

Have you been directed to attend an assessment?

Why do I have to attend an assessment?

If the Department for Child Protection (the Department) suspects that your child is at risk of harm, the Department may direct you to attend an assessment.

The law says that children are at risk of harm if their parents are unable or unwilling to care for them. The Department is authorised to investigate if they suspect a child is at risk. The Department can also take any action necessary to protect children.

What if I don't agree with the need for an assessment?

Even if you don't think an assessment is needed, you should attend and cooperate. It is an offence to refuse, with a maximum penalty of **imprisonment for 6 months**.

If you don't attend an assessment as directed, then the Department may seek a court order. It is an offence to refuse to attend a court-ordered assessment. The maximum penalty is **imprisonment for 2 years**.

A parenting capacity assessment can proceed without you, but if you don't attend, you won't be able to show why the assessment was not needed. You can complain about the need for the assessment, but this will not stop the assessment. See 'How can I make a complaint?'

How will I know where and when to attend?

If you are directed to do an assessment, you will receive a **notice** that sets out:

- the type of assessment it is
- the name and contact details of the person or agency who will do the assessment

- that you need to contact the person or agency within a set timeframe and do what they lawfully tell you
- the contact details of someone you can talk to about the assessment
- what will happen if you do not attend the assessment
- the contact details of the Legal Services Commission.

Call the Legal Services Commission's Legal Helpline on **1300 366 424** for free legal advice about assessments.

How does the Department do a parenting capacity assessment?

A **parenting capacity assessment** must be done by a professional with appropriate skills and knowledge. You should not already know the professional doing your assessment. They should be new to your family and have had no other previous dealings with your family.

They will look at all **documents** already held by the Department relating to your family. They will **interview** you, your child and anyone else they think may be relevant, such as other family members, or other professionals who have had dealings with your family. If they think it is necessary, they may **observe** you or others with your child.

The assessor will provide a **detailed report** to the Department setting out:

- what they looked at
- who they interviewed or observed
- their opinion about your capacity to provide safe care for your child
- their recommendations for action (if any).

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How does the Department do a drug and alcohol assessment?

A **drug and alcohol assessment** is done by Drug and Alcohol Services South Australia (DASSA) or another agency recognised by DASSA as an assessment provider.

You will be interviewed about your **past drug and alcohol use**, your **current use** and any **treatments** you have undertaken. You will also be asked to discuss your motivation to stop using drugs and alcohol, and how your use affects you and your capacity to parent and meet the needs of your child. The assessment may include recommendations for drug and alcohol rehabilitation.

Do I have to participate in random testing?

Yes. If you have had a drug and alcohol assessment in the last 5 years, **you must also take part in random drug and alcohol testing**. You will be given a written **notice** that you need to be tested. The notice will set out:

- the legal basis for the testing
- what material is to be collected from you (urine, hair, saliva and/or blood)
- where to attend for the testing
- the person or agency who will collect your material for testing
- who will contact you with instructions about when you will need to attend for testing
- how you will need to verify your identity when you attend
- what will happen if you do not attend testing
- who has given the notice to you and their contact details
- how long you have to participate in random testing.

It is an offence to refuse, without reasonable excuse, to take part in testing. The maximum penalty is **imprisonment for 6 months**.

Your urine, hair, saliva and/or blood cannot be used for any other purpose. This means it cannot be used by police to obtain a search warrant or as evidence in any other proceedings. It can only be used in the proceedings relating to the care and protection of your child.

Can the Department make me attend rehab?

Yes. If you have had a drug and alcohol assessment in the last 5 years, **you can be directed to participate in a drug and alcohol rehabilitation program**.

You will be given a **notice** that will set out:

- the legal basis for the direction
- the name and nature of the program
- where to attend for the program
- the date and time of the program
- the contact details of someone you can talk to about the program
- what will happen if you do not attend the program.

Programs are run by Drug and Alcohol Services South Australia (DASSA) or another agency recognised by DASSA or SA Health as a program provider.

The program provider will consider your parental responsibilities, the needs of your child and your relationships with other family members. It is a therapeutic intervention which you may be directed to attend as either an inpatient or outpatient.

It is an offence to refuse, without reasonable excuse, to take part in a rehabilitation program when directed. The maximum penalty is **imprisonment for 6 months**.

How can I make a complaint?

If you have a complaint about the actions of the Department, you should tell the case worker, their supervisor or the local office manager. While it may be stressful, try to stay calm and courteous with Departmental staff at all times.

If you are unable to resolve your complaint with them, you can lodge your complaint with the Department's **Complaints and Feedback Management Unit** online at www.childprotection.sa.gov.au/making-a-complaint or by calling 1800 003 305.

If you are still unable to resolve your complaint, you can complain to the **Ombudsman SA** online via www.ombudsman.sa.gov.au/make-a-complaint or call (08) 8226 8699 or 1800 182 150 (regional calls)

Complaints must usually be made to the Ombudsman within 12 months of the Department's action that you are complaining about. The Ombudsman may investigate and can recommend the Department reconsider a decision or provide reasons for the decision. The Ombudsman can also recommend change to practices, procedures or the law.