

Legal Services

Below are the contact details of services that will help you find a lawyer to represent you in Court.

Victoria Legal Aid

Victoria Legal Aid provide advice over the phone and has 10 offices where you can get free legal advice. They arrange lawyers at almost all Children's Courts in Victoria. Call (03) 9269 0120 or 1800 667 402 (country callers).

The Registry at the Children's Court

The Registry staff at the Court provide a list of lawyers who have been approved by Legal Aid and the Law Institute to do work at the Children's Court.

Community Legal Centres

Telephone the Federation on (03) 9652 1500 for your closest Centre.

A Private Lawyer

Telephone the Law Institute of Victoria on (03) 9607 9550 to find a lawyer close to you who knows about the Children's Court.

Victorian Aboriginal Legal Service

Aboriginal people can contact the Victorian Aboriginal Legal Service on (03) 9419 3888 or 1800 064 865 (toll free).



**Children's Court
Victoria**

477 Little Lonsdale Street
Melbourne 3000
Ph: 8638 3300
Fax: 8601 6720
www.childrencourt.vic.gov.au

THE FAMILY DIVISION



**Children's Court
Victoria**

The Family Division

The Children's Court has two parts - the Family Division and the Criminal Division. This pamphlet deals with the Family Division. If you have any questions that are not answered here, the staff at the court will be happy to help you.

WHY YOU ARE HERE

If you are a young person:

You are here because a child protection worker believes that you are at risk of serious harm. The child protection worker is asking the Court to agree that you need help.

You will have to go to the Court and the Magistrate will want to know what you want to happen. The Magistrate will also listen to your parents or guardian, the child protection worker and anyone else who may be able to help with information about your situation.

The Magistrate will then decide if you need care and protection and if so, how you should be taken care of and protected.

If you are a parent or guardian:

You are here because a child protection worker believes that your child is at risk of serious harm. The child protection worker has made an application to the Court asking the Court to decide if your child is at risk of serious harm.

You should go to Court so that the Magistrate can hear things from your point of view. The Magistrate may also hear from other people who can give information to the Court about what is best for your child's safety, welfare and protection.

The Family Division of the Court has the power to make orders about where a child should live (either as a temporary or permanent arrangement) as well as other conditions.

The Court makes these decisions based on all of the evidence presented but always based on what is in the best interests of the child.

LAWYERS

If you are a young person:

When you come to Court a lawyer will talk to you and explain what is happening. The lawyer will talk to the Magistrate in Court on your behalf so he or she will need to know your side of the story and what you want to happen.

The lawyer is there to help you understand what is happening and to answer all your questions about the Court and the law.

You may be interested to see the Court approved Guidelines for Lawyers Acting for Children at the Children's Court. Please ask for a free copy from the Inquiries Counter. These guidelines set out what the role of the lawyer is and what lawyers are required to do.

If you are a parent or guardian:

If you will be going to Court for a protection application you should see a lawyer as soon as possible.

At the back of this pamphlet there is a list of services that will help you find a suitable lawyer to represent you.

If you have not been able to see a lawyer before you get to Court you can ask the Court staff at the counter to assist you in arranging representation. The Court can put you into contact with the duty lawyer from Legal Aid.

A lawyer can explain to you what is happening, explain your choices, help you negotiate with all the parties including the child protection workers, speak for you in Court and answer your questions about the Court and the law.

What Happens At Court?

Court sometimes starts at 9.30 am but usually starts at 10.00 am. You may have to wait until later for your case to come before the Court. At Court you may hold discussions with your lawyer and the other parties and reach an agreement before your case is called into the courtroom. In the courtroom your lawyer will speak to the Magistrate for you and tell the Court what you want to happen.

The Magistrate is the judge in the Children's Court.

Interim Accommodation Orders

Often the first time a case comes before the Court in the Family Division the Magistrate will put the case on hold for 3 weeks and decide where the child should live until then. The Magistrate may decide that the child has to live with a relative, in foster care, at home or somewhere else. The Magistrate's decision about where the child has to live temporarily, before the final decision, is called an **interim accommodation order**.

What Happens After Court?

Before the 3 weeks of the interim accommodation order are over, child protection workers will talk to the child and parents and write a report for the Court about what they think should happen. For example, the child protection workers may think that the child's safety is no longer at risk and will write a report telling the Court that they think he or she should go back home.

Your lawyer or the child protection workers will tell you when you have to come back to Court for the next part of the case.

Conciliation Conferences

Please ask at the Inquiries Counter for a copy of the brochure on Conciliation Conferences.

