



I AM IN PRISON AND MY CHILD IS IN CARE WHAT CAN I DO ABOUT A CARE PLAN DECISION I DISAGREE WITH?

This factsheet may help you if your child is in the care of the Department of Communities (sometimes called 'Child Protection'), on a protection order (time limited) or (until 18) and you think important decisions are being made that are not in your child's best interests.

If your child is on a protection order (time limited) or a protection order (until 18), the law says that there must be a written care plan in place for them.

How often are care plan decisions made?

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

Child Protection has to check the care plan is still suitable at least once every 12 months. This is called a review.

However, care plan decisions may have to change before the yearly review.

What can you do if you disagree with a care plan decision?

If you don't agree with a care plan decision because you think it is not in your child's best interests, the first thing you should do is speak to the Child Protection worker who ran the care plan meeting.

Talking to Child Protection might help you understand why the decision was made, and it might also mean you can get changes made to the decision.

If after talking to Child Protection, you still do not think a decision is good for your child, you can ask the 'Care Plan Review Panel' to review the decision. The Panel can only review care plans for

children on protection orders (time limited) and protection orders (until 18). They cannot review provisional or temporary care plan decisions.

How do you ask the Care Plan Review Panel to review a decision?

You only have a short time to ask 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.

However, you can ask for more time to apply for review. You should say why you didn't get it in on time. You can do this at the same time as you put in your application for review.

To ask the Care Plan Review Panel to review a decision, you have to fill in a form. You will need to get a library officer or a friend 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](#) or you can ring Child Protection on 1800 681 842 and ask to be sent a copy.

From your written copy of record of the care plan or changed care plan you need to say which care plan decision you disagree with, why and what you think would be best.

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

What happens after the Care Plan Review Panel has reviewed the decision?

After the Care Plan Review Panel has reviewed the decision, it will tell Child Protection what they think should happen.

The Chief Executive Officer of Communities, Child Protection will then make a final decision.

You will be sent a letter telling you what the decision is.

If you don't agree with the decision, you can apply to the State Administrative Tribunal for a review of the decision.

You should get legal advice if you want to do this because you only have a short time to ask for this to happen.

Other ways to raise worries about what is happening for your child with Child Protection

Don't forget, if your child has a provisional or temporary care plan or is on a protection order (time limited), you can also raise any worries you have about what is happening for your child at your monthly family or stability and connection meetings with Child Protection. If your case is at court, you can also raise any worries with your lawyer.

Where to get more information and legal help

You can contact:

- The Legal Aid WA Prison Visiting Service to ask for more information and for how to get legal help with care plan review. Ask for a copy of a fact sheet for prisoners that has details of free legal services that may be able to help.
- The Legal Aid 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, Infoline 1300 650 579, Legal Yarn 1800 319 803.

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CMS #: 32132117 | Last reviewed: 23/10/2024