



BEING IN CARE - MAKING DECISIONS AND CHANGES

This sheet is intended to provide **general legal information** about the law in Queensland.

This information is not legal advice.

If you have a particular legal problem you should contact a solicitor for legal advice. At the end is a list of agencies that might be able to assist you, including legal agencies.

This sheet is for young people who are in the care of Child Safety. There is information on:

1. Making decisions for myself.
2. What if I'm unhappy with my case plan?
3. Things I disagree with and what I can do about it.
4. What to do if my needs are not being met?
5. What to do if I'm unhappy with my Child Protection Order?

Making decisions for myself

If you are in the care of Child Safety then some decisions that are really important will be decided by a group of adults and you. These decisions are usually made at a Family Group Meeting. At this meeting, your parents, carers, child safety officer (the person from Child Safety whose job is to make sure your needs are met), cultural representative, your youth worker, your lawyer and you talk about what you need to have a good life. This is put into a case plan which says things like who you live with and where you go to school.

As you get older you may get better at making decisions. The law says that as you get better at understanding what a decision is about and what will happen if you choose different options, then what you want will be more important when deciding what happens in your life. The more important the decision is, the more you will need to show that you understand what the decision is about and how it **affects you**.

If you feel like you are ready to have more of a say in decisions about your life you can talk to an adult that you trust which may be:

- Your Child Safety Officer
- If you are Indigenous then your local Indigenous group or community member who have been approved by Child Safety
- A Community Visitor from the Commission for Children and Young People and Child Guardian

- If you are in 'residential care' then your case manager
- Youth worker - see contact details at the end of the sheet
- Teacher
- Lawyer - see contact details at the end of the sheet

What if I'm unhappy about my case plan?

If you think that your case plan needs to be changed then you can speak to the people listed above in the section 'Making Decisions for myself'

The best place to have your case plan changed is at the next Family Group Meeting. To find out when the next Family Group Meeting is you should ask your child safety officer.

Things I may disagree with and what I can do about them

There are 5 types of decisions made by Child Safety that you can ask to be reviewed. These are decisions:

- not to let your parents know where you are living
- to limit or stop you from seeing your parents, brother or sister
- that you are to live with a particular person or in a particular place
- that you are no longer allowed to live with a person who was your carer
- refusing to review your case plan when requested if you are under a long-term Guardianship Order.

To have the decision reviewed means that the Queensland Civil and Administrative Tribunal (QCAT) will look into the decision. There will be a day where you can go to QCAT with a lawyer and say what you think should happen. The decision can either be changed or be left as it is.

You have only 28 days after you get the letter from Child Safety telling you about the decision to put your application for a review in at QCAT. If you don't get a letter telling

you about the decision, you may still be able to have the decision reviewed. This won't cost you anything. To get help with this call one of the legal services at the end of this sheet or QCAT.

What to do if my needs are not being met?

You can call the Commission for Children and Young People and Child Guardian (the Commission). It is separate from Child Safety and is there to help you if you feel like you are not getting your needs met. See their contact details at the end of this sheet.

Create is a non-government organisation which supports young people who are in care and transitioning to independence from care. See their contact details at the end of this sheet.

What if I am unhappy with the Child Protection Order? (CPO)

A Child Protection Order can be made by the Childrens Court if the court decides that you are unsafe and there is not a parent able to make you safe at the moment. The aim of the Order is to make you safe. If the court makes a CPO about you and you disagree with it, you can ask the court to

cancel or change the Order. For the court to cancel the Order you will need to show the court that you will be safe from harm without a CPO. For the court to change your CPO you will have to show the court that the change you want to make will still keep you safe from harm.

If there has been an application to the court for an Order, there will be a number of court hearings - it won't all be sorted out on one day. While this is happening the court can say that Child Safety will decide where you are to live or that Child Safety can come and check on your safety. Or the court might decide that you are to live with someone other than your parents until the court makes a final Order. If you disagree with this you may be able to appeal. This appeal must be made within 28 days of the court making this Order. You will need some help with this appeal so it is best to call one of the lawyers at the end of this sheet.

Your Mum and Dad or other people involved in the Child Protection Order also may be able to appeal the Court Order. They can call Legal Aid on 1300 65 11 88.

Who can help?

Youth Advocacy Centre www.yac.net.au	3356 1002
South West Brisbane Community Legal Service www.communitylegal.org.au	3372 7677
Logan Youth Legal Service www.yfs.org.au	3826 1599
Legal Aid Queensland www.legalaid.qld.gov.au	1300 651 188
Aboriginal and Torres Strait Islander Legal Service (ATSILS) www.atsils.com.au	1800 012 255
Community Legal Centres (CLCs) www.qails.org.au	3392 0092
Crime and Misconduct Commission www.cmc.qld.gov.au	1800 061 611
<i>CREATE</i> www.create.org.au/qld	1800 655 105
<i>Commission for Children and Young People and Child Guardian</i> www.ccypcg.qld.gov.au/	1800 688 275
Queensland Civil and Administrative Tribunal www.qcat.qld.gov.au	1300 753 228

This information was last reviewed and updated in January 2013. The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.