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

**By Email:**

Dear

**Your Application for Legal Aid to Change Children’s Court Orders**

I confirm that on , I spoke to you about your application for legal aid.

**What You Told Me**

You told me that you want to file an application to change Orders made at

 for on .

You told me:

* were removed from your care in ;
* were removed from your care because of concerns about

  ;

* You have been having contact with ;
* You have been seeing a drug and alcohol counsellor every week since

 ;

* You have completed several parenting courses

**What I Told You**

I told you that there are two stages to changing Final Court Orders. I explained that there is no guarantee that the Court will change the Orders.

**Step 1: Asking for Leave**

You need the Court’s permission before you can ask the Court to change the Orders it made for the children. This is called ‘requesting leave’. I explained that when you ask for leave, you must be able to show there has been a *significant* change in your circumstances since the Orders were made.

When deciding whether to give you permission, the Court also looks at the following things:

*Most Important Things:*

* 1. The length of time that the children have been with their carer and whether these arrangements are stable;
	2. What would be the least intrusive intervention in the life of the children and whether that would be in their best interests;
	3. The wishes of the child or young person and how much weight these views should be given.

*Additional Things:*

* 1. Ages of the children;
	2. What you are asking for;
	3. Your plans for the children;
	4. Whether you have a good case;
	5. What the Court reports have said about how things are going.

If the Court gives you permission to ask for the Orders to be changed, then the next step is to work out what the new arrangements should be.

**Step 2: Deciding what the new Orders should be**

At this stage the Court looks at the following things:

1. The age of the [child](http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/nsw/consol_act/caypapa1998442/s3.html#child)ren;
2. How long the children have been with their current carers;
3. How strong the connection between the children and the current carers is;
4. Your capacity to care for the children and meet all their needs;
5. The risk of psychological harm to the children if things were changed;
6. The wishes of the children and whether the Court should listen to what the children have to say.

**What Happens Next**

I need to work out whether you are eligible for legal aid.

To be eligible for legal aid you need to pass the following tests:

1. The Means Test: this looks at your income and your assets;
2. The Merit Test: this looks at whether you have a good chance of having

 back in your care.

Before I can determine whether you are eligible for Legal Aid I need you to provide me with the following documents:

* Copies of all of the documents from the first set of Children’s Court proceedings;
* Bank statements from any bank accounts in your name for the past three months.

Please provide these to me within 14 days. If I don’t receive these documents from you by , I may have to process your application on the information that I have and it is likely that you application for legal aid will be refused.

If you have questions about your matter please contact me on

Yours sincerely

**Solicitor**