

The Children's Court made a decision I am unhappy about: what can I do?



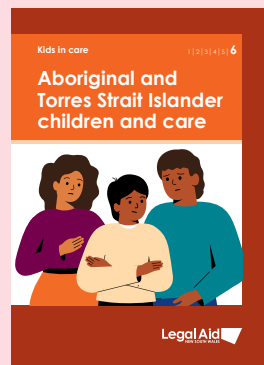
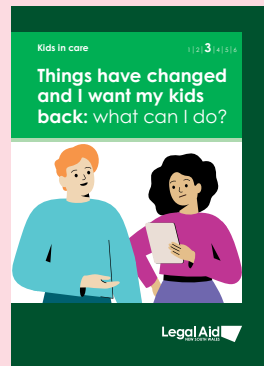
Kids in care

There are six booklets in the kids in care series available from Legal Aid NSW.

- 1 DCJ want to talk about my kids: what will happen?
- 2 Going to the Children's Court
- 3 Things have changed and I want my kids back: what can I do?

4 The Children's Court made a decision I am unhappy about: what can I do?

- 5 What happens when my kids are in care?
- 6 Aboriginal and Torres Strait Islander children and care



What is an appeal?

An appeal means that a higher court may make a fresh (or new) decision when someone is unhappy with a decision of the Children's Court. Decisions are usually appealed to the District Court.

Not all decisions can be appealed.

Appeals are complex and getting legal advice and representation early is really important.

Who can appeal?

Anyone who was involved in the original case in the Children's Court can appeal against the decision if they are not happy with the order made.

When can I appeal?

If you want to appeal a Children's Court decision, you have **28 days** from the date of the decision to lodge your appeal.

You need to wait until the Children's Court case has finished and the court has made a final order.

An exception to this is if the Children's Court refuses you permission to be joined as a party to the case. If this happens you can appeal against that decision straight away without waiting for the case to finish.

What happens in an appeal?

The court hearing the appeal will take a fresh look at the whole case and make its own decision about what final orders to make. The court will usually have all the same evidence as the Children's Court, as well as any new evidence that is important for the court to consider.

What if I am unhappy with an interim order?

You cannot appeal against an interim order. An interim order is a short-term order made during the course of the Children's Court proceedings.

For example, you cannot appeal a decision that your children are in need of care and protection (establishment), that gives someone interim parental responsibility for your children, or that sets the amount of interim contact you will have with your children.

If circumstances have changed since the orders were made, you can make an application asking the court to change the orders or to cancel the orders. See **Booklet 3: Things have changed and I want my kids back: what can I do?**

In rare cases, you may apply to the Supreme Court to change an interim order. These cases are very unusual and you should see a lawyer about whether it is possible in your case.

Can I get a lawyer?

Legal Aid NSW and the Aboriginal Legal Service (ALS) can sometimes help if you want to appeal to the District Court or the Supreme Court. See page 6: **How do I get legal help?**



How do I get legal help?

LawAccess NSW

LawAccess NSW is a free information service run by Legal Aid NSW. They provide legal information and referrals for people with a legal problem in NSW.

If you need personalised advice or representation from a family lawyer, LawAccess NSW can make an appointment for you with a Legal Aid NSW lawyer if your circumstances and legal issue meet our criteria. If a Legal Aid NSW lawyer isn't able to help, they might refer you to another legal service, like a community legal centre or the Aboriginal Legal Service.

Click on the Chat with us button at www.legalaid.nsw.gov.au or call **1300 888 529** from 9am to 5pm, Monday to Friday (excluding public holidays).

Aboriginal Legal Service

Call **1800 733 233** for family matters or visit www.alsnswact.org.au/care

This publication is a general guide to the law. You should not rely on it as legal advice, and we recommend that you talk to a lawyer about your situation.

The information is correct at the time of printing, however it may change. For more information contact LawAccess NSW on **1300 888 529**.



© Legal Aid Commission of NSW 2024

Order brochures online at: www.legalaid.nsw.gov.au/ways-to-get-help/publications-and-resources

For more information, visit: www.legalaid.nsw.gov.au

Do you need help to contact us?



If you need an interpreter, call the Translating and Interpreting Service (TIS National) on **131 450** (9am–5pm) and ask for LawAccess NSW.

Do you find it hard to hear or speak?



If you are deaf, or have a hearing or speech impairment, contact us through the [National Relay Service \(NRS\)](http://www.nrs.gov.au). Ask for LawAccess NSW on **1300 888 529**.

