

Parent Capacity Orders

Information for Parents and Carers

What is a Parent Capacity Order?

A Parent Capacity Order is a court order that directs you to attend or participate in a program, service or course or engage in therapy or treatment aimed at building or enhancing your parenting skills.

Who can make an application for a Parent Capacity Order?

An application for a Parent Capacity Order can only be made by Community Services. Once Community Services has filed the application with the Children's Court, they must serve a copy of the application on you.

In the application, Community Services must say why they think an order should be made.

What happens after an application is made?

After an application for a Parent Capacity Order is made you will need to come to court. If you do not agree that an order should be made, or you do not agree what the order should say, the Children's Court is likely to direct you and Community Services to a Dispute Resolution Conference.

What happens at a Dispute Resolution Conference?

A Dispute Resolution Conference will be run by a Children's Registrar. The Dispute Resolution Conference will give you the chance to reach an agreement with Community Services about whether you need to improve your parenting skills to keep your child safe and, if so, what you need to do to improve your parenting skills.

If you have a lawyer, then your lawyer can go to the Dispute Resolution Conference with you.

Information you give at the Dispute Resolution Conference will usually remain confidential.

If you and Community Services reach agreement at the Dispute Resolution Conference, the Children's Registrar can make a Parent Capacity Order based on that agreement.

What happens if we can't agree?

If an agreement cannot be reached at the Dispute Resolution Conference, the matter will go to a hearing. You and Community Services will have a chance to tell the Magistrate what should happen before a decision is made.

How does the Children's Court decide to make a Parent Capacity Order?

When Community Services makes an application for a Parent Capacity Order, they must be able to show that:

- You have an identified deficiency in parenting capacity that has the potential to place your child at risk of significant harm
- It is reasonable and practicable to require you to follow a court order
- It is unlikely that you will attend or participate in any parenting program, service or course or engage in therapy or treatment unless a court order is made.

What does a Parent Capacity Order mean for you?

As part of the Parent Capacity Order, you will be required to attend and participate in the programs and services as set out in the order. These programs and services will help and support you to work on your parenting skills.

A Parent Capacity Order will only be made if the programs, services, courses, therapy or treatments are reasonably available.

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What happens if I don't follow the court order?

A Parent Capacity Order is a chance for you to improve your parenting skills so that your child is kept safe. If you don't follow a Parent Capacity Order, Community Services might decide that your child is at risk of significant harm and take further action to remove your child from risk.

Can a Parent Capacity Order be varied or revoked?

The Children's Court can vary or revoke a Parent Capacity Order if Community Services or the parent or carer asks the Court to do so.

Before the Children's Court decides to vary or revoke a Parent Capacity Order, it must be satisfied that there has been a significant change in any relevant circumstance since the Parent Capacity Order was made.



Further information

To find out more information about the Dispute Resolution Conference process you should read the following fact sheets which are available at the Children's Court Registry or online at www.childrenscourt.justice.nsw.gov.au

- Going to a Dispute Resolution Conference in the Children's Court.
- Alternative Dispute Resolution – Confidentiality Fact Sheet.

It is important that you understand the meaning and effect of a Parent Capacity Order. Even if you do not have a lawyer, you should obtain legal advice about the effect of and consequences of a Parent Capacity Order.

Places where you can get legal advice include:

- **Legal Aid** (www.legalaid.nsw.gov.au) provide legal advice and help at court.
Ph: 1800 551 589
- **Aboriginal Legal Service** (www.alsnswact.org.au) provide legal advice and help at court to Aboriginal and Torres Strait Islander people.
Ph: 1800 733 233
- **LawAccess** (www.lawaccess.nsw.gov.au) is a free government telephone service that provides legal information, advice and referrals for people who have a legal problem in NSW.
Ph: 1300 888 529
- Search the **Law Society database** (www.lawsociety.com.au) for legal firms and solicitors in your area.

The Children's Court of New South Wales www.childrenscourt.justice.nsw.gov.au

Translating and Interpreter Service

For an interpreter ring 131 450.

For alternative brochure formats

(audio tape, electronic or Braille versions) contact diversityservices@agd.nsw.gov.au or ph: 02 8688 7507 or TTY: 02 8688 7733.

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