



# I HAVE A CASE AT THE CHILDREN'S COURT WHAT DO I DO FIRST?

This fact sheet for prisoners has information on the first steps you can take if you have a protection and care case at the Children's Court. These include getting legal advice, getting the paperwork you need, and key things to think about when reading the paperwork.

## Get legal advice as soon as possible

If you want to find out what is going on with your case and have a say, you should get legal advice.

### Where can I get legal advice?

You can contact:

- the Legal Aid WA Prison Visiting Service to apply for legal aid for advice and representation. This service may also be able to refer you to other services if you have been refused legal aid for your case.
- the Aboriginal Legal Service of WA (ALS) if you are an Aboriginal or Torres Strait Islander prisoner.

- Family Violence Prevention Legal Services may be able to help if you are an Aboriginal or Torres Strait Islander in WA who has experienced, or who is experiencing, family and sexual violence. Contact:
  - Aboriginal Family Legal Services on (08) 9355 1502 to find out if there is an office near your prison.
  - Southern Aboriginal Corporation Family Violence Prevention Legal Service in Albany on 1800 557 187 or (08) 9842 7751.
  - Marnin Family Support and Legal Unit in Fitzroy Crossing on (08) 9191 5284.
- Your local [community legal service](#).

## Get a copy of Communities, Child Protection's paperwork

This paperwork tells you:

- why your case is at court, and
- what protection order the Department of Communities (sometimes called 'Child

Protection') wants the magistrate to make for your child.

If you have not been given or have lost your copy of this paperwork, ring your child's case worker to ask for a copy. Your lawyer will also be able to give you a copy.

You should have a copy of the:

- Protection application
- Report in support, and
- If the case has been going at court for some time or is an application to extend or revoke an existing protection order, a written proposal.

If you need someone's help to read this paperwork, your lawyer may be able to help or a family member or friend you trust.

## What should I think about as I read the paperwork?

You should think about things like:

- Where is your child living? If your child has been removed from home, do you agree with where they are now living? Is there someone else you want them to live with? If so, they must be assessed as a carer. There is another fact sheet on how to have a say about who cares for your child.
- What contact have you been offered? Your contact could be by letter, phone, video or face-to-face depending on what is in your child's best interests. If you disagree with what is offered to you, speak to your lawyer (if you have one), or to the caseworker to say what contact you think is best for your child.
- Whether you agree with the reasons Child Protection has given for bringing your child's case to court.
- Whether you agree with:
  - the plan for the future set out in the written proposal, and

- the protection order Child Protection wants.
- Does the written proposal need to be changed? If so, how?
- Is there is a cultural support plan with the written proposal? This is a plan for Aboriginal and Torres Strait Islander children or children with a different language or cultural background to help them stay connected to their culture.
  - Who has helped make the plan?
  - What stories are included?
  - Have the right people been spoken to about your child's family and culture?
  - How can the plan be improved?

## Where can I get more information?

You can:

- Ask the prison library contact person if they can download information from the Legal Aid WA website. There are other fact sheets for prisoners and Blurred Borders fact sheets on protection and care topics.
- Ring the Legal Aid WA Infoline on the dedicated prison line to ask for other fact sheets on protection and care to be sent to you. From the Infoline Aboriginal and Torres Strait Islander prisoners can ask for Legal Yarn.
- Ask to speak to the Legal Aid WA Prison Visiting Service.

**Legal Aid WA Contacts:** Website + Chat [www.legalaid.wa.gov.au](http://www.legalaid.wa.gov.au), Infoline 1300 650 579, Legal Yarn 1800 319 803.

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