

Children's Civil Law Service

Overview of Youth Koori Court services



The Children's Civil Law Service (CCLS) is a Sydney-based specialist team in Legal Aid NSW made up of lawyers, paralegals and two youth workers.



How we work



The CCLS aims to:

- Reach highly disadvantaged young people in the criminal justice system who would not otherwise access civil law services.
- Resolve socio-legal problems for clients that impact on their safety, liberty, rights and basic needs.
- Provide a positive and client-centred experience of government, legal assistance services and trusted adults.
- Influence changes to policies, practices and laws that have a direct impact on our clients and arise from our casework.



We do this through:

- Recognising and respecting the innate dignity, worth and rights of our clients.
- Listening to our clients and focusing on what they want.
- Working holistically.
- Being trauma informed.
- Being culturally safe.
- Working in collaboration with other people and organisations.



Who is eligible?



The CCLS accepts referrals of young people who meet all of the following criteria:

- Are aged 10–19 years
- Are or have been in the criminal justice system
- Are either:
 - in Youth Koori Court,
 - in out-of-home care (OOHC) or have had an OOHC experience, or
 - homeless or at risk of homelessness
- Are linked to Greater Sydney, excluding the Blue Mountains, Hawkesbury and Central Coast
- Consent to the referral
- Have a civil law issue which cannot be easily resolved by another service (due to the nature of the legal issue and/or the circumstances of the young person).



Who can refer?

The formal referral partners of the CCLS are:

- the Legal Aid NSW Children's Legal Service.
- the Aboriginal Legal Service NSW/ACT, including referrals through the Youth Koori Court.

- Shopfront Youth Legal Centre.

However, we retain the discretion to take referrals of young people that meet our eligibility criteria from other organisations, subject to capacity.

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What we do

We help young people with civil law problems. Civil law is a broad term that is used to describe a range of 'everyday' legal problems that will often negatively impact a young person, or exacerbate their disadvantage, if left unaddressed. Examples of civil law problems we can assist with include:

- Out of home care advocacy* including:
 - Joint Protocol – advocating with Department of Communities and Justice, Intensive Therapeutic Care or Residential/OOHC Provider where the client's trauma behaviours are being criminalised;
 - Assisting young people to access statutory entitlements such as their Leaving Care Plan, a legal file audit, obtaining care records;
 - Making complaints where there are serious concerns about the adequacy of care or services.
- Unpaid fines (provided this cannot be easily addressed by another organisation, such as a Work and Development Order Scheme sponsor).
- Unpaid debts and debt collection.
- Police complaints or court actions against police e.g. excessive force, unlawful arrest, illegal searches, Suspect Target Management Plan, racism or discrimination.
- Conditions of detention or custody e.g. access to health care, isolation.
- Consumer debts or other consumer problems e.g. mobile phone or gym contracts, pay day loans, private colleges, faulty or substandard products or services.
- Financial management orders or guardianship orders.
- Employment e.g. unpaid wages or underpayment of wages, workplace bullying, discrimination, unfair dismissal.
- Banning notices, issues with security guards, or other unfair treatment, discrimination, or harassment.
- Victims of Crime (legal file audits for young people in OOHC; referrals to private pro bono firms to submit applications for victims recognition payments).
- Access to records (medical, care, school etc).
- Driving licence suspension or disqualification.
- Identification issues (change of name, birth registration)*
- Immigration law issues.
- Housing* e.g. advice on tenancy and eligibility for social housing, evictions, appeals.
- Problems with the National Disability Insurance Scheme* e.g. eligibility or access, internal reviews, adequacy of plans.
- Centrelink* e.g. barriers to getting onto or staying on Centrelink payments, debts.
- Exclusion from school* e.g. expulsion, suspension, banning notices.
- Other niche areas of law specific to unique circumstances of clients.

We can also facilitate warm referrals of young people to other types of lawyers as needed, including criminal lawyers (e.g. Shopfront), family lawyers and care and protection lawyers, as well as specialist support services.

** These areas of law can also involve non-legal and/or social work advocacy. If the work only requires non-legal or social work advocacy, CCLS may make a referral to another youth service for this support rather than taking the matter on. For example, if a client does not have a birth certificate, a youth worker may assist a client to apply for their birth certificate by providing brokerage and taking the young person to the relevant location. However, if the client has no other identification documents (a barrier to obtaining a birth certificate), a lawyer from CCLS may take the matter on and request other records (e.g. school records) or make a request for the identification requirements to be waived to overcome this barrier.*

We also advocate for systemic change on laws, policies and practices that affect our clients. For example, we were involved in the development of the *Joint Protocol to reduce the contact of young people in Residential OOHC with the criminal justice system* and are involved in its current implementation across NSW.

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Service to the Youth Koori Court

We provide a solicitor at each sitting of the Youth Koori Court (YKC) at Surry Hills and Parramatta Children's Courts. The solicitor conducts a Legal Health Check with the client (subject to consent) to identify any civil law needs. Where appropriate, and with client consent, the civil law issues may be included in the Action and Support Plan at the conference stage.

The CCLS solicitor will advise and engage with clients during the review period and report back to the court on their civil issues if they appear in the Action and Support Plan.

The CCLS solicitor works with the client until the civil matter is completed (and this will often extend well beyond the YKC graduation). Where appropriate, we facilitate referrals for clients to other sections of Legal Aid NSW or other civil law services if the matter is out of Legal Aid NSW guidelines, there is a conflict, there is a more specialist service available or we have no capacity to conduct the matter.



Youth casework team

CCLS is primarily a legal service complemented by a youth casework team which provides intensive short to medium term casework assistance to a small number of clients (generally 6-12 per caseworker). Referrals for youth casework assistance can only come from CCLS lawyers with the consent of the client, and the client must have an open matter with CCLS to be referred. The youth casework team is not able to provide direct casework to all clients of the CCLS (they work with around 10% of CCLS clients).

The role of the youth case worker is to work collaboratively with CCLS lawyers to assist young people to resolve their civil law issues. CCLS youth casework practice is socio-legal in nature, that is, it is casework practice which bridges the gap between the client's legal and non-legal needs and issues. Support

provided includes practical assistance, case coordination, advocacy and referrals.

The CCLS youth casework team comprises two staff, one of which is an Aboriginal Identified role working with clients of the Youth Koori Court in Parramatta and Surry Hills. The Aboriginal Identified role is able to offer cultural support to Aboriginal and Torres Strait Islander clients in addition to other youth casework assistance. Where required, youth casework support may continue beyond the client's involvement in Youth Koori Court. Once the client's civil law issues have been resolved, the case plan goals are achieved, or the client is being exited for other reasons, the youth casework team aims to promote independence and transition clients to other services to meet their ongoing needs.



Need further information?

Contact the Children's Civil Law Service on 02 9219 5006 or Children'sCivilLawService@legalaid.nsw.gov.au