

Care by Secretary order

Information for young people

OFFICIAL

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

Contents

How long a care by Secretary order lasts	2
Where you will live	2
Charter for children in out-of-home care.....	2
Seeing your parents.....	2
What your child protection worker does	2
What do I have to do?	3
Can the court vary (change) or revoke (cancel) a care by Secretary order?	3
If you don't agree with what happens at court	3
Where can I get legal advice	4
Contact information	4

A magistrate at the Children's Court has made a **care by Secretary order** for you. This is because your safety and development are at risk and you need protection.

The purpose of this order is to make sure that a suitable person will care for you until you grow up.

The order means the Secretary of the Department of Families, Fairness and Housing (the department) has the rights and responsibilities for your care that your parent usually has. This includes:

- where you live
- who will look after you, and
- what school you attend.

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 you 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 18th birthday.

If there is no one suitable to care for you 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 you are 18 years old.

Where you will live

If you have been living away from home while the court has been making its decision, you might be able to stay where you are.

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

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

If you have brothers or sisters who need to be looked after too, you will live together if that is possible. Sometimes it isn't possible for siblings to live together. If that happens, it will be really important for you to keep in touch. You can still see your family and friends and your worker can help to arrange this.

Charter for children in out-of-home care

You can ask your worker for a copy of the *Charter for Children in Out-of-home Care*. It explains what you can expect while you live away from home.

Seeing your parents

It is important for you to keep in contact with your parents. Your worker will make decisions about this and take what you think into account. If you have any problems with contact with your parents, you should talk to your worker.

What your child protection worker does

Your worker will:

- discuss with you the problems that led to the court making the order
- work with you and your family to put your case plan into action
- review the case plan from time to time and involve you when they do
- help you to think about how things are going with dealing with the problems that led to the order so you can go home as soon as possible

Talk to your worker about your problems or worries. It is their job to help you. You might feel confused or frightened, relieved, angry or sad, or something else. Find an adult you feel safe talking to about how you feel. This might be your carer, or your worker, or someone else. If you need help with how you are feeling, you need to let your carer or worker know.

What do I have to do?

There are some things you have to do because of the order. These include:

- You have to see your worker.
- Follow case plan decisions that have been made for you
- If you have any concerns or are worried about something, you need to let your carer or worker know.

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

An application to revoke (cancel) a care by Secretary order can be made by you, your parent or the worker.

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

If reunification becomes possible and if it is in your 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 you.

You need to speak with your worker or your lawyer if you want to apply to revoke (cancel) the order.

If you don't agree with what happens at court

If you think a decision of the Children's Court is unfair, you have the right to appeal 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.

If you want to know more, ask your worker or the lawyer who represented you at 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

Your child protection worker's name: _____

Your worker's 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

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