

What is child protection law?



FAMILY VIOLENCE LAW HELP

www.familyviolencelaw.gov.au



Child protection is about the laws that deal with making sure that children are safe and well cared for. It covers things like what happens when there are concerns that children are at risk, when children can be removed from their family, how they will be cared for and when children can be returned to their family.

Each State and Territory has different laws about the protection of children and young people.

The website www.familyviolencelaw.gov.au has general information about the law, but things work a little differently in each State and Territory. You should see a lawyer in your State and Territory to get advice about your problem.



There is a child protection agency ('the Department') in each State and Territory. Each Department is responsible for protecting children in their State or Territory.

Anyone who is concerned that a child or young person may be at risk of harm can report their concerns to the Department.

A person may make a report about your children being at risk of harm if they are concerned your children have been exposed to domestic and family violence.



The Department can support families to look after their children, or can remove children if they think it is necessary for their safety or wellbeing.

The Department will not automatically remove your children from your care because there's domestic and family violence. Children are only usually removed as a last option. If possible, the Department will work with you to keep your children safe and well cared for while they are still in your care.



If the Department is involved with your family, it is a good idea for you to get legal advice about what to expect and what steps you can take.

Sometimes, the Department can remove children and start legal action if they think it is necessary to protect children from domestic and family violence. This is because of the negative effect that domestic and family violence can have on a child's safety, wellbeing and development.

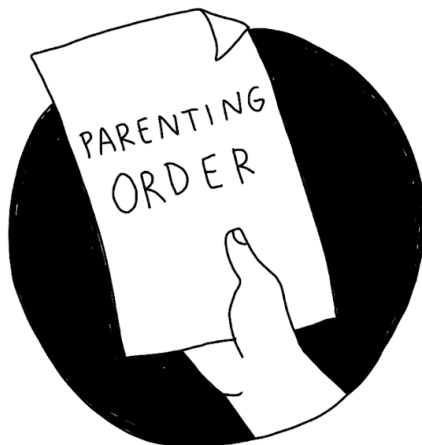
The laws around when children can be removed from their family are different in each State and Territory, so it's important to get legal advice.



What is the difference between child protection law and family law?

It can be confusing to understand the difference between child protection law and family law.

Child protection law deals with when the Department becomes involved with a family because of concerns that children are at risk of harm. It covers things like when the Department works with a family to keep children safe, when children can be removed from their family, how they will be cared for and when children can be returned to their family. Cases are dealt with in the Children's Court or Youth Court (in South Australia). Orders made in these courts are usually called Care Orders.



Family law deals with arrangements for children after parents separate, such as where the children live and how much time they spend with each parent or other family members. Family law also deals with other issues after separation like divorce, dividing property and child support. Cases are dealt with in the Family Courts. Orders about children made in these courts are usually called Parenting Orders.



When is family law an option?

If the Department is involved with your family because of domestic and family violence, sometimes getting Parenting Orders can help you protect your children - for example:

- To limit the violent parent's involvement with the children so they are not exposed to domestic and family violence. This may also show the Department you are trying to protect your children from the other parent's violence, or
- When you are worried a relative's children may get removed because the Department is involved with their family.



You may be able to apply for Parenting Orders that the children live with you, so the Department knows they are safe.

However, every case is different. Sometimes, family law can help but sometimes it might not be a good option for you. It's important to get legal advice about your situation.

If you already have Care Orders in place, then most of the time you can't go to the Family Courts for Parenting Orders unless the Department gives permission. You should get legal advice to find out.



Once you have a family law case that has started in the Family Courts or a child protection case that has started in the Children's Court or Youth Court, then usually you have to stay in the court you started in.

Every case is different, so it's important to get legal advice.