



ALS

Aboriginal Legal Service (NSW/ACT) Limited

Final Orders have been made. What now?

- Information about child protection and FaCS -

HOW CAN I APPEAL FINAL ORDERS?

If you are unhappy with an order of the Court (other than an interim order) you can appeal the decision to the District Court of NSW.

An appeal to the District Court must be lodged within 28 days of the Children's Court decision. If this time has passed, the District Court has the discretion to grant an extension of time for the appeal.

The District Court can consider all the evidence that was heard before the Children's Court as well as any new evidence. The District Court can confirm, overturn or vary the orders made by the Children's Court.

If there has been an error of law made by the Court, your solicitor will discuss with you the types of appeal rights that you have. These appeals might be heard by the Supreme Court (if the court proceedings are still ongoing).

HOW CAN I GET MY KIDS BACK IF I HAVE MADE CHANGES TO MY LIFE?

You can make an application to the Children's Court to try to get your children back.

You have to prove to the Court that you have made significant changes to your life. A solicitor can help you with this and advise you about what evidence you need. These applications are called section 90 Applications.

The Court must be satisfied you have made significant changes to address the issues that led to the removal.

The Court will also consider the child's age, length of time the child has been with their current carer, future plans for the child, and any psychological harm to the child should the care arrangements change.

If the Court gives you 'leave' to bring your application, the Court will then need to decide whether Final Orders should be changed.