

The Children's Court

Information for young people

What is the Children's Court

The Children's Court is a special court that hears concerns and worries about the care and protection of children and young people.

You and your family are involved with the Children's Court because a child protection practitioner (the worker) from the Department of Health and Human Services is concerned about your safety and wellbeing.

Because of these concerns the worker has made a protection application to the court.

This doesn't mean you are in trouble.

What happens in court?

The magistrate will want to hear about you and your family situation and will make a decision about what is in your best interests. This will include deciding if you need protection and how you can be cared for in a way that is best for you.

The worker will explain to the magistrate what they think is best for you and why they think you are at risk of harm.

A lawyer will speak to you and represent you in court to make sure the magistrate knows what you want to happen.

The magistrate may look at reports written by the worker and other professionals who know you and your family. The magistrate may also ask witnesses to speak about your situation. The magistrate may ask your parents what they think about what has been said.

It is the magistrate's job to decide how to make sure you will be well cared for and protected in the future.

Do I have to go to court?

You will have to go to the first court hearing. However, for any subsequent court hearing, unless the court has ordered your attendance, you do not have to attend court. You can go if you want to. If you don't want to,

you have to be given the opportunity to talk to a lawyer who will speak for you at Court. The lawyer will want to hear your views and wishes. The worker will talk to you about this and will make arrangements for you to see your lawyer away from the court unless you are going to Court.

What are my best interests?

Your best interests are a list of things that the magistrate and the worker need to think about when making decisions about you. The law says meeting your best interests will protect you from harm, promote your rights and support your development. The list of things that need to be thought about include how best to help you live with your family, if this is possible, your culture, school, contact with your family if you are living away from home, and your wishes.

Where will I live?

You might live at home while the Children's Court makes its decision. However, sometimes young people need to be moved from an unsafe situation they are living in until their case goes to court and a decision is made about their future care and best interests. If this happens to you, the worker will talk with you about living with another family member or friend. If this is an option, the worker will need to check if it is safe for you to live with this person. If this is not possible, your worker will talk to you about where you will live, such as foster care.

If you have to live away from home, you may still be able to have contact with your family and be visited by them if you wish. Often you will go to the same school and keep up your other activities. You can also keep in touch with your friends. Speak to the worker about how to do this. You can also ask the worker for a copy of *The charter for children in out-of-home care* which explains what you can expect while you live away from home.

What if I want to stay at home?

Tell your lawyer that you want to stay at home so that they can tell the magistrate. The magistrate will decide whether this is possible. You will not be sent home if the magistrate thinks that you may not be safe there.

How do I prepare for court?

You will be represented in court by a lawyer who will speak to the magistrate for you. You can ask the worker and lawyer any questions, such as:

- What happens in court?
- What will happen next?
- What can I do if I think the decision of the court is unfair?

What if I decide to go to court, what do I need to do?

If you wish to attend court, the worker will make the necessary arrangements and if you are not living at home, they will usually take you to court on the day.

You can ask a relative or another adult you trust to go to court with you for support.

At court, your lawyer will want to speak with you and will answer any questions you may have about the court process.

The courts can be very busy and you may have to wait for a long time before you go into the courtroom. When your name is called, you go into the courtroom with your lawyer. The worker and your family will be there too. You will be shown where to sit, just behind your lawyer.

Will there be more than one hearing?

Probably, yes. There are usually two or more court hearings, to consider an application made by Child Protection to protect a young person.

At the first court hearing, the magistrate will usually adjourn (put off) the case to another day and decide where you should live until then.

What happens at future court hearings?

If the worker, you, your parents and the magistrate cannot agree about what is in your best interests, the

magistrate will make a decision about what is in your best interests.

If it is decided that you are in need of protection, the magistrate will make an order that will protect you and look after your best interests.

The orders range from undertakings that allow you to live with your parents without ongoing support from Child Protection, to those that allow you to live with your parents with Child Protection support, or those where you live away from your parents with either the department or another person (for example, a relative) having responsibility for your day-to-day care.

There are a number of different orders that can be made by the Court. Your worker or your lawyer can explain what the particular order means for you.

Where can I get legal advice?

You can get help from a lawyer to make your wishes known to the magistrate. The worker or the Children's Court can help arrange this.

For further information, contact your Department of Health and Human Services office.

Contact information

The child protection practitioner's name is:

Their Department of Health and Human Services' office is:

Their contact number is:

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