

# Care by Secretary order

## Information for parents

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This document is not legal advice. It is recommended that you seek the help of a lawyer to answer any questions you may have.

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A magistrate at the Children's Court has decided that family reunification is not in your child's best interests and has placed your child on a **care by Secretary order**. This is because your child's safety and development are at risk and they need protection.

The Secretary of the Department of Families, Fairness and Housing (the department) has parental responsibility for your child under this order. No one else has parental responsibility, including you. This means the department has all the rights and responsibilities parents usually have for children.

The child protection practitioner (the worker) will:

- discuss plans for your child with you and take your views into account when making decisions about your child
- talk to other people, including your child, their carer and relevant professionals.

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Families,  
Fairness  
and Housing

## How long a care by Secretary order lasts

A care by Secretary order can last for up to two years.

The department may find someone suitable to care for your child permanently or long-term. The department can then apply to the court for a permanent care order or long-term care order. These orders last until your child's 18<sup>th</sup> birthday.

If there is no one suitable to care for your child permanently or long-term, the department can extend the care by Secretary order. Extensions can be a further two years and be granted again until your child is 18 years old.

## Where your child will live

If your child has been living in care while the court has been making its decision, they may be able to stay where they are.

If your child needs to move, the department will try to arrange for them to live with someone else from your family or someone else they know. If not, then they might live with a foster carer or in a house or unit with people coming in to look after them.

They can only live with someone if the department assesses them as suitable.

If more than one of your children is in care, the department will try to keep them together.

## Seeing your child

It is very important for your child that you keep in touch with them. The worker will make decisions about contact as part of case planning.

Contact arrangements can be made with the worker. If there is any trouble keeping these arrangements, talk to the worker to make new arrangements.

## What the worker does

The worker is responsible for putting the case plan for your child into action.

The worker will arrange for review of the case plan from time to time and give you the opportunity to be involved when they do. They will think about how things are going with achieving the objective of the plan.

## Can the court vary (change) or revoke (cancel) a care by Secretary order?

If the situation has changed and your child is no longer at risk, the court can revoke (cancel) the order. You, your child and the worker can apply for this.

If reunification becomes possible and if it is in your child's best interests, a family preservation order can be made. This will only happen if there is:

- enough time before the order is due to end, and
- there are no other court applications for your child.

## If you don't agree with what happens at court

If you don't agree with a decision made by a magistrate in the Children's Court, you have the right to appeal the decision to the Supreme Court. You have 28 days to appeal after the Children's Court makes the order.

Appeal forms are available from:

- any Children's Court
- any Magistrate's Court
- the County Court.

It is best to seek the help of a lawyer if you decide to appeal a decision of the Children's 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
- Djirra, telephone 1800 105 303
- a local community legal service.

## Contact information

The child protection worker's name: \_\_\_\_\_

Their contact number: \_\_\_\_\_

Their Department of Families, Fairness and Housing office:  
\_\_\_\_\_

For further information, contact your local Department of Families, Fairness and Housing office.

Contact us to receive this document in another format. email [CpManual@dffh.vic.gov.au](mailto:CpManual@dffh.vic.gov.au)

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