



CHILD PROTECTION: GRANDPARENTS AND FAMILY MEMBERS

This factsheet provides information for grandparents and family members of children in the care of the Department of Communities, also often called Child Protection.

Can you have a say in the Children’s Court case?

Only people who are “parties to the proceedings” are allowed to talk to the court about what they would like to happen in the case.

Parties to the proceedings are usually the parents of the child and Child Protection.

How can you become a party to the proceedings?

You can ask the court for permission to become a party to the proceedings. To do this you usually have to file an application with the Children’s Court.

You need to show the court you have a “direct and significant interest” in the wellbeing of the child. For example, you may have spent regular time with the child and provided care in the past.

The court will need to know about your relationship with the child and why you want to be involved in the court case.

It is up to the court to decide whether you can become a party to the proceedings.

How can you ask for the child to live with you?

While the case is at court, if you think it would be best for the child to come and live with you, you can ask the Child Protection worker this.

The Child Protection worker will need to assess you and your household to make sure you can provide a safe place for the child to live. The Child Protection worker will need to do an assessment even if you have cared for the child in the past.

Some of the things the Child Protection worker might do as part of the assessment include:

- visiting your home,
- speaking to you and other people who live in your home, and
- asking you to do a Working with Children Check.

If the Child Protection worker does not agree to the child coming to live with you, if you are a party to the proceedings, you can make an application to the Children's Court and ask the court to decide what should happen.

Child Protection will give the court a report which the court will consider when making its decision. The court's decision will be based on what is in the best interests of the child.

The Child Protection worker will need to do an assessment even if you have cared for the child in the past.

How can you ask to spend time with the child after the court case is over?

When there is a protection order (time limited) or protection order (until 18) in place

If there is a protection order (time limited) or protection order (until 18), you can ask the Child Protection worker about spending time with the child. The Child Protection worker will then consider arrangements for the child to spend time with grandparents and other family members when making a plan, known as a care plan, for the child.

If you are not happy with the decision the case worker makes, you may be able to seek a review of the decision. This is called a care plan review.

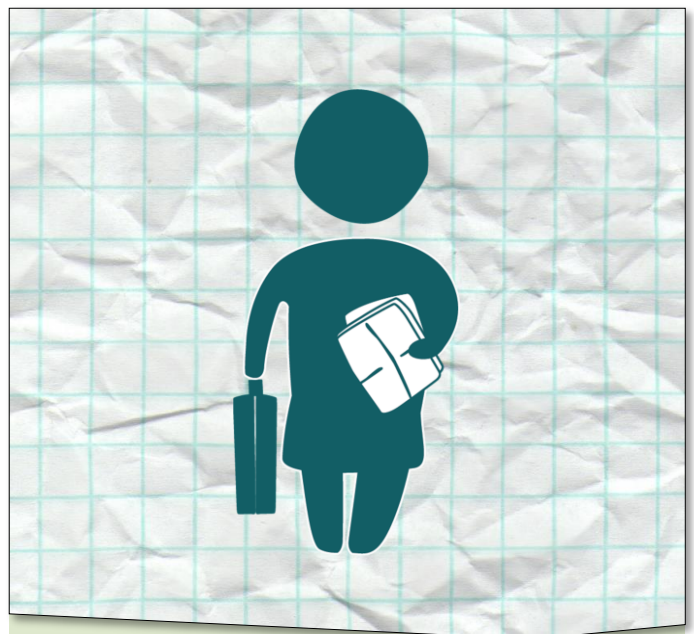
You should seek legal advice about how to do this.

When there is a special guardianship order in place

If there is a special guardianship order for the child, you can ask the special guardian if you can spend time with the child (or have some other involvement).

If you are not happy with the decision the special guardian makes, you may be able to ask the Family Court to make orders for you to spend time with the child.

You should seek legal advice about how to do this.



How can Legal Aid WA help?

The Legal Aid WA website has more information, videos and factsheets about child protection, see www.legalaid.wa.gov.au.

You can also call the Legal Aid WA Infoline on 1300 650 579 for information or referral to a service that may be able to help.

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