

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 with 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're 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 Centerlink

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 **cannot** take your child's other parent into this meeting with you

At this meeting your lawyer will explain Community Services reasons for taking our 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.

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 have 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 fact sheet was made by IDRS

Telephone 02 9265 6300 or visit our website www.idrs.org.au

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