Child Protection Toolkit Online Content

Your Rights

Parents have rights and should be treated fairly and respectfully:

- You have the right to be treated fairly
- You have the right to:
- Be respected as a parent
- Be treated kindly and fairly
- Be treated the same as others, no matter your:
    - Culture or race
    - Gender
    - Religion
    - Age
    - Disability

- Have your voice heard

You have the right to information:

You have the right to:

- Get a lawyer
- Be told about your legal rights early
- Go to court hearings
- Take a support person to meetings and court
- Be part of decisions about your child

You have the right to family and connection:

You have the right to:

- Have your family recognised as important
- Spend time with your child where possible
- Be recognised as a protective parent if you did not cause the harm
- Bond with your baby, including breastfeeding, if safe to do so

You have the right to support:

You have the right to:

- Get support to help keep your family safe
- Be offered help early
- Have a say in what support you get
- Choose support that works for your family
- Take a support person to meetings

You have the right to culture:

You have the right to:

- Have your culture respected
- Practise your religion
- Speak your language
- Have an interpreter if you need one

For Aboriginal and Torres Strait Islander parents:

You have the right to:

- Keep strong connections to family, Country, culture, and community
- Have kinship and cultural parenting respected
- Get culturally safe support
- Have decisions follow the Child Placement Principle

You have the right to privacy:

You have the right to:

- Keep your personal information private
- Know information is only shared when allowed by law
- Have your reputation treated with respect
- Make a complaint

You can:

- Talk to your Child Safety officer or their manager
- Contact the Complaints Unit:

  Phone: **1800 080 464**

  Email: **feedback@cyjma.qld.gov.au**

- Contact the Queensland Ombudsman if needed

Remember:

- You matter
- Your voice matters
- Support is available

Child protection is about keeping children safe and supporting families.

Child Placement Principle

When making a significant decision about an Aboriginal or Torres Strait Islander child, Child Safety must apply the Child Placement Principle using active efforts.

Active efforts mean actions must be:

- Timely – taken as early as possible
- Thorough – comprehensive, not tokenistic
- Purposeful – clearly aimed at maintaining the child's family, cultural and community connections

This requires doing everything that can be done, as soon as possible, to keep the child connected to their family, culture, community and country.

Aims of the Principle

The Aboriginal and Torres Strait Islander Child Placement Principle seeks to:

- Keep children connected to family, community, culture and country
- Recognise and protect the rights of Aboriginal and Torres Strait Islander children, families and communities in child welfare matters
- Support self-determination for Aboriginal and Torres Strait Islander peoples in child protection decisions
- Reduce the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection system

Five Elements of the Child Placement Principle

1. Prevention

- Aboriginal and Torres Strait Islander children have the right to be raised within their own family and community.
- Active efforts must focus on early support, family strengthening and prevention of removal.

2. Participation

- Children, parents and family members have the right to participate in decisions affecting the child.
- Child Safety must actively enable participation, including culturally safe engagement and support to understand processes.

3. Partnership

- Aboriginal and Torres Strait Islander persons and organisations have the right to be involved in:
    - Significant decisions made under the **Child Protection Act 1999**
    - The design, development and delivery of services for Aboriginal and Torres Strait Islander children and families
- This requires genuine collaboration, not consultation in name only.

4. Placement

- If a child must enter care, they have the right to be placed with a member of their family group wherever possible.
- Placement decisions must follow the legislated placement hierarchy and demonstrate active efforts to identify suitable kin.

5. Connection

- Children have the right to maintain strong connections to:
    - Family
    - Community
    - Culture
    - Traditions
    - Language
- This is particularly critical when a child is placed with a non-Aboriginal or non-Torres Strait Islander carer.
- Cultural support planning must be meaningful, living, and regularly reviewed.

Remember:

Applying the Child Placement Principle is not optional and not procedural.
It requires evidence of active efforts at every stage, including:

- Decision-making
- Case planning
- Placement selection
- Ongoing review and support

Failure to apply the Child Placement Principle to the active efforts standard may result in decisions that are unlawful, culturally unsafe, or harmful to the child's identity and wellbeing.

Child Protection Orders

Child protection orders range from short-term, emergency orders to long-term permanency orders, depending on the stage of assessment and the child's safety needs.

What must happen before the court makes a Child Protection Order?

The court checks that:

- Parents were given court papers (or Child Safety tried to give them)
- A Case Plan was made and shown to the court
- A Case Conference was held if the parent disagreed with the order
- The child's views were shared with the court, if possible

Important to know

Under any Child Protection Order, the court can decide:

- A parent may have supervised contact, or
- No contact with their child

This decision is made to keep the child safe.

Key message for parents

- A Child Protection Order is about safety
- It does not always mean harm was intentional
- Parents have rights and can:
    - Get legal advice
    - Be involved in planning
    - Seek advocacy
    - Ask for support services

Types of Child Protection Orders

Temporary Assessment Order

Purpose:
Used when Child Safety is assessing if the child needs protection. The order can provide for the immediate custody of the child, authorise medical treatment, or restrict contact with a parent.

Who has Custody? Child Safety
Who has Guardianship? Parent
Maximum duration of order: 3 days. May be extended by 1 business day if Child Safety intends to apply for a Court Assessment Order or the Office of the Director of Child Protection Litigation intends to apply for a child protection order.

Court Assessment Order

Purpose:
May be sought when Child Safety is still assessing if the child needs protection and a longer period is required to complete the assessment. The order may grant custody to Child Safety, authorise medical treatment, or direct how much supervised time a parent or other person can have with the child.

What the order may do:

- Grant custody to Child Safety
- Authorise medical examinations or treatment
- Direct supervised contact arrangements

Who has custody? Child Safety
Who has guardianship? Parent
Maximum duration of order: 28 days. May be extended once for a further 28 days

Directive Order

Purpose:
The least intrusive order. Directs a parent to take (or stop) specific actions to protect the child. It can also direct a parent or other person to only have supervised contact with the child.

Who has custody? Parent
Who has guardianship? Parent
Maximum duration of order: 1 year

Protective Supervision Order

Purpose:
Allows Child Safety to supervise the child's wellbeing and protection while the child remains in parental care.

Who has custody? Parent
Who has guardianship? Parent
Maximum duration of order: 1 year

Transition Order

Purpose:
Supports a child's return from care to a parent, allowing monitoring before the final order ends.

Who has custody? Child Safety
Who has guardianship? Parent
Maximum duration of order: 28 days

Short-Term Custody Order

Purpose:
Used when the case plan goal is to reunify the child with their family. The order can grant custody of the child to Child Safety or a suitable family member.

Who has custody? Child Safety or a suitable family member

Who has guardianship? Parent

Maximum duration of order: 2 years

Short-Term Guardianship Order

Purpose:
This order is suitable when the case plan goal is to reunify a child with their family, but the family is unable or unwilling to make significant decisions about the child's care.

Who has custody? Child Safety
Who has guardianship? Child Safety
Maximum duration of order: 2 years

Long-Term Guardianship Order to the Chief Executive

Purpose:
This order is suitable when the child cannot be safety reunified with their parent and long-term care would best protect and care for the child. The order will grant long-term guardianship to Child Safety.

Who has custody? Child Safety
Who has guardianship? Child Safety
Maximum duration of order: Until the child turns 18

Long-Term Guardianship Order to a Suitable Person

Purpose:
This order is suitable when the child cannot be safety reunified with their parent, and long-term care would best protect and care for the child. The order will grant long-term guardianship to or a suitable family member, or other suitable person.

Who has custody? Suitable family member or other person
Who has guardianship? Suitable family member or other person
Maximum duration of order: Until the child turns 18

Permanent Care Order

Purpose:
This order is suitable when a child cannot be safely reunified with their parents and the child requires a permanent home that can provide them with stability as well as physical, relational and legal permanency. This order will only be made if the Children's Court is satisfied that the permanent guardian will meet their obligations under a PCO, which includes preserving the child's identity, relationships with their birth family and connection to their culture of origin.

Who has custody? Permanent guardian
Who has guardianship? Permanent guardian
Maximum duration of order: Until the child turns 18

Care Agreements

How does a care agreement end?

A care agreement can end:

On the agreed end date:

- Most care agreements end on the date you and Child Safety agreed to.

With 2 days' notice:

- Either you or Child Safety can end the agreement by giving 2 days' notice.

When it is safe for your child to return home:

If things change and:

- Your situation improves, or
- You ask to end the agreement

Child Safety must first check it is safe for your child to return home.

If it is not safe for your child to come home:

If Child Safety believes your child is not safe:

- They will talk to you about their worries
- They may ask to extend the agreement

If you do not agree to extend the agreement:

- Child Safety may apply to court for a temporary custody order
- If this happens, the care agreement ends

Care Plans

What is a care plan?

A care plan is a written document that explains how Child Protection will look after your child when your child is on:

- a protection order (time limited), or
- a protection order (until child turns 18)

The law says every child on these orders must have a care plan.

A care plan sets out:

- what your child needs
- how those needs will be met
- where your child will live
- who your child can have contact with, including parents, siblings, family members and other important people
- decisions about your child's day-to-day care
- if your child is Aboriginal, Torres Strait Islander, or from a culturally or linguistically diverse background, how Child Protection will support your child's cultural identity and connections
- if your child is 15 years or older, a leaving care plan to help them transition out of care

When is a care plan made?

A care plan must be made as soon as possible after a magistrate makes a protection order that gives Child Protection the power to make major decisions for your child.

- It should be completed within 30 working days
- It can be changed later if it is not working well for your child

What is a provisional (temporary) care plan?

Before a final protection order is made, Child Protection must also prepare a provisional (temporary) care plan.

- This must be done within 7 working days of your child entering temporary or provisional care
- Because of the short time frame, you may not be involved at first, but you should be consulted later

Who makes the care plan?

The care plan is developed by your child's Child Protection workers following a care plan meeting.

What is a care plan meeting?

A care plan meeting is where Child Protection:

- considers information about your child
- discusses options
- makes decisions about your child's care

The law says the best interests of your child are the most important consideration.

Who can have a say?

You have the right to have a say in your child's care plan.

Child Protection should invite:

- Parents
- Carers
- The child (if they are old enough and want to attend)
- Anyone else with a direct and significant interest in the child's wellbeing

If it is not safe or appropriate for everyone to attend together (for example, where there has been family violence), Child Protection must still consider everyone's views when making decisions.

Care plan meetings should be held at times and places that suit you, so you can participate.

Child Protection has the final decision about what goes into the care plan.

Can I get a copy of the care plan?

After a care plan meeting, Child Protection must give you a copy of the care plan (or any changed plan), unless they believe it is not safe to do so.

Can care plans be changed?

A care plan can be changed at any time if Child Protection believes it is no longer in the child's best interests.

How often are care plans reviewed?

- Care plans must be reviewed at least once every 12 months
- This is called a care plan review

Child Protection must consider the views of:

- you
- your child
- the carer
- anyone else they decide should have a say

What if I don't agree with the care plan?

1. Talk to the Child Protection officer who ran the care plan meeting
    - You may be able to resolve concerns or better understand the decision
2. If you still disagree, you can apply to the Care Plan Review Panel
    - This is an independent panel
    - You must apply within 14 days of receiving the written care plan
    - In some cases, an extension of time may be granted

You should get legal advice if you need help with a review application.

Ongoing family meetings

If your child is on a time-limited protection order, you should have monthly family meetings with Child Protection.

These meetings are to:

- Review progress
- Discuss plans for your child returning to your care, or the other parent's care
- Raise any worries about your child's wellbeing

Intervention with Parental Agreement

How does it work?

- A family group meeting is held
- Important people in your child's life are invited
- You and Child Safety talk about what needs to change

Together, you make a case plan that explains:

- What changes are needed
- What support you will get
- Who is helping and how

Child Safety will:

- Meet with you regularly
- Support you to follow the case plan
- Review progress with you

Where does your child live?

- Usually, your child stays living at home
- Sometimes, your child may stay somewhere else for a short time
- This only happens if you agree
- Your child may stay with an approved carer

How does intervention with parental agreement end?

In most cases, it ends when:

- You have made the changes in your case plan, and
- Child Safety believes you can safely care for your child

If things change:

If you:

- Change your mind about working with Child Safety, or
- Are unable to make the changes in your case plan

Child Safety may:

- Talk with you about their concerns
- Apply to the Children's Court for a Child Protection Order

To do this, they speak with the Director of Child Protection Litigation. The Director of Child Protection Litigation handles child protection legal matters

Assessment Orders

Types of assessment orders:

Temporary assessment order

- Lasts 3 working days
- Used in urgent situations
- Usually made without a court hearing
- You will be given a copy of the order

Court assessment order

- Lasts up to 28 days
- Decided at a court hearing
- You should be given at least 3 days' notice
- Can be extended once only, if needed

What can an assessment order allow?

The magistrate decides what Child Safety can do.

An assessment order may allow Child Safety or police to:

- Enter your home to find your child
- Talk to your child about what is happening
- Arrange a medical check if your child may be hurt
- Decide how much contact you have with your child
- Take your child into Child Safety's care for a short time

What happens to your child?

- Your child may stay with a foster carer during the assessment
- You stay your child's guardian

- Child Safety should explain to your child:
    - What is happening
    - Why they are staying elsewhere

Do you need to go to court?

Temporary assessment orders

- Are made quickly
- May be made without you going to court
- You should still talk to a lawyer or advocate to understand your rights

Court assessment orders

- Are decided at a court hearing
- Can go ahead even if you don't attend
- You can have a lawyer or advocate speak for you
- Having a lawyer or advocate helps make sure your views are heard

What if you don't agree with the court?

You have the right to appeal the decision.

Talk to a lawyer as soon as possible.

Appeal timeframes:

Temporary assessment order:
You must appeal **immediately**

Court assessment order:
You must appeal within **28 days** from when the order was made

Temporary Custody Order

What can the Department (or police) do under the order?

A magistrate decides exactly what the order allows. It may let the Department or police:

- Enter your home to look for your child
- Speak to your child about the family situation
- Arrange a medical check or treatment if your child may be injured
- Control how much contact you have with your child
- Take your child into their custody

Where will your child stay?

Your child may be placed with a foster carer during the order.

Important points:

- You remain your child's guardian
- The Department will explain what's happening to your child
- The arrangement is temporary only

Do you need to go to court?

Usually:

- Temporary custody orders are made without a court hearing
- They are made quickly because the situation is urgent
- A magistrate approves the order

You will receive:

- A copy of the order
- An explanation of what it means for you and your child

What happens next?

While the order is in place:

- The Department assesses how to keep your child safe
- They may consult the Director of Child Protection Litigation
- You should be included in discussions about your child's safety and care

If you disagree with the Temporary Custody Order, you have the right to appeal.

Very important:

- You should get legal advice immediately
- Temporary custody orders are very short
- Appeals must be lodged straight away

A lawyer can help you:

- Understand the order
- Decide whether you can appeal
- Lodge paperwork urgently if needed

Key things to remember

- Temporary custody orders are short, urgent, and limited
- They do not remove guardianship
- You have rights, including the right to seek legal advice and appeal
- Acting quickly is critical if you disagree with the order

Family Contact

Where does contact happen?

Contact might take place:

- At the child safety service centre
- At your home
- In the community (park, library, playground, community centre)

Is family contact reviewed?

- Contact is usually reviewed as part of your child's case plan review
- It can be reviewed more often if needed
- You can tell Child Safety if you want changes to contact arrangements

What if I'm unhappy with contact arrangements?

There is a clear step-by-step process:

Step 1: Talk to your Child Safety Officer

Step 2: Raise your concerns directly

Step 3: Escalate within Child Safety
If that doesn't help, speak to the Senior Team Leader or service centre manager.

Step 4: Make a formal complaint
Contact the Complaints Unit:

1800 080 464

feedback@cyjma.qld.gov.au

Step 5: External review Queensland Civil and Administrative Review Tribunal.

If you are unhappy with how your complaint was handled, you can ask the Queensland Civil and Administrative Tribunal to review certain contact decision

Benefits of having contact with your child

Family contact allows you to:

- Spend meaningful, enjoyable time together
- Maintain and strengthen your relationship
- Share positive news and life events
- Stay involved in your child's education and activities
- Support your child's learning and development

Tips for positive family contact:

Child Safety encourages you to:

- Arrive on time (call if you're running late)
- Be drug and alcohol free
- Show interest in your child's life (school, friends, interests)
- Praise and encourage your child
- Share positive updates from your own life
- Agree on ground rules (no arguing or yelling)
- Plan ahead (activities, food, games)

Things to avoid during contact

Even if emotions are strong:

- Stay calm and manage your feelings
- **Do not express anger toward:**
    - your child
    - the carer
    - Child Safety staff
- Do not discuss court matters as these are adult issues and can distress children

If contact is not going well, your Child Safety Officer can work with you to adjust arrangements.

Family and Child Connect

Family and Child Connect (FCC) assists children, young people and families get early support when there are concerns about a child's wellbeing.

It is designed mainly for professionals working with families, but families can also self-refer to seek advice or assistance.

What Family and Child Connect Does

Family and Child Connect provides:

- Information and advice to help address concerns about a child or family's wellbeing
- Early intervention support to prevent families from entering or re-entering the child protection system
- Links to local services that best match the family's needs

Each Family and Child Connect service is supported by:

- A **Principal Child Protection Practitioner** from the Department of Child Safety, Seniors and Disability Services, who helps identify and respond to concerns that may require child protection intervention
- A **specialist domestic and family violence practitioner** who provides advice and support around domestic and family violence issues

When Family and Child Connect Is Appropriate

Family and Child Connect is suitable when:

- A child or family needs support, but concerns do not yet meet the threshold for a child protection report
- A family is at risk of entering or re-entering the child protection system without timely support

Serious concerns that suggest a child may need protection should be reported directly to Child Safety, not to Family and Child Connect.

The Role of Family and Child Connect

Family and Child Connect:

- Provides information and advice based on an assessment of the family's needs
- Engages with families and refers them to appropriate support services
- Supports a Local Level Alliance of government and non-government services to coordinate responses for vulnerable families

Referring to Family and Child Connect

- Family consent is required before making a referral, unless you are a prescribed entity
- Even when consent is not legally required, obtaining it improves family engagement

If consent is not given (and you are not a prescribed entity), a referral cannot be made.

What Happens After a Referral?

Family and Child Connect undertakes an initial assessment and considers one or more of the following responses:

1. Information and Advice

- Advice to the referrer on how to respond
- Guidance on how to keep the family engaged
- Information about relevant local support services

2. Referral to a Support Service

- Assists the referrer to connect the family to a service
- May help obtain consent and facilitate engagement to ensure a smooth referral

3. Active Engagement and Referral

- For families with multiple or complex needs
- FCC undertakes a more detailed needs assessment
- With consent, refers families to Intensive Family Support or other appropriate services

4. Report to Child Safety

- If information suggests a child may need protection, Family and Child Connect will make a report to Child Safety
- The Principal Child Protection Practitioner helps identify reportable concerns and supports the reporting process

Local Level Alliance

Family and Child Connect supports Local Level Alliances made up of government and non-government services to ensure:

- Families receive the right mix of services
- Support is provided at the right time
- Responses are coordinated and community-based

Independent Person

Why have an independent person?

An independent person helps to:

- Make sure your voice is heard
- Help you feel stronger and more confident in meetings
- Explain cultural, family, or personal matters that are important for decisions about your child
- Help Child Safety better understand your child, your family, and your community

They do not:

- Make decisions
- Speak instead of you
- Take over your role as parent

You still speak for yourself — they support, not replace you.

Who can be an independent person?

Your independent person can be:

- A family member
- A trusted community member
- An Aboriginal or Torres Strait Islander person who:
    - Represents your child's community or language group
    - Is important to you and your family
    - Can speak about your family's culture

If parents come from different cultural or language backgrounds, each parent:

- Can have their own independent person

Your child:

- May also choose their own independent person

Will Child Safety accept my choice?

Child Safety will respect your choice, unless there is a clear reason why the person you choose cannot act as your independent person.

This is not common and must be justified.

What can an independent person do?

With your agreement, they can:

- Attend meetings with you
- Help you explain your views clearly
- Share cultural or family knowledge that affects decision-making

They do not speak for you — they help you speak for yourself.

Do I have to have an independent person?

You do not have to have an independent person. It is your choice as to whether you have one or not

What if I want one but don't know who to choose?

If you want an independent person and need help finding one:

- You can contact local Aboriginal or Torres Strait Islander community organisations
- Child Safety can also help you find an independent person

Remember:

- You and your child have the right to an independent person
- You can each have different independent people
- They support you but do not make decisions
- Cultural understanding is an important part of their role
- Having one is optional but encouraged

Community Visitor

What community visitors do

Community Visitors are independent advocates who help protect the rights, wellbeing and interests of children and young people in care or youth detention.

As part of their role, Community Visitors meet with children and young people to:

- check they are safe and well
- listen to their views and concerns
- support them to have a say in decisions that affect their lives.

Community Visitors are independent and do not work for Child Safety, the courts, or the Department of Education.

Who do they visit

Community Visitors can visit children and young people under 18 years old who are staying in certain places, called visitable sites.

These include:

- foster or kinship care homes
- residential care services
- youth detention centres
- police watch houses
- inpatient mental health services
- places providing respite services for child NDIS participants
- some youth shelters and hostels.

If a child or young person is in one of these places, they can ask for a visit.

During a Visit

Community Visitors meet with children and young people to:

- check they are safe and well
- listen to their views, concerns and needs
- ensure their living arrangements are suitable
- provide information about their rights
- support them to have a say in decisions that affect their lives.

Community Visitors can also help with concerns about:

- care arrangements or where a child is living
- contact with family and other important people
- education, health care or mental health support
- accessing services and financial support
- issues involving Child Safety, carers or service providers
- legal matters and advocacy support
- youth detention, where relevant.

How Community Visitors Can Help

If concerns are identified, Community Visitors can:

- help address the issue
- raise concerns with carers, service providers or Child Safety
- assist with complaints
- connect families and young people with other organisations for support.

Community Visitors speak with children and young people privately and participation is always voluntary.

How Often Community Visitors Visit

Community Visitors visit children and young people when they first enter care, return to care, or when there is a need for support.

The frequency of visits depends on the individual circumstances of the child or young person and may be:

- monthly
- every three months
- less frequently where regular visits are not required.

Additional visits can be requested if needed.

Request a Visit

Children, young people, families, carers and support workers can contact the Community Visitor Program to request a visit or discuss concerns.

Contact details:

- Phone: 1300 653 187
- Email: publicguardian@publicguardian.qld.gov.au

A request can also be made through a carer, Child Safety officer, service provider or other support person.

Office hours: Monday to Friday, 9:00am to 4:00pm
Visiting hours: Monday to Friday, 8:00am to 6:00pm.