

What is a protection order?

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A protection order is an order made by the Children's Court following the finding that a child is in need of protection, the criteria for which are set out in section 28 of the Act.

The *Children and Community Services Act 2004* introduced a range of protection orders to provide flexibility to the Children's Court in making an order that best suits the needs of the child.

There are four types of protection orders:

- protection order (supervision);
- protection order (time-limited);
- protection order (until 18); and
- protection order (enduring parental responsibility).

Protection order (supervision)

- A protection order (supervision) is an order providing for the supervision of the wellbeing of a child by the Department for Community Development for the period specified in the order.
- A protection order (supervision) does not affect the parental responsibility of any person for the child except to the extent necessary to give effect to the order.
- A protection order (supervision) must not exceed two years duration and must end before the child reaches 18 years of age.
- The Department for Community Development may only apply for one extension of a protection order (supervision).
- A protection order (supervision) may include conditions, such as the parent participating in a parenting program.

Protection order (time limited)

- A protection order (time limited) is an order giving the Department for Community Development parental responsibility for a child for the period specified in the order.
- A protection order (time limited) must not exceed two years and must end before the child reaches 18 years of age.
- The Department for Community Development may apply to the Children's Court to extend the order for further periods of up to two years.

Protection order (until 18)

- A protection order (until 18) is an order giving the Department for Community Development parental responsibility for the child until he/she reaches 18 years of age.

The Court must not make a protection order (until 18) in respect of a child unless the Court is satisfied that long-term arrangements should be made for the wellbeing of the child.

Protection order (enduring parental responsibility)

- A protection order (enduring parental responsibility) is an order giving a person, or two people jointly, parental responsibility for a child until he/she reaches 18 years of age.
- This type of order cannot give parental responsibility for a child to the Department for Community Development or a parent of the child.
- The Court can only make a protection order (enduring parental responsibility) once it is satisfied that long-term arrangements should be made for the wellbeing of the child, and that the proposed carer is suitable, willing and able to provide long term care for the child.
- This type of order may include conditions about contact between the child and another person, such as a relative of the child.
- The Court may order the Department for Community Development to make regular payments to the enduring parental carer.

Can protection orders be changed or revoked?

The Department for Community Development may apply to the Court to have the initial protection order revoked and a new protection order made.

A party to the initial proceedings placing a child on a protection order may at any time apply to the Court for the revocation (termination) of a protection order.