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

**By Email:**

Dear

**Your Children's Court matter**

|  |  |
| --- | --- |
|  | **Born on:**  |

Your matter is back in on at . **You must attend Court on this date.**

This letter is about the advice I gave you on .

**Establishment**

When we met, I explained to you that the next step was for the Court to make a “finding” about whether or not in need of care and protection at the time Community Services placed into care. I told you that the Court will consider whether Community Services did the right thing by removing

 from your care at the time removed.

I explained to you that a finding is not the end of the matter but that it must happen before the Court can consider long term arrangements for including whether

 can return to live with you.

Based on the application filed by Community Services, at the time they removed

 , they were worried about the following things:

**Your Options**

1. Disagree that should have been removed

This will mean that your matter will be listed for a hearing. At this hearing the Court will decide whether in need of care and protection at the time Community Services placed into care.

You will need to file an affidavit (your evidence) so the Court knows your side of the story before the hearing.

The problem with doing this is that the Court may say negative things about you and your care of . This may affect your chances of having come home at the end of the proceedings.

However, if the Court agrees with you, the Application will be dismissed and you won’t have to go back to Court again.

1. Not Oppose Establishment, Without Admissions

This option means that you are saying to the Court that, without admitting to all of the things that Community Services have said about you, you agree that at the time

 removed, in need of care and protection.

This option means that Court is unlikely to say anything negative about you or your care of the children.

1. Agree to Establishment

This option means that you are saying to the Court that you agree that at the time

 removed, in need of care and protection.

This option means that you are saying to the Court that you agree to everything that Community Services have said about you.

**My Advice**

I advised you that I thought if you asked for a hearing about whether the children should have been removed from your care, that the Court would decide that Community Services did the right thing by removing the children.

I told you that you should start working on the things that led to being removed from your care. You should:

1. Enrol in some parenting courses;
2. Participate in drug and alcohol counselling;
3. Participate in domestic violence counselling.

OR

If you decide that you do want to have a hearing about whether should have been removed, please let me know as soon as possible so that I can prepare your documents.

**Next Steps**

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

 .

If everyone does not agree, your matter may need to be set down for a hearing before it can progress.

Please contact me on as soon as possible to let me know what you want me to tell the Magistrate.

Yours sincerely

**Solicitor**