

CHILDREN'S COURT OF WESTERN AUSTRALIA

RESPONSE Protection and Care of Children <i>Children & Community Services Act 2004</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">File No: 123 /2022</td> </tr> <tr> <td style="padding: 2px;">Date Filed: 28/6/2022</td> </tr> </table>	File No: 123 /2022	Date Filed: 28/6/2022
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Date Filed: 28/6/2022			
COURT DATE	Court date: 1 / 7 /2022 9.00 am		
	Court place: 160 Pier Street, Perth WA 6000		

FILED ON BEHALF OF <i>(tick one)</i>	<input type="checkbox"/> Communities <input checked="" type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Child Representative <input type="checkbox"/> Other _____ [state relationship to child]
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CHILD 1	Full Name: Darren Smith Date of Birth: 21/01/2012 Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	CHILD 2	Full Name: Jane Smith Date of Birth: 26 / 01 /2013 Gender: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
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CHILD 3	Full Name: Sarah Munster-Smith Date of Birth: 5/5/2022 Gender: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	CHILD 4	Full Name: Date of Birth: / / Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
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RESPONDENT <i>(Person making the response)</i>	Full Name Jennifer Smith Address: C/o Jo East , Legal Aid WA 32 St Georges Terrace PERTH WA 6000 Occupation: Home duties
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FINAL ORDERS SOUGHT (Number paragraphs separately)

(Attach extra pages if you need more space)

Protection order (supervision) Conditions to be advised.

INTERIM ORDERS SOUGHT (Number paragraphs separately)

(Attach extra pages if you need more space)

1. Ms Smith is to have contact with Sarah a minimum of five times a week for a minimum of three hours and with Darren and Jane for a minimum of twice a week for two hours
2. The contact is to be supervised by the Department or its nominee until Ms Smith provides three consecutive weeks of clean urinalysis results.
3. Mr Munster is not to be present at any contact between Ms Smith and the children.
4. Ms Smith is to have phone contact with Darren and Jane on the days she does not have face to face contact with them, that phone contact to be at 5.30pm or at such other times as agreed with the carers and the Department.

Signature of deponent (person making affidavit)	Signature of witness
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AFFIDAVIT/EVIDENCE

[Number each paragraph. You need a separate paragraph for each item you dispute. Attach extra page(s) if you need more space]

1. I am the respondent mother in protection proceedings concerning my three children:
 - a) Darren Smith DOB 21/01/2013 ("Darren");
 - b) Jane Smith DOB 26/01/2013 ("Jane"); and
 - c) Sarah Smith-Munster DOB 05/05/2022 ("Sarah").
2. The father of all three children is Stephen Munster whose DOB is 04/04/1982 ("Mr Munster").
3. I affirm this affidavit in support of my application to have increased contact with my children.
4. I agree with much but not all of the Department of Communities' ('the Department') report in support signed by Stephanie Ann Worker on 23 May 2022
5. I agree I did not do urinalysis when requested during the pre-birth period as I was busy with other ante natal appointments and looking after Darren and Jane. I was finding it hard to cope as a single parent because of the abuse by Mr Munster and was a bit all over the place.
6. I did not get the messages on the March dates as I changed my SIM card for safety reasons and forgot to let the Department know my new mobile number. I missed the others in April as I was in the last stages of my pregnancy and was often not well. I missed the 10 May 2017 screen as I had only recently been discharged from hospital and was still getting organised with all the children in the refuge.
7. About 12 months ago I started to use methamphetamines occasionally. Mr Munster is a regular user. Once I realised I was pregnant I tried to stop using at all but lapsed twice once in December 2021 and once post birth which lead to the positive result on 17 May 2022.
8. I agree I failed to get Sarah to the medical appointments at Princes Margaret Hospital as I was not feeling well but I rang the hospital to reschedule them to later in the month. This period of feeling unwell is when I last used methamphetamine. I think I used it as part of trying to cope with the new baby and Darren and Jane by myself.
9. I was assaulted by Mr Munster and taken to Fiona Stanley Hospital with Darren and Jane.
10. I did tell Senior Constable Evans that I went to see Mr Munster with the children as Darren and Jane had asked to see him and that Mr Munster assaulted me as described. When I arranged the visit Ms Munster promised me he would not be violent as he really wanted to see the children including Sarah. He told me he wanted to turn over a new leaf with the birth of Sarah. Seeing Mr Munster did
11. I didn't know about the deterioration in Darren and Jane's behaviour at school. Their teachers had not raised these concerns with me.

Family violence

12. I now have a family violence restraining order (FVRO) against Mr Munster. A final order was granted on 22 June 2022. A copy of the FVRO is attached and marked as Attachment "A".
13. Mr Munster has told me in the past that he will change but as he hasn't, even with Sarah's birth, I realise both the children and I need more protection particularly as the protective bail conditions could end at any time. In the past I thought me getting an FVRO against him may have made him even angrier with me. Now I realise it does not matter what I do he will be angry with me so I have to do more to protect me and the children when they are returned to my care. I will apply for one for them if they return to my care. Mr Munster and I have got back together in the past but my plan now is to stay separated.

Signature of deponent (person making affidavit)

Signature of witness

14. To help me stay separated and understand more about family violence I have started family violence counselling with Relationships Australia and have been to two sessions on 14 June 2022 and 21 June 2022. A letter from Relationships Australia confirming this is attached and marked as Attachment "B"

Drug counselling

15. As I used methamphetamines after Sarah was born I realise now I need some help to stop using completely so I have started drug counselling with Next Step. I had my first appointment on 13 June and now go weekly.

Accommodation

16. I plan to keep living at the refuge and to get help from the workers there to move to longer term accommodation when I leave the refuge.

Contact

- 17. I do not think contact twice a week with Sarah is enough or in her best interests as I think we need more time together to bond.
- 18. I agree any contact should be at venue neutral to Mr Munster.
- 19. I have not been a drug user for long. I understand why the Department want my contact supervised now, but I do not want my contact supervised once I show over a few weeks that I am clean.
- 20. Darren and Jane miss me and worry about me when they can't see me so I think regular phone contact would be good for them.

Further affidavit/s

21. If this matter is not resolved, I may file more affidavit material in response to the Department's application and in support of my case.

SIGNED	I affirm that the contents of this response, of which I have personal knowledge, are true. All other facts are true to the best of my knowledge, information and belief.		
 Signature of Deponent Place Date
	Before me		
 Signature of Witness Registrar, Full name of witness Type: JP, Lawyer