

FACTSHEET: CHILD PROTECTION

WHY IS CHILD PROTECTION CONTACTING ME?

If Child Protection has contacted you about your child, it means they received a report about potential harm or a concern that the child is not receiving the necessary care to ensure their safety and well-being.

Legally, Child Protection cannot disclose the identity of the person who made the report. They will determine whether an investigation is warranted to assess if your child is at risk.

During the investigation, a Child Protection worker may talk with you, your child, and others who know your child, such as teachers. They do not require your permission to speak with your child or anyone else involved.

Child Protection aims to complete their investigations within 28 days of receiving the report and will inform you of the outcome.

DO I HAVE TO COMMUNICATE WITH CHILD PROTECTION?

It's important to communicate with Child Protection to understand their concerns, share your perspective, and get help if needed.

If you believe their requests are reasonable, you may choose to follow them.

Many issues can often be resolved through families and Child Protection working together.

If there is no court order regarding your care of or contact with your children, you do not have to do what child protection asks you to do, but it is recommended that you get legal advice at this stage.



If you choose not to follow Child Protection's recommendations and they remain concerned about your child, they may start a court case known as a protection application. Child Protection typically has 90 days from the initial report to decide whether to pursue this application, although this timeframe can sometimes be extended. If that happens, it's a good idea to ask the Child Protection worker for the reasons behind the extension.

Once a court case begins, a Magistrate will decide what will happen with the care of your child.

If a court order is made, such as a child protection order, you must comply with its conditions. These may include accepting visits from Child Protection, undergoing drug tests, or avoiding contact with specific individuals.

CAN SOMEONE ASSIST ME TO TALK WITH CHILD PROTECTION?

You can have a friend or support worker accompany you during your meetings with Child Protection. Additionally, you may seek assistance from a non-legal advocacy service. Advocates can provide you with information about the child protection system, help you prepare for meetings, and, with your consent, communicate your views to Child Protection on your behalf.

CAN CHILD PROTECTION REMOVE CHILDREN FROM MY CARE?

Child Protection can remove your children from your care either with your written agreement or by making a Protection application to the Children's Court. This process is known as emergency care. If this occurs, a court hearing will usually take place soon after, often on the next business day. When you attend court, you may be allocated a lawyer to assist you.

Child protection and family violence

Child Protection may be concerned about the safety of children when there is family violence occurring in the home. This is because children are significantly impacted by family violence, even if they witness it directed at a parent or sibling.

Exposure to family violence can shape their future relationships, affect their ability to trust adults, and influence how they handle conflict. The effects of family violence can leave children feeling confused, angry, sad, and scared, with their reactions varying based on their age and developmental stage.

Legal and family violence services can provide support to you and your children as you navigate family violence. Many women don't want to end their relationships; they simply want the violence to cease. Regardless of whether you decide to stay or leave, there are steps you can take to increase your and your children's safety and well-being.

HOW CAN I GET LEGAL SUPPORT?

If Child Protection has contacted you regarding your child and you're unsure about what to do, you can obtain **free** legal advice from the Northern Community Legal Centre.

If a court case has begun concerning your child's care, you can receive free legal assistance from a duty lawyer on the first day of court.

Northern Community Legal Centre offers free legal services to residents of Merri-bek, Hume, and Mitchell Shire.

If you are involved with Child Protection and they have concerns about family violence, Northern Community Legal Centre can assist you in addressing the risks of family violence through:

- Parenting Orders
- Family Violence Intervention Orders
- Referrals to non-legal social supports.

NCLC can also provide advice regarding related legal issues, including divorce, property division, victim's assistance, tenancy agreements, debt, visas, and child support payments.

You can schedule a consultation with a lawyer to talk about your situation and explore potential options. Everything you share during this meeting is confidential; the lawyer will not disclose your information to anyone without your consent. They will provide advice regarding potential outcomes so you can make an informed decision on next steps.



Get help today

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To make an appointment to see a lawyer,
contact: (03) 9310 4376 or
admin@northernclc.org.au