



CHILD PROTECTION: INTERIM APPLICATIONS

This factsheet has information to help you if you want the Children’s Court to make interim orders in a child protection case.

What is an interim hearing and what are interim orders?

Sometimes it can take a year or more before the court makes a final decision about what should happen in a child protection case. An interim hearing is a short hearing where the court makes interim (this means temporary) orders, before there is a final hearing.

Who can make an application for interim orders?

An application for interim orders can be made by a parent. They can also be made by Child Protection, the children’s lawyer (if there is one) or somebody else who the court has said can have a say in your children’s case.

It is a good idea to try to get legal advice before making an application to the Children’s Court for interim orders.

What types of issues can be dealt with at an interim hearing?

Some common issues dealt with at interim hearings are:

- a child’s contact with parents and other family members, and
- whether a child should live with a parent or other family member.

What contact issues can you ask the court to make interim orders about?

Some contact issues a parent might ask the court to make interim orders about include:

- asking for more time,
- asking for a different contact location,
- asking for siblings to have contact together,
- asking for contact to be unsupervised, and
- changing the person who supervises the contact visits.

Before making an interim application to the court, it is a good idea to talk to the Child Protection worker about what changes you think would be best for your child. You may be able to work something out without having to go to court.

Can you ask for interim orders about where a child will live?

A parent can ask the court to make interim orders about where a child will live.

You may wish to make an interim application to ask the court to change where your child is living if:

- they are in foster care, but you think they should live with a family member,
- you think they should live with a different family member, or
- you think it is safe for them to come back to live with you.

How can you ask the court to make interim orders?

Sometimes you can ask the magistrate to make interim orders when you are in court without having to file a written application.

For example, you might ask the magistrate when you go to court to make orders for contact with your child.

Most times, you will need to fill out some paperwork and lodge it with the court. You can fill out either:

- a response form, or
- an affidavit and application.

What happens at an interim hearing?

At an interim hearing the magistrate will read the forms you have filled in. The magistrate will also read any forms Child Protection or other people involved in the case have lodged with the court.

After listening to what everyone thinks is best for your child, the magistrate will decide what interim orders to make.



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 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 for more information.

© Legal Aid Western Australia

This factsheet contains information only. It is not legal advice. If you have a legal problem, you should speak to a lawyer. Legal Aid WA aims to provide accurate information but does not accept responsibility if it is not. You are welcome to copy, use and share the information from our website, including our resources and publications, if you are doing so for non-commercial or non-profit purposes. You must make it clear the content was created by Legal Aid WA.

CMS 5289069 | Last reviewed Tuesday, February 28, 2023