



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 magistrate what you have to say about Child Protection's application, report in support and any affidavits you receive.

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. It is called a response because it is lodged when responding to an application 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 case at a trial.

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

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 read Child Protection's application, report in support and any affidavits you have received.

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

- anything you agree with in the Child Protection report in support or affidavit
- anything you disagree with in the report in support or affidavit and why
- important matters for you and your family that Child Protection didn't say in their documents
- if there are any orders that Child Protection is asking for that you agree with
- what orders you would like the court to make including any interim orders that you want the court to make and why (for example, to be able to have more contact)
- if there are any family members that you would like to be considered as a potential carer for your child, and
- any positive changes you have 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 include if you have:

- separated from a violent partner
- got a Family Violence Restraining Order
- got a mental health care plan
- found somewhere safe to live
- more family support in place
- started drug or family violence counselling, or
- completed any parenting courses.

Do you need to provide proof of what you say in your response?

It is useful to provide proof of what you say in your response. 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 you lodge your response?

You can lodge your response in paper form with the court registry. You can also lodge it on the eCourts Portal of WA – you will need to register to do this. See www.childrenscourt.wa.gov.au for information on how to register.

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 the service 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 including an example of a response.

See www.legalaid.wa.gov.au for more information.

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