



# I AM IN PRISON AND I HAVE A CASE AT THE CHILDREN'S COURT HOW CAN I HAVE A SAY ABOUT THE WRITTEN PROPOSAL?

If the Department of Communities (sometimes called 'Child Protection') has started a case for a protection application at the Children's Court, you might have been given a court paper called a 'written proposal'. This fact sheet has information on what a written proposal is and how you can have a say about what is in it.

## What is a written proposal?

A written proposal is a court paper from Child Protection. The law says this paper must be lodged at court to tell the magistrate about plans for your child before they are put on a protection order. Child Protection will meet with you at a family meeting so that you can have a say about what gets put in the written proposal.

The proposal will have plans for your child like who your child will live with, where they will go to school and when you will see them.

The written proposal should also set out how your child will stay connected to you, other family members or important people in their lives.

As a parent you must be given a copy of this proposal.

You will not get a written proposal if your child is to be placed on a protection order (special guardianship). Instead, you will be given another written report.

## Cultural support plans

For Aboriginal or Torres Strait Islander children or children from different language or cultural backgrounds, the proposal must have a plan for how the children will stay connected to their culture and traditions if they are not living with you. This is called a 'cultural support plan'.

## Which should I look at in the proposal?

### For a protection order (time limited)

When Child Protection is asking the court for a protection order (time limited), usually the child is not living with a parent and the plan is for the child to go home with one or both parents.

The written proposal will say what you and/or the other parent must show or change to make it safe enough for your child to go home. The proposal is like a map to follow.

If it is good for your child, the written proposal may have a plan that sets out what you must change or show, especially when you get out of prison, to get to things like:

- More visits with your child.
- If your visits are supervised, to get to visits supervised by family or unsupervised visits. When your child first goes into care, depending on the worries, someone from Child Protection might supervise your visits. Later, if you can find safe family members or others who support you getting your child back, they might help and be approved to supervise your visits until you are able to have visits with your child by yourself.
- Overnight visits.

If the plan is for your child to go back to live with you, if you follow this plan, it will help you build your relationship with your child and get them back at home with you after you are released.

### For a protection order (until 18)

When Child Protection is asking the court to put your child on an order until they are 18 years of age, called a protection order (until 18), the written proposal will say who your child will live with and what the plans are to help them grow up safe and healthy.

If it is good for your child, it will set out when:

- You can see them and whether these visits will be supervised or unsupervised.
- How they will stay connected to other family members or important people in their lives.

## Getting the proposal changed

If you show that the changes you want to the written proposal are good for your child, Child Protection might make them. You might also want to make changes to the cultural support plan if one is needed in your case.

Your lawyer can help you try to get these changes. If you don't have a lawyer, talk to the case worker about the changes you want. As a last resort you may have to tell the magistrate what changes you want. The magistrate can ask Child Protection what they think and then plan the next step at court for your case.

## Where to get more information

You can contact the Legal Aid WA:

- Prison Visiting Service to ask for more information and how to get legal help with care plan review. Ask for a copy of a fact sheet for prisoners that has details of legal services that may be able to help you.
- WA 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](http://www.legalaid.wa.gov.au), Infoline 1300 650 579, Legal Yarn 1800 319 803.

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