to change the Order or ask that it end early.

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.