



Villamanta Disability
Rights Legal Service Inc.

Villamanta Disability Rights Legal Service Inc.

Information Sheet Updated November 2014

DHHS & Child Protection

What is this information sheet about?

This information sheet is for parents with an intellectual disability and it explains what happens when the Department of Health and Human Services (DHHS) wants to move your children to live somewhere else. The DHHS only deals with children under the age of 18.

Who is the DHHS?

The DHHS was previously known as the Department of Human Services (DHS) and is a government department. The DHHS does all sorts of things including providing disability support services and many other community services. There are different divisions within the DHS and these divisions deal with different things. The division that deals with children, and who can decide whether or not to move your children to live with someone else is called Child Protection.

Why would the DHHS want to move my children?

The DHHS may move your children because a Court says that the children could be harmed by remaining in your care. Sometimes this is only temporary, and your children will be returned to your after time. Sometimes it is permanent.

Usually, the Court is the one who makes the decision about whether or not your children should be moved to live somewhere else. If Child Protection thinks that your child is in some kind of crisis, they have the power to relocate them immediately without asking the Court first. After they have removed your children, Child Protection must then go and tell the Court, who will decide if the children will be returned. So the court has the final power to decide whether the children will be removed or whether they can return to live with you.

If the court thinks that your child is in need of protection, then they may be moved to live with someone else. If a child has suffered, or is likely to suffer harm, then that child is in need of protection. This harm can be in the form of:

- Physical harm;
- Psychological harm;
- Sexual abuse;

Important Note - This Information Sheet has been produced only for use in Victoria, Australia. Some of the laws mentioned in this Information Sheet will be different in other places.

- Impairment of the child’s physical or psychological development;
- Abandonment by parents;
- Death or Incapacitation of the parents.

The Court will look at all the facts available when deciding whether or not they should move your children, this includes the right of your child to be safe and the consequences to the child if they are separated from you. The most important thing for the Court to consider in this whole process is what is in the ‘best interests’ of the child.

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(This is not the be-all and end-all, please keep reading)

Some useful numbers:

Villamanta Disability Rights Legal Service Inc. Phone: 1800 014 111 www.villamanta.org.au/	Victoria Legal Aid Phone: 9269 0120 www.legalaid.vic.gov.au/
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