

# WHAT HAPPENS IN THE CHILDREN'S COURT?



The law says the Department of Communities (sometimes called Child Protection) must start a court case in the Children's Court if they want to put your children on a protection order to make sure they are safe.

The law says the magistrate in the Children's Court has the power to make a protection order for your children. A protection order is a court document with rules that everyone must follow. It says who can make the big decisions for your children.

Maybe the magistrate will decide that everything is good for your children and that no protection order is needed to make your children safe.

## Will I get a say?



The law says that when a magistrate decides about where children will live or when a magistrate makes rules about children, the magistrate must think about what is best for the children.

The law says that what is best for the children is more important than what is best for the parents or what is best for Child Protection.

This law is called making a decision in the best interests of the child.

The magistrate will listen to everyone before deciding. You and the other parent get to have your say at court. So does Child Protection. Sometimes your children also get a say. If you feel like you are not strong enough to speak up in court, you can ask your lawyer to speak for you.

You can put in your own court document called a *response*. This is a court document that tells the magistrate your side of the story. You must tell the truth about your story.

## Other ways Child Protection or the court get information about you

Sometimes reports about you are needed by Child Protection or by the court. These are often reports about whether you can meet all your children's needs and be a good enough parent.

The report might say that as a parent, you need some help to make things safe enough for your children. It might say you will never be able to meet your children's needs.

Sometimes it takes a long time for these reports to be done.



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## How long will my court case take?

Each case is different. Your court case may take a short time. Your court case may take a long time with many court dates.

How long it takes depends on when everyone can agree on what is good for your children. If there is no agreement your case will go to a final order hearing (sometimes called a trial) in front of a magistrate. The magistrate then decides what is best.

The Children's Court will try to have a final hearing as soon as it can on a day that suits the court, Child Protection, you, any other people who can have a say and everyone's lawyers.

Sometimes the final hearing will be after a few months. Sometimes it will be after many months.



## Do I have to come to court?



Yes. You should go to court every time so that you can say what you want and keep up with what is happening.

If you miss a court date, make sure you come to the next court date.

## What are the different stages at court?

The first hearing is usually a short court hearing for the magistrate to get an update from everyone involved in the case about what has happened and plan what should happen next.

Short hearing dates are sometimes called mention dates. On these dates there is not a lot of time to talk about the case.

Sometimes there may be a few mention dates during the court case.

If more time is needed to talk about your case after the first hearing because you, someone else in the case, or Child Protection have asked for interim or temporary orders to be made, the magistrate can put your case off to another day for a short hearing.

If everyone can't agree on what is best for your children, your case might go through different steps to try to sort things out.

For example, your case might fit the rules for one of the special lists at Perth Children's Court. One of the differences between the special lists and the usual list is the magistrate will have more time to talk about your case with you, the other parent, Child Protection and the children's lawyer, if there is one.

Everyone might agree for your case to go to a child protection mediation conference. This is a special meeting.



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You will have a lawyer to help you in the meeting.

You, the other parent and other people involved will have the chance to talk about the issues in the case, care arrangements for your child and what everyone would like to happen in the case.

There are other court hearings to try to sort out your case.

If there is still no agreement your case will go through the steps at court to be ready for a final hearing.

## What can I ask for?



During the court case before a final hearing you can ask for things like more time with your children, for time by yourself with the children, or for your children to live with the person who you think is best.

If Child Protection say yes, this can happen without a court order. If Child Protection say no, then you have to put in some court documents and ask the magistrate to decide about these things. You can put this in your response.

You can say yes you agree, or no you don't agree with what Child Protection is asking the court for.

Sometimes Child Protection, the parents, the children's lawyer (if there is one), and anyone else the magistrate has said can have a say, can agree on what is good for your children.



If there is no agreement, at the final hearing, the magistrate will listen to Child Protection, the children's lawyer, you, and the other parent. If you have a lawyer, they will help you have your say.

The magistrate might ask people questions about your children to find out if your children are safe. Then the magistrate will think about what is best for your children.

At the end of the final hearing, the magistrate will make rules (called orders) about your children. The magistrate might also say no orders are needed.

## What can the magistrate decide at the final hearing?

The magistrate in the Children's Court can decide whether:

- ◆ you and your family need help to make sure things are safe enough for your children at home
- ◆ your children can live at home now, or
- ◆ your children need to be out of home for
  - ◇ a short time, or
  - ◇ a longer time, or
  - ◇ until they are 18 years of age.

