

Factsheet 5

If your child has been taken away you need a lawyer!

A lawyer is someone who

- knows a lot about the law and courts
- and how to speak for you at court.

Another name for a lawyer is a 'solicitor'



If you are going to court you need your own lawyer

Your lawyer is on your side

You can tell your side of the story to your lawyer

Your lawyer's job is

- to give you advice about what the lawyer thinks is the best thing for you to do in your court case
- to tell your side of the story to the court

On your first day at Court

- If you do not have a lawyer the court will give you one. This lawyer is called the **duty solicitor**
- You can choose to keep working this lawyer or get another lawyer to speak for you for the rest of your case

Paying for your lawyer

Legal Aid will get you a free lawyer if

- you are on Centrelink
- and you do not have much money in the bank

To get Legal Aid you will need to

- fill out some forms
- give Legal Aid 3 months of bank statements from your bank
- give Legal Aid an income statement from Centrelink

The duty solicitor will give you the forms to get legal aid on your first day in court

Otherwise you will have to pay a lawyer to represent you

Not much will happen on the first day at court

After the first day in court

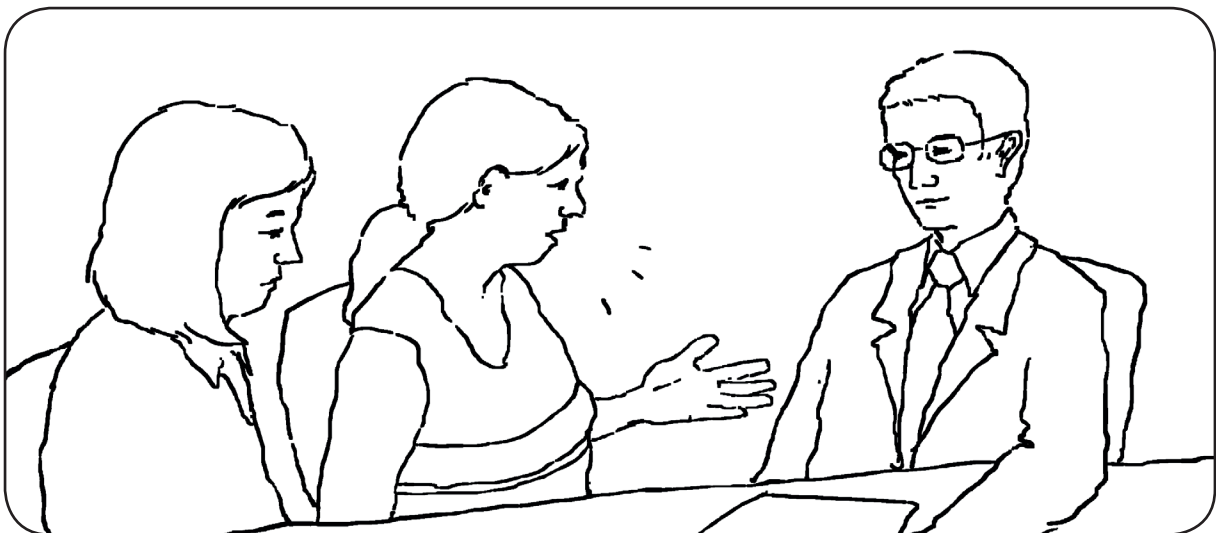
Your lawyer will make a time to meet with you at their office

- You **can** take a support person to this meeting
- You **can not** take your child's other parent into this meeting with you

At this meeting your lawyer will explain community services reasons for taking your child away so you can understand why this happened

Then you will tell your lawyer

- your side of the story
- The things community services have said that you think are unfair or wrong
- what you want to happen for your child



Your lawyer will help you write down your side of the story

This will be given to the court later

This written document is called an affidavit

See factsheet 7 about preparing your affidavit for more information

Working with your lawyer

The law says that anything you tell your lawyer is between you and your lawyer

Nobody can make your lawyer tell them what you said in private

Be honest with your lawyer so

- they can give you the best help
- they can work out how to deal with information that might make you look bad to the court

Your lawyer is very important to your case

It is important that you work well with your lawyer

If you are not happy with your lawyer, you can change to another lawyer

If you have Legal Aid, speak to Legal Aid about changing lawyers

You can call IDRS if you want to talk about changing lawyers

This brochure was made by the Intellectual Disability Rights Service

Telephone **02 9318 0144** or visit our website **www.idrs.org.au**