

CARE AND PROTECTION

ADVOCATES TIP SHEET

DCJ FOUND THAT A CHILD WAS UNSAFE - WHAT HAPPENS NEXT?

This tipsheet is designed to help advocates ensure that DCJ safety plans are accessible, fair, and practical for parents with cognitive disability

Navigating removal and Temporary Care Arrangements (TCA)

If a safety assessment decides that a child is unsafe, the parent faces an immediate crisis. You can support them by explaining their options.

- ☐ Help the parent understand that a Temporary Care Arrangement (TCA) is a voluntary agreement where they retain parental responsibility. This means they have a right to a say in the child's life, including where the child lives and how contact or visitation occurs.
- ☐ Remind the parent that a TCA is short-term - 3 months, with one possible 3-month extension.
- ☐ Ensure the parent does not sign a TCA without legal advice. Assist the parent in finding a lawyer or advocate for a referral from the DCJ caseworker.

Summary of Proposed Plan support (SOPP)

A SOPP is a formal legal document written by DCJ for the Children's Court. It tells the Magistrate what DCJ thinks should happen to the child in the long term. It outlines whether the goal is for the child to return home (Restoration) or to stay in care until they are 18 (Permanency)

SOPPs are written in complex legal language.

- ☐ Ask DCJ how the parent can best demonstrate they understand the SOPP.
- ☐ Help the parent demonstrate their understanding of the SOPP to the Court.



Three key questions to ask the parent:

1. 'Why is DCJ worried about your child/children right now?'
2. 'What are the things DCJ wants you to change?'
3. 'What is the plan for your child for the next few months?'

Tip: If the parent can explain these to the caseworker in their own words, it proves they are engaging with the process.

Practical support

The court process is overwhelming and can take a long time. 12 months is usually the minimum. As a non legal advocate, you can focus on the logistics.



Support the parent to find a lawyer.



Help the parent track court dates and legal appointments.



Provide prompts regarding suitable clothing and grooming for court appearances.



Confirm dates 48 hours early. Map out the bus/train route or arrange transport. Do a dry run if the parent is anxious about finding the building.



Remind parents that DCJ and lawyers often call from private numbers. Encourage them to return missed calls rather than ignoring them, which can be perceived as non engagement. Practice checking voicemails together so they don't miss contact.



Remind the parent to keep all papers and letters from DCJ in a safe place to share with their lawyer.



Support the parent to attend all appointments, meetings, and contacts on time, arriving prepared with appropriate supplies, such as nappies, favourite toys, and healthy snacks, to show they are focused on their child's needs.

Document achievements

Restoring the child at home requires proof of a significant change. Start building the evidence immediately.

- ☐ Help the parent keep a folder of achievements, for example, certificates from parenting courses, letters from doctors, clean drug tests, and rent or bill receipts. When asked if they understand the plan, they can physically show the folder.
- ☐ Support the parent to keep a diary of every visit with the child. Note that the parent arrived on time, brought healthy snacks, and engaged positively. This is proof for the future.
- ☐ Help the parent pack a contact bag before each visit, creating a consistent habit that can be documented.

Active efforts

As of 2023, DCJ is legally required to make active efforts to support families, rather than reasonable efforts. This means caseworkers must be proactive rather than passive. Reasonable efforts might have included giving a parent a flyer. Active efforts mean helping the parent call the service, arranging transport, and ensuring the service is accessible for someone with an intellectual disability.

- ☐ In meetings, you can ask the caseworkers: 'What active efforts has DCJ made to help the parent overcome [specific barrier]?'
- ☐ If a caseworker says, 'The parent didn't attend the course,' check if they provided the necessary support to make attendance possible.
- ☐ Remember to remain calm and reasonable rather than confrontational. Your actions and behaviour can be detrimental to the parent's case.

Working with a lawyer

- ☐ Spend time before any legal meeting writing down the parent's questions or top concerns so that they don't get forgotten.
- ☐ If the lawyer is speaking too fast, you can ask them to pause and explain a term or sentence differently so that the parent can understand.

Strengthening the parent-child bond

While the child is in care, help the parent maintain their identity as the parent by facilitating information sharing.

- ☐ Ensure the parent receives updates on the child's health, school awards, moves, or changes in carers.
- ☐ Help the parent create a care guide for the caseworker/carer. Include the child's favourite toys, foods, and settling routines. Explain this is a way to help their child feel safe, rather than a way of being replaced.

Advocate checklist

- ☐ Has the parent spoken to a lawyer before signing any documents?
- ☐ Does the parent have a calendar with all upcoming dates?
- ☐ Has the parent shared the child's routine/likes with DCJ?
- ☐ Have you asked DCJ how the parent can best demonstrate they understand the Summary of Proposed Plan (SOPP)?

Key resources

Ability Rights Centre (ARC) – a service of IDRS

Free legal advice, legal representation, and NDIS appeals support for people with cognitive disability in NSW

Call to make an appointment or get advice

P: (02) 9265 6350 (Monday – Friday 9 AM – 5 PM)

E: arc@idrs.org.au

W: www.idrs.org.au

Legal Aid NSW

Free legal advice and legal representation

For more information, call any office of Legal Aid NSW or **1300 888 529**.

Note: This information is a guide. Always check the specific Final Orders with the parent's lawyer, as every case is different.

