

KEEP EM SAFE



Process review and evaluation - Final Report

Appendix 4

Blurred Borders

Child Protection Project



LEGAL AID
WESTERN AUSTRALIA

cle@legalaid.wa.gov.au



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This kit contains legal information only. It is designed to help people learn about the law and their right. It was up to date at the time of printing. However, the law changes often. If you need legal advice for a specific problem please contact a lawyer.

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We recognise the continuing spiritual relationship Indigenous people have with Country and the contribution they make to their communities and the preservation of our nation's first languages. We pay deep respect to their Elders past, present and future.

A special thank you to community and language group members in the Kimberley region for their contribution to this project, including in the following towns and communities:

West Kimberley

- Ardyaloon
- Beagle Bay
- Broome
- Derby
- Fitzroy Crossing

East Kimberley

- Balgo
- Halls Creek
- Kununurra
- Wyndham

The Blurred Borders 'Keep em Safe' project has relied on the expertise of many individuals and service providers who have generously given their time to assist and guide us. We thank everybody who has participated in Steering Committee meetings, community meetings, stakeholder consultations and extensive focus testing, and those who offered feedback on factsheets, all of which have helped us to shape this project and the resources we have created.

Special thanks to Northern Territory lawyer, linguist and educator, Ben Grimes. Ben assisted us greatly in identifying problematic English words and phrases and helping us to get the plain language text into the best possible shape for translation into Aboriginal languages.

We acknowledge and thank Northern Territory Community Corrections for sharing graphic design files and the wallet card concept from their Indigenous Language Resources. These elements provided an excellent foundation for creation of the Blurred Borders Resources.

A special thank you to the artists and graphic designers who have worked on this project.



Damien Lawford

Damien Lawford is a traditional man whose family originate from the Wangkatjungka Community. He is now living in Broome. He has been an artist since leaving school. He has worked with young people mentoring them in their daily tasks. He is currently working with Far North, working alongside disabled clients assisting them with many issues. You may find him on a Saturday morning displaying and selling his art at the Broome markets. Damien's artwork features in the User Manual, the 'Keep em Safe' stickers, on the 'Keep em Safe' lanyards and on the safety scale cards.



Lena Andrews

Lena Andrews is a Bunuba/Walmajarri artist from the Junjuwa Community. Lena is an emerging artist, starting at the Marnin Studio in Fitzroy Crossing in 2018. Her talent spans across a number of mediums. She specialises in boab painting, sharing her knowledge in bush foods and the environment. More recently Lena has turned her hand to stitching bush toys, making jewellery using fire etching techniques and print making. Lena's artwork features on the 'Keep em Safe' lanyards and in the story card headings.



Patrick Bayly

Patrick Bayly migrated from the UK in 1982 where he had trained as a graphic artist. After extensive travelling he settled in Margaret River and worked for the local paper, before establishing a successful graphics studio in Fremantle; Workspace Design. Over the last 35 years Patrick has covered most aspects of graphic design and illustration. Highlights include; creating numerous illustrations for Government initiatives, designing science-based exhibitions and being awarded a design fellowship. He currently lives in Fremantle, Western Australia with his family. Patrick Bayly created the cover page of this Resource Kit and some of the artwork in the fact sheets.



Kristy Brown

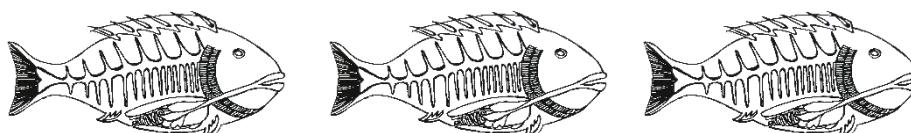
Kristy Brown, a Senior Graphic Designer at Sprout Creative in Darwin, worked on the illustration and design for the Blurred Borders project icons and cards. A born and bred Territorian, Kristy studied at the University of NSW College of Fine Arts, obtaining a Bachelor of Design (Graphics and Environments). Kristy has worked for super retail group True Alliance including on campaigns for The North Face, Ben Sherman and Speedo stores across Australia and New Zealand. After seven years working in Sydney and one year in the United States, Kristy recently returned the Territory to work at Sprout Creative.



We acknowledge the original designer of the Aboriginal Flag, Mr Harold Thomas. The Aboriginal flags appearing in the Blurred Borders resources, have been reproduced with his permission.



We acknowledge the original designer of the Torres Strait Islander Flag, the late Mr Bernard Namok. The Torres Strait Islander Flags appearing in the Blurred Borders resources have been reproduced with the permission of the Torres Strait Islands Regional Council.



CHAPTER ONE



HOW TO USE THIS KIT

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1 How to use this Kit

1.1 Target audience, purpose and project region

Who is it for?

This Resource Kit is for legal and community service providers working with Aboriginal people in the East and West Kimberley regions of Western Australia.

You don't have to be a lawyer to use this kit. It can be used by all front-line service providers and by community members in leadership roles who are providing assistance and guidance to other people in their own communities.

This Resource Kit has been created in consultation with the Blurred Borders Keep em Safe Steering Committee, local legal service providers, community workers and Aboriginal people living in the region.

Although the information and activities in the kit are designed for use by Aboriginal people in the Kimberley, they can also be used to assist wider audiences. Significant interest has also been shown in using this kit to assist young people and people with mental and cognitive impairments and disabilities.

Purpose

Being able to communicate effectively and explain complex legal concepts is a continuing challenge in the legal assistance sector. This Resource Kit will help service providers to explain key legal concepts around child protection to local Aboriginal people in a culturally accessible way. The story cards at the heart of the project use visual art, plain language and storytelling to more effectively communicate important and often complex legal messages.

Project region

The East and West Kimberley regions in Western Australia.

1.2 Relationship to Family Violence Resource Kit

To avoid duplication, the Child Protection story cards have been designed to be used in conjunction with the Family Violence story cards. For this reason, a set of Family Violence story cards is contained in each Child Protection Resource Kit.

For legal information about family violence see Chapter 2 of the Family Violence Resource Kit (available on the Blurred Borders website) or the Legal Aid WA website under the 'Find Legal Answers' tab.

1.3 What's in the Resource Kit?

The Resource Kit contains:

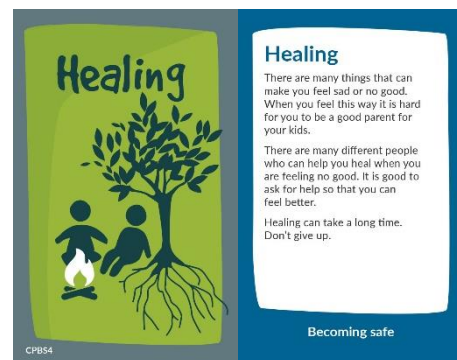
- Story cards that use pictures and plain language to help explain key legal concepts
- A set of fact sheets that contain key legal messages
- A process map to help deliver information more clearly
- Individualised wallet cards to provide a visual reminder of key dates, relevant conditions and orders, and other useful information
- Community Legal Education (CLE) activities that use stories to reinforce key messages
- Practical tips and checklists
- Referral information and links to further information
- Posters containing key legal messages

Story cards

Each story card has a picture on the front and a plain language explanation on the back.

The cards are divided into the following categories:

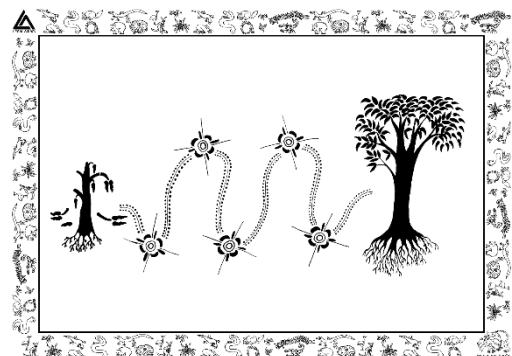
- People
- Places
- Conditions and Orders
- Who can decide
- Becoming safe
- Things you can do
- Health and feelings



The cards can be used to help deliver CLE sessions, or to assist you to provide individual legal advice or information. The cards can be used in many different ways. Experiment and find the way that works best for you and your audience. Suggestions on how to use the cards for CLE activities are set out in point 3.

Process map

The process map is a useful tool to help to explain child protection processes. It is designed to be used in conjunction with the story cards and the safety scale. For more information about the process map see point 5.3.



Wallet cards and stickers

The wallet cards and stickers contain a visual reminder of key dates, conditions and orders. See point 5.5 for more information.

CLE activities

Stories

The CLE activities in this kit (see point 3) are adapted from real life examples provided by lawyers and other community service providers involved in the Blurred Borders 'Keep em Safe' project. Real life examples are much more powerful than hypothetical ones. If you use your own real-life examples, make sure you change the names so people can't be identified.

People remember stories

Using real life examples in a story telling framework helps people to understand and remember what you are telling them.

Posters

The posters are useful tools to help deliver key messages and can be used in many different ways. See point 5.5 for more information



1.4 Who created the Resource Kit?

This Resource Kit was created by the Blurred Borders project team.

Blurred Borders is a three-year Commonwealth Government funded project that commenced in July 2016. Legal Aid WA is the lead agency working in partnership with the Department of Communities, Child Protection and Family Support. Other local legal services involved include:

- Aboriginal Legal Service of Western Australia (ALSWA), Perth, Kununurra and Broome
- Aboriginal Family Law Services (AFLS), Kununurra and Broome
- Kimberley Community Legal Services (KCLS), Kununurra and Broome
- Marninwarntikura Women's Resource Centre, Fitzroy Crossing

Many other agencies helped to focus test the resource and offered valuable feedback.



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1.5 Practical tips on using the Resource Kit

Involve the local community in CLE planning and delivery

CLE is much more effective when the people connected to the community are involved. Make sure you get advice and guidance from Aboriginal staff members and community leaders when planning and delivering CLE.

Book interpreters well in advance

If you need an interpreter, make sure you book them well in advance. This Resource Kit is not and will never be a substitute for using an interpreter.

Read the key legal messages a couple days beforehand

If you haven't presented on the topic before, read through the key legal messages and the CLE activities to familiarise yourself with them. Do this a couple of days beforehand so you have enough time to follow up on anything you need to. Even if you have presented on the topic before, pre-reading the information always helps to refresh your memory and keep you on point.

Remember this may be a sensitive topic

The topic may raise personal issues for some participants. Ask participants not to discuss personal details within the session. Encourage them to seek support after the session and have the contact details ready for local support services.

Know your audience

Your CLE audience may include Aboriginal staff and community members from local Aboriginal families, staff from other services, local non-Aboriginal people and people from outside the region. If you know who is in the audience, you can recognise and draw on their experience and knowledge.

Create a safe learning environment

Every participant brings their own life experience to each session. It is important to balance the interests and knowledge of all participants. All knowledge and experience should be respected and valued.

Be aware of the group dynamics

For cultural and other reasons certain people in the group may dominate the conversation. Be inclusive. Aim to join as many people as possible into the discussion. Make sure those who are participating stay on the relevant topic.

Use questions to test understanding and generate discussion

Asking questions helps you to work out the level of understanding of the participants. You can do this at any time during the session. The story cards and the CLE activities will help you to generate discussion and get the conversation started. The cards are also an excellent tool to test a participant's level of understanding.

1.6 CLE checklist

CLE CHECKLIST

Planning CLE

- ◆ **Demographics:** Consider the demographics of participants and presenters. For example, it might not be appropriate for a male to present to women and vice versa.
- ◆ **Time and place:** Plan sessions with community involvement. It is better to meet at culturally safe and identifiable places at times convenient to participants and with culturally inclusive food and other resources provided.
- ◆ **Country:** Discuss with local community leaders and Aboriginal staff members how to properly acknowledge the traditional owners and the country on which you will be holding the session.
- ◆ **Interpreters:** If you need an interpreter, book them well in advance.

Delivering CLE

- ◆ **Country:** Acknowledge the traditional owners and the country on which you are holding the session.
- ◆ **Introductions:** Allow participants to identify themselves and their family and/or country.
- ◆ **Create a safe environment** for all participants emotionally, physically and spiritually. Some topics may trigger traumatic responses. Have support staff and contact details for counsellors available and encourage people to take time out if needed.
- ◆ **Set clear boundaries:**
 - Encourage participants to avoid talking about individual or actual experiences or using names.** These may trigger emotions and could relate to other peoples' experiences in the room which may not be appropriate for public discussion. For example, an incident of family violence or dispute with a service provider.
 - Don't provide individual legal advice.** Remind participants that the information provided during the CLE session is not legal advice. Encourage participants to speak privately with a lawyer to discuss individual legal problems and give them a referral.
 - Mandatory Reporting:** Explain that there is a mandatory reporting requirement for child sexual abuse which apply to doctors, nurses, midwives, teachers, police officers and boarding supervisors in WA.
- ◆ **Respect:** Avoid judgment and stereotypes. Allow time for people to think and give their views. Some people may want to listen more than speak. Young presenters should acknowledge the life experience and knowledge of older participants.

Follow up

- ◆ **Evaluation and feedback:** Take the time to seek feedback and evaluate the usefulness of your CLE activities and resources. Act on the feedback you receive where appropriate and strive for continuous improvement.
- ◆ **Keep your promises:** Do what you say you are going to do.

1.7 Ways of working

Ways of working – useful tips

Child protection is an extremely challenging area to work in. It is important that all service providers work as effectively and sensitively as possible with Aboriginal people engaged in the child protection system. Some tips for service providers to consider include:

1. **Don't de-humanise the process.** Always remember what is at stake for the people involved.
2. **Take a strength-based approach.** Remember to always look for positives. Encourage people to keep trying and to not give up.
3. **Think about the whole process.** It is important to talk about the overall bigger picture as well as the specific parts.
4. **Take the time to learn someone's story.** It will take a little bit more time, but it is important to see how all the pieces fit. Start in a story telling way and then relate it back to kartiya law. Not the other way around.
5. **Develop a better understanding of the family.** Learn how to ask the right questions so you can better understand family relationships and identify potential carers.
6. **Remember the child's voice.** Keep this in the front of your mind at all times.
7. **Don't make assumptions.** Leave enough space in the conversation and blank cards in the resources for people to fill in their own story.
8. **Give it a go.** You won't know what really works until you start trying to use the resources.
9. **One size does not fit all.** You might use these resources with some families and not with others. You might use some of the resources all the time and others not at all.

1.8 Kimberley cross-cultural competency checklist

Cross-cultural competence is a critical component of delivering effective legal advice, education and information services in the Kimberley. Service providers must be aware of and respect cultural sensitivities at all times. Working in partnership with the community to build relationships and trust is a fundamental part of this process.

1.8.1 Build relationships

Try and meet face to face

If you have a client that resides in a remote community, the best way to communicate with them about their legal matters is face to face in their local environment. This is particularly important when dealing with sensitive subject matters.

Remember that when your client is telling you details of their life, this can be very daunting – especially when all the information is going one-way. Use icebreakers to get the conversation started. Football/fishing/hunting and family are good. It helps culturally if you share information about yourself.

Use cultural brokers wherever possible

If your client lives in the Kimberley, an Aboriginal Community Liaison and Education Officer from one of the community legal sector agencies can help you to:

- make plans to speak with your client
- get information about needing an interpreter
- set up a visit to the community.

Don't just turn up

Make sure you contact the community before you visit. You may need to fill out a form and get permission to enter the community. You should also check with the community to make sure it is appropriate to visit. Sorry time, funerals, Lore and football may be the main reasons people will be unavailable to speak with you. It is also good to check with the community about the road conditions before you leave.

As a sign of respect, get to know the community directors or council rather than going through the CEO. You may need to ask to address the directors at their next board



meeting to introduce yourself, discuss visiting on a regular basis for outreach and community legal education, or to gain further understanding of the community such as language and interpreters.

Know where the no go areas are for men and women in the community

Gain knowledge of the profile of the community and the layout of the community. Know the prohibited area locations in and around the community. Most communities have a Men's and Women's sacred area.

1.8.2 Check for understanding

Gratuitous concurrence

A widely recognised cultural tendency in the case of Aboriginal people is 'gratuitous concurrence'. This is when they will agree to every question you ask them even if they do not understand the question. Saying 'yes' or using a 'click' means that they are obliging to your questions and telling you what you want to hear.

Asking open questions and allowing an Aboriginal person the time to answer will have better results, provided they understand the questions and it has already been established that an interpreter is not required.

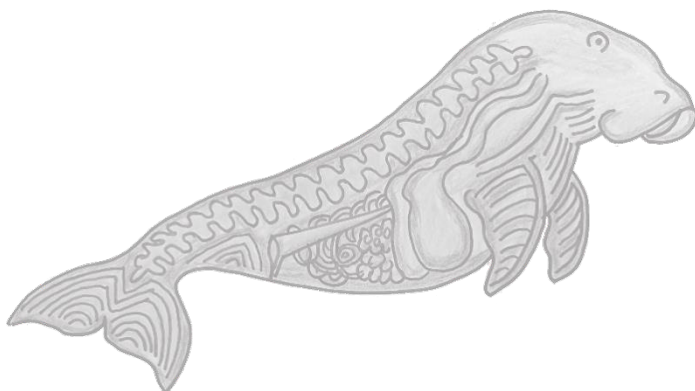
Use plain language

Many Aboriginal people speak non-standard Australian English, or Kriol. They may use words that are the same as standard Australian English however they will have a different meaning. Try to use plain-English when speaking and always do an assessment for the use of an Aboriginal Interpreter if you are unsure.



Draw difficult concepts

When dealing with difficult concepts like allegations of sexual abuse, it is a good idea to draw them for your client. This makes it more objective and easier to explain.



1.8.3 Be respectful

Dress appropriately

Wear appropriate clothing with shoulders covered. No revealing tops or short skirts. High-heels and too much make-up can also be insensitive.

Gender awareness

Sometimes it may be culturally better for a male lawyer or worker to attend if possible. When discussing child sexual abuse it may be inappropriate for clients to speak with a lawyer of the opposite sex.



Example – discussing allegations of child sexual abuse

Below is an example of how you might approach discussing allegations of child sexual abuse with a traditional Aboriginal person.

'As your lawyer I need to know all the facts about what happened so I can speak for you in court. I will need to ask you some questions that might be hard to answer. If it is hard to talk to me, I can maybe see if there is a man/woman lawyer for you to speak to about those details and they can tell me later. Or we can see if there is a man/woman lawyer to take over as your lawyer. I won't be offended if this is what you prefer.'

Be aware that jealousy is a huge issue in remote communities. If dealing with members of the opposite sex, always ensure you have another person present, and keep the person in view of their partner where possible. Keep this in mind when having closed door conversations in the office.

Little or no eye contact

Don't feel offended if your clients display little or no eye contact. It is more a sign of respect rather than disrespect and could also mean they feel 'shame' which means shy or embarrassed.

Traditional Lore

You may have a young male client as a child representative or you might be working with a young parent. Males who have been through Traditional Lore are culturally recognised as adults even if they are under the age of 18. It is not appropriate to address them as a child, boy or kid. You can ask if someone has been through Traditional Lore and how long ago, but it is not appropriate to ask for any other details about this cultural business.

Not saying names for cultural reasons

Be mindful that Aboriginal clients may not be able to speak the name of a deceased person or members from their own family of the opposite sex, particularly in-laws. Where possible ask if they have anyone in the waiting room who could tell you, or they may be happy to write it down or spell it out. You will need to seek permission to say the name in open court also. It may be more appropriate to be called Mr. or Ms., and the family name only.

Example – not saying names for cultural reasons

Below is an example of how you might approach discussing the name of a deceased person or particular family members.

'Throughout this interview I will need to ask you some questions relating your family. I may need to ask questions about particular family members. If you can't say their names for cultural reasons just let me know and we can work around it. Would you feel comfortable spelling it or writing it down? Or maybe we can ask someone else in your family to tell me.'

Sorry Time

When a family member or someone from the same community passes away there are different traditions that take place in different regions. Sometimes men, women and children may shave their heads and wear scarves. They may need you to let the court know they cannot remove a scarf for cultural reasons.

When someone passes away, it will involve family removing themselves from the community to mourn together (known as Sorry Business). This can take up to a couple of weeks and it is inappropriate for agencies to visit community at this time. If a client misses a court date and you are aware of a recent passing, advising that they are away at 'Sorry Time' is an acceptable reason to have the case put off.

Avoid fighting and feuding

Not all Aboriginal families from the same community are related by blood or skin group and sometimes there is fighting and feuding. If you are aware of this, try to avoid feuding groups being in the one area together, organise beforehand for them to be spoken to at separate times.

Be aware of historic and contemporary issues (local and general)

Being aware of cultural sensitivities includes recognising and acknowledging the historical and current contexts. Many Aboriginal people and families have had traumatic experiences which continue to affect them. Learning about local and general Aboriginal history will help you gain a better understanding of the broader context.

Confidentiality

Treat your dealings with clients confidential from other members of the community, don't conduct interviews in the open areas where other people can hear. Sensitive information overheard can cause issues in the community.

1.8.4 Manage expectations.

Explain if things may take a long time.

Make sure you do the things you say you are going to do.

Don't make promises you can't keep.

1.8.5 Don't make assumptions

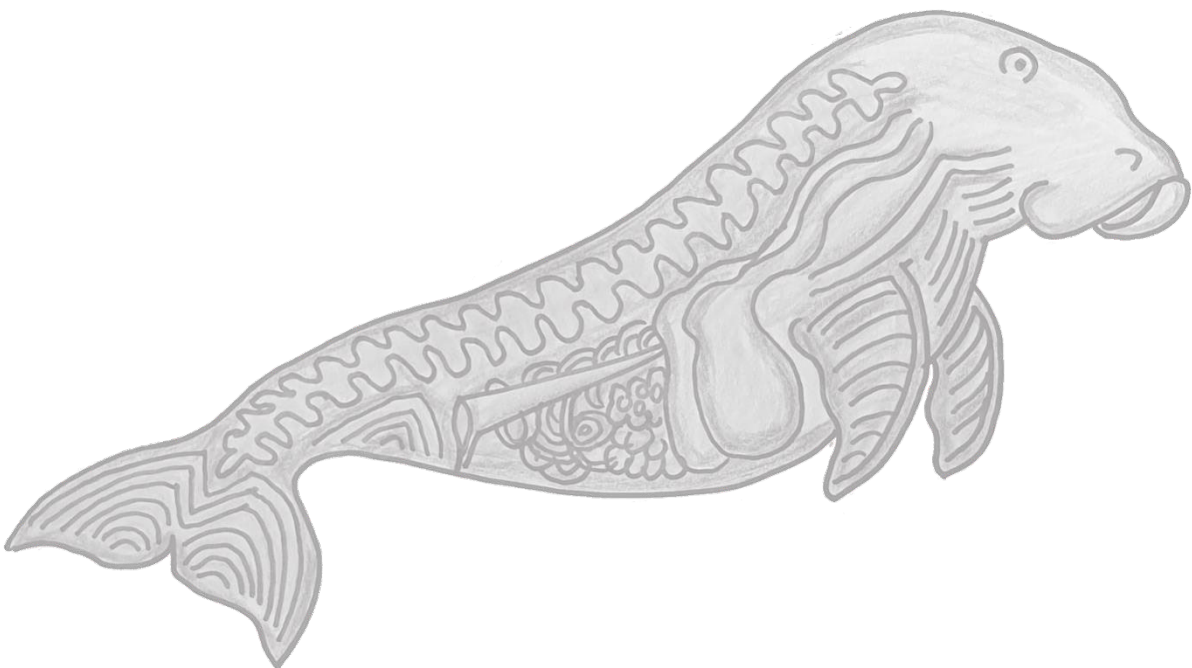
Aboriginal people in the East and West Kimberley may identify with more than one ethnicity and/or Aboriginal language, land or community group. They may have local connections or may have moved to the region from elsewhere recently or a long time ago. It is important to be aware of and sensitive to this diversity and not assume that all Aboriginal communities and people have the same experiences, needs and issues.

1.8.6 Do some cross-cultural training

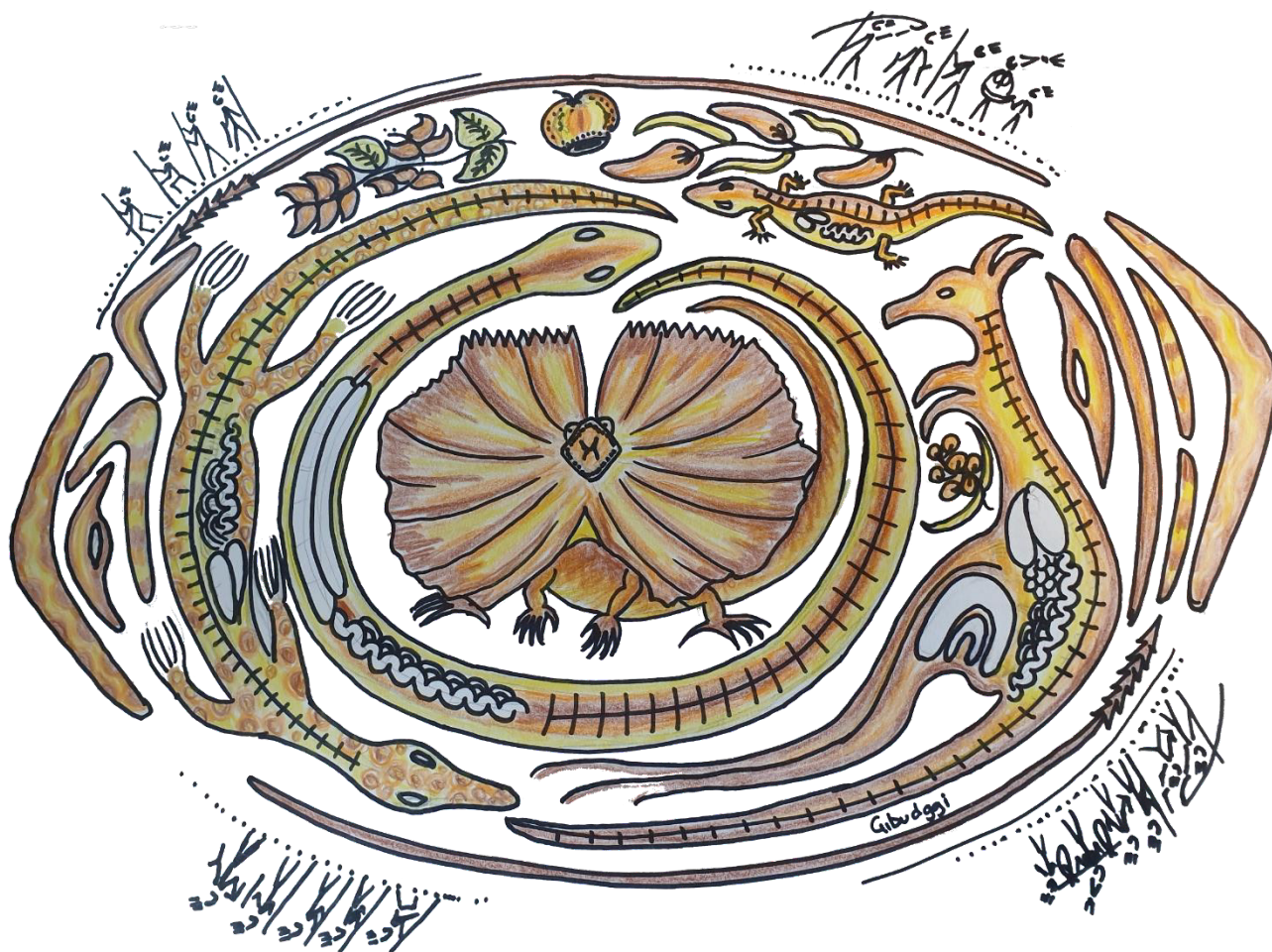
If you are working with Aboriginal people and communities, it is essential to undertake cross-cultural training to help develop the knowledge, skills and attitudes you need to work in a sensitive and respectful manner. Several different services provide cross-cultural learning and information about Aboriginal history and culture in the Kimberley. Contact Legal Aid WA to find suitable trainers.

1.8.7 When in doubt ask.

When in doubt of something, ask your client or another Aboriginal person or community member. Aboriginal people love to share their culture and it is always an honour for them to teach someone who shows an interest in learning about it.



CHAPTER TWO



CHILD PROTECTION FACT SHEETS

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2 Child protection fact sheets

The child protection fact sheets provide a range of key legal child protection messages and practical advice for parents working with the Child Protection mob. PDFs can be downloaded from <https://blurredborders.legalaid.wa.gov.au/>.

2.1 Table of child protection fact sheets

#	FACT SHEET TITLE
1	WHAT IS CHILD PROTECTION?
2	IT'S ALL ABOUT THE KIDS
3	PROCESS MAPS
4	HOW DOES THE CHILD PROTECTION MOB WORK WITH FAMILIES TO KEEP KIDS SAFE?
5	WHY IS THE CHILD PROTECTION MOB WORKING WITH ME WHILE I AM PREGNANT?
6	SAFETY PLANS
7	THE CHILD PROTECTION MOB HAS TAKEN MY KIDS - WHAT CAN I DO?
8	WHO MAKES THE DECISIONS?
9	WHO IS TALKING TO MY KIDS WHEN THEY ARE LIVING WITH CARERS?
10	WHO'S WHO IN THE CHILD PROTECTION MOB?
11	WHO IS LOOKING AFTER FOR MY KIDS WHEN THEY ARE LIVING WITH CARERS?
12	WHO MAKES DECISIONS FOR MY KIDS WHEN THEY ARE LIVING WITH CARERS?
13	WHAT IS A SIGNS OF SAFETY MEETING?
14	SCALING AT A SIGNS OF SAFETY MEETING
15	CHILD PROTECTION PERMANENCY PLANNING - MAKING LONG TERM PLANS
16	WHAT HAPPENS IN THE CHILDREN'S COURT?
17	CHILDREN'S COURT LAW PAPERS
18	CAN I PUT IN MY OWN LAW PAPER TO CHILDREN'S COURT?
19	CHILDREN'S COURT ORDERS TO PROTECT YOUR KIDS
20	WHAT DO LAWYERS DO IN CHILD PROTECTION CASES?
21	WHAT THE LAW SAYS ABOUT CHILD PROTECTION AND ABORIGINAL FAMILIES
22	WHAT IS A CARE PLAN?
23	WHAT HAPPENS IN THE FAMILY COURT?
24	PRACTICAL TIPS FOR PARENTS ON CHILD PROTECTION
25	WHAT'S STOPPING YOU?
26	LEGAL WORDS FOR CHILD PROTECTION



WHAT IS CHILD PROTECTION?



Kids need to be safe to grow up strong and healthy.

The written law about keeping kids safe in WA is called the *Children and Community Services Act 2004*. Making sure kids are safe, or protected, is the main job of the Department of Communities, Child Protection and Family Support ('the Child Protection mob') and the Children's Court. The Child Protection mob help you and your family make things safe for your kids. They also help you when you are pregnant to make sure your baby will be safe.

If you show everything is safe for your kids, the Child Protection mob has no job working with your family.

When do kids need protection?

The law says kids need protection when:

- » Their parents are dead, or the kids have been left by themselves and no safe person can be found to grow them up.
- » The kids have been hurt or are likely to be hurt by:
 - ◇ **Physical abuse:** when you do things like hit, kick or throw something at your kids.
 - ◇ **Sexual abuse:** when there is sexual behaviour between your kid and another kid or between your kid and an adult that is wrong. It can be things like touching in a way that is not right, seeing sexual acts or pornography.
 - ◇ **Emotional abuse:** when you say things to your kids that make them feel no good or scared or upset. It includes your kids seeing or hearing fights, even word fights, between you and your partner or other family members.
 - ◇ **Neglect:** when you don't look after your kids it is called neglect. There are many things that might be called neglect, like not feeding your kids, letting your kids go to dangerous places, letting your kids miss school a lot or be late for school a lot, letting your kids stay with dangerous people, or when you don't know where your kids are,

and the parents have not protected or don't seem likely to protect or stop this from happening in the future,

OR

- » When kids are:
 - ◇ not getting the care they need from their parents, or
 - ◇ not seeing the doctor when they need to.

The law says harm for kids is anything that happens or doesn't happen that is bad for your kids' wellbeing. Wellbeing includes the care, development, health and safety of your kids.

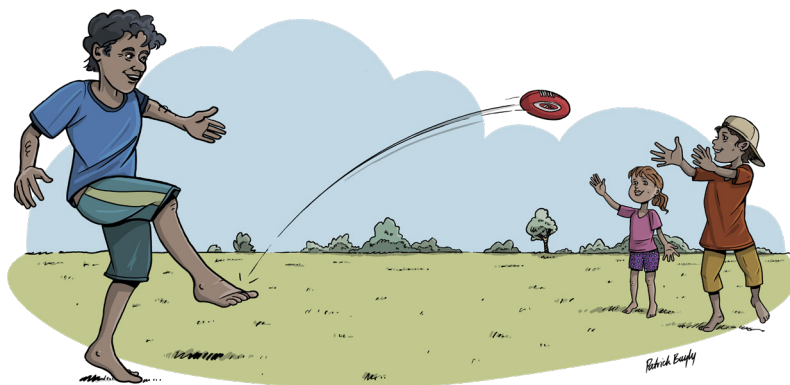
It is about protection from anything that will stop your kids being healthy, safe and growing up strong.





KEEP EM SAFE

Kids need safe families. There are laws that protect kids to keep kids safe. You want to see your kids grow up strong. You want to do what is best for your kids. If you have a case at court, the law says the Children's Court and the Family Court must make decisions about what is best for your kids. The Child Protection mob and the magistrates at the Children's Court and the Family Court want to see strong families for kids so they can grow up strong and safe.



What will the Children's Court think about when making a decision about your kids?

The law about keeping kids safe in WA is called the *Children and Community Services Act 2004*. This sets out what the magistrate in the Children's Court and the Child Protection mob must think about when they decide what is good for your kids. This law is called ***making a decision in the best interests of the child***. It is good for you to think about these things.

The law says to look at things like:

- » Protecting your kids from harm. This means protecting them from anything that harms how they grow up in their body and mind.
- » Are you able to protect your kids from harm?
- » Are you able to meet your kids' needs?
- » How do your kids get on with you, their brothers and sisters and other people who are important to them?
- » What your attitude to your kids and looking after them has been.
- » Your kids' wishes or views taking into account your kids' ages and how much your kids understand.
- » Your kids keeping in contact with you, their brothers and sisters and other important people in their life.
- » Your kids' ages, maturity, sex, sexuality, background and language.
- » Keeping things that are going well the same, like where your kids live and who they live with.
- » Keeping your kids connected to their culture, religion or ethnicity. This includes keeping a connection with Aboriginal and Torres Strait Islander culture, lifestyle and traditions.
- » All of your kids' needs, physical, educational, emotional, spiritual, intellectual and developmental.

LEGAL AID
WESTERN AUSTRALIALast reviewed
27 August 2019<https://blurredborders.legalaid.wa.gov.au>

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We acknowledge the original designer of the Aboriginal flag, Mr Harold Thomas, and the original designer of the Torres Strait Islander flag, the late Mr Bernard Namok

Government of Western Australia
Department of Communities



What does the Family Court do for kids?

There are laws in the Family Court to help families grow kids up safe. These laws set out what the magistrate or judge must think about when deciding what is best for your kids.

The Family Court magistrate or judge has the power to decide about things like:

- » Where your kids will live.
- » Who must look after your kids.
- » When your kids will live or spend time with mum, when your kids will live or spend time with dad.
- » When your kids will live with another carer.
- » Who must pay for the things your kids need.

You can go to the Family Court when:

- » You, or the other parent, or another carer, like a grandparent, can't agree on who should make the big decisions for your kids, like who your kids should live with. You can ask the magistrate or judge to decide.
- » Everyone agrees on what is good for your kids. You can ask the magistrate or judge to make orders (called consent orders). This is a law paper that sets out the rules about your kids that everyone agrees to follow.





Notification

- » The Child Protection mob receives a report that a child is at risk of harm, abuse or neglect.
- » This report could be from a teacher, healthcare worker or a concerned member of the community.



Investigation

- » The Child Protection mob will investigate the report that they received.
- » This might mean that Child Protection workers will come to your house, to have a look at how you live and ask you some questions.
- » This might also mean that Child Protection workers will go to your kids' school or a hospital that they are at, to ask your kids some questions about their life and how things are going at home, including how they are treated.



No further action

- » If the Child Protection mob investigate and don't think there are any problems, they might decide to take no action.
- » This means that they think your kids are safe enough. The Child Protection mob will not make an application to the court if they think your kids will be safe.



Child taken into care

- » If the Child Protection mob is worried that your kids are going to suffer harm, abuse or neglect that you can't or won't protect them from, they will take your kids into the care of the Child Protection mob.
- » Normally Child Protection workers will have a warrant from a court, saying that you must let your kids go with them.
- » Child Protection workers do not need a warrant to take your kids into care if they believe that they are in urgent need of protection to prevent them from being harmed.
- » The Child Protection mob do not have to tell you that they intend to take your kids into care. They do not have to let you know they have applied for a warrant or intend to apply for a protection order.



Application to Court

- » If your kids are taken into care by the Child Protection mob, they must make an application for a protection order to the Children's Court within 2 working days. A case can also start with your kids still in your care.
- » In Perth, the case will be listed within 3 working days. In regional areas it may take longer for the protection application to be given a court date.
- » If the Child Protection mob decides not to seek a protection order after taking your kids into care, they must return your kids to you or the other parent within 2 working days.



Protection order is made

OR



No order is made

Child Protection mob works with your family without a court order

- » If the Child Protection mob find some things they are worried about, but think your kids are safe enough, they will work with you to help make the things they are worried about better.
- » This might mean you have to work with the Child Protection workers, and maybe other social workers and psychologists, to sort out the things the Child Protection mob are worried about.
- » If you work with the Child Protection mob, then it is more likely that your kids will be able to stay with you.



Application to court

Mention hearing

Interim application

Pre-hearing conference
OR
Child protection mediation
style conference

Agreement
eg long adjournment,
another CPMSC

Final protection orders
by consent

No agreement

Pre-hearing
conference

No agreement

Protection
Review Hearing

Trial

Protection Order

No order

- » Kids stay with parents under supervision
- » Kids stay in the care of the Child Protection mob
- » A special guardian becomes a long term carer

- » Kids returned to parents or stay with parents with no Child Protection mob involvement.

Mention hearings can happen at any time through the court process. There will often be many mention hearings to check how the case is going.

A *response* can be lodged by respondents. There is no set time for filing this document unless the magistrate gives a time to file.





How Does THE CHILD PROTECTION MOB WORK WITH FAMILIES TO KEEP KIDS SAFE?



KEEP EM SAFE

How does the Child Protection mob find out about kids not being safe?

Anyone can phone or go to the Child Protection mob to tell them about worries they have about kids not being safe. You, family members, friends, neighbours, teachers, doctors, the police and health workers, or even kids themselves can do this.



What does the Child Protection mob do when they are told my kids are not safe?



The Child Protection mob does not know if the stories or worries are true or not true. It is the Child Protection mob's job to check out these worries or stories to see if your kids need *protection* to be safe.

If the Child Protection mob think the stories are true, they try to find out who caused the harm and what needs to happen to make sure the kids are safe.

Will the Child Protection mob meet with me to talk about the worries?

The Child Protection mob wants to make sure your kids are safe. The Child Protection mob workers will come and talk with you if they think that your kids are not safe or healthy.

The workers will explain their job and tell you the worries that they have been told.

Sometimes the Child Protection mob wants to speak to your kids without you or other family being there. The law says they can do this in some cases.



How Does THE CHILD PROTECTION MOB WORK WITH FAMILIES TO KEEP KIDS SAFE?



What can the Child Protection mob do if they think my kids need *protection*?

The Child Protection mob might decide the stories are:

- » Not true and that your kids are safe.
- » True and that your family needs some help to make your kids safe
- » True and it is not safe for your kids to stay at home with you.

Sometimes the Child Protection mob might say that it's safe for your kids to stay with you. The Child Protection mob will check up on you and help you find services or people who can help keep things safe for your kids.

Sometimes the Child Protection mob might start a case at the Children's Court for a court order to let the Child Protection mob come over to check that it's all good for your kids at home.

If the Child Protection mob thinks your kids will be hurt in a big way or have been hurt in a big way, they will take your kids from you until you make it safe enough at home. The law says the Child Protection mob has the power to do this. If the Child Protection mob takes your kids away, the law says they must give your kids to the other parent if they are a safe person, or else bring your case to the Children's Court.

The Children's Court help families fix things up to make it safe for kids. The Children's Court is a helping court not a punishing court.

Will I have a say about my kids needing *protection*?

In meetings with the Child Protection mob and at the Children's Court, you can say:

- » What you want to happen, and
- » What you think is good for your kids

The magistrate at the Children's Court has the final say about whether your kids need protection.

Talk to a lawyer

It is good for you to talk to a lawyer if the Child Protection mob:

- » Is saying they will take your kids away from you
- » Has already taken away your kids from you.





WHY IS THE CHILD PROTECTION MOB WORKING WITH ME WHILE I'M PREGNANT?



If you are pregnant, the Child Protection mob will want to meet with you if they have worries about your baby being safe.

The Child Protection mob will meet with you and any family or friends you have to support you. They will also meet with your health worker and social worker at the hospital or the nurse at the clinic who is helping you with your pregnancy.



What happens at the meetings?

Usually you will have three meetings with the Child Protection mob before your baby is born. These are called *pre-birth signs of safety meetings*.

At the meetings, everyone will be working together to try and come up with a plan to make sure your baby will be safe enough to go home and live with you. At the last meeting, you will find out if the Child Protection mob agree with the plan for your baby to go home and live with you.



Who decides if the plan is good enough to keep my baby safe?

The *District Director* of the Child Protection mob has the final say about whether your baby can go home with you. The District Director might say the plan needs to change to make it safe enough for your baby to go home.

If the District Director says the plan does not make it safe enough for you to take your baby home, the law says the Child Protection mob can take your baby from you. The Child Protection mob can put your baby with the father if your baby will be safe with him. If your baby will not be safe enough with the father, or another family member, like a grandparent, the Child Protection mob will start a court case about your baby in the Children's Court.

Do I need a lawyer?

It is good for you to talk to a lawyer if the Child Protection mob is thinking about taking your baby away from you after it is born.

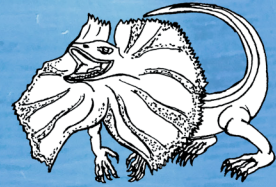
It is good to talk to a lawyer before the baby is born.

A lawyer can go with you to the pre-birth meetings.





SAFETY PLANS



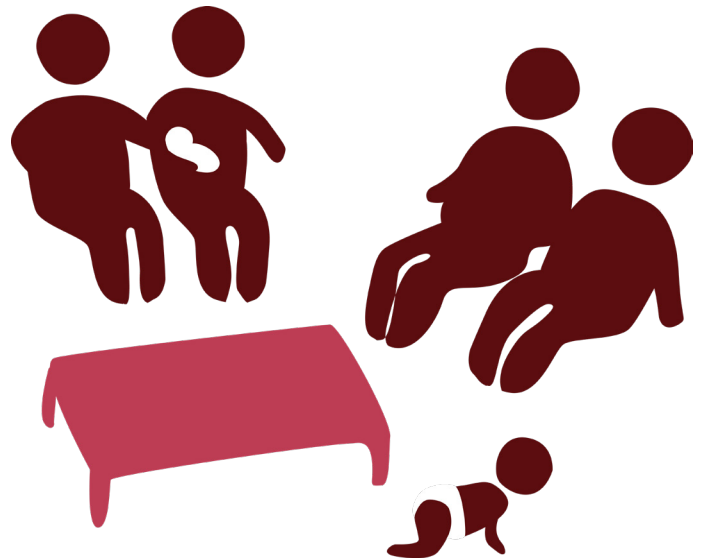
KEEP EM SAFE

When do I need a safety plan?

If the Child Protection mob is worried about your kids not being safe enough, they will meet with you and your family to come up with a safety plan to keep your kids safe.

If you are pregnant and the Child Protection mob is worried about your baby not being safe enough when it is born, they will meet with you and your family to come up with a safety plan, to keep your new baby safe.

A safety plan sets out the rules you must follow to keep your kids safe.



Do I have to follow my safety plan?

Yes. Once you have been given a safety plan by the Child Protection mob you must follow it. This shows the Child Protection mob that you can make things safe for your kids:

- » if your kids are at home with you, or
- » if your kids are not living with you:
 - ◊ when you see them at contact visits,
 - or
 - ◊ so your kids can come back home to live with you.



Can my safety plan be changed?

Yes. Check your safety plan regularly. If your plan is not working for you, you must tell the Child Protection mob that it is not working and try to get it changed so it makes things safe enough for your kids. At the next signs of safety meeting you can speak up about what needs to change to make the plan work for you.

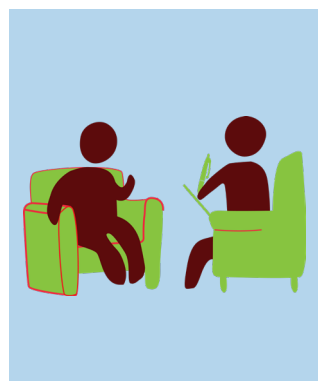
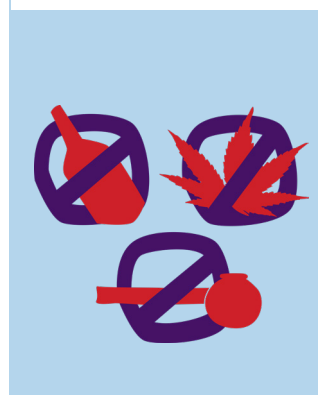


What does a safety plan look like?

A safety plan for your kids, or unborn baby, may mean you do things like:

- » Live somewhere safe
- » Not let your kids see or hear fighting or yelling at home
- » Not to be with someone who fights with you or yells at you all the time
- » Have a safe support person live with you
- » Get a family violence restraining order against a partner who is causing trouble for you and tell the police if the rules are broken
- » Take your kids to the doctor when they are sick, have sores or need medicine
- » Make sure your kids go to school every day on time
- » Not let anyone in your home that you fight with (word fights or physical fights)
- » Not take illegal drugs like ice, gunja, meth
- » Not drink grog, or not drink a lot, when you are looking after your kids
- » Do urinalysis when asked to show you are clean or using less and less of an illegal drug
- » Only leave your kids with safe people when you need a break
- » Have some friends or family as support people who can come over and check things are okay at home, or who can call you when you need help, and who will tell the Child Protection mob if you are not following the rules
- » Parenting courses to help you learn new ways to help your kids grow up strong
- » Counselling to help you not drink too much or not use illegal drugs
- » Personal counselling to help you fix things that have happened to you in the past or things happening now that might be stopping you from being a safe parent
- » Only let good strong people visit
- » Let the Child Protection mob visit and check things are okay
- » Go to meetings with the Child Protection mob to check you are on the right track to meet your kids' or baby's needs
- » Get help with any mental health or other health issues that you have.

Your safety plan might look different to other people's plans. This is because your plan is made to fit your kids' and your family's needs.





THE CHILD PROTECTION MOB HAS TAKEN MY KIDS - WHAT CAN I DO?



Make some changes

If the Child Protection mob has taken your kids away from you, you might need to change some things in your life to make it safe enough for your kids to come back.

The Child Protection mob is looking to see you show good changes over time. It might be safe for your kids to come back in a short time. It might be safe for your kids to come back in a longer time. The Child Protection mob or the magistrate at the Children's Court will not give your kids back until it is safe enough.

Remember, healing can take a long time. Don't give up.



Things to think about

- » What are your goals?
- » What are things in your life that make it not safe for your kids? Think about the worries the Child Protection mob has about your family. The things that are not good for your kids.
- » What is stopping you from changing these things?
- » Who in your family or which friends can help you sort things out?
- » What local services or programs can help you sort things out?
- » If you were not the parent looking after your kids when they were taken by the Child Protection mob, what do you want for your kids? Maybe you want your kids to live with another family member?

Talk to the Child Protection mob about:

- » When your meetings with the Child Protection mob will be. Try to get the meetings at times that are good for you. Don't give up if you miss a meeting.
- » Tell the Child Protection mob if you need an interpreter for the meetings.





THE CHILD PROTECTION MOB HAS TAKEN MY KIDS - WHAT CAN I DO?



At your meetings with the Child Protection mob, you can speak up and have your say.

- » Tell the Child Protection mob where you want your kids to live until they can come back and live with you.
- » Ask the Child Protection mob about visiting your kids. How often can you visit your kids. When and where will the visits be and how long can each visit be.
- » Tell the Child Protection mob about all the good things that you are already doing to make it safe enough for your kids to come back and live with you.
- » Ask the Child Protection mob about what else you must do so your kids can come home and live with you.
- » Ask the Child Protection mob to tell you about the services or programs that can help you. Maybe you can make some appointments to go and see them. Maybe you can ask the Child Protection mob to make the appointments for you.
- » Tell the Child Protection mob about anything the Child Protection mob has got wrong.

Talk to a lawyer about...

- » The worries the Child Protection mob has about your family.
- » The worries the Child Protection mob has raised that you don't agree with.
- » What will happen at court.
- » What you want to say to the magistrate.
- » What you can speak about at court and when.
- » What the lawyer thinks you must do to sort this out and get your kids back.
- » What will happen if you can make it safe enough for your kids.
- » What will happen if you do not make it safe enough for your kids.



Patrick Baugh



Before your case goes to court - when the Child Protection mob is working with your family

The Child Protection mob can take your kids away from you if they think your kids are not safe enough. They might send your kids to live with a carer. The Child Protection mob have rules about this.

First, they must try to find some safe family members to look after your kids. When there is no safe family to look after your kids, they will look for carers who aren't your family. The Child Protection mob should talk to you and your family about who you think should look after your kids.

If the Child Protection mob decide to take your kids away, they can go and ask the magistrate in the Children's Court for a warrant. This is a law paper that gives the Child Protection mob the power to take your kids away from you to make them safe. You are not at court to have a say about this decision.

Sometimes the Child Protection mob can take your kids away without going to court to get a warrant. This can happen when the Child Protection mob say there is no time to go to court to get a warrant because your kids could be getting hurt now.

If your kids are taken away, they go into the temporary care (sometimes called interim care) of the Child Protection mob. This means the Child Protection mob will make the big decisions about your kids that you would normally make. Things like who your kids live with and where they go to school.

The Child Protection mob can give your kids back to the other parent if they think your kids will be safe with them. If the Child Protection mob does not give your kids back to you or the other parent, the law says that they must start a case in the Children's Court within 2 working days.

The Child Protection mob must give law papers to the court. These law papers tell the magistrate why your kids need protection and what protection orders the Child Protection mob wants the magistrate to make.

In regional areas, your case will be listed the next time the Children's Court is on.

In Perth, your case has to be listed at court within 3 working days.





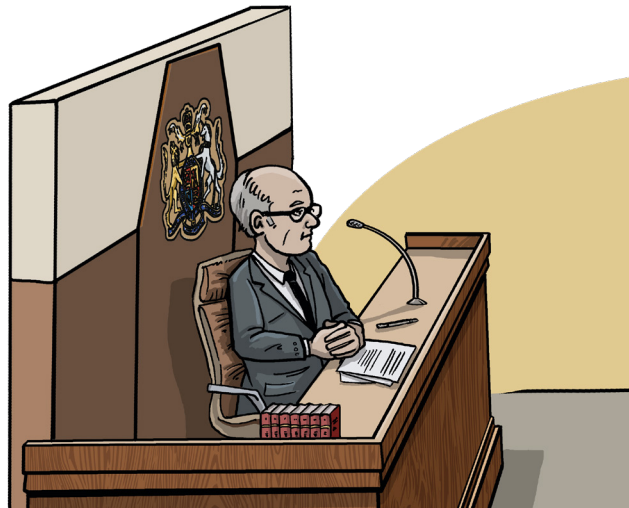
At the Children's Court

Once your case is at the Children's Court, the magistrate decides what is best for your kids. The magistrate will listen to everyone before making a decision.

You will get to have your say about what you think is good for your kids and what you think should happen to your kids.

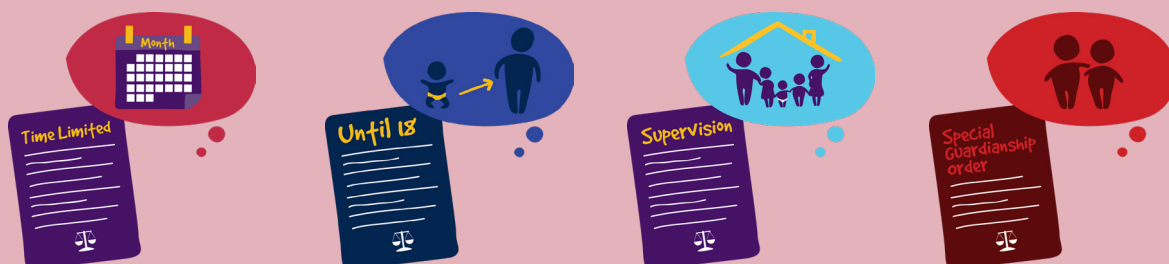
The magistrate has the final say on:

- » What, if any, short term or temporary orders are needed while the magistrate is deciding what to do with your kids
- » Whether your kids will be safe with you for now, or
- » Whether your kids must be on a protection order to be safe.



If your kids must be on a protection order, the magistrate must decide which one:

- » An order where the kids are with you, but the Child Protection mob comes around to check that things are okay. This is called a **protection order (supervision)**.
- » A short order, up to two years where you work on getting your kids back. This is called a **protection order (time limited)**. Sometimes your kids are living with you when this order is made.
- » An order until they are grown up. This is called a **protection order (until 18)**.
- » An order for your kids to live with a special carer (called a special guardian) until your kids are grown up. This is called a **protection order (special guardianship)**.





WHO IS TALKING TO MY KIDS WHEN THEY ARE LIVING WITH CARERS?



When your kids are taken from you by the Child Protection mob and your kids start living with carers, your kids may talk to different people.

When your kids are taken from you and put with carers this is sometimes called being in care.

Who your kids talk to will depend on why they have been taken from you and what is happening for them.



Child Protection mob

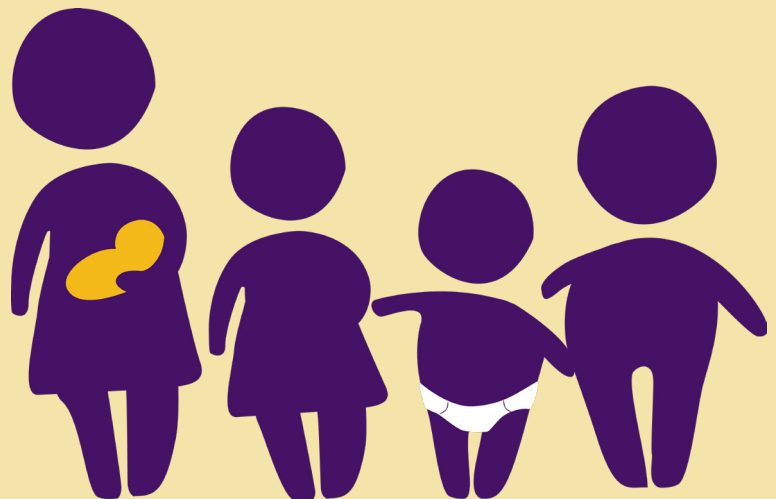
A Child Protection worker will talk to your kids first.

The worker wants to get to know your kids so they can find out what is going on and how to help them.

Sometimes the Child Protection worker will use a tool called **Three Houses** when talking to your kids.

One house is for worries, one house is for good things that haven't been happening and one house is for hopes and dreams.

Listening to your kids is very important.





WHO IS TALKING TO MY KIDS WHEN THEY ARE LIVING WITH CARERS?



Police

If your kid tells the Child Protection mob that they have been harmed, the Child Protection mob will talk to the police.

If the Child Protection mob are worried that your kids might have been hurt physically or sexually, your kids will talk to specially trained people from the ChildFIRST Assessment and Interview Team.



Doctors, health workers and counsellors

The Child Protection mob will take your kids to the doctor or another health worker for a check up when they first go into the care of the Child Protection mob.

The Child Protection mob may also take your kids to counselling.

Your kids may need to speak to a psychologist or other medical professionals, like speech workers. The psychologist might or might not work for the Child Protection mob.

Lawyers

The Children's Court magistrate may say your kids must have a lawyer to speak for them in court. The lawyer is specially trained to work with kids. If your kids are old enough the lawyer may meet with your kids. If the lawyer talks to your kids, the lawyer will ask your kids how things are going and what your kids want to see happen.





WHO'S WHO IN THE CHILD PROTECTION MOB?



Duty officer - This person hears the first stories about kids not being safe. The duty officer might be a senior child protection worker, or a junior, less experienced worker being supervised by more senior workers.

Child Protection worker - This person will come and talk with you if the Child Protection mob think that your kids are not safe or healthy. This person will help you sort things out to make it safe and healthy for your kids.



Team leader - Child Protection workers are divided into teams. Each team has a boss called a team leader who gives leadership and guidance to other workers in the team to make things better for kids. Each family is called a *case*. The team leaders give cases to workers to work on. Team Leaders check that each worker does not have too many cases.

Aboriginal Practice Leader - An Aboriginal person who works for the Child Protection mob. This person's job is to help the Child Protection mob understand more about Aboriginal culture, families and communities. This person's job is to make sure that Aboriginal kids who are not living with their families keep their connections to Country, kinship, language and culture.



Senior Practice Development Officer - This person talks to all the people working at the Child Protection mob and gives them advice to help them to do a better job. They tell the Child Protection mob when things should be done differently. They tell the Child Protection mob if workers need to learn new ways of working with kids and families.

Assistant District Director - An experienced Child Protection worker who helps the District Director and takes over when the District Director is away.

District Director - The boss of all the Child Protection workers in the region. This person has the final say for the Child Protection mob about whether:

- » Kids are allowed to stay with their parents if the Child Protection mob is worried about their safety.
- » It is safe enough for kids to go back home if the kids are in the temporary care of the Child Protection mob, or the kids are out of home on a protection order (time limited).



WHO IS LOOKING AFTER MY KIDS WHEN THEY ARE LIVING WITH CARERS?



The Child Protection mob will try to make sure that your kids live in a safe place when they are in care.

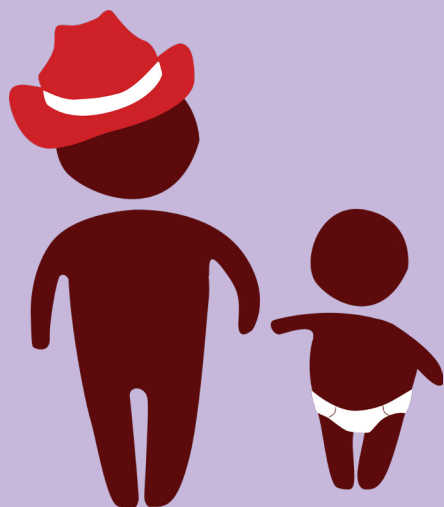
If your kids' case is at the Children's Court, the Child Protection mob or the magistrate must say who your kids can live with. This could be:

- » The other parent
- » Another family member who will keep your kids safe
- » Someone your kids know well, like a family friend or a teacher
- » People your kids don't know in foster care, including a group home run by an organisation such as *Life Without Barriers*, or sometimes by the Child Protection mob.

Your kids will come out of care when the Child Protection mob or the magistrate thinks it is safe for your kids to go back to live with you or the other parent. This might be after a short time. This might be after a long time. Sometimes it will not be safe enough ever for them to come home.



Can I tell the Child Protection mob who I think my kids should live with?



Yes. You can tell the Child Protection mob who you think is the best person to look after your kids. The Child Protection mob will check out who they are, where they live and who they live with. The person must get a Working with Children Check before they can look after your kids.

The Child Protection mob will try to put your kids with a safe family member or another person they know well. This person will look after your kids until:

- » The Child Protection mob says your kids can go back and live with you, or the other parent, or
- » The magistrate tells you and the Child Protection mob that it is safe for your kids to go back and live with you or with another safe person.

When your case is at court, you can tell the magistrate who you think is a good person to look after your kids.



WHO IS LOOKING AFTER MY KIDS WHEN THEY ARE LIVING WITH CARERS?



The law says it is good for Aboriginal and Torres Strait Islander kids to live in a place that respects Aboriginal culture, customs and traditions.

This means it is best for your kids to be cared for by family members, or community, or by an Aboriginal and Torres Strait Islander. If this does not happen the Child Protection mob has to work out other ways to keep your kids' connections to family, culture and community.



Will my kids always live with my family?

No. Sometimes the Child Protection mob will say your kids must stay with someone who is not family. This person is called a foster carer. This might be for a short time. This might be for a long time. It might be for a longer time if the Child Protection mob decide that your family members are not safe people for your kids to live with.

It will be for a short time if the Child Protection mob talks to your family and decides that they are safe people to look after your kids. Sometimes Working with Children and other checks need to be done. This can make it take longer for the Child Protection mob to decide what is happening.





WHO MAKES DECISIONS FOR MY KIDS WHEN THEY ARE LIVING WITH CARERS?



What decisions does the carer and the Child Protection mob make for my kids?

When your kids are living with carers, the carers decide about everyday things for your kids. Things like:

- » the food your kids eat
- » the clothes your kids wear
- » the time that your kids go to bed at night.

If it is safe and you get on well with the carer, maybe you can have a say in everyday decisions about your kids.

When your kids are living with carers the Child Protection mob decides about big things for your kids. Things like:

- » changing the place where your kids live
- » changing the place your kids go to school
- » sending your kids to the hospital for an operation
- » sending your kids to talk with a counsellor.

The law says you can have a say in big decisions about your kids. But the Child Protection mob has the final say, unless your kids' case is at court. When your case is at court the magistrate can make some of the big decisions until your case is finished at court.



What decisions does the special guardian make?

Sometimes the magistrate in the Children's Court will say that the carer who has been looking after your kids for a long time can be the one who decides big things for your kids.

If the magistrate decides to make the carer the *special guardian* of your kids it means the carer will be the one who makes both the big and everyday decisions for your kids until they turn 18.

The Child Protection mob or in some cases, the carer can go to the court and ask for this to happen.

You can have your say at court about whether you think that is best for your kids.





What if I don't agree with decisions the Child Protection mob make about my kids?

When you and the Child Protection mob do not agree on where your kids should live or when you should see them or other big decisions about your kids:

- » If your case is still at court, you can ask the magistrate to decide
- » If your case is finished at court but you are still working with the Child Protection mob to get your kids back, you must:
 - ◊ Tell the Child Protection mob at the monthly signs of safety meetings what you think is good for your kids
 - ◊ Tell the Child Protection mob at care plan meetings what you want to change
 - ◊ Ask the Care Plan Review Panel to change the care plan decisions made by the Child Protection mob that you think are no good for your kids.

A lawyer can help you to sort things out if you don't agree with a decision the Child Protection mob make about your kids. If you do not have a lawyer:

- » A trusted support person, or
- » If you live in the Perth metropolitan area, someone from the Family Inclusion Network of WA

may be able to help you.





WHAT IS A SIGNS OF SAFETY MEETING?



If the Child Protection mob is worried about things not being safe for your kids, they will want to work with you and your family.

The Child Protection mob will ask you, and people you want to support you, to come to meetings to talk about how to make things safe for your kids. These are called *signs of safety meetings*.

Signs of safety meetings happen:

- » When the Child Protection mob starts working with you and your family
- » When you are having a baby and the Child Protection mob has worries about the safety of your baby
- » When your case is at the Children's Court and the Child Protection mob is thinking about letting your kids come home with you
- » After the magistrate puts your kids on an order with a plan for your kids to come home and live with you.

What happens at a signs of safety meeting?

The Child Protection mob will talk to you about:

- » Any worries the Child Protection mob have about your kids or unborn baby.
- » The good things that are happening for your kids and your family (strengths). Things that you already do, or did do, to keep your kids safe.
- » What needs to change to make it safe for your kids in the future.

You can speak up and have your say at the signs of safety meetings. The Child Protection mob want to hear what you have to say. Your family and support people can also speak up at the meetings.





WHAT IS A SIGNS OF SAFETY MEETING?



Who can go to a signs of safety meeting?

You can bring any family, friends or other support people who are helping you to the signs of safety meetings.

It is best to bring safe people who will help you keep your kids safe.

The Child Protection mob will come to the signs of safety meeting. The case worker, the team leader and the Aboriginal Practice leader or another Aboriginal worker will also go.

Ask for an interpreter if you need one.



Who runs the signs of safety meetings?

This depends on the type of signs of safety meeting.

When the meetings are at the Child Protection office, someone from the Child Protection mob will run the meeting.

The person will not be a worker on your case.

If your case is at court and it is a *child protection mediation style conference*, it is organised by a Legal Aid WA staff member and it will be run by someone with special training.

All the lawyers will go to this meeting. Your lawyer will go and so will the Child Protection mob's lawyer.

If the other parent has a lawyer that lawyer will go too.





WHAT IS A SIGNS OF SAFETY MEETING?



How many signs of safety meetings will there be?

If the Child Protection mob is worried about the safety of your unborn baby, they will want to have a few signs of safety meetings with you, and your support people, before your baby is born. There are usually about three meetings.

At these meetings you and the Child Protection mob try to come up with a plan to make your baby safe.

While your case is at court, or when your kids are on a protection order (time limited), you should be having signs of safety meetings about once a month. Your case might be at court if the Child Protection mob is asking the court for a protection order (time limited), or if your kids are on a protection order (time limited) and your case has come back to court.

Do I have to go to a signs of safety meeting?



Yes. The signs of safety meetings are a way of working together with the Child Protection mob to make things better for your kids. You and the Child Protection mob will come up with some plans to keep your kids safe. These are called safety plans.

At the signs of safety meeting, you can **tell** the Child Protection mob how you think things are going. You also get to **listen** to how the Child Protection mob think you are going.

At the meetings you can **tell** the Child Protection mob:

- » About all of the good things happening for you to make it safe enough for your kids
- » If you need any help to make things safe
- » About things the Child Protection mob have got wrong.

If you are having trouble getting to signs of safety meetings, you can talk to the Child Protection mob to make sure the meetings are held at good times for you.



SCALING AT A SIGNS OF SAFETY MEETING



Sometimes the Child Protection mob want everyone to think about how safe your kids are right now.

They use a safety scale like the one below marked 0 to 10. Everyone at the meeting is asked a question to work out how safe your kids or new baby are now. Then everyone gets to mark it on the scale.

The safety scale is not always used in the same way by the Child Protection mob. So the person who runs the meeting, called the chairperson, will explain what 0 means and what 10 means.

The chairperson will ask you to say where you think you are on the safety scale.

The Child Protection worker and Team Leader will scale the situation for your kid or baby now.

Other people at the meeting will also be asked to rate the situation for your family the way they see it now.

When everyone's scaling is done, people will talk about what the situation would look like for the scale to be the best result for the family.



Scaling does not have to be from 0 to 10. For kids, scaling can be completed by the use of diagrams and pictures such as a line which goes from a sad face (0) to a smiley face (10).

The same questions can be used at meetings over time to show progress made by your family towards more safety for your kids or baby.

Some examples where a scaling question might be asked are when there is family violence in a relationship, the Child Protection mob is considering unsupervised visits with your kids, or a decision is being made about your kids coming home.



The Child Protection mob has a policy about what happens when your kids are taken from you by the Child Protection mob and your kids start living with carers.

A policy is a way of guiding the Child Protection mob in how they do their job of keeping kids safe now and in the future. It is not the law.

The Child Protection mob's permanency planning policy may apply to your kids. It is a guide to help make sure kids have well worked out plans for their care in the long term, so they don't end up living with many different people or in many places.



Two long term plans

If your kids are taken from you by the Child Protection mob and your kids start living with carers, two plans will run alongside each other:

1. A plan with the long term goal of your kids going back to live with you, or the other parent, or both of you if you are together.
2. A back-up plan for your kids having someone else look after them in the long term if your kids can't go back to live with you or the other parent. It can sometimes take a long time to work out the back-up plan as the Child Protection mob have to talk to family members and check out what they can offer.

When your kids are taken from you by the Child Protection mob and your kids start living with carers, with the Child Protection mob policy you will be given a set amount of time to work on fixing things to make it safe enough for your kids to come back home.

- » If your kids are under 3 years of age, you get 12 months to sort things out.
- » If your kids are older than 3 years of age you get 2 years to sort things out.

After this time, the Child Protection mob will decide about what they think is best in the long term for your kids.





If the Child Protection mob think there are signs of change over time in what you are doing and that you are making things safe enough for your kids, the plan will be to give your kids back to you. Your kids may already be back with you.

If the Child Protection mob thinks things are not changing, or have not changed enough, and it is not going to be safe at home for your kids, then the Child Protection mob will go to the back-up plan until your kids are 18 years of age.

Who makes the final decision?

The Child Protection mob will bring your kids' cases back to the Children's Court to ask the magistrate for the court order the Child Protection mob think is best for your kids.

A court order is not the same as the Child Protection mob's policy.

Once your kids' cases are at court, it is the magistrate who will make the final decision about what is best for your kids.

The law says that you can have a say at court. You can speak to the magistrate yourself if you don't think the Child Protection's mob plan is a good one for your kids or you don't think the orders they are asking for are good for your kids.

If you feel like you are not strong enough to speak up in court, you can ask your lawyer to speak for you.





WHAT HAPPENS IN THE CHILDREN'S COURT?



The law says the Child Protection mob has to start a court case in the Children's Court if they want to put your kids on a protection order to make sure they are safe.

The law says the magistrate in the Children's Court has the power to make a protection order for your kids. A protection order is a law paper with rules that everyone must follow. It says who can make the big decisions for your kids.

Maybe the magistrate will decide that everything is good for your kids and that no protection order is needed to make your kids safe.



Will I get a say?

The law says that when a magistrate decides about where the kids will live or when a magistrate makes rules about kids, the magistrate must think about what is best for the kids.

The law says that what is good for the kids is more important than what is good for the parents or what is good for the Child Protection mob.

This law is called making a decision in the best interests of the child.

The magistrate will listen to everyone before deciding. You and the other parent get to have your say. So does the Child Protection mob. Sometimes your kids get a say. If you feel like you are not strong enough to speak up in court, you can ask your lawyer to speak for you.

You can put in your own court paper called a *response*. This is a law paper that tells the magistrate your side of the story. You must tell the truth about your story.

Other ways the Child Protection mob or the court get information about you

Sometimes reports about you are needed by the Child Protection mob or by the court. These are often reports about whether you can meet all of your kid's needs and be a good enough parent. The report might say that as a parent, you need some help to make things safe enough for your kids. It might say you will never be able to meet your kid's needs.

Sometimes it takes a long time for these reports to be done.



WHAT HAPPENS IN THE CHILDREN'S COURT?



How long will my court case take?



Each case is different. Your court case may take a short time. Your court case may take a long time with many court dates. How long it takes depends on when everyone can agree on what is good for your kids. If there is no agreement your case will go to a final hearing in front of the magistrate. The magistrate then decides what is best for your kids.

The Children's Court will try to have a final hearing as soon as it can on a day that suits the the court, the Child Protection mob, you, any other people who can have a say, and the lawyers.

Sometimes the final hearing will be after a few months. Sometimes the final hearing will be after many months.

Do I have to come to court?

Yes. It is good to go to court so that you can tell your story. You must come to court every time. If you miss a court date, make sure you come on the next court date.



What is a mention date?

The first court date is called a mention. There may be many mention dates after that. The mention date is a short court hearing. On mention dates there is not a lot of time to talk about your case. If more time is needed to talk about your case the magistrate can put your case off to another day for:

- » a short hearing, or
- » a child protection mediation style conference, or
- » a pre-hearing conference, or
- » a final hearing.

The judge in the Children's Court can also list your case for a review hearing before a final hearing.



WHAT HAPPENS IN THE CHILDREN'S COURT?



What can I ask for?

You can ask for things like more time with your kids, for time by yourself with your kids or for your kids to live with the person who you think is best.

If the Child Protection mob say yes, this can happen without a court order. If the Child Protection mob say no, then you have to put some law papers into the court and ask the magistrate to decide about these things. You can put this in your *response*.

Sometimes the Child Protection mob, the parents, the children's lawyer, if there is one, and anyone else the magistrate has said can have a say, can agree on what is good for your kids.

If there is no agreement, at the final hearing, also called a trial, the magistrate will listen to the Child Protection mob, the children's lawyer, you, the other parent, and your lawyers if you have lawyers.

The magistrate might ask people questions about your kids to find out if your kids are safe. Then the magistrate will think about what is best for your kids.

At the end of the trial, the magistrate will make rules (called orders) about your kids. The magistrate might also say no rules are needed.



What does the magistrate make a decision about?

The magistrate in the Children's Court can decide whether:

- » you and your family need help to make sure things are safe enough for your kids at home
- » your kids can live at home now, or
- » your kids need to be out of home for
 - ◊ a short time, or
 - ◊ a longer time, or
 - ◊ until they are grown up.



CHILDREN'S COURT LAW PAPERS



At the start of your kids' court case, the Child Protection mob will give you two law papers:

1. **Application - Protection and Care of Children.** This tells you:
 - a. Which final order the Child Protection mob is asking the court to make. Sometimes the Child Protection mob will ask for an order while the court is still deciding what to do. This is called an interim order.
 - b. The parts of child protection law the Child Protection mob think apply to your kids.
 - c. The court date and time.
 - d. The place where the court will hear and decide your case.
2. **Affidavit - protection and care.** This law paper tells the story about why the Child Protection mob has started a case for your kids in the Children's Court. This tells the magistrate the Child Protection mob's main worries.



Show any law papers you get from the Child Protection mob to your lawyer.

Your law papers usually have very private information about you and your family so keep them in a safe place.

Later the Child Protection mob will give you another law paper called a **Written Proposal**. Sometimes you will get this at the start of your case.

What is a Written Proposal?

A Written Proposal is a law paper written by the Child Protection mob to tell the magistrate about plans for your kids. The Child Protection mob will meet with you to talk about what gets put in the Written Proposal.

The Written Proposal will have rules about your kids, like who your kids live with, where they will go to school and how they will stay connected to culture. When your kids are not living with you, it is like a map to follow to make it safe enough for your kids to come home.

The Written Proposal also might tell you:

- » What you must do so that you can keep your kids
- » What you must do so that you can spend more time with your kids
- » If another adult will be at the visits to check things are safe enough for your kids (this is called *supervised visits*)
- » If you can get your kids back, how long this might take.

The Child Protection mob might make changes to the Written Proposal if you show that these changes are good for your kids. Your lawyer can help you try to get these changes.





For a protection order (time limited)

When the Child Protection mob are asking the court for a protection order (time limited) and your kids are not living with you, the Written Proposal will say what you have to do to make it safe enough for your kids to come home. If it is good for your kids, it will have a plan that sets out what you have to do to get:

- » more visits with your kids
- » visits with your kids by yourself without anyone being around to check things are safe enough for them (this is called *unsupervised visits*)
- » overnight visits.

If you follow this plan, it will help you to get your kids back at home with you all of the time.

When the Child Protection mob is asking the court for a protection order (time limited) and your kids are living with you, the Written Proposal will say what you have to do to keep it safe enough for your kids to stay at home and so the Child Protection mob do not need to work with your family by the time the order ends.



For a protection order (until 18)

When the Child Protection mob is asking the court to put your kids on an order until they are grown up, called a protection order (until 18), the Written Proposal will say who your kids will live with.

If it is good for your kids, it will set out when you can see them and whether these visits will be supervised or unsupervised.





CAN I PUT IN MY OWN LAW PAPER TO THE CHILDREN'S COURT?



Yes. You can put in your own law paper called a *response*.

When you put in a *response* it will help the magistrate, the Child Protection mob, your kids' lawyer if they have one, and anyone else who has a say in your case, know what you agree with and what you don't agree with. This will help the magistrate work out how long your case will take and what steps it will need to go through.

What should I put in my response?

In your *response*, you can talk about:

The Child Protection mob's affidavit. You can say which parts you think are right and which parts you think are wrong. You can also talk about the good things happening for you and your family that the Child Protection mob has left out.

The good things you have done since the Child Protection mob sent their application to court. This will be different for each mum or dad, but it can be things like:

- » going to drug and alcohol counselling
- » creating a stronger support network
- » leaving your violent partner
- » doing family violence counselling
- » taking out a family violence restraining order against your former partner
- » getting a mental health plan and following it
- » doing a parenting program
- » going to all your visits with your kids.



What you think is a good plan to make your kids safe.



CAN I PUT IN MY OWN LAW PAPER TO THE CHILDREN'S COURT?



The short term plans you want while the case is going at court.

Things like:

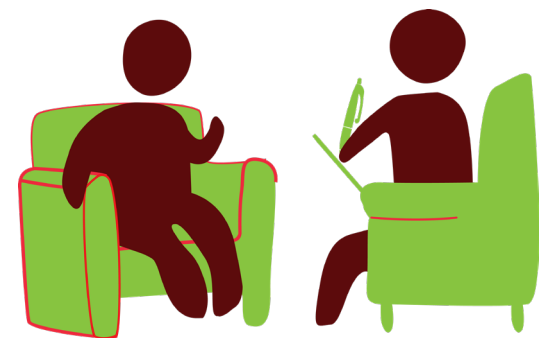
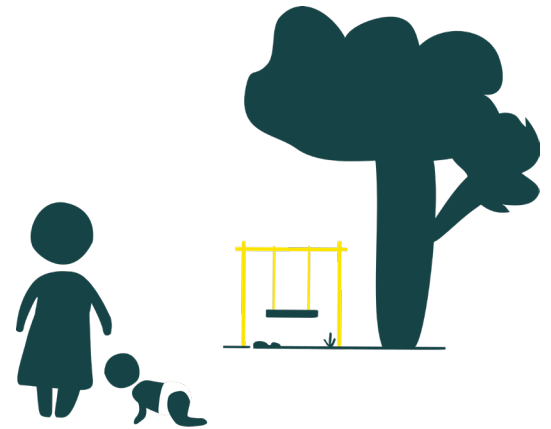
- » how often and for how long you can see your kids if they are not living with you.
- » not needing anyone to watch over your visits with your kids (this is called unsupervised visits).
- » whether your kids should live back with you or a family member if it is safe enough.

In your *response*, it is good to put things that show you have done what you say you have done. This is called proof. Proof can be things like:

- » a letter from your counsellor saying you have been going to counselling, how many times you have been and what you have been getting out of counselling.
- » a certificate saying you have completed a parenting program.
- » a copy of your mental health plan.
- » a letter from your doctor saying what medication you are taking and why.
- » a copy of the family violence restraining order you have taken out against your former partner.

You must tell the truth when you put in a *response*. When you sign your *response*, you must have an authorised person as a witness.

An authorised person can be a lawyer, a justice of the peace, or a registrar at the court. A lawyer can help you to write your *response*.



What happens after I put my *response* in at court?

When you take your *response* into the court house have enough copies for the court, the Child Protection mob, the other parent, your kids' lawyer and anyone else the magistrate has said can have a say. Give the original and the copies to the court workers. They will put the court stamp and the next court date on them. Then the court workers will give you back the copies of your *response* with the court stamp on it.

You must then give a stamped copy to:

- » the Child Protection mob,
- » your kid's lawyer, if they have one,
- » and anyone else who has a say in your case. If there is a family violence restraining order in place against you, someone else will have to help you to do this.

A lawyer can help you to do this.



CHILDREN'S COURT ORDERS To PROTECT YOUR KIDS



The law says the magistrate has the power to make a protection order for your kids to make them safe. This order is a law paper with rules that everyone must follow. The magistrate can make rules like who your kids will live with, where your kids go to school and other things to make your kids safe.

The magistrate can make orders like these to last for a short time. These orders are called **interim orders**. It means that the magistrate has not finished deciding about what is best for your kids. The magistrate will say how long those rules will last for. The orders that last for a short time while your case is going on can be about things like:

- » Your kids staying in the temporary care of the Child Protection mob
- » Your kids staying with you
- » Your kids staying with another person in your family
- » How often you see your kids, if they are not with you
- » Whether another adult needs to be with you when you see your kids (supervised visits).

The magistrate can make **final orders**. Your case at the Children's Court **ends** when a final protection order is made. The magistrate can also say no protection order is needed. There are four types of final protection orders.



1. Protection order (supervision)

This is a law paper (called an order) from a magistrate. Your kids will live with one or both parents. You decide everything about how your kids live. The order might have some rules about keeping your kids safe and healthy. You must follow these rules. The paper also gives the Child Protection mob the power to come to your house and check that your kids are safe.



2. Protection order (time limited)

This is a law paper (called an order) from a magistrate. This paper gives power to the Child Protection mob to decide many things about your kids, like where your kids live and where they go to school. The paper will say how long the Child Protection mob can decide about your kids.

Maybe if you show the Child Protection mob that it is safe enough for your kids to live at home with you, the Child Protection mob might say that your kids can live with you again.





CHILDREN'S COURT ORDERS To PROTECT YOUR KIDS



The Child Protection mob works with you to sort things out so it is safe enough for your kids to come home. Sometimes your kids are living with you when this order is made.

How long does a protection order (time limited) last?

The longest time that this protection order can last is 2 years without going back to court. Sometimes the order is made for 12 months. Sometimes less than 12 months. Sometimes the order is made for 18 months. Sometimes the order is made for 2 years.

Before the order ends, the Child Protection mob can put in law papers to ask the magistrate at the Children's Court to keep the protection order (time limited) going for up to another 2 years. You can say at court you agree with this. You can say at court you do not agree. The magistrate does what is best for your kids.

3. Protection order (until 18)

This is a law paper (called an order) from a magistrate. This paper gives power to the Child Protection mob to decide many big things about your kids, like who looks after your kids, where your kids live and where they go to school. This protection order says the Child Protection mob can decide about your kids until your kids turn 18 years old.



4. Protection order (special guardianship)

This is a law paper (called an order) from a magistrate. The order says that a person called a special guardian will look after your kids until your kids are 18 years old. Your kids will live with the special guardian. The special guardian has the power to decide many big things for your kids. When a magistrate makes the carer a special guardian, the Child Protection mob will stop checking on your kids. The order can say when you can see your kids.

Carers who have been looking after kids for 2 years while the kids have been on a protection order (time limited) or a protection order (until 18) can apply to the Children's Court for a special guardianship order. The Child Protection mob can apply for a carer to be made a special guardian at any time. Only a magistrate can make a carer a special guardian.



Can I get rid of a final protection order?

You can put in law papers to the Children's Court asking the magistrate to revoke or cancel a final order. The magistrate decides what is best for your kids.

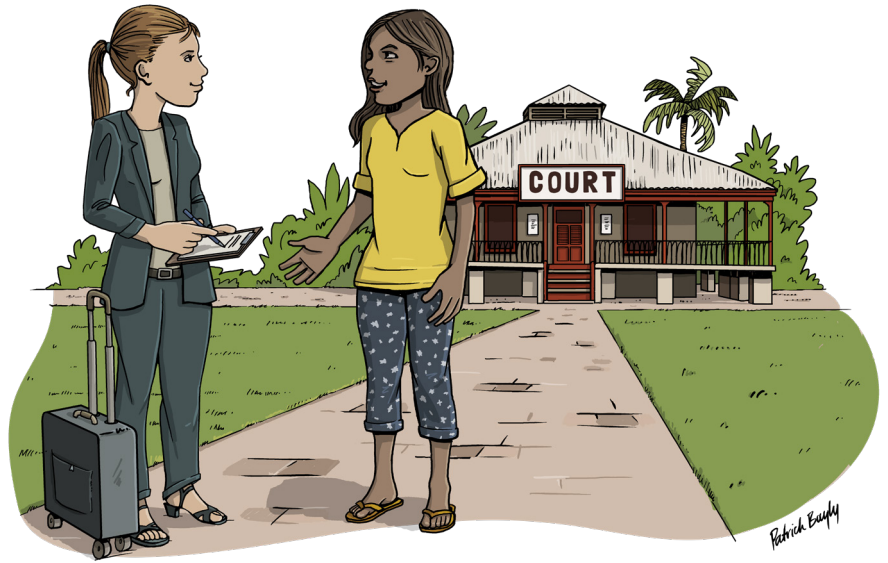


WHAT DO LAWYERS DO IN CHILD PROTECTION?



In child protection cases, a lawyer can help and speak up in court for:

- » You and the other parent
- » Your kids, in some cases when the magistrate says they need a lawyer
- » The Child Protection mob
- » Long term carers who are saying to the court they want to be able to make the big decisions for your kids (the carers are called the proposed special guardians), and
- » Anyone else the magistrate has said can have a say in your kids' case.



Lawyers for parents

A lawyer can help you if you are a pregnant mother and the Child Protection mob is working with your family.

A lawyer can help you if your kids' case is at the Children's Court.

Your lawyer will:

- » Explain child protection laws to you and how the court works.
- » Talk to you about why the Child Protection mob brought your case to court. They will tell you the worries written down on the court papers from the Child Protection mob.
- » Ask what you want to do.
- » Tell you what they think (as a lawyer) about your chances of getting what you want.
- » Tell you what steps you need to take to get your kids back
- » Tell the court and the Child Protection mob the good steps you are taking to get your kids back.





WHAT DO LAWYERS DO IN CHILD PROTECTION?



- » Speak up for you in court and with the Child Protection mob if you feel like you are not strong enough to tell your story.
- » Help you write your court papers like an application, a *response*, an affidavit.
- » Help you work things out with the Child Protection mob.
- » Help you after your kids are put on an order, if things are not going well.

Your lawyer must act on your instructions. This means the lawyer must do what you say and help you get what you want.

It is good for you and the other parent to talk to different lawyers even if you both want the same thing. The rules for lawyers say it is wrong to be the lawyer for two people in the same child protection case.

Lawyers for kids

In some cases in the Children's Court, the magistrate will say it is good for your kids to have a lawyer. The law says that parents or the Child Protection mob can ask the magistrate to give your kids a lawyer. The magistrate can say yes. The magistrate can say no. Your kids' lawyer is called a **child representative** (or a separate representative).

Your kids' lawyer's job is to help the court work out what your kids want or what is best for your kids. Your kids' lawyer will speak with your kids, if they are old enough, and listen to your kids' story. Sometimes your kids will tell the lawyer what they want. If your kids are old enough to understand, your kids' lawyer will tell them what happens at court and the decisions the court might make about their future.



Lawyers for the Child Protection mob

The Child Protection mob has their own lawyer to speak for them in court.

Their job is tell the court what the Child Protection mob think is best for your kids.



Keeping kids safe is the law in WA

The law about keeping kids safe is in writing and is called the *Children and Community Services Act 2004 (WA)*.

The law can help our families keep our kids safe.

The law can help you to:

- » Talk to the Child Protection mob and the magistrate about what you think is good for your kids
- » Get to spend more time with your kids
- » Keep your kids connected to family, language, traditions and land (your people and places of your culture), and
- » Work with the Child Protection mob to get your kids with family.



The law says the most important thing is your kids and what is best for them

The law says families, the Child Protection mob and the magistrate must think about:

- » Your kids' need to keep in contact with you and other relatives (uncles and aunts, brothers and sisters, grandparents and cousins) or anyone that is important in their lives: *section 8(1)(h)*. When it is safe, the Child Protection mob need to support your kids to spend time with you and other important people: *section 9(g)*.
- » What your kids need as they grow, including physical, educational, emotional, spiritual, intellectual and developmental needs: *section 8(1)(k)*.
- » The importance of keeping your kids connected to their family, culture, religion or ethnicity. This includes keeping a connection with their Aboriginal and Torres Strait Islander family, culture, lifestyle and traditions - *section 8(1)(j)*. One way this could happen is by your kids seeing you and other family members more often and getting out onto their Country, if this is good for your kids.





WHAT THE LAW SAYS ABOUT CHILD PROTECTION AND ABORIGINAL FAMILIES



KEEP EM SAFE

- » How your kids grow up connected to culture given Aboriginal culture and identity is unique: *section 8(1)(j)*. When it is safe, spending time with lots of family on Country and talking your language is the best way to do this.
- » How growing up and living connected to culture is good for your kids. This is called the *Aboriginal and Torres Strait Islander Placement Principle*.
 - ◊ It says that if your kids can't live with mum or dad they should live with family,
 - ◊ If your kids can't live with family, they should live with an Aboriginal person (carer) in their community,
 - ◊ If your kids can't live in their community, they should live with an Aboriginal person (carer),
 - ◊ If an Aboriginal carer can't be found your kids should live with someone who can grow up your kids with a connection to their Country, family, culture and language: *section 12*.



The law says

that you, as a parent, and other members of your kinship community should have a say about what is going on with your kids:

- » The principle of self-determination says that Aboriginal people should be allowed to be involved in the protection and care of your kids and have as much a say in what goes on as possible: *section 13*.
- » The principle of community participation says that someone from your kinship group, community or a representative Aboriginal organisation from where you live should be able to have a say in making big decisions about your kids: *section 14*.
- » You can use *section 81* to make sure an Aboriginal or Torres Strait Islander Child Protection worker or Aboriginal Practice Leader has a say when the Child Protection mob is making a decision about who your kids live with.





The law says every kid who is on a protection order (time limited) or a protection order (until 18) must have a care plan.

What is a care plan?

A care plan is a written paper that sets out:

- » What your kids' needs are
- » How your kids' needs will be met
- » The decisions that have been made about the care of your kids.



When is a care plan made?

A care plan is made as soon as possible after a magistrate puts your kid on a protection order that gives the Child Protection mob the power to make the big decisions for your kid.

This should be within *30 working days*.

Who makes the care plan?

The care plan is made by the Child Protection mob.

What is a care plan meeting?

The Child Protection mob will have a care plan meeting. At the meeting the Child Protection mob will make care planning decisions about your kid. Things like when your kid can visit you or the other parent, their brothers and sisters and other family members and where your kid lives.

The law says the best interests of your kid is the most important thing to think about in making care plan decisions.



Can I get a copy of the care plan?

After the care plan meeting, the Child Protection mob must give you a copy of the care plan, or a changed plan, showing the care plan decisions, unless they think it is not safe to do so.

The Child Protection mob will not give you a copy of the care plan if they think that this will make it not safe for your kid or another person.

You should talk to a lawyer if the Child Protection mob says you can't have a copy of the care plan.

Can I have a say about what goes into a care plan?

Yes. The law says that you and other people who are important in your kids' lives can have a say in decision making processes that are likely to have a big impact on your kids.

This means that you can speak up and have your say about what you think should go into in your kids' care plans. The Child Protection mob should talk to you to try to make care plan review meetings at times and places that suit you. You will also be given the chance to put in a report about what you think is good for your kids for care plan meetings.

You will not have the final say about what goes in the care plan for your kids.

This is decided by the Child Protection mob.



Can care plans be changed?

Yes. A care plan can be changed at any time if the Child Protection mob think it is good for your kid.



Do care plans get reviewed?

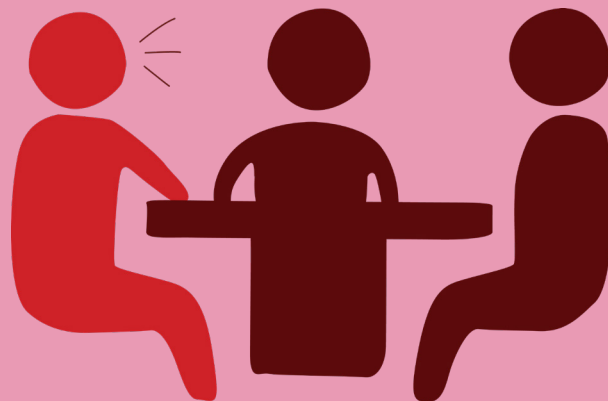
Yes. The Child Protection mob has to check the plan is still good at least one time every 12 months. This is called a review of the care plan.

The Child Protection mob has to think about what you, the carer, your kid and anyone else who the Child Protection mob says can have a say, think in doing the review of the care plan.

What if I don't agree with a care plan decision?

The first thing you should do is speak to the Child Protection worker who ran the care plan meeting. You can talk to them about the decision or decisions you are not happy with. Maybe you can get some changes made to the decision. Maybe by talking to the Child Protection mob you might understand more about why the decision was made.

After speaking to the Child Protection worker who ran the meeting, if you still think a decision is not good for your kid, you can ask the *Care Plan Review Panel* to review the decision. You have to fill in a form. You can get this form from the Child Protection mob.



You only have a short time to apply for a review.

You must do this **within 14 days** from when you get a written copy of the care plan or changed care plan.

Sometimes you can ask for an extension of time to apply for review.

You should talk to a lawyer if you need help to put in your application for a review.

If your kids are on a protection order (time limited), you will have monthly signs of safety meetings with the Child Protection mob. You can raise worries you have about what is happening for your kids or plans for your kids at these meetings.



WHAT HAPPENS IN THE FAMILY COURT?



The Family Court is a helping court not a punishing court. Families can go to the Family Court for help when they do not agree on what is best for the kids. The Family Court can also help when the Child Protection mob is involved. The Family Court can make orders that will keep your kids safe enough so the Child Protection mob does not have to keep working with your family.

The Family Court magistrate or judge can make parenting orders. These are law papers that must be followed. The law papers can have rules about lots of things. The law papers can say who your kids live with, who they spend time with and who can make the big decisions for your kids.



Best interests

The law says that the magistrate or judge must think about what is best for your kids when the magistrate or judge decides where your kids will live, who they will spend time with and any other rules.

The law says that what is good for the kids is more important than what is good for the parents or the carer.

The law is called *making a decision in the best interests of the child*.

Parental responsibility

A law paper can make a rule about who can make the big decisions for the kids. Big decisions are decisions like where the kids will go to school and when they need to go to hospital. This is called having parental responsibility.

A magistrate or judge has power to make an order that says who will make these decisions. A magistrate or judge can say more than one person can make the big decisions.

When a family cannot agree about who will make these big decisions, a mum, dad or another person in the family might go to court and ask the magistrate or judge to make an order about who can make the big decisions.



Live with and spend time with orders

The Family Court magistrate or judge has the power to decide about things like where your kids will live, who must look after your kids, when your kids will stay with mum, when your kids will stay with dad, or when your kids will stay with another carer.

A law paper that says who your kids will live with is called a *live with* order.



WHAT HAPPENS IN THE FAMILY COURT?



When your kids are not living with you, the Family Court magistrate or judge can make law papers about when you can spend time with your kids. These law papers are called **spend time with** orders.

Sometimes, when the Child Protection mob is involved, and mum and dad need time to fix things up to make things safe enough for their kids at home, mum or dad could agree another family member like a grandmother or uncle could look after the kids until things are fixed up at home. Mum, dad and the family member could agree to go to the Family Court to get parenting orders for the kids to live with the family member and for mum and dad to spend time with the kids.

The Family Court magistrate or judge also decides who must pay for the things your kids need.

Before you can go to court

Sometimes before the Family Court will start hearing your case, you must go to family dispute resolution. This is also called mediation. At mediation, a person called a mediator helps all the family members and anyone else who needs to be there to talk together about a problem. Maybe some of those people are angry or upset at each other. The mediator helps everyone to talk to each other in a safe place and in a respectful way to try and agree about what will be good for your kids.

When everyone agrees on what is good for your kids, you can ask the magistrate (or judge) to make consent orders. When mums and dads or other carers can't agree about looking after the kids, they can go to the Family Court and ask the magistrate (or judge) to decide about those family problems.



Lawyers for kids in Family Court cases

Sometimes in cases about parenting orders in the Family Court, parents and other family members might want different things. The court might say that your kids need a lawyer to help the magistrate (or judge) decide what is best for your kids in parenting orders.

The lawyer is called an Independent Children's Lawyer (ICL). The ICL makes sure the court has all the information about your kids to help the court make the best decision for your kids.





PRACTICAL TIPS FOR PARENTS ON CHILD PROTECTION



- 1. Look after yourself first.** There are many things that can make you feel sad or no good. When you feel this way, it is hard for you to be a good parent for your kids.

There are many different people who can help you heal when you are feeling no good. It is good to ask for help so that you can feel better.

There is help in your community to fix your hurt, pain and trauma, so you can feel good about change for your kids. Do counselling about the things that worry you and stop you from putting your kids first. Then you can be a great parent for your kids.



- 2. Healing takes time.** Sometimes healing can take a long time. Don't give up. Sometimes you might take some steps backwards or sideways before you can take steps forward again.

- 3. Make things better by working with the Child Protection mob.** Go to meetings with the Child Protection mob. The signs of safety meetings are the most important. At meetings, you can:

- » Speak up about what is going on for your kids.
- » Talk about the good things that you have been doing.
- » Check that what you are doing is heading in the right direction to make things better.
- » Hear what the Child Protection mob thinks about what you are doing.

- 4. Nothing that you say to the Child Protection mob is secret.** Remember that everything you say to the Child Protection mob gets written down. If your case ends up in the Children's Court, the Child Protection mob will tell the magistrate what you have said to them.



PRACTICAL TIPS FOR PARENTS ON CHILD PROTECTION

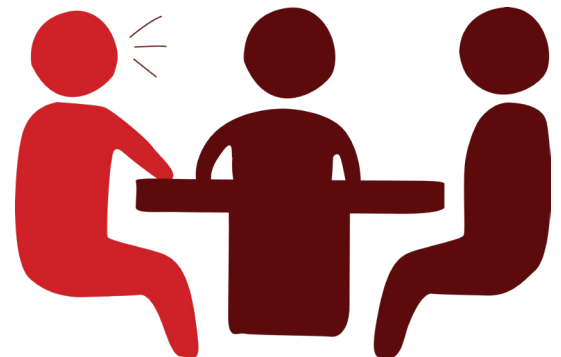


5. **Some things that you say to a psychologist will not be secret.** A psychologist is a person with lots of training to understand the way people think and act. A psychologist can help you to become strong in your thinking and become a better mum, dad or carer for your kids. The psychologist will keep most of the things you tell them secret, but there are some things the law says the psychologist must tell the magistrate and the Child Protection mob. When the psychologist talks to you to write a report for court or for the Child Protection mob, what you say to the psychologist will not be secret.
6. **Go to court.** Be on time. This is where you can find out what is going on and have your say about what you think is best for your kids. If you miss one court date don't give up. Ring the court, your lawyer or your case worker to find out the next court date and go on that day.

7. **Speak up and have your say.** Speak up when your case is at court and at signs of safety meetings. Tell the Child Protection mob and the magistrate about what you think is good for your kids.

Sometimes when you are talking to Child Protection workers or your lawyer about problems with your kids, you might feel shame. You might not want to speak up and say what you think. It is good to tell the Child Protection workers, lawyers and magistrate what you think is good for your kids. If you feel like you are not strong enough to speak up and tell your story, you can get a lawyer to help you. The lawyer will listen to your story and talk for you to the magistrate and the Child Protection mob.

Speak up if you are confused about what is going on. You can ask your lawyer, the magistrate or the Child Protection mob if you are not sure about what is happening or what you have to do.



8. **Ask for an interpreter** if you need one for meetings with the Child Protection mob or at court.



PRACTICAL TIPS FOR PARENTS ON CHILD PROTECTION



9. Respect the Child Protection mob, the court, yourself, your partner, and other people in your case. You can show respect by:

- » **Being on time** for meetings and court dates. Talk to the Child Protection mob to set up meeting times that are good for you. If you miss a meeting or a court date, don't give up. Make sure you get to the next one.
- » **Listening** to what others have to say. Work with the Child Protection mob rather than against them. This is the fastest and a good way to sort things out.
- » **Not shouting or yelling.** Try and stay calm even when you feel upset or angry. Think about the big goal of getting your kids back living with you.



The Child Protection mob should also respect you. You can ask for the Aboriginal Practice Leader or another Aboriginal Child Protection worker to come to meetings with you if you feel that you are not being respected. You can also speak to your lawyer.

Make sure you also respect yourself.

10. Find some safe people who can help you follow the rules and make things safe for your kids.

These can be family members, friends and community members. Your safe people will need to come with you to meetings with the Child Protection mob.

11. Make the most of your visits with your kids. Be on time. Your kids will be happy to see you. Visiting your kids helps you stay connected with them. Listen, play and talk with your kids. When you can, bring something healthy for them to eat and drink. Doing these things helps show the Child Protection mob and the magistrate that you care about your kids. It also helps your kids know that you are okay.

Ask for help if you are finding your kids hard to manage at times during the visits. If you think it is good for your kids to visit with you more, talk with your Child Protection worker and your lawyer about this. If you miss a visit with your kids, make sure you get to the next one. Don't give up.



12. Keep a record of everything you do to make things safer for your kids. Make a note of all of the meetings you have gone to with the Child Protection mob and other support services. Maybe you can put all of this into your phone.



PRACTICAL TIPS FOR PARENTS ON CHILD PROTECTION



13. Don't give up when you:

- » **Get told your kids are going into the care of the Child Protection mob.** You will be able to speak up and have a say at court and with the Child Protection mob about what you think is best for your kids.
- » **Miss a visit with your kids.** Ring up the case worker if you can't make it. Talk to them about making the next visit at a time that is good for you.
- » **Miss a meeting with the Child Protection mob.** Ring up the case worker if you can't make it. Talk to them about making the next meeting at a time that is good for you.
- » **Can't make it to court.** Ring the court or your lawyer and explain why you can't come. Make sure you go on the next court date.
- » **Breach a safety plan.** Talk to your Child Protection worker about how to make sure you will follow the safety plan next time.
- » **Don't feel listened to or respected by the Child Protection mob.** Tell someone how you feel. You can talk to:
 - ◇ Your lawyer
 - ◇ A support person
 - ◇ The Aboriginal Practice Leader.
- » **Feel things are not going well.** Remember that change can take a long time. Healing can take a long time.
- » **Find out your partner is not making things safe for your kids.** Think about what you can do by yourself, with help from your support people, to make things safe for your kids.
- » **Drink too much one day.** Speak to your alcohol counsellor to have a plan to make sure it doesn't happen again.
- » **Use gunja or meth.** Speak to your drug counsellor to have a plan to make sure it doesn't happen again.



14. Focus on what is good for your kids and on the future. Try not to worry too much about the small things that have already happened. Keep looking forward and think about making things better for your kids from now on.



There might be lots of things you need to do to make it safer for your kids.

These could be things like:

- » Sending your kids to school
- » Getting your kids to school on time
- » Taking your kids to the hospital or a clinic
- » Giving your kids the medicine they need
- » Not drinking too much
- » Not using gunja or meth
- » Keeping your house safe
- » Getting to visits with your kids
- » Going to rehab
- » Getting a family violence restraining order
- » Going to counselling
- » Going to appointments
- » Going to the police to report family violence
- » Agreeing to lay charges if your partner has assaulted you
- » Speaking up in meetings
- » Understanding what is going on in meetings and in court
- » Using an interpreter when you need one
- » Getting a job.

What else can you think of?



Is there anything stopping you doing any of these things?

- » Work out what the problem is.
- » Work out what is stopping you.
- » Get some help to sort it out.
- » There are lots of different people who can help you sort things out.
- » Speak up and get some help to sort things out.



You can talk to

- » The Child Protection mob
- » Your lawyer
- » A family member or friend
- » A support or counselling service
- » A health worker at the hospital or clinic
- » A drug and alcohol worker
- » Any other people who you think might be able to help you.....



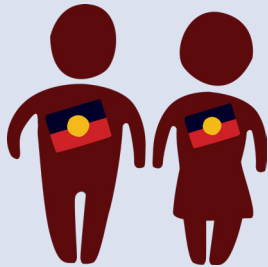


LEGAL WORDS FOR CHILD PROTECTION



Aboriginal Practice Leader

An Aboriginal person who works for the Child Protection mob. This person's job is to help the Child Protection mob understand more about Aboriginal culture. This person will try to make sure that Aboriginal kids who are not living with their families keep their connections to Country, kinship, language and culture. You can ask to talk to the Aboriginal Practice Leader and you can ask them to come to meetings with you.



Advocate for Children in Care

This person's job is to make sure that the carers and Child Protection workers follow the laws to protect kids who are living with carers. The advocate's job is to listen to the kids and help sort out any problems between the kids and Child Protection mob. Kids who are living with carers can phone or email the advocate to talk about any problems. When kids are very young, another person like a mum, dad or carer might help the kid phone or email the advocate.



Affidavit

An affidavit is a kind of law paper. A person will write their story on the paper and sign their name. Then the magistrate will use that story to decide about something in court. When you sign your name on the affidavit, it means you promise that the story is true. The law says you must only write the true story in an affidavit. A lawyer can help you write an affidavit.



Applicant

Someone who asks the court to decide about a problem. Apply means **ask for**. In a Child Protection court case, one side will be called the **Applicant** and the other side will be called the **Respondent**. When the Child Protection workers ask the magistrate to make orders about a kid, the Child Protection mob is called the Applicant. The mum, dad or carer might be called the Respondent. Sometimes family members such as grandparents who have cared for the kids for a long time or who have a close relationship with the kids can ask to be a Respondent. When a mum or dad goes to court and asks the magistrate to make new orders about the kids, the mum or dad will be called the Applicant and the Child Protection mob will be called the Respondent.

Application - Protection and care of children

The Child Protection mob's application is a law paper that tells you:

- which final order the Child Protection mob wants the court to make to make it safe for your kids. Sometimes they want an order for while they are still deciding what to do. This is called an **interim order**.
- the parts of Child Protection law they think apply to your kids.
- the first court date and time.
- which court will hear your case.

If you make an Application, you write down what orders you want the magistrate to make.

Child Protection Worker

This person works for the Child Protection mob. The Child Protection worker will come and talk with you if the Child Protection mob think that your kids are not safe or need to go to the doctor. The Child Protection worker will work with you and your family to make a plan to make it safe for your kids and help you be a safe parent.



Independent Children's Lawyer (ICL)

This person is a lawyer and will represent your kids' best interests in a Family Court case. As your kids do not go to court in the Family Court, the ICL will tell the court about how your kids are going and their views during the case. After reading all of the court papers and talking to all the relevant people, the ICL will form an independent view of *what is best for your kids* and present that view to the court.

Interim order

This is a law paper (called an order) from a magistrate. The magistrate will write down rules about your kids, like who will look after them, where they will live and when you get to spend time with them. An interim order only lasts for a short time. It means that the magistrate has not finished deciding about what is best for your kids. The magistrate will say how long those orders will last for. The magistrate might say no interim order is needed. There will be another date when everyone comes back to court and the magistrate will decide whether to make a final order.

Live with

The magistrate or judge in the Family Court has the power to make law papers that say who your kids will live with. These law papers are called *live with* orders. Sometimes you can change live with orders when you and the carer agree in writing. Sometimes you can change live with orders by going back to court. The law says that the magistrate or judge must think about what is best for your kids when the magistrate or judge decides where your kids will live.



Mention

The first court date is called a *mention*. There may be many mention dates after that. The mention date is a short court hearing. On mention dates there is usually not a lot of time to talk about your case.

Judge

A senior law person who has the power to *decide* legal problems in court.



Lawyer

A law person who can help you with legal problems and talk for you in court. In the Children's Court you, your kids, if the magistrate has said your kids need a lawyer, the Child Protection mob and anyone else the magistrate has said can have a say, can have a lawyer.



Magistrate

A senior law person who has the power to decide legal problems in court. Sometimes the magistrate is called a judge. In the Children's Court and the Family Court, the magistrate decides what is best for your kids.





LEGAL WORDS FOR CHILD PROTECTION



Care plan

The law says every kid who is on a protection order (time limited) or a protection order (until 18) must have a written care plan. This plan sets out: the needs of the kid, how the kid's needs will be met, decisions about the care of the kid including about contact with a parent, brothers and sisters and other relatives of the kid. A kid who is in the temporary care of the Child Protection mob must have a provisional or temporary care plan.

Family Court

A law place where a magistrate or judge makes decisions about family problems. When mums or dads or other carers can't agree about looking after the kids, they might go to the Family Court and ask the magistrate or judge to decide about those family problems. The magistrate or judge has the power to decide about things like where your kids will live, who must look after your kids, when your kids will stay with mum, when your kids will stay with dad, or when they will stay with another carer. The magistrate or judge also decides who can make the big decisions for your kids and who must pay for the things your kids need.



Final hearing

Same as trial.



Children's Court

A law place where a magistrate makes decisions and orders about kids. When the Child Protection mob are worried about your kids, they can go to the Children's Court and ask for law papers, called orders, to make sure your kids are safe. The magistrate will listen to you and the Child Protection mob and decide what is best for your kids.



Children's lawyer

This person is a lawyer who speaks with your kids if they are old enough and listens to your kids' stories. Sometimes the children's lawyer speaks to the magistrate in court about what is best for your kids. Sometimes the lawyer speaks to the magistrate in court about what your kids want. The children's lawyer does **not** work for the Child Protection mob, and they do **not** work for mum or dad. This person is sometimes called a **child representative**.



Final order

This is a law paper (called an order) from a magistrate. The magistrate will write down rules about your kids, like who will look after them and where they will live. The magistrate thinks about what is best for your kids and then the magistrate will make the rules. A **final order** might last for a short time, or it might last for a very long time. The magistrate will say how long those rules will last for. The magistrate might say no final order is needed.



LEGAL WORDS FOR CHILD PROTECTION



Protection order (special guardianship)

This is a law paper (called an order) from a magistrate. The order says that a person called a special guardian will look after your kids until your kids are 18 years old. Your kids will live with the special guardian, and the special guardian has the power to decide many things for your kids. After a magistrate makes a guardianship order, the Child Protection mob will stop checking on your kids, and they will stop talking to you about your kids. The order can say when you can see your kids.



Protection order (supervision)

This is a law paper (called an order) from a magistrate. This order says that your kids can live with you. You decide everything about how your kids live. The order might have some rules about keeping your kids safe. You must follow these rules. The Child Protection mob must follow these rules too. They must make sure you get the help you need. The law paper also gives the Child Protection mob the power to come to your house to see how you are going and check that your kids are safe.



Protection order (time limited)

This is a law paper from a magistrate. This paper gives power to the Child Protection mob to decide many things about your kids, like where your kids live and where they go to school. The paper will say how long the Child Protection mob can decide about your kids. The longest time that this protection order can last for is two years.



Protection order (until 18)

This is a law paper (called an order) from a magistrate. This paper gives power to the Child Protection mob to decide many big things about your kids, like who looks after your kids, where your kids live and where they go to school. This protection order says the Child Protection mob can decide about your kids until your kids turn 18 years old.





LEGAL WORDS FOR CHILD PROTECTION



KEEP EM SAFE

Psychologist

This person is a worker with lots of training to understand the way that people think and act. Their training helps them to understand feelings, like when someone is really sad or angry. This person will talk with you and ask you questions about your worries. They will help you become strong in your thinking and become a better mum, dad or carer for your kids. The psychologist will keep most of the things you tell them secret, but there are some things the law says the psychologist must tell the magistrate and the Child Protection mob. When the psychologist talks to you to write a report for court or the Child Protection mob, what you say to the psychologist will be not be secret.



Parental responsibility

This is the power to make big decisions about your kids, like where the kids will go to school and when they need to go to hospital. A magistrate or judge has the power to make an order that says who will make these decisions. When a family cannot agree about who will make these big decisions, a mum, dad or another person in the family might go to court and ask the magistrate or judge to make an order about this. When your kids are living with carers, the Child Protection mob make the **big decisions** about your kids. A special guardian can make the big decisions for your kids.

Spend time with

When your kids are not living with you, the Family Court magistrate or judge can make law papers about when you can spend time with your kids. These law papers are called **spend time with orders**. Sometimes you can change spend time with orders when you and the carer agree in writing. Sometimes you can change spend time with orders by going back to court. The law says the magistrate or judge must think about what is best for your kids when making a spend time with order.



Respondent

Respondent is the name for people on one side of a Child Protection court case. Respond means **give an answer** or **talk back**. When the Child Protection mob is worried about some kids, they might go to court and ask the magistrate to make rules about those kids. The Child Protection mob is called the **Applicant**. The mum, dad or carers for the kids will be called the **Respondent**. Family members such as grandparents, who have cared for the kids for a long time or who have a close relationship with the kids can ask the magistrate to be made a Respondent. The magistrate can say yes. The magistrate can say no. The Respondent must go to court on the right day to tell their story to the magistrate. The magistrate will **listen** to the Applicant and the Respondent, and then decide about what is best for the kids. When a mum, dad or carer goes to court and asks the magistrate to change the rules about the kids, the mum, dad or carer is called the Applicant and the Child Protection mob will be called the Respondent.

Response

This is a law paper you write to give to the court and the Child Protection mob. This tells the magistrate **your side** of the story. You must tell the truth in this paper. For more information see **Fact sheet 18 Can I put in my own law paper?**



Special guardian

A special guardian is a person who agrees to look after your kids. Carers who have been looking after kids for two years while the kids have been on a protection order (time limited) or a protection order (until 18) can apply to the Children's Court for a special guardianship order. The Child Protection mob can apply for a carer to be made a special guardian at any time. Only a magistrate can make a carer a special guardian. To make the special guardian, a magistrate must make a law paper (called an **order**). The order says that the special guardian will look after your kids until your kids are 18 years old. Your kids will live with the special guardian, and the special guardian has the power to decide many big things for your kids. When a magistrate makes the carer a special guardian, the Child Protection mob will stop checking on your kids, and they will stop talking to you about your kids.



Trial

This is the day when the magistrate decides about a child protection problem. It is good to go to court so that you can tell your story. At the trial, the magistrate will listen to the Child Protection mob, your kids' lawyer if they have one, you, and your lawyer. The magistrate might ask people questions about your kids to find out if your kids are safe. Then the magistrate will think about what is best for your kids. At the end of the trial, the magistrate will make rules (called orders) about your kids. The magistrate might also say no rules are needed.



Warrant

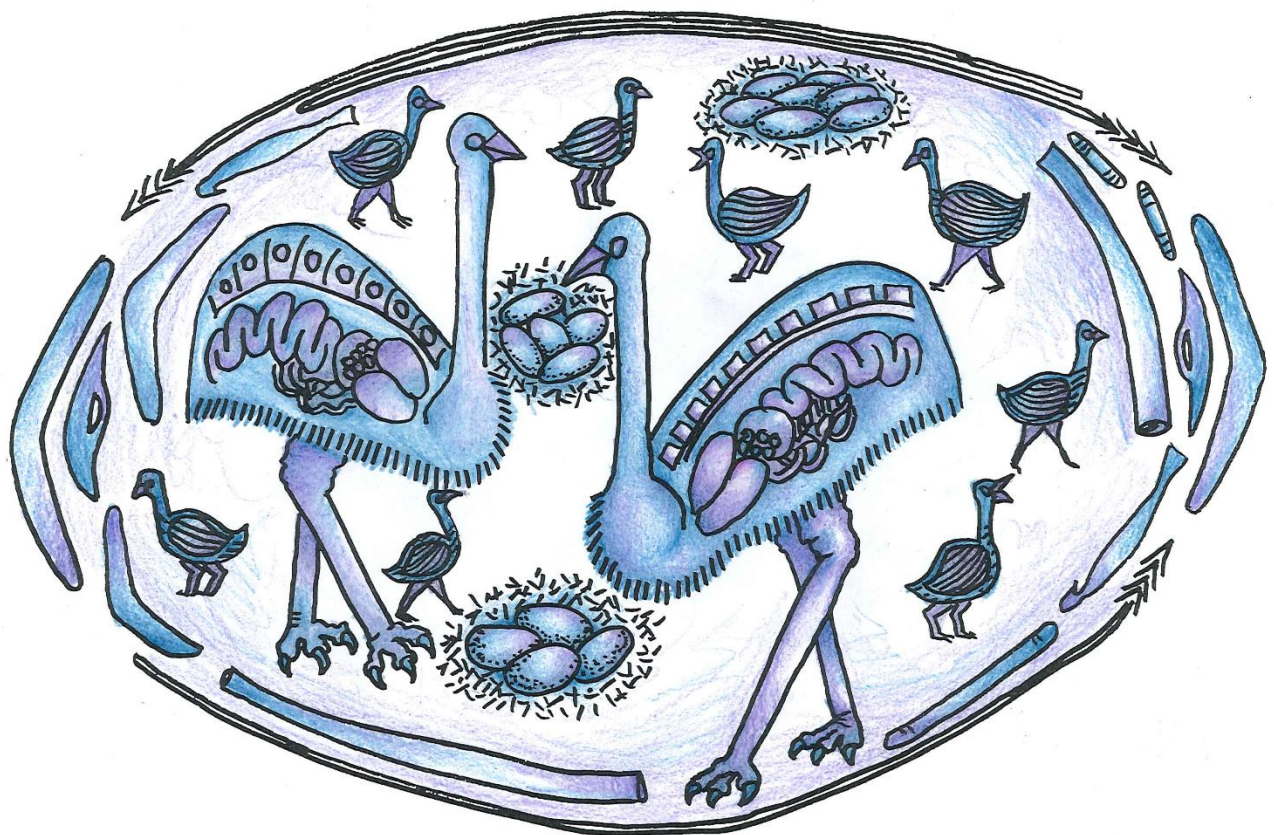
This is a law paper from the court. The Child Protection mob can ask a magistrate or judge for a warrant when the Child Protection mob is worried about the safety of your kids. In some cases, a warrant from the court gives the Child Protection mob the power to take your kids away from you to make them safe. The Child Protection mob will then start a case at the Children's Court so you will get a say.

Written Proposal

This is a law paper from the Child Protection mob to tell the magistrate about the plans for your kids. The Child Protection mob will meet with you to talk about what gets put in the law paper. The law paper will have rules about your kids, like who your kids will live with, where they will go to school and how they will stay connected to culture. The law paper tells you what you must do so that you can keep your kids, spend more time with your kids, or get your kids back and how long this might take.



CHAPTER THREE



CHILD PROTECTION CLE ACTIVITIES

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3 Child protection CLE activities

3.1 CLE activity - Mary's story

Key Issues

- ♦ What is family violence?
- ♦ What can you do about family violence?
- ♦ Signs of safety - pre-birth planning
- ♦ Support people
- ♦ Mental health issues and safe parenting

Activity story cards (in order of use)

Use these child protection and family violence story cards to help tell the story.



Mary's story

Mary has been in a relationship for two years with Jack. They have one child Benny aged 12 months. Benny is out of their care on a protection order (time limited) for two years. He has been placed with Mary's aunty.

Mary is 4 months pregnant. Mary and Jack have been staying with friends as they wait to get access to housing through the Department of Communities.

The Child Protection mob started working with the family due to worries about Jack drinking too much at times and that when he did this there were loud arguments and sometimes assaults on Mary by Jack. There have also been arguments started by Mary. These arguments between Mary and Jack have led to several police call outs. The Child Protection mob is also worried about Mary's mental health given she is down about Benny being out of her care and Jack's violence towards her. She has missed her last two appointments for her pregnancy at the clinic.

The Child Protection mob is working with Mary and Jack in relation to the unborn baby. They are worried that things are not going to be safer for the baby than they were for Benny. The last police call out was only last week and Jack was charged with assaulting Mary.

The Child Protection mob hope to have a couple of signs of safety meetings with Mary and Jack before the birth.

Mary's story - Activity

Use these story cards to:

- Help tell the story.
- Show the things in the lives of Mary and Jack that might make it not safe for the baby to go home:
 - with Mary, or
 - Mary and Jack together.
- Come up with a plan to show the Child Protection mob that Mary can keep her baby safe after the birth.
- Show the sorts of things that might help Mary and Jack keep the baby in their care.

Suggested answers for the Mary's story activity

Family violence is where a person does things to hurt, scare or control a family member. It includes physical violence, threats of violence, or any other behaviour used to control a family member or that makes them feel scared. Family violence might also be called domestic violence or family and domestic violence.

The Child Protection mob would be worried about the family violence, Mary's mental health and the lack of stable housing. As another kid is already in care, the Child Protection mob will also be worried that nothing seems to be changing especially as Mary has recently been assaulted by Jack.

The Child Protection mob will do pre-birth signs of safety planning with Mary and Jack to try to come up with a plan for the baby to be safe enough to stay with Mary and Jack after the birth. Mary and Jack have to think about whether they want to make changes so things are safe for the new baby. If Mary and Jack want to stop the fighting including word fights, they both might need to go to family violence counselling. Mary and Jack need to work with a counsellor and be able to show the Child Protection mob that they have a plan to make sure there is no fighting in front of the baby.

Mary could see her doctor and get a mental health plan to show the Child Protection mob her feeling down will not stop her being a safe parent.

If Mary and Jack can get their own house before the birth, they will not have to show the Child Protection mob they are living with safe people.

Mary and Jack will need to find some support people, like family members or friends to come to meetings with the Child Protection mob. These people will be part of the safety network to make sure Mary and Jack follow any safety plan agreed with the Child Protection mob.

If Jack does not change and keeps hurting Mary, Mary needs to keep calling the police to make herself safe and Mary may need to get a family violence restraining order (FVRO). The FVRO might say Jack can live with Mary but not assault her. The FVRO might say that Jack cannot live with Mary. The FVRO can be changed or removed in the future if Jack can show he will not hurt Mary anymore and the order is not needed to keep Mary safe.

If Mary and Jack can't show the Child Protection mob it is safe enough for the baby to live with them straight after the birth because they need more time to show things are going better, Mary and Jack need to think about family members who might be able to look after the baby.

If Mary and Jack do not stay together, the Child Protection mob will work with Mary to come up with a plan to make the baby safe. If they have worries about Mary keeping the

baby safe, even with supports in place, the Child Protection mob will talk to Mary and Jack about other family members who may be able to help.

The Child Protection mob can start meeting with the family member to check out if they would be a safe person to look after the baby. Mary's aunty may be able to look after the baby.

3.2 CLE activity - Ben and Jacqueline's story

Key Issues

- ◆ Planning for safety – signs of safety meetings
- ◆ Going to court
- ◆ Protection order (time limited)
- ◆ Protection order (supervision).

Activity story cards (in order of use)

Use these child protection and family violence story cards to help tell the story.



Ben and Jacqueline's story

Ben is the father of three kids aged 2, 4 and 8. He is serving a prison sentence for a serious assault on Jacqueline, the mother of the kids. He was under the influence of alcohol when the offence happened. There have been many police call outs to Ben and Jacqueline's home since the first of their kids were born because of arguments and fighting between the parents. Usually there has been drinking before the arguments.

The Child Protection mob was involved with Ben and Jacqueline even before Ben went to jail. The case is still going at the Children's Court. The Child Protection mob want the magistrate to place the kids on a protection order (time limited) for two years. Ben is not due to be released from jail for at least 12 months.

Jacqueline and Ben want to be in a relationship and have the kids live with them when he gets out. The Child Protection mob took the kids from Jacqueline and Ben after the last assault on Jacqueline. The kids are currently living with Jacqueline's mum.

Ben and Jacqueline's story - Activity

Use these story cards to:

- Help tell the story.
- Show the sorts of things that might be stopping Ben from being able to live with Jacqueline and the kids again.
- Show the things will Ben will need to do to be able to live with Jacqueline and the kids again.
- Show the sorts of things Jacqueline will need to do for her kids to be able to live with her and Ben.
- The differences between a protection order (time limited) and a protection order (supervision) for the family.

Suggested answers for the Ben and Jacqueline's story activity

The Child Protection mob will be worried about the family violence and the drinking by Ben that goes with it. Ben will need to show that excessive drinking is not a problem for him anymore. Ben may need to do alcohol counselling, if possible while he is in prison, to help show he has the strategies to not drink too much, or at all, if that is the best path for him. Ben may need to do residential rehabilitation when he gets out if drinking is still a problem. Ben will need to show over time that his drinking is not a problem.

Ben will also need to show that he will not commit more acts of family violence against Jacqueline. To show this he may need to do family violence counselling and then be able

to show over time that he will be able to handle the situations that have led to family violence in the past differently in the future avoiding violence.

Jacqueline may need to do family violence counselling to increase her understanding of how family violence affects her kids and to make sure she does not put up with family violence in the future. The Written Proposal will set out what Jacqueline and Ben have to do and over what time frame, so the Child Protection mob will let the kids come back to live with them.

A protection order (time limited) is a law paper from a magistrate. This paper gives power to the Child Protection mob to decide many things about Ben and Jacqueline's kids, like where the kids live and where they go to school. The paper will say how long the Child Protection mob can decide about Ben and Jacqueline's kids. The longest time that this protection order can last is two years. The Child Protection mob can go back at the end of two years and ask the court for it to go on longer.

Given Ben is going to be in prison for another 12 months, Jacqueline can talk with her lawyer about asking the Child Protection mob and the magistrate for a protection order (supervision) rather than a protection order (time limited). Jacqueline could even ask for an interim order for the kids to be put back with her while the case goes on at the Children's Court. If Ben was not in prison, the Child Protection mob would probably not look at this order until Ben has done family violence counselling and alcohol counselling and shown that he has learnt, through counselling, to do things differently.

A protection order (supervision) is a law paper (called an order) from a magistrate. This order says that Jacqueline's kids can live with her (and Ben if he was not in prison). Both Ben and Jacqueline decide everything about how their kids live.

The order might have some rules about keeping Ben and Jacqueline's kids safe. Ben and Jacqueline must follow those rules.

The Child Protection mob must follow the rules too. The Child Protection mob must make sure Ben and Jacqueline get the help they need.

The law paper also gives the Child Protection mob the power to come to Ben and Jacqueline's house and to see how they are going and check that their kids are safe.

Ben has to want to change or it is unlikely he will get anything out of the family violence counselling or alcohol counselling. If Ben blames Jacqueline for everything, for example if he says, "she made me do it" or "she was jealousying me", the Child Protection mob and the magistrate at the Children's Court will not think Ben is taking responsibility for his actions. This might mean it will take longer to show the Child Protection mob it is safe for Ben to live back at home with Jacqueline and the kids.

3.3 CLE activity - Brenda and Marcus' story

Key Issues

- ◆ What is family violence?
- ◆ How might the Child Protection mob look at 'dropping the charges'?
- ◆ Planning for safety – signs of safety meetings
- ◆ If there is not enough safety what might happen to the kids and the new baby?

Activity story cards (in order of use)

Use these child protection and family violence story cards to help tell the story.



Brenda and Marcus' story

Marcus and Brenda were in a de facto relationship and have two kids aged 2 and 6. Brenda is now pregnant again. Over the years since the kids have been born there have been many police callouts because of reports of fighting (word fights and physical fights) between Brenda and Marcus. Marcus is seen by police as the one who starts the fights. He has been charged twice for assaults on Brenda. In the past Brenda has come under pressure from Marcus and family members not to go ahead with the court cases about the assaults. Marcus has kept telling Brenda it will not happen again, that he will change.

Marcus is now in prison on remand for an alleged unlawful wounding on Brenda. Her arm was cut when he stabbed her with the kitchen knife and she ended up going to hospital. He is pleading not guilty. His trial is listed in about 6 weeks.

Brenda made a statement to police that the unlawful wounding happened after an argument about money. The kids were in the house during the argument that led to the stabbing and the kids saw the police and ambulance come. Brenda now wants to drop the charges.

The Child Protection mob has been working with Brenda and Marcus for a few months. The Child Protection mob is meeting with Brenda and Marcus to try to make sure things are safe for the kids and the unborn baby.

The Child Protection mob have worries about:

- The kids seeing and hearing the arguments between Brenda and Marcus.
- Things being safe for the kids and Brenda's unborn baby which is due in two months.

Brenda and Marcus' story - Activity

Use these story cards to:

- Help tell the story.
- Show the things Brenda and Marcus can do to show that it is safe for the baby when it is born and the other kids to stay living with them.
- Show the sorts of things that might be stopping it from being safe enough for the kids to stay living with Brenda and Marcus.

Suggested answers for the Brenda and Marcus' story activity

Family violence is where a person does things to hurt, scare or control a family member. It includes physical violence, threats of violence, or any other behaviour used to control a family member or that makes them feel scared. Family violence might also be called domestic violence or family and domestic violence.

The Child Protection mob will do pre-birth planning with Brenda and Marcus to try to come up with a plan for the baby to be safe enough to stay with Brenda and Marcus after the birth. If Brenda and Marcus do not stay together, the Child Protection mob will work with Brenda to come up with a plan to make the baby safe. Both Brenda and Marcus may be able to get a lawyer to help them at these meetings.

The Child Protection mob will be worried that the fights between Brenda and Marcus are still going on and that the kids were home and saw the last assault. The Child Protection mob will be worried that Marcus' way of behaving towards Brenda is not changing.

The Child Protection mob may be worried that Marcus is not taking responsibility for his actions as Marcus has not done any family violence counselling to make sure it does not happen again.

The Child Protection mob may be worried that if Brenda drops the charges, Marcus is not getting the message that his violent behaviour can't go on especially in front of the kids and the new baby when it is born.

The Child Protection mob is likely to be worried if Marcus does not see the need to go any counselling to learn to sort out conflict without using violence things will keep being unsafe at home for the kids.

Brenda and Marcus have to think about whether they want to make changes so things safe for the new baby. If Brenda and Marcus want to stop the fighting they both might need to go to family violence counselling. Brenda and Marcus need to work with a counsellor and be able to show the Child Protection mob that they have a plan to make sure there is no fighting in front of the baby. Brenda and Marcus may have to look at separating until they can show counselling is helping them to sort out conflict without violence.

The Child Protection mob may take the baby, and the other kids into care, if they do not think it is safe enough at home for the baby and the kids. The Child Protection mob may understand the family or other pressures Brenda is under to drop the charges and could look at taking out a Family Violence Restraining Order (FVRO) for the kids to help make sure they do not see or hear the fighting in the future and one for the baby after it is born.

3.4 CLE activity - Anne's story

Key Issues

- ◆ What is neglect?
- ◆ Mental health and parenting.
- ◆ Making sure health needs are met.
- ◆ Illegal drug use and good parenting.
- ◆ Using money to meet your kid's needs.

Activity story cards (in order of use)

Use these child protection and family violence story cards to help tell the story.



Anne's story

Anne is the mother of a 5-year-old son, James. She lives alone with James. Anne does not have much family in town. Her aunt Rose is a big help to her, but she is often away for work. Her mother Betty has a lot of people visiting her house and Betty finds it hard to get them to leave if they are drinking too much or arguing so the house is sometimes not a safe place.

Anne smokes gunja occasionally and has not been feeling well over the past few months. Anne has not been to the doctor for over a year. Anne has not been getting James to school regularly or he has been getting to school late. Anne goes to bed late and is not waking up early enough to get James to school on time. James is often sick and has had a bad cough for a month. Anne has not taken him to the doctor for a long time. Anne does not have a routine for James to have his meals at regular times or getting James to go to bed early every day. She is also struggling to keep the house tidy and to get organised to do the food shopping. Anne is on Centrelink and is finding she is running out of money between payments. Anne is getting more down about things every day and she is finding it hard to get up in the morning.

The Child Protection mob has arranged to meet Anne next week.

Anne's story - Activity

Use these story cards to:

- Help tell the story.
- Show things that make it not safe for James to live with Anne.
- Show how Anne could start to sort things out to make it safe for James at home.
- Tell the story of what might happen if Anne does not start to sort things out to make things safe for James at home.

Suggested answers for the Anne's story activity

When you don't look after your kids it is neglect.

This can be things like: not feeding your kids, not taking your kids to the doctor when they need to go or not giving them medicine when they need it.

Anne may need to look after her own health to make sure she is well enough to make things good for James at home. If Anne does not get James to the doctor soon to have his cough checked out he may get very sick. As Anne is looking after James by herself, Anne needs to think about getting more help from friends or family as back up when she is not well and to give her some support. Anne might need a safe person to help her keep James safe.

If smoking gunja is making Anne feel tired so that she doesn't get up to help James get into a routine or meet his needs and wants to change this, Anne may need to go to drug counselling. As Anne is feeling down she may also need to see a doctor about getting a mental health plan.

The Child Protection mob may want to check Anne is spending her money in a way that puts James' needs first.

The Child Protection mob will have a meeting with Anne to talk about what help they can give her and what they will want to see changed to make it safe enough for James to keep living at home with her.

If Anne does not start to make some changes soon the Child Protection mob may be worried things are not safe enough for James at home. The Child Protection mob might not let James keep living with Anne. The Child Protection mob may start a case for a protection order at the Children's Court. If the Child Protection mob thinks it is safe enough for James to live with Anne with supports, the Child Protection mob may only ask for a protection order (supervision). A protection order (supervision) is a law paper (called an order) from a magistrate. This order says that James can live with Anne. Anne decides everything about how James lives.

If the Child Protection mob is worried James is at a big risk of being hurt, they can remove him from Anne's care. The Child Protection mob can ask the court for a protection order (time limited). The Child Protection mob should talk to Anne about family or community members who may be able to help look after James until Anne can show it is safe for him to live back with Anne.

A protection order (time limited) is a law paper from a magistrate. This paper gives power to the Child Protection mob to decide many things about James, like where he lives and where he goes to school. The paper will say how long the Child Protection mob can decide about James. The longest time that this protection order can last is two years. The Child Protection mob can go back at the end of two years and ask the court for it to go on longer.

3.5 CLE activity - Henry and Daphne's story

Key Issues

- ◆ When is it safe for kids to go home
- ◆ When it is not safe for kids to go home – long term plans to make kids safe in the Children's Court
- ◆ Other ways to make things safe for kids

Activity story cards (in order of use)

Use these child protection and family violence story cards to help tell the story.



Henry and Daphne's story

Henry and Daphne have been together 7 years. They have two kids, Billy aged 3 and Mary aged 5. There have been many family violence callouts over the years. Both Henry and Daphne also use meth. Both kids have been removed from their parents' care and placed with the maternal grandmother Betty.

- Billy is on a protection order (time limited) and has been with Betty since he was 6 months old.
- Mary has been on a protection order (until 18) for two years and has been with Betty since she was about two and a half years old.

Billy's protection order (time limited) ends soon. The Child Protection mob does not think it will be safe enough for Billy to go home. There are still police call outs and neither Henry and Daphne have been able to show that they can stay drug free for a long time.

The Child Protection mob is now looking at what is best for Billy when the protection order (time limited) ends. They need to have more talks with Henry, Daphne and Betty. They are thinking about a long-term arrangement with Betty, either a protection order (until 18) or a protection order (special guardianship). If they decide to apply for a protection order (special guardianship) for Billy, they will also apply to revoke the protection order (until 18) for Mary and replace it with a protection order (special guardianship).

Betty is happy to keep caring for the kids as long as necessary. She agrees the parents are not yet safe people for the kids to be with. She thinks Daphne may end up leaving Henry.

Betty saw a lawyer after the Child Protection mob talked about long term possibilities with her. The lawyer gave her some advice about how likely Daphne and Henry were to get Billy home with them and long-term possibilities for the kids in the Children's Court or the Family Court.

Henry and Daphne's story - Activity

Use these story cards to help tell the story and explore possible ways ahead for:

- Each parent (Henry and Daphne).
- The grandmother (Betty).

Suggested answers

Daphne

If Daphne stays with Henry and the fights continue and she keeps using meth it will be hard for her to show the Child Protection mob or the magistrate in the Children's Court that it will be safe enough for Billy at home when the protection order (time limited) ends. The magistrate will only seriously think about extending the protection order (time limited) to give them more time to work towards getting Billy back if there are good signs of change and if it is best for Billy. If there is no sign of good change over time the magistrate may think long term plans need to be made for Billy.

If Daphne stops being with Henry until they both learn not to be violent towards each other, and if she goes to drug counselling or residential rehab soon to help her stop using meth she may be able to show enough signs of change to show the magistrate there is still a chance of Billy being able to live with her safely and that this is what is best for Billy.

If Daphne does not think she can stop using meth or that she and Henry can separate to make it more safe for Billy at home, she may need to think about what long term arrangements are best for Billy and Mary. If she is not getting on well with Betty, she might want to keep the Child Protection mob involved to help organise contact with the kids and to keep involved in the big decisions for the kids. Daphne will need to make sure the Written Proposal for Billy sets out when she can have contact with Billy and what it might look like in the future if she can make things safe for Billy and if the visits are good for Billy.

If Daphne is getting on well with Betty and doesn't see the need for the Child Protection mob to have a say she could support the kids going on a protection order (special guardianship) with Betty as the special guardian until the kids turn 18 years of age if the Child Protection mob, ask the magistrate to make this order. If this happens the Child Protection mob would stop working with the family. If she is worried about when Betty will let her see the kids she can try to get the magistrate to put a contact condition on the order. If Betty or the Child Protection mob do not agree with the contact Daphne wants with the kids, Daphne would have to show the magistrate that what she wants is best for the kids.

If Daphne is happy for Betty to keep looking after the kids she can think about whether it is better to let Betty go to the Family Court to get live with orders to look after the kids longer term. She could also get orders to cover when she sees the kids (spend time with orders). If this happens the Child Protection mob would stop working with the family.

Henry

If Henry stays with Daphne and the fights continue and he keeps using meth it will be hard for him to show the Child Protection mob or the magistrate in the Children's Court that it will be safe enough for Billy at home when the protection order (time limited) ends. The magistrate will only seriously think about extending the protection order (time limited) if there are good signs of change and it is best for Billy. If there is no sign of good change over time the magistrate may think long term plans for Billy need to be made.

If Henry stops being with Daphne until they both learn not to be violent towards each other and if he goes to drug counselling or residential rehab soon to help him stop using meth he may be able to show enough signs of change to show the magistrate there is still a chance of Billy being able to live with him safely.

If Henry stops living with Daphne, and she starts making good changes, it may make it easier for Daphne to get Billy back in her care.

Otherwise Henry needs to think about the same issues as Daphne.

Betty

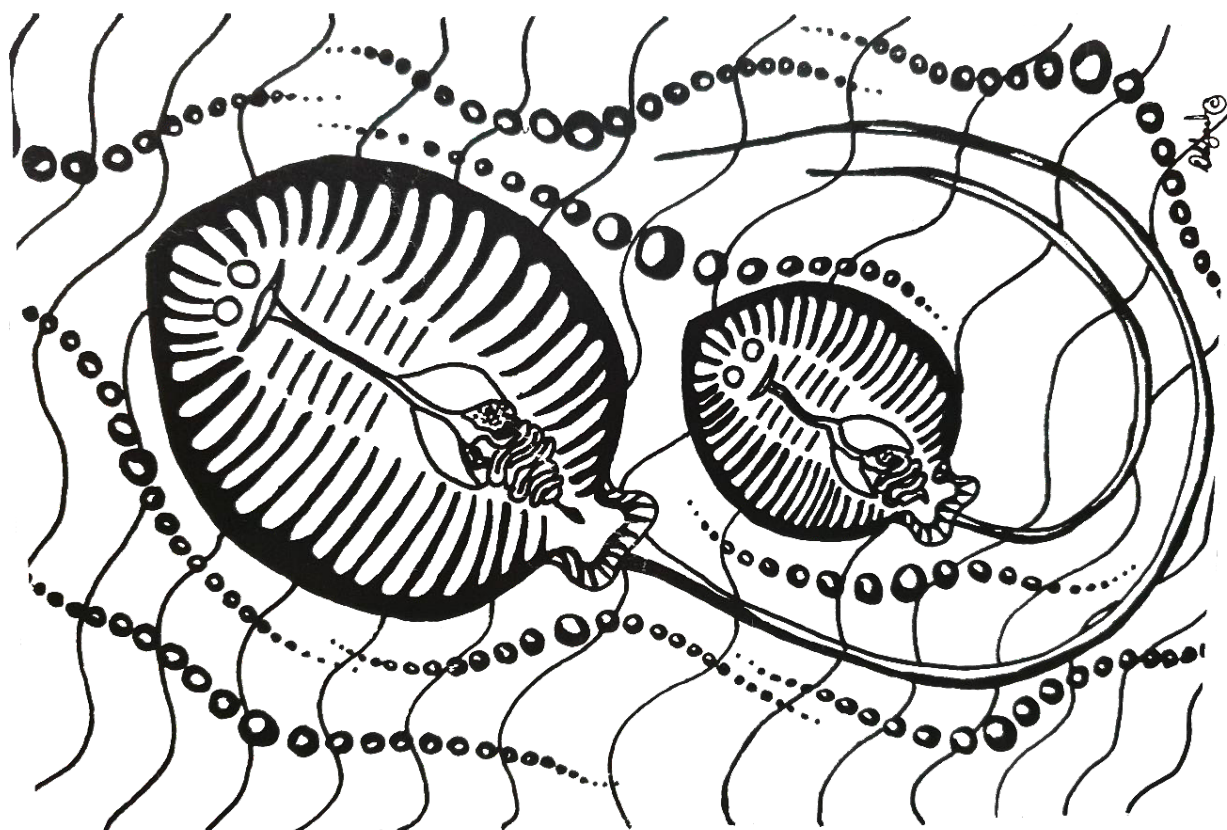
Betty could support Billy going back with Daphne and Henry or Daphne by herself if she thought it would be safe. If Betty does not think it will be safe enough for Billy because nothing much has changed because of the family violence and drug use with Henry and Daphne she can think about:

1. A protection order (until 18) for Billy. With this order the Child Protection mob will still make the big decisions for Billy until he turns 18 years of age and help arrange visits for the parents with Billy if Betty needs that help and the visits are good for the kids.
2. A protection order (special guardianship). Betty will make the big decisions for Billy until he turn 18 years of age. This is also a possible order for Mary if the protection order (until 18) is cancelled by the magistrate. As Betty has been caring for Mary for two years while she has been on an order putting her in the care of the Child Protection mob, Betty or the Child Protection mob can ask the court to cancel the order and put Mary on a protection order (special guardianship). The magistrate can order the Child Protection mob to make regular payments to Betty while the protection order (special guardianship) is in place.
3. Live with orders in the Family Court. These orders can only be made if there are no Children's Court orders in place. Given this, Betty will need the Child Protection mob's support to follow this path. This is also a possibility for Mary with the Child Protection mob's support.

With 2 and 3, for Henry, Daphne and Betty this would mean the Child Protection mob would not work with the family anymore. Daphne and Henry could try to have a contact condition put on the protection order (special guardianship). Daphne and Henry would have to show the magistrate that what they want is best for the kids if Betty or the Child Protection mob do not agree with what they want.



CHAPTER FOUR



FINDING HELP AND LEGAL INFORMATION

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4 Finding help and legal information

There are many useful places to find information about the relevant laws, CLE and Aboriginal culture and history. This Resource Kit will guide you to some of these resources and provide referral information to legal service providers in WA.

4.1 West Kimberley services

4.1.1 Interpreters

Aboriginal Interpreting WA (AIWA) (formerly Kimberley Interpreting Service)

Phone: 9192 3981 Toll free: 1800 330 331

Mobile: 0439 943 612

Email: bookings@aiwaac.org.au

Website: www.aiwaac.org.au/

4.1.2 West Kimberley legal services

Legal Aid WA (LAWA) – Broome

Upper Level, Woody's Arcade
15-17 Dampier Terrace, Broome

Toll free: 1800 991 347

Phone: 9195 5888

Practice Areas

Fax: 9192 1520

Criminal, Family Law and Civil Law including child protection

Client Eligibility Criteria

Clients must meet three tests to be eligible for legal aid:

- ◆ Means test
- ◆ Matter test
- ◆ Merit test

Service Areas

Broome Derby Bidyadanga Fitzroy Crossing Looma Dampier Peninsula

Aboriginal Legal Service of WA (ALSWA) – Broome

Unit 1, 41 Carnarvon Street, Broome

Toll free: 1800 019 900

Practice Areas

Phone: 9192 1189

Criminal Law, Family Law and Civil Law

Fax: 9193 5512

Client Eligibility Criteria

Clients must be Indigenous.

Service Areas

All West Kimberley (through Perth ALSWA)

Aboriginal Family Law Legal Services (AFLS) – Broome

Unit 1, 46 Dampier Terrace, Broome

Phone: 9193 5455

Practice Areas

Fax: 9193 7913

Civil Law and family law including:

- ◆ Family violence restraining orders
- ◆ Child protection matters
- ◆ Family Law
- ◆ Victims of crime compensation

Client Eligibility Criteria

Clients must be Indigenous and must not be perpetrators of domestic violence.

Service Areas

Beagle Bay Broome Derby Djardinjin Mowanjum
Bidyadanga Dampier Peninsula – One Arm Point Looma Yurmulun

Marninwarntikura Women's Resource Centre – Family Violence Prevention Legal Unit – Fitzroy Crossing

Lot 284, Balanijangarri Road, Fitzroy Crossing

Phone: 9191 5284

Practice Areas

Civil Law and family law including:

- ◆ Family violence restraining orders
- ◆ Child protection matters
- ◆ Family Law
- ◆ Victims of crime compensation

Client Eligibility Criteria

Clients must be Indigenous and must not be perpetrators of domestic violence.

Service Areas

Fitzroy Valley from Wangkatjunka to Noonkanbah

Kimberley Community Legal Services (KCLS) – Broome

3/41 Carnarvon Street, Broome

Toll free: 1800 797 088

Practice Areas

Phone: 9192 5177

Civil Law and family law including:

Fax: 9192 5677

- ◆ Centrelink matters
- ◆ Child protection matters
- ◆ Consumer law
- ◆ Family Law
- ◆ Financial counselling
- ◆ Housing and tenancy




Client Eligibility Criteria

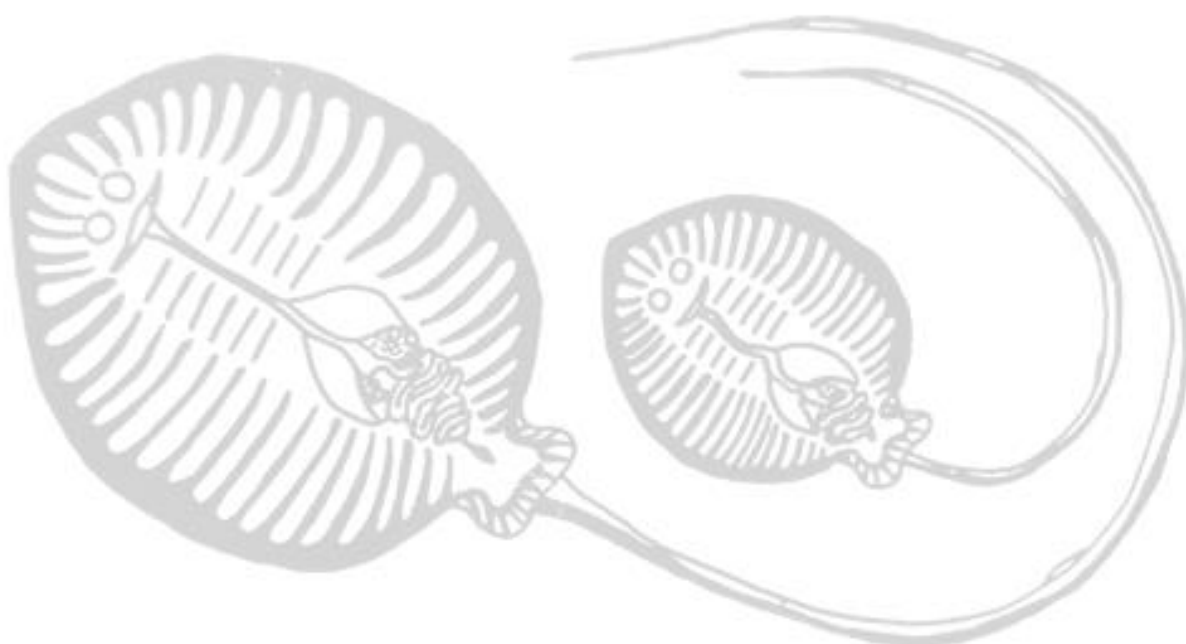
Initial appointments available for all clients. Casework is means tested.

Service Areas

West Kimberley

West Kimberley Legal services information form

Legal Services - West Kimberley		
 <p>Legal Aid WA ☎ 9166 5800</p>	 <p>ALSWA ☎ 1800 019 900</p>	 <p>MWRC ☎ 9191 5284</p>
 <p>KCLS ☎ 1800 686 020</p>	 <p>AFLS ☎ 9168 2001</p>	



4.1.3 West Kimberley support services

Family violence counselling

Aboriginal Short Stay Accommodation Service (Broome & Derby)

(MercyCare / Centacare Kimberley)

Broome

Phone: 6151 1970

Address: 24 Dickson Dr (Cnr Pembroke) Broome

Email: bassa@mercycare.com.au

Web: www.mercycare.com.au

Derby

Phone: 1300 735 148

Address: 26 Ashley Street Derby

Email: bassa@mercycare.com.au

Web: www.mercycare.com.au

Anglicare WA (Broome & Derby)

Broome

Phone: 9194 2400

Address: 2 Weld St (cnr Frederick) Broome

Email: info@anglicarewa.org.au

Web: www.anglicarewa.org.au

Derby

Phone: 9191 0100

Address: 90 Loch St Derby

Email: info@anglicarewa.org.au

Web: www.anglicarewa.org.au

Centacare Kimberley

Phone: 9192 2293

Address: 25 Robinson Street, Broome

Email: admin@centacarekimberley.org.au

Web: www.centacarekimberley.org.au

Emergency Relief, Breakfast Program, Homeless Outreach Service. Intensive Housing Support Program offers families, who have been referred by the Housing Authority, assistance to move from Aboriginal Communities into Derby or Broome

Change em Ways (Broome)

Phone: 9192 1414 Mobile: 0429 484 859 Fax: 9192 2743

Address: Rear of Mamabulanjin Aboriginal Corporation, 240 Dora Street, Broome

Offers a men's and women's program Targets Aboriginal men and their partners who want to stop family violence.

Kimberley Family Violence Service

Phone: 9194 2400

Address: 2 Weld Street, Broome

Email: education@anglicare.org.au Web: www.anglicarewa.org.au

For referrals, Men's Outreach, individual counselling and therapeutic work, group work – Our Way Respectful Way Men's Behaviour Change program.

Parenting programs

Parenting Connection Kimberley

Anglicare

Phone: 9194 2400

Individual parent coaching sessions, facilitated peer support programs, topic specific workshops (minimum number of parents 4), provision of funding for special guest presenter, family events and activities around parenting, provision of capacity building sessions to staff who support parents and families.

Kimberley Family Relationship Centre

Anglicare

Phone: 9193 8100

Address: 2 Weld Street Broome

Family dispute resolution with child inclusive options for children aged over the age of six; Mums and Dads Forever; Building Resilience in Children After Separation (BRICS), general counselling.

Health / drug / alcohol / mental health counselling

Boab Health

Phone: 9192 7999

Address: Unit 5, 20 Hammersley Street, Broome

Email: reception@boabhealth.com.au

Counselling to adults and children.

Child and Adolescent Mental Health Service (CAMHS)

Phone: 9194 2640

Address: Broome Health Campus, Cnr Anne & Walcott Street, Broome

Counselling and mental health support for children and adolescents. Referral through GP or other community organisation.

HEADSPACE

Phone: 9193 6222

Address: Shop A 38 Frederick Street, Djungan Broome

Email: headspaceadmin@kamsc.org.au

Counselling, Mental Health and Health support to youth aged between 12-25 years.

Kimberley Mental Health and Drug Service (KMHDS)

Phone: 9194 2640 After hours: 1800 552 002

Address: Broome Health Campus, Cnr Anne & Walcott Street, Broome

Email: kmhdsclinic.reception@health.wa.gov.au

Milliya Rumurra Rehabilitation Centre - Broome

Phone: 9192 1699

Fax: 9193 5996

Address: 78 Great Northern Highway Broome

Financial counselling

Broome Circle Financial Management program

Phone: 9193 6425 Fax: 6244 6762

Address: 27 Frederick Street Broome

Email: enquiries@broomecircle.org.au Web: www.broomecircle.org.au

Support services for people experiencing financial crisis in Broome, Ardyaloon, Djarindjin, Beagle Bay and Bidyadanga.

Tenancy, housing and other services

Derby Housing Support Service – Derby

Phone: 9193 1046

Address: 25 Robinson Street, Broome

Email: admin@centacarekimberley.org.au Web: www.centacarekimberley.org.au

Assists homeless people in Derby to find long term accommodation

Kimberley Community Legal Services (Broome)

Phone: 9192 5177

Address: 3/41 Carnarvon Street (next to Shiba Lane) Broome

Email: office@kcls.org.au Web: www.kcls.org.au

Marninwarntikura Women's Resource Centre (Fitzroy Crossing)

Phone: 9191 5284

Address: Lot 284, Balanijangarri Road, Fitzroy Crossing

Email: marninsupport@mwrc.com.au Web: www.mwrc.com.au

Case management, counselling and social supports.

Reintegration Support Programme

Phone: 9192 2293

Address: 25 Robinson Street, Broome

Email: admin@centacarekimberley.org.au Web: www.centacarekimberley.org.au

Provides support to assist those who have been incarcerated into a West or East Kimberley correction facility.

School Chaplaincy support

Broome

Phone: 9192 2293

Address: 25 Robinson Street, Broome

Derby District High School

Phone: 9193 3032

Address: 10-14 Anderson Street, Derby

Informal counselling and support providing information and advice. Helps young people to access other services such as Headspace, Reconnect services, grief and loss counselling, family relationship counselling, court diversion programs, school engagement officers and dedicated community-based school engagement services.

Transitional Accommodation Program

Phone: 9192 2293

Address: 25 Robinson Street, Broome

Email: admin@centacarekimberley.org.au Web: www.centacarekimberley.org.au

Supports eligible Aboriginal people living in Broome and Derby to develop the skills, confidence and financial capacity to move into affordable home ownership and private rental.

4.2 East Kimberley services

4.2.1 Interpreters

Aboriginal Interpreting WA (AIWA) (formerly Kimberley Interpreting Service)

Phone: (08) 9192 3981 Toll free: 1800 330 331

Mobile: 0439 943 612

Email: bookings@aiwaac.org.au

Website: <http://www.aiwaac.org.au/>

4.2.2 East Kimberley legal services

Legal Aid WA (LAWA) – Kununurra

98 Konkerberry Drive, Kununurra

Toll free: 1800 991 347

Practice Areas

Phone: 9166 5800

Criminal, Family Law, Civil Law including child protection

Fax: 9166 5888

Client Eligibility Criteria

Clients must meet three tests to be eligible for legal aid:

- ◆ Means test
- ◆ Matter test
- ◆ Merit test

Service Areas

Balgo

Kalumburu

Ringer Soak

Wyndham

Billiluna

Kununurra

Wangkatjungka

Yiyilli

Aboriginal Legal Service of WA (ALSWA) – Kununurra

81 Konkerberry Drive, Kununurra

Toll free: 1800 019 900

Practice Areas

Phone: 9168 1635

Criminal Law, Family Law and Civil Law

Fax: 9221 1767

Client Eligibility Criteria

Clients must be Indigenous.

Service Areas

Balgo

Halls Creek

Kununurra

Warmun

Billiluna

Kalumburu

Mulan

Wyndham

Aboriginal Family Law Services (AFLS) – Kununurra

Suite 1/10 Banksia Street, Kununurra

Phone: (08) 9168 2001

Practice Areas

Fax: (08) 9169 3321

Civil Law and family law including:

- ◆ Family violence restraining orders
- ◆ Family Law
- ◆ Child protection matters
- ◆ Victims of crime compensation

Client Eligibility Criteria

Clients must be Indigenous and must not be perpetrators of domestic violence.

Service Areas

Halls Creek Kalumburu Kununurra Warmun Wyndham

Kimberley Community Legal Services (KCLS) – Kununurra

4 Papuana Street

Toll free: 1800 686 020

KUNUNURRA WA 6743

Phone: (08) 9169 3100

Practice Areas

Civil Law and family law including:

- ◆ Centrelink matters
- ◆ Family Law
- ◆ Child protection matters
- ◆ Financial counselling
- ◆ Consumer law
- ◆ Housing and tenancy

Client Eligibility Criteria

Initial appointments available for all clients. Casework is means tested.

Service Areas- Kununurra

Balgo Halls Creek Kununurra Mulan Wyndham
Billiluna Kalumburu Mt Barnett Warmun

East Kimberley Legal services information form

Legal Services - East Kimberley			
 <p>Legal Aid WA ☎ 9166 5800</p>	 <p>KCLS ☎ 1800 686 020</p>	 <p>AFLS ☎ 9168 2001</p>	 <p>ALSWA ☎ 9168 1635</p>

4.2.3 East Kimberley support services

Health / drug / alcohol / mental health counselling

Jungarni Jutiya – Halls Creek Crisis Response 24/7

Phone: 9168 6168

Address: 29 Thomas Street Halls Creek

Email: ceo@jungarni.org

Web: www.jungarni.org

Kimberley Mental Health and Drug Service (KMHDS) - Kununurra

Phone: 9166 4350

Address: 96 Coolibah Drive, Kununurra

Email: kmhdsclinic.reception@health.wa.gov.au

Ngowar Aerwah Rehabilitation Centre - Wyndham

Phone: 9161 2109 or 9161 1806 Counselling Service Phone: 9161 2110

Address: Lot 1370 Great Northern Highway, Wyndham

Email: 7mile_manager@ngnowar.org Web: www.ngnowar-aerwah.com

Ord Valley Aboriginal Health Service (OVAHS) - Kununurra

Phone: 9166 2200

Address: 1125 Ironwood Drive Kununurra

Email: adminreception@ovahs.org.au Web: www.ovahs.org.au

Boab Health Services - Kununurra

Phone: 9168 2560

Address: 96 Coolibah Drive Kununurra

Email: knxreception@boabhealth.com.au Web: www.boabhealth.com.au

Financial help / counselling

Anglicare – Men's Family Violence Counselling – Kununurra

Phone: 9166 5000

Address: 2 Banksia Street Kununurra

Email: education@anglicare.org.au

Web: www.anglicarewa.org.au

Jungarni Jutiya – Halls Creek

Phone: 1300 958 312 or 9168 6168

Address: 29 Thomas Street Halls Creek

Email: ceo@jungarni.org

Web: www.jungarni.org

Kimberley Community Legal Services – Financial Counselling - Kununurra

Phone: 1800 686 020 or 9169 3100

Address: 4 Papuana Street, Kununurra

Email: office@kcls.org.au

Web: www.kcls.org.au

Wunan's Financial Hub - Kununurra

Phone: 9168 3881

Address: 76 Coolibah Drive Kununurra

Email: admin@wunan.org.au

Web: www.wunan.org.au

4.3 Perth metropolitan support service

Support Services

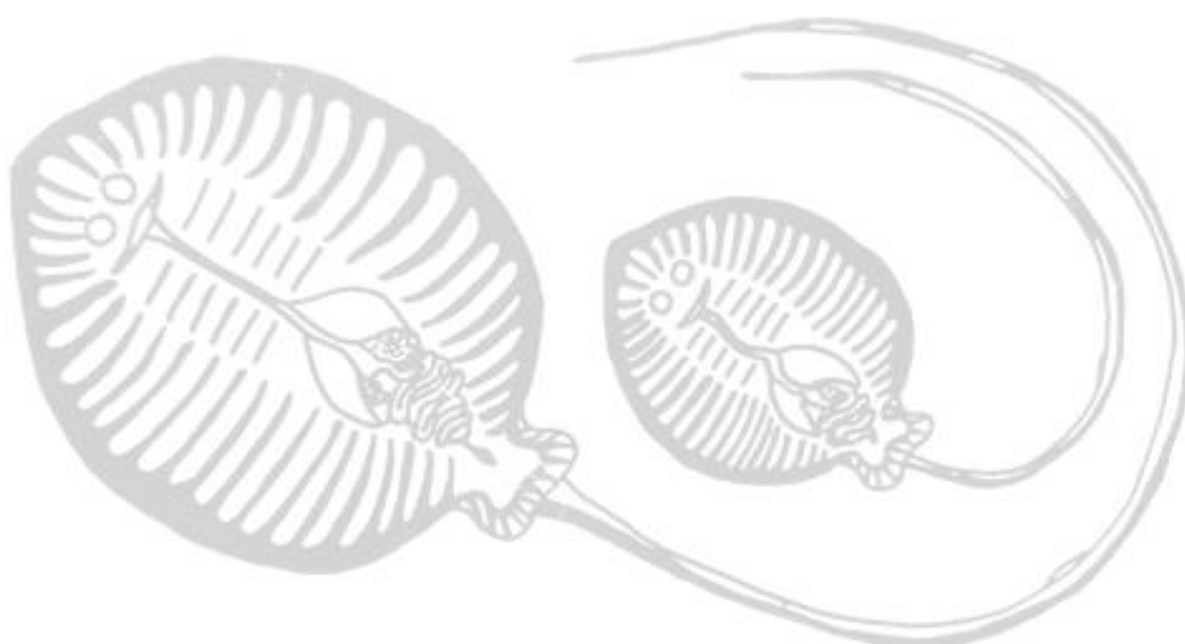
Family Inclusion Network WA (FINWA) - Perth

Phone: 9328 6434

Address: 156 Vincent Street, Perth

Email: info@finwa.org.au

Web: www.finwa.org.au



4.4 Information about the law

WA laws

- The Legal Aid WA website has comprehensive, up to date information and publications about laws in WA.
www.legalaid.wa.gov.au
- The Aboriginal Legal Service of Western Australia (ALSWA) website has links to publications and pamphlets and information about the law.
<http://www.als.org.au/pamphlets>

4.5 General information about child protection

- *Children's Court of WA Act 1988* (WA)
- *Legal Aid WA website Find Legal Answers>Child protection:*
<https://www.legalaid.wa.gov.au>
- Children's Court of WA website or information and forms you may need:
<https://www.childrenscourt.wa.gov.au/>
- Department of Communities, Child Protection and Family Support website including under Publications including Casework Practice Manual:
<https://www.dcp.wa.gov.au/Pages/Home.aspx>
<https://manuals.dcp.wa.gov.au/CPM/SitePages/HomePage.aspx?Mobile=0>
- Family Inclusion Network WA (FINWA) 9328 6434 and its website:
<http://finwa.org.au/>

4.6 Lawyers working with Aboriginal people

WA resources

- Protocols for Lawyers working with Aboriginal or Torres Strait Islander Clients in Western Australia.
<https://www.lawsocietywa.asn.au/wp-content/uploads/2015/10/Protocols-for-Lawyers-with-Aboriginal-or-Torres-Strait-Islander-Clients-in-Western-Australia.pdf>
- Aboriginal Benchbook for WA Courts.
<https://aija.org.au/wp-content/uploads/2017/07/Aboriginal-Benchbook-for-WA-Courts-2nd-Ed.pdf>
- The Aboriginal Interpreting WA Aboriginal Corporation website.
<http://aiwaac.org.au/>

NT resources

- The Indigenous Protocols for Lawyers developed by the Law Society NT.
https://lawsocietynt.asn.au/images/stories/publications/indigenous_protocols_for_lawyers.pdf
- The Northern Territory Plain English Legal Dictionary 2015.
<https://www.lawinfont.org.au/resources/plain-english-legal-dictionary/>
- The Aboriginal Interpreter Service has produced a lot of resources about Aboriginal languages in the NT and tips for communicating with Aboriginal people, including through interpreters.
<https://nt.gov.au/community/interpreting-and-translating-services/aboriginal-interpreter-service>
- The Northern Territory Legal Aid Commission Community Law Toolkit, part 1.4
https://www.legalaid.nt.gov.au/2016/11/23/community-law-toolkit-darwin/toolkit_2017_web/

National

- The National Domestic and Family Violence Bench Book (ATSI chapter)
<https://dfvbenchbook.aija.org.au>

4.7 Information about adult learning and CLE

WA resources

- Legal Aid WA coordinates the CLE Working Group which was established by the WA Collaborative Services Planning Group in 2015 to facilitate the co-ordination of CLE activities in WA. For further information about CLE resources in WA email cle@legalaid.wa.gov.au.
- The Aboriginal Legal Service of Western Australia (ALSWA) also creates CLE resources and delivers CLE activities. For more information call 1800 019 900.

NT resources

- The NT Legal Aid Commission coordinates the NT CLE Network – an open alliance of people and agencies working to develop and deliver CLE to people in the NT. The network is a good source of ideas and contacts.

Email: ntclenetwork@gmail.com or contact the CLE team at NT Legal Aid

Commission cle@ntlac.nt.gov.au or 1800 019 343.

- NAAJA promotes best practice in CLE in remote communities by combining adult learning principles, traditional Aboriginal learning styles, bilingual education and intercultural communication. The approach to community development and participatory action research in CLE is outlined in the paper *Strong foundations for community based legal education in remote Aboriginal communities*.

http://www.nacalc.org.au/cb_pages/files/Strong%20Foundations%20-%20NAAJA's%20Legal%20Development%20Methodology1%20-%20AGLC%20referencing.pdf

National resources

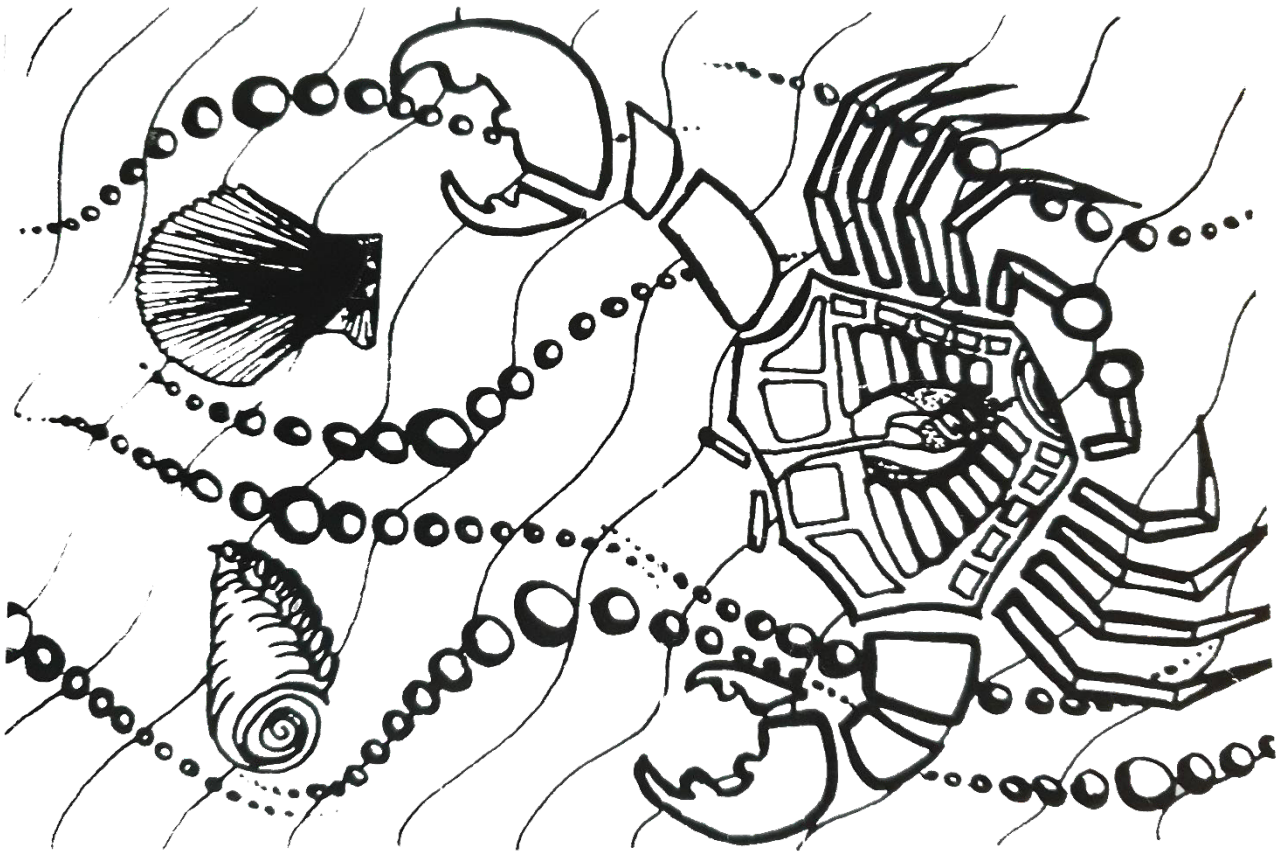
- The National Association of Community Legal Centres (NACLC) has a CLE and community development network. NACLC host the CLEAR database of CLE and law reform resources from around Australia

<http://nacalc.org.au/CLEAR>

- NACLC has also collated a page of useful resources for people starting out in CLE.

http://www.nacalc.org.au/cb_pages/clecd_resources.php

CHAPTER FIVE



STORY CARDS, MAPS AND OTHER RESOURCES

5 Story cards, maps and other resources 106




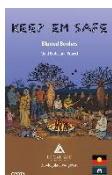








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5 Story cards, maps and other resources





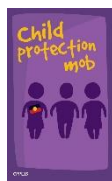

5.1 Story cards icons

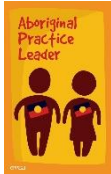










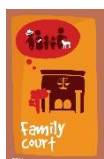




5.2 Story cards by category with text and icons





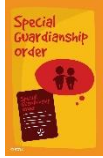

Ref#	Category	Text	Icon
CPOT1	Other	<p>Keep Em Safe Blurred Borders Information Card cle@legalaid.wa.goc.au</p> <p>These story cards form part of the Blurred Borders project. Partners:</p>  <p> We acknowledge the original designer of the Aboriginal Flag, Mr Harold Thomas. The Aboriginal flags appearing in the Blurred Borders resources, have been reproduced with his permission.</p> <p> We acknowledge the original designer of the Torres Strait Islander flag, the late Mr Bernard Namok. The Torres Strait Islander flags appearing in the Blurred Borders resources have been reproduced with the permission of the Torres Strait Islands Regional Council.</p>	 
Category Heading	People		
CPPE1	People	<p>Mother</p> <p>Someone you call mum. Maybe it is your birth mum (also called biological mum). Maybe it is the woman that grew you up or someone you call mum in the Aboriginal kinship way.</p>	
CPPE2	People	<p>Father</p> <p>Someone you call dad. Maybe it is your birth dad (also called biological dad). Maybe it is the man that grew you up or someone you call dad in the Aboriginal kinship way.</p>	
CPPE3	People	<p>Grandmother</p> <p>Someone you call grandmother or maybe nanna. Maybe your mum's mum or your dad's mum. Maybe it is your grandmother in the Aboriginal kinship way.</p>	
CPPE4	People	<p>Grandfather</p> <p>Someone you call grandfather or maybe pop. Maybe your mum's dad or your dad's dad. Maybe it is your grandfather in the Aboriginal kinship way.</p>	
CPPE5	People	<p>Aunty</p> <p>Someone you call aunty. Maybe it is your mum's sister or your dad's sister. Maybe it is your aunty in the Aboriginal kinship way.</p>	
CPPE6	People	<p>Uncle</p> <p>Someone you call uncle. Maybe it is your mum's brother or your dad's brother. Maybe it is your uncle in the Aboriginal kinship way.</p>	

Ref#	Category	Text	Icon
CPPE7	People	Sister Someone you call sister. Maybe it is a girl or woman with the same mum or dad as you. Maybe it is your cousin-sister or sister in the Aboriginal kinship way.	
CPPE8	People	Brother Someone you call brother. Maybe it is a boy or man with the same mum or dad as you. Maybe it is your cousin-brother or brother in the Aboriginal kinship way.	
CPPE9	People	Cousin Someone you call cousin. Maybe it is one of your aunty or uncle's kids. Maybe it is your cousin in the Aboriginal kinship way.	
CPPE10	People	Baby A very young kid that can't walk yet.	
CPPE11	People	Child The law says that any person who is younger than 18 years old is a child. The law says that mums and dads must make sure that their kids are safe and see a doctor if they need to. The Child Protection mob will come and talk with you if they think that your kids are not safe or healthy. The Child Protection mob must think about what is best for your kids.	
CPPE12	People	Carer A carer is a safe person who agrees to look after your kids. Carers might be called something else, like a foster carer or family carer, or maybe another name. When the Child Protection mob is worried about your kids, they will think about where the best place is for your kids to live. Maybe the Child Protection mob will say that your kids can't live with you. They might send your kids to live with a carer. The Child Protection mob have rules about this. First they must try to find some safe family members to look after your kids. When there is no safe family to look after your kids, then they will look for carers who aren't your family.	
CPPE13	People	Special guardian A special guardian is a person who agrees to look after your kids until they are 18. The special guardian has the power to decide many big things for your kids. A carer who has been looking after your kids on a court order for two years can ask the magistrate in court to be made a special guardian. Only a magistrate can make a carer a special guardian. When a magistrate makes a carer a special guardian, the Child Protection mob will stop checking on your kids, and they will stop talking to you about your kids.	
CPPE14	People	Safe person A person who works together with you and the Child Protection mob to help keep your kids safe. A safe person can be a family member, a friend or someone from your community. When the Child Protection mob is worried about your kids, they might make rules that you must follow. Then the Child Protection mob will ask you to find a safe person who can help you follow those rules and keep your kids safe. The safe person must come to meetings with you and the Child Protection mob. If your family is not following the rules, the safe person must tell the Child Protection mob about it.	








Ref#	Category	Text	Icon
CPPE15	People	<p>Applicant</p> <p>Someone who asks the court to decide about a problem. Apply means 'ask for'. In a Child Protection court case, one side will be called the applicant and the other side will be called the respondent. When the Child Protection workers ask the magistrate to make rules about a kid, the Child Protection mob is called the applicant. The mum, dad or carer might be called the respondent. When a mum or dad or carer goes to court and asks the magistrate to make new rules about the kid, the mum or dad or carer will be called the applicant and the Child Protection mob will be called the respondent.</p>	
CPPE16	People	<p>Respondent</p> <p>Respondent is the name for people on one side of a Child Protection court case. Respond means 'give an answer' or 'talk back'. The respondent must go to court to tell their story to the magistrate. When the Child Protection mob is worried about some kids, they might go to court and ask the magistrate to make rules about those kids. The Child Protection mob is called the applicant. The mum, dad or carer for the kids is called the respondent. Family members, like grandparents may ask to be made a respondent. When a mum, dad or carer goes to court and asks the magistrate to change the rules about the kids, the mum, dad or carer is called the applicant and the Child Protection mob will be called the respondent.</p>	
CPPE17	People	<p>Magistrate</p> <p>A senior law person who has power to decide legal problems in court. Sometimes the magistrate is called a judge.</p> <p>In the Children's Court and the Family Court, the magistrate (or judge) decides what is best for your kids.</p>	
CPPE18	People	<p>Children's lawyer</p> <p>This person is a lawyer who speaks with your kids, if they are old enough, and listens to your kid's story. Sometimes the children's lawyer speaks to the magistrate in court about what is best for your kids. Sometimes the lawyer speaks to the magistrate in court about what your kids want. The children's lawyer does not work for the Child Protection mob, and they do not work for mum or dad. They only think about what is best for the kids. This person is called a child representative in the Children's Court. This person is called an Independent Children's Lawyer (ICL) in the Family Court.</p>	
CPPE19	People	<p>Child Protection mob</p> <p>The government mob whose job is to make sure your kids are safe. The law says that mums and dads must make sure their kids are safe and go to the doctor when they need to. The Child Protection mob will come and talk with mums and dads if they think the kids are not safe, might be in danger, sick, or could get hurt. The Child Protection mob has the power to take your kids away from you if they think your kids are not safe. Maybe your kids have to live with someone else until it is safe for them to live with you.</p>	
CPPE20	People	<p>Child Protection worker</p> <p>This person works for the Child Protection mob.</p> <p>The Child Protection worker will come and talk with you if the Child Protection mob think that your kids are not safe or need to go to the doctor.</p> <p>The Child Protection worker will work with you and your family to make a plan to make it safe for your kids and help you be a safe parent.</p>	







Ref#	Category	Text	Icon
CPPE21	People	<p>Aboriginal practice leader</p> <p>An Aboriginal person who works for the Child Protection mob. This person's job is to help the Child Protection mob understand more about Aboriginal culture.</p> <p>This person will try to make sure that Aboriginal kids who are not living with their families still keep their connections to Country, kinship, language and culture.</p> <p>You can ask to talk to the Aboriginal Practice Leader and you can ask them to come to meetings with you.</p>	
CPPE22	People	<p>Psychologist</p> <p>This person is a worker with lots of training to understand the way that people think and act. Their training helps them to understand feelings, like when someone is really sad or angry. This person will talk with you and ask you questions about your worries. They will help you become strong in your thinking and become a better mum, dad or carer for your kids. The psychologist will keep most of the things you tell them secret, but there are some things the law says the psychologist must tell the magistrate and the Child Protection mob. When the psychologist talks to you to write a report for court or the Child Protection mob, what you say to the psychologist will not be secret.</p>	
CPPE23	People	<p>Support people</p> <p>Support people are all the people who will help you stay strong for your kids and help you make your home safe for your kids. It is good to have many people helping you to be a good parent. When a magistrate or the Child Protection mob make rules about your kids, support people will help you follow those rules. Maybe support people will help you go to court and ask the magistrate to change the rules. Think about who you can ask to help you. Ask good people that you trust. Maybe you will ask family, a friend, a coach, a boss, or someone who works at the clinic.</p>	
Category Heading	Places		
CPPL1	Places	<p>Safe place</p> <p>A safe place to get away from someone who is hurting, could hurt or is scaring you or your kids.</p> <p>A safe place might be at someone's home, at a shelter, or another place in your community that you are safe and can get help.</p> <p>Then you can think about what is the best thing for you and your kids.</p>	
CPPL2	Places	<p>Group home</p> <p>When the Child Protection mob take your kids away from you, the Child Protection workers must find a safe place for your kids to live. Maybe they will make your kids live in a house called a group home.</p> <p>A group home is different to foster care or kinship care. It is a home where maybe 5-10 kids who are in the care of the Child Protection mob live together. These kids are looked after by different workers. The workers have training about how to look after kids and get paid to do this job. Sometimes a large sibling group can be in a group home together.</p>	
CPPL3	Places	<p>Hospital/clinic</p> <p>Hospitals and clinics are places where health workers, like doctors and nurses, will help people who are sick, need medicine or have sores.</p> <p>The law says that mums, dads and carers must look after their kids. If your kids are sick, need medicine or have sores, it is good to take them to a hospital or clinic so they can get healthy again.</p>	







Ref#	Category	Text	Icon
CPPL4	Places	<p>Daycare</p> <p>A place where childcare workers look after babies and young kids during the day. The childcare workers have training about how to look after young kids and get paid to do this job.</p>	
CPPL5	Places	<p>Children's Court</p> <p>A law place where a magistrate makes decisions about kids. When the Child Protection mob is worried about your kids, they can go to the Children's Court and ask for law papers (called orders) to make sure your kids are safe. The magistrate will listen to you, the Child Protection mob, and your kid's lawyer if they have one, and decide what is best for your kids.</p>	
CPPL6	Places	<p>Family Court</p> <p>A law place where a magistrate or judge makes decisions about family problems. When mums and dads or other carers can't agree about looking after the kids, they might go to the Family Court and ask the magistrate or judge to decide about those family problems. The magistrate or judge has the power to decide about things like where your kids will live, who must look after your kids, when your kids will stay with mum, when your kids will stay with dad, or when they will stay with another carer. The magistrate or judge also decides who can make the big decisions for your kids and who must pay for the things your kids need.</p>	
Category Heading	Conditions & Orders		
CPCO1	Conditions & Orders	<p>Affidavit</p> <p>An affidavit is a kind of law paper. A person will write their story on the paper and sign their name. Then the magistrate will use that story to decide about something in court. When you sign your name on the affidavit, it means that you promise that the story is true. The law says you must only write the true story in an affidavit. When you get given an affidavit, show it to your lawyer. A lawyer can help you write your affidavit.</p>	
CPCO2	Conditions & Orders	<p>Written proposal</p> <p>This is a law paper from the Child Protection mob to tell the magistrate about the plans for your kids. The Child Protection mob will meet with you to talk about what gets put in the law paper. The law paper will have rules about your kids, like who your kids will live with, where they will go to school and how they will stay connected to culture. The law paper tells you what you must do so that you can keep your kids, spend more time with your kids or get your kids back and how long this might take.</p>	
CPCO3	Conditions & Orders	<p>Interim order</p> <p>This is a law paper (called an order) from a magistrate. The magistrate will write down rules about your kids, like who will look after them, where they will live and when you get to spend time with them. An 'interim order' only lasts for a short time. It means that the magistrate has not finished deciding about what is best for your kids. The magistrate will say how long those rules will last for. The magistrate might say no interim order is needed. There will be another date when everyone comes back to court and the magistrate will decide whether to make a final order.</p>	








Ref#	Category	Text	Icon
CPCO4	Conditions & Orders	<p>Final order</p> <p>This is a law paper (called an order) from a magistrate. The magistrate will write down rules about your kids, like who will look after them and where they will live.</p> <p>The magistrate thinks about what is best for your kids and then the magistrate will make the rules. A final order might last for a short time, or it might last for a very long time. The magistrate will say how long those rules will last for.</p>	
CPCO5	Conditions & Orders	<p>Protection order (supervision)</p> <p>This is a law paper (called an order) from a magistrate. This order says that your kids can live with you. You decide everything about how your kids live. The order might have some rules about keeping your kids safe. You must follow those rules. The Child Protection mob must follow the rules too. They must make sure you get the help you need.</p> <p>The law paper also gives the Child Protection mob the power to come to your house to see how you are going and check that your kids are safe.</p>	
CPCO6	Conditions & Orders	<p>Protection order (time limited)</p> <p>This is a law paper (called an order) from a magistrate. This paper gives power to the Child Protection mob to decide many things about your kids, like where your kids live and where they go to school. The paper will say how long the Child Protection mob can decide about your kids. The longest time that this protection order can last for is two years.</p> <p>Maybe if you show the Child Protection mob that it is safe for your kids to live at home with you, the Child Protection mob might say that your kids can live with you again.</p>	
CPCO7	Conditions & Orders	<p>Protection order (until 18)</p> <p>This is a law paper (called an order) from a magistrate. This paper gives the Child Protection mob power to decide many big things about your kids for a long time. Things like who looks after your kids, where your kids live and where they go to school.</p> <p>This protection order says the Child Protection mob can decide about your kids until your kids turn 18 years old.</p>	
CPCO8	Conditions & Orders	<p>Special guardianship order</p> <p>This is a law paper (called an order) from a magistrate. The order says that a person called a special guardian will look after your kids until your kids are 18 years old. Your kids will live with the special guardian, and the special guardian has the power to decide many big things for your kids.</p> <p>After a magistrate makes a special guardianship order, the Child Protection mob will stop checking on your kids, and they will stop talking to you about your kids.</p>	
CPCO9	Conditions & Orders	<p>Trial/Hearing</p> <p>This is the day when the magistrate decides about a child protection problem. It is good to go to court so that you can tell your story.</p> <p>At the trial, the magistrate will listen to the Child Protection mob, your kid's lawyer if they have one, you, and your lawyer. The magistrate might ask people questions about your kids to find out if your kids are safe. Then the magistrate will think about what is best for your kids.</p> <p>At the end of the trial, the magistrate will make rules (called orders) about your kids. The magistrate might say no rules are needed.</p>	





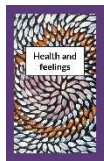
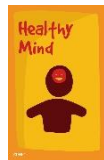
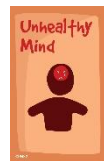
Ref#	Category	Text	Icon
CPCO10	Conditions & Orders	<p>Spend time with</p> <p>When your kids are not living with you, the Family Court magistrate or judge can make law papers about when you can spend time with your kids. These law papers are called 'spend time with' orders.</p> <p>Sometimes you can change spend time with orders when you and the carer agree in writing. Sometimes you can change spend time with orders by going back to court.</p> <p>The law says that the magistrate or judge must think about what is best for your kids when making a spend time with order.</p>	
CPCO11	Conditions & Orders	<p>Live with</p> <p>The magistrate or judge in the Family Court has the power to make law papers that say who your kids will live with. These law papers are called 'live with' orders.</p> <p>Sometimes you can change live with orders when you and the carer agree in writing. Sometimes you can change live with orders by going back to court.</p> <p>The law says that the magistrate or judge must think about what is best for your kids when the magistrate or judge decides where your kids will live.</p>	
Category Heading	Who can decide		
CPWD1	Who can decide	<p>Decision maker</p> <p>The person who has the power to decide something about your kids. The law gives power to different people to decide different things. The law says that you can have a say in big decisions about your kids.</p> <p>A magistrate or judge might say the Child Protection mob has the power to decide some things, a carer has power to decide some things and you have the power to decide other things.</p> <p>When there is a court case about your kids, the magistrate or judge has the final say about what is best for your kids and how to make your kids safe.</p>	
CPWD2	Who can decide	<p>Best interests of the child</p> <p>When a magistrate or judge decides about where your kids will live, or makes rules about your kids, the magistrate or judge must think about what is best for your kids.</p> <p>The law says that what is good for your kids is more important than what is good for you or what is good for the Child Protection mob.</p> <p>This law is called 'making a decision in the best interests of the child'.</p>	
CPWD3	Who can decide	<p>Big decisions</p> <p>When your kids are living with carers, the Child Protection mob decide about big things for your kids</p> <p>Things like:</p> <ul style="list-style-type: none"> - Changing the place where your kids live. - Changing the place where your kids go to school. - Sending your kids to the hospital for an operation. - Sending your kids to talk with a counsellor. <p>The law says that you can have a say in big decisions about your kids.</p>	

Ref#	Category	Text	Icon
CPWD4	Who can decide	<p>Everyday decisions</p> <p>When your kids are living with carers, the carers decide about every day things for your kids.</p> <p>Things like:</p> <ul style="list-style-type: none"> - The food your kids eat. - The clothes your kids wear. - The time that your kids go to sleep at night. <p>If it is safe and you get on well with the carer, maybe you can have a say in every day decisions about your kids.</p>	
CPWD5	Who can decide	<p>Parental responsibility</p> <p>Parental responsibility is the power to make big decisions about your kids, like where the kids will go to school and when they need to go to hospital. A magistrate or judge has power to make an order that says who will make these decisions. When a family cannot agree about who will make these big decisions, a mum, dad or another person in the family might go to court and ask the magistrate or judge to make an order about this. When your kids are living with carers, the Child Protection mob make the big decisions about your kids. A special guardian can make the big decisions for your kids.</p>	
Category Heading	Becoming safe		
CPBS1	Becoming safe	<p>Dangerous</p> <p>Anything that can hurt your kids is a kind of danger. You must try to keep your kids away from dangerous people and dangerous places.</p> <p>A dangerous person might be someone who:</p> <ul style="list-style-type: none"> - Has a criminal history of hurting kids physically or sexually. - Takes drugs or drinks too much grog. - Yells at kids and makes them feel no good. <p>A dangerous place might be somewhere like a house where there is lots of fighting.</p>	
CPBS2	Becoming safe	<p>Neglect</p> <p>When you don't look after your kids it is called neglect. This may be things like:</p> <ul style="list-style-type: none"> - Not feeding your kids. - Not taking your kids to the doctor or giving them medicine when they need it. - Letting your kids go to dangerous places. - Letting your kids stay with dangerous people. - Not knowing where your kids are. <p>The law says that you must keep your kids safe. Families must look after little kids and babies very carefully.</p>	
CPBS3	Becoming safe	<p>Safe</p> <p>Your kids are safe when there is a plan in place that stops them from being in danger.</p> <p>When kids are safe they feel happy, looked after, not in danger and don't feel scared.</p>	
CPBS4	Becoming safe	<p>Healing</p> <p>There are many things that can make you feel sad or no good. When you feel this way it is hard for you to be a good parent for your kids. There are many different people who can help you heal when you are feeling no good. It is good to ask for help so that you can feel better. Healing can take a long time. Don't give up.</p>	



Ref#	Category	Text	Icon
CPBS5	Becoming safe	<p>Meeting</p> <p>A meeting is when you talk with other people. You might talk about problems with looking after your kids. There will be many meetings to help sort out these problems. It is good to go to these meetings so that you understand what is happening to your kids, and so that you can have a say about your kids. It will make it harder for you to fix problems if you don't go to these meetings. Ask the Child Protection mob to make the meetings on the days and times that are good for you. If you can't go to a meeting, tell the person you are meeting with that you can't come. Don't give up because you miss a meeting. Go to the next meeting.</p>	
CPBS6	Becoming safe	<p>Signs of safety meeting</p> <p>At this meeting you and your family and your support people sit down and talk with Child Protection workers about your kids.</p> <p>You will talk about any worries about your kids, the good and the bad things that are happening in your family and what needs to change to keep your kids safe.</p>	
CPBS7	Becoming safe	<p>Time</p> <p>When the Child Protection mob take your kids away from you, you will only be able to see your kids or get your kids back when it is safe for your kids. It is good to show the Child Protection mob and the magistrate that you are making things safe for your kids. Start changing all the things in your life that make it not safe for your kids. It might take a short time to make it safe for your kids. It might take a long time to make it safe for your kids. If your kids are on a protection order (time limited), the Child Protection mob decides when it is safe for your kids. If your kids' case is still at the Children's Court, the magistrate decides when it is safe for your kids.</p>	
CPBS8	Becoming safe	<p>What's stopping you?</p> <p>There might be lots of things you need to do to make it safe for your kids. Things like:</p> <ul style="list-style-type: none"> - Getting your kids to the hospital or clinic - Going to appointments - Going to visits with your kids - Speaking up in meetings. <p>Is there anything stopping you from doing these things? Work out what the problem is. Get some help to sort it out. There are lots of different people who can help you to sort things out.</p>	
Category heading	Things you can do		
CPTD1	Things you can do	<p>Speak up</p> <p>When you talk with Child Protection workers or your lawyer about problems with your kids, you might feel shame. You might not want to speak up and say what you think. It is good to tell the Child Protection workers, lawyers and the magistrate about:</p> <ul style="list-style-type: none"> - What you think is good for your kids. - The strong and safe people in your family who can help you look after your kids - The strong and safe people who might look after your kids. <p>If you feel like you are not strong enough to speak up and tell your story, ask a lawyer to help you talk to the magistrate and the Child Protection mob.</p>	

Ref#	Category	Text	Icon
CPTD2	Things you can do	<p>Respect</p> <p>It is good to show respect to other people. This will help them show respect to you.</p> <p>Some of the ways that you can show respect are:</p> <ul style="list-style-type: none"> - Listen when other people are talking. - Listen to your elders. - Talk politely in meetings and don't yell. - Go to your meetings and appointments. <p>It is also good to respect yourself.</p> <p>The Child Protection mob should also show respect to you.</p>	
CPTD3	Things you can do	<p>Visit your kids</p> <p>When your kids are not living with you, Child Protection workers might make a time for you to visit your kids. This might be in a park, in an office or somewhere else. When you visit your kids, listen, play and talk with your kids. Bring something healthy for them to eat and drink. Doing these things helps show the Child Protection mob and the magistrate that you care about your kids. Your kids will be happy to see you. Visiting your kids helps you stay connected with them. It also helps your kids know that you are okay. If you think it is good for your kids to visit with you more, talk with your Child Protection worker and your lawyer about this.</p>	
CPTD4	Things you can do	<p>Go to your appointments</p> <p>To make things better for your kids, make sure you go to your appointments at the right time and at the right place. You might have many different appointments with doctors, lawyers, Child Protection workers, counsellors or other workers. You can bring a support person with you to these appointments. It will make it hard for you to fix problems if you don't go to these appointments. You can ask for appointments on the days and times that are good for you. When you will be late or can't come to an appointment, ring the people you are meeting with and tell them.</p>	
CPTD5	Things you can do	<p>Follow medical advice</p> <p>Hospitals and clinics are places where health workers, like doctors and nurses, will help people who are sick, need medicine or have sores.</p> <p>The law says that mums and dads must look after kids who are sick, need medicine or have sores.</p> <p>If you don't take your kids to the hospital/clinic when they need to go or you don't listen to what the doctor says about making your kids healthy, the Child Protection mob might think that you are not doing a good job looking after your kids.</p>	
CPTD6	Things you can do	<p>Out bush on Country</p> <p>Go to the places where family and culture are strong. Get away from the bad things and the worries in town.</p> <p>Stay in a good place with good people so that you become strong and healthy.</p>	
CPTD7	Things you can do	<p>Family</p> <p>Be together with the people in your family that care about you and help you live in a good way.</p>	

Ref#	Category	Text	Icon
CPTD8	Things you can do	Safe home Making your home safe will help you live in a good way and help you do the right things for your kids. Your mind and body will be stronger when you live in a safe home. There are many things you can do to make your home safe: - No fighting and yelling. - Don't have drugs or lots of grog in your home. - Only have safe people in your home. - Keep your home tidy. - Keep good food in your home.	
CPTD9	Things you can do	Stay off the drugs/grog Grog and drugs will change the way you think and act. Grog and drugs make it hard for you to do the right things for your kids. When you have too much grog or take drugs, the Child Protection mob might get worried about your kids. Stay sober and have a clear mind so you can look after your kids.	
CPTD10	Things you can do	Tidy place Lots of rubbish, old food and broken glass might make kids get sick or hurt. A tidy house is good for your kids. Keep your house clean so it is safe for your kids.	
CPTD11	Things you can do	Send kids to school Kids need to go to school to learn things and make friends. Your kids will learn best if they go to school every day. Make sure your kids get to school on time. If you don't send your kids to school, the Child Protection mob might think that you are not doing a good job looking after your kids.	
CPTD12	Things you can do	Do good things Swap the bad things in your life for good things. Think about the things that make you feel strong, happy and healthy. Things like footy, going fishing, going for a walk, going out bush and spending time with family. Go do these things. When you do these good things, it will help you get rid of the bad things in your life.	
CPTD13	Things you can do	Learn new skills Think about the things in your life that you need to change so that you can make things better for your kids. You can learn how to get rid of bad things and do more good things. Talk to a counsellor or someone you trust about what things you need to learn. You might learn about how to stop getting angry, how to stay sober, or you might do a course that will help you get a job. Learning good things will help you look after your kids.	
CPTD14	Things you can do	Have a job Having a job might make you feel good about yourself and help you to look after your kids better. Sometimes it can be hard to get a job. Have a think about: -What sort of job you would like. - What training you might need. - Who can help you to get this training or to get the job. When you have a job, you will have money to buy things your family needs.	

Ref#	Category	Text	Icon
CPTD15	Things you can do	Manage money The law says that you must look after your kids. This means you must buy healthy food and other things your kids need. You must pay for electricity and other things that make your house safe. Put your kids first. Don't spend all your money on grog and gambling. If the Child Protection mob thinks that you aren't using your money to look after your kids, they might make rules about how you can use your money. Maybe some of your money will go on a basics card or a cash debit card (sometimes called a white card). You can ask money counsellors to show you how to make good use of your money.	
CPTD16	Things you can do	Rights for kids in care There are laws that protect kids who are living with carers. There is a person called the advocate for kids. This person's job is to make sure that the carers and Child Protection workers follow these laws. The advocate's job is to listen to the kids and help sort out any problems between the kids and Child Protection mob. Kids who are living with carers can phone or email the advocate to talk about any problems. When kids are very young, another person like a mum, dad or carer might help the kid phone or email the advocate.	
CPTD17	Things you can do	Is there anything else Is there anything: <ul style="list-style-type: none"> • you want to talk about • you want to ask about, or • that you need help with? Do you have any worries? Have I got anything wrong? Speak up now and I might be able to: <ul style="list-style-type: none"> • get things right • help you sort things out or help you find someone else who can. 	
CPTD18	Things you can do	Talking stick Is there something you need to say? Are there questions you need to ask? Is there something you don't understand? You can pick up or point to the talking stick so others know you have something to say When you have the talking stick this means that it is your turn to talk and everyone else will listen. The talking stick can be passed around in a meeting so that everyone has a chance to talk.	
Category heading	Health and feelings		
CPHF1	Health and feelings	Healthy mind When you feel right in your head. You can think clearly and feel good. You aren't tired or mad.	
CPHF2	Health and feelings	Unhealthy mind When you don't feel right in your head. You can't think clearly and you might be tired. Maybe you are having bad thoughts. Maybe you are always angry. Maybe you don't feel in control.	

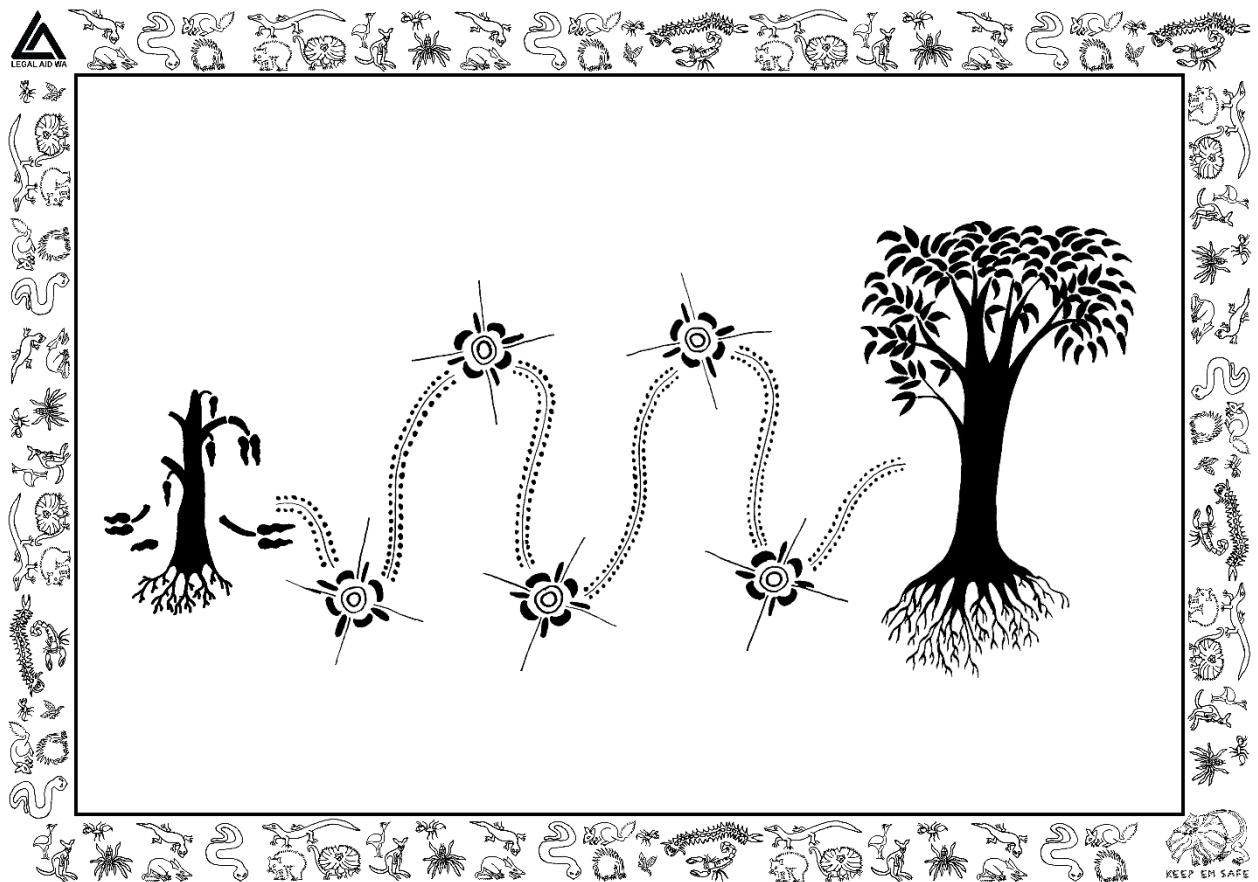
Ref#	Category	Text	Icon
CPHF3	Health and feelings	Healthy body When your body feels good. You eat good food and get good sleep. You exercise and don't drink too much. You don't smoke gunja or use meth.	
CPHF4	Health and feelings	Unhealthy body When your body feels wrong. Maybe you are sick or hurt. Maybe you don't eat or sleep enough. Maybe you have been drinking too much. Maybe you have been smoking gunja or using meth. You don't feel like doing anything.	
CPHF5	Health and feelings	Happy What things make you feel this way?	
CPHF6	Health and feelings	Hopeful What things make you feel this way?	
CPHF7	Health and feelings	Love What things make you feel this way?	
CPHF8	Health and feelings	I don't understand What things make you feel this way?	
CPHF9	Health and feelings	Hopeless What things make you feel this way?	
CPHF10	Health and feelings	No-one listens What things make you feel this way?	
CPHF11	Health and feelings	Sad What things make you feel this way?	
CPHF12	Health and feelings	Worried What things make you feel this way?	

Ref#	Category	Text	Icon
CPHF13	Health and feelings	Angry What things make you feel this way?	
CPHF14	Health and feelings	Jealous When you feel upset or angry because you think your partner might be doing something you don't like. You might feel jealous when you don't trust your partner. You might be having bad thoughts about your partner because of things they are doing now. You might be having bad thoughts about your partner because of things they have already done. What things make you feel this way?	
CPHF15	Health and feelings	Shame Shame is when you feel guilty, ashamed or embarrassed, or like you've done something wrong. When you feel like you've let your family down. You might feel shame about reporting things to the police or the Child Protection mob. What things make you feel this way?	
Category heading	Other		
CPOT2	Other	Blank card	

5.3 Process map

The child protection process map is a useful tool to help explain child protection meetings and processes. It has been designed to help explain the signs of safety process and safety scaling. It should be used in conjunction with the child protection and family violence story cards. For more information about the child protection process map see Fact sheet 14

Service providers can download a pdf of this process map from the Blurred Borders website. For further information email cle@legalaid.wa.gov.au.



5.4 Wallet cards and stickers

The wallet cards serve as a visual reminder of the orders that the magistrate has made in court.

The wallet card contains the lawyer's contact details, the next court date and the language spoken if English is not a person's first language.

The wallet cards can be used by different service providers in different ways:

- Court based lawyers can create wallet cards for individual client's by filling in the relevant court date/s and putting stickers in that represent the sorts of things the client must do to make things safe for their kids or start working on the worries that have led to the Child Protection mob being involved with the family.
- Lawyers or convenors at a child protection mediation style conference could put stickers in for what the client has agreed to do.
- Child Protection staff or support workers could put stickers in a wallet after a signs of safety meeting or other meeting to indicate what the client has agreed to do.
- Judicial support officers or other court staff can use them to assist people to understand court imposed final orders or in some cases, what is required on interim orders.

Blank wallet cards and stickers are included in the Resource Kit. For refills go to

<https://www.legalaid.wa.gov.au/resources>.



5.5 Posters

The posters are useful tools to help deliver key messages or to act as reminders about keeping things safe for kids at home.

Posters can be displayed in reception areas and interview rooms in legal offices, courts, police stations and in other places offering community services.

Posters can also be provided directly to clients for them to display at home. This serves a number of purposes:

- To act as an incentive to remind a parent or carer about what the parent or carer needs to do to make things safer for their kids at home.
- To make any other people living or staying with that person aware of the need to make it safe at home. In this sense, the posters can act as a 'shield' providing an explanation as to why a person doesn't want to drink if they are meant to be giving up drinking to make it safe for their kids to come home.

For more information about Blurred Borders posters go to:

<https://www.legalaid.wa.gov.au/resources>



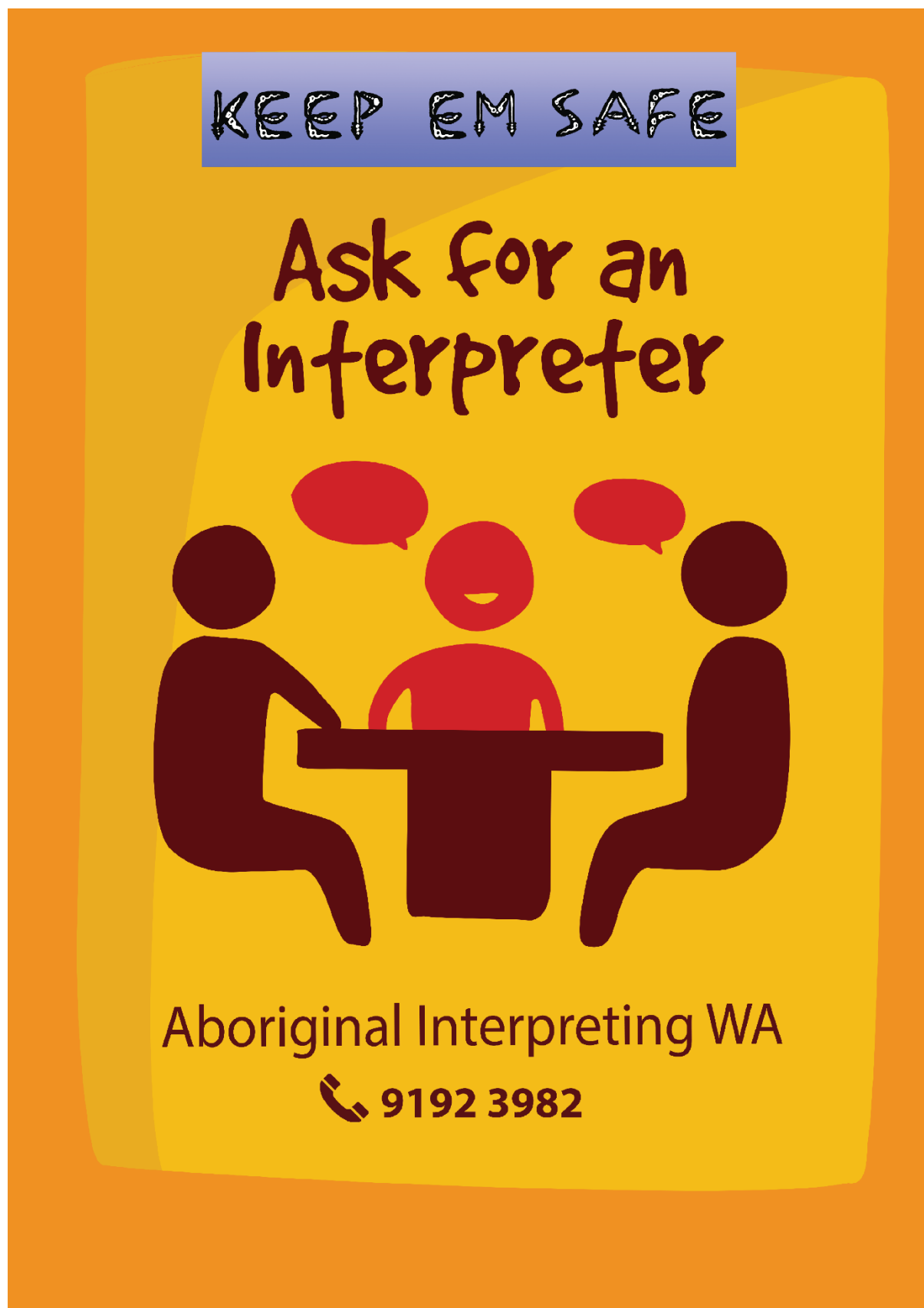
Deadly families keep kids safe



Strong Culture solid kids



Ask for an interpreter




Call a lawyer – West Kimberley


KEEP EM SAFE

call a lawyer


If the Child Protection mob
are worried about your kids




West Kimberley




LEGAL AID
WESTERN AUSTRALIA
Legal Aid WA
☎ 9195 5888




MARINWARNTIKURA
☎ 9191 5284



kimberley community
legal services
KCLS
☎ 1800 797 088



ALSWA
☎ 9192 1189




Aboriginal Family Law Services
AFLS
☎ 9193 5455

Call a lawyer – East Kimberley


KEEP EM SAFE

call a lawyer

If the Child Protection mob
are worried about your kids




East Kimberley




LEGAL AID
WESTERN AUSTRALIA

Legal Aid WA
☎ 9166 5800




kimberley community
legal services

KCLS
☎ 1800 686 020



ALSWA
☎ 9168 1635

Aboriginal Family Law Services



AFLS
☎ 9168 2001

Get help to keep your family safe



Don't be shame speak up



It's all about the kids



Chapter five: Story cards, maps and other resources

What's stopping you from keeping your kids safe?



