



I AM IN PRISON HOW CAN I TELL MY STORY IN MY CHILD PROTECTION CASE?

If the Department of Communities (sometimes called 'Child Protection') has started a court case for a protection application for your child at the Children's Court, you might want to know about how to tell your story to the court.

This fact sheet has information on how you can have a say about what you think is best for your child.

Can a lawyer help me tell my story?

Yes. You should apply for legal aid or contact another legal service to get a lawyer to speak for you at court. There are details of legal services that may be able to help you at the end of this fact sheet.

Your lawyer can:

- help you understand your court paperwork, especially the protection application, report in support and the written proposal,

- help you understand the stages your court case will go through and how to have a say in each one, and
- speak for you in court.

Can I put in my own paperwork to the court to tell my story?

If you do not agree with Child Protection's plan for the future or all that is written in the report in support, you can tell your lawyer. Your lawyer can help you put in your own paperwork called a 'Response'. This is another way to tell your story to the court.

Completing and lodging a Response can help explain your side of the story. You can also tell the court, Child Protection, your child's lawyer (if they have one) and other parties what you think is best for your child.

With a Response you can tell your side of the story at an early stage rather than waiting until the end of the court case to give your evidence in the witness box at a trial.

Your Response will help the court manage your case. It may help sort your case out earlier. If your

case goes to trial, it will help everyone to work out what the issues are, how many witnesses you and Child Protection will have and how long your trial will take.

Also, you can use the Response form to support any interim application you want to make (for example, to ask a magistrate for more contact with your child).

What should I put in my Response?

You can talk to your lawyer about this and when it is best to put in your Response.

Your Response should talk about:

- The orders in Child Protection’s application you agree and disagree with.
- Any different orders you would like made, including temporary or interim orders (for example, to be able to have more contact).
- Anything you agree with in Child Protection’s report and why. If it is easier for you, just write down the numbers of the paragraphs you fully agree with.
- What you disagree with in Child Protection’s report and why.
- Any family member who should be assessed as a possible carer for your child to be placed with.
- Important good things about you and your family before your child went into care that have been left out of Child Protection’s report.
- Any good things that have happened for your family since your case came to court.

Where can I get the Response form?

You can get the Response form from the Children’s Court website:

(https://www.childrenscourt.wa.gov.au/files/PC_Response_Form.pdf). A prison officer or a family member may be able to get the form for you. If you don’t have a lawyer, there is also a Response

kit on the Children’s Court website that can help you fill in your Response (https://www.childrenscourt.wa.gov.au/files/PC_Response_Kit.pdf)

Where to get legal help

You can contact:

- The [Legal Aid WA Prison Visiting Service](#) to apply for legal aid for advice and representation if your case is at court.
- The [Aboriginal Legal Service of WA \(ALS\)](#) if you are an Aboriginal or Torres Strait Islander prisoner.
- Family Violence Prevention Legal Services including Aboriginal Family 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.
 - [Aboriginal Family Legal Services](#) on (08) 9355 1502 to find out if there is an office near your prison.
 - [The 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](#) may also be able to help you with advice about reunification meetings or care plan review. Ask the Prison Visiting Service if there is a service near your prison.

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

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