

YOUR RIGHTS AS A PARENT WHEN YOUR CHILD IS IN OOHC

A Resource for Parents written by Family Inclusion Strategies Hunter Peer Parent Expert

Having your child in care **does not mean you lose your rights as a parent**. Your role may be limited, but your rights do not disappear.

1. You have the right to be treated as your child's parent

- You are still your child's **mum or dad**
- You have the right to be spoken to respectfully
- You should not be reduced to labels like "*birth parent*" without your consent
- Your relationship with your child matters

2. You have the right to know why your child is in OOHC

You have the right to:

- A clear explanation of the concerns that led to removal
- Information in plain language, not just reports
- Ask what has changed, what hasn't, and why

You are allowed to ask for this **more than once**.

3. You have the right to family time

Unless a court says otherwise, you have the right to:

- Spend time with your child
- Know how often, how long, and why
- Ask for increases in time
- Ask for reviews if time is reduced
- Be told what is being observed and reported

Family time is not a “reward. It is about **connection and your child’s wellbeing**.

4. You have the right to be involved in planning

You have the right to:

- Be involved in your **Family Action Plan / case plan**
- Understand the goals being set
- Ask how goals link to restoration
- Say what support you actually need
- Have your views recorded, even if there is disagreement

Plans should be written **with you**, not just about you.

5. You have the right to information about your child

You can ask for:

- School updates
- Health information
- Changes in placement
- Incident reports
- Family time reports

You are not “difficult” for wanting to know how your child is going. If you are not being told you have the right to ask for clarity about why and what you need to do to access this information.

6. You have the right to legal advice and support

You have the right to:

- Get legal advice at any stage
- Accept referrals to Legal Aid or a lawyer
- Bring a support person to meetings (peer worker, advocate, friend)
- Ask for meetings to be rescheduled if you’re overwhelmed

You do not have to navigate this alone.

7. You have the right to understand reports and assessments

You can:

- Ask for reports to be explained
- Ask what frameworks are being used (e.g. family time assessments)
- Ask what needs to be demonstrated for restoration
- Ask what progress looks like – clearly

You have the right to **understand what is being written about you**.

8. You have the right to be heard, even when people disagree

Your voice matters.

- You can ask for your views to be recorded
- You can raise concerns or complaints
- You can ask for reviews or second opinions
- You can advocate for yourself and your family

Silence does not mean consent.

9. You have the right to collect and provide your own evidence

You have the right to:

- Gather letters of support from services, peers, family, or community
- Keep records of attendance, progress, and engagement
- Provide your own reports, certificates, and statements
- Keep copies of texts, emails, and timelines
- Correct inaccuracies in reports written about you

You are not limited to **only the evidence the system chooses to collect**.

Your story, your progress, and your efforts matter.

10. You have the right to raise concerns and make complaints

You have the right to:

- Speak up if something feels unfair, unsafe, or inaccurate
- Ask for decisions to be reviewed
- Make a complaint without being punished or labelled
- Seek advocacy or support when raising concerns
- Be treated respectfully when you question practice

Raising concerns is not being “difficult.” It is using your voice to protect your child and yourself. See our making complaint section for a complaints guide.

“No one ever sat me down and told me I still had rights when my child went into care. They told me they were gone. I thought staying quiet was the safest option.

It wasn’t until I learned I had the right to ask questions, collect my own evidence, and speak up when things didn’t feel right that I started to feel like a parent again instead of just a case.

Knowing my rights didn’t make the system easy – but it stopped me from disappearing inside it.”

An important reminder

You are not required to understand the system instinctively. The system has a responsibility to explain itself to you. Asking questions, seeking clarity, and advocating for your child is **not non-compliance** – it is parenting.

Absec has helpful Know your Rights guides <https://absec.org.au/know-your-rights/#guides>

For more information or to find out more about our services visit <https://finclusionh.org>

Contact Information:

- Email:
parentpeersnewcastle@gmail.com
- Support: 1300 942 598
- Website: <https://finclusionh.org>

