

Schedule 4

Expectations of a representative of the child in Care and Protection proceedings

The primary role of a representative of the child in care and protections proceeding is to act independently to ensure the Court has before it all the information and evidence needed to make a decision in the best interests of the child. The Court expects that this will include the views of the child if it is appropriate and possible* to obtain those views.

When engaged as a representative of the child, the Court expects that the legal representative:

- a. form an independent view based on evidence (not a personal view or opinion) about what is in the best interests of the child
- b. meet with the child, where appropriate and possible*, to obtain the views of the child
- c. provide the views of the child to the Court and form a view as to whether they are consistent with the best interests of the child
- d. help achieve a timely resolution that is in the child's best interests.
- e. bring to the attention of the Court any facts or evidence which, when considered in context, significantly calls into question whether they believe a proposed resolution of the matter is in the child's best interests
- f. if satisfied whether a particular proposal or suggestion is in the best interests of the child, make submissions to the Court suggesting the adoption of that course of action
- g. be familiar with the case management pathways and the requirements of all practice directions.

*Note: as noted by the Federal Circuit and Family Court, it would not be appropriate to meet with a child under 5, or to seek to meet with a child who does not want to engage with the legal representative, there are particular vulnerabilities or other exceptional circumstances exist (see '[Meeting with the child and providing the child with an opportunity to express any views](#)').