

Finding Your Way With DCP



**INFORMATION FOR PARENTS DEALING WITH
THE DEPARTMENT FOR CHILD PROTECTION**

Please Note:

This document provides information only.
We recommend you get legal advice from a lawyer.
The Family Inclusion Network of WA Inc believes that the
information provided is accurate as at July 2011 and does not
accept responsibility for any errors or omissions.

QUICK TIPS

You may find these useful:

Write everything down

Get a diary and write down the date of every contact you have, or try to have, with DCP or any other relevant organisation. Always leave your name and get the name of the person you speak to when you ring DCP.



Always appear in court

Every time - even if you're told you don't have to.



Obtain legal advice/representation

You can appeal decisions

e.g. Care plans with the Case review panel, Legal Aid applications

Check your Court Proposal (S143 Document)

You would have received this when time limited orders were made
This will outline the things the department want you to do;



You have the right to lodge a complaint about DCP

Stay visible

Have contact with as many other organisations as possible, so others can speak up for you.

Get support

Take someone with you to meetings.



Attend Information Sessions at Fin WA

If you're not sure, keep asking questions

You can ring Fin WA for advice.





Useful Contact Details

Fin WA.....9227 5818

44 Edward St, Perth

Fax: (08) 9228 9185

www.finwa.org.au info@finwa.org.au

Children's Court (Protection Services Legal Aid)9218 0160

160 Pier Street, Perth, WA 6000

Fax: (08) 9421 1540

Children's Court Main Switchboard.....9218 0100

Legal Aid Information Line.....1300 650 579

<http://www.legalaid.wa.gov.au/>

Note: the Information Line and website will also give you details of Community Law Centres in your area.

Aboriginal Legal Services..... 1800 019 900

7 Aberdeen Street, Perth WA 6004 (near McIver Train Station)

Phone: (08) 9265 6666 **Fax:** (08) 9221 1767 **After Hours:** 08 9265 6644

Web: www.als.org.au

Mental Health Law Centre.....9328 8266

3 Brisbane Street, Perth WA 6000

Free Legal Advice Hotline: 1800 620 285

Fax: (08) 9328 8577

Email: office@mhlcwa.org.au **Web:** <http://www.mhlcwa.org.au>

Can assist if your legal issues are a result of mental illness.

Women's Law Centre..... 1800 625 122 or 9272 8800

445 Hay Street, Perth WA 6000

Web: www.wlcwa.org.au

Citizens Advice Bureau..... 9221 5711

25 Barrack Street, Perth WA 6000

Fax: (08) 9221 5356

Email: cab@cabwa.com.au **Web:** <http://www.cab.com.au>

Have volunteers who can help you write letters. There are offices in Albany, Armadale, Bunbury, Esperance, Fremantle, Joondalup, Kwinana, Mandurah, Midland and Rockingham.

Law Society of WA.....9322 7877

Level 4, 89 St George's Terrace Perth, WA 6000

Fax: (08) 9322 7899

Email: info@lawsocietywa.asn.au **Web:** <http://www.lawsocietywa.asn.au>

May be able to help you find a lawyer who deals with this area.

Your local Community Legal Centre (you will need to ring to confirm your eligibility):

- Fremantle Community Legal Centre.....9432 9790
- Gosnells Community Legal Centre.....9398 1455
- MIDLAS (Midland).....9250 2123
- Northern Suburbs Community Legal Centre (Mirrabooka)...9440 1663
- SCALES Community Legal Centre (Rockingham).....9550 0400
- Sussex Street Community Legal Centre (East Vic Park).....6253 9500

DCP Departments

Case Review Panel.....9222 2593

Complaints Management Unit.....9222 2594

Advocate For Children in Care.....9222 2518

Your DCP office.....

Your Case worker name _____

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1. INTRODUCTION

Is this document for me?

This document is a basic guide about the rights of parents of children who are involved with the child protection authorities in Western Australia, or are in the care or under the supervision of the Western Australian Department for Child Protection.



This document is current as of July 2011 and is intended to provide you with information - not legal advice. Remember that the law can change. You should seek legal advice about your particular situation.

Child Protection in Western Australia

In Western Australia, cases where children may have suffered or may be likely to suffer abuse or neglect are dealt with under the *Children and Community Services Act 2004* (the Act). The Act is available online at:

http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_132_homepage.html.

It can also be found in some public libraries or you can contact the State Law Publisher on 9321 7688 to buy a copy.



The Department for Child Protection (DCP) is the government agency with the main responsibility under this Act and their job is to look into reports about allegations of harm to children and to provide out of home care (foster care, residential care) for children where it is needed.

Final decisions are made by a magistrate in the Children's Court of WA based on information provided by everyone involved. The Court will consider whether or not children can stay at home or whether they need to be:

- living with their parents but supervised by the Department;
- in the care of other family members;
- in foster care provided by DCP or another non-government foster care agency.

The Children's Court can make a range of different Protection Orders (see 9 below). It's very different from the Family Court of WA, which deals with things like divorce, property settlements and arrangements for children of parents who are separating. The Children's Court can override orders made in the Family Court.

Any criminal charges concerning harm to a child (like assault or sexual abuse) will be dealt with separately by the police through the Magistrates Court or the District Court. You should stay in touch with the police to check the progress of any criminal charges.



2. ABBREVIATIONS & TERMS

Department for Child Protection	DCP
Children & Community Services Act 2004	The Act
Protection Order	PO
Negotiated Placement Agreement	NPA
Assessment of Concern for a Child	ACC
Provisional Protection and Care	PP & C
Pre Hearing Conference	PHC
Chief Executive Officer of DCP	CEO
State Administrative Tribunal	SAT
Case Review Panel	CRP
Complaints Management Unit	CMU
Freedom of Information	FOI
Signs of Safety	SOS
Signs of Safety – Pre-Hearing Conference	SOS_PHC

Parent:

The term 'parent' in this document includes a child's mother, father or someone else with parental responsibility for the child. This means someone other than the CEO, who has responsibility for the long-term or day-to-day care, wellbeing and safety of the child. A parent of an Aboriginal or Torres Strait Islander child includes a person who is regarded as a parent of the child under Aboriginal tradition or Island custom. If you are unsure whether you are a parent and have the obligations/rights as a parent under the Act, seek legal advice.

Parental responsibility:

This refers to all the duties, powers, responsibilities and authority which, by law, parents have in relation to children.



Best interests of the child:

This is a key phrase in child protection and is often used. However, it can mean different things to different people. There are questions about who decides what the 'best interests' really are, and in what situations these decisions are made. Different parties will have different views of what are the child's 'best interests'. For the purposes of child protection, Section 8 of the Act

gives clear direction on matters that should be considered when deciding the best interests of the child.

Wellbeing of a child:

This means the care, development, health and safety of a child.



Harm:

The Act says this is **“any detrimental effect of a significant nature on the child’s wellbeing”**. It can be caused by physical, sexual or emotional abuse or neglect but there can be other causes too.

Neglect:

This can include physical neglect, such as not giving children enough to eat or drink, not taking them to the doctor when they need it and leaving them dirty or in dirty clothes for a long time. Children who are often sick or get head lice frequently may also be said to be physically neglected. ‘Supervisory’ neglect means children who have avoidable accidents, like choking, near drowning or swallowing adults’ pills or poisons. If a child doesn’t get enough affection or is allowed to behave inappropriately, they can be said to be emotionally neglected. Psychological neglect includes not giving children enough love, support or attention and letting them see violence, alcohol or drug abuse. If children are not enrolled in school or are allowed to miss school, this is called educational neglect.



3. GUIDING CHILD PROTECTION PRINCIPLES

The Act directs DCP and the Children’s Court to pay attention to the following principles:

- What is in the ‘best interests’ of the child?
- The child’s interests are the most important (this means the child’s interests are considered above parents’ interests).
- Parents, families and communities have the primary role in safeguarding and promoting a child’s wellbeing and should be supported in this. A child should be taken out of his or her family’s care only when there is no other reasonable way to safeguard and promote the child’s wellbeing.
- If a child has to be removed from his or her family, then he or she should be given encouragement and support in maintaining contact with parents, brothers and sisters

and other significant people unless this is not considered to be in the child's best interests.

- The child's views, and the views of the parents and other significant people, are to be considered. They are to be kept informed about what is happening and take part in decisions that affect the child's life.
- All of these people are to be informed of complaints and review processes.
- Decisions about the child should fit with cultural, ethnic and religious values and traditions. A set of guidelines has been developed for culturally and linguistically diverse communities. The Senior Advisor for Cultural Diversity at DCP will be able to tell you about these.
- If the child is removed from his or her family, the aim is to reunite the child with their family where possible.
- Aboriginal and Torres Strait Islander children are to have culturally appropriate placements according to tradition or custom. This means that as far as possible, the child should be cared for within his or her family or community or by a person of Aboriginal or Torres Strait Islander descent. Where this isn't possible, then the child's connections to family and culture are to be promoted.
- Aboriginal and Torres Strait Islander people and communities are to be given opportunities and assistance to participate in the protection and care of their children.



Note: you can talk to DCP workers about these principles when negotiating with them.

4. WHEN IS A CHILD IN NEED OF PROTECTION?

The Act tells the courts, DCP and the general community when children need to be considered for care and protection.

The Act says a child is in need of protection if:



- The child has been abandoned by his or her parents, and the parents can't be found, and there is no other suitable adult who is willing and able to care for the child.
- or
- The child's parents are dead or unable to care for him or her and there is no other suitable adult who is willing and able to care for the child.
- or
- The child has suffered or is likely to suffer harm as a result of any of the following:
 - physical abuse;

- sexual abuse;
- emotional abuse;
- psychological abuse;
- neglect

and the child's parents have not protected him or her, or are unlikely to be able to protect the child from further harm of that kind.

or

- the child's parents are unable to provide or arrange for adequate care for the child

or

- the child's parents are unable to provide or arrange for effective medical, therapeutic or other treatment for the child.

It's helpful if you can work out what DCP says is the problem with your family and get legal advice. Ask them to be as specific and clear as possible so you know what you need to work on.

5. WHO DECIDES?

A magistrate in the Children's Court will make the final decision about whether or not a child is in need of protection and whether they should be in DCP's care.

The court's decision is based on evidence presented by all concerned to the magistrate in a full hearing. Alternatively, an agreement is reached between all those in the case; also called 'the parties', that is, the parents, the child, DCP and anyone else considered to have a direct and significant interest in the child's wellbeing, for example, a grandparent who has been caring for the child.



6. WHAT DOES DCP DO?

DCP is responsible for:

- carrying out enquiries and investigations in cases where there are concerns about a child's wellbeing, you may be included in an assessment.
 - Bringing relevant cases before the court; and
 - Providing temporary protection and care for the child until the court makes its decision.
- Under some POs, parental responsibility is taken away from the parent/s and given to DCP.

7. HOW DOES DCP WORK?

Permanency Planning



What is Permanency Planning?

Permanency Planning is what DCP does to make sure your child will live in a safe and stable home either by returning home to you or being placed in out of home care, such as foster care or relative care (also called placement or care arrangement) and not having to change from one place to another.

Everyone, including DCP, hopes that your child will go home to live with you. However sometimes that isn't possible and because children need to be in a safe and stable environment (rather than being moved around) where they can have a sense of belonging DCP will make plans for long term out of home care.



From the beginning of DCP getting involved with you and your family the case worker will need to consider if it is possible for your child to return home or if a long term out of home care placement will be needed.



What does this mean?

This means that as soon as your child comes into the care of the CEO and a time limited order is made, DCP will be considering 2 possible plans – they call this 'parallel planning'. The 2 possibilities are returning your child home to you (reunification) or long term (permanent) out of home care (such as foster care) in the event that it isn't possible for your child to go home.

As soon as a protection order (time limited) is made, the workers have some timeframes they need to follow when deciding about the long term arrangements. If your child is under 2 years of age DCP has 12 months in which to decide if your child can go home to you; if your child is over 2 years they have 24 months to decide. These timeframes are a guide but it is important you are aware of them and to know that you need to begin to address the concerns DCP has which led to the children coming into care as soon as possible.



How will I know what the plans are for my child?

From the beginning of DCP getting involved with you, you and all the other people who are significant to you and your child will be involved in Signs of Safety meetings and Care Plan meetings. This will help clarify the concerns DCP has and what needs to happen to ensure enough safety for your child to be returned to your care - this will include timeframes. You can also discuss the plan at any stage with your case worker. You can ask for support from Fin WA to attend these meetings with you.



What can I expect from DCP?

You can expect DCP to treat you and your family with respect and honesty. This means everybody will talk openly and honestly with each other from the beginning about what is happening.

From the moment DCP gets involved with you and your family, they will be focusing on providing safety, stability and permanency in the long term for your child; this means they ought to be working with you to assist your child to go home as well as planning a permanent out of home care placement just in case your child can't go home.

You can expect that your case worker will work with you and support you toward having your child return home within the agreed timeframes.



What should I do?

When children first go into care DCP wants parents to engage with them and do all the things they request – these will be in the document called a '143' or 'the Proposal' that you get from court. It is really important you try and work with DCP to address the worries that led to your child going into care. Make sure you really understand what needs to change for things to be safe enough for your child to return home; ask what you need to do so DCP won't be worried any more. DCP should be working with you to help you understand and address their worries about what you need to do or stop doing.



This is usually a very distressing time for parents; it can also be a time of grief, shock, anger and disbelief. Get as much support as possible and make sure you understand what is being asked of you; ask for help if you don't understand or if you need assistance. Remember you can ask for support or advice from Fin WA.

Remember, each family's situation is different, and it is best to get legal advice as to how permanency planning might affect you and your children.



Do I still get to see the children?

Contact between you and your child and other important family members (such as grandparents) is essential to help keep good attachment and family relationships. It also helps a child reduce any anxiety or worries they may be experiencing from having been placed in care.

When your child goes into care a plan will be developed for you to see your child regularly (otherwise known as contact). Sometimes DCP will require the contact be supervised – this might be a relative, carer or department worker.

Contact also provides opportunities for DCP to assess a parent's capacity to appropriately care for children.

The amount of contact you have with your child will depend upon the goal of the permanency plan. If, for example, it is planned for your child to go home to you then contact will usually happen more often than if the goal is for your child to be cared for by someone else on a permanent basis.

Signs of Safety Assessment and Planning Framework



What is a Signs of Safety (SoS)?

DCP uses what they call the 'Signs of Safety' Framework to help share information, make assessment and plan for you and your family. SoS is a process for DCP to engage with you and plan together what needs to happen for your children to be safe enough to stay in your care or come home to you. DCP will have SoS meetings where everyone discusses 'what the worries are', 'what is going well' and 'what needs to happen'. The meetings involve your DCP workers, family members, support people, other services, you or anyone who is involved and can contribute to the discussion. Sometimes your children will be included if it is suitable, they are old enough and they want to.

SoS meetings can be used throughout all stages of DCP's work with your family. If your children have been placed in care and you haven't had a SoS meeting, request one from your case worker. It is especially a good idea to request one if something significant has changed in your life that could make a difference to the planning.



What Can I Expect at a SoS Meeting?

The meetings are an opportunity for everyone to come together and talk about what is worrying them, what is working well and what things need to happen for your children to be returned home to you. The meetings also talk about who is going to do what to help. SoS meetings should help everyone become very clear about what DCP are concerned about and what they expect from you so they don't need to be concerned any more.

Meetings might be facilitated by someone especially trained in SoS meetings but often it will be the workers involved in your case. You need to feel confident that you can speak freely and feel heard. When a SoS meeting is being organized it is a good idea to ask who will be facilitating the meeting.

At these meetings there should be someone taking notes of what everyone says. These are to be written up on a whiteboard or butchers paper for everyone to see. You should also get a copy of this before you leave – it is a good idea to check beforehand that you will be able to take a copy of what is written up before you leave the meeting. A typed copy will be sent out later.



The meetings can take a couple of hours and whilst they are usually held at the DCP office there is no reason a request to have the meeting in a different location can't be made. It will just need to be a place that has a whiteboard, a photocopier and a room safe from interruptions.

Sometimes parents will find the meetings difficult because there is discussion about what everyone has been worried about. This can be confronting and upsetting especially if you have done a lot of things to overcome those issues; it might feel like things are being 'rehashed'. This part is just to make sure everyone is fully aware of what DCP (and others) have been worried about and still might be worried about. There is plenty of opportunity to talk about the things you have been worried about and the positive things you have done and been working on. Most parents leave these meetings feeling clearer and even more hopeful about their situation.

For more detailed information about the SoS framework and meetings, read the document Signs of Safety Framework. This also contains the form used in meetings for you to become familiar with; you could print it out and start writing your ideas on it before your SoS meeting.



What happens after a SoS Meeting?

Following a SoS meeting DCP may decide they need to develop a Safety Plan for your children. This is to discuss and come up with a plan to help keep the children safe if they are to return home to you. This plan is about how you and all the other important people in your children's lives will keep the children safe (this may include your safety too).

The plan is quite detailed about how you are going to look after the children to make sure the children's safety is met – the plan always relates to the things that people have been worried about. If your children are old enough it is important to get their ideas too. The most important thing about safety plans is that you need to feel confident that whatever plan you come up with will be suitable for you and your family.

Anyone who is listed as part of your safety plan must agree to be part of your support network and your DCP worker will want to talk to them; they may be invited to attend a safety plan meeting too.

Assessment of Concern for a Child

The Children and Community Services Act 2004 is the legislation that says DCP has to make enquiries when they receive information that raises concerns about a child's wellbeing. The DCP enquiry process is called an **Assessment of Concern for a Child** (ACC).

If DCP decides after completing an ACC that action needs to be taken to safeguard or promote the child's wellbeing, they are required by the Act to do any one or more of the following:

- Provide or arrange **social services** with the family's agreement.
- Develop a **voluntary plan** with the family and service providers to meet the needs of the child.



- Provide short term care for the child through a **negotiated placement agreement** (that is, with the consent of the parents).
Note: this can't happen if DCP thinks a child is at risk of harm in a parent's care.
- Conduct an **investigation** to see whether the child may be in need of care and protection through the court.
- Take legal action (known as "**intervention action**") to ask the Court for a PO and place the child in the care of DCP.
- Take any other action considered necessary.



Do I have a say about what DCP does?

DCP will usually try, wherever possible, to work voluntarily with the family. This means they will try to reach an agreement with you and your child (if he or she is old enough) about what needs to happen and how it is to be achieved.

Under a voluntary agreement, DCP can:

- Provide or arrange social services with your agreement;
- Develop a voluntary plan with you and service providers to meet the needs of your child; or
- Provide short term care for your child through a **negotiated placement agreement** (NPA).



What are social services?

These are any services designed to help children, families or communities. Examples are:

- refuges (places for women and children to go to escape violence);
- drug and alcohol services (places to stay and learn how to beat addiction);
- child care (to give parents a break and children a chance to play with others);
- parenting courses (that give you ideas about how to handle children differently);
- counselling or therapy (that can help you sort through issues that make parenting difficult, such as your childhood or relationship issues);
- family and domestic violence services (information, groups and counselling to help stop violence hurting you and your family);
- parenting support services (where people come to you and offer support and information on how to handle the difficulties of being a parent).

Social services can be provided by non-government organisations that are separate from DCP, e.g. Anglicare, Salvation Army, UnitingCare West. Some of these organisations may be required to report back to DCP on your progress.



How do I get social services?

The DCP caseworker will sometimes offer to help link you into supports. It is often faster if you do it yourself to get services in place as soon as possible. There is often a long waiting list.



What is a Negotiated Placement Agreement (NPA)?

It's a short term agreement between the parents and DCP for a child to go into a **placement arrangement**, such as foster care or residential care.

An NPA can only happen in cases where short term care is needed. For example, if you are sick in hospital and no one else is able to care for your child. They cannot be used if DCP thinks your child is at risk of harm in your care.

An NPA is usually for 3 months, but can be terminated at any time by any of the parties (in writing) and can also be extended with the consent of all parties.

Under an NPA, parental responsibility remains with you, but the CEO may give consent to others doing things which would normally be the parent's responsibility if this is agreed to in writing.

NPAs must be in writing and signed by both parents wherever possible. They must contain:

- start and end dates
- details of where the child is to live (including name, address and phone number).
- the contact arrangements with you and other family members.
- the types of decisions the CEO will be able to take about the child, for example:
 - consent for your child to participate in school activities and excursions
 - consent to medical or dental treatment in the case of emergency
 - allow involvement of your child in swimming or boating activities
 - giving of information to other individuals and/or agencies involved in the care of your child.

TIPS

- ✓ Make sure the agreement is in writing and that you get a copy of it.
- ✓ DCP will only enter into a NPA with you if they believe your children are **not are NOT at risk**.
- ✓ DCP can apply to the Children's Court for a PO at any time if they have reasonable grounds to believe the child is in need of protection, this is unlikely under a NPA as they would not have agreed to the NPA if they were concerned.





When can DCP get involved without my agreement?

If the ACC report that DCP has suggests the need for further action, but they need more information, then an **investigation** is likely to follow.

This can take anything between a few days and a few weeks to complete, depending on the information to be gathered. At the end of the **investigation**, DCP will decide whether or not they believe the child has been harmed or is at risk of harm, and will decide whether to apply to the Children's Court for a PO.

To ensure that the child is safe during the **investigation** phase, DCP will usually try to negotiate with the parents, the child (if he or she is old enough), family members and anyone else who is significant in the life of the child to come up with a voluntary **safety plan**.

If this can't be done, or if DCP aren't confident that the child can be kept safe that way, they can take the child into **provisional (temporary) protection and care (PP & C)** and place him/her with a relative or in foster care. They can do this by applying to a magistrate for a **warrant**, or they can take the child into care straight away and without a warrant if they believe he or she is at **immediate and substantial risk**. DCP do not have to let parents know they are applying for a warrant.

Within the next 2 working days (ie Mondays – Fridays excluding public holidays) after taking your child into provisional protection and care with or without a warrant, DCP must either return the child or make a **protection application** to the Children's Court. Where a protection application is made, DCP has to give both parents, the child and anyone else considered to have a direct and significant interest in the child's wellbeing a copy of the application. The child often stays in the placement that DCP has organised until the Children's Court magistrate decides whether or not a time limited or other PO should be made. The child can also be placed in the care of a parent/s until the case is finished. Sometimes there will be conditions or rules for you to follow or a Supervision Order put in place.



Can DCP get involved before my child is born?

Yes. DCP can assess concerns for an unborn child. With or without your consent, DCP can contact relevant health professionals and interview partners and family to find out what supports you have.

If this doesn't resolve the concerns, DCP can start an **investigation** once the baby is born. As with older children, your new baby can be protected during the investigation phase by an agreed **safety plan** or can be taken into **PP & C**. Newborn babies can be taken into PP & C from the maternity hospital where they are born.

You are likely to get the best chance of keeping the baby in your care if you:

- **Focus on your good health:**
Start your antenatal care as soon as possible.

- **Get Support:**
Make contact with the social worker at the hospital where you're having your baby as soon as you know you are pregnant.
- **Request an early meeting with your DCP case manager:**
Ensure you include your support people, your lawyer and the hospital social worker.
- **Request Pre-Birth Interagency SoS**

Pre Birth Interagency SoS



What is a Pre-birth SoS? (also sometimes called a 'pre-birth' or '32a Project')

Pre birth interagency meetings are meetings that get everyone involved with your family together to make plans for your baby. The pre-birth meetings use the Signs of Safety Assessment Framework to make sure you (and your partner), family members and other supporters participate in the decisions that need to be made about your baby before it is born. This will include sharing information and working together to assess how things are going for you, make decisions about what needs to happen and to plan for baby to be safe enough to go home with you when she or he is born.



Who has a Pre-birth SoS meeting?

If you or your family are known to DCP and they are worried about your unborn baby, they will contact the social work department at the hospital where you are planning to give birth. Alternatively, if you are not in contact with DCP or have a closed case and the hospital social workers are concerned for your baby – they may contact DCP and ask them to open your case so pre-birth meetings can be held.

Even though having your case open with DCP can be stressful, it is much better to begin the pre-birth meeting process as soon as possible before your baby is born. If you have not had any pre-birth SoS meetings, and DCP become aware of concerns immediately prior to, or just after your baby's birth, there is very little time to show you have a plan for safety.

The Pre-birth meetings are a requirement of DCP if you:

- are a child in the care of the CEO of the Department for Child Protection and/or
- have other children already in the care of the CEO of the DCP
- or if DCP decide to open a case for you and your unborn baby



How do they work?

Because babies are very vulnerable it is best if the planning for baby happens throughout the pregnancy (or as soon as possible) to check that everything is progressing well. There are some time frames that are recommended to ensure you and your family have enough time and opportunity to develop and demonstrate what is going well and that there is enough safety for baby to go home with you.

The suggested time frames are:

- At 20 weeks (approximately) for a Pre Birth Interagency Meeting
- At 26 weeks (approximately) for an Interagency Review Meeting
- Around 30 weeks for a Final Interagency Review Meeting
- If the decision is made that it wouldn't be safe enough for your baby to go home with you, then DCP will make an application to the court for an order to be made; therefore a Care Plan meeting ought to be held by about 32 weeks.

It is important to get linked into this process as soon as possible to allow the maximum time to plan and prepare for baby to be able to go home with you.

These meetings are held by an independent DCP trained facilitator. The facilitator is especially trained in pre-birth meetings and will not have had any involvement in your case.

It is important to bring anyone who is a support to you and your baby along to the meetings i.e. partner, grandparent, sister, friend etc. You will need to feel comfortable that whoever you bring along will hear about all the worries DCP has about the baby and what would need to happen to keep the baby safe and well.

The social workers from the hospital will also be involved in these meetings to help you through the pre-birth SOS process and to help you establish good health care for yourself and the baby.



Should I get Legal Representation?

You are encouraged to take legal representation to your pre-birth SOS meetings. Contact Legal Aid to check on your entitlements.



What is Provisional Protection and Care (PP & C) and when does it end?

PP & C is when your child is temporarily in the care of the CEO until the Court makes longer term decisions about his or her future. It can take a number of weeks or months until a final decision is made.

During this time, the CEO makes decisions about your child's day-to-day care, welfare and development, including decisions about medical or dental examinations, treatment or procedures. Staff at the relevant DCP district office will make these decisions on behalf of the CEO. DCP should try to get parental input/consent about these issues wherever possible.

Whilst your child is in PP & C, you can apply to the Children's Court for **interim orders** directing DCP to do certain things about placement, contact, treatment and anything else the court considers appropriate. You should seek legal advice about your particular case.

This Court process comes to an end either when DCP **withdraws the protection application** (that is, decides not to ask the Children's Court to make a final PO), or when the Children's Court magistrate makes a decision about making a PO. It can also end when the child is placed in the care of another person approved by the court.

8. WHEN DCP INVESTIGATES

- ✓ Ask to see the identity cards of the people who visit your home.
- ✓ Find out which district office they come from and get the contact telephone number.
- ✓ Find out the names of the other people involved (the team leader, and district director).
- ✓ Remember that EVERYTHING you tell DCP will be used in their investigation and could also be used in criminal proceedings against you or others.
- ✓ YOU DO NOT HAVE TO ANSWER ANY OF THEIR QUESTIONS - there is no obligation under the Act for you to do so. However, it's best to try and co-operate with DCP, so answer the questions you feel comfortable about. Remember the following when answering any question:



- Take your time to answer. Think about the question.
- If you don't understand something, ask.
- If you feel overwhelmed or confused ask for a break.
- It's ok to ask for a support person to be present (such as a friend, family member or a lawyer).
- You can take notes if you wish.
- It is legal for you to record your meetings with DCP provided everyone agrees (e.g. you could use your mobile or MP3 player). A record of your meetings with DCP will help you remember accurately what was said and agreed to by both you and DCP.

TIPS ON TAPING



While it is OK to tape meetings with consent, this can often create tension in your relationship with DCP staff and may work against your goal of getting your children returned. Outcomes of cases are unlikely to be changed because of evidence you have of what was or wasn't said by others. The most important evidence is your ability to stay focused on your children. DCP may refuse to cooperate with taped conversations, so it is best to get advice before taking this action.

- ✓ If your child is to be taken into provisional protection and care, ask if they have a warrant. They should give you a copy of it if they do have one.
- ✓ If DCP asks you to sign something, remember that you don't have to do so. You can ask for time to think about it and get legal advice.
- ✓ Keep EVERYTHING that is given to you by DCP and show your lawyer.
- ✓ ALWAYS go to court, (even if you are told you don't have to be there).
- ✓ Buy a diary and record all contacts and conversations you have with DCP (eg what was said and agreed to; who you spoke to).



Does DCP have to tell me they're going to talk to my child?

DCP should inform the parents of the child as early as possible of the concerns they are investigating, and their need to see or examine and interview a child. DCP should explain the process involved in an investigation.

However, if DCP believes it is best for them to talk to your child before you become aware of the investigation, or if they believe the investigation might be jeopardised if you knew about it, they can talk to your child at a school, hospital or child care service without your knowledge.

The Act says that **as soon as practicable (possible)** after DCP has seen your child, they must let at least one of the child's parents know about it unless:

- this may interfere with a police investigation; or
- expose the child to harm or risk of harm; or
- the child has asked that you are not informed and DCP believes it's in the child's interests to agree with the request.

NOTE:

Your child is NOT obliged to answer any DCP questions if they don't want to. This means that they can choose to remain silent or only answer some questions. They can also ask for a support person to be present, such as a teacher, family member, support worker or lawyer.



Do I have to let DCP into my home?

You do not have to let a DCP worker or the police into your home.

However, they can enter and search for a child without your consent if:

- they believe he or she is at **immediate and substantial risk**
- or
- they have a **warrant (access)**.

They can stay as long as is necessary for them to assess the child's situation. You can arrange to meet DCP away from your home, such as at a police station, at a DCP office, or at another service location where you have support.



Can they take my child away?

Yes. They can take your child into PP & C and remove him or her without your consent if:

- they have a **warrant (PP & C)**
- or
- without any warrant if they believe the child is at **immediate and substantial risk**.



What papers do they have to give me if they take my child away?

- If they have a **warrant (access)** or a **warrant (PP & C)**, they must give a copy to you.
- You will also get a letter from DCP, regardless of whether or not they have a warrant.



NOTE:

Either DCP or the police (or both) can be involved in the investigation stage. The police have the same powers as DCP under the Act. It is important to remember:

- the police can carry on their investigation separate to DCP
- even if the police stop investigating the case or they don't charge you
- with any offence, or even if you are found not guilty in criminal law proceedings, DCP may still have child protection concerns, and may still want a Child Protection Order. Get legal advice on this.





How long after they take my child before I get court papers?

If DCP takes your child into PP & C, they can only keep him or her for a maximum of 2 more working days before they make a **protection application** to the Children’s Court. They must serve you with (ie give you or make sure you are given) copies of their application, and must provide proof to the Children’s Court that this has been done or that they have made reasonable efforts to do it.



Where does my child go?

Children who are removed from their parents can be placed with relatives, in residential care or foster care. Efforts are made to place children within a reasonable distance from their parents to enable contact but this isn’t always possible. As a general rule, parents are not told the location or identity of foster carers.

Foster care can be provided by carers from DCP or non-government foster care agencies such as Wanslea Family Services, Mercy, Anglicare WA, Yorganop, Uniting Care West and Parkerville. For more information about these agencies you can check out www.fosteringwa.org.au. If your child is in care with a non-government agency, a social worker from that agency may attend meetings and provide reports to court.

9. WHEN DCP MAKES A PROTECTION APPLICATION

Once DCP has made a protection application, the Children’s Court must try to make sure the first listing date (hearing) for the application is not more than 3 working days later. This date will be written in your copy of the **protection application**.

As a parent you have two choices you can:

- respond (fight or ‘oppose’) to the orders or request alternatives
- agree to a protection order being made.

You should seek legal advice immediately. Contact your lawyer or ring Legal Aid at the Children’s Court on **9218 0160** or the Information Line on **1300 650 579** to find out whether you are eligible for free legal advice/services.



It is important to go to court even if you’ve got a lawyer.

NOTE

If you need an interpreter, it is important to tell the court as soon as possible, so that an appropriate interpreter can be arranged ahead of time.

Separate legal representation for your child

The court will usually direct that your child is to have his or her own lawyer. If your child has the maturity and understanding and wants to give instructions, the lawyer will act on the child's instructions. The lawyer may talk to important people in the child's life and tell the court what is in the child's best interests.

Documents



The documents that you should get from DCP are:

- Copies of any warrant (access or PP & C).
- A copy of DCP's application for a PO. This will tell you when the first court date is and which court you have to go to.
- A Case Outline, a document filed in the Court setting out a summary of the allegations being made by DCP.
- Copies of affidavits. These are statements which tell the court the reasons DCP is applying for a PO.
- A provisional care plan if your child is in the temporary care of DCP.
- A Section 143 written proposal about living arrangements for your child if a PO is made by the Court.

Adjournments

It is most likely that there will be a number of short hearings called **mentions** between the initial hearing date and the final decision. Each time the court will adjourn (postpone) the proceedings and set another **mention** date. It can take several months before the court makes a final decision.

Adjournments may be granted to allow for legal advice, to get specialist reports or to allow time for further assessments and negotiations.

It is important that you attend every hearing because the court can give directions at any **mention** and, if you're not present, you may not have a chance to put your point of view. You can arrange for your lawyer to present your views.

Interim Orders

While your case is being dealt with by the Children's Court (and remember this can take many weeks or months), parents can apply for **interim orders** directing DCP to do certain things about

placement, contact, treatment and anything else the Court considers appropriate. This can include asking the Court to place the children with you. You should seek legal advice about your particular case.

Protection Orders (PO)

A PO is the final order made by the Children's Court where it has been decided that your child is a child in need of protection and care. For a PO to be granted, DCP has to prove **on the balance of probabilities** (that is, more likely than not) that:

- harm has, is or is likely to occur and
- there is no parent able and willing to protect your child from harm

This burden of proof requirement is different from criminal court where evidence has to be 'beyond reasonable doubt'.

Before a PO is granted the court looks at:

- whether parent/s have been given the right documents (or reasonable attempts have been made by DCP to do this).
- whether DCP has given the court an appropriate proposal for the care of your child.
- if you are opposing the order, whether a **pre hearing conference (PHC)** should be held
- whether the child's wishes or views have been made known to the Court (as far as possible)
- any other documents eg. a report by a children's psychologist that have been given to the Court
- whether making a PO is better for the child than making no order at all.



Does an order have to be made?

No. The magistrate may decide no order is needed.

Or agreement might be reached between the parties that no PO is needed, for example if there are no longer any worries about the child being safe in your care, or because Family Court orders have been made which everyone agrees make the child safe.

Special Guardianship Orders



What are Special Guardianship Orders (SGOs)?

SGOs have been introduced to provide children in long term permanent placement with secure and stable care whilst maintaining the child's relationship with their family and others who are important to them.

The orders are applied for in court by DCP or the carer; however a carer must have had continuous care for the child for over 2 years from the time of a protection order being granted before they are able to make application for an SGO; DCP is able to apply to the court for an application at any stage.

A SGO may be considered by DCP where:

- A child's Care Plan reflects that reunification with the family is not possible within a timeframe that meets the child's needs
- The child has secure attachment to the carer and the carer is able to provide ongoing stable care
- there is no longer a need for case management of the child by the Department

SGOs give carers (called 'special guardians') all the duties, powers, responsibilities and authority for the child until that child turns 18 years of age. It is important to note that if such orders are granted the child is no longer in the care of the CEO; this means the 'special guardian' will carry out all the parental functions and duties on a day to day *and* long term basis.

What do SGOs mean for me as a parent?



If an application for a SGO is made it is because your child is in long term permanent care. The application also means that the carer is willing to take care of your child long term. What is important for parents to understand is that your child will no longer be under the care of the department (or the CEO) and the 'special guardian' can make all the decisions regarding the care of your child such as schooling, where they live, holidays and daily activities.

An important condition of SGOs is that ongoing contact arrangements are made for you and your child (and others important in your child's life) to maintain a relationship and sense of identity. These arrangements become part of the orders and the special guardian will be responsible for implementing the arrangements. It is very important that you understand this arrangement. The contact you have with your child will be part of the orders made in court.

How will I know a SGO is being applied for?



The decision for DCP to apply for, or support a carer's application for a SGO will be discussed at a Care Plan meeting and will include the carer who is applying for the order, the child (if appropriate) and the parents. Birth families must always be involved, or invited to be involved in the Care Plan decisions about a SGO.

When a SGO is being considered, recommendations regarding contact will be made and this will be submitted to the court. A copy of the Care Plan where a decision to apply for a SGO has been made including the arrangement for contact must be sent promptly to you.

It is important that you fully understand the impact the orders will have (if any) on you and your child. Remember everyone's situation is different and therefore it is suggested you get legal advice as soon as possible. You can ask for support or assistance from Fin WA.

It is important to know too that you don't have to agree for the orders to be granted; they can be made without your consent.



What can I do if I don't agree?

If the decision to apply for SGO is made and you don't agree you can discuss the matter again with the person who facilitated the Care Plan meeting. If you still feel it isn't resolved you can apply to the Case Review Panel to have the Care Plan reviewed.

If an SGO is to be made against your wishes you will need to get legal representation to argue against it in court.



Can SGOs be revoked or changed?

SGOs are considered to be permanent and revocations are expected to be very rare. However anyone involved in the initial proceedings can apply to the court for revoking orders.

Changes to the orders can only be applied for by those involved in the initial proceedings.

Application for changes will only apply to the amount of contact ordered and this will only be considered by the court if there are new facts or all those involved agree.

Types of Child Protection Orders



Type of Order	Maximum Length of time	Effect
Protection Order (Supervision)	Up to 2 years. Can be extended only once for another period of not more than 2 years. Can be varied on the application of any party.	This order allows DCP to supervise the wellbeing of the child while the child remains in a parent/s care and the parent/s retain parental responsibility. The child is not in the CEO's care. The order may contain conditions to be followed by the child, a parent, or an adult with whom the child is living.
Protection Order (time limited) <i>Extensions of up to 2 years can only be granted with permission of the CEO.</i>	Up to 2 years. Can be extended more than once on application by DCP for periods of not more than 2 years.	This order gives the CEO parental responsibility for the child for the period stated. The child can be returned to a parent's care while the PO is current if DCP think the child will be safe.
Protection Order (until 18)	Until the child's 18 th birthday.	This order gives the CEO parental responsibility for the child until he or she reaches the age of 18. Can only be made when the court is satisfied that long term arrangements should be made for the well being of the child. The child can be returned to a parent's care while the PO is current if DCP think the child will be safe.
Protection Order (Special Guardianship Order)	Until the child's 18 th birthday. DCP or other party must apply.	This order gives parental responsibility of the child to any person or 2 people jointly other than the CEO or a parent of the child. The child is not in the care of the CEO. The order may include conditions about contact between the child and another person, such as the parent/s. The court may order the CEO to make payments to the special guardian.



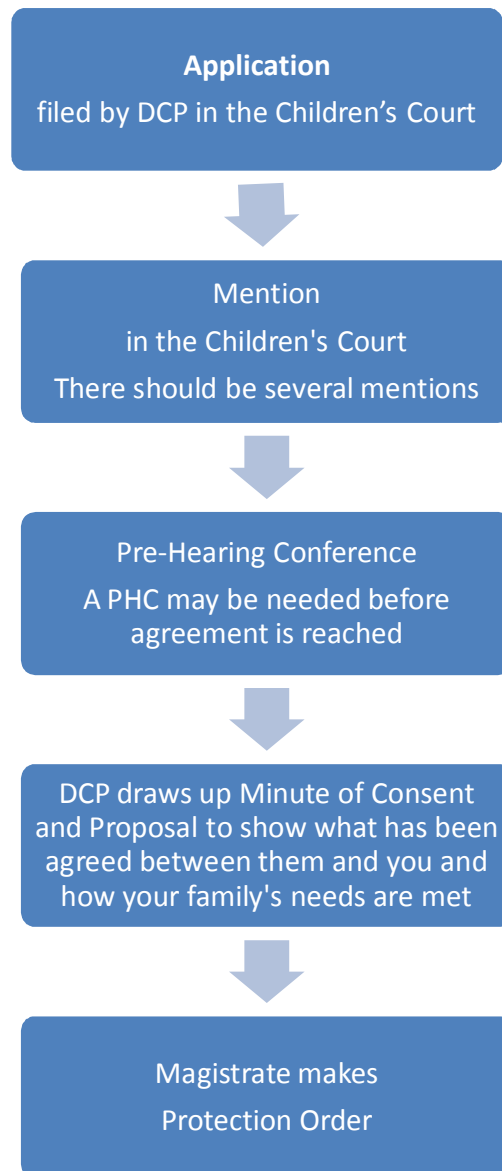
Once a PO is made, can it be changed?

Yes. The PO can be varied or revoked (cancelled) by the court.

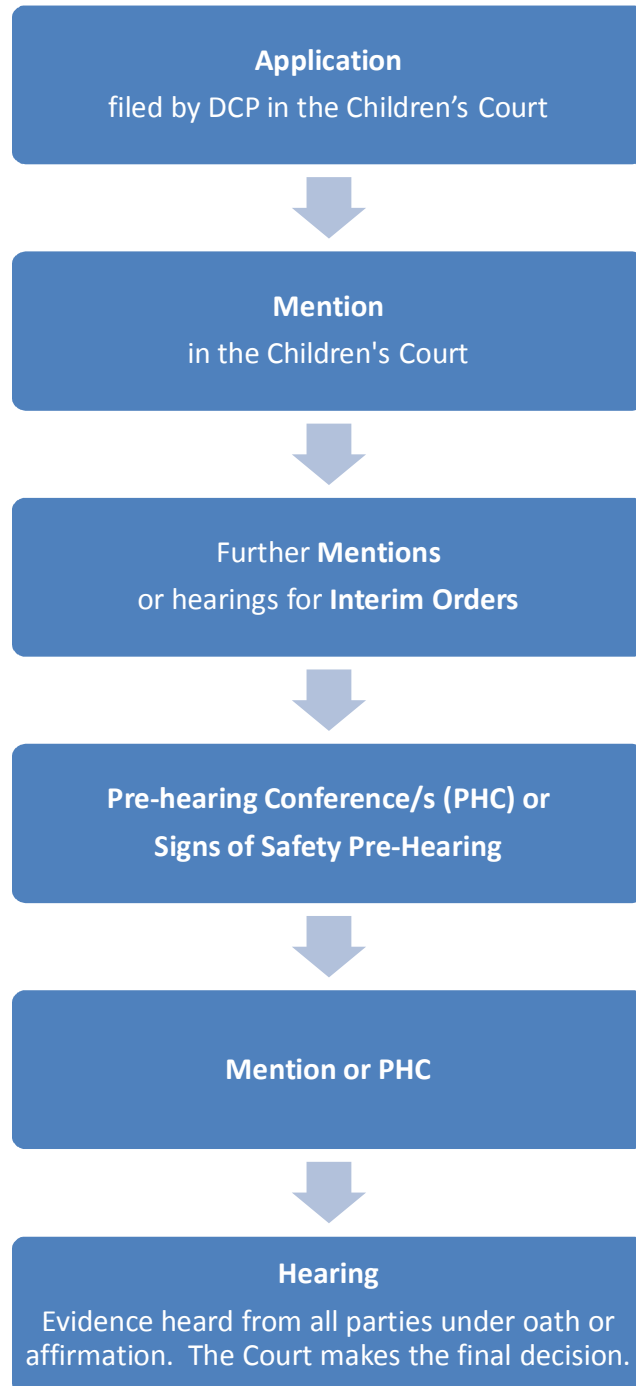
A PO will only be revoked and no new PO made if it is decided that there is no longer any need for a PO to protect the child from harm. An application needs to be made to the Court for this to happen. Get legal advice if you are considering this.

10. COURT PROCESS FLOW CHART



Consented Order (you agree that PO should be made)



Contested Order (you disagree that PO should be made)



11. PREPARING FOR COURT

1. Get legal advice before you go.
2. Dress neatly in conservative clothes. It shows the court that you are serious. 
3. Know what you want in advance. Make sure your lawyer has enough information too. It will help you if you have read all the documents DCP has given you and write down what you don't agree with – in dot points! Give this to your lawyer.
4. The Court can give you some advice on calling and questioning witnesses if you do not have representation. This can be found at http://www.justice.wa.gov.au/files/PC_Protection_Proceedings.pdf
5. It's a good idea is to take notes into court with you about what you want to say. You may be asked questions and get the chance to have your say. Be aware that anything you say will be used to make the final decision. Think about what questions you may be asked. 
6. It's also useful to get copies of files/information DCP has about you. You can ask field worker for these, but if you can't get what you want, you can apply for them through Freedom of Information (FOI). This doesn't cost anything if you are asking for information about yourself. This can take many weeks to get: the DCP FOI section has 45 days to respond to your request, so it's best to get in early. However, you can say if you need documents urgently. You can get information about how to use FOI at <http://www.foi.wa.gov.au/whatis.htm/> In your FOI application, remember to ask for all paper and electronic files, notes, letters and entries on yourself.
7. Make any child care arrangements you will need

12. AT COURT

- ✓ Be early. This way you can speak to your lawyer before Court.
- ✓ Be prepared to wait for your case to be called. There may be other cases ahead of you and you need to be patient. If you go outside for a break, you may not hear your name called.
- ✓ If you don't want to be in the same waiting room as someone you are in conflict with, speak to your lawyer, a Court officer if you do not have a lawyer, or the DCP worker

about where to go. The Court can make arrangements for separate rooms or security support if a restraining order is in place or you are fearful.

- ✓ Remember to be polite, bow to the Magistrate as you enter and leave and address them as 'Sir' or 'M'am'. A judge is called 'Your Honour'.
- ✓ Turn off your mobile phone before going into Court.
- ✓ Remember that everything is focused on what's in the best interests of the child.
- ✓ If you don't understand what's going on, you can ask the Magistrate, a Court officer or your lawyer to explain it to you. Take paper and pen so you can make notes.
- ✓ The Court has to be satisfied that you have had a reasonable opportunity to obtain legal representation.
- ✓ A separate child representative (a child's lawyer) may be appointed for the child.



13. INTERIM ORDERS

The Court can make interim (temporary) orders about things like:

- contact
- placement arrangements
- a written report about the child, family members and home environment
- a medical examination of the child
- separate legal representation for the child
- a pre-hearing conference between DCP, you and a court appointed person

SIGNS OF SAFETY PRE-HEARING CONFERENCE (SoS-PHC)



What is a Signs of Safety Pre Hearing Conference?

A signs of safety pre-hearing conference is a structured meeting organised by the court that aims to reach agreement between the parties regarding the children. The meetings use the signs of safety framework to guide them.



What are the benefits of a SoS-PHC?

In just about all situations a SoS-PHC is going to be helpful for families. If it hasn't already been suggested in your situation, ask your lawyer or the duty lawyer about it.

The SoS-PHC enables all parties involved in a case to get together and talk through the issues with an independent convenor (or facilitator). They give you the opportunity to come to an agreement about what should happen for the children thereby hoping to avoid trial.

You may not reach a complete agreement on everything, but it is hoped you have better access to information and a better understanding of what you need to do to provide enough safety for your children to return home.

The meetings require negotiation and cooperation and give hope for the best possible outcomes.



Who can have a SoS-PHC and how do I get one?

Anyone involved in the case can ask for one, but it needs to be discussed in court. The magistrate has to agree, and if they do, they make a referral to the section of the court that arranges them. These are usually requested at the first or second mention.

If a SoS-PHC is agreed to then someone from Legal Aid will be in touch with you to make arrangements and get as much information from you as possible. Make sure you get their contact details just in case you need to call them.



How are SoS-PHCs different from other SoS meetings?

The SoS-PHC differs slightly from any other SoS meeting you might have had with the department because the court is involved. All parties will have legal representation present (including DCP), the conferences are organised by a legal aid staff member and facilitated by an independent convenor. The children's court has a group of convenors, about half of them are DCP staff who have had special training, the others are legal aid staff or private mediators. If you do have a DCP staff member convene your conference, they cannot be someone who is involved with your case.

All parties are required to submit conference outlines before the meeting, so there should be no surprises at the meeting; DCP need to make it clear to the conference organisers what their concerns are and what they'd like to discuss beforehand; you too get to say what you are worried about and want to see happen.



Who will be at the SoS-PHC?

People who will possibly be present at a SoS-PHC include:

- Mother and or Father
- Mother and or Father's lawyer
- Child's representative
- DCP case worker



- DCP team leader
- DCP lawyer
- Other relevant professionals

It is up to the convenor which other professionals are invited to the meetings. If there are other people you think should be there, make sure you let the convenor know.



What will the SoS-PHC be like?

These meetings are usually long and can be very tiring. They can take up most of the morning or afternoon, so you may want to bring along a snack or a drink to help keep you going. Some parents have found the meetings initially difficult, to have the concerns outlined, but most report feeling better informed and clear about what the situation is.

The meetings are generally held at Legal Aid (55 St George’s Terrace, Perth) on the 9th floor. If you need a break during the meeting you can ask for one.

Just like in a Signs of Safety meeting notes will be taken during the meeting so you can see exactly what is being written down and ensure that what you say is recorded correctly.



What happens after the SoS-PHC?

When a date for the conference is set, a date is also set for another appearance in court (mention) that will be after the conference has been held. The convenor writes a report from the SoS-PHC for the court; this report makes recommendations to the court which is then discussed in court at the next mention date.

If an agreement is reached, this is typed up and signed by all parties. This agreement could range from giving you as a family more time to get things sorted, to agreeing to withdraw once certain things are in place, or you may agree to place the children under orders.

If no agreement is reached, but there’s hope of getting there with more time, another conference can be arranged. If not, the case will return to court and be set for trial.

If you have any worries about the SoS-PHC it is important to talk to the convenor as it is their responsibility to ensure everyone understands what is going to happen and what the process.

14. SECTION 143 WRITTEN PROPOSAL

This Proposal has information about living arrangements for your child. It should provide a “road map” of what you have to do if

- the PO is being supervised by DCP; or



- your child is in the care of DCP and you want to work towards reunification or having more contact.

If there are any problems once a final PO is made, for example about having more contact or getting your child back in your care, this Proposal is the starting point so you should make sure you are happy/agree with what is in it.

This document is essential for you to understand and follow. It is what DCP will refer you back to if you are unclear about what you need to do.

15. THE COURT'S AUTHORITY



What if I don't go to court?

The case can be decided without you as long as DCP can prove that they have given you copies of the Court documents or that they made reasonable attempts to do so within a reasonable time before the hearing.

The Magistrate may make a different PO to the one you expect to be made if he or she thinks it is in the best interests of the child.



What if I don't agree with the court's decision?

You can appeal the decision. Time limits apply. Get legal advice.



What if I refuse to do what the court says?

You can be charged with an offence.

A warrant can be issued for an officer to enter and search premises and remove a child if you try to hide or harbour the child or if you take the child from a DCP placement without permission.

Note

Interstate orders can be enforced here and orders made in WA can be enforced in other States. If you are having problems with interstate orders, get legal advice.



16. REPLACEMENT ORDERS

DCP can apply to the Court at any time for a PO to be revoked (cancelled) and another one to be made. For example, if your child is subject to a PO time limited, DCP can ask the Court to cancel this one and make another one such as a PO until 18. In some circumstances DCP can apply to extend a PO (Supervision) or a Protection Order (time limited).

COMMON MISCONCEPTIONS ABOUT COURT

- Although a magistrate makes the PO, he or she does not have a say in where the child is placed unless there are Court applications for children to reside with relatives. DCP makes these decisions.
- The Court is concerned primarily with the wellbeing of the child. The shortcomings of DCP or any difficulties you have with how your child's placement is managed, is not the issue being decided by the Court. Any problem you have with DCP needs to be taken through the Advocate for Children in Care or the DCP Complaints System (see sections 20 & 21).

17. ONCE YOUR CHILD IS IN THE CARE OF THE CEO

Even though the Court may make a PO you don't agree with or even place your child in the care of the CEO against your wishes, you are still the parent and a very important person in his or her life. You play a key role in planning for your child's future and showing him or her that you love and care for them.

DCP should try and work with you and support you to address the issues they were concerned about in the first place. It's usually best to co-operate as much as you feel able with DCP and do what they ask to show you can make your child safe. In this way, they are most likely to feel their involvement can be reduced or withdrawn.

The experience of being separated from your child is traumatic and stressful and cooperating with DCP can be very difficult. However, aggressive and abusive behaviour towards DCP staff will create more problems. DCP staff can terminate phone calls or meetings, call police and try to get a Restraining Order if they feel threatened by hostile behaviour. Try to find a safe place to express your anger: outbursts to DCP staff will be part of their assessment of your ability to care for your children.

Despite your best efforts, you may have problems working with DCP. You may disagree with their proposals, you may feel they are not giving you the help you need, or you may be worried about the standard of care they are providing for your child. See sections 20 and 21 below for information about the Advocate for Children in care and resolving complaints.

18. CARE PLANNING

DCP must have a Care Plan

The Act requires that DCP must have a Care Plan for every child or young person in the CEO's care and there are time limits in which they must do it. The Act also says that you and your child (according to his or her age and level of understanding) must be included in the care planning process.



What is a Care Plan?

This is a written plan that:

- identifies your child's needs
- outlines the steps or measures to be taken to address them, and sets out decisions about the care of your child, eg where he or she is to live, what arrangements are to be made for contact between your child and the significant people in their life.



There are 2 kinds of Care Plan.

Provisional Care Plan

DCP is required by the Act to develop and implement a **Provisional Care Plan** within 7 working days of your child going into PP & C. You must be given the opportunity to be involved in developing this plan – either in a face to face meeting, or in some other way. You can ask DCP when and how they are plan to involve you and say if you would prefer to do it some other way if you want, eg by phone. It's important that you take this chance to have a say about what is to happen for your child – even if you are feeling upset and angry with DCP. Remember that you can arrange to take a support person with you when you attend meetings with DCP.

You must be given a copy of the Provisional Care Plan within 20 working days. If you don't get one, ask for it.

The Provisional Care Plan will stay in place until a final decision is made about whether or not your child needs to be in protection and care. However, it can be modified (updated) to reflect any changes in the case.

Care Plan

Once a full PO has been made in relation to your child, or if he or she comes into the CEO's care through a Negotiated Placement Agreement, DCP has 20 working days to prepare and implement a Care Plan.

Again, you and your child must be given the opportunity to be involved and you must be given a copy. You can remind DCP about the need for a Care Plan if necessary.

Care Plans can be changed by DCP at any time, but you must be involved and given a copy of the changed Care Plan.

Care Plan Reviews

Care Plans must be reviewed regularly. Every 6 months for children under 2 years of age, and every 12 months for children over 2 years of age. These reviews are to check on the development of the children, how the plans are working and what needs to be changed. A new Care Plan is then written.

You, your child and any other significant people must be given the opportunity to be involved in the process and must be given a copy of the new Care Plan. You should also get an **Action Plan or Case Plan** which shows what you need to do for your child. If you don't get this, you can ask for it.



Who can be involved in the care planning process?

The child, the parents and the DCP case manager must be involved. The person who convenes the care planning process (likely to be a DCP convenor or team leader) determines who else should be involved. This is likely to be anyone who might make a useful contribution or wants to be involved with the child such as other family or community members, the child's carer, doctor or psychologist, an Aboriginal consultant, and support people for you and/or child. You can say who you want to be your support person.

The care planning process can take different forms. There may be one big meeting, or a series of meetings involving smaller groups. Some people (such as doctors) may contribute by writing a report rather than actually attending a meeting, and others may link up with DCP by phone.

The case manager writes a **report to meeting** before the care planning process begins giving an update on the child's situation and identifying what needs to be decided. Some districts will give you a copy of this, but if they don't it's a good idea to ask for it.

To help you prepare for a Care Plan meeting it is helpful to use the 'Report to Meeting' form. If your Case Manager doesn't give you one, ask.



Remember:

- Whatever you say in these meetings is NOT confidential. It can be used in Court.
- You have to be told about the meeting and given enough time to prepare before it is held.
- If you don't understand something, ask. DCP has an obligation to tell you what things mean in a way you can understand.
- You can get legal advice before and/or after the meeting



What if I don't agree with the Care Plan?

If it's a **Provisional Care Plan** you're not happy with, you should discuss this with the case manager, team leader or district director and ask for changes to be made. You can also speak to your lawyer about asking the Children's Court to make interim orders.

If it's a **Care Plan** you're not happy with, you must first try and resolve the concerns with the person who convened the Care Plan meeting. If this is not resolved to your satisfaction you can go to the **Case Review Panel (CRP)**. This Panel is made up of 3 or more professionals who are independent of DCP but have knowledge of child protection issues.

Parents, children, foster parents and other parties (including grandparents) with a significant interest in the child can make applications to the CRP. If another party makes an application, you have a right to know the content of their objections, and appear separately before the CRP to present your views.

DCP should give you information about how to apply to the CRP during the care planning process, but if they don't, ask for it. You can access a brochure from the Internet.

When your application to the Case Review Panel is accepted, a date will be set for you to attend and present your concerns. This is your opportunity to speak about the plans; the panel cannot make decisions about Orders. They will write a report which may uphold the Care Plan or they may make recommendations for changes. However, it is for the CEO to decide if he accepts the recommendations made. You will be notified in writing.



<http://www.dcp.wa.gov.au/ComplaintsAndCompliments/Documents/Case%20Review%20Panel.pdf>

Please be aware there is a strict time limit for making your application to the Case Review Panel. You have 14 days from the day on which you receive the written Care Plan to get your application in. In some circumstances, this time limit can be extended. The application must be in writing. If you need help to do this, you can contact Legal Aid's Info line. It is suggested that you first talk to the chair of the care planning process, as they may be able to explain the decision.



What if I'm not happy with the Case Review Panel's decision?

If you are unhappy with the decision of the CRP you can take your complaint to the State Administrative Tribunal (SAT). **YOU CANNOT GO TO THE SAT WITHOUT FIRST GOING TO THE CRP.** For more information see their website. <http://www.sat.justice.wa.gov.au/> Get legal advice before going to the State Administrative Tribunal.



What should I do to prepare for care plan meetings and pre-hearing conferences?

Ask yourself:

- ✓ What do you want to happen for your child?
- ✓ What help and services do you think your child needs?
- ✓ What help and services do you think you might need?
- ✓ Do you want to have your child returned home? DCP calls this **reunification**.
- ✓ Find out what DCP wants you to do to achieve your goals.
- ✓ What sort of contact do you want your child to have? Who with, how often and for how long?
- ✓ What decisions do you want to be involved in? (eg education, health, doctors appointments etc)
- ✓ What support and help would you like from DCP?

It's best to try as much as possible to focus on what's best for the child.



Don't be afraid to ask questions. If you are represented by a lawyer at these meetings discuss with your lawyer the questions that you would like to ask. Do this before the meeting so you are prepared.

Suggested questions:

- What does DCP want and want you to do?
- If they want you to do a course (eg Parenting, Anger Management), how long this is likely to take? Will they pay for it?
- If a course is likely to take only 6 months and they are asking for a 2 year PO, ask why.
- If your child is in foster care and you have a family member who wants to look after them, ask for them to be urgently assessed as a possible **relative carer**.
- Will DCP give you notice if they intend to visit your home?
- If contact between you and your child is to be supervised, what is the reason for this? When can unsupervised contact start?
- If contact is to be supervised, is there a relative you would like to be the supervisor? (DCP will have to assess them to see if they consider them suitable).

NOTE



You can ask for 'time out' at anytime, just say so.



19. WHAT ARE MY CHILD'S RIGHTS?

There is a Charter of Rights for children and young people in care and DCP must make sure your child has a copy. Details are at http://www.community.wa.gov.au/DCP/Resources/Child+Protection/Charter_of_Rights.htm or you can ask your district office for a copy.

Your child has the following rights:

1. To receive proper health care including medical and dental when he or needs it.
2. To receive guidance and encouragement in your education and activities such as hobbies, sport, music, dance and art 
3. To be kept informed about his or her care plan and have his or her views about the plan considered.
4. To be respected (and to treat others with respect too)
5. To raise an issue with his or her case worker, foster carer and/or the Advocate for Children in Care.
6. To have privacy and to have his or her personal belongings.
7. To be heard (and show the same to other people's views and opinions).
8. To get help and support to go to Court regarding his or her care.
9. To have contact with family members and friends whenever possible 
10. To be encouraged and supported in his or her religion and culture.
11. To have proper planning before leaving care.
12. To be safe.

The Advocate for children in care

There is an advocate for children and young people in care. Details are at: http://www.community.wa.gov.au/DCP/ContactUs/Advocate_for_Children_in_Care.htm. The Advocate's office can help your child with problems or complaints they can't sort out with their case worker, and can make sure your child has a say in decisions that affect their life. The Advocate can also help with concerns you may have about your child's wellbeing while they are in care.

The Advocate for Children in Care is employed by DCP but works independently of the district offices and reports direct to the CEO.



Can my child do anything to change a decision made by DCP?

Yes. Your child can:

1. Tell their case manager what they want.
2. Contact the Advocate for Children in Care who will help them to say what they want, negotiate changes or make a complaint.
3. Ask for their own lawyer.

20. COMPLAINTS

Making a complaint is sometimes the only option if you want to change things from the way they are. Some tips before you make a complaint:

1. Remember to record every conversation you have with DCP. Record the name of the worker you spoke to and the date and time you spoke to them.
2. If you are not getting calls returned, record the number of times you attempted to make contact. A diary is really useful.
3. Ask for paperwork. If you get paperwork late and you have a Court date, then you can ask the court for more time to look at the paperwork and get legal advice. Remember: keep all paperwork!
4. If you receive a letter from DCP that you do not agree with, then it is important that you reply in a letter what your side of the story is. If you need assistance, call Fin WA.

21. MAKING A COMPLAINT

If you're dissatisfied or worried about something DCP is doing (or not doing), there is a special process you can use to try and get things sorted out. DCP has a brochure "Resolving Your Complaint" which may also be useful for you. You can get it from any district office or it's on the web at:

<http://www.community.wa.gov.au/NR/rdonlyres/21442E09-1D71-4CFC-B405-B441F7CA96AD/0/CMUbookletupdatedSeptember2008.pdf>

Informal complaint



This is a way of trying to get your concerns or problems sorted out quickly and easily by talking with your case manager, team leader or district director.

You can discuss the issues with them and see if you can come to an agreement that you are both satisfied with. Before calling or going to a meeting to discuss your concerns, make notes listing what you would like to discuss. You can use this list to keep track of the points you make during the discussion.

Find out the name of the person you speak to and make it clear that you're seeking a resolution to your concerns and not simply providing feedback.

Make a note in your diary of the time and date of the discussion.

Even though you may feel upset, stay calm and polite all through the conversation. DCP staff you are dealing with should respond in a similar manner, treating you with courtesy and respect.

Remember: If you do come to some agreement, it is best to put it down in writing (in a letter to the case manager, team leader or district director you spoke to) confirming what was agreed to.

Formal complaint

If making an informal complaint isn't appropriate for you or you aren't satisfied with the outcome, then you can make a **formal complaint** using DCP's complaints procedure.



Step one (Tier 1)

Make your complaint in writing to the district director. This is called **tier 1**. You can do this by using the complaints form in the complaints brochure or by writing a letter (see example below). Alternatively, you can phone or make an appointment with the district director, or contact the Complaints Management Unit. Tell them you want to make a formal complaint and they will listen and help you write down your complaint. Otherwise, you can ask for help from relatives, friends, Fin WA or the Citizen Advice Bureau (<http://www.cabwa.com.au> 9221 5711), who have volunteers who can help you write a letter.

Your written complaint should be clear and to the point. Stick to the facts and don't go into too much detail. Your letter should include:

- the name and date of birth of your child
- the names of people you have dealt with
- what you think has gone wrong
- times and dates
- details of relevant telephone conversations and meetings
- copies of relevant documents (eg letters)
- what you have done to try resolve the issue
- the outcome you are seeking.

At the end of your letter state what action you think should be taken to resolve your problem. This might be an apology, an explanation of what happened or some other action taken to put the matter right.

Keep records

It is important that you keep copies of all the letters you send and receive as well as details of all telephone calls, including the dates. You may need to provide evidence of your dealings with DCP if you decide to take the matter further.



What happens next?

1. Within 2 working days of receiving your complaint, the district director or their delegate (someone else who has been asked to represent the district director) should send you a letter to say they've received it.
2. The director or their delegate should then contact you within a further 5 working days to discuss your complaint and to try to resolve it if possible. They may need extra information to help them.
3. They may send you a letter outlining what complaints they are looking into.
4. When they have completed the investigation they will send you an **Outcome Letter** telling you what (if anything) they plan to do to resolve your complaint.



How long will it take?

Altogether, the Director or their delegate has 21 working days to try to resolve your complaint.

Be persistent

If nothing happens within the time allowed, call the district director to check on the progress of your complaint or ask DCP's complaints management staff to follow it up for you. They can be contacted at:

The Complaints Management Unit
Department for Child Protection
189 Royal Street, East Perth, WA 6004
Tel (08) 9222 2594 or
1800 013 311 (Free call STD)
Fax 08 9222 2929



What if I'm not satisfied with the outcome?

You can take your complaint to the next level called **tier 2**.

Step two (Tier 2)

Contact the Complaints Management Unit (CMU) and ask them to investigate the outcome.

1. The Unit will talk to you by phone or in person to discuss your complaint and decide if it needs further investigation.
2. The Unit will ask for a copy of your Step One **Outcome Letter**.
3. The Unit will send you a letter saying if your complaint will be investigated. If so, the investigation will be conducted by someone outside of your district.
4. At the end of this process, they will send you a **Complaint Investigation Outcome Letter**.



How long will it take?

The Unit should complete the investigation within 21 working days. If this isn't possible, they'll write and tell you.



What if I am still not satisfied or if the CMU won't investigate?

You can choose to take your complaint for **External Review** - that is to someone outside DCP. This is called **tier 3**.

Step 3 (tier 3)

The Ombudsman

This is an independent and impartial person whose office investigates complaints from individuals about Western Australian Government agencies, statutory authorities, local governments and public universities. Contact details are:

Ombudsman Western Australia
Tel (08) 9220 7555
1800 117 000 (Free call STD)
www.ombudsman.wa.gov.au

Other options: The Minister for Child Protection

You can refer your complaint to the Minister. Contact details are:

The Hon Robyn McSweeney MLC
Minister for Child Protection
10th Floor, London House, 216 St Georges Terrace, PERTH WA 6000
Telephone: (08) 9222 8950
Fax: (08) 9222 8951
E-mail: Minister.McSweeney@dcp.wa.gov.au

Your State Member of Parliament

You can find out the name and address of your local MP at www.parliament.wa.gov.au. Go to 'Legislative Assembly' then 'Current Members' and search under your electorate.

NOTE

You can make a complaint to these external people at any time, but they may refer you back to the DCP complaints system, so it is always best to use that process first to save time.

Corruption and Misconduct

If your complaint relates to corruption or misconduct by a DCP staff member, you can contact the Corruption & Crime Commission of Western Australia (known as the Triple C).

The CCC accepts and can investigate allegation of misconduct by WA public officer, including staff at DCP. Contact details are:

186 ST Georges Terrace,
PO Box 7667, Cloisters Square, WA 6850
Phone: (08) 9215 4888 or Freecall 1800 809 000

Fax (08) 9215 4884

Email: info@ccc.wa.gov.au

Website: www.ccc.wa.gov.au

22. Letter writing tips and example

1. It's important to write your complaint as simply and clearly as possible.
2. Work out what your main problems are e.g.
 - you are not getting your calls returned;
 - you don't feel that your concerns are taken seriously;
 - you are worried about your children's carer etc.
3. Make sure that you get the right postal address (either by ringing your district office or getting the details off the DCP's website).
4. Remember to put your child's full name and date of birth at the start of the letter so that it is easy for the person who reads it to know who the matter is about.
5. Focus on the child's best interests in the letter. You will be more effective if you say things like:



'I am really concerned about the effect of the arguments between the other children and my child in the carer's home', instead of 'the carer's children are spoilt brats and are mean to my child'

or

'I think that only having 2 hours contact with my child per week is not enough for my child to have a good continuing relationship with me' instead of 'DCP is robbing me of time with my child or DCP doesn't care',

Example of formal complaint letter:

Ms J Bennett, ←
District Director
Mirrabooka District Office

Ring and find out the district director's name and address and put it in here

Department for Child Protection
6 Ilkeston Place
Mirrabooka WA 6061

It's very important to put a date on the letter!

Date: 11 April 2007

Dear Ms Bennett

FORMAL COMPLAINT RE: JAMES ADAM SMITH - DOB 01/01/1999

I am the father/mother of James Adam Smith born 1 January 1999.

James is currently under a Protection Order (time limited), expiring 14 September 2008. He lives with Mr & Mrs Jones (foster carers) in Mirrabooka.

I have a number of concerns I want to raise:

Dot points or numbered points are a good way to make your letter clear

1. I have attempted to contact and discuss my concerns with the Case Worker, Ms Katrina French, 6 times over the last 2 week period. Unfortunately she has not got back to me.
2. During my last contact visit with James yesterday he told me that his carer smacks him if he is naughty. I am very upset about this. I would like this investigated immediately.
3. I want my contact increased with my son. I have had 2 hours contact per week for the last 6 months. I have been consistent in my contact and I believe that this should be increased.
4. The last Care Plan Review was held about 13 months ago. I understand that a Care Plan has to be reviewed at least every 12 months. I would like a review to be organised as soon as possible.

Say what you are asking for

Please acknowledge this letter in writing and provide me with an outcome within 21 days of receiving my complaint.

Yours faithfully

Kym Smith

23. DCP CONTACTS

DCP Head Office (08) 9431 8800 or 1800 622 258 (Freecall STD)

Department for Child Protection Offices

Metropolitan Offices

Armadale Office	(08) 9497 6555
Cannington Office	(08) 9351 0888
Fremantle Office	(08) 9431 8800
Joondalup Office	(08) 9301 3600
Midland Office	(08) 9274 9411
Mirrabooka Office	(08) 9344 9666
Perth Office	(08) 9214 2444
Rockingham Office	(08) 9527 0100

Country Offices

Albany Office	(08) 9841 0777
Broome Office	(08) 9192 1317
Bunbury Office	(08) 9722 5000
Busselton Office	(08) 9752 3666
Carnarvon Office	(08) 9941 1244
Collie Office	(08) 9734 1699
Derby Office	(08) 9191 1577
Esperance Office	(08) 9083 2566
Fitzroy Crossing Office	(08) 9191 5002
Geraldton Office	(08) 9921 0768
Halls Creek Office	(08) 9168 6114
Kalgoorlie Office	(08) 9022 0700
Karratha Office	(08) 9185 0200
Katanning Office	(08) 9821 9000
Kellerberrin	(08) 9045 4203
Kununurra Office	(08) 9168 0333
Laverton Office	(08) 9031 1104
Leonora Office	(08) 9037 6132
Mandurah Office	(08) 9535 6688
Manjimup Office	(08) 9771 1711
Margaret River	(08) 9757 2910
Meekatharra Office	(08) 9981 1104
Merredin Office	(08) 9041 1622
Moora Office	(08) 9651 1100
Mullewa Office	(08) 9961 1004
Narrogin Office	(08) 9881 0123
Newman Office	(08) 9175 1051
Norseman Office	(08) 9039 1129
Northam Office	(08) 9621 0400
Onslow Office	(08) 9184 6005
Port Hedland	(08) 9140 2433
Roebourne Office	(08) 9182 1208
Southern Cross Office	(08) 9049 1016

South Hedland Office (08) 9140 2433
Tom Price (08) 9189 1592
Wyndham Office (08) 9161 1110

24. YOUR FEEDBACK

How useful is this document? Your feedback and suggestions will be welcome. Please contact the Family Inclusion Network of WA Inc.

Special thanks to South Brisbane Community Legal Centre, the WA Advocate for Children in care, Fin WA Inc. and all others who contributed to this document.

APPENDICES

Signs of Safety Assessment and Planning Framework

Signs of Safety meetings

The Department for Child Protection (DCP) uses what they call the ‘Signs of Safety’ Framework for making decisions about your family. This framework has 3 main areas that caseworkers are now using to help them make decisions about you and your family. They may use a ‘Signs of Safety’ Form to write things down. The form usually looks like this:

Signs of Safety Assessment and Planning Form

What are we Worried About?	What's Working Well?	What Needs to Happen?
<u>Past Harm</u>		<u>Agency Safety Goals</u>
<u>Future Danger</u>		<u>Family Safety Goals</u>
<u>Complicating Factors)</u>		<u>Next Steps</u>
<p>Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case and zero means things are so bad for the children they can't live at home, where do we rate this situation? (If different judgments place different people's number on the continuum)</p>		

You will be in a much better position when it comes to discussing these things with the department if you can familiarise yourself with the form and if you have thought through your ideas about each of these areas. If you can, take some time to consider your thoughts before any meetings, so you can be clear and to make sure all the things you want to say are included. It is also important for other family members or significant people in your life and the children's life be included in the meeting. So it is worthwhile discussing with your case worker who you might like to invite along. Remember though – whoever comes to the meeting will get to hear some details about your life that you may prefer they didn't know about, so think about this carefully before hand. If you don't invite them to the meeting you can ask for their views to be included so if you are able to their views before the meeting that will be important too. *A blank form has been added at the end of this info document, so you can print it out and start making notes that you can take with you.*

1) What are they/we worried about?

This area covers worrying or concerning things (harm) that have happened in the past, or things they consider might be dangerous in the future (danger) and other (complicating) factors that make your situation more difficult.

Statements of past harm.

What are we Worried About?	What's Working Well?	What Needs to Happen?
Past Harm <i>Statements of past harm</i>		Agency Goals
Future Danger		Family Goals
Complicating Factors)		Next Steps
<small>Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case and zero means things are so bad for the children they can't live at home, where do we rate this situation? (If different judgments place different people's number on the continuum.)</small>		
0	←	→ 10

The 'harm statements' used in this first section should be clear and specific and include details of who reported, what happened (including the actual harm) and where and when it happened.

Danger statements.

What are we Worried About?	What's Working Well?	What Needs to Happen?
Past Harm		Agency Safety Goals
Future Danger <i>Danger Statements</i>		Family Safety Goals
Complicating Factors)		Next Steps
<small>Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case and zero means things are so bad for the children they can't live at home, where do we rate this situation? (If different judgments place different people's number on the continuum.)</small>		
0	←	→ 10

'Danger statements' are clear descriptions of what everyone is worried may happen to your children if things do not change within your family.

Danger statements have three parts:

- 1) Who is worried;
- 2) What things they are worried you might do, and; (behaviour of parents)
- 3) How that might be bad for your children (impact on the child)

The danger statements are the department's 'bottom line' of what has to be fixed for the case to be closed. Getting the danger statements clear is really important as this will let you know what the department are actually worried may happen to your children in your care, and the things that you have to work on to show them that your children will be safe in your care. The danger statements are not just the department's worries. This is also where you get to say what you or others in your family are worried might happen to your children if nothing changes in your family.

Complicating Factors.

What are we Worried About?	What's Working Well?	What Needs to Happen?
Past Harm		Agency Safety Goals
Future Danger		Family Safety Goals
Complicating Factors		Next Steps

Complicating factors are things that make it more difficult for you and others working with you. They can include poverty, drug use, mental illness, isolation, disputes between workers and your family and cultural misunderstandings. It is really important that workers are clear about the difference between 'past harm', 'future dangers' and 'other things' that just make your situation hard. For example, you may suffer from depression, which makes your life more complicated; this doesn't automatically mean danger for your children. If others try to include additional things to this section that do not relate to "harm" or "risk of harm" to your children, then those things should be questioned. It is the worker's responsibility to help you understand the harm and danger statements so you are clear about what their concerns are. This can also include anything you are concerned about e.g. it could be that you think the department is not actively supporting your family to address concerns.

2) What is working well?

This section looks at what is going well, the good things you can do or the strengths you have. They call these strengths and existing safety. These may include all the good things you've achieved, or points in your favour, connections you've made with other agencies or additional support you've got, any successes you've had no matter how small that relates to your family situation and to your children's care.

What are we Worried About?	What's Working Well?	What Needs to Happen?
<p>Past Harm</p> <p>Future Danger</p> <p>Complicating Factors</p>	<p>Statements about strengths and existing safety</p>	<p>Agency Goals</p> <p>Family Goals</p> <p>Next Steps</p>
<p>Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case and zero means things are so bad for the children they can't live at home, where do we rate this situation? (If different judgments place different people's number on the continuum.)</p> <p style="text-align: center;">0 ←————→ 10</p>		

The statements about your strengths should be specific and talk about what is happening in your family that make it better for your children. Existing safety are examples of times when your child has been safe in relation to the things everyone is worried about because of something you've done.

The Safety Scale

Down the bottom of the form is a number scale, and at the meeting is asked to make a judgement on how safe they think your children are right now by deciding on a number between 0 and 10. Zero means the children are so unsafe they need to be cared for by someone else at the moment, and 10 is where they are so safe that the department can close the case and stop being involved with your family. You will be asked to say where you think your family is on the safety scale, along with the department and any other agencies, and each person's ideas are recorded with a number and their name under it. The safety scale is then used to ask everyone what they think needs to happen for everyone to move higher on the safety scale. In this way, the safety scale is used to keep checking in with everyone about how safe they think the children are now and what needs to happen for them to be even safer. The objective is for everyone to keep working together in making changes so that everyone is confident that the safety for the children is at a 10. And 10 doesn't mean you need to be perfect parents or that things will never go wrong. 10 means that everyone is confident that the children are now safe enough and that the department can close the case and let you all get on with being a family.

4) What needs to happen?

Agency Safety Goals

These goals show DCP’s views about what you need to be doing in order for DCP to be

What are we Worried About?	What's Working Well?	What Needs to Happen?
Past Harm		Agency Goals <i>Agency safety goals</i>
Future Danger		Family Goals
Complicating Factors)		Next Steps
<p>Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case and zero means things are so bad for the children they can't live at home, where do we rate this situation? (If different judgments place different people's number on the continuum.)</p> <p>0 ←————→ 10</p>		

confident about your children’s safety in your care. The safety goals should relate directly to the danger statements and be clear so that you are certain of what it is that DCP are asking you to do to show them that your children will be safe in your care.

Family Safety Goals


What are we Worried About?	What's Working Well?	What Needs to Happen?
Past Harm		Agency Goals
Future Danger		Family Goals <i>Family safety goals</i>
Complicating Factors)		Next Steps
<p>Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case and zero means things are so bad for the children they can't live at home, where do we rate this situation? (If different judgments place different people's number on the continuum.)</p> <p>0 ←————→ 10</p>		

The family safety goals are your views about what you think you need to be doing to keep your children safe in relation to the things everyone is worried about (the danger statements). It is really important that you take some time to think about this and write your ideas down

about what you want to be doing, or keep doing, with your children so that you are confident that the things people are worried about for your children are not going to happen. Your safety goal and DCP's safety goal will be brought together so that everyone is clear about what you are working toward. If you are working together on building a safety plan for your children, then the safety goal is what the safety plan will need to focus on.

Next Steps

This is where everyone puts their ideas about what the next steps are in working toward the safety goals. OK, so what now? The next steps should outline for you clearly what's the next

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Complicating Factors		Next Steps
		
<p>Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case and zero means things are so bad for the children they can't live at home, where do we rate this situation? (If different judgments place different people's number on the continuum.)</p> <p style="text-align: center;">0 ←————→ 10</p>		

step for you to take towards getting your children safe. Some of the next steps will be things that you will do; some of them will be things that DCP and others will do. It's important that the next steps include your ideas, so it is great if you have done some thinking about this before the meeting.

Safety Plan

DCP may decide that they need to see a safety plan developed for your children. The safety plan is a plan that will describe how you and other important people in your children's lives will organise things in your family to make sure that the children are always safe in relation to the things that people are worried about (the danger statements). The safety plan is a detailed plan about how you are going to look after your children to make sure that the safety goals are always met, for example, who might look after the children if you decide to use drugs, what you will do to make sure the children are safe if you and your partner start fighting with each other, etc.

DCP will ask you to work with themselves and/or another agency and a safety network for your children (family, friends and maybe other professionals who will help you to keep your children safe) to work out the details of the safety plan and then to keep working together to make sure that the plan is working.

It's really important that the safety plan is based on your ideas about what will work for your family and how you think you can organise your family life so that the children are always safe. It's also important that your children (if they are old enough) say what they think needs to be in the safety plan.

Important Notes on Signs of Safety meetings

Signs of Safety meetings do not only happen once. They can be used at any time that important decisions need to be made about what is happening for your children. You can ask for a Signs of Safety meeting and this meeting can happen in your home, in the DCP office or in another venue that has been organised. While it might feel intimidating or difficult to attend a Signs of Safety meeting, this is an opportunity for you to have a say and to talk about what you think needs to happen for your children, and for you to hear from DCP about their views. The more you have thought things through before the meeting, the more you will be able to work toward a good outcome for your children.

You should know that it is your right to ask anyone you choose to attend any Signs of Safety meetings; such as close family, friends and/or support workers who can support you and can offer some positive input. You may not always be reminded that you can do this.

In general the framework should be written up on a whiteboard or on large sheets of butcher's paper so that everyone can see it. If workers do not have a whiteboard that can print the information, they may want to write it up in a notebook to save having to copy it down onto paper afterwards – however, this is not preferable for you, because you cannot see what is written and may forget something from earlier in the session. You can ask that they display it so that it can be seen by you at all times during the meeting. It is a good idea to get a copy of this before you leave the meeting. The information that is written down will be typed up and sent to you and everyone who attended the meeting.

Where possible it is best to have a Signs of Safety meeting facilitated by someone independent of your case; however in most districts this isn't possible and it will be facilitated by your case worker/team leader.

Signs of Safety Assessment and Planning Form

What are we Worried About?	What's Working Well?	What Needs to Happen?
<p><u>Past Harm</u></p>		<p><u>Agency Safety Goals</u></p>
<p><u>Future Danger</u></p>		<p><u>Family Safety Goals</u></p>
<p><u>Complicating Factors</u></p>		<p><u>Next Steps</u></p>
<p>Safety Scale: On a scale of 0 to 10 where 10 means everyone knows the children are safe enough for the child protection authorities to close the case and zero means things are so bad for the children they can't live at home, where do we rate this situation? (If different judgments place different people's number on the continuum).</p>		
<div style="display: flex; align-items: center; justify-content: center;"> 0 ↔ 10 </div>		

Reference: this material was written in consultation with Sonja Parker from Aspiration Publications based on the work of A. Turnell and S. Edwards, 'Signs of Safety'