



I AM IN PRISON AND MY CHILD IS IN CARE ON A FINAL PROTECTION ORDER WHAT CAN I DO ABOUT MY CONTACT?

Your child might be in care on a protection order (time limited) or (until 18) and you want to know about having contact. This fact sheet has information on how decisions about contact are made and some of your options to try to get contact or to get changes in contact.

You should get legal advice about your situation.

What does the law say about contact?

The law says the Department of Communities (sometimes called 'Child Protection') and a magistrate at the Children's Court must make decisions based on what they think is in your child's best interests. This includes if Child Protection or the court was asked to decide about whether a child should have visits with you in prison.

The term 'best interests of the child' has a special legal meaning, and the court has to think through a number of factors to decide what is in the best interests of your child.

This means you may not get the contact you want if it is not seen as in your child's best interests.

I have not had contact recently. What should I do?

Talk to your child's case worker. If you have not had contact with your child recently, it might be seen as best that your contact start with letters, photos, or drawings. Your child's case worker would have to approve anything you want to send to your child.

If you have a good relationship and your child is old enough, phone or video calls may be part of a plan to progress to contact in person.

If your prison is located too far away from where the child is living, for example, you are in a

remote prison and your child lives a few hours or more away, you may not be able to have in person contact until you are released.

What do I do if a final protection order has been made and I want changes to my contact ?

Read the parts about your contact in the court paperwork called a 'written proposal'. If you:

- are not getting what is set out in the written proposal, or
- if things have changed since the order was made and you think different arrangements about contact should be put in place,

Speak to the case worker.

If your child has been placed on a protection order (time limited), you can also have a say about your contact or changing your contact:

- at the monthly meetings (sometimes called family meetings, reunification meetings, or stability and connection planning meetings).
- at your child's care plan meetings. If you do not agree with a decision made at a care plan meeting, first speak to the person who ran the meeting. After speaking to this person, if you are still not happy with a decision, you can seek a review of the care plan decision by the Care Plan Review Panel.
- to the Care Plan Review Panel. You should seek a review within 14 days of receiving the record of the care plan meeting. If it is over 14 days and you have a good reason, you can apply for an extension of time to put in your review application. You will need to get a librarian or prison officer to download a [Form 418: Application for a Review of a Care Planning Decision Under Section 93 of the Children and Community Services Act 2004 \(PDF, 102KB\)](#) or ring 1800 681 842 and ask to

be sent a copy. You need the record to say which decision you want reviewed. You should give reasons why you think the decision is not good for your child and what you think is best. Get legal advice about your application for review.

If your child is on a protection order (until 18), talk to the case worker. If that does not lead to a change, you will need to say what you want at your child's care plan meetings or through a care plan review application as set out above. Get legal advice before starting a review application.

If your child is on a protection order (supervision) or (special guardianship), check the court order to see if there is a condition about your contact with your child. Get legal advice if there is no condition or the condition is not being followed.

Where to get more information and legal help

You can contact the Legal Aid WA:

- Prison Visiting Service to ask for more information and how to get legal help with a care plan review application. Ask for a copy of a fact sheet for prisoners that has details of legal services that may be able to help you.
- Infoline for free from your prison phone for more information and referral. From the Infoline Aboriginal and Torres Strait Islander prisoners can ask for Legal Yarn.

Legal Aid WA contacts: Website + Chat www.legalaid.wa.gov.au, Infoline 1300 650 579, Legal Yarn 1800 319 803.

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