



Finding Your Way Through the

CHILD PROTECTION SYSTEM

**An information guide for parents of children who are involved
with the child protection authorities in Western Australia.**

1st Edition, January 2021

FINDING YOUR WAY

Through the Child Protection System

Please Note

This document provides information about the Western Australian Child Protection System.

The Family Inclusion Network of WA Inc. believes that the information provided is accurate as at January 2021 and does not accept responsibility for any errors or omissions.

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The information in this document is not intended as a substitute for professional or legal advice. We recommend you get legal advice from a lawyer.

This document is not to be used for commercial purposes.



Your feedback and suggestions about this document will be welcome.

Please contact the Family Inclusion Network of WA Inc.

info@finwa.org.au

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A photograph of a woman with long dark hair holding a baby. A large teal circle is overlaid on the lower half of the image, containing the word 'Resources' in a white script font. Below it, in a smaller white sans-serif font, are the words 'USEFUL TIPS & IMPORTANT CONTACT INFORMATION'. The background of the entire image features faint, light blue Aboriginal-style dot patterns.

Resources

USEFUL TIPS &
IMPORTANT CONTACT INFORMATION

FINDING YOUR WAY WITH THE DEPARTMENT OF CHILD PROTECTION

» Write everything down

Get a diary and write down the date of every contact you have had, or tried to have, with the Department or any other relevant organisation. Always leave your name and get the name of the person you speak to when you ring. Write a few points of what you discussed.

» Attend all meetings with the Department

Take someone with you who can help you understand what is being discussed and who will help you remain calm. Ask for meetings on days and times that are good for you.

» Attend contact with your child

Arrive before time and take a healthy snack and activities to do. Your child will be looking to you for reassurance that you are okay.

» Stay visible

Have contact with organisations that can support you and can speak up for you.

» Always attend court

Every time – even if you're told you don't need to.

» Obtain legal advice/representation

At least speak to the duty lawyer before appearing in court if you haven't been able to get one yet.

» You can seek a review of some decisions

This includes care plan decisions and if you have been refused Legal Aid WA representation.

» Check your court written proposal (S143 document)

You would have received this during the Children's Court proceedings or at the time a protection order is made. This will outline the things the Department want you to do – it is like your 'roadmap.' The Department should have a meeting with you before they write this, to discuss the content.

» Be wary of using social media.

Be wary of posting your situation on social media, such as; Facebook and Twitter, as this can be used in court. It is also against the law to identify a child in care in the media.

» Get support

This is a really difficult time and you need people around you who will encourage and support you.

If your child has been placed into the care of the Department you may find these tips helpful...



IF YOU'RE NOT SURE, KEEP ASKING QUESTIONS

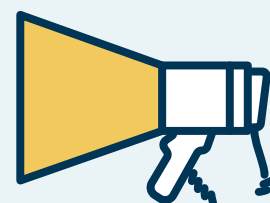
You can ring Fin WA for advice,
information and support

phone:

(08) 9328 6434

or email:

info@finwa.org.au



PREPARING FOR MEETINGS

WITH THE DEPARTMENT



>> There are different kinds of meetings that may be held with the Department
- you may hear of:

- Monthly Review Meetings
- 30 day review meetings
- Signs of Safety Meetings
- Care Plan Meetings
- Stability and Connection Meetings or Permanency Planning Meetings

>> What is the purpose of Signs of Safety Meetings?

The Department uses a 'Signs of Safety Framework' for making decisions about your family.

It is a way for everyone to be clear; what the Department is worried about, and what needs to happen to keep your children safe. It is an opportunity for you to have a say and talk about what you think needs to happen for your children.

It can also provide you with steps to take, to improve the situation.

The Signs of Safety Meetings do not only happen once. They can be held regularly to update what has changed and to show progress.

The information from the meetings should be written down on a white board during the meeting, then typed up and sent to everyone who attended the meeting

>> How can I be prepared for meetings?

- Be prepared to listen to what the Department are worried about
- Think about your own worries, and what needs to happen to keep your children safe
- Think about what's working well, and what changes have already happened to keep children safe
- Think about your ideas for what could happen next
- You can ask other people to attend any meetings; such as friends, family or support workers who can offer positive input.



CONTACT VISITS WITH YOUR CHILD

»» Contact is about:

- Making sure that everyone is ok
- You and your child seeing each other and spending time together
- Showing your child that you care about them
- Maintaining and enhancing your relationships
- Encouraging positive play and interaction between you and your child.

»» Understanding Supervision

It is very common that the contact between you and your child will be supervised, especially when children first come into care.

This means that a worker – a Family Resource Employee (FRE) will be with you and your family throughout the contact visit.

The FRE will be required to take notes about their observations during the contact visit, including all the good things that happened, plus any worries they have. These notes will go to your CM who you can speak to about how contact is going at any time.



»» Tips for getting the most out of Contact

- Confirm the contact visit with your case manager the morning of the contact
- Attend all contact visits
- Plan your trip – check transport timetables, how far to walk from the bus stop etc to ensure you arrive on time (or earlier)
- Check about parking – is it free, or will you need coins?
- Bring a healthy snack and something that you can enjoy doing together
- Use a Communication Book to communicate with the Carer about your child's interests and needs, and to find out what they have been doing
- It is helpful for your child if separation at the end of the visit is as smooth and calm as possible. This can be helped by clearing away your activities or food a few minutes before the end
- Reassure your child that they will see you again soon, and gently encourage them to leave
- Remember to take care of yourself at this really difficult time. You may want to talk to a friend or other support person to express your emotions and stay on track.



GETTING READY FOR COURT

» Get Legal Advice as soon as possible.

Phone the Perth Children's Court: 9218 0100

- Make an initial appointment with your lawyer so you can explain your situation, and understand the court process
- Even if you do not get legal representation, speak to the Duty Lawyer when you are at the Children's Court
- If outside Perth, ring Legal Aid Info Line 1300 650 579.
The LAWA website also has useful information www.legalaid.wa.org.au
- If you are Aboriginal or Torres Strait Islander, you can contact; Aboriginal Legal Services WA; Djinda Services (Perth) women only - if you are experiencing or at risk of domestic violence or sexual abuse; Aboriginal Family Legal Service (some regional); Country Legal Services, including Women's Legal Services - not all CLC do protection and care

» What can a lawyer do?

- Appear in court for you
- Provide information and advice
- Ask for an adjournment if you don't have all the documents from the Department
- Write letters to the Department
- Assist with preparing documents for court
- Assist you to appeal a decision made by the court.

» Attend all Court hearings

Every time - Even if you are told it is not necessary

» Arrive at Court by 8.45am

This gives you a chance to get settled. You will go through security to get in to the waiting area, and sometimes there is a queue. *Note: hearings, where there will be a video link, are held first. Food and drink is not permitted in the waiting room.*

» Arrange child care for your children if required

You will need to focus on what is being said in court - it can be a long day.

» Bring copies of your court documents

Bring copies of all your court documents with you, for your lawyer, for example, Affidavit.

» Write down what you want to say

To help you remember, write down what you want to say.
Your lawyer will speak on your behalf to the Magistrate.

» Bring a support person with you who can help keep you calm

» In the Court room

- No hats or sunglasses can be worn in Court
- Turn your phone onto silent
- Bow as you go in and out of the room
- If you don't have a lawyer, only speak when you are asked to speak
- Call the Magistrate 'Your Honour', 'Sir' or 'Madam'.



»» What are your rights?

- To be clearly told about allegations, evidence and assessments made
- To participate in the assessment, decision making, and in finding solutions
- To be kept informed about decisions being made about your child, to make a complaint and receive information about how to do so, to have legal representation
- To make a complaint and to have decisions reviewed
- To be treated with respect
- To receive legal advice and information
- To have the strengths of my family identified, and support to address the challenges
- To attend all meetings with a support person
- To privacy and confidentiality
- To have access to Department records via Freedom of Information (FOI)

»» What are your responsibilities?

- To be honest
- To be contactable
- To tell your CM about changes to your circumstances to attend contact
- To make sure your lawyer and other supports have accurate and full information
- To work with the Department respectfully (including carers)

»» What are your child's rights?

Your child's rights are covered by the:

Charter of Rights for Children and Young People

You can get a copy from:

- The Department - www.communities.wa.gov.au
- Your lawyer
- Advocate for Children and Young People in Care
- Commission for Children and Young People www.ccp.wa.gov.au
- CREATE - www.create.org.au

»» Who can speak to your child?

Your child can speak to the Advocate for Children & Young People in Care.

Their role is to:

- Listen to your child
- Help your child to tell the Department, and yourself, what they want
- Provide information and advice to your child
- Support your child if they want a decision reviewed
- Speak to others about what the child has told them.



NOTES:



CONTACTS

»» My Case Manager Details

NAME:
PHONE: EMAIL:
.....

»» My Team Leader Details

NAME:
PHONE: EMAIL:
.....

»» My District Office Details

DISTRICT:
DIRECTOR:
PHONE: EMAIL:
ADDRESS:

»» My Lawyer's Details

NAME:
PHONE: EMAIL:
ADDRESS:

»» My Aboriginal Practice Leader Details

NAME:
PHONE: EMAIL:
.....

»» Other Professional Services I Am Working With

NAME: PHONE:
.....
NAME: PHONE:
.....
NAME: PHONE:
.....
NAME: PHONE:
.....

USEFUL CONTACTS

Fin WA – Family Inclusion Network of Western Australia

156 Vincent St, North Perth WA 6006
PO Box 140, North Perth, WA 6906
T (08) 9328 6434 F (08) 9227 9052
E info@finwa.org.au
www.finwa.org.au

Children's Court (Protection Services Legal Aid WA)

160 Pier Street, Perth, WA 6000
T (08) 9218 0160 (08) 9421 1540
Main Switchboard: (08) 9218 0100

Legal Aid WA Info Line

Can provide advice and will give you details of Community Legal Centres in your area
T 1300 650 579
www.legalaid.wa.gov.au

Aboriginal Family Legal Service (Regional Services Only)

890 Albany Highway,
East Victoria Park WA 6101
T (08) 9355 1502 F (08) 9355 0890
E office@afls.org.au

Mental Health Law Centre

Can assist if your legal issues are a result of mental illness
3 Brisbane Street, Perth WA 6000
T (08) 9328 8012
www.mhlcwa.org.au

*Free Legal Advice Hotline

T 1800 620 285 E reception@mhlcwa.org.au

Citizens Advice Bureau

**Have volunteers who can help you write letters*
25 Barrack Street, Perth WA 6000
**Offices in Albany, Armadale, Bunbury, Esperance, Fremantle, Joondalup, Kwinana, Mandurah, Midland and Rockingham*
T (08) 9221 5711 F (08) 9221 5356
www.cab.com.au

Law Society of WA

May be able to help you find a lawyer who deals with this area
Level 4, 160 St George's Terrace Perth, WA 6000
T (08) 9324 8600 F (08) 9324 8699
E info@lawsocietywa.asn.au
www.lawsocietywa.asn.au

Law Access

To access pro-bono lawyers
T (08) 6488 6813
www.lawaccess.org.au

LOCAL COMMUNITY LEGAL CENTRES

Community Legal Centre	Telephone
Peel Community Legal Service Inc.*	(08) 9581 4511
Fremantle Community Legal Centre	(08) 9432 9790
Gosnells Community Legal Centre	(08) 9398 1455
MIDLAS (Midland)	(08) 9250 2123
Northern Suburbs Community Legal Centre (Mirrabooka)	(08) 9440 1663
SCALES Community Legal Centre (Rockingham)*	(08) 9550 0400
Sussex Street Community Legal Centre (East Vic Park)	(08) 6253 9500
Djinda Services*	(08) 9272 8800 / 1800 625 122
Wheatbelt Community Legal Centre Inc.*	(08) 9622 5200
Women's Legal Service WA	(08) 9272 8800
Aboriginal Legal Services	(08) 9265 6666 / 1800 019 900
Kimberley Community Legal Services Inc.	(08) 9169 3100

These services provide advice, information and some representation for protectional and care matters.

DEPARTMENT OF COMMUNITIES CONTACTS

Department of Communities, Child Protection & Family Support Contacts	Telephone
Department of Communities Child Protection & Family Support Head Office.	(08) 9222 2555
Complaints Management Unit	(08) 9222 2594
Case Review Panel	(08) 9222 2593
Advocate for Children and Young People in Care.	(08) 9222 2518



Court Resources

www.childrenscourt.wa.gov.au/L/legal_resources.aspx

Legal Aid WA Resources

www.legalaid.wa.gov.au/resources and <https://www.legalaid.wa.gov.au/find-legal-answers>

WA Law Handbook

www.austlii.community/wiki/WALawHbk/WALawHandbook/

Children and Community Services Act 2004

www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtile_132_homepage.html

Link to request a transcript of court proceedings

www.childrenscourt.wa.gov.au/T/transcripts.aspx

Department of Communities

www.communities.wa.gov.au

Casework Practice Manuals

www.manuals.communities.wa.gov.au

DEPARTMENT OF COMMUNITIES DISTRICT OFFICES

Department Head Office T (08) 9222 2555 or 1800 176 888 (Freecall STD)

Child Protection & Family Support Offices

Country Offices	Telephone
Albany	(08) 9841 0777
Broome	(08) 9192 1317
Bunbury	(08) 9722 5000
Busselton	(08) 9752 3666
Carnarvon	(08) 9941 7222
Collie	(08) 9734 0300
Derby	(08) 9193 3700
Esperance	(08) 9083 2566
Fitzroy Crossing	(08) 9163 9800
Geraldton	(08) 9965 9500
Halls Creek	(08) 9168 9999
Kalgoorlie	(08) 9022 0700
Karratha	(08) 9185 0200
Katanning	(08) 9821 6500
Kununurra	(08) 9168 0333
Laverton	(08) 9088 2900
Leonora	(08) 9037 2300
Mandurah	(08) 9583 6888
Manjimup	(08) 9771 6000
Meekatharra	(08) 9981 0300
Merredin	(08) 9041 6900
Moora	(08) 9653 0100
Mullewa	(08) 9961 1004
Narrogin	(08) 9881 0123
Newman	(08) 9175 4600
Norseman	(08) 9039 1129
Northam	(08) 9621 0400
Onslow	(08) 9184 3900

Roebourne	(08) 9182 0500
South Hedland	(08) 9160 2400
Tom Price	(08) 9188 0100
Wyndham	(08) 9161 3500

Metropolitan Offices	Telephone
Armadale	(08) 9497 6555
Cannington	(08) 9351 0888
Fremantle	(08) 9431 8800
Joondalup	(08) 9301 3600
Midland	(08) 9274 9411
Mirrabeeka	(08) 9344 9666
Perth	(08) 9214 2444
Rockingham	(08) 9527 0100

NOTES:



Introduction

FINDING YOUR WAY THROUGH THE
CHILD PROTECTION SYSTEM

CHAPTER ONE

» 1.1 INTRODUCTION

Is this Document for me?

This document is a basic guide to assist parents of children who are involved with the child protection authorities in Western Australia (WA), or whose children are in the care or under the supervision of the Department.

This document is current as of January 2021 and is intended to provide you with information – not legal advice. Remember that the law can change. You should seek legal advice about your particular situation.

Child Protection in WA

In WA, cases where children may have suffered, or may be likely to suffer abuse or neglect, are dealt with under the Children and Community Services Act 2004 (the Act). The Act is available online at: https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_132_homepage.html.

It can also be found in some public libraries or you can contact the State Law Publisher on (08) 6552 6000 to buy a copy.

The Department is the government agency with the main responsibility under this Act, and their role is to support children, families and communities, and investigate reports about allegations of harm to children, and to provide out of home care (foster care, residential care) for children where it is needed.

Final decisions are made by a magistrate in the Children's Court of WA based on information provided by everyone involved. The court will consider whether or not children can stay at home, or whether they need to be:

- living with their parents under a supervision order by the Department
- in the care of other family members
- in foster care provided by the Department or another non-government foster care agency.

The Children's Court of WA can make a range of protection orders (see 3.1). It's very different from the Family Court of WA, which deals with things like; divorce, property settlements, and arrangements for children of parents who are separating. The Children's Court can override orders made in the Family Court.

Any criminal charges concerning harm to a child (like assault or sexual abuse) will be dealt with separately by the police through the Magistrates Court or the District Court. You should stay in touch with the police to check the progress of any criminal charges.

» 1.2 ABBREVIATIONS

Actual Harm Continuing Risk.....	AHCR	Negotiated Placement Agreement.....	NPA
Assessment of Concern for a Child.....	ACC	Out of Home Care.....	OOHC
Care Review Panel.....	CRP	Pre-birth Signs of Safety.....	PBSoS
Chief Executive Officer of the Department.....	CEO	Pre-Hearing Conference.....	PHC
Child Protection Mediation Style Conference.....	CPMSC	Protection Order.....	PO
Child Safety Investigation.....	CSI	Provisional Protection and Care.....	PP & C
Children & Community Services Act 2004.....	The Act	Signs of Safety.....	SOS or SoS
Complaints Management Unit.....	CMU	Special Guardianship Orders.....	SGOs
Department of Communities (Child Protection and Family Support).....	Department	State Administrative Tribunal.....	SAT
Freedom of Information.....	FOI	Team Leader.....	TL

» 1.3 GLOSSARY OF TERMS

Best interests of the child

This is a key phrase in child protection and is often used, however, it can mean different things to different people. There are questions about who decides what the 'best interests' really are and in what situations these decisions are made. Different parties will have different views of what the child's 'best interests' are. For the purposes of child protection, Section 8 of the Act gives clear direction on matters that should be considered when deciding the 'best interests' of the child.

Please refer to Part 2, Division 2 sections 7 and 8 of the Act.

Chief Executive Officer (CEO) of the Department

Children who have been placed into care are regarded as being in the care of the CEO. In WA, the CEO is the Director General of the Department. All children in the CEO's care will have a Departmental child protection worker, called a Case Manager, who will act on behalf of the CEO.

Please refer to Part 1, section 3 of the Act.

Community service organisations

Community service organisations are non-government run, not for profit agencies that work alongside the Department to provide support to children and their families who are involved with child protection. Services and support required for each child and family may vary depending on the safety and wellbeing concerns that led to the child coming into care. Services and supports will focus on building parental capacity, and commence as soon as practical after the child enters care. Services should be timely, targeted and culturally appropriate. <https://www.dcp.wa.gov.au/Resources/Documents/Policies%20and%20Frameworks/ReunificationPolicy.pdf>

Family care (or relative or kinship care)

This is an out of home care arrangement with a 'relative' as defined in the Act, or a 'significant other' as defined in policy. This may be a grandparent, aunty or other person significant in the child's life.

General foster care (or foster care)

General foster care is a non-family care arrangement provided by a foster carer where a child is cared for in the carer's home.

Harm

The Act says this includes harm to the child's physical, emotional or psychological development: "any detrimental effect of a significant nature on the child's wellbeing whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances".

Please refer to Part 4, section 28(1) of the Act.

Neglect

This can include physical neglect, such as not giving children enough to eat or drink, not taking them to the doctor when they need it, and leaving them dirty, or in dirty clothes for a long time. Children who are often sick, or get head lice frequently, may also be said to be physically neglected. Supervisory neglect means children who have avoidable accidents like; choking, near drowning or swallowing adult's pills or poisons. If a child doesn't get enough affection, or is allowed to behave inappropriately, they can be said to be emotionally neglected. Psychological neglect includes not giving children enough love, support or attention, and letting them see violence, alcohol or drug abuse. If children are not enrolled in school, or are allowed to miss school, this is called educational neglect.

Please refer to Part 4, section 28(1), of the Act.

Out of home care

Out of home care is the provision of care arrangements outside the family home for children who are in need of protection and care, through the application of the Act. This includes foster care, residential, group or secure care placements.

Please refer to Part 4, division 5 section 79, 80 and 81 of the Act.

Parent

The term 'parent' in this document includes a child's mother, father or someone else with parental responsibility for the child. This means someone other than the Chief Executive Officer, who has responsibility for the long-term or day-to-day care, wellbeing and safety of the child. A parent of an Aboriginal or Torres Strait Islander child includes a person who is regarded as a parent of the child under Aboriginal tradition or Island custom. If you are unsure whether you are a parent and have the obligations/rights as a parent under the Act, seek legal advice.

Please refer to Part 1 section 3 of the Act.

Parental responsibility

This refers to all the duties, powers, responsibilities and authority which, by law, parents have in relation to children.

Please refer to Part 1, section 3 of the Act.

Residential care

This refers to placement of one, or a number of children or young people, in a property owned or rented by the Department or an agency, and staffed by workers employed on a rostered basis. Residential care typically cares for children with complex needs.

Reunification

Reunification applies to children who are the subject of provisional protection or a protection order (time-limited). Reunification is the planned process of returning a child home to parents after a period of time in out of home care. Reunifying children in the care of the CEO with their parents is the primary goal to be achieved, where it is assessed as appropriate, in the best interests of the child, and where it will safeguard the child's long-term stability and permanency. The Department aims to reunify children with their parents, by working with them and providing support for parents to make the necessary changes to address safety concerns, within the timeframe that has been set. The Department is committed to the principle that the preferred way of safeguarding and promoting a child's wellbeing is to support the child's family to care for them.

Please refer to Part 2, division 2, sections: 7, 8, 9 and 12 of the Act.

Safety Plan

Safety plans are developed between the Department, parents, family members and other people in a child's community or networks who can help address any worries or concerns for a child's safety and wellbeing. The plan is written up and addresses harm and danger statements (where applicable), and safety goals. The plan is structured and monitored by the Department, ensuring the child is safe.

Stability and Connection (previously called permanency planning)

This planning is what the Department does to achieve long term stability for children in the CEO's care. The primary permanency plan will be to return a child to live with their parents. The secondary permanency plan will be permanent out of home care. This aims to ensure that children remain connected to those who are most important to them. Children need safe, continuous and stable care arrangements, lifelong relationships with a strong cultural identity, sense of belonging and connection.

Permanency and stability are a priority from the moment the Department becomes involved in caring for a child, to ensure a clear plan for the future. Permanency planning involves a parallel planning process. This means there will be a primary permanency plan for reunification of the child with one or both birth parents. At the same time, the Department must prepare a secondary permanency plan just in case the child's parents are unable to make the necessary changes within the timeframe that has been set.

Please refer to Part 2, division 2 and division 3 of the Act.

Wellbeing of a child

This means the care, development, health and safety of a child. Wellbeing of a child includes:

- » Physical, emotional, psychological and educational development of the child
- » Physical, emotional and psychological health of the child
- » Safety of the child.

Please refer to Part 1, section 3 of the Act.

» 1.4 GUIDING CHILD PROTECTION PRINCIPLES

The Act directs the Department and the Children's Court to pay attention to the following principles:

- » What is in the 'best interest' of the child?
- » The child's interests are the most important (this means the child's interests are considered above parent's interests)
- » Parents, families and communities have the primary role in safeguarding and promoting a child's wellbeing and should be supported in this. A child should be taken out of his or her family's care only when there is no other reasonable way to safeguard and promote the child's wellbeing
- » If a child has to be removed from his or her family, then he or she should be given encouragement and support in maintaining contact with parents, brothers and sisters, and other significant people unless this is not considered to be in the child's best interests
- » The child's views, and the views of the parents and other significant people, are to be considered. They are to be kept informed about what is happening and take part in decisions that affect the child's life;
 - All of these parties are to be informed of complaints and review processes
 - Decisions about the child should fit with cultural, ethnic, religious values and traditions. A set of guidelines has been developed for culturally and linguistically diverse communities. Speak to your district staff for more information about this
 - If the child is removed from his or her family, the aim is to reunite the child with his or her family where possible
 - Aboriginal and Torres Strait Islander children are to have culturally appropriate placements according to tradition or custom. This means that as far as possible, a child should be cared for within his or her family, community, or by a person of Aboriginal or Torres Strait Islander descent. Where this isn't possible, then a child's connections to his or her family and culture are to be promoted. Each district has an Aboriginal Practice Leader you can speak to for more information about this
 - Aboriginal and Torres Strait Islander people and communities are to be given opportunities and assistance to participate in the protection and care of their children.

Please refer to Part 1, division 1 & 2 of the Act.

Note: You can talk to the Department workers about these principles when negotiating with them.

» 1.5 GUIDING CHILD PROTECTION PRINCIPLES

The Act tells the courts, the Department and the general community when children need to be considered for care and protection.

The Act says a child is in need of protection if:

- the child has been abandoned by his or her parents, and the parents can't be found, and there is no other suitable adult who is willing and able to care for the child;

or

- the child's parents have died or are unable to care for him or her and there is no other suitable adult who is willing and able to care for the child;

or

- the child has suffered, or is likely to suffer harm, as a result of any of the following:
 - physical abuse
 - sexual abuse
 - emotional abuse
 - neglect

and the child's parents have not protected him or her, or are unlikely to be able to protect the child from further harm of that kind;

or

- the child's parents are unable to provide or arrange for adequate care for the child;

or

- the child's parents are unable to provide or arrange for effective medical, therapeutic or other treatment for the child.

It is helpful if you can work out what actions the Department is saying you must take to address safety concerns within the family. Seek legal advice and ask the Department to be as specific and clear as possible so you know what you need to work on.

Please refer to Part 1, division 1, section 28 of the Act.



WHEN THE

Department Gets Involved

CHAPTER TWO

» 2.1 WHAT DOES THE DEPARTMENT DO?

The Department is responsible for:

- » Carrying out enquiries and investigations in cases where there are concerns about a child's wellbeing; you may be included in an assessment
- » Bringing relevant cases before the court
- » Providing temporary protection and care for the child until the court makes its decision

Note: Under some protection orders, parental responsibility is taken away from the parents and given to the Department.

» 2.2 WHO DECIDES?

The district makes an application to the Children's Court. A magistrate in the Children's Court will make the final decision about whether or not a child is in need of protection and whether they should be in the Department's care, on an order requiring supervision by the Department, on an order in the care of a special guardian, or on no order.

The Court's decision is based on evidence presented by all concerned to the magistrate in a final hearing. Alternatively, an agreement is reached between all those involved in the case, also called 'the parties', that is; the parents, the child, the Department, and anyone else considered to have a direct and significant interest in the child's wellbeing. For example, a grandparent who has been caring for the child. The magistrate will make the order agreed on, or no order, if it is agreed between the parties that an application for a protection order should be withdrawn.

» 2.3 WHAT HAPPENS WHEN THE DEPARTMENT INVESTIGATES?

- » Ask to see the identity cards of the people who visit your home
- » Find out which district office they come from and get the contact telephone number
- » Find out the names of the other people involved (the team leader, and district director)
- » Remember that EVERYTHING you tell the Department will be used in their investigation and could also be used in criminal proceedings against you or others
- » YOU DO NOT HAVE TO ANSWER ANY OF THEIR QUESTIONS – there is no obligation under the Act for you to do so. However, it's best to try and co-operate with the Department
- » Answer the questions you feel comfortable about. Remember the following when answering any question:
 - take your time to answer, think about the question
 - if you don't understand something, ask
 - if you feel overwhelmed or confused, ask for a break
 - it's okay to ask for a support person to be present (such as a friend or family member)
 - you can take notes
 - it is legal for you to record your meetings with the Department *provided everyone agrees* (e.g. on your mobile). A record of your meetings with the Department will help you remember accurately what was said and agreed to by both you and the Department.

TIPS ON TAPING

- **WITH CONSENT** you may tape meetings. **HOWEVER**, be aware it can create tension in your relationship with the Department staff. Outcomes of cases are unlikely to be changed because of evidence you have; of what was or wasn't said by others. The most important evidence is your ability to stay focussed on your child. The Department may refuse to cooperate with taped conversations, so it is best to get advice before taking this action.

- >> Your child can be taken into care with or without a warrant. Ask for a copy if they have one
- >> If the Department asks you to sign something, remember that you don't have to do so. You can ask for time to think about it and get legal advice
- >> Keep EVERYTHING that is given to you by the Department and show your lawyer
- >> ALWAYS go to court, (even if you are told you don't have to be there)
- >> Buy a diary (or keep track in notes on your phone) and write down all contacts and conversations you have with the Department (e.g. what was said and agreed to, and who you spoke to).

Does the Department have to tell me they're going to talk to my child?

The Department should inform parents as early as possible about the concerns they are investigating, and their need to see, examine or interview a child. The Department should explain the process involved in an investigation.

However, if the Department believes it is best for them to talk to your child before you become aware of the investigation, or if they believe the investigation might be jeopardised if you knew about it, they can talk to your child at a school, hospital or child care service without your knowledge.

The Act says that **as soon as practicable (possible)** after the Department has seen your child, they must let at least one of his or her parents know about it unless:

- this may interfere with a police investigation
- expose the child to harm or risk of harm
- or the child has asked that you are not informed and the Department believes it's in the child's interests to agree with his or her request.

Please refer to Part 4, division 2, section 38 of the Act.

Note: Your child is NOT obliged to answer any of the Department questions if he or she doesn't want to. This means that your child can choose to remain silent or only answer some questions.

Your child can also ask for a support person to be present, such as a teacher, family member, support worker or lawyer. Be aware that the support person may not be accepted e.g. if they are not considered a safe person.

» 2.4 WHAT HAPPENS WHEN THERE IS A CONCERN?

The *Children and Community Services Act 2004* is the legislation that says the Department has to make enquiries when they receive information that raises concern about a child's wellbeing. The Department's enquiry process is called a child safety investigation (previously called an assessment of concern for a child).

If the Department completes a child safety investigation, and decides that action needs to be taken to safeguard or promote the child's wellbeing, they are required by the Act to do one or more of the following:

- » Provide or arrange support services with the family's agreement
- » Develop a voluntary plan with the family and service providers to meet the needs of the child
- » Provide short term care for the child through a negotiated placement agreement (i.e. with the consent of the parents) **Note:** this can't happen if the Department thinks a child is at risk of harm in a parent's care
- » Conduct an investigation to see whether the child may be in need of protection and care through the court
- » Take legal action (known as "intervention action") to ask the court for a protection order and place the child in the care of the Department, or make a protection application
- » Take any other action considered necessary.

Please refer to Part 4, division 2, section 32 of the Act.

Do I have a say about what the Department does?

The Department will try, wherever possible, to work with the family. This means they will try to reach an agreement with you and your child (if he or she is old enough) about what needs to happen and how it is to be achieved.

What support services will be offered?

The following may be offered to help children, families or communities. Examples are:

- » Parenting support services (which offer support and information)
- » Refuges (places for women and children escaping family and domestic violence)
- » Drug and alcohol treatment services
- » Child care (to give parents a break and children a chance to play with others)
- » Parenting courses (that offer practical tips and strategies on parenting)
- » Counselling or therapy (that can assist you through issues that may make parenting difficult)
- » Family and domestic violence services.

Support services can be provided by non-government organisations that are separate from the Department. They may be required to report back to the Department on your progress.

How do I get support services?

The Department CM may offer to help link you into supports. It is sometimes faster if you look for services yourself.

What is a negotiated placement agreement?

This is a short term agreement between the parents and the Department for a child to go into a placement arrangement, such as extended family members, foster care or residential care i.e. a group home.

A negotiated placement agreement can only happen in cases where short term care is needed. For example, if you are sick in hospital and no one else is able to care for your child. They cannot be used if the Department thinks your child is at risk of harm in your care.

A negotiated placement agreement is usually for three months, but can be terminated at any time by any of the parties (in writing) and can also be extended with the consent of all parties.

Please refer to Part 4, division 4, section 75 of the Act.

Under a negotiated placement agreement, parental responsibility remains with you, but the Chief Executive Officer may give consent to others making decisions which would normally be the parent's responsibility, **if this is agreed to in writing**.

Negotiated placement agreements must be in writing and signed by both parents wherever possible. They must contain:

- » Start and end dates
- » Details of where the child is to live (including name, address and phone number, if appropriate)
- » Arrangements regarding contact with your child and arrangements between your child and other family members
- » The types of decisions the Chief Executive Officer will be able to make about the child, for example:
 - consent for your child to participate in school activities and excursions
 - consent to medical or dental treatment in the case of emergency
 - allow involvement of your child in swimming or boating activities
 - giving of information to other individuals and/or agencies involved in the care of your child.

TIPS

- make sure the agreement is in writing and that you get a copy of it
- the Department will only enter into a negotiated placement agreement with you if they believe your child is NOT at risk
- the Department can apply to the Children's Court for a protection order at any time if they have reasonable grounds to believe the child is in need of protection. This is unlikely to occur under a negotiated placement agreement, as the Department would not have agreed to it if they were concerned.

When can the Department get involved without my agreement?

If a child safety investigation (formally called an assessment of concern for a child) indicates the need for more action, more investigation (assessment) will follow.

This can take anywhere from a few days to a few weeks to complete, however, it should be completed within 30 days. At the end of the investigation, the Department will decide whether or not they believe the child has been, or is at risk of harm. The Department will then also decide whether to apply to the Children's Court for a protection order.

To ensure that the child is safe during the investigation phase, the Department will usually try to negotiate with the parents, the child (if he or she is old enough), family members and anyone else who is significant in the life of the child, to help develop a voluntary 'safety plan' (see p.70).

If the Department isn't confident that the child can be kept safe (even when a safety plan has been developed), they can take the child into provisional (temporary) protection and care, and place him or her with a relative, or in foster care. They can do this by applying to a magistrate for a warrant, or they can take the child into care straight away, without a warrant, if they believe he or she is at **immediate and substantial risk**. The Department do not have to let parents know they are applying for a warrant.

Within the next two working days, (i.e. Monday – Friday, excluding public holidays) after taking your child into provisional protection and care with or without a warrant, the Department must either return the child to a parent or make a protection application to the Children's Court. Where a protection application is made, the Department has to give both parents, the child, and anyone else considered to have a direct and significant interest in the child's wellbeing, a copy of the application. The child often stays in the placement that the Department has organised until the Children's Court magistrate decides whether or not a protection order (time limited) or other protection order should be made. The child can also be placed in the care of a parent/s until the case is finished. Sometimes there will be conditions or rules for you to follow, or a protection order (supervision) put in place.

Can the Department get involved before my child is born?

Yes, the Department can assess concerns for an unborn child. With or without your consent, the Department can contact relevant health professionals, and interview partners and family to find out what supports you have.

If this doesn't resolve the concerns, the Department can start an investigation once the baby is born. As with older children, your new baby can be protected during the investigation phase by an agreed safety plan or can be taken into provisional protection and care. Newborn babies can be taken into provisional protection and care from birth.

You are likely to get the best chance of keeping your baby if you:

>> Focus on your health and wellbeing

- start your antenatal care as soon as possible
- start to address concerns the Department may have (i.e. alcohol and drugs, housing, family violence, or mental health)

>> Get support

- make contact with the social worker at the hospital where you're having your baby as soon as you know you are pregnant

>> Request an early meeting with your Departmental case manager

- ensure you include your support people, your lawyer and the hospital social worker

>> Request pre-birth signs of safety meetings. See section 2.5 p.27

» 2.5 PRE-BIRTH SIGNS OF SAFETY

What is a pre-birth signs of safety? (also sometimes called a 'pre-birth')

Pre-birth interagency meetings are meetings in which everyone involved gets together with your family to make plans for your baby. The pre-birth meetings use the signs of safety assessment framework to make sure you (and your partner), family members and other supporters, participate in the decisions that need to be made about your baby before it is born. This will include; sharing information and working together to assess how things are going for you, make decisions about what needs to happen, and to plan for your newborn baby to be safe enough to go home with you.

Who has a pre-birth signs of safety meeting?

If you or your family are known to the Department, and they are worried about your unborn baby, they will contact the social work department at the hospital where you are planning to give birth. Alternatively, if you are not in contact with the Department, or have a closed case, and the hospital social workers are concerned for your baby – they may contact the Department and ask them to open your case so pre-birth meetings can be held.

Even though having your case open with the Department can be stressful, it is much better to begin the pre-birth meeting process as soon as possible before your baby is born. If you have not had any pre-birth signs of safety meetings, and the Department become aware of concerns immediately prior to, or just after your baby's birth, there is very little time to show you have a plan for keeping your baby safe and well.

The pre-birth meetings are a requirement of the Department if you:

- » Are a child in the care of the Chief Executive Officer of the Department and/or
- » Have other children already in the care of the Chief Executive Officer of the Department
- » Or if the Department decide to open a case for you and your unborn baby because they have concerns.

How do they work?

Because babies are very vulnerable it is best if the planning for baby happens throughout the pregnancy (or as soon as possible) to check that everything is progressing well. There are some time frames that are recommended to ensure you and your family have enough time and opportunity to develop and demonstrate what is going well, and that there is enough safety for baby to go home with you.

The suggested time frames are:

- » At twenty weeks (approximately) for a pre-birth meeting
- » At twenty-six weeks (approximately) for a review meeting
- » Around thirty weeks for a final review meeting
- » If the decision is made that it wouldn't be safe enough for your baby to go home with you, then the Department will make an application to the court for an order to be made. In this case, a care plan meeting should be held by about thirty-two weeks.

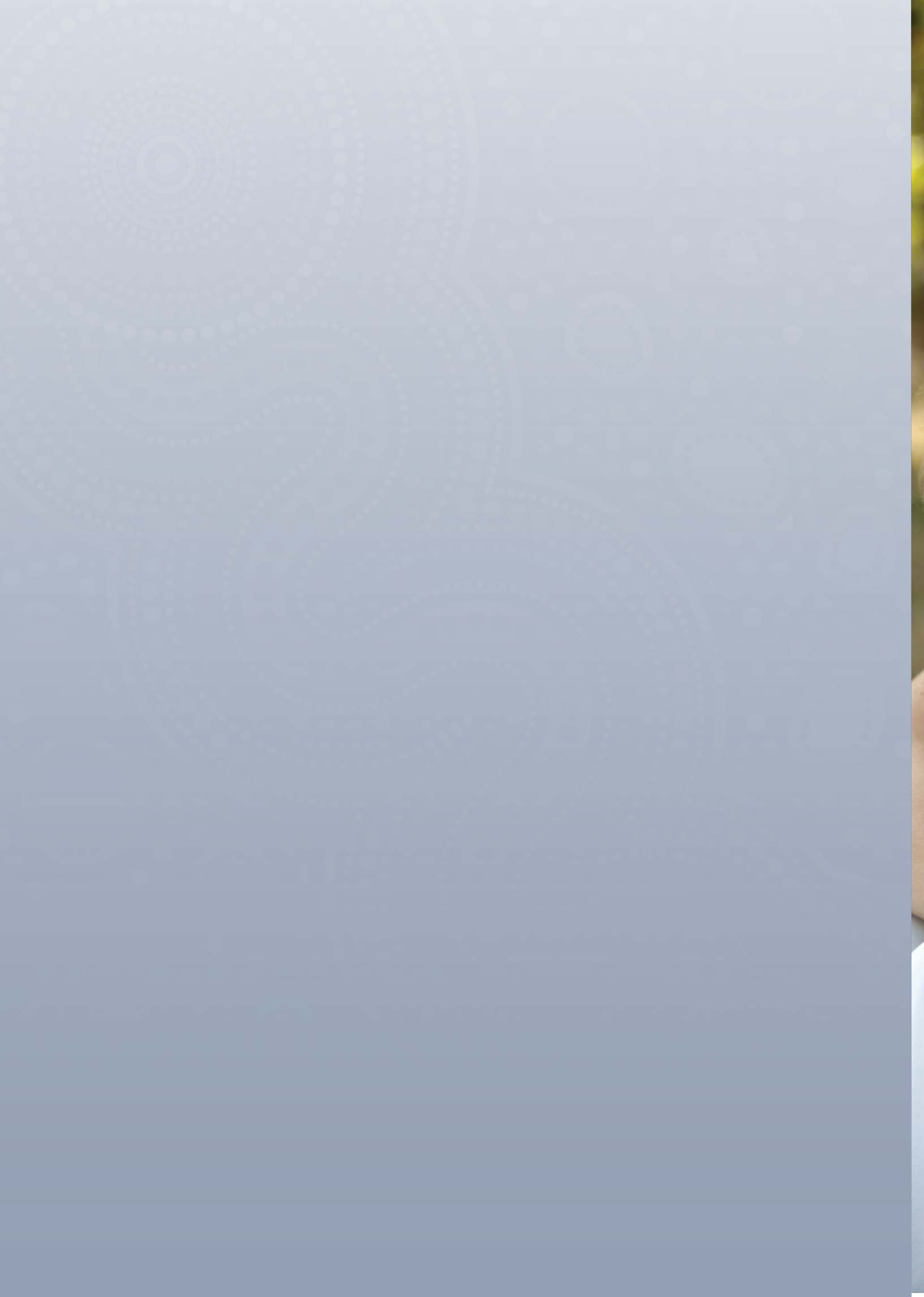
It is important to get linked into this process as soon as possible, to allow the maximum time to plan and prepare for baby to be able to go home with you.

It is important to bring anyone who is a support to you and your baby, along to the meetings, i.e. partner, grandparent, sister, friend etc. You need to know and feel comfortable, that whoever you bring along will hear what the Department's worries are concerning the care of your baby, and what would need to happen to keep the baby safe and well.

The social workers from the hospital will also be involved in these meetings to help you through the pre-birth signs of safety process, and to help you establish good health care for both of you.

Should I get legal representation?

You are encouraged to take legal representation to your pre-birth signs of safety meetings. Contact Legal Aid WA to check on your entitlements.





Children Placed in Care

CHAPTER THREE

>> 3.1 WHEN THE DEPARTMENT MAKES A PROTECTION APPLICATION

Once the Department has made a protection application, the Children's Court must try to ensure the first listing date (hearing) for the application is not more than three working days later. This date will be written in your copy of the protection application.

Please refer to Part 4, division 3, section 44 of the Act.

As a parent you have three choices:

- >> To oppose the orders
- >> To agree to a protection order being sought
- >> Neither agree nor oppose.

You should seek legal advice immediately.

Contact your lawyer or ring [Legal Aid WA](#) at the Children's Court on [\(08\) 9218 0160](#).

You can also ring the [Infoline on 1300 650 579](#) to find out whether you are eligible for legal aid assistance and to apply for a grant of Legal Aid.

It is important to attend court even if you don't have a lawyer.

Note:

If you need an interpreter, it is important to tell the court as soon as possible, so that an appropriate interpreter can be arranged ahead of time.

It is important to let the court know if you need any additional assistance due to a disability. You may need to request that reasonable adjustments be made ahead of time.

It is important to let the court know if you are worried about your safety from other parties who might be attending court.

Separate legal representation for your child

The court will usually direct that your child is to have his or her own lawyer. Parents can also request that their child is to have his or her own lawyer if the court has not already made this direction. Depending on a child's age, maturity and or understanding, the lawyer will act on the child's instructions. The lawyer may talk to important people in the child's life, review files, reports, and advise the court what they have assessed is in the child's best interests.

Documents

The documents that you should get from the Department are:

- >> Copies of any warrant
- >> A copy of the Department's application for a protection order. This will tell you when the first court date is and which court you need to go to
- >> A case outline; a document filed in the court setting out a summary of the allegations being made by the Department
- >> Copies of affidavits – documents which contain statements that tell the court the reasons the Department is applying for a protection order
- >> A provisional care plan if your child is in the temporary care of the Department
- >> A section 143 written proposal – the plan is set out in stages that outline what parent/s need to do to achieve the safety goals for the child to be returned to their care. This plan sets out timeframes for each of these stages.

Adjournments

It is most likely that there will be a number of short hearings, called mentions, between the initial hearing date and the final decision. Each time the court may adjourn (postpone) the proceedings and set another mention date. It can take several months before the court makes a final decision.

Adjournments may be granted to allow for legal advice, to get specialist reports, or to allow time for further assessments and negotiations.

It is important that you appear at every mention because the court can give directions at any time. If you're not present at court, you may not have a chance to put your point of view across. You can arrange for your lawyer to present your views, or you can present your views yourself.

Interim orders

While your case is being dealt with by the Children's Court (and remember this can take many weeks or months), parents can apply for interim orders directing the Department regarding placement, contact, treatment and anything else the court considers appropriate. This can include asking the court to place the child with you. You should seek legal advice about your particular case.

The court can make interim (temporary) orders or decisions about:

- »» Contact
- »» Placement arrangements
- »» A written report about the child, family members and home environment
- »» A medical examination of the child
- »» Separate legal representation for the child
- »» A pre-hearing conference between the Department, you, and a court appointed person.

Protection orders

A protection order is the final order made by the Children's Court where it has been decided that your child is in need of protection and care. For a protection order to be granted, the Department has to prove on the balance of probabilities (that is, more likely than not) that:

- »» Harm has, is, or is likely to occur, and
- »» There is no parent considered safe enough at that time to protect the child from harm.

This burden of proof requirement is different from Criminal Court where evidence has to be 'beyond reasonable doubt'.

Before a protection order is granted the court looks at:

- »» Whether parent/s have been given the right documents (or reasonable attempts have been made by the Department to do this)
- »» Whether the Department has given the court an appropriate proposal for the care of your child
- »» If you are opposing the order, whether a pre-hearing conference should be held
- »» Whether the child's wishes or views have been made known to the court (as far as possible)
- »» Any other documents, e.g. a report by a child's psychologist that has been given to the court
- »» Whether making a protection order is better for the child than making no order at all.

Please refer to section 3.3 for protection order types.

Does an order have to be made?

No, the magistrate may decide no order is needed. Agreements might have been reached between the parties that a protection order is not needed or that a different type of order might be more appropriate, for example, a supervision order. Family Court orders may have been made in the Family Court of WA when there are no longer any worries about the child being safe in either of the parents' care.

Once a protection order is made, can it be changed?

Yes, the protection order can be varied or revoked (cancelled) by the court. A protection order will only be revoked, and no new protection order made, if it is decided that there is no longer any need for a protection order to protect the child from harm. An application needs to be made to the court for this to happen. Get legal advice if you are considering this.

Please refer to Part 4, division 3 section 43 of the Act.

What are special guardianship orders?

The Department CM should offer to help link you into supports. It is often faster if you look for services yourself.

These have been introduced to provide a child in a long term permanent placement with secure and stable care while maintaining his or her relationship with family and significant others.

The orders are applied for in court by the Department or the carer, however, a carer must have had continuous care for the child for over two years from the time of a protection order (time limited) or (until 18) being granted, before they are able to make application for a special guardianship order. The Department is able to apply to the court for an application at any stage.

A special guardianship order may be considered by the Department where:

- » A child's care plan reflects that reunification with the family is not possible within a timeframe that meets the child's needs
- » The child has secure attachment to the carer and the carer is able to provide ongoing stable care
- » There is no longer a need for case management of the child by the Department.

Special guardianship orders give carers (called 'special guardians') all the duties, powers, responsibilities and authority for the child until he or she turns eighteen years of age. It is important to note that if such orders are granted the child is no longer in the care of the Chief Executive Officer. **This means the 'special guardian' will carry out all the parental functions and duties on a day to day and long term basis.**

What does a special guardianship order mean for me as a parent?

If an application for a special guardianship order is made, it is because your child is in long term permanent care. The application also means that the carer is willing to take care of your child long term. What is important for parents to understand is that your child will no longer be under the care of the Department (or the Chief Executive Officer) and the 'special guardian' can make all the decisions regarding the care of your child. This can include: schooling, where your child lives, holidays and daily activities.

An important condition of special guardianship orders is that ongoing contact arrangements are made for you and your child (and others who are important in your child's life) to maintain a relationship and sense of identity.

These arrangements become part of the orders and the special guardian will be responsible for implementing the arrangements. It is very important that you understand this arrangement.

The contact you have with your child will be part of the orders made in court.

Please refer to Part 4, division 3 section 60 of the Act.

How will I know a special guardianship order is being applied for?

The decision for the Department to apply for, or support a carer's application for a special guardianship order, will usually be discussed at a care plan meeting and will include the carer who is applying for the order, the child (if appropriate) and the parents. Birth families must always be involved, or invited to be involved in the care plan decisions regarding a special guardianship order.

When a special guardianship order is being considered, recommendations about contact will be made and this will be submitted to the court. A copy of the care plan, where a decision to apply for a special guardianship order has been made, including the arrangement for contact, must be sent promptly to you.

It is important that you fully understand the impact the orders will have (if any) on you and your child. Remember everyone's situation is different and therefore it is suggested you get legal advice as soon as possible. You can ask for support or assistance from Fin WA.

What can I do if I don't agree?

If the decision to apply for special guardianship order is made and you don't agree, you can discuss the matter again with the person who facilitated the care plan meeting. If you still feel it isn't resolved, you can apply to the Case Review Panel to have the care plan reviewed. If a special guardianship order is to be applied for against your wishes, you will need to get legal representation to argue against it in court.

It is important to know too, that you don't have to agree for the orders to be granted. They can be made without your consent at a final order hearing. You can have a say at court about what you think is best for your child.

Can special guardianship orders be revoked or changed?

Special guardianship orders are considered to be permanent and revocations are expected to be very rare, however, anyone involved in the initial proceedings can apply to the court to revoke orders.

A change to the order can only be applied for by those involved in the initial proceedings. An application for change could be to add a contact condition if there is not already one, or to change a contact condition. This will usually only be considered by the court if there are new facts or all those involved agree.

» 3.2 SECTION 143 WRITTEN PROPOSAL

The section 143 written proposal has information about; living arrangements for your child, contact arrangements for you and your child, and what the Department requires of you. It should provide a 'road map' of what you have to do if your child is in the care of the Department, or there is a supervision order in place.

If there are any problems once a final protection order is made, for example, you are seeking more contact or to get your child back into your care, this proposal is the starting point. You need to make sure you agree with what is in the proposal. You can request the Department amend sections of the proposal if you are unhappy or disagree with specific details. They may or may not agree to do this. This document is essential for you to understand and follow. It is what the Department will refer you back to, if you are unclear about what you need to do.

Please refer to Part 5, division 5, section 143 of the Act.

Ask yourself:

- » What do you want for your child?
- » What help and services do you think your child needs?
- » What help and services do you think you need?
- » Do you want to have your child returned home? The Department calls this reunification
- » Find out what the Department wants you to do, to achieve your goals and over what time frame
- » What sort of contact do you want your child to have? With whom, how often and for how long?
- » What decisions do you want to be involved in? (e.g. education, health, doctor's appointments etc.)
- » What support and help would you like from the Department?
- » For Aboriginal and Torres Strait Islander or culturally and linguistically diverse clients, what is the plan for your child to keep his or her cultural connection?

It's best to try, as much as possible, to focus on what's best for your child. Don't be afraid to ask questions. If you are represented by a lawyer it is important you discuss the written proposal with him or her; consider if you think the content is reasonable. Do this before the next court hearing so you are prepared.

Suggested questions:

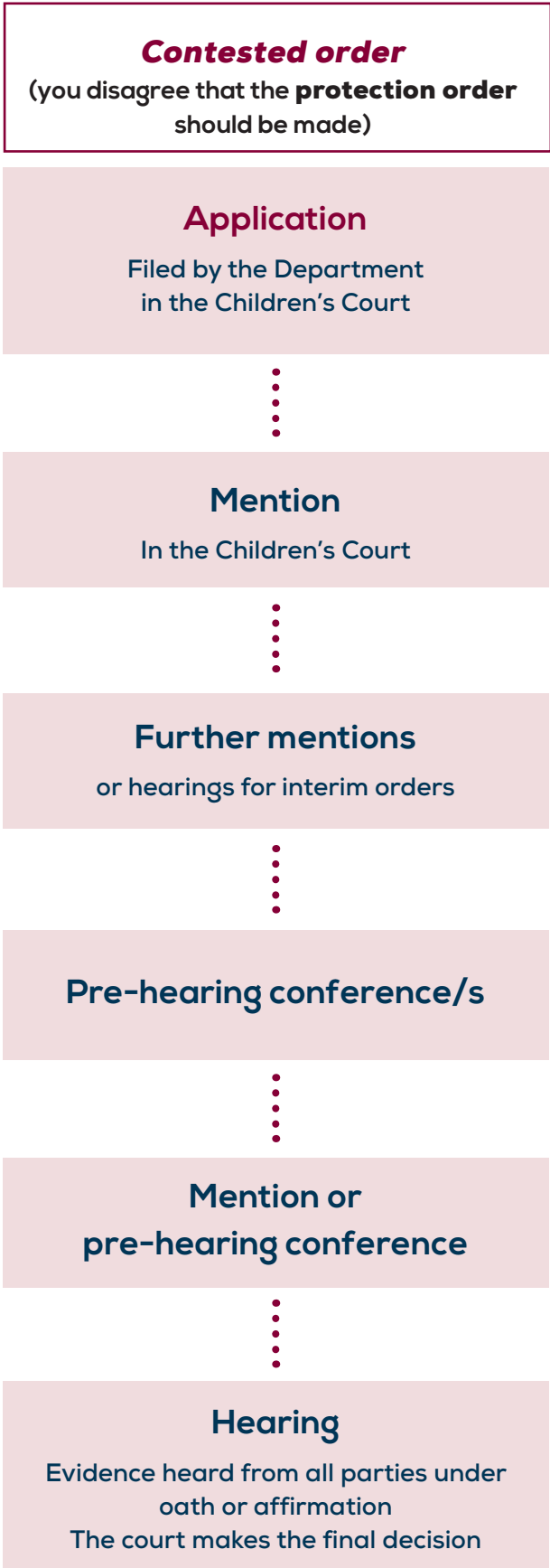
- » What does the Department want you to do?
- » If they want you to do a course (e.g. parenting, anger management), how long is this likely to take? Will they pay for it?
- » If a course is likely to take only six months and they are asking for a two year protection order, ask why?
- » If your child is in foster care and you have a family member who wants to look after him or her, ask for them to be urgently assessed as a possible relative carer
- » Will the Department give you notice if they intend to visit your home?
- » If contact between you and your child is to be supervised, what is the reason for this?
- » When can unsupervised contact start?
- » If contact is to be supervised, is there a relative you would like to be the supervisor? (The Department will have to assess them to see if they consider them suitable).

» 3.3 TYPES OF CHILD PROTECTION ORDERS

Please refer to Part 4, division 3, section 43 of the Act.

Type Of Order	Maximum Length Of Time	Effect
Protection order (supervision)	Up to two years. Can be extended only once for another period of not more than two years. Can be varied on the application of any party.	This order allows the Department to supervise the wellbeing of the child while he or she remains in a parent's care. The parent's retain responsibility. The child is not in the Chief Executive Officer's care. The order may contain conditions to be followed by the child, a parent, or an adult with whom the child is living.
Protection order (time limited) <i>Extensions of up to two years can only be granted with permission of the Chief Executive Officer</i>	Up to two years. Can be extended more than once on application by the Department for periods of not more than two years.	This order gives the Chief Executive Officer parental responsibility for the child for the period stated. The child can be returned to a parent's care while the protection order is current if the Department assesses the child will be safe.
Protection order (until eighteen)	Until the child reaches eighteen years of age.	This order gives the Chief Executive Officer parental responsibility for the child until he or she reaches the age of eighteen. Can only be made when the court is satisfied that long term arrangements should be made for the wellbeing of the child. The child can be returned to a parent's care while the protection order is current if the Department thinks the child will be safe.
Protection order (special guardianship)	Until the child reaches eighteen years of age. The Department or another party must apply.	This order gives parental responsibility of the child to any person, or two people jointly, other than the Chief Executive Officer, or a parent of the child. The child is not in the care of the Chief Executive Officer. The order may include conditions about contact between the child and another person, such as the parent. The court may order the Chief Executive Officer to make payments to the special guardian.

» 3.4 COURT PROCESS FLOW CHART



» 3.5 PREPARING FOR COURT

1. Get legal advice before you go to court. You can apply for a grant of aid from Legal Aid WA.
2. Read the Department's application and affidavit. Consider your own responses and writing your own responding affidavit. Look at resources on the Legal Aid WA website for guidance, or seek support from Fin WA.
3. Know what you want in advance and make sure your lawyer has enough information. It will help if you have read all the documents the Department has given you and write down or highlight what you don't agree with in dot points, then give this to your lawyer.
4. It may be a good idea to take notes into court with you as a reminder of what you want to discuss. You may be asked questions and given an opportunity to have your say. Be aware that anything you say will be used to make the final decision. Think about what questions you may be asked.
5. It may be useful to get copies of files and/or information the Department has about you. You can ask the CM for these, but if you can't get what you want, you can apply for them through the freedom of information process. It doesn't cost anything if you are asking for information about yourself. The Act outlines that the Department's freedom of information unit has forty five days to respond to your request. You can get information about how to access freedom of information at <http://www.foi.wa.gov.au/whatis.htm/> In your freedom of information application, remember to ask for all paper and electronic files, notes, letters and entries about yourself.
6. If you oppose the application and go to trial, and you do not have legal representation, have a look at the useful resources on the Legal Aid WA website. For example, there are resources on: filing documents, and calling and questioning witnesses. <https://www.legalaid.wa.gov.au/resources>

» 3.6 CHILD PROTECTION MEDIATION STYLE CONFERENCES (CPMSC - Previously Known As Signs Of Safety Pre-Hearing Conference)

What is a child protection mediation style conference (CPMSC maybe referred to as 'conference or mediation')?

This conference is a meeting that aims to reach agreement between the parties regarding the child. The meetings use the signs of safety framework to guide them. The conference is run by a specially trained convenor.

What are the benefits of a CPMSC?

In just about all situations, a conference is going to be helpful for families. If it hasn't already been suggested in your situation, ask your lawyer or the duty lawyer about it.

The conference enables all parties involved in a case to get together and talk through the issues with a convenor. They give you the opportunity to come to an agreement about what should happen for the child, hopefully avoiding trial.

You may not reach a complete agreement on everything, but it is hoped you have better access to information, and a better understanding of what you need to do to provide enough safety for your child to return home.

The meetings require negotiation and cooperation, and give hope for the best possible outcomes.

Who can have a CPMSC and how do I get one?

Anyone involved in the case (any party to proceedings) can ask for one, but it needs to be agreed to by all parties. If agreed, the magistrate will adjourn matters to allow enough time for the conference to occur. It is best to request a conference early in the process.

Legal Aid WA will make arrangements and get as much information from you as possible. Make sure you get their contact details just in case you need to call them.

How are CPMSC different from signs of safety meetings?

These differ slightly from any other signs of safety meeting you might have had with the Department because all parties will usually have a lawyer present (including the Department). The conferences are organised by a Legal Aid WA staff member and are facilitated by a convenor. Some convenors are Departmental staff, and the others are family dispute resolution practitioners and Legal Aid WA lawyers. If you do have a staff member from the Department convene your conference, they cannot be someone who has had involvement with your case, or is from the same district office. If you prefer not to have a convenor that is from the Department, let the organiser of the conference know.

All parties are required to submit conference outlines before the meeting, so there should be no surprises. The Department need to make it clear to you and the convenor what their concerns are, and what they'd like to discuss beforehand. You also get to say what you are worried about, what you would like to discuss and see happen.

Who will be at the CPMSC?

People who might be present include:

- » Mother and/or father
- » Mother and/or father's lawyer
- » Child's representative
- » The Department case manager
- » The Department team leader
- » The Department lawyer
- » Other relevant professionals
- » Other family members.

It is up to the convenor what other professionals are invited to the meetings. If there are other people you think should be there, make sure you discuss in advance, if possible, through your lawyer.

What will the CPMSC be like?

These meetings are usually long and can be very tiring. They can take up most of the morning or afternoon, so you may want to bring along a snack or a drink. Some parents have found the meetings initially difficult, as safety concerns are outlined. However, most report feeling better informed and have an increased understanding about what the situation is.

- » The meetings are generally held at Legal Aid WA (32 St George's Terrace, Perth)
- » If you need a break during the meeting you can ask for one
- » As in a signs of safety meeting, notes will be taken by the convenor on the whiteboard and a report about agreed next steps will be provided to the court.

What happens after child protection mediation style conference?

When a date for the conference is set, a date is also set for another appearance in court (mention). This appearance will be after the conference has been held. The convenor writes a report, and agreed next steps or 'minutes of consent orders', which get filed at the court.

If an agreement is reached, this is typed up and signed by all parties. This agreement could range from giving you as a family more time to get things sorted, to the Department agreeing to withdraw, once certain things are in place, or you may agree to place the child under orders.

If no agreement is reached but there's hope of a resolution with more time, another conference can be arranged. If not, the case will return to court and be set for trial.

If you have any worries about the conference, it is important to talk to the convenor as it is their responsibility to ensure everyone understands what is going to happen and what the process is.

» 3.7 TIPS FOR WHEN YOU ARE AT COURT

- » Get legal advice as soon as possible - phone Children's Court (Protection Services) on (08) 9218 0160
- » Make an initial appointment with your lawyer so you can explain your situation and understand the court process
- » Even if you do not get legal representation, speak to the duty lawyer when you are at Children's Court
- » Attend all court hearings, even if you are told it is not necessary
- » Do not bring any food or drinks to the waiting room, as this is not allowed
- » Arrive at court at 8:45 am, as this gives you a chance to get settled
- » Expect to go through security to get into the waiting area, and sometimes there is a queue
- » Hearings where there is a video link will be held first
- » Be prepared to wait for your case to be called as there may be other cases ahead of you and it may take all morning
- » Be aware that If you go outside for a break, you may not hear your name called
- » If you don't want to be in the same waiting room as someone you are in conflict with, speak to your lawyer, a court officer, (if you do not have a lawyer) or the Department worker about where to go. The court can make arrangements for separate rooms or security support if a family violence restraining order is in place, or you are fearful
- » Arrange childcare for any children, if needed, so you can focus on what is being said in court, it can be a long day
- » Bring copies of all your court documents with you for your lawyer, for example affidavits
- » Write down what you want to say to the magistrate to help you remember. Your lawyer will speak for you to the magistrate
- » Bring a calm support person with you.

In the court room

- » No hats or sunglasses can be worn in the court room
- » Turn your phone onto silent
- » Bow to the magistrate/judge as you go in and out of the room
- » If you don't have a lawyer, only speak when you are asked to speak
- » Call the magistrate/judge, 'Your Honour'
- » If you don't understand what's going on, you can ask the magistrate, a court officer, or your lawyer to explain it to you. Take a pen and paper so you can make notes.

What can a lawyer do?

- » Appear in court for you
- » Ask for an adjournment, if you don't have all the documents from the Department
- » Write letters to the Department
- » Assist with preparing documents for court

» 3.8 THE COURT'S AUTHORITY

What if I don't go to court?

The case can be decided without you as long as the Department can prove that they have given you copies of the court documents, or that they made attempts to do so within a reasonable time before the hearing.

The magistrate may make a different protection order to the one you expect to be made if he or she thinks it is in the best interests of the child.

What if I don't agree with the court's decision?

You can appeal the decision. Time limits apply. Seek legal advice.

What if I refuse to do what the court says?

Depending on what you do, you may be charged with an offence. A warrant can be issued for an officer to enter and search premises, and remove your child if you try to hide or harbour the child, or if you take the child from a Department placement without permission.

Note: Interstate orders can be enforced here and orders made in WA can be enforced in other states. If you are having problems with interstate orders, get legal advice.

» 3.9 REPLACEMENT ORDER

The Department can apply to the court for a protection order to be revoked (cancelled) and / or replaced with another one. For example; if your child is subject to a time limited protection order, the Department can apply to the court to replace this one and make another one such as a protection order until eighteen. In some circumstances the Department can apply to extend a protection order (supervision), or a protection order (time limited). You can apply to revoke any order and either seek no order or a different order. Get legal advice before you do this.

Common Misconceptions About Court

Although a magistrate makes the protection order (time limited) or a protection order (until 18), he or she does not have a say in where the child is placed, unless the interim applications are made before the final orders are made for the child to reside with relatives or others. Otherwise the Department makes these decisions.

The court is concerned primarily with the wellbeing of the child. The shortcomings of the Department, or any difficulties you have concerning how your child's placement is managed, is not the issue being decided by the court. Any problem you have with the Department's processes and procedures needs to be discussed with your case management team, or the Department's complaints system (see chapter 5).





Children in Care

CHAPTER FOUR

» 4.1 ONCE YOUR CHILD IS IN THE CARE OF THE CHIEF EXECUTIVE OFFICER

What is provisional protection and care and when does it end?

Provisional protection and care is when your child is temporarily in the care of the Chief Executive Officer until the court makes decisions about the future care of your child. It can take several months before a final decision is made.

During this time, the Chief Executive Officer makes decisions about your child's day-to-day care, welfare and development. This can include decisions about education and medical examinations, treatment or procedures. Staff at the relevant Department district office will make these decisions for the Chief Executive Officer. The Department should try to get parental input about these issues wherever possible.

While your child is in provisional protection and care, you can apply to the Children's Court for interim orders which will direct the Department regarding placement, contact, treatment and anything else the court considers appropriate. You should seek legal advice about your particular case.

This court process comes to an end when:

- the Department withdraws the protection application (that is, decides not to ask the Children's Court to make a final protection order) or
- when the Children's Court magistrate makes a protection order, or
- when after a final hearing, the magistrate makes no protection order.

Even though the court may make a protection order you don't agree with, you are still the parent and you play a very important role in planning your child's future. **It is important that you try to maintain your relationship with your child.**

The Department will try and work with, and support you, to understand the safety concerns. It is important to find a way to work with the Department, so that together you can achieve the safety goals.

The experience of being separated from your child is traumatic and stressful, and cooperating with the Department can be very difficult, however, aggressive and abusive behaviour will make it hard to achieve the safety goals. Staff can terminate phone calls or meetings, call police, and can apply for a restraining order if they feel threatened. Try to find a safe place to express your anger, as outbursts will form part of an assessment of your ability to care for your child.

Despite your best efforts, you may have problems working with the Department. You may disagree with their proposals, you may feel they are not giving you the help you need, or you may be worried about the standard of care they are providing for your child. See sections 4.5 for information about how you can address your concerns. Please refer to Part 4, division 1, section 29 of the Act.

» 4.2 CARE PLANNING

The Department must have a care plan

The Act requires that the Department must have a care plan for every child in the Chief Executive Officer's care. There are time frames in which these must be completed. The Act also says that you and your child (according to their age and level of understanding), must be consulted in the care planning process.

What is a care plan?

This is a written plan that:

» Identifies your child's needs under nine headings (dimensions):

- safety
- care arrangements
- health
- education
- social and family relationships
- recreation and leisure
- emotional and behaviour
- identity and culture
- legal and financial.

» Outlines the steps to be taken to address these dimensions.

Care planning is cyclical in nature and is an ongoing process. There are two different kinds of care plans.

Provisional care plan

The Department is required by the Act to develop and implement a provisional care plan within seven working days of your child going into provisional protection and care. You must be given the opportunity to be involved in developing this plan, either in a face to face meeting, or in some other way. You can ask the Department how and when you are going to be involved. It's important to have a say in the planning. Consider bringing along a support person with you as this may help you to stay calm and participate in the process.

The Act states that you must be given a copy of the provisional care plan as soon as possible once it has been prepared or modified by the chief Executive Officer. If you don't get one within three weeks, ask for it.

The provisional care plan will stay in place until a final decision is made. However, it can be modified (updated) to reflect any changes necessary.

Please refer to Part 4, division 5, section 88 of the Act.

Care plan

Once a final protection order has been made, or if your child comes into the Chief Executive Officer's care through a negotiated placement agreement, the Department has thirty working days to prepare and implement a care plan.

Again, you and your child must be given the opportunity to be involved, and you must be given a copy unless the Department thinks that giving you a copy will not make it safe for your child or another person. You should get legal advice if this is why you do not get a copy. You can remind the Department about the need for a care plan.

Care plans can be changed by the Department at any time, but you must be involved and given a copy of the changed care plan.

Care plan reviews

Care plans must be reviewed regularly to align with the growing needs of your child's development. A new care plan is written every twelve months for children over two years of age and more frequently for children under two years of age.

You, your child and other significant people, must be given the opportunity to be involved in the process and must be given a copy of the new care plan unless the Department thinks that giving you a copy will not make it safe for your child or another person. You should get legal advice if this is why you do not get a copy.

Who can be involved in the care planning process?

The child, parents and the Department's case manager must be involved. The person who convenes the care planning process (likely to be a Department convenor or team leader) determines who else should be involved. This is likely to be anyone who might make a useful contribution or wants to be involved with the child; such as; other family or community members, the child's carer, doctor or psychologist, an Aboriginal Practice Leader, and support people for you and/or your child. You can also nominate who you want as your support person. The care planning process can take different forms. There may be one meeting which includes all parties, or a series of meetings involving smaller groups. People can attend in person or by phone. Some parents or other parties may add their contribution in writing.

Before the care planning process begins the case manager writes a 'report to meeting' giving an update on the child's situation and identifying what needs to be decided. Some districts will give you a copy of this, but if they don't, ask for it.

To help you prepare for a care plan meeting, Fin WA provides a guide to help you prepare for it.

Remember

- » Whatever you say in these meetings is NOT confidential. It can be used in court
- » You have to be told about the meeting and given enough time to prepare for it before it is held
- » If you don't understand something, ask. The Department has an obligation to tell you what things mean in a way you can understand
- » You can get legal advice before and/or after the meeting.

What if I don't agree with the care plan?

If you're not happy with the care plan, you must first try and resolve the concerns with the person who convened the care plan meeting.

In addition, you could try discussing your concerns with the case manager, team leader or district director, and ask for changes to be made.

If this is not resolved to your satisfaction you can go to the Care Plan Review Panel. This panel is made up of three or more professionals who are independent of the Department but have knowledge of child protection issues.

Parents, children, foster parents and other parties (including grandparents), with a significant interest in your child, can make applications to the Care Plan Review Panel. If another party makes an application, you have a right to know the content of their objections, and appear separately before the panel to present your views.

The Department should give you information about how to apply to the Care Plan Review Panel during the care planning process, but if they don't, ask for it. You can access a brochure from the internet.

<https://www.dcp.wa.gov.au/ComplaintsAndCompliments/Documents/Care/Plan/Review/Panel/2018.pdf>

When your application to the panel is accepted, a date will be set for you to attend and present your concerns. This is your opportunity to speak about the plans.

The panel cannot make decisions about orders. They will write a report which may uphold the care plan or they may make recommendations for changes. However, it is for the Chief Executive Officer to decide if the recommendations are to be accepted. You will be notified in writing.

<https://www.dcp.wa.gov.au/ComplaintsAndCompliments/Pages/CaseReviewPanel.aspx>

There is a strict time limit for making your application to the Care Plan Review Panel. You have fourteen working days from the day you receive the written care plan to submit your application. The application must be in writing. If you need help to do this, you can contact Legal Aid WA's Infoline. In some circumstances, this time limit can be extended.

What if I'm not happy with the Care Plan Review Panel's decision?

If you are unhappy with the decision of the Care Plan Review Panel, you can take your complaint to the State Administrative Tribunal. For more information, see their website.

<http://www.sat.justice.wa.gov.au/> Seek legal advice.

Please refer to Part 4, division 5, section 92 of the Act.

» 4.3 SIGNS OF SAFETY ASSESSMENT AND PLANNING FRAMEWORK

What is a Signs of Safety (SoS) framework?

The Department uses what they call the Signs of Safety framework to help share information, make assessment, and plan for you and your family. 'Signs of Safety' is a process for the Department to engage with you, and plan together what needs to happen for your child to be safe enough to stay in your care or come home to you. The Department will have Signs of Safety meetings where everyone discusses what the worries are, what is going well, and what needs to happen. The meetings involve your Department workers, family members, support people, other services, you or anyone who is involved and can contribute to the discussion. Sometimes your child will be included if it is suitable, they are old enough and they want to.

Signs of safety meetings can be used throughout all stages of the Department's work with your family. If your child has been placed in care and you haven't had a signs of safety meeting, request one from your case manager. It is especially a good idea to request one if something significant has changed in your life that could make a difference to the planning.

What can I expect at a signs of safety meeting?

The meetings are an opportunity for everyone to come together and talk about what is worrying them, what is working well, and what things need to happen for your child to be returned home to you. Signs of safety meetings should help everyone become very clear about what the Department is concerned about and what they expect from you.

Meetings might be facilitated by someone especially trained in signs of safety meetings, but often it will be the workers involved in your case. You need to feel confident that you can speak freely and feel heard. When a signs of safety meeting is being organised it is a good idea to ask who will be facilitating the meeting and to get the meeting at a time that suits you.

At these meetings there should be someone taking notes of what everyone says. These are to be written up on a whiteboard, or butchers paper, for everyone to see. You should get a copy of this before you leave. If you are unable to, ask to take a photo. A typed copy will be sent out later.

The meetings can take a couple of hours, and while they are usually held at the Department office there is no reason a request to have the meeting in a different location can't be made. It will just need to be a place that has a whiteboard, a photocopier, and a room safe from interruptions.

Sometimes parents may find the meetings difficult because there is discussion about what the worries are. This can be confronting and upsetting, especially if you have done a lot of work to overcome those issues. The safety concerns may be brought up to ensure everyone is fully aware of what the Department (and others) have been concerned about, or might still be concerned about. Remember, there is plenty of opportunity to talk about:

- the things you have worries around
- the positive things you have done
- what you have been working on
- and what your hopes are for your family.

For more detailed information about the signs of safety framework and meetings, read the document 'the Signs of Safety child protection practice framework'. This also contains the form used in meetings. You could become familiar with it, print it out and start writing your ideas on it before your signs of safety meeting.

https://www.dcp.wa.gov.au/resources/documents/policies_and_frameworks/signsofsafetyframework2011.pdf

What happens after a Signs of Safety meeting?

Following a Signs of Safety meeting the Department may decide they need to develop a safety plan for your child. This is to discuss, and come up with a plan to help keep the child safe if they are to return home to you. This plan is about how you and all the other important people in your child's life will keep the child safe (this may include your safety too). The plan is quite detailed and includes how you are going to look after your child to ensure his or her safety is met. If your child is old enough, it is important to get his or her ideas also. The most important thing about safety plans is that you need to feel confident that whatever plan you come up with will be suitable for you and your family.

Anyone who is listed as part of your safety plan must agree to be part of your support network, and your Department worker will want to talk to them. They may be invited to attend a safety plan meeting too.

» 4.4 HOW DOES THE DEPARTMENT WORK?

Stability and Connection Planning (*previously known as Permanency Planning*)

This is the policy the Department follows to ensure your child will live in a safe and stable home. Your child may be returned to your care, or be placed in 'out of home' care. Out of home care includes: family (such as grandparents, aunts, or significant others etc.), general foster care, or a group home. These are also known as placement or care arrangements.

Everyone, including the Department, hopes that your child will go home to live with you. However, sometimes that isn't possible. Children need to be in a safe and stable environment where they have a sense of belonging and connection. When this is not possible, the Department will make plans for long term out of home care.

What does this mean?

This means that as soon as your child goes into the care of the Chief Executive Officer, and a time limited order is made, the Department will be considering two possible plans. These are :

- » A plan with the long-term goal of your child going back to live with you, or the other parent, or both of you if you are together (reunification)
- » A back-up plan for your child to have someone else look after them in the long term if they can't be returned to the family home.

This plan needs to look at cultural and family connections for your child. It can sometimes take a long time to work out the backup plan as the Department have to talk to family members and sometimes others in your community.

As soon as a child goes into the temporary or the provisional protection and care of the Department, the workers have some timeframes they need to follow when making decisions around long term arrangements. If your child is under three years of age the Department has twelve months in which to decide if your child can go home to you. If your child is over three years they have twenty-four months to decide. These timeframes are a guide but it is important you are aware of them. It is also important you know that you need to begin to address the safety concerns the Department has, which led to your child coming into care as soon as possible.

How will I know what the plans are for my child?

From the beginning, when the Department first gets involved, they should include you and all other people significant to you and your child in signs of safety, and planning meetings (these may be referred to as 30 day or monthly meetings, or stability and connection planning meetings). These meetings are an opportunity for you to help clarify any concerns the Department has. It should also help you to understand what needs to happen to ensure there is an appropriate level of safety for your child to be returned to your care. This process will include timeframes for meeting the Department's concerns. You can discuss the plan at any stage with your case manager. You can also ask for support or information from Fin WA.

It is important that you keep doing everything you can to address the safety concerns, keep attending monthly meetings, and all your contacts with your child.

What can I expect from the Department?

You can expect the Department to treat you and your family with respect and honesty. This means everybody will talk openly and honestly with each other from the beginning about what is happening.

From the moment the Department gets involved with you and your family, they will be focusing on providing safety, stability and permanency in the long term, for your child. This means they should be working with you to assist your child to go home, as well as planning a permanent out of home care placement just in case your child can't go home.

You can expect that your case manager will work with you, and support you towards having your child return home within the agreed timeframes.

What should I do?

When children first go into care, the Department wants parents to work with them and do all the things they request. These will be listed in the document, called a section 143 or the proposal, that you get from court. It is really important you try and work with the Department to address the worries that led to your child going into care.

Make sure you really understand what needs to change for things to be safe enough for your child to return home. Ask what you need to do so the Department won't be concerned any more.

This is usually a very distressing time for parents and families. It can also be a time of grief, shock, anger and disbelief. Get as much support as possible and make sure you understand what is being asked of you. Ask for help if you don't understand or if you need assistance. Remember you can ask for support or advice from Fin WA.

Also remember, each family's situation is different, and it is best to get legal advice as to how permanency planning might affect you and your child.

Do I still get to see my child?

Contact between you and your child, and other important family members (such as siblings and grandparents), is essential to help maintain good attachment and family relationships. It will also help your child to reduce any anxiety or worries he or she may be experiencing from having been placed into care.

When your child goes into care, a plan will be developed for you to see him or her regularly (otherwise known as contact). Sometimes the Department will require the contact to be supervised. This might be through a Department worker, relative or carer.

Contact also provides opportunities for the Department to assess a parent's capacity to appropriately care for children.

The amount of contact you have with your child will depend upon the goal of the permanency plan. If, for example, it is planned for your child to go home, then contact will usually happen more often than if the goal is for your child to be cared for by someone else on a permanent basis.

» 4.5 WHAT ARE YOUR CHILD'S RIGHTS?

There is a Charter of Rights for children and young people in care and the Department must make sure your child has a copy. Details can be found at:

<https://www.dcp.wa.gov.au/ChildrenInCare/Documents/Advocate/for/Children%20in%20Care/Charter%20info%20for%20staff.pdf>

You can ask your district office for a copy.

Your child has the following rights:

1. to receive proper health care, including medical and dental, when he or needs it
2. to receive guidance and encouragement in their education and activities such as hobbies, sport, music, dance and art
3. to be kept informed about his or her care plan and have his or her views about the plan considered
4. to be respected (and to treat others with respect)
5. to raise an issue with his or her case manager, foster carer and/or the Advocate for Children in Care
6. to have privacy, and to have his or her own personal belongings
7. to be heard (and show the same to other people's views and opinions)
8. to get help and support to go to court regarding his or her care
9. to have contact with family members and friends whenever possible
10. to be encouraged and supported in his or her religion and culture
11. to have proper planning before leaving care
12. to be safe.

The Advocate for Children in Care

There is an advocate for children and young people in care. Details can be found at:
<http://www.dcp.wa.gov.au/CHILDRENINCARE/Pages/AdvocateforChildreninCare.aspx>.

The Advocate's office can help your child with problems or complaints that cannot be resolved with their case worker, and can make sure your child has a say in decisions that affect his or her life. The Advocate can also help with concerns you may have about your child's wellbeing while in care.

The Advocate for Children in Care is employed by the Department but works independently of the district offices, and reports directly to the Chief Executive Officer.

Can my child do anything to change a decision made by the Department?

Yes, your child can:

- tell his or her case manager what they want and need
- contact the Advocate for Children in Care, who will help him or her to say what they want, negotiate changes, or make a complaint
- ask for his or her own lawyer.





Complaints

CHAPTER FIVE

» 5.1 COMPLAINTS

Making a complaint is sometimes the only option if you want to change things. Some tips before you make a complaint:

1. remember to make a note of every conversation you have with the Department. Record the name of the worker you spoke to and the date and time you spoke to them
2. if you are not getting calls returned, record the number of times you attempted to make contact. Using a diary can be really useful
3. ask for paperwork, if you get it late and you have a court date, then you can ask the court for more time to look at the paperwork and get legal advice. Remember to keep all paperwork
4. if you receive a letter from the Department that you do not agree with, then it is important that you reply in a letter with your side of the story. If you need assistance, call Fin WA.

» 5.2 MAKING A COMPLAINT

If your case is at court and you have a lawyer, you should speak to them about the best way to sort out your complaint.

If you're dissatisfied or worried about something the Department is doing (or not doing) that is not a formal care plan decision, there is a special process you can use. The Department has a brochure 'resolving your complaint' which may be useful for you. It tells you which other decisions you cannot make a complaint about. You can get it from any district office or it's on the web at:

<https://www.dcp.wa.gov.au/ComplaintsAndCompliments/Documents/ResolvingYourComplaints-ComplaintsKit.pdf>

Informal complaint

This is a way of trying to get your concerns or problems sorted out quickly and easily, by talking with your case manager, team leader or District Director.

You can discuss the issues with them and try to come to an agreement that you are both satisfied with. Before calling or going to a meeting to discuss your concerns, make notes listing what you would like to discuss. You can use this list to keep track of the points you make during the discussion.

- » Find out the name of the person you spoke to and make it clear that you're seeking a resolution to your concerns and not simply providing feedback
- » Make a note in your diary of the time and date of the discussion
- » Even though you may feel upset, stay calm and polite throughout the conversation. The Department's staff you are dealing with should respond in a similar manner, treating you with courtesy and respect
- » Remember, if you do come to some agreement, it is best to put it down in writing (in a letter or email to the CM, TL or District Director you dealt with) confirming what was agreed to.

Formal complaint

If making an informal complaint isn't appropriate for you, or you aren't satisfied with the outcome, then you can make a formal complaint using the Department's complaints procedure.

Step one (Tier 1)

Make your complaint in writing to the district director. This is called tier 1. You can do this using the complaints form, by downloading the complaints kit at:

<https://www.wa.gov.au/government/publications/resolving-your-complaints-complaints-kit>

You can collect a complaints kit from your local district office. You can also submit an online complaint at:

<https://www.wa.gov.au/organisation/department-of-communities/department-of-communities-child-protection-complaints-and-feedback>

Alternatively, you can phone or make an appointment with the District Director, or contact the Complaints Management Unit. Tell them you want to make a formal complaint and they will listen and help you write down your complaint. Otherwise, you can ask for help from relatives, friends, Fin WA or the Citizen Advice Bureau (<http://www.cabwa.com.au>), who have volunteers who can help you write a letter.

You can phone the Complaints Management Unit for assistance on (08) 9222 2594 or 1800 013 311.

Your written complaint should be clear and to the point. Stick to the facts and don't go into too much detail. Your letter should include:

- >> The name and date of birth of your child
- >> The names of people you have dealt with
- >> What you think has gone wrong
- >> Times and dates
- >> Details of relevant telephone conversations and meetings
- >> Copies of relevant documents (e.g. letters)
- >> What you have done to try and resolve the issue
- >> The outcome you are seeking.

At the end of your letter state what action you think should be taken to resolve your problem. This might be an apology, an explanation of what happened, or some other action taken to put the matter right.

Keep records

It is important that you keep copies of all the letters you send and receive, as well as details of all telephone calls, including the dates. You may need to provide evidence of your dealings with the Department if you decide to take the matter further.

What happens next?

1. the District Director, or their delegate (someone else who has been asked to represent the district director) should send you a letter to say they've received your complaint
2. the Director, or their delegate, should then contact you to discuss your complaint and to try to resolve it if possible. They may need extra information to help them do that
3. they may send you a letter outlining what complaints they are looking into
4. when they have completed the investigation they will send you a complaint outcome letter telling you what they plan to do to resolve your complaint.

How long will it take?

Altogether, the director, or their delegate, has twenty one working days to try to resolve your complaint.

Be persistent

If nothing happens within the time allowed, call the district director to check on the progress of your complaint, or ask the Department's complaints management staff to follow it up for you. They can be contacted at:

The Complaints Management Unit
Department of Child Protection & Family Support
Tel (08) 9222 2594 or 1800 013 311
Email: cpduty@cpfs.wa.gov.au

Please note:

- >> If your complaint concerns the wellbeing or safety of a child in the metropolitan area, contact the Central Intake Team
- >> If your complaint concerns the wellbeing or safety of a child in a country location, please contact the relevant office to report your concerns.

What if I'm not satisfied with the outcome?

You can take your complaint to the next level called tier 2.

Step two (Tier 2)

Contact the Complaints Management Unit and ask them to investigate the outcome.

1. the unit will talk to you by phone or in person, to discuss your complaint and decide if it needs further investigation
2. the unit will ask for a copy of your step one outcome letter
3. the unit will send you a letter saying if your complaint will be investigated. If so, the investigation will be conducted by someone outside of your district
4. at the end of this process, they will send you a complaint investigation outcome letter.

How long will it take?

The unit should complete the investigation within twenty one working days. If this isn't possible, they'll write and let you know.

What if I am still not satisfied or if the Complaints Management Unit won't investigate?

You can choose to take your complaint for External Review to someone outside the Department. This is called tier 3.

Step 3 (tier 3) The Ombudsman

Investigate

If you want to take your complaint outside of the Department, contact the Ombudsman WA, by phoning (08) 9220 7555 or 1800 117 000 (country free call).

Other options

Your local MP

The Minister for Child Protection

Terms of office for Members of Parliament (including the Minister) will be subject to change. For up to date information and details we recommend you consult the Members of the Legislative Assembly website:

<http://www.parliament.wa.gov.au/parliament/memblast.nsf/WAssemblyMembers?openform>

Your State Member of Parliament

You can find out the name and address of your local MP at www.parliament.wa.gov.au. Go to 'Legislative Assembly', then, 'Members of the Legislative Assembly' and search by electorate.

Note: You can make a complaint to these external people at any time, but they may refer you back to the Department's complaints system, so it is always best to use that process first to save time.

Corruption and Misconduct

If your complaint relates to corruption or misconduct by a Departmental staff member, you can contact the Corruption and Crime Commission of WA (known as the Triple C).

The CCC accepts and can investigate allegation of misconduct by WA public officers, including staff at the Department. Contact details are:

Phone: 1800 803 186

Fax (08) 9215 4884

Email: info@ccc.wa.gov.au

Website: <https://www.ccc.wa.gov.au>

» 5.3 LETTER WRITING TIPS AND EXAMPLES

1. it's important to write your complaint as simply and clearly as possible
2. work out what your main problems are:
 - » You are not getting your calls returned
 - » You don't feel that your concerns are taken seriously
 - » You are worried about your child's carer etc.
3. make sure that you get the right postal address (either by ringing your district office or getting the details from the Department website)
4. remember to put your child's full name and date of birth at the start of the letter so that it is easy for the person who reads it, to know what the matter is regarding
5. focus on the child's best interests in the letter. You will be more effective if you say things like:
'I am really concerned about the effect of the arguments between the other children and my child in the carer's home,' instead of 'the carer's children are spoilt brats and are mean to my child'
or
'I haven't had a care plan for two years and I'm still only having two hours contact with my child per fortnight – this is not enough for me and my child, and we don't seem to be moving to reunification.'
Instead of 'the Department is robbing me of time with my child or the Department doesn't care.'

Example Of Formal Complaint Letter

Mr J Bennett,
District Director
Mirrabooka District Office
Child Protection & Family Support
5 Milldale Way
Mirrabooka WA 6061

Date: 28 April 2019

Dear Mr Bennett

Ring and find out the district director's name and address and enter it here

FORMAL COMPLAINT RE: JAMES ADAM SMITH - DOB 01/01/1999

I am the father/mother of James Adam Smith born 1 January 2010.
James is currently under a protection order (time limited), expiring 14 September 2021. He lives with Mr & Mrs Jones (foster carers) in Mirrabooka.

I have a number of concerns I want to raise:

-
-
-

Dot points or numbered points are a good way to make your letter clear

I have attempted to contact and discuss my concerns with the CM, Ms Katrina French, six times over the last two-week period. Unfortunately, she has not got back to me;
During my last contact visit with James yesterday he told me that his carer smacks him if he is naughty; I am very upset about this and I would like this investigated immediately.
I want my contact increased with my son. I have had two hours contact per week for the last six months. I have been consistent in my contact and I believe that this should be increased.
The last care plan review was held about thirteen months ago. I understand that a care plan has to be reviewed at least every twelve months. I would like a review to be organised as soon as possible.
Please acknowledge this letter in writing and provide me with an outcome within twenty one days of receiving my complaint.

Yours faithfully
Kym Smith

Include what you would like



A woman with long dark hair and glasses is sitting outdoors, holding a young child on her lap. She is holding an open book and looking down at it, while the child looks on with interest. The background is filled with green foliage. A large green circular graphic with a dotted pattern is overlaid on the lower half of the image, containing the text 'Additional Information' in a white script font. Below this, a dark blue horizontal bar contains the text 'CHAPTER SIX' in white capital letters.

Additional Information

CHAPTER SIX

» 6.1 HOW TO PREPARE FOR CARE PLAN MEETINGS**What is a Care Plan? How is a Care Plan done?**

A care plan is a document prepared for every child who is in care either, on a Time Limited Order (usually 2 years) or a Protection Order till 18. It tells everyone what your child's needs are and how these needs will be met by those caring for him or her. It talks about the care of your child for the next 12 months.

A meeting is held every year while your child is in care. Sometimes care plan meetings happen at other times, if there has been an important change (such as a change of carers).

Note: A care plan is made as soon as possible after a magistrate places your child on a protection order. It gives the Department the authority to make decisions for your child. While your child is in provisional (or temporary) care, a care plan will be reviewed every 6 months. This is called a Provisional Care Plan.

Everyone who is important in your child's life will be involved in care plan meetings – yourself, your child if old enough, and other significant relatives, carers and Department case manager and team leader.

Can I take a support person to the Care Plan meeting?

If possible it is a good idea to take a support person to the meeting with you. This could be a family member or friend. If you do not feel comfortable asking a family member or friend, there maybe someone from a support service who can attend a meeting with you. Parents often find having a support person at the meeting very helpful – they can help clarify information, talk to the workers or help you to stay calm and focussed on the children.

What is talked about at a Care Plan meeting?

There are nine parts to a care plan (the Department call them 'dimensions'). Set out below is a list of questions/statements to help you think about what you would like to talk about at the care plan meeting – you don't have to answer all of the questions – they are just a guide.

Some of the points might not apply to your situation e.g. if your child is not at school. Don't worry if some parts overlap and seem repetitive.

The first part of the care plan will be a statement about how the plan was put together and who was involved. The plan might outline why your child came to be in care.

Safety

This is about what is happening or what needs to happen to keep your child safe. This includes:

- » Who they live with
- » Who they will have contact with or who they won't have contact with – because it wouldn't be safe for them to do so
- » What can be done to make sure your child is safe, particularly for an older child or young person where there might be harmful or dangerous behaviour.

Care arrangement

- » Who does your child live with e.g. foster carers, Aunt Mary, grandma/nana etc.?
- » Is your child going to stay somewhere else for a while i.e. any respite care that you might receive? Who will that be with?
- » How your child is doing in that placement – are they happy, stable?

Health

- » Do you have any worries about your child's health? You can ask how these worries will be addressed e.g. does your child have problems with their teeth? When will they go to the dentist and what treatment is going to be provided?
- » Before your child went into care, did they see any specialists and for what reason? Have you given these details to your CM?
- » Ask how you will be kept informed if your child develops any health problems
- » It might be possible for you to attend specialist appointments – or you might be able to get copies of reports – it is worth asking.
- » If your child was admitted to hospital it might be possible to spend some time with them – again, it is worth asking.
- » Are your child's immunisations up to date? Have you provided these details? Are you being kept up to date about immunisations and other health concerns while they are in foster care?
- » Which Child Health Clinic did you attend?
- » Does your child have a disability or development issues?
- » Are there any mental health concerns that others should be aware of?

Education

You may not be told what school your child will be attending, however, you ought to be kept informed about how they are progressing.

- » Do you get a copy of their report (twice a year)? Are you kept informed of their successes (receiving merit awards)?
- » Has your child had any problems at school before going into care? Were these being addressed and how?
- » Are there any current challenges for your child at school? You can ask what is going to be put in place to help
- » How do you think you can help your child do well at school? If you have any information that might help your child improve their performance at school, you should tell the Department
- » Have you been given your children's school photos?
- » It might be possible for you to attend your child's school assembly or other important events, such as sports day – it is worth asking.

Social and Family relationships

This is where the major discussion around contact will happen.

- » Who sees your child, when and where? Do you know what the purpose of contact is? Do you know what needs to happen at contact? These are important questions to understand
- » You may identify other family members who are important in your child's life. It is worth discussing if your child can have contact with these people too
- » Is a Life Story Book being completed for your child? If you don't know what this is, ask your CM. Does your child have photos of you to keep nearby?
- » Has a communication book been put into use so that you can keep up with activities, behaviour, or important issues between contacts?
- » Have you been given information about the carers? Often it can be helpful for children, parents and carers to meet each other – you could ask if it would be okay to meet the carers.

Recreation and leisure

- >> What activities has your child been doing since being in care?
- >> What activities did your child do prior to going into care that they enjoyed?
- >> What activities do you think your child would like to be involved in? How will this happen?
- >> Ask if you are permitted to attend any of these activities.

Emotional and behavioural

- >> Do you have any worries about your child's emotional health & wellbeing or behaviour? What are they and what do you think they are related to?
- >> What do you think you can do to help?
- >> What is the Department doing to assist with these worries?
- >> Is it possible for you to be involved in helping to manage these worries?

Identity and culture

- >> Do you have a particular faith or religion? Has your child been raised in this faith?
- >> Does your family have any particular cultural practices that you wish your child to continue with?
- >> How do you think this could be achieved? How could you assist in this?
- >> Are there any religious customs (particular activities) you would like your child to participate in?
- >> For Aboriginal children – this is where discussion of connection to culture will take place.

Legal and financial

- >> Are there any legal or financial concerns for your child e.g. is your child involved with Juvenile Justice? Can you think of ways that you or the Department may assist?
- >> Will your child be leaving care within the next couple of years? If so, start thinking about what supports they may need; where they will live, employment or study etc.
- >> Have there been any compensation claims for your child since being in care? Have these been settled or is there ongoing assistance needed for him/her to continue with the claim?

Note

- >> Where possible take a support person with you to a care plan (CP) meeting
- >> Think about the questions here and write some notes down
- >> Where possible your child's input to this plan ought to be included. This will depend on the age and maturity of your child. Some seven year olds are very articulate, others are not. There is not one particular age that means your child's views will be considered. The Department often gets a child's opinions via a computer programme called "Viewpoint" and this will be included in the CP. If the child has not done this, you can ask for this to occur
- >> After the planning meetings have occurred you will receive the completed CP
- >> If you're not happy with any part of the content, talk to your case manager or the person who chaired the meeting
- >> If you're not able to negotiate the changes you want, you can apply for a review of the CP to the Care Plan Review Panel. This must be done within 14 days of receiving the final CP document. You will be provided with the contact details either, at the CP meeting or with the finalised CP document. Note: decisions made in Provisional Care Plans cannot be reviewed by the panel.

You can seek legal advice from:

- >> Aboriginal Legal Service WA
- >> Legal Aid WA –DUTY
- >> Women's Legal Services WA
- >> Community Legal Centres.

You can seek support from:

- >> Fin WA
- >> Any service that works with families or perhaps a service you are now working with.

» 6.2 SIGNS OF SAFETY ASSESSMENT AND PLANNING FRAMEWORK

Signs of safety meetings

Department of Communities, Child Protection & Family Support uses what they call the ‘signs of safety’ framework for making decisions about your family. This framework has three main areas that casemanagers are now using to help them make decisions about you and your family. They may use a ‘signs of safety’ form to write things down. The form usually looks like this:

Signs of Safety Assesment and Planning Form

What are we worried about?	What’s working well?	What needs to happen?
Past Harm		Agency Safety Goals
Future Danger		Family Safety Goals
Complicating Factors		Next Steps

Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case, and zero means things are so bad for the children they can’t live at home. Where do we rate this situation?
(If different judgements, place people’s number on the continuum.

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You will be in a much better position when it comes to discussing these things with the Department if you can familiarise yourself with the form, and if you have thought through your ideas about each of these areas. If you can, take some time to consider your thoughts before any meetings, so you can be clear and to ensure all the things you want to say are included. It is also important for other family members, or significant people in your life, and the child’s life, to be included in the meeting. So, it is worthwhile discussing with your case manager who you might like to invite along. Remember though – whoever comes to the meeting will get to hear some details about your life that you may prefer they didn’t know, so think about this carefully beforehand. If you don’t invite them to the meeting you can ask for their views to be included, so if you are able to know their views before the meeting, that will be important too.

What are they/we worried about?

This area covers worrying or concerning things (harm) that have happened in the past, or things they consider might be dangerous in the future (danger) and other (complicating) factors that make your situation more difficult.

Statements of past harm

What are we worried about?	What's working well?	What needs to happen?
Past Harm		Agency Safety Goals
Statements of past harm		
Future Danger		Family Safety Goals
Complicating Factors		Next Steps

Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case, and zero means things are so bad for the children they can't live at home. Where do we rate this situation?
(If different judgements, place people's number on the continuum.)

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The 'harm statements' used in this first section should be clear and specific, what happened (including the actual harm), where and when it happened.

Danger statements

What are we worried about?	What's working well?	What needs to happen?
Past Harm		Agency Safety Goals
Future Danger		Family Safety Goals
Danger statements		
Complicating Factors		Next Steps

Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case, and zero means things are so bad for the children they can't live at home. Where do we rate this situation?
(If different judgements, place people's number on the continuum.)

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'Danger statements' are clear descriptions of what everyone is worried might happen to your child if things do not change within your family.

Danger statements have three parts:

- 1. who is worried
- 2. what things they are worried you might do, and; (behaviour of parents)
- 3. how that might be bad for your child (impact on the child).

Getting the danger statements clear is really important as this will let you know what the Department are actually worried may happen to your child while in your care, and the things that you have to work on to show them that your child will be safe in your care.

The danger statements are not just the Department's worries. This is also where you get to say what you or others in your family are worried might happen to your child if nothing changes in your family.

Complicating factors

What are we worried about?	What's working well?	What needs to happen?
Past Harm		Agency Safety Goals
Future Danger		Family Safety Goals
Complicating Factors		Next Steps
<div>Complicating factors</div>		
<p><i>Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case, and zero means things are so bad for the children they can't live at home. Where do we rate this situation? (If different judgements, place people's number on the continuum.</i></p> <div>0 ← → 10</div>		

Complicating factors are things that make it more difficult for you and others working with you. They can include poverty, drug use, mental illness, isolation, disputes between workers and your family, and cultural misunderstandings. It is really important that workers are clear about the difference between 'past harm', 'future dangers', and 'other things' that just make your situation hard. For example, you may suffer from depression, which makes your life more complicated. This doesn't automatically mean danger for your child. If others try to include additional things to this section that do not relate to "harm" or "risk of harm" to your child, then those things should be questioned. It is the worker's responsibility to help you understand the harm and danger statements so you are clear about their concerns. This can also include anything you, yourself, are concerned about e.g. it could be that you believe the Department is not actively supporting your family to address concerns.

What is working well?

This section looks at what is going well, the good things you can do, or your strengths. They call these strengths and existing safety. These may include all the good things you've achieved or points in your favour, connections you've made with other agencies or additional support you've got, any successes you've had, no matter how small, that relates to your family situation and to your child's care.

What are we worried about?	What's working well?	What needs to happen?
Past Harm		Agency Safety Goals
Future Danger		Family Safety Goals
Complicating Factors		Next Steps
<div>Statements about strengths and existing safety.</div>		
<p><i>Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case, and zero means things are so bad for the children they can't live at home. Where do we rate this situation? (If different judgements, place people's number on the continuum.</i></p> <div>0 ← → 10</div>		

The statements about your strengths should be specific and talk about what is happening in your family that make it better for your child. Existing safety are examples of times when your child has been safe in relation to the things that everyone is concerned with, because of something you've done.

The safety scale

The safety scale is not always used in the same way by the Department. The person who runs the meeting will explain what 0 means and what 10 means in your meeting.

Down the bottom of the form is a number scale, and at the meeting everyone will be asked to make a judgement regarding how safe they think your child is right now, by deciding on a number between zero and ten. Often zero means the child is so unsafe he or she needs to be cared for by someone else at the moment, and ten is where he or she is so safe that the Department can close the case and no longer need to be involved with your family. You will be asked to say where you think your family is on the safety scale, along with the Department and any other agencies, and each person’s ideas are recorded with a number and their name under it. The safety scale is then used to ask everyone what they think needs to happen for everyone to move higher on the safety scale. In this way, the safety scale is used to keep checking in with everyone with how safe they think the child is now, and what needs to happen for him or her to be even safer. The objective is for everyone to keep working together in making changes so all are confident that the safety for the child is at a ten. A ten doesn’t mean you need to be perfect parents or that things will never go wrong. Ten means that everyone is confident that the child is now safe enough, and that the Department can close the case and let you all get on with being a family.

What needs to happen?

Agency Safety Goals

What are we worried about?	What’s working well?	What needs to happen?
Past Harm		Agency Safety Goals
		Agency Safety Goals
Future Danger		Family Safety Goals
Complicating Factors		Next Steps
<p>Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case, and zero means things are so bad for the children they can’t live at home. Where do we rate this situation? (If different judgements, place people’s number on the continuum.</p> <p>0 ← → 10</p>		

These goals show the Department’s views with what you need to be doing in order for the Department to be confident about your child’s safety in your care. The safety goals should relate directly to the danger statements, and be clear so that you are certain of what it is that the Department are asking you to do, to show them that your child will be safe in your care.

Family safety goals

What are we worried about?	What's working well?	What needs to happen?
Past Harm		Agency Safety Goals
Future Danger		Family Safety Goals
Complicating Factors		Next Steps

Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case, and zero means things are so bad for the children they can't live at home. Where do we rate this situation?
(If different judgements, place people's number on the continuum.)

0

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The family safety goals are your views about what you think you need to be doing to keep your child safe in relation to the things everyone is concerned about (the danger statements).

It is really important that you take some time to think about this and write your ideas down; what you want to be doing, or keep doing with your child, so that you are confident the concerns won't occur.

Your safety goal, and the Department's safety goal, will be brought together so that everyone is clear what you are working toward. If you are working together on building a safety plan for your child, then the safety goal is what the safety plan will need to focus on.

Next steps

This is where everyone puts their ideas for what the next steps are in working toward the safety goals. Okay, so what now?

What are we worried about?	What's working well?	What needs to happen?
Past Harm		Agency Safety Goals
Future Danger		Family Safety Goals
Complicating Factors		Next Steps

Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case, and zero means things are so bad for the children they can't live at home. Where do we rate this situation?
(If different judgements, place people's number on the continuum.)

0

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The next steps should outline for you clearly, what you need to do to keep your child safe. Some of the next steps will be things that you will do; some of them will be things that the Department and others will do. It's important that the next steps include your ideas, so it is great if you have done some thinking about this before the meeting.

Safety plan

The Department may decide that they need to see a safety plan developed for your child.

The safety plan is a plan that will describe how you, and other important people in your child's life, will organise things in your family to make sure that the child is always safe in relation to the things that people are worried about (the danger statements). The safety plan is a detailed plan in how you are going to look after your child to make sure that the safety goals are always met, for example; who might look after the child if you decide to use drugs, what you will do to make sure the child is safe if you and your partner start fighting with each other etc.

The Department will work with you to develop a safety network for your child (family, friends and maybe other professionals) who will help keep your child safe and secure.

It's really important that the safety plan is based on your ideas around what will work for your family and how you think you can organise your family life so that the child is always safe. It's also important that your child (if old enough) can say what he or she thinks needs to be included in the safety plan.

Important notes on signs of safety meetings

Signs of safety meetings do not only happen once. They can be used at any time that important decisions need to be made around what is happening for your child. You can ask for a signs of safety meeting and this meeting can happen in your home, in the Department's office, or in another venue that has been organised. While it might feel intimidating or difficult to attend a signs of safety meeting, this is an opportunity for you to have a say and to discuss what you think needs to happen for your child, and for you to hear from the Department about their views. The more you have thought things through before the meeting, the more you will be able to work toward a good outcome for your child. You should know that it is your right to ask anyone you choose, to attend any signs of safety meetings; such as close family, friends and/or support workers who can support you and can offer some positive input. You may not always be reminded that you can do this.

In general, the framework should be written up on a whiteboard, or on large sheets of butcher's paper, so that everyone can see it. If workers do not have a whiteboard that can print the information, they may want to write it up in a notebook, to save having to copy it onto paper afterwards, however, this is not preferable for you, because you cannot see what is written and may forget something said earlier in the session. You can ask that they display it so that it can be seen by you at all times during the meeting. It is a good idea to get a copy of this (or take a photo) before you leave the meeting. The information that is written down will be typed up and sent to you, and everyone who attended the meeting.

Where possible, it is best to have a signs of safety meeting facilitated by someone independent of your case, however, in most districts this isn't possible and it will be facilitated by your case manager/team leader.

Signs of Safety Assessment and Planning Form

What are we worried about?	What's working well?	What needs to happen?
Past Harm		Agency Safety Goals
Future Danger		Family Safety Goals
Complicating Factors		Next Steps

Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case, and zero means things are so bad for the children they can't live at home. Where do we rate this situation?

(If different judgements, place people's number on the continuum.

0

10

Reference: this material was written in consultation with Sonja Parker from Aspiration Publications based on the work of A.Turnell and S. Edwards, 'signs of safety'

» 6.3 SAFETY PLANNING TEMPLATE FOR PARENTS

Mum And Dad’s Family Roadmap

Life at its Worst	Date	Life at its Best
<ul style="list-style-type: none">Children would be in the care of the Department.		<p>What we want for our children and ourselves</p> <ul style="list-style-type: none">The children will be at home with us.
	<div>0 ← → 10</div>	
<p><i>Scale:</i> Where 10 is we think we are already achieving our goals all of the time and 0 is we think we’re not achieving any of our goals yet.</p>		

MUM AND DAD’S IDEAS FOR THEIR SAFETY PLAN

What we are already doing (and want to keep doing) - And how we have done it

.....

.....

.....

.....

.....

What we want to do next to achieve our goals - And how we will do it

.....

.....

.....

.....

.....

Statements of what the Department are worried about

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

Mum and Dad's Safety Goals

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

Who would notice if Mum and Dad were not coping?

1.....

2.....

3.....

4.....

5.....

What is the Department's bottom line?

.....

.....

.....

Our support network team is: (included contact details)

1.....

2.....

3.....

4.....

5.....

What will be the consequences of breaking the Safety Plan be?

If Mum and Dad do not maintain the changes they have made to their lives and they do not follow this safety plan, the Department may remove the children from their care

OR.....

OR.....

» 6.4 FAMILY PROFILE

Example - Parent Profile

This is a very simple way of telling foster carers a little bit about you and your family. It is one way of starting a trusting relationship between you both. This will be helpful for you and your child.

About Our Family

FAMILY PHOTO

A Little Bit About Chris (Mum)

Hello. My name is Kris and I'm 26. I'm Max's mum. I was born in Sarajevo and we moved to Australia when I was about 7. Drinking has been a big problem for me and I really want to get some help so that Max can come home. I love being his mum and I want us to be a family again. Please look after him for me and keep him safe. God bless you.

A Little Bit About Joe (Dad)

My name is Joseph. I'm not sure what to say about me. I'm worried about Max and I miss him like crazy. I know that I have messed up – and that I need to get myself straight. I work as a bricklayer and work hard. My mistake has been to party hard, but that needs to change. Thank you for looking after our boy. We don't have family for him to stay with and hope that you will take good care of him.

A Little Bit About Max

Max is the sweetest, funniest boy. This photo is when Max was 4 but he is 5 now. Max loves animals and has always wanted to have a puppy, so we're glad to hear that you have a dog. He loves playing with his friends and kicking the soccer ball at the park with his dad. His favourite foods are strawberries and cracker biscuits with cheese. He doesn't like vegetables very much, but he will eat them if they are cut up small like in a sauce. He likes pasta and sauce with cheese. He likes being read a story and then having a night light at bedtime. He is probably feeling very sad and confused so please look after him.

» 6.5 HOW TO WRITE A RESPONDING AFFIDAVIT

Throughout this document we will refer to parents, family and guardians as parents.

What is a Responding Affidavit?

A Responding Affidavit is a document which parents can write to address the Affidavit that the Department of Communities, Child Protection and Family Support ('the Department') submits (called 'files') to the Children's Court. Only the person/s referred to as a respondent in the Department's affidavit can write one. Each respondent can write an affidavit if they wish. The Department files their affidavit within 48 hours after a child has been removed and placed into care, either with family, foster carer or another placement out of home. It explains to the magistrate why the Department has taken this action.

Why and when should I write a responding affidavit?

If you have applied for, and successful to receive funding (called a 'grant of aid') from Legal Aid WA, the amount is very limited and generally allows a lawyer to provide initial information and advice, and may include attendance at limited or specific mentions or hearings. Sometimes, this funding will include your lawyer writing a Responding Affidavit, but not always.

If you do not provide a Responding Affidavit, it may mean the magistrate will not hear your version of events until much later in the process or perhaps at trial. It is recommended that parents provide their affidavit at an earlier stage, rather than later. Always seek legal advice before submitting an affidavit.

You do not need to know the law to write a Responding Affidavit, but your response needs to be written (seek assistance if needed), and what you know to be the truth. It is a legal document and one in which you swear to tell the truth. The order of information will be mostly led by what the Department's affidavit says. If you disagree you will need to respond to each point in the affidavit in the same order. This will help the magistrate follow the information. You can group together the paragraphs that you agree with.

Make sure you read Practice Directions 6 of 2006 8(2) to 8(5) for time frames for serving the affidavit – available at: http://www.childrenscourt.wa.gov.au/_files/Practice_6_of_2006.pdf or from the Children's Court reception.

What else do I need?

This guide aims to assist you to write your own affidavit. You will need a form called a Response – Protection and Care of Children, which can be downloaded from the Children's Court of WA's website under 'Forms': http://www.childrenscourt.wa.gov.au/C/court_forms.aspx – Protection and Care Matters PCRESP Response Form or a paper copy can be obtained from the Children's Court reception.

The form is labelled 'Form PCRESP' and consists of a front page which asks for details of: –

- » FILED ON BEHALF OF (who is filing the affidavit) e.g. yourself, mother, father (and your relationship to the Child)
- » CHILD 1, CHILD 2 etc. (details regarding the child/ren) – name, date of birth and gender
- » DEPONENT (details of the writer) yourself, your name, address & occupation
- » EVIDENCE (additional pages can be added) – This is where you need to number each paragraph separately saying which paragraph in the Department's affidavit you are responding to, to provide the magistrate with enough information to get a good idea about

your role as a parent/family member, what your circumstances are, and what you have been working on to have your children returned to your care. Additional paragraphs need to address each and every item from the Department's affidavit that you agree or disagree with, or what you partly agree with.

Examples of what you would include in your responding affidavit

(EVIDENCE)

The first few paragraphs will provide your background for the magistrate.

1. I make this affidavit in support of my Application filed herewith and also to respond to the affidavit made by Ms/Mr, Child Protection Worker/ Senior Child Protection Worker of the Department for Child Protection and Family Support filed on (date)

Write a short introduction about yourself and your family – examples below

2. I met the First Respondent Mother/Father
3. The children were born

The next numbered paragraphs will be direct responses to the Department's affidavit.

4. Describe from your perspective why the Department got involved – what safety/risks/harm concerns are there? You can say that the Department has concerns about and that you agree/disagree with some or all of their concerns which will be detailed later in your Responding Affidavit
5. Describe what arrangements are in place for you to spend time with the child/ren (what contact you are having, where and when)
6. Describe what conditions are in place by the Department – this might be that your contact is supervised by someone; you have to ensure you don't arrive at contact under the influence of drugs and/or alcohol, for example
7. Describe your relationship with the children
8. Describe if you sought any legal advice
9. Describe what support you have
10. Describe if you / your child/ren have been exposed to:
 - a. Physical, verbal, psychological, emotional, sexual or financial abuse
 - b. Mental health issues
 - c. Receiving any criminal records

These are examples only. Only discuss issues if they have been raised by the Department. State what you have been doing to address the issues and get supporting information, letters etc. from services, medical staff and people who have been helping you to address them so you can attach them to your affidavit.

11. If relevant, describe home situation, suitable housing for child/ren
12. State whether you are available to care, protect and provide for the child/ren
13. State what courses you have enrolled in, counselling undertaken etc.

Examples of how to word your responses to the Department Affidavit items

Group together any paragraphs that you agree with and state that you agree with the points made in those paragraphs, e.g.

I agree with (OR) do not oppose statements made in paragraphs 4 to 7.

For those you disagree with, these are examples of how to respond:

14. In response to paragraph 20 of the Department Affidavit I disagree with.
15. In response to paragraph 21 of the Department Affidavit
16. I partly agree with paragraph 22 of the Department Affidavit because.
17. I do not agree with paragraph 23 of the Department Affidavit as
18. I am currently working with the Department closely with the hope of (children's names) being returned to me, and live with me permanently as I am his/her/their mother, and I am able to care and provide for their needs.
19. If you have not received a Section 143 Proposal (S.143 Proposal) from the Department you might want to say that you have not been provided with a S.143 Proposal and need to have that so you have direction and know what to do to have your child/ren returned to your care,

OR

although you have been provided with a S.143 Proposal it is not clear as to what is required in section e.g. I need to know what needs to happen for (children's names) to be placed back in my care and have not been provided with a S.143 Proposal from the Department.

It is best to attach evidence to support your statements, such as proof of courses attended or clean urinalysis reports. Add into your statement that you are attaching an Appendix and number them i, ii, iii etc.

What happens after I have completed the affidavit?

Once you have completed writing 'the Evidence' it is important to have someone read over this to check it is clear and to correct spelling mistakes etc. If you have a lawyer it is important you show your affidavit to him/her so they can suggest or make amendments. When you have completed this, you must sign the Affidavit in front of a witness who needs to be a JP, Registrar or Lawyer.

The affidavit needs to be photocopied. You need to provide to the Children's Court administration the original, plus one photocopy for each party, including the child representative (if one has been appointed).

File all documents with Children's Court staff (this is called 'filing the documents'). Court staff will stamp and enter the court date and file number onto each copy and return the photocopies (they will keep the original for the Court's records).

These then need to be served on (given to) all other parties including Department worker or lawyer, child representative (if one is appointed) and any other parties to the proceedings as soon as possible, either in person or by registered mail. You can arrange for somebody to serve the papers on your behalf (ask the court how to do this).

Once the papers have all been served you need to fill in and file the "Endorsement of Service Form", available from http://www.childrenscourt.wa.gov.au/C/court_forms.aspx at the court's registry counter before your next court date. This shows the magistrate how and when your application was served on each party (person involved).

There are no fees to file the affidavit or any other forms at the Court.

NOTES:



Stay in Touch...

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