

Supervision Order – information for parents



The magistrate at the Children's Court has placed your child on a supervision 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 discussed in court.

Your child will live at home for the period of the order. You will still have the full range of parental responsibilities for your child. A Child Protection worker (the worker) from the Department of Human Services (the department) will work with you and your child to make sure that your child is safe, and that the conditions of the order are followed.

How long does the Supervision Order last?

The length of a supervision order can vary but it is usually for a period of 12 months and can be for up to two years. The length of the order is written on the supervision order.

If your family is able to work out the difficulties discussed in court, the order will finish on the date set and Child Protection will no longer be involved. You will not have to return to court.

Where your child has been placed on a supervision order for up to two years, the department will review the order after the first 12 months to decide if it is in your child's best interests for the order to continue. You will be involved in this review. Child Protection will advise you, your child, the court and other persons the court directs about the outcome of this review in writing.

Can a supervision order be revoked (cancelled) or varied?

At any time during the course of the supervision order, you, your child or the worker may believe that your situation has changed and that the order is no longer needed to ensure your child's safety and wellbeing. Any of these people can take the matter back to court and ask the magistrate to end the order by revoking (cancelling) it.

Also, during the course of the order, you, your child or the worker can apply to the court to vary the conditions of the order.

Can a supervision order be breached?

During the course of the supervision order, if the worker thinks that the conditions of the order are not being met, or that your child's safety is still at risk, the worker may breach the supervision order. The matter will go quickly back to court for a decision. In extreme circumstances, your child may be removed from the situation in which they were found until the matter is heard in court.

Court proceedings for a breach of supervision 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 department decides to breach your child's supervision order.

What is expected of me?

A Supervision Order has been made to support and monitor your child's safety within your family; therefore, there are some things that you and your child have to do. You must:

- allow the worker to visit you and your child and be available for meetings arranged with you by 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 within seven days of any change of address
- meet any special conditions the magistrate has placed on the order, such as attending counselling or taking your child to appointments.

It is important that you work with the worker in making plans for your child's future, and finding ways to solve the problems that led to the supervision order being made.



It is also important that you help your child, particularly if your child is young, to meet the conditions of the supervision order. Older children are more able to be actively involved in making plans for their future and meeting the conditions of the order. The support and encouragement of parents and the worker will be important for young people taking on this responsibility.

What does the Child Protection worker do?

The worker will discuss with you and your child the problems that led to the order being made, and work with you to work out family plans that ensure your child's longterm safety and development.

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. This meeting talks about the things that need to happen to ensure your child's longterm safety and development. It will also make 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 and your child can participate in this meeting. You can bring someone to the best interests planning meeting to support you if you wish. This may be a friend, family member, a lawyer, 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 best interests plan will be reviewed at least once a year and you will have the opportunity to participate in this review.

What if I disagree with the best interests plan?

If you disagree with decisions that are made about your child, you should talk with the worker. If, after speaking with the worker, you still do not agree, 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 to 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 the supervision order

You may appeal to a higher court, called the County Court, against the supervision order made by the magistrate if you think it is unfair. 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.

You can also apply to the Children's Court to have the order revoked (cancelled).

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 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: