*Keeping Children Safe — Information for Parents*

# What is Provisional Protection?

Fact Sheet

Territory Families can remove a child from your care for up to **72 hours** without a Court order. This is called Provisional Protection. We can do this if we believe that we need to take urgent action to keep your child safe and well. It means that we are so worried about your child’s safety that we don’t think they can stay at home while we work out what to do next. A Police officer can also remove your child if they are worried, and they will tell us when they have done this so that we can plan what to do next.

## Who are Authorised Officers and what are they authorised to do?

Territory Families Authorised Officers are staff who work in child protection. Territory Families’ Chief Executive Officer (CEO) has given them the authority to remove a child from their home if they have serious worries about their safety. You will know that someone is an Authorised Officer working for Territory Families because they will have a Photo ID card that you can ask to see at any time.

When someone has told us they have worries about your children a Territory Families Authorised Officer can visit your home to look around, visit the school, or any other place, to ask questions. We need to find out if anything needs to happen to keep your child safe. We will work with you and your family to keep your child safe and well, while respecting your culture and your right to privacy.

## What can Territory Families do when we are worried about a child’s safety?

An Authorised Officer can:

* Go inside a place, e.g. home or school where they believe the child may be found.
* Search the place in order to find the child.
* Stay there for as long as they need to find the child.
* Remove the child from the place.
* Arrange for a medical examination for the child.
* Arrange for other medical services to be provided to the child.
* Make other arrangements for the care of the child to keep them safe.

## What Territory Families has to do during Provisional Protection?

* When your child is in Provisional Protection, Territory families is responsible for their day to day care. We must look after your child and make sure they are safe and well.
* We must tell you why we have decided that your child is not safe to stay at home.
* We will tell you what we are worried about and what needs to happen so your child can come back home and be safe. This might include help from family or services and supports like counsellors, a drug and alcohol program or help with parenting.
* We must seek to keep your child connected to culture and family in ways that are safe for your child and we will ask you about people you know who might be able to care for your child until they can return to your care.
* We must tell you how and where you can get legal advice, but we don’t have to arrange legal advice for you. It’s your right to have a lawyer who works for you. We will work with you and your family, and other people that you tell us are important to you and your child who can support you. We will help everyone understand what we are worried about and what needs to happen next.
* We will bring your child back home as soon as we are sure that they will be safe and we are not worried anymore.
* If we are still very worried and believe that your child should not come home right away, we will then go to Court to ask the Judge for an Order which will allow us to keep your child safe. If the Judge makes the Order, we will keep working with you to find the best way to keep your child safe, and to decide what will need to happen so your child can be safe at home.

# What happens when Territory Families goes to Court for an Order?

If we believe that it’s not safe for your child to come home within the 72 hours of Provisional Protection, we will go to Court and ask the Judge for a Temporary Protection Order (which lasts a short time) or a Protection Order (which lasts for a longer time). If we go to Court, you should get a lawyer to help you. The Court will make sure you have an interpreter if you need one. You can also bring support person or family member along if the Court agrees.

## What happens if we ask for a Temporary Protection Order

You may be given a copy of the application that we made to the Court. If it’s urgent, you might not get a copy of the application before Court but you should still come to Court to hear what is said. An application is a detailed report we give to the Court about our worries for your child’s safety and our plan for their care.

It is your right to get a lawyer before you come to Court. If you can’t get a lawyer to come to Court with you, you can ask for a duty lawyer from Legal Aid on the day you come to Court. We will tell you when Court is going to happen and where. Your lawyer works for you and they will help you understand everything that happens in Court.

You can disagree with what we say about our worries for the child to the Court. Both parents can tell the Court what they think, what they want or don’t want.

The Court may or may not agree with us.

If the Court agrees with us, a Temporary Protection Order will be made for 14 days. Your child will stay in the care of Territory Families for the 14 days, unless we can meet with you and your family and agree on a plan for your child to return home. We will talk to you, your family and other people important to you about the best place for your child to live with while the Court Order is in place. We’ll ask you about family or other appropriate people who your child might be able to live with while they are in care. We will arrange visits with you and your child during the 14 days.

A copy of the Order must be given to you as soon as possible. You can ask the Court Registry (an office in the Court building) for a copy of the Order before you leave Court. If you can’t wait, we will give you a copy next time we meet with you to talk about your child and our worries for their safety. We will tell you what our safety goals are and together we will make a safety plan to meet these goals.

Sometimes we will apply for second Temporary Protection Order if we think that we need more time to talk to you and your family about our worries and your child’s safety. We’ll tell you about this in advance and give you information about why and when we’ll be back in Court.

If the Court agrees that we need more time, a second Temporary Protection Order will last up to 14 more days. Your child will stay in the care of Territory Families for the extra 14 days, unless we can meet with you and your family and agree to a plan for your child to
come home safely.

We will tell you what our safety goals are and together we will make a safety plan to meet these goals. We will ask you to come to meetings with all the important members of your family, friends and community members who can help you. They will be part of your safety network. You will all be involved in coming up with the safety plan, so that your child can come home and be safe. The safety network are the people who will help you to make sure the safety plan works and that your child can be safe at home.

If the safety plan is good, and everyone in your safety network is doing what they said they would do to make sure it works, we will not have any more worries and your child can come home because they will be safe.

## *What happens if we ask for a Protection Order*

If our worries about your child’s safety are very serious, we will ask the Court for a Protection Order. The length of a Protection Order that we ask for will depend on what the worries are. For example we might ask for a Protection Order that lasts for six months, or for up to two years, or for a longer time.

As soon as possible after applying for a Protection Order, we must give both parents a copy of the application and a written notice saying when and where Court will happen.

You should get a lawyer and come to Court. You or your lawyer can tell the Court your story about what happened and you can agree or disagree with what we tell the Court. The Judge and the lawyer for Territory Families might ask you questions about your story in Court.

The Court may or may not agree with us.

If the Court makes a Protection Order, you and the other parent have the right to apply to Court to change any Court Order. You can ask the Court to revoke the Order when you can show that things at home have gotten better and you can now look after your child and keep them safe. Both parents can ask a lawyer to help with these things.

If a Protection Order is in place for a short time we will tell you what our safety goals are and together we will make a safety plan to meet these goals. We will ask you to come to meetings with all the important members of your family, friends and community members who can help you. They will be part of your safety network. You will all be involved in coming up with the safety plan, so that your child can come home and be safe. The safety network are the people who will help you to make sure the safety plan works and that your child can be safe at home.

If the safety plan is good, and everyone in your safety network is doing what they said they would do to make sure it works, we will not have any more worries and your child can come home because they will be safe. We will go back to Court to tell the Judge that the Order is not needed anymore.

If we have a Protection Order for a long time we can work with you to make sure you continue to have contact with your child while they are living with someone else. We can do this if it is going to be safe for you and for your child. We can even organise home visits so that your child can keep in touch with family and the community when they are living in another town. How we keep everyone in touch will depend on how bad the worries are, and if your child will be safe.

# Important things to know

You can disagree with any application for a Temporary Protection Order or Protection Order. A lawyer can help you talk to us and the Court.

If Territory Families is involved with your child, you have the right to get legal advice. You should get a lawyer who will help you tell your story to the Court.

It’s your child’s right to stay connected to their culture. If the Court decides that your child can’t come home right away it is best to find a family member or someone from your community to look after them. We will talk to you and the people that you think might be able to help. Together we will try to find the best place for your child to live, so they stay connected to their friends, family, culture and community.

See the next page for a list of the Legal Services who can help you. You can talk to them about what is happening and they will be able to help you and will explain what you need to do.

# Contact one of these services for legal advice

|  |
| --- |
| NORTHERN TERRITORY LEGAL AID COMMISSION Legal advice: minor assistance over the phone, face-to-face advice. The first appointment is free and court representation is provided at cost within Legal Aid guidelines. LEGAL AID HELPLINE Monday to Friday 8:00am to 4:30pm Toll Free 1800 019 343 |
| NAAJA (Northern Australian Aboriginal Justice Agency) Advice and representation for eligible Aboriginal or Torres Strait IslandersMonday to Friday 8:00am -4:30pm:Northern Region Darwin & Nhulunbuy Toll Free 1800 898 251 Darwin & Nhulunbuy 08 8982 5100Katherine Toll Free 1800 897 728 Katherine 08 8972 5000Southern Region Alice Springs and Tennant Creek Toll Free 1800 636 079 Alice Springs 08 8950 9300Tennant Creek 08 8962 1332 |
| CAWLS (Central Australian Women’s Legal Service)*Free confidential legal advice to all Central Australian women, ongoing legal representation is available in some cases*. Monday to Friday 8:30 -5:00Alice Springs and Tennant Creek Toll Free 1800 684 055Alice Springs (and referral to Tennant Creek CAWLS) 08 8952 4055 |
| KWILS (Katherine Women’s Information and Legal Service) *Free legal advice and information, negotiation assistance and court representation*Monday to Friday 8:30am - 5:00pmKatherine Toll Free Toll Free 1800 620 108 Local Call 08 8972 1712 |
| NAAFLS (North Australian Aboriginal Family Violence Legal Service) *Legal advice, information, assistance and court representation for eligible Aboriginal people from remote communities. Includes areas across Northern NT from Barunga (south of Katherine) to Nhulunbuy and Wadeye (and people who have to relocate to Darwin)*Darwin Toll Free 1800 041 998 Local Call 08 89238200Katherine Toll Free Toll Free 1800 184 868 Local Call 08 8972 3200 |
| CAAFLU (Central Australian Aboriginal Family Legal Unit) *Advice and representation for eligible Aboriginal or Torres Strait Islanders*Monday to Friday 8:30am to 5:00pmAlice Springs 08 8953 6355Tennant Creek 08 8962 2100 |
| LAW SOCIETY NORTHERN TERRITORY *Will refer you to a legal practitioner who can help with your matter across the NT* Monday to Friday 8:30am to 5:00pmDarwin 08 8981 5104 |