

How does the magistrate make a decision?

The magistrate considers:

- your views
- your child's views
- the information presented in court
- relevant cultural advice if your family is Aboriginal or Torres Strait Islander.

The magistrate then decides if a child protection order is necessary to keep your child safe.

What happens next?

The magistrate may decide that a child protection order is not necessary. If this happens, we'll continue working with you to keep your child safe.

If the magistrate grants a child protection order, they will decide the type of order.

You'll get a copy of the order, and we'll explain what it means for you and your child.

For orders granting custody or guardianship, we'll work with your family to help you make the changes you need to protect and care for your child.

What if you don't agree with the court?

If you don't agree with the magistrate's decision, you can lodge an appeal within 28 days. You should ask a lawyer to help you lodge your appeal.

Can a child protection order be changed?

Yes, if circumstances change, the order can be:

- extended for a further period of time
- changed to a different type of order
- revoked.

You can talk to us about how a child protection order can be changed.

More information

We recognise that this may be a worrying time for you, and we want to work with you to do what's best for your child. You can talk to us at any time about what's happening.

Child Safety Officers:

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Senior Team Leader:

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Child Safety Service Centre:

Phone:

Child Safety After Hours Service Centre:

Phone: 3235 9999 or freecall 1800 177 135

Child protection orders

Information for parents



All children belong in families who love them and keep them safe.

If after talking to you and collecting information about your family situation we assess that your child is not safe at home, we'll ask for a child protection order.

To do this, we talk to the Director of Child Protection Litigation. They're an independent agency within the Department of Justice and Attorney-General that handles child protection legal matters.

The Director of Child Protection Litigation considers our information and decides whether to apply to the Childrens Court for a child protection order, and the type of order.

What is a child protection order?

A child protection order is made by the Childrens Court if it believes a child is in need of protection.

This means the magistrate agrees the child has been harmed or is at an unacceptable risk of harm.

Usually, the magistrate will make a child protection order if they believe that:

- you can't safely care for your child at home
- you aren't willing and able to let us help you keep your child safe.

A child protection order can be:

- short — lasting up to 2 years
- long — lasting until the child turns 18 years old.

There are different types of child protection orders, depending on a family's situation:

- **Directive order** — this requires you to do something to care for your child
- **Supervision order** — this requires us to supervise your child's care
- **An order granting custody** — this requires us, or a family member, to be responsible for the day-to-day care of your child
- **An order granting guardianship** — this requires us, a family member, or another person that the court thinks is suitable to be the child's guardian.
- **Permanent care order** — this requires a person that the court thinks is suitable to be the child's guardian.

What does it mean for you?

Under a directive or supervision order:

- your child lives at home with you
- we'll work with you for 12 months to keep your child safe.

Under an order granting custody or short-term guardianship:

- the magistrate is satisfied your child is not safe at home
- we'll ask a family member, or a foster carer, to care for your child for up to 2 years
- we'll help you make the changes needed so your child can return home.

Under an order granting long-term guardianship:

- the magistrate is satisfied your child is not safe at home

- we'll ask a family member, foster carer or other suitable person to care for your child until they turn 18 years old.

Under a permanent care order:

- the magistrate is satisfied your child is not safe at home
- we'll ask a suitable person to care for your child until they turn 18 years old.

How do you prepare for court?

If the Childrens Court receives an application for a child protection order, you'll need to go to court.

You should receive at least 3 days' notice to prepare for your court date.

You'll also receive copies of the documents given to the magistrate, before the first court date.

The magistrate won't hear the application unless you've had time to talk to a lawyer.

You and your child can have a lawyer represent you in court. Having a lawyer helps to have your views heard. It also helps the court to have as much information as possible to make its decision.

You can call any of the following organisations for help:

- Legal Aid Queensland
Phone: 1300 651 188
- Community Legal Centres Queensland
Phone: 3392 0092
- The Aboriginal and Torres Strait Islander Legal Service (Qld)
Freecall: 1800 012 255