## Submission to Victoria Legal Aid State Family (Child Protection) Guidelines – Loddon Campaspe Community Legal Centre

## Overall comments

**Response:** Our organisation has significant concerns about the impact of the CYFA permanent care amendments for many of our clients. We consider that the amendments limit judicial discretion and oversight of matters and place too much power in the DHHS. We are particularly concerned about the impact of Family Reunification Orders and the ability of clients, especially women experiencing family violence living in rural areas, to access the supports that they need to get their children home within the time frame for reunification.

## Current State Family Guideline 1 – child involved in a child protection matter

**No changes proposed.**

**Response:** Agree.

## Proposal 1 – Case Plan Meetings

* **Funding for legal advice and representation for post-court case plan meetings**

**Response:** Agree.

* **Alternative: additional fee to obtain the minutes of the post-court case plan meeting and provide advice**

**Response:** In our view reading the minutes is not sufficient to change the course of a matter; contemporaneous advice during and before the case planning meeting is invaluable to include provisions in the case plan that hold all parties to account.

* **Pre-court case plan meetings**

**Response:** Legal assistance here is very important and can ensure that the issues do not escalate.

## Proposal 2 – Appearances and Adjournments at the Interim Stage

**Response:** Agree that additional appearances to negotiate conditions on an IAO will be required.

## Proposal 3 – Interim Accommodation Order Contested Hearings

**Response:** Agree, greater child-parent contact is often pivotal in progressing a matter quickly and additional funding to argue about contact issues in an evidence-based IAO contest will be needed under the new amendments.

## Proposal 4 – Appeal of an Interim Accommodation Order

**Response:** Agree.

## Proposal 5 – Review of case planning decisions

**Response:** It is important that these applications are funded. In our experience, their success would be strengthened if parents had access to legal advice at the time of instigating the internal review. In our experience, the internal review process can take many months as there is no legislated time frame for the review to occur and are often a further means of delaying a matter. The engagement of a legal representative at the outset of the review process allows for a dialogue to occur with the DHHS around the terms and time frame for their review. It is important to get an understanding of what will be considered as part of the review and to have this information in writing and to be able to advise the client on these issues.

## Proposal 6 – Change or breakdown in a child’s placement

**Response:** Agree.

## Additional options that you propose VLA consider

**Response:** A non-legal advocate (social worker or similar), working alongside the lawyer would assist in the coordination of essential services and supports for clients. Although s276 provides for the DHHS to take all reasonable steps to provide the services necessary to support the best interests of the child, while services remain limited, DHHS workers are stretched, disinterested or unallocated, and while the time limitations remain under Family Reunification Orders, the situation is dire for clients who want their children home. Having an advocate who is independent of DHHS who exists to support the client could be pivotal in keeping things on track and ensuring that reunification can occur.