|  |  |
| --- | --- |
| Our Ref: | Phone:  Fax: |

Dear

**YOUR CHILDREN'S COURT MATTER**

I am writing to you about your attendance at the Children's Court on .

**What You Told Me**

I met with you before Court to talk about the documents filed by Community Services. You told me:

* [EXAMPLE] The matter had been before the Court on one previous occasion, however because you had not submitted your Legal Aid application you had not been able to get legal advice or file an Affidavit (your evidence) telling the Court what you thought should happen with .
* [EXAMPLE] You [DID/DID NOT] have a copy of your Court documents with you. I gave you a copy at Court.

**What I Told You**

I explained that the Court needed to decide if the children were in ‘need of care and protection’ when they were removed. I explained that the Court had to look at whether Community Services did the right thing by removing from your care and that this is often called “Establishment”.

I told you that agreeing that Community Services did the right thing by removing the

was a serious step. I told you I thought it was important that you had some time to discuss what was happening with you and the kids at the time Community Service got involved and get some legal advice before telling the Court whether you agreed or not.

You told me that you would like some more time to think about this.

***Parental responsibility***

I advised you that on the Magistrate had made a short term order giving parental responsibility for to Community Services which was to expire at

. I explained that this is called an ‘interim order’ and is only in place during the Court proceedings. I told you that this Order meant . I told you that because the Court had not heard your side of the story, it was likely that the Order would be extended. You agreed to the Order being extended until the matter came back to Court.

***Establishment***

I explained to you that based on the application filed by Community Services, at the time the children were removed they were worried about the following things:

You have three options:

1. You can agree that Community Services did the right thing by removing the children;
2. You can agree that Community Services did the right thing by removing the children but you do this ‘without admissions’;
3. You can disagree that Community Services did the right thing by removing the children. If you disagree then the matter may need to be set down for a hearing about this.

You will be able to talk to your lawyer about these issues in more detail.

Once the Court makes this decision, the Court will then look at what the long term arrangements for should be, including who should have parental responsibility for

and who should live with.

**What Happened In Court**

Your matter was listed before . appeared for Community Services,

appeared for , and appeared as the Independent Legal Representative (“ILR”) for . (The ILR represents the children’s best interests). I appeared on your behalf on a duty basis.

I told the Court that you needed more time to consider the application and get legal advice.

Ultimately, the Registrar/Magistrate agreed to adjourn the matter for a short time and made the following directions:

1. Community Services to file and serve their Affidavit by ;
2. You are to file your Affidavit by ;
3. **The matter is adjourned to . You must attend Court on this occasion;**
4. Community Services will keep making decisions for until .

**What Happens Now**

When the matter is next before the Court, everyone will need to tell the Court whether they agree or disagree that Community Services did the right thing by removing the children.

You gave me your Legal Aid application and your matter has been allocated to

. will be in contact with you shortly to organise an appointment to talk to you more about the issue of a finding and to prepare your response to Community Services’ application.

**Or**

You should make sure that you keep in close contact with your lawyer so that you can get some advice and file your evidence before the next Court date.

In the meantime, given that you want to have returned to live with you, **it is very important that you work closely with Community Services and comply with all reasonable directions by the caseworker.**

If you have any questions about care or your contact with him, you should contact the caseworker. You should also attend all contact available to you.

If you have any questions about your matter, please contact our office on (02) .

Yours faithfully

Solicitor