



NOTE: Due to recent changes to the law in Queensland, some of this information may be out of date.

The Youth Advocacy Centre is currently reviewing this information and will release an updated version soon.



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 Public 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?

Your case plan should be reviewed regularly by Child Safety and you have to be given a chance to participate in the review. If you think that your case plan needs to be changed then you can also speak to any of the other 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 by someone outside of Child Safety. These are:

- 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. Other people, like your parents or carers, can also ask for a decision to be reviewed. There will be a day where you can go to QCAT (you can take a support person; you don't need a lawyer but you can have one if you wish) and say what you think should happen. The decision can either be changed or be left as it is. It is the job of QCAT to give you information and help so you can apply for a review and participate in the process.

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 Public Guardian. It is separate from Child Safety and is there to help you if you feel like you are not having 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. The court might decide that you are to live with someone other than your parents until a final Order is made. 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, 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 651 188.

Who can help?

Youth Advocacy Centre (YAC) www.yac.net.au	3356 1002
Hub Community Legal www.hubcommunity.org.au	3372 7677
Logan Youth & Family Legal Service www.yfs.org.au	3826 1500
Legal Aid Queensland www.legalaid.qld.gov.au	1300 651 188
Aboriginal & Torres Strait Islander Legal Service www.atsils.org.au	3025 3888 or (free call) 1800 012 255 (24hrs 7 days a week)
Translating & Interpreting Services (24hrs)	131 450
Crime and Corruption Commission www.ccc.qld.gov.au	3360 6060 or 1800 061 611
CREATE www.create.org.au/qld	1800 655 105
Queensland Ombudsman www.ombudsman.qld.gov.au	1800 068 908
Office of the Public Guardian www.publicguardian.qld.gov.au/child-advocate	1800 661 533
Queensland Civil and Administrative Tribunal www.qcat.qld.gov.au	1300 753 228
Community Legal Centres (CLCs) see www.naccl.org.au for your nearest CLC	

This information was last reviewed and updated in November 2023. Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.