



# How will a separate representative help my child in their child protection matter?

*A separate representative's role explained.*

A separate representative acts in your child's best interests and will ensure their views and wishes are considered by the court during legal proceedings.

*Speak to us about how a separate representative will act for your child before the children's court.*

## What is a separate representative?

A separate representative is a lawyer appointed to represent your child before the children's court when it is deciding if a child protection order should be made.

## How is a separate representative appointed?

A separate representative can be appointed by the court during child protection proceedings if the magistrate considers it important in protecting your child's best interests. If this is the case, the children's court will ask Legal Aid Queensland to appoint a lawyer to be the separate representative.

## How will I be involved with the separate representative?

It is important that the separate representative remains independent from the people involved in the case.

If you have your own lawyer, the separate representative will communicate with you through them. It is important you do not contact the separate representative yourself. If you do not have a lawyer, the separate representative will contact you either in person, by phone or in writing.

## How will the separate representative recognise my child's best interests?

A separate representative may gather information about your child's case by:

- ▶ reading the information given to the court by you and the Department of Communities (Child Safety Services)
- ▶ meeting your child in person
- ▶ requesting a social assessment report
- ▶ speaking to teachers, guidance officers or other people who have spent significant time with your child
- ▶ requesting reports from other professionals such as social workers, psychologists or psychiatrists.

## What is a social assessment report?

A social assessment report is used to help the court understand your family situation and your child's views, wishes and emotional attachments.

A social worker or another professional, such as a psychologist or a psychiatrist, will write the social assessment report. The separate representative will ask you to take part in an interview to help the report writer collect the information they need.

## What will happen before a hearing?

Before a hearing takes place, the childrens court will ask you to attend a court-ordered conference with representatives from the Department of Communities (Child Safety Services). The conference aims to decide which issues affecting your child are in dispute and tries to resolve them. A chairperson and the separate representative will also attend.

Family group meetings will also be held to ensure there is a case plan in place for your child before the magistrate makes their final decision about whether a child protection order should be made.

A case plan covers the arrangements that will be in place to meet your child's care and protection needs while they are in out-of-home care and what changes must be made before your child can return home. It deals with things like what contact you will have with your child and how your child's education and other needs will be met.

The Department of Communities (Child Safety Services) organises the family group meeting and involves you (the child's parents), other family members, the separate representative and anyone else who might make a useful contribution to preparing a case plan, such as support workers, counsellors and teachers.

*“Our goal is to make sure decisions are made that keep your child safe and ensure their long-term care and development needs are met.”*



## What will happen in court?

The separate representative will present evidence to the court about your child's views and wishes.

They will ask relevant witnesses — such as representatives from the Department of Communities (Child Safety Services), the report writer, you (the child's parents) and other professionals involved in your child's life — questions to 'test' the evidence before the court about what is in your child's best interests. This means your child's views and wishes may not always be followed.

Any information for the court proceedings will be included in reports and affidavits presented to the magistrate. If your child wants to give evidence in court they may be able to do so if the court gives them permission beforehand.

Your child can give evidence in court if they:

- › are 13 years or older
- › are represented by a lawyer
- › agree to give evidence.

When the magistrate makes their final decision about whether a child protection order should be made, the separate representative may explain the outcome and next steps to your child.

## What if English is my second language?

If you would like this factsheet explained in your language, you can contact us through the Translating and Interpreting Service (TIS) on 13 14 50. TIS will organise an interpreter in your language and will connect you to Legal Aid Queensland. This is a confidential and free service.

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## For more information about our services:

 **1300 65 11 88**

 **[www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)**

### Your local Legal Aid office:

#### **Brisbane**

44 Herschel Street

#### **Bundaberg**

2nd Floor, WIN Tower  
Cnr Quay & Barolin Streets

#### **Caboolture**

Ground Floor, Kingsgate  
42 King Street

#### **Cairns**

Ground Floor, Equity Central  
46 Spence Street

#### **Inala**

Level 1, Inala Commonwealth  
Offices, 20 Wirraway Parade

#### **Ipswich**

97 Brisbane Street

#### **Mackay**

Ground Floor  
17 Brisbane Street

#### **Maroochydore**

Ground Floor, M1 Building  
1 Duporth Avenue

#### **Mount Isa**

6 Miles Street

#### **Rockhampton**

Ground Floor  
35 Fitzroy Street

#### **Southport**

1st Floor  
100 Scarborough Street

#### **Toowoomba**

1st Floor  
154 Hume Street

#### **Townsville**

3rd Floor, Northtown  
280 Flinders Street Mall

#### **Woodridge**

1st Floor, Woodridge Place  
Cnr Ewing Road & Carmody Street