

## Kinship care

It can be helpful in the early stages to think about who a kinship carer may be. Kinship carers can be friends or family that are either aboriginal, or if not, sensitive to the child's needs and able to promote ongoing connection to the child's culture and community. Kinship carers usually need a Working with Vulnerable People Card and a suitable home for the child to live in. The kinship carer will need to complete an application for kinship that will be assessed by CSS.

## Contact with a child in out of home care

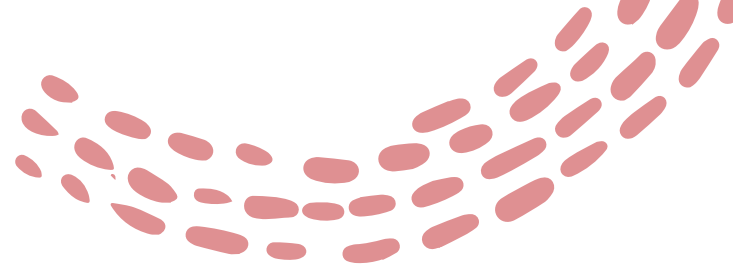
A child in out of home care may, if it is in their best interests, have contact with their parents, siblings, grandparents, aunts and uncles, cousins, as well as other people important to their family, community or culture, such as elders, family friends and neighbours.

## When can my child come home?

You will need to address CSS's concerns for your child to come home. What you need to do will depend on why CSS removed your child. We encourage you to seek legal advice.

## If you think a child is at risk of harm:

- Report it to police
- Report your concerns to Child Safety Services
- **Call 000 in an emergency.**



TALS  
TASMANIAN ABORIGINAL  
LEGAL SERVICE

### What does TALS do?

Tasmanian Aboriginal Legal Service ('TALS') is a non-profit, Aboriginal and Torres Strait Islander community-based organisation in Tasmania. TALS provide culturally safe, holistic, and appropriate services that are inclusive and open to all Aboriginal Tasmanians.

*The material in this brochure is intended as a general guide only. This publication should not be used to replace legal advice. The Tasmanian Aboriginal Legal Service does not accept any responsibility for any loss, damage or injury, financial or otherwise, suffered by any person acting on information contained in this publication or omitted from it.*

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## CHILD SAFETY MATTERS

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FOR FREE LEGAL ADVICE  
CONTACT TASMANIAN  
ABORIGINAL LEGAL  
SERVICE ON  
**1800 595 162**



## What can Child Safety Services do?

The law in Tasmania gives Child Safety Services ('CSS') the power to:

- Investigate concerns about children.
- Get involved in a child's life with the parents' consent under a care agreement.
- Arrange for support services to help prevent a family from entering the child safety system.
- Apply to the court for orders to take custody of a child without the parent's consent.
- Place children in out-of-home care.
- Approve foster and kinship carers to provide out-of-home care to children.

## When does CSS investigate a child?

CSS may investigate a child to decide if they are in need of care and protection.

**If your child is being investigated, seek legal advice as soon as possible.**

## Who is a 'child in need of care and protection'?

A 'child in need of care and protection' is a child who:

- has suffered (past) significant harm
  - is suffering (present) significant harm
- or
- is at unacceptable risk of suffering (future) significant harm AND
  - does not have a parent able or willing to protect the child from the harm.

Significant harm includes abuse, neglect, family violence and/or certain behaviors.

## What court orders can CSS apply for?

There are two types of orders CSS can apply to the Magistrate's Court (Children's Division)

They are 'Assessment Orders' and 'Care and Protection Orders.'

An **Assessment Order** is initially made for up to 4 weeks and can be extended. Staff from either CSS or the Tasmania Police can use an Assessment Order when a child needs to be kept safe because of immediate danger or danger in the near future, and time is needed to gather, confirm, and analyse information.

A **Care and Protection Order** may be applied for by CSS when:

- a child needs to be kept safe for a specified period of time; and
- the family needs ongoing support.

Care and Protection Orders are usually made for a minimum of 6 months or up until a child turns 18 years of age.

Sometimes a family meeting called a 'Family Group Conference' is set up to help decide what type of Care and Protection Order is in the child's best interests.

If the Court is convinced that a child is at risk, and that an order is needed to protect the child, they will make the order.

## Going to Court

Preparing and presenting your own case in court can be complicated, especially if the court is being asked to remove your child from your care.

A lawyer can give you advice about your choices and speak for you. What you tell your lawyer is confidential.

If you are a parent or carer of the child, you are not required to have a lawyer. If you do not go to court, orders can still be made without you there.

## What is a Separate Representative?

When an Order is made, the Court can order that your child be represented by their own lawyer called a Separate Representative. It is the Separate Representative's job to act in the child's best interests. The Separate Representative is not your lawyer, even if the child is in your care, and you should still contact your own lawyer for advice.

