

WHAT DO LAWYERS DO IN CHILD PROTECTION CASES?



In child protection cases, a lawyer can help and speak up in court for:

- ◆ You and the other parent
- ◆ Your children, in the cases when the magistrate says they need a lawyer
- ◆ The Department of Communities (sometimes called Child Protection)
- ◆ Long term carers who are saying to the court they want to be able to make the big decisions for your children (the carers are called the proposed special guardians), and
- ◆ Anyone else the magistrate has said can have a say in your children's case.



Lawyers for parents

A lawyer can help you if you are pregnant and Child Protection is working with you.

A lawyer can help you if your children's case is at the Children's Court. Your lawyer will:

- ◆ Explain child protection laws to you and how the court works.
- ◆ Talk to you about why Child Protection brought your case to court. They will tell you the worries written down on the court documents from Child Protection.
- ◆ Ask you what you want to do.
- ◆ Tell you what they think (as a lawyer) about your chances of getting what you want.
- ◆ Give you options so that you can choose what best suits your needs to take the steps to try and get your children back.
- ◆ Tell the court and Child Protection the good steps you are taking to get your children back.
- ◆ Speak up for you in court and with Child Protection if you feel like you are not strong enough to tell your story.
- ◆ Help you write your court documents like an application, a response, an affidavit.
- ◆ Help you work things out with Child Protection.



Sometimes a lawyer can help you after your children are put on an order if things are not going well.

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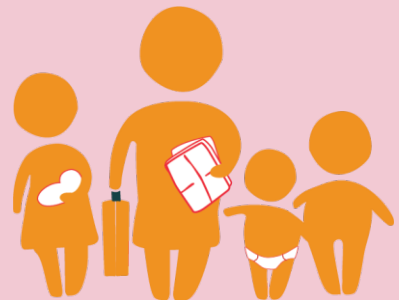
Your lawyer must act on your instructions. This means the lawyer must do what you say and help you get what you want.

It is good for you and the other parent to talk to different lawyers even if you both want the same thing. The rules for lawyers say it is wrong to be the lawyer for two people in the same child protection case.

Lawyers for children

In some cases, in the Children's Court, the magistrate will say it is good for your children to have a lawyer.

The law says that parents or Child Protection can ask the magistrate to give your children a lawyer. The magistrate can say yes. The magistrate can say no. Your children's lawyer is called a *child representative* (or a separate representative).



Your children's lawyer's job is to help the court work out what your children want or what is best for your children. The children's lawyer does not work for Child Protection and they do not work for you or the other parent.

Your children's lawyer will speak with your children, if they are old enough, and listen to your children's story. Sometimes your children will tell the lawyer what they want. If your children are old enough to understand, your children's lawyer will tell them what happens at court and the decisions the court might make about their future. Your children's lawyer will speak up for your children and say what they want. The lawyer will act on their 'instructions' in the same way lawyers do for adults.



Sometimes your children will be too young to say anything or not able to say more than what they wish for. In these cases, your children's lawyer will look at all the information about your children and talk to the important people in their lives. Then your children's lawyer will tell the court what they think is best for your children.

Lawyers for Child Protection

Child Protection has their own lawyer to speak for them in court. Their job is to tell the court what Child Protection think is best for your children.