

Information for families dealing with Child Safety

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.

Child Safety is part of the government who are ordered by the law to make sure kids are safe.

Why is Child Safety getting involved with my family?

Child Safety workers will get involved with a family if they have received reports or concern about a kid. If Child Safety are not sure whether a kid is safe it is their job to know more about what is going on.

When does Child Safety think that a kid is not safe?

The law talks about whether a kid is at risk at being hurt.

There is risk if:

- The kid does not attend school regularly without a good reason
- The family can't look after the kid properly
- The family don't properly supervise and control the kid
- The family don't prevent a kid from suffering abuse or neglect
- The kid has been or is likely to be abused or neglected in their home. This includes psychological harm, emotional injury or neglect, physical injury or neglect, or sexual abuse
- Someone who lives with or often sees the kid is likely to or has threatened to kill, abuse or neglect the kid or another kid.

Child Safety will think about all the risks that might make a kid unsafe.

Why is Child Safety taking me to court?

If Child Safety thinks that your kid is at risk of harm and a court order is needed to keep them safe, Child Safety can start a court case.

Once a court case is started a magistrate decides what will happen with the care of your kid.

How can I find out about a court date for my kid?

If you have been told by Child Safety that you have a court hearing, check the document they have given you for the court date and location.

If you do not have this document and do not know the Child Safety worker's contact details, contact the Magistrate's Court. State your kid's name as any court applications or orders will be filed under this name.

Do I have to go to court?

If you do not go to court, decisions about your kid can be made without the court hearing what you think.

You will get paperwork that will tell you what time to be at court. It is best to get there early so you can talk to your lawyer beforehand. Court can take several hours.

Bring paperwork with you in case you need to remember important dates or details. The court won't be able to read your papers, but you can tell the court important information.

If you need an interpreter for the court case, tell the Child Safety worker or your lawyer and they will arrange one for free.

Do I need a lawyer?

It is strongly recommended to get a lawyer. Court cases can be complex and Child Safety workers will have a lawyer, so it may help you to have a lawyer too.

How can I tell the court my story?

You can file an affidavit with the court to have your say, and whether you agree or disagree with what Child Safety is saying. A lawyer can help you do this.

How should I prepare for my court hearing?

Bring documents that are relevant to the case so you can share them with your lawyer. Relevant documents include:

- letters that Child Safety have given you
- any notes you have made about your contact with Child Safety
- any documents that show things you have been doing to address the concerns Child Safety has, such as letters from a counsellor or drug screen results
- any other court orders you have, such as family law orders or intervention orders.

It is important that you are prepared to tell your lawyer all the information they need. Any information you give your lawyer is confidential and your lawyer will not tell anyone else without your permission.

What will happen when my case is heard at court?

The lawyer for Child Safety will tell the magistrate why they think your kid needs protection and what they think should happen to keep your kid safe.

The magistrate will take what the Child Safety lawyer says very seriously but will also listen to what lawyers for parents and kids have to say and what they think should happen. If you don't have a lawyer, you can speak directly to the magistrate. You should call the magistrate 'Your Honour'.

The magistrate will then decide what will happen, including where your kid will live and any rules about their care and who they can see.

Usually, the court case will not finish on the first day and will be adjourned (put off) to another date which could be several days or weeks away. Make sure you note down when the next court date is. Talk to your lawyer about what you can do to be ready for the next hearing.

Do I have to do what Child Safety is asking me?

You need to do what Child Safety says if it is written in a court order. The conditions in an order are like rules and may include things like accepting visits from Child Safety, doing drug tests, or not seeing certain people.

You must follow all the rules in an order as this will be reported to the magistrate at each court hearing. If you do not follow them Child Safety may take you to court again for breaking the order. The magistrate will take this very seriously and it may harm your court case.

Speak to your lawyer if:

- you think the conditions on your order are unreasonable or very hard to follow
- you have a court order and Child Safety says you need to do other things not written in the order.

If my kid is not in my care, can I see them?

If your kid is removed from your care the magistrate will decide what contact you can have with them. Child Safety will oversee arranging contact so stay in contact with them.

Talk to your lawyer about how you would like contact to happen and how this can be done safely.

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.