# Child Protection involvement with your family – what can you do?

This fact sheet answers some common questions about what happens when the Department of Families, Fairness and Housing (DFFH) Child Protection get involved with a family, what you can do and where to get help.

## Why is Child Protection contacting me?

If Child Protection has contacted you about your child it means they have received a report from someone who is worried your child is being harmed or neglected, or is at risk of being harmed or neglected. Neglect means a child is not receiving the care they need to keep them safe and healthy.

Under the law, Child Protection cannot tell you who has contacted them about your child.

Child Protection will decide if they need to investigate the report to find out if your child is at risk.

When they are investigating, a Child Protection worker may speak to you, your child, and other people who know your child (such as a teacher). Child Protection does not need your permission to speak to your child or anyone else.

Child Protection need to complete their investigation within 28 days of the report and tell you the outcome of the investigation.

## Do I have a say in Child Protection decisions about my family and children?

Yes. The law says that parents should be assisted and supported in reaching decisions to support their child’s safety and wellbeing. It also says that:

* the decision-making process should be fair and transparent (clear).
* the views of each person who is directly involved should be taken into account.
* decisions are to be reached by collaboration (together) where possible.
* the child and family members should be given the opportunity to participate in decision-making (unless this would harm the child).

The law that sets out how Child Protection works in Victoria is called the *Children, Youth and Families Act*. If you want to read more you can find it at this website [www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/125](http://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/125).

## Do I have to work with Child Protection?

It is important to speak with Child Protection so you can understand what their concerns are, share your views, and get help if needed to make sure your child is safe.

If you think what Child Protection is asking you to do is reasonable, you may choose to do these things. Often issues can be resolved by families and Child Protection working together.

You do not have to do what Child Protection ask you if there is no court order relating to your care of or contact with your children.

However, if you do not do what Child Protection ask and they are still worried about your child, they may start a court case called a protection application. Child Protection usually needs to decide within 90 days of the initial report whether they will make a protection application. Sometimes this time can be extended. If this happens, ask the Child Protection worker the reasons for this extension.

Once a court case is started it is a magistrate (like a judge) who decides what will happen with the care of your child.

You need to do what Child Protection says if it is written in a court order. This could be a child protection order, or another order such as a family violence intervention order or a bail order.

The rules in an order (called conditions) may include things like accepting visits from Child Protection, doing drug tests, or not seeing certain people.

## Child Protection is asking me to sign an agreement, what should I do?

Child Protection can ask you to sign a Voluntary agreement or a Child care agreement.

It is your choice if you want to sign this agreement. You do not have to sign and this is not a court order. You can ask Child Protection for time to think about what they are asking you to sign and get help from a lawyer about what you can do (see Where to get help on page 3).

If you do sign an agreement, make sure it has an end date on it. Ask the child protection worker for a copy of the agreement you have signed.

## Can Child Protection remove my children from my care?

Child Protection can remove your children from your care either with your written agreement or by making an application to the Children’s Court. This is called a Protection application by emergency care. If this happens, you will have a court hearing very soon, usually the next week day. The court date and location will be on the document that Child Protection gives you.

You can get a lawyer to help you. You may need to speak to the lawyer by phone if there are COVID-19 rules stopping you from going to court in person.

## Can someone help me talk with Child Protection?

You can have someone such as a friend or support worker with you when you meet with Child Protection.

You may also be able to get help from a non-legal advocacy service like Independent Family Advocacy and Support (IFAS) which is run by Victoria Legal Aid. Advocates can give you information about the child protection system, help you prepare for meetings, and in some cases speak with Child Protection (if you want them to) about what you think should happen.

Aboriginal and Torres Strait Islander people may be able to get help speaking to Child Protection from one of the following services:

* Victoria Legal Aid’s Aboriginal Community Engagement Officers
* Victorian Aboriginal Legal Service
* Djirra (women only)

## When can I get help from a lawyer?

If Child Protection has contacted you about your child and you’re unsure what to do, or they have asked you to sign an agreement, you can get free legal advice over the phone from Victoria Legal Aid.

If Child Protection has started a court case about the care of your child, you can get free legal help from a duty lawyer on the first day of court.

If you already have a child protection lawyer, try to contact them first for help.

If you do not have a lawyer, contact Victoria Legal Aid who will refer you to a lawyer. The lawyer will be independent and work for you, not Child Protection.

Child Protection will also give your details to Victoria Legal Aid to help you get a duty lawyer. If you do not want this to happen, tell the child protection worker.

## What can I do if I’m unhappy with Child Protection?

If you are unhappy with a Child Protection action or decision and you are working with an advocate or a lawyer, speak to them about your options.

Some steps you can take if you are unhappy with Child Protection include:

**Speak to a manager** – you can ask to speak with the child protection worker’s manager about your concerns.

**Make a complaint** – you can make a complaint about Child Protection by contacting the Department of Families, Fairness and Housing (DFFH) feedback service on 1300 884 706 or online at [www.dhhs.vic.gov.au/making-complaint](http://www.dhhs.vic.gov.au/making-complaint).

**Internal review** – you can ask for an internal review of certain decisions made by Child Protection. An internal review is completed by Child Protection, not by an independent body. Ask the Child Protection worker how to request an internal review or speak to your lawyer if you have one.

**External review** – an external, independent review of Child Protection decisions is only an option after an internal review has happened. You need to apply to the Victorian Civil Administration Tribunal (VCAT) for an external review. VCAT will not review decisions made by the Children’s Court. You can get legal advice about going to VCAT by calling Victoria Legal Aid.

## More information

Visit [www.vla.vic.gov.au/find-legal-answers/child-protection](http://www.vla.vic.gov.au/find-legal-answers/child-protection) to download these fact sheets:

* **Information for parents and primary carers with a child protection court case** – answers some common questions about the child protection court process and how to get help.
* **Tips for working with Child Protection for parents and primary carers** – offers tips about working with Child Protection, from advocates and parents who have experience of Child Protection involvement with their family in the past.

## Where to get help

### Victoria Legal Aid

Free legal information and advice

Tel: 1300 792 387, 8:00 am to 6:00 pm, Monday to Friday, excluding public holidays

Website: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

### Independent Family Advocacy and Support (IFAS)

IFAS provides non-legal advocacy and support to parents and primary carers. The type of service IFAS can provide will be discussed with you when you call.

Tel: 1800 849 200 ( Monday 9 am to 12 pm, Wednesday 1 pm to 4 pm, and Friday 9 am to 12 pm).

### Aboriginal legal services

If you or your child is Aboriginal and/or Torres Strait Islander, you can choose to access an Aboriginal legal service directly, or tell Victoria Legal Aid that you want to be referred to one of the following services:

### Victorian Aboriginal Legal Service

Tel: 1800 064 865

Website: [www.vals.org.au](http://www.vals.org.au)

Djirra (women only)

Tel: 1800 105 303

Website: [www.djirra.org.au](http://www.djirra.org.au)

**© 2021 Victoria Legal Aid**. This work is licensed under a Creative Commons Attribution 4.0 licence http://creativecommons.org/licenses/by/4.0/. This licence does not apply to any images, photographs or branding including the Victoria Legal Aid logo.

**Disclaimer**: The material in this publication is a general guide only. It is not legal advice. If you need to, please get legal advice about your situation.