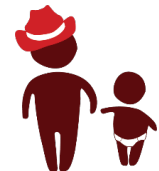


GRANDPARENTS AND OTHERS HAVING A SAY IN THE CHILDREN'S COURT



If you have a grandchild, a niece or nephew or another family member or a child you have a close connection with, and you are worried about their welfare or safety where they are currently living, you can:



- » talk to the police who may investigate your worries,
- » get legal advice about applying to the family court for parenting orders, or
- » report your worries to the Department of Communities (sometimes called Child Protection).

Apply to the family court for parenting orders



You (or any other person worried about the care, welfare, or development of the child) may be able to apply to the family court for orders that the child live with you.



You should get legal advice before you apply for parenting orders.

Report your worries to Child Protection

If you report your worries to Child Protection this might lead to Child Protection making a protection application in the Children's Court. This is different to a family court application. You may want to get legal advice before you contact Child Protection.



You can report your worries to Child Protection by calling your local Child Protection office or the central office on (08) 9222 2555. After hours you need to contact **Crisis Care** on (08) 9223 1111 or 1800 199 008. Any report you make will be treated confidentially. Child Protection will investigate your worries and decide what to do.

If there is already a case at the Children's Court can I have a say?

The law says that only certain people can talk in court and tell the magistrate what they want. The people who are allowed to tell the magistrate what they think about the case are called 'parties' or a 'party to proceedings'.

'Proceedings' is another name for court case. In a child protection court case, the parties are usually the parents of the child and Child Protection.

You can ask the magistrate at court for permission to become a party to the proceedings. To do this you usually have to lodge an application and an affidavit in support with the Children's Court. You can get these forms are available from any Children's Court registry or the [Children's Court of WA](https://www.childrenscourt.wa.gov.au/) website.

You must show the court you have a 'direct and significant interest' in the wellbeing of a child or young person. For example, you may have spent regular time with the child and provided care in the past.

The magistrate will want to know about your relationship with the child or young person and why you want to have a say in the court case.



It is up to the magistrate to decide whether you can become a party to the proceedings.

Get legal advice before making your application.

How can I ask for the child or young person to live with me?

While the case is at court, if you think it would be best for the child to come and live with you, you can ask the Child Protection worker



If Child Protection has parental responsibility for the child and you wish to have the child placed with you, Child Protection will need to assess you and your household to make sure you will provide a safe place for the child to live.

The Child Protection worker will need to do an assessment even if you have cared for the child in the past. Working with Children checks are needed.

Some of the things the Child Protection worker might do as part of the assessment include:

- » visiting your home

- » speaking to you and other people who live in your home
- » asking you and the people you live with to do Working with Children Checks.

If Child Protection does not agree to place the child in your care, if you have been made a party you can apply to the court for a temporary order (interim order) for the child to be placed in your care.



The court must have a report from Child Protection about you before it can place a child with you.

The court's decision will be based on what is in the 'best interests of the child'. You should get legal advice before you make this application.

What can I do after a protection order is made if I want to have contact with the child or young person?

If you are a family member wanting to spend time with a child or young person in the care of Child Protection on a protection order (time limited) or a protection order (until 18), contact the child's Child Protection worker.

These sorts of decisions will be made as part of the child or young person's care plan.

A care plan is a written plan sets out many decisions about the care of a child or young person including contact and placement arrangements. These decisions are called care planning decisions.

If you are not happy with a care planning decision about your contact with a child or young person, you may be able to ask for a review of the care plan decision.



To do this you must show you have a direct and significant interest in the wellbeing of the child or young person.

If there is a special guardianship order for the child or young person and there is no rule on the order about you having contact, you can ask the special guardian if you can have contact with the child (or have some other involvement).

If you are not happy with the decision the special guardian makes, you may be able to ask the Family Court to make orders for you to spend time with the child or young person. You should get legal advice about how to do this.