

Estimates Committee 2011

Questions Taken On Notice

(14/06/2011 to 23/06/2011)

Date: 21/06/2011

Output:

Sub Output:

Subject: Legal Representation for a Protected Child

From: Mrs Robyn Lambley to Hon Kon Vatskalis
Department of Children and Families

6-12

Question: The question is what legal representation does the department provide to a protected child involved with a legal dispute?

Answer:

Answered On: 02/08/2011

6.12

The question is what legal representation does the department provide to a protected child involved with a legal dispute?

Where there is an application for a Protection Order, the Court may order the child to whom the proceedings relate be separately represented by a legal practitioner, if the Court considers doing so is in the best interests of the child (section 146 of the *Care and Protection of Children Act*). In the vast majority of instances this occurs regularly as a matter of form and the Chief Executive Officer (CEO) is legally represented and the child is represented separately.

If a child is in care and the child is before a Court for a criminal matter, DCF would act like any parent and consider appropriate support for the child.

If a child is in care is before the Youth Justice Court, a caseworker must be present to represent the CEO, who is in effect the parent. This also serves to ensure someone is available to assist the Court to interpret any welfare issues that may arise (section 14.3 Policy and Procedure Manual).

As part of applying for a Domestic Violence Order (DVO) on behalf of a child, part of the decision making process is whether legal representation is necessary and the Courts Officer or Team Leader will arrange legal representation (section 14.18 Policy and Procedures Manual).

Finally, in civil claims or litigation (to include claims for compensation etc), the CEO considers requests and provides separate legal representation to the protected child (from say, a claiming parent), based upon the need, nature of claim and issues raised.