

Family preservation order

Information for parents

The magistrate at the Children's Court has placed your child on a family preservation order because your child's safety and development are at risk and they need protection. The magistrate thinks that, with some help, your family can deal with the problems discussed in court.

Your child will live at home for the period of the order. You will still have the full range of parental responsibilities for your child. During the family preservation order, Child Protection is responsible for supervising your child.

A child protection practitioner (worker) from the Department of Health and Human Services (the department) will work with you and your child to make sure that your child is safe, and that the conditions of the order are followed.

How long does the family preservation order last?

The length of a family preservation order can vary; it is usually for a period of 12 months. However, it can be for up to two years. You can tell how long the order will last by looking at the details of the order which states the date the order is to end.

If Child Protection is satisfied that your family has been able to work out the difficulties discussed in court, the order will finish on the date set and Child Protection will no longer be involved. You will not have to return to court.

If the order is for more than 12 months, the department will review the order before the end of the 12 months. If we all agree the order is no longer required, Child Protection is able to arrange for the order to end without going back to court.

What is expected of me?

A family preservation order has been made to support and monitor your child's safety within your family; therefore, there are some things that you and your child have to do. You must:

- allow the worker to visit you and your child, and be available for meetings arranged with you by the worker
- work with Child Protection to make and carry out plans for your child
- cooperate if you are given formal directions
- notify the worker within seven (7) days of any change of address
- comply with any conditions the magistrate has placed on the order, such as attending counselling or taking your child to appointments
- It is important that you and the worker make plans together to solve the problems that led to the family preservation order being made.

It is also important that you help your child to do what the conditions of the family preservation order say.

Older children are more able to be actively involved in making plans for their future and doing what the conditions of the order say. The support and encouragement of parents and the worker will be important for young people taking on this responsibility.

What does the child protection worker do?

The worker will discuss with you and your child the problems that led to the order being made and work with you to put the case plan for your child into action.

They will review the case plan from time to time and involve you when they do. They will be thinking about how things are going with achieving the objective of the plan.

Can a family preservation order be revoked (cancelled) or varied?

At any time during the course of the family preservation order, you, your child or the worker may believe that your situation has changed and that the order is no longer needed to ensure your child's safety and wellbeing and can apply to the Court to revoke (cancel) the order..

During the course of the order, you, your child or the worker can also apply to the Court to vary the order or conditions.

Can a family preservation order be breached?

Child Protection may apply to the Children's Court to breach the family preservation order if:

- the conditions of the order are not being met
- you have not followed a lawful direction of the Secretary of the department
- your child is living in conditions which are unsatisfactory in terms of their safety and wellbeing.

The matter will go back to court quickly for a decision. In some circumstances, your child may be removed (from the situation in which they were found) until the matter is heard in court.

Court proceedings for a breach are like those when you first went to the Children's Court about your child's protection. It is important that you seek legal advice and decide whether you want to be legally represented in court.

Can I appeal the family preservation order?

You may appeal to the County Court, against the family preservation order made by the magistrate if you think it is unfair. You have to do this within one month of the order being made.

Appeal forms are available from your nearest Children's Court, Magistrate's Court, or the County Court. It is best to seek the help of a solicitor if you decide to appeal to the County Court.

Where can I get legal advice?

Enquiries about legal assistance may be made to:

- the lawyer who represented you at court
- a local lawyer (listed under Solicitors in the Yellow Pages)
- Victoria Legal Aid, Melbourne, telephone 1300 792 387
- the Law Institute of Victoria, telephone (03) 9607 9311
- the Victorian Aboriginal Legal Service Co-op Ltd, telephone 1800 064 865
- the Aboriginal Family Violence Prevention & Legal Service Victoria, telephone 1800 105 303
- a local community legal service

Contact information

The child protection practitioner's name: _____

Their contact number: _____

Their Department of Health and Human Services' office: _____

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

To receive this publication in an accessible format email cpmanual@dhhs.vic.gov.au

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services March, 2016

Available at www.dhs.vic.gov.au