Legal Yarns

CHILD PROTECTION – INVESTIGATIONS

Victorian Aboriginal Legal Service

Published October 2026

Artwork by Dixon Patten, a proud Gunnai, Yorta Yorta, Gunditjmara and Dhudhuroa man.

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What does Child Protection do?

Child Protection responds to reports that a child is at risk of, or has been, harmed or neglected. It can investigate reports, refer families and children to support and even apply to a court to have a child removed from their family.

Child Protection is a government body that is part of the Department of Families, Fairness and Housing (DFFH).

Who can make a report to Child Protection?

Anyone can make a report to Child Protection if they are worried about a child. Some people working in certain jobs (like teachers, police, doctors, nurses and midwives) are required by law to tell Child Protection if they think a child is being hurt or neglected. Child Protection cannot tell you who made a report about your child.

What happens after a report is made?

Child Protection will decide whether to investigate further.

If you live in North Metro Melbourne, the report may be considered or investigated by VACCA (Victorian Aboriginal Child and Community Agency) instead. In regional areas near Bendigo, the report may be considered or investigated by Bendigo and District Aboriginal Cooperative (BDAC). If this happens, VACCA or BDAC will take on the role and powers of Child Protection, rather than being a support service.

Do all reports get investigated?

Child Protection receives a lot of reports, and most don't lead to an investigation. But Aboriginal families are investigated more often than non-Aboriginal families.

So, if you think there is a chance someone will make a report, it is important to get legal advice as soon as possible.

In Victoria, Aboriginal children are

- **more than 5 times** as likely to be the focus of a report to Child Protection
- **more than 8 times** as likely to be found to be 'in need of protection' by Child Protection.

Source: Yoorrook Justice Commission, *Focus Areas – Child Protection*

What should I do? When should I get legal advice?

Child Protection processes can be upsetting and confusing. But it is important to know that you still have rights and choices once Child Protection is involved.

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As soon as you start to think that someone might make a report or that Child Protection may contact you, you should get legal advice. You do not have to wait until Child Protection is involved or court action is initiated.

If Child Protection contacts you after hours, it is even more important to get legal advice as soon as possible.

For help, you can call VALS on 1800 064 865. A lawyer will get back to you within 24 business hours. If you are in hospital and cannot speak on the phone, the lawyer can come to you.

After getting legal advice, you can still speak with Child Protection. This may help you understand why they are worried about your child and give you a chance to tell them your perspective. And if you make the changes they ask for, they may stop their investigation.

How can VALS support me?

VALS' lawyers can provide advice on:

- what Child Protection might do and what might happen from here
- the investigation process
- potential court processes
- the legal and other support VALS can provide at this stage and throughout the Child Protection process.

As well as legal advice, VALS will also provide broader assistance to help you. You will receive culturally safe support from an Aboriginal Client Services Officer who can help you to

- understand and navigate the court system
- connect with other services (as needed or requested by you) to help you address Child Protection's concerns.

You should keep getting legal advice throughout your contact with Child Protection. In particular, you should not agree to or sign any plans that Child Protection seeks to put in place before getting legal advice for yourself. Sometimes decisions made early in the process can impact your rights later on.

If you are a young person...

VALS also has a program called Balit Ngulu ('Strong Voice') that supports young people who are connected to the Darebin region. They can provide legal advice and representation at this stage and throughout any contact with Child Protection for children over 10 years old. Balit Ngulu can also provide broader support (for example, helping seek employment or (re)engage with education).

What happens if Child Protection does decide to investigate?

If Child Protection or VACCA/BDAC have told you they are investigating the report, this means they want to know more about what is happening at home. During an investigation, they will talk to

- you
- your child
- other people in your child's life, such as their school or health services they have seen.

They do not need your permission to speak with these people. They will ask questions about you and your family's situation and will also want to see your home and where your child is living. It might feel really overwhelming to be asked these questions, and you should get legal advice to help you navigate the process and know what your rights are.

You should take notes of any meetings, phone calls, or visits that you have with Child Protection, and ask for things in writing. Not only is this helpful for processing a large amount of information during a potentially stressful meeting, but it is also important information for your lawyer to have.

What happens after an investigation?

Child Protection will decide whether they think your child is in need of protection and, if so, they will make a plan. They might refer you to support services or ask you to take certain steps, like attending a program. They can also apply to a court to have a child removed from their family.

In some situations, Child Protection can remove children straight away if they think they are at risk of immediate serious harm. In these situations, Child Protection must get approval from a court (or Bail Justice) within 24 hours. If this happens, you will be provided paperwork that tells you when and where to attend court, which you should provide to your lawyer.

Where can I get help?

If you'd like more information, or to speak to our legal teams, you can call VALS on 1800 064 865.

You can find out more information about our legal teams and the types of issues they can help with via our website.

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You should be aware that the information in this document only applies to Victoria and Child Protection processes and services vary from state to state.

Disclaimer

This document contains general information only and does not constitute legal advice or services.

This fact sheet was published in October 2026. All information is accurate as of date of publication. For further information please head to VALS website.