

Interim Accommodation Order – information for parents



An interim accommodation order is an order that the Children's Court issues to say where your child must live until the next court date. An interim accommodation order is made when the magistrate at the Children's Court believes that there are some problems that must be sorted out about your child's safety and wellbeing.

A Child Protection worker (the worker) from the Department of Human Services (the department) will work with you and your child to develop plans to deal with the concerns.

At the end of the interim accommodation order, you and your child will have to go back to court with the worker. The magistrate will make a final decision about the best way to ensure your child's safety and wellbeing.

How long does an interim accommodation order last?

If your child is living with you on an interim accommodation order, the order lasts until the next court date. If your child is living away from home on an interim Accommodation Order, the order may be made for up to 21 days or it may be extended by the court with the agreement of you and your child. If the problems that led to the order being made still exist, and no final order has been made, then the court may extend the interim accommodation order for a further 21 days.

What is expected of me?

The Children's Court may include conditions on an interim accommodation order for you and your child to follow. These conditions may include you and/or your child:

- attending counselling
- accepting visits and meetings with the worker
- helping the worker to make plans for your child
- going to school

- having contact with each other, or with other important people in your child's life.

It is important that you cooperate with the worker to try to sort out the problems that led to this order being made.

What does the Child Protection worker do?

The worker is there to help you make plans for your child's future. He or she will work with you, your child and others to help with the problems affecting your child's safety and wellbeing. The worker must make decisions and take action that protects your child from harm, promotes your child's rights and supports your child's development (their best interests).

What happens at the end of the order?

At the end of the period of the interim accommodation order, you, your child and the worker will go back to court for the magistrate to make a final decision about what is in your child's best interests. You will need to attend court on that day (unless your lawyer says you do not need to attend).

The worker will write a report to the magistrate saying whether or not a protection order needs to be made for your child and, if so, what sort of order would be in your child's best interests. The worker will talk with you and your child about the report before court. The report may include anything you have talked about together.

If you do not agree with what the worker says in the report, you should tell the worker. You can ask your legal representative (if you have one) to let the court know that you do not agree with the report. If you are unrepresented then you may inform the court of your views yourself.



Can an interim accommodation order be varied?

At any time during the course of the interim accommodation order, you, your child or the worker may believe that the situation has changed and that the conditions of the order need to be varied to better reflect your child's best interests. The final decision about this will be made by the magistrate.

What if the interim accommodation order or conditions are not being followed?

During the course of the interim accommodation order, if the worker thinks that your child is not safe, or that the conditions on the order are not being followed, they will breach the order or ask the court for a new interim accommodation order. This means that the case goes back to court for another decision to be made. If your child is at risk of being harmed where he or she is living, your child may have to be placed somewhere else while the court makes its decision.

Can I appeal the making of an interim accommodation order?

If you think that the order is unfair, you should ask your lawyer about an appeal. They will be able to tell you if you are able to appeal the order.

Where can I get legal advice?

Enquiries about legal assistance may be made to:

- a local lawyer (listed under 'Solicitors' in the *Yellow Pages*)
- Victoria Legal Aid, Melbourne, telephone (03) **9269 0234**
- The Law Institute of Victoria, telephone (03) **9607 9311**
- The Aboriginal Legal Service Co-op, telephone (03) **9419 3888**
- a local community legal service.

For further information, contact your regional Department of Human Services office.

Contact information

The Child Protection worker's name is:

Their Department of Human Services office is:

Their contact number is: