

Supervised Custody Order – information for parents



The magistrate at the Children's Court has placed your child on a supervised custody order because your child's safety and wellbeing are at risk and your child needs protection. The magistrate thinks that, with some help, your family can deal with the problems talked about in court and your child can then return to your care.

Under a supervised custody order, a third party will have custody of your child and your child will live with this person. This may be a relative or close family friend, and they will be responsible for day-to-day decision-making regarding your child's care and control. You are still your child's legal guardian.

The court may include any condition on the order that it considers to be in the best interests or for the safety of the child. For example, you may be required to attend counselling.

How long does the supervised custody order last?

A supervised custody order is made for up to 12 months but can be extended if more time is needed to make sure that your child can return home safely.

What does the Child Protection worker do?

A worker from the Department of Human Services will be involved in supervising the supervised custody order to ensure that your child is safe and that any conditions of the order (such as counselling) are being followed.

The worker will assist your family in trying to resolve the difficulties that led to the order being made, so that your child can return home safely. This could occur at any time while the order is in force. The worker will work with you, your child and your child's caregiver to try and work out important issues such as:

- what needs to change to enable your child to return home safely
- what contact your child will have with you and other family members

- what kind of support would help you to be able to care for your child in the future
- how to help make plans that are in the best interests of your child.

As a supervised custody order has been made to help and protect your child there are some specific things that you, the person that your child lives with, and your child, must do. You should:

- allow the worker to visit your child and attend meetings arranged with the worker
- work with the worker to make and carry out plans for your child
- cooperate if you are given formal directions by the worker
- notify the worker of any change of address
- meet any special condition the magistrate has placed on the order, such as attending counselling.

Can a supervised custody order be revoked (cancelled)?

During the course of the order, if Child Protection is satisfied that the protective concerns have been addressed, the worker may decide that it is in your child's best interests to return to your care. Upon this decision being made, the supervised custody order will change to become a supervision order. This means that your child returns home but all of the conditions of the supervised custody order can remain in force until the expiry date of the order.

Can a supervised custody order be varied?

An application to vary any conditions of the order can also be made by you, your child, the person that your child is living with or the worker. The magistrate will make the final decision.



What happens if the conditions on the order are not followed?

If the worker thinks that the conditions of the order are not being followed, that your child's safety is at risk, or that there has been a failure to comply with any direction given by the worker, the supervised custody order may be breached. This means that the matter goes back to court quickly for another decision.

Court proceedings for a breach of a supervised custody order are like those when you first went to the Children's Court about your child's protection. It is important that you seek legal advice and decide whether you want to be legally represented in court if the worker decides to breach your child's supervised custody order.

Can I see my child?

The aim of the supervised custody order is to reunite the child with their parents before the order finishes. Therefore, it is very important that you keep in regular contact with your child while he or she is living elsewhere, so that your relationship is strongly maintained and you can work toward your child coming home.

If there are any problems about seeing your child, talk to the worker so that these can be worked out.

What is the best interests planning process?

A best interests planning meeting will be held within six weeks of an order being made by the court. The purpose of this meeting is to discuss and agree to the plans that have been worked out to ensure your child's longer-term safety, wellbeing and development. This plan will also detail the process that will enable your child to return to your care (reunification). The meeting makes sure that everyone involved knows what needs to be done and who is to do it.

You will be given a written copy of the best interests plan for your child. You can bring someone to the best interests planning meeting to support you if you wish. This may be a friend or family member, or a worker from a community agency or group with whom you are involved.

If you have difficulty understanding English, you can ask to have an interpreter at the meeting to help you make your views known and understand what is being decided.

The case plan may be reviewed during the 12 months that the order is in operation.

What if I disagree with the best interests plan?

If you do not agree with decisions made about your child, you should talk with the worker. If you are still not satisfied, you can ask for the decisions to be reviewed by the senior regional officer with responsibility to hear reviews. To do this, you must write, or get someone to help you write, to the senior regional officer. Where you have been through all avenues of appeal within the department and are still dissatisfied with the decision, you can apply to the Victorian Civil and Administrative Tribunal (VCAT) for a further and final review. Contact your worker or VCAT for an application form. VCAT's telephone number is (03) **9628 9755**.

Can I appeal against a supervised custody order being made?

If you think that the order is unfair, you may appeal against it to a higher court, called the County Court. You have to do this within one month of the order being made.

Appeal forms are available from your nearest Children's Court, Magistrate's Court or the County Court. It is best to seek the help of a solicitor if you decide to appeal to the County Court.

Where can I get legal advice?

Enquiries about legal assistance may be made to:

- the lawyer who represented you at court
- 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 Services 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: