

## **Legal Assistance for Families Partnership Agreement (LAFPA)**

Our team has recently spent time learning about how LAPFA can assist parents and families so we can make sure you know about this service and know how you can access it to help you navigate the complex legal system.

A LAFPA referral connects families involved with the Department of Communities and Justice (DCJ) in NSW to free, independent legal advice from [Legal Aid NSW](#) or the Aboriginal Legal Service (ALS) at an early stage.

This initiative aims to help families resolve issues and keep children safely together through early intervention, potentially avoiding formal court proceedings.

### **What Families Need to Know**

It is FREE and Confidential: It is your right to get a LAPFA referral. DCJ caseworkers should be offering you a referral, but they need your consent to make one. .

Caseworkers should inform families that free legal advice is available and give them the "Is DCJ talking to you about your kids?" brochure.

We know from parents that caseworkers are not consistently offering this timely legal support, often because they forget or are not aware

***We have also heard that some parents may decline the referral not fully understanding what it is or thinking it is a DCJ led service- this is not the case. This program provides parents with INDEPENDANT legal advice.***

The advice you receive from the lawyer is confidential.

**Purpose:** The goal of the legal advice is to help you understand your rights, responsibilities, and explore options for keeping your children safe within your family, kin, or community.

### **A referral can be made at key points, such as when:**

- DCJ begins active casework with your family, like developing a safety plan or family action plan.
- A family group conference or other alternative dispute resolution is being considered.
- Discussions are occurring about a temporary care arrangement, parental responsibility contract, or a parenting capacity order.
- Issues arise post-proceedings regarding contact, cultural planning, guardianship, or restoration.

**What to Expect:** A lawyer will contact you quickly to provide advice and can represent you in early intervention mediation with DCJ.

**They help ensure your voice is heard and that you understand the process**

## Specific Legal Problems LAFPA Lawyers Can Help With:

- Understanding Your Rights: They explain your legal rights and responsibilities when DCJ is involved.
- Safety and Care Planning: Providing advice and representation during discussions with DCJ about safety plans and family action plans.
- Parental Responsibility Contracts (PRC): Helping negotiate and understand the terms of a PRC, which outlines agreed actions to keep children safe at home.
- Temporary Care Arrangements: Advising on legal aspects and options when a temporary care arrangement with DCJ is being considered.
- Mediation and Alternative Dispute Resolution (ADR): Representing you during early intervention lawyer-assisted mediation with DCJ to help reach agreements without going to court.
- Contact and Placement Issues (for children in care): For young people already in out-of-home care, a LAFPA lawyer can provide advice regarding contact with family, placement issues, cultural connection, and guardianship orders.
- Guardianship and Restoration: Advising on matters related to long-term care plans, including guardianship and restoration processes.
- Related Civil Law Issues: LAFPA lawyers can also offer advice on related, fundamental civil law issues that may impact your ability to care for your children, such as housing problems (eviction, arrears), Centrelink disputes, and domestic and family violence issues.

The goal of this early legal help is to address underlying issues and explore all options to prevent cases from escalating to formal Children's Court proceedings.

## Specifically, referrals should be offered by DCJ at key decision points, including but not limited to:

- Commencement of Active Casework: When DCJ starts working actively with a family to address safety concerns. This includes developing a safety plan or a family action plan.
- Alternative Dispute Resolution (ADR): When a family group conference, mediation, or another form of ADR is being considered or offered
- Before Signing Key Agreements: Families must be given time to seek legal advice before signing documents like a:
  - Parental Responsibility Contract (PRC)
  - Temporary Care Arrangement (TCA)
  - Care plan by consent
- Post-Care Order Issues: Caseworkers should also make referrals for young people or family members who need advice about post-final care order issues such as contact arrangements, placement, cultural planning, or guardianship orders.
- Aboriginal Families: There is a strong emphasis on offering referrals to Aboriginal families to ensure they receive culturally competent legal services to help prevent over-representation in out-of-home care.

**Families can access the official guidelines via the Legal Aid NSW website for more information.**



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<https://www.facebook.com/familyinclusionhunter>



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## **Disclaimer:**

This resource is for general information only and is not intended as legal advice. Every family's situation is different, and laws and procedures can change.

If you are involved in a child protection matter or legal proceedings, we strongly encourage you to seek advice from a qualified legal professional or your local Legal Aid office.

This information is based on information from legal aid website, DCJ website and arising from webinars about the child protection system in New South Wales, Australia and may not apply to other regions.

While we aim to provide accurate and up-to-date information, Family Inclusion Strategies Hunter is not responsible for any outcomes resulting from reliance on this material.