

GOING TO COURT

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

When your children are removed from you DCJ must make an application to the court, this is called a care application and must be made within 3 days. Read carefully, it will have date/time/location.

It is very important you attend, if you can't attend for a good reason call the court and your caseworker and let them know.

You can call Legal Aid NSW on 1300 888 529 for free legal advice and information.

The court process can feel overwhelming and confusing, especially because of the language used. Ask your lawyer to explain what is happening in plain language.

If you are worried about your safety, or if you have experienced family or domestic violence, and you think the other parent may be at court, tell your lawyer before the hearing.

Be prepared that DCJ will tell their version of events to the court. They may say things you believe are not true or that make you feel angry, humiliated, or ashamed. This is hard, but it is part of the process, it is not a judgment of your worth as a parent.

You have the right to tell your side of the story. This is usually done through an affidavit, which your lawyer will help you prepare.

You do not have to agree with your lawyer's advice. You can ask questions, raise concerns, and take time to decide what feels right for you.

It is a good idea to have someone with you at court for emotional support if possible.

Further Information <https://dcj.nsw.gov.au/children-and-families/nsw-child-protection-guide-for-families/if-your-child-needs-to-come-into-care/the-court-process.html>

Legal Aid; Going to the Childrens Court <https://www.legalaid.nsw.gov.au/ways-to-get-help/publications-and-resources/kids-in-care/booklet-02-going-to-the-childrens-court>

“DCJ’s version made it sound like I didn’t care about my kids. My lawyer helped me write an affidavit. It was the first time I felt like the court heard *my* side, not just the system’s.”

“On the first court day, everyone was talking fast and using words I didn’t understand. I felt stupid asking questions. Later, my lawyer explained it slowly and I realised I was allowed to ask. I wish I’d known that from the start court language is confusing for everyone.”

“When DCJ spoke, it felt like they were talking about a stranger. I wanted to yell because it wasn’t true. I felt ashamed and exposed. My support person reminded me to write notes and talk to my lawyer after. That stopped me from breaking down in court.”

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