

What does it mean? Child protection, child and family services, and Courts

Plain English definitions of key words for parents engaging with child protection, child and family services, and the Courts.

The Voice of Parents project worked alongside parents who have experience of child protection and the service system. Parents said that working with these services can be confusing. They also said there is little information given to them to help them understand what is happening for them and their children. The parents we worked with suggested that a resource like this one could help other families to better understand key words that are used by child protection, child and family services, and the Courts.

This resource covers:

- Where the rules of child protection come from,
- What happens when child protection gets involved,
- Words you might hear when working with child protection and child and family services,
- Orders that can be made by the Court,
- Other legal terms that you may hear.

These key terms are based on definitions found listed in the footnotes and at the end of this resource. These are key terms that are used in Victoria; other states may use different language.

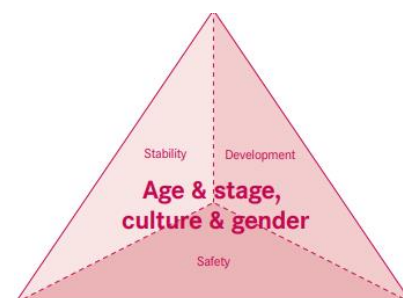
Where do the rules for child protection come from?

Children, Youth and Families Act 2005 (or “the Act” or “CFYA”)

This is the legislation that gives child protection the ability to do their jobs to protect children. It is the law that outlines how child protection should work, including how they decide that a child is in need of protection, what they can do to protect children, and how they should work with families who might have a child in need of protection. You can read the Children, Youth and Families Act 2005 [here](#).

Best Interests framework (or “Best Interest framework for vulnerable children and youth” or “Best interest principles”)

This is the way child protection thinks about what is in your child’s best interest, especially their stability, development, and safety. In this framework, your child is at the centre of all the decisions being made and action taken. Child protection will look at how your child is affected by what is happening to them at home, at school and in their community, including what supports and services are available. The framework looks like this:



SAFER children framework

This framework helps child protection practitioners to think about their concerns for your child’s safety and wellbeing. It helps them to assess risk and make plans with families. SAFER stands for:

- Seek and share information
- Analyse information gathered to determine risk of harm
- Formulate a plan of action to address those risks and child’s needs
- Enact the plan
- Review changes and reassess the risks

Best interest framework source: <https://vgls.sdp.sirsidynix.net.au/client/search/asset/1161311>

Aboriginal Child Placement Principle

This is a standard that is set up to make sure Aboriginal children placed into out-of-home care are with the best people to help them preserve their Aboriginal cultural identity and to keep strong connections to their family, community, and culture. Practitioners from child protection and other child and family services must follow this principle, and it is also part of the Children, Youth and Families Act 2005.

How does child protection get involved?

Report: A report is when someone contacts child protection or another authorised department to let them know they are worried about your child’s wellbeing or safety.



Investigation: After a notification is made, child protection will do an investigation to see if there is any more information that supports the concern about a child’s wellbeing or safety. If they can, they will try to see and talk to your child to get more information. They will then make a decision about whether they need to be involved with your family or not.



Substantiation: A substantiation happens when child protection investigates a notification, and they decide there is enough information to make them think that your child has been, is being, or is likely to be, harmed.

When you are working with child protection or other services

Child abuse and neglect (or “child maltreatment” or “harm to a child” or a “child at risk of harm”)

This is the way child protection will talk about their worries for your child’s safety and wellbeing. You might not agree with their point of view, but it is very important that you listen to their concerns and have a conversation about what that means. For example, you might not realise that it is considered abuse/neglect if your child sees or hears a bad fight between you and your partner or ex-partner.

Case Plan or Case Plan Document

This is the plan or document that sets out the child protection concerns and what is expected from you to work on these concerns. It will help you to understand what to expect and talks about what child protection or other services plan to do to support your child and your family. It is very important that you know what this document says, and that you have your thoughts and opinions included in this plan. The case plan can sometimes change, for example if things have changed in your family or with your child. As well as that, it is usually looked at every 12 months to see if any changes need to be made.

It is important to know that you have rights in meetings about your child or family. Our Charter of Parental Participation was created by parents who have also had contact with child protection. It outlines all the things you are allowed to do, say, and ask for, when going through this process.

Case plan meeting

This is a meeting where you talk with practitioners from child protection or other services about what is happening with your child and family. In this meeting you might talk about things that your child or family needs support with, as well as things that your child or family are doing well. You are allowed to be a part of these conversations, ask questions of the professionals involved and have your point of view listened to and included.

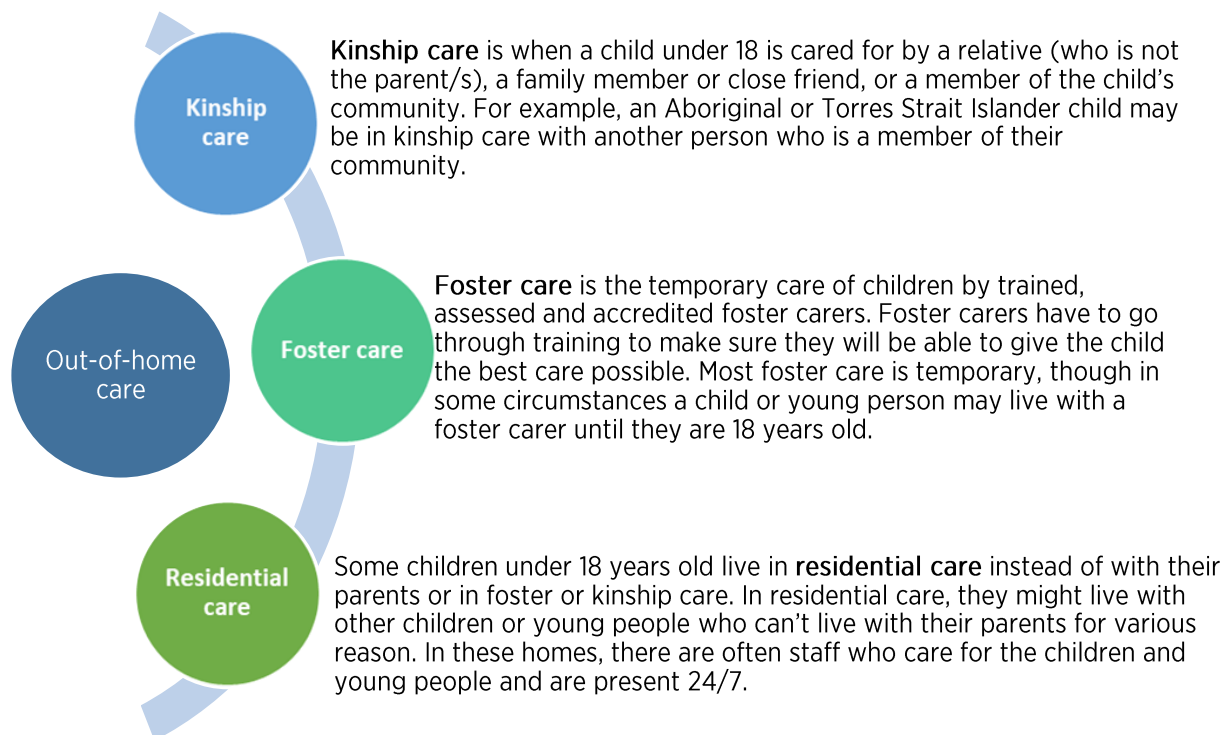
Family Group Conferencing

This is another type of meeting where people can come together to try and work out the concerns child protection has raised with you. You and your family can go to these meetings, and there might be child protection practitioners and other services there as well. Together, you will try to figure out a plan for what will happen next to help support your child. This is another important opportunity for you to be part of the conversations and to have your point of view heard.

Out-of-home care

This is when children aged under 18 years old live somewhere other than the family home or with their parents. This is something that might be recommended by child protection because they are worried about a child's safety at home, and it can be enforced by the Court. Wherever possible, children will be placed with relatives, and if that is not possible, in foster or residential care. If reunification cannot happen, child protection will try to organise permanent care for the child or young person to give them a safe and stable upbringing.

Even if your child is in out-of-home care, you are still their parent. Unless the Court says so, you are allowed to stay in touch with your child. It is important to your child that you are still connected to each other.



Permanency planning

This is a plan that outlines a long-term care arrangement that aims to keep a child safe and give them a sense of certainty about their future. This might be done through supporting a family to stay together (this is called **family preservation**) or by returning a child to their parents' care once child protection or the Children's Court feel it is safe for them to go home (this is called **family reunification**). In less common situations, permanency planning can mean an alternative care arrangement, such as a **permanent care order** or long-term out-of-home care.

Reunification (or "restoration")

This is a process of returning a child to their birth parent/s, making sure they can safely stay at home with them.

Best interest framework source: <https://vcls.sdp.sirsidynix.net.au/client/search/asset/1161311>

Orders that can be made by the Court

Family Violence Intervention Order (FVIO)

This is a decision that the Court can make to make sure you or your child are protected from family violence.

Care and Protection Orders

Legal orders or arrangements that give child protection departments some responsibility for a child's welfare (for example guardianship or custody orders, interim and temporary orders).

Temporary Assessment Order (TAO)

This means that child protection practitioners from the Department of Families, Fairness and Housing have applied to Children's Court so that they can investigate a report that a child is at risk of harm.

Interim Accommodation Order (IAO)

This is a temporary decision made by the Court that says where a child needs to live, or that they will need supervised time with their parents, to make sure they are safe in the short-term. This order is in place until a final decision is made in an application.

Family Preservation Order (FPO)

This is when the Court decides that a child:

1. is in need of protection, and
2. they CAN safely stay in their parents' care while these concerns are being addressed.

When this order is made, it means that child protection has to be involved to supervise the child, and they will help the family to make changes to keep the child safety at home and keep the family together. This order might include conditions, or things that need to be done by the family.

Family Reunification Order (FRO)

This is when the Court decides that a child:

1. is in need of protection, and
2. they CAN'T safely stay in their parent's care while these concerns are being worked on by the family.

This means that the child will stay in out-of-home care, and the Secretary of the Department of Families, Fairness and Housing will be granted parental responsibility. The goal of this order is for parents to meet certain conditions (for example, attending drug counselling or parenting courses), and it aims to have the child returned to their birth parent/s within 12 months, or up to 24 months where permanent reunification is likely by then.

Care by Secretary Order

This is when the Court decides that family reunification cannot happen anymore, and that the child cannot safely return to their birth parents' care. When this order is made, the Secretary of the Department of Families, Fairness and Housing has parental responsibility for the child for two years. This means the department is responsible for the child's care and wellbeing. They will usually try to make a long-term plan for where the child is going to stay.

Long-term Care Order

This order is made when the Court has decided the child is in need of long-term care and has found a suitable carer to raise the child. Under this order, the Secretary of the Department of Families, Fairness and Housing has parental responsibility for the child until the child's 18th birthday. This means the department is responsible for supporting the child's carer to look after the child until they grow up, and for all decisions about the child. A case plan involving a Long-Term Care Order will usually have rules for when and how parents and children can still have contact, if it is safe to do so.

Best interest framework source: <https://vgls.sdp.sirsidynix.net.au/client/search/asset/1161311>

Permanent Care Order (PCO)

This order is made when the Court find that a child or young person cannot be safely returned to their birth parent/s and has found people they think will be suitable permanent carers for a child. These carers will have permanent care of the child, and have all the duties, powers, and responsibilities that parents have in relation to the child until their 18th birthday. A case plan involving a Permanent Care Order will usually have rules for when and how parents and children can still have contact if it is safe to do so.

Undertaking

This means that the Court has decided that a child is in need of protection and that future risks can be managed by the parent/s and child with community support. The undertaking may include conditions, and it means that the Department of Families, Fairness and Housing does not stay involved.

Other legal terms that might be used

Independent children's lawyer

This is a lawyer who represents the best interests of the child. An Independent children's lawyer is someone appointed by the Court.

Lawyer

This is a person who can advise you about the law and represent you in court.

Legal capacity

This term is used to talk about if someone has the ability to understand what is happening to them and make decisions in their own best interest.

Where have these definitions come from?

- <https://services.dffh.vic.gov.au/child-protection-orders>
- <https://www.aihw.gov.au/reports-data/health-welfare-services/child-protection/glossary>
- https://www.vla.vic.gov.au/find-legal-answers/legal-glossary#family_report
- <https://www.cpmanual.vic.gov.au/family-reunification-order-info-parents-v4>
- <https://www.cpmanual.vic.gov.au/policies-and-procedures/case-planning/case-plan-preparation-and-review-following-making-protection>
- <https://fac.dffh.vic.gov.au/news/safer-commences-victorias-child-protection-practitioners>
- <https://providers.dffh.vic.gov.au/safer-children-risk-assessment-framework-good-practice-bulletin-issue-1>
- http://www.community.nsw.gov.au/_data/assets/pdf_file/0018/321642/research_family_conferecing.pdf
- <https://www.familyrelationships.gov.au/dealing-violence/family-violence-orders>
- <https://www.childrenscourt.vic.gov.au/family-division/child-protection/child-protection-orders-explained>