



ALS

Aboriginal Legal Service (NSW/ACT) Limited

# What if FaCS come and take my kids?

- Information for parents and carers -

*Please note, DoCS is now called FaCS, or the Department of Family and Community Services.*

## **FACS CAN REMOVE CHILDREN**

The law gives FaCS the power to remove children from the care of their parents, or from other caregivers like aunts, uncles, grandparents, cousins, or other carers.

Children can be removed -

- when they are considered to be at risk of significant harm
- after FaCS have made investigations and conducted assessments

Whenever children are removed, FaCS must prove to the Children's Court that this was the only way the children could be kept safe.



## **IF FACS COME TO TAKE THE CHILDREN AWAY, TRY AND DO THESE THINGS:**

### **Try to focus on the children. How can this experience be made OK for them?**

Try and stay calm. Ask for some time to pack up a few of your children's toys and belongings. Ask for some time to say goodbye.

### **Sometimes FaCS will come with police to take children away.**

This is a traumatic and upsetting experience for the children and family involved. Try to focus on the children. Try and stay calm.

### **Can someone else in your family care for your children?**

Quickly think if there is anyone else in your family who could look after your children. Tell FaCS. Give FaCS the address and phone numbers of those family members if you have them.

# What if FaCS comes?

Tell FaCS that you want those family members to look after your children. FaCS will say they have to assess them first to check they would be good carers for your children. Ask FaCS to do this urgently.

Call or visit the family members you want to look after your children. Ask them to contact FaCS as quickly as possible so that the appropriate paperwork can be filled out.

## **Hold onto any paperwork**

When children are removed, FaCS must provide parents with paperwork explaining why the children are considered at risk of harm. Put this paperwork in a safe place. It's important that you get legal advice, and show your lawyer this paperwork.

## **Court action**

Whenever a child is removed, FaCS have 72 hours (3 working days) to file an application with the Children's Court.

**If FaCS come to take the children away, you will need urgent legal advice. Phone the ALS Care and Protection Law Practice.**

**PHONE 1800 733 233**

**PHONE 02 8836 3444**

**An ALS solicitor can talk you through any questions you have. The Solicitor will explain what will happen next.**

The ALS Care and Protection Law Practice is focused on keeping Aboriginal children safe and if possible with family. When parents or family members seek the return of children back to their care, we advocate on their behalf. When children can't return home, we advocate for them to be placed with family first.



**Care and Protection  
Law Practice**

**WE CAN HELP**

**Phone**

**1800 733 233**

**02 8836 3444**