



# CHILD PROTECTION: RESPONSE FORMS

**This fact sheet has information that will help you prepare a response in a child protection case.**

## What do you need to tell the court in a child protection matter?

If you are a parent responding to a child protection matter in the Children's Court, you may want to tell the court and others what you have to say about Child Protection's application, report in support and affidavit.

You might also like to tell your side of the story and say what you think is best for your child. One of the ways you can do this is by completing a court document called a 'response' to put your story in writing.

## What is a response?

A response is a court document which can be completed and lodged with the Children's Court. The court would prefer you lodge your response on the eCourts Portal of WA if you can. It is called a response because it is lodged when responding to an application made by Child Protection for a protection order.

## How can putting in a response help my case?

A response allows you to tell your side of the story and what you think is best for your child at an early stage rather than waiting until the end of the court case at a trial.

Putting in a response might help your case. It may even help sort your case out earlier.

If your case goes to trial, it will help everyone to work out what the issues are, what other information might be needed and how long your trial will take.

You can also use the response form to support any interim application you want to make.

## Should you get legal advice before preparing a response?

Yes, you should get legal advice before preparing a response.

## What should you put in your response?

To work out what to put in your response you should carefully read Child Protection's application, report in support and affidavit (if they have lodged one).

Then, you should try to cover as many of the following things in your response as you can:

- the orders in Child Protection's application you agree and disagree with, and any different orders you would like made including interim or temporary orders (for example, to be able to have more contact),
- anything you agree with in Child Protection's report and affidavit,
- anything you disagree with in the Child Protection's report and affidavit and why,
- important matters for you and your family before your child went into care that Child Protection didn't say in their report or affidavit, and
- any family members you want to be assessed as a potential carer for your child.

You should also include any positive changes you've made since your child went into care to show you are working on the worries.

## What are some examples of positive changes?

Some examples of positive changes you could include in your response form include:

- if you have got a family violence restraining order,
- if you have got a mental health plan,
- if you have separated from a violent partner, if you have found somewhere safe to live,
- if you have more family support in place,
- if you have started drug or family violence counselling, or
- if you have completed any parenting courses.

It is useful to provide proof of what you say in your response if you can. For example, if you say you are attending counselling, you should get a letter from your counsellor confirming that you are going to counselling and attach it.

## How important is it to tell the truth in your response?

What you put in your response is your evidence. You will need to swear or affirm that everything you have written is true. There are serious penalties for lying to the court.



## How can Legal Aid WA help?

Legal Aid WA provides information, advice and representation on child protection matters.

We have a free duty lawyer service based at the Perth Children's Court to help people with child protection cases. You can contact this service directly on (08) 9218 0160 or by calling the Legal Aid WA Infoline on 1300 650 579.

The Legal Aid WA website also has a range of resources on child protection matters.

See [www.legalaid.wa.gov.au](http://www.legalaid.wa.gov.au) for more information.

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