

Dealing with FaCS



TOP TEN TIPS

Information about Family and Community Services (FaCS)
produced by the Women's Legal Service NSW



Women's Legal Service NSW acknowledges the Wongal and Burramattagal people who are the traditional owners of the land on which we work, and pays respect to their Elders past and present.

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Introduction

This booklet has been prepared by the Women's Legal Service of NSW to help women and families deal with the government services in charge of keeping children safe. The main department with this job is called Family and Community Services, or 'FaCS' for short. They used to be called DoCS (Department of Community Services) but their name changed in 2011.

FaCS visit your home because they are concerned about your childrens' safety. **They might not be there to take your children.** If they can work out a way to keep children safe at home then that should always be their first option. That's why it's best to work with FaCS even though it sometimes feels like they are against you.

This booklet explains the different types of actions FaCS can take at the early stages of contact with you and your family. It's really important to understand these actions in case FaCS presents them to you.

Home is the best place for children but safety is most important, so home has to be safe for children.

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1. Who told FaCS to visit?

If people, such as friends and neighbours, have concerns that your children are at risk of significant harm they can report these concerns to the Child Protection Helpline.

Some people, such as schoolteachers, doctors and police officers, are **mandatory reporters**. This means they must report their concerns.

What kinds of things get reported to FaCS?

People make reports if they think children are at risk of significant harm. There are lots of different reasons why children can be at risk, including physical or sexual abuse, neglect, exposure to drugs and alcohol abuse, or exposure to domestic violence.

Does FaCS tell me who made the report about my children?

No. Reports are anonymous and confidential.

What happens when FaCS receive reports?

They hold a meeting and decide whether to investigate. If they decide to investigate, they might knock on your door to get a bit more information and hear your side of the story. They might talk to your children at school as well.

HANDY TIP!

Use the diary in the back of this booklet to record all your meetings and conversations with FaCS. They will be taking notes of your meetings, so you should too.

Record the names of FaCS caseworkers who have called you, or come to your house here:

CASE WORKER NAME 1:

PHONE NUMBER:

CASE WORKER NAME 2:

PHONE NUMBER:

2. What are FaCS trying to find out?

The FaCS caseworkers are trying to find out if your children are at risk of significant harm.

Basically, FaCS are trying to work out if children have already been exposed to risks like domestic violence and drugs and alcohol or if there is a risk of it happening in the future.

FaCS are working out whether the risks are real and what can be done to reduce them in the future. If possible, FaCS will try to keep your children at home by improving their safety. If FaCS decide your children are at immediate risk of significant harm, then they might decide to remove your children straight away.

If that happens, refer to our other booklet:

HELP!! FaCS have removed my children. What do I do?

Contact Women's Legal Service NSW to have the booklet sent to you free of charge. Contact details are inside the front cover.

If your caseworker decides that there is risk but it isn't immediate, they might ask you to do certain things to keep your children safe.





3. Talk to a solicitor as soon as you can

To find a solicitor, contact the Indigenous Women's Legal Program on 1800 639 784, or call one of the other legal services listed on the back cover of this booklet.

Why is it important to talk to a solicitor as soon as possible?

- ◆ They can give you advice about what you need to do
- ◆ They can talk to FaCS on your behalf and find out what's going on
- ◆ They can make sure FaCS are doing things properly
- ◆ They can refer you to support services to support and help you get your life back on track.

What will a solicitor ask you?

- ◆ Did FaCS give you any paperwork? If you have it your solicitor can explain what it means to you
- ◆ What did FaCS say at the last meeting?
- ◆ What are the names of the FaCS caseworkers who have come and spoken to you?
- ◆ What was happening before FaCS came into your life?

SOLICITOR NAME:

ORGANISATION:

PHONE NUMBER:

There are useful phone numbers on the back cover of this booklet.
USE THEM!



4. Brighter Futures and other early intervention programs

FaCS might ask you to work with an early intervention program. ‘Early intervention’ means taking action to prevent harm before something happens.

One of the main programs is called Brighter Futures, which usually goes for three months and involves intensive support by a person from Brighter Futures. Other programs are called Early Intervention and Placement Prevention.

Your FaCS caseworker might refer you to one of these services to get some support with your parenting. Parenting is not easy and there’s no shame getting support. It doesn’t have to mean your children will be removed! It’s really important you use the support service FaCS refers you to, because if you don’t, it can increase the likelihood of FaCS removing your children in the future.

There is space on page 23 of this booklet for you to list the services you are working with, with a contact name and a phone number for each service. Sometimes FaCS give you so many numbers and names that it gets confusing. This booklet can help keep the information in one place.

5. Safety plans

Safety plans are often used to reduce risks for children so they are safe to live at home with you. A safety plan is the least serious tool FaCS use to protect children, because they don’t register it in the Children’s Court. This means it can’t be enforced. But FaCS might take the next step if you do not follow the safety plan.

If FaCS present you with a safety plan, it is a good idea to make sure you understand it and do what it says. You can ask your caseworker if you can show it to a lawyer or a friend before you sign it.

What might a safety plan include? For example:

- ◆ The Mother will ensure that the Child attends school.
- ◆ The Mother will not expose the Child to any form of family violence.
- ◆ The Mother will not allow “so-and-so” to visit her house.



6. Parental Responsibility Contracts

In a Parental Responsibility Contract (or a PRC as FaCS call them), you will be asked to agree to actions that will reduce risks to your children. The PRC should also detail the support that FaCS will give you to address the issues and how the PRC will be monitored.

What can a PRC have in it?

For example, if FaCS are worried about your drinking, the PRC might require you to attend weekly AA meetings and complete a drug and alcohol course.

PRCs are signed by you and FaCS and registered in the Children's Court.

If your caseworker gives you a PRC, they must also give you a chance to get legal advice. So if you see a PRC, contact one of the services on the back page of this booklet for some free legal advice.

How long does a PRC last?

PRCs can last up to 12 months.

What happens if you do not do what the PRC says?

A breach notice can be filed in the Children's Court. A breach notice, on its own, does not mean that your children will be removed. However, if you breach a PRC, FaCS are also likely to file an application alleging that your children are in need of care and protection. They might ask the Court to make an Order that your children are put into foster care.

If you are worried about breaching a PRC, it's better to contact FaCS and be upfront with them so that maybe you can vary your PRC to make it more achievable.



7. Parental Capacity Orders

A Parental Capacity Order or PCO is an order that can be made by the Children's Court. It can make you participate in a parent capacity program, service, course, therapy or treatment aimed at improving your skills as a parent and reducing risk to your children.

What can a PCO order me to do?

For example, if FaCS have concerns about family violence they might ask you to engage with a Domestic Violence service and seek counselling.

The Children's Court can only make a PCO if there is a clear issue with your ability to care for your children and your children are at risk of being unsafe. There also has to be the right kind of course or service available for you to go to.

What if FaCS want me to do a course that doesn't exist near my house?

FaCS can't make you do a course if that course doesn't exist where you live.

PCOs should only be used if the Court thinks you are unlikely to attend the service without a Court Order.

PCOs can be used to address concerns with your children's safety and wellbeing before things get worse. They are supposed to avoid more serious things like removal.

If a Parental Capacity Order is made by the Children's Court it is really important to do what it says ('comply with it').



8. When is Family Court an option?

The Family Court and the Children's Courts are different – which can be really confusing. These are the key differences:

- ◆ You will attend the Children's Court if FaCS are involved.
- ◆ You will attend the Family Court if your dispute is between you and the other parent or another family member. But sometimes FaCS will be asked to join the case as well.
- ◆ The Family Court is a national Court but the Children's Court is a New South Wales Court.

Sometimes you can use the Family Court to show FaCS that you are a protective parent. For example, if FaCS are worried about you exposing your children to domestic violence from the childrens' father, you can apply for Orders in the Family Court that you have sole parental responsibility (what they used to call custody) of your children. You can get Orders that say the children live with you and only see their Dad in a supervised setting. This is good because it shows FaCS that you are taking steps to keep your children safe.

You can also use the Family Court if you are worried about a family member and how they are looking after their children. For example, if your daughter or sister is having a rough time and you are worried that FaCS might take her children then you can apply to the Family Court for Orders that the children live with you. Even on a temporary basis this might make FaCS feel sure that the children are safe.

Refer to the back of the booklet for legal services you can contact to get more advice about the Family Court.

9. Temporary care agreement

Sometimes FaCS might ask you to sign a written agreement called a temporary care agreement where you agree for your children to go and live somewhere else while you do the things that are needed to make sure your children can be safe. If you agree to a temporary care agreement you can talk to your caseworker about where your children can go and live, for example with a sister or Aunty.

The temporary care agreement can be for a period of up to three months and can be extended for a further three months if you agree.

You can end a temporary care agreement at any time because it's not an Order. But you need to be careful if you do this and FaCS don't agree because they might file an Application in the Children's Court seeking Orders for your children to go into care.





10. Top ten tips for dealing with FaCS

1. **GET LEGAL ADVICE!!** Even at the earliest stages it can help you to get a lawyer because they can talk to FaCS on your behalf and try to find out exactly what FaCS want you to do. **Contact details for where to get legal advice are on the back page.**
2. Be polite to your caseworker. Even though this can be really hard it's best to have a friendly relationship with your caseworker and work with them. If you are finding it really difficult to talk to your caseworker, ask to speak to their manager.
3. Record notes for every meeting you have with your caseworker. There's a diary in this booklet to take notes, so use it. (Diary starts opposite.) FaCS are taking notes, so why wouldn't you?
4. Go to all courses and participate in programs that FaCS refer you to and keep notes. If you can't attend, tell them. Sometimes FaCS just need to see that you are working with them. If they see you trying, they will work harder with you. If you don't take part, they will be more likely to give up.
5. Take a support person to meetings. It's good to have someone with you to help take notes and remember to ask questions. FaCS can be intimidating so having someone with you will help.
6. Ask for a copy of FaCS notes from their meetings with you, so you can keep them in your records.
7. Keep a list of all the services you have engaged with and all the courses that you complete. You can use page 23 in the back of this booklet to list this information.
8. Try not to yell, swear at or abuse your caseworker. Even though it's upsetting they are getting involved in your life it's better to be their friend than enemy.
9. Keep a diary so you don't miss appointments.
10. Remember: your caseworker's job is to make sure your children are safe.

FaCS contact diary

Use these pages to keep notes about every meeting, visit and conversation you have with a FaCS caseworker.

DATE

TIME

WHERE

WHO WAS THERE

WHAT HAPPENED, WHAT WAS SAID

TO DO FOR NEXT MEETING

NEXT MEETING DATE

TIME

WHERE

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NEXT MEETING DATE

TIME

WHERE

Services I am working with

Use this page for details of services, support programs and any other courses you are working with.

NAME OF SERVICE

CONTACT NAME

NUMBER

NAME OF SERVICE

CONTACT NAME

NUMBER

NAME OF SERVICE

CONTACT NAME

NUMBER

NAME OF SERVICE

CONTACT NAME

NUMBER

NAME OF SERVICE

CONTACT NAME

NUMBER

Support Services

Indigenous Women's Legal Contact Line

at Women's Legal Service NSW provides free legal advice for and by Aboriginal Women: call 1800 639 784 or (02) 8745 6988

Legal Aid NSW: Call 1300 888 529

or 1300 889 529 if you are hearing/speech impaired.

Wirringa Baiya Aboriginal Women's Legal Centre:

call 1800 686 587 or (02) 9569 3847

Aboriginal Legal Service: 1800 733 233

Care and protection service: (02) 8836 3444

Family service: (02) 8836 3440

Aboriginal Counselling Services: (02) 4731 2555 or 0410 539 905

FaCS have their own complaints unit.

If you have a complaint about FaCS, speak to your caseworker or their manager. If you are still not happy, call the Complaints Unit. They will let you know what they are going to do with your complaint, and when.

Call 1800 000 164 between 9 am – 4.30 pm, Monday to Friday.

Or you can email complaints@community.nsw.gov.au

There are more contact options online at

<http://www.community.nsw.gov.au/about-us/contact-us/client-complaints>

NSW Ombudsman If you are not happy with how FaCS have dealt with your complaint you can also complain to the NSW Ombudsman.

Call 1800 451 524 or (02) 9286 1000

