Legal Yarns

CHILD PROTECTION INVOLVEMENT IN PREGNANCY

Victorian Aboriginal Legal Service

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Who is Child Protection?

Child Protection is a government body that is part of the Department of Families, Fairness and Housing (DFFH). They respond to reports that a child is at risk of, or has been, harmed or neglected.

Can Child Protection get involved before a baby is born?

Yes, Child Protection can get involved when a mum is pregnant.[1] They can even get involved in early pregnancy.

How does Child Protection become involved during pregnancy?

Someone makes a report to Child Protection that they are worried about whether a baby will be safe and taken care of when they are born. This is called an unborn report.

How will I know if a report has been made?

You might not know. Child Protection does not have to tell you an unborn report has been made. A lot of mums don't know there was an unborn report made until after their baby is born and Child Protection gets involved.

We know unborn reports are made more often in relation to Aboriginal children.

In Victoria, Aboriginal children are overrepresented in unborn reports. Around 1 in 5 unborn reports relate to Aboriginal children.

Source: Yoorrook Justice Commission, *Yoorrook for Justice*, p 134.

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.

[1] The term 'pregnant women' is intended to include all people who experience pregnancy. The information in this legal yarn is relevant to anyone who is concerned about child protection becoming involved during their pregnancy.

As soon as you start to think that someone might make an unborn report or that Child Protection may contact you, you should get legal advice. You do not have to wait until Child Protection is involved. You should not agree to anything before you have legal advice.

For help, you can call VALS on 1800 064 865. A lawyer will get back to you within 24 hours. If it's difficult to speak on the phone, the lawyer can come to the hospital.

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.

As well as legal advice, VALS will also provide broader assistance – for example, by referring you to ongoing support (such as housing support) to help address Child Protection's concerns before the baby is born.

What happens after an unborn report is made?

Child Protection will decide whether it needs to take any further action.

Some things they will consider include:

- a mum's involvement with Child Protection – in the past or now. For example, Child Protection may be involved with one of her other children, or she may have been involved with Child Protection herself
- drug or alcohol use
- mental health challenges
- experiences of family violence
- a mum's age
- a mum's disability
- current living arrangements.

What happens if Child Protection decides to get involved before my child is born?

Child Protection might just provide advice to the person that made the report.

Or Child Protection might try to contact you to develop a plan to address their concerns about your ability to care for your child. If they contact you before giving birth, it is up to you

whether you work with them because Child Protection can't seek a court order to become formally involved before your baby is born.

If you agree, they might hold a meeting (or case conference) to develop this plan that involves

- you, and any friends or family that you want there
- Child Protection
- support services
- professionals involved in your pregnancy care (like doctors or social workers)
- your lawyer.

You might be referred to services in the community to support you and your pregnancy.

If Child Protection is involved when I am pregnant, will they be involved when my child is born?

Yes, this often happens. Child Protection cannot automatically become involved in your baby's life when they are born. But unborn reports often stay on a mum's hospital file, and someone might make a report to Child Protection as soon as your baby is born. Sometimes Child Protection may even visit you in hospital soon after giving birth.

If someone makes a report to Child Protection after your baby is born, a new process starts. For more information on this process, see our legal yarn on Child Protection Investigations.

Where can I get help?

If you'd like more information, or to speak to our Aboriginal Families Practice, 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.

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.

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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.