

Temporary Assessment Order – information for young people



Someone has made a report to the Department of Human Services that you may have been hurt or are at risk of being hurt. The law says that a Child Protection worker (the worker) must investigate this report. The worker's job is to make sure that children are safe and cared for by their family.

If the worker is unable to find out if you are safe, they can apply to the Children's Court for a temporary assessment order to allow them to find out what is happening with you.

What is a temporary assessment order?

The Children's Court can make a temporary assessment order when it thinks that workers cannot properly carry out an investigation or assessment without a court order. The order means that you and your parents must cooperate with the investigation and any conditions attached to the order.

What happens now?

You and your parents have been given a copy of the application for a temporary assessment order, which tells you where the court is and how to get there.

You should try to arrive at the court as soon as possible after you are given a copy of the application so that you have enough time to talk to a legal representative (your lawyer) who will speak to you and make sure the magistrate knows what you want to happen.

If you need an interpreter to help you to understand what is happening, tell the worker or your lawyer and the worker will arrange this for you.

What happens at court?

The magistrate will want to hear about you and your family situation and why the worker has applied for the temporary assessment order. The magistrate will also

want to hear what actions the worker needs to take to investigate the reported concerns.

Your lawyer will tell the magistrate what you want to happen and the magistrate will then decide whether or not to make the temporary assessment order.

If a temporary assessment order is made, the magistrate will explain why. The magistrate will also explain what conditions they have made as part of the order and what you and your parents must do.

Your rights

If a magistrate makes a temporary assessment order you can refuse to answer any question asked by the worker if:

- the answer may prove you are guilty of a crime
or
- the answer may involve you saying something that you have talked about with your lawyer. This could be something either you or your lawyer has said or something that has been in writing.

Can I appeal against a temporary assessment order being made?

If a temporary assessment order has been made without notice to you or your parents, you or your parent(s) may at any time apply to the court to vary (change) or revoke (cancel) the order. Your lawyer will help you do this.

If you have been given notice (that an application has made to the court), you should talk to a lawyer who can tell the magistrate why you do not agree with a temporary assessment order being made.



The information below is provided to assist you.

Contact information

The Child Protection worker's name is:

The Child Protection worker's work address is:

Their contact number is:

The court hearing will be held on (hearing date):

at (name of Court):

at (time of hearing):

You are entitled to be legally represented at the hearing. You can apply for legal aid directly from Victoria Legal Aid or through your own solicitor. For further information you can talk to Victoria Legal Aid on (03) **9269 0234**.