

Family Law Fact Sheet

What happens if it has been alleged that I have harmed my child? – Child Safety Services and the Children's Court

A notification can be made to the Department of Communities, Child Safety Services that a child has been harmed or is at risk of harm.

Harm to a child is any detrimental effect of significant nature on a child's physical, psychological or emotional well being.

Investigation by the Department

If the Department reasonably suspects that a child is in need of protection, the Department will immediately investigate the allegation or take other action it considers appropriate. This can include taking your child into custody and placing your child in foster care.

The investigation is usually conducted by the Department or a police officer. In most cases, after completing its investigation the Department must tell at least one of the child's parents about the outcome of the investigation.

Temporary Assessment Orders and Court Assessment Orders

The Department can apply to the Children's Court for orders to take your child into custody while completing its investigation.

The Court can make a Temporary Assessment Order to place your child in the custody of the Department for a period of up to three days.

The Court can also make a Court Assessment Order to place your child in custody for up to four weeks. This period can be extended in certain circumstances.

You can object to the Department taking your child into custody. Seek legal advice immediately.

What happens if it is determined that my child has been harmed?

After its investigation, the Department may conclude that your child is in need of protection.

A child is in need of protection if the child has suffered harm, is suffering harm, or is at an

unacceptable risk of suffering harm. The child must not have a parent able or willing to protect the child from harm.

The Department may apply to the Children's Court to make a Child Protection Order.

The Children's Court may make any Child Protection Order it considers to be appropriate which may include orders:

- Directing you not to have contact with your child;
- Granting custody of your child to another family member or the Department; or
- Granting guardianship of your child to the Department for a period of up to two years or until your child turns 18.

If the Department is granted guardianship of your child, it will have all powers, rights and responsibilities in relation to your child. This includes responsibility for making decisions about the long-term care, welfare and development of your child. You will no longer have these rights.

It is imperative that you obtain legal advice. If you do not attend Court and object to the Court making a Child Protection Order, then the order can be made in your absence.

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