

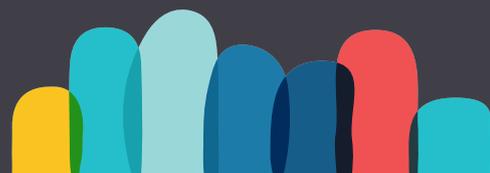


Government of Western Australia
Department of Communities



Grandfamilies:

Legal Matters and Resources





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Introduction

Grandcarers are grandparents who are parenting their grandchildren on a full-time basis because the parents of the children are unable, unwilling or unavailable to provide a safe and secure home for raising children.

This resource is designed to assist grandcarers in Western Australia to understand the legal issues relating to the care of their grandchildren.

As a grandcarer you may be concerned about issues surrounding custody or legal responsibilities that have arisen or which may arise in the future. This information is provided to help you identify the issues you need to consider and assess whether or not you should seek a legal solution.

Legal issues may include:

- making decisions about education, health and travel/passports
- financial matters including providing for the children now and in the future
- formalising your arrangement with the parents via a parenting plan
- whether court orders are needed to ensure that your grandchildren remain living with you
- how to start court proceedings and in which court
- how to deal with demands from the parents to change the current arrangements and
- how to protect your grandchildren, and yourself from family violence or other risks.

This resource includes information that is relevant to Aboriginal and Torres Strait Islander grandparents who are raising their grandchildren, as well as other family members such as aunts and uncles who have taken on this role.

Formal and informal arrangements

Grandchildren may be in the primary care of their grandparents through:

- Informal/private arrangements with the family members concerned:
 - usually a crisis has occurred and the grandparents have acted to provide a safe and secure environment for the children.
- Formal arrangements where:
 - the Children's Court has made a Protection Order placing the child in the care of the CEO of the Department of Communities (Communities), and Communities has placed the child in their care as a 'relative carer', or
 - the Family Court of Western Australia (the Family Court) has made Parenting Orders concerning who has parental responsibility for the child and who the child shall live with.

If you have any questions about this publication or would like to order a copy, please contact Communities via the contact details on the back page.

Do I need court orders if I am parenting my grandchildren?

If there is an informal arrangement in place, it is not necessary to formalise your parenting role through a court order. However, parental responsibility will remain with the parents and from time to time you may need to obtain their consent to make certain decisions about the children or to access some services.

In some circumstances it may be difficult to obtain parental consent, particularly where the parents are uncooperative or their whereabouts are unknown. These may occur if you have taken on the role of parenting your grandchildren due to concerns about the parents' substance abuse, mental health issues or a parent being incarcerated.

Having your role recognised

Where there are no court orders in place you may be required to present evidence that you are parenting your grandchildren. Examples of useful documents include letters or references from school principals, child health nurses, doctors, church elders, relatives, neighbours and community agencies that have assisted you.

You should also document incidences (for example, by keeping a diary) where the parents have been abusive or caused difficulties. This may be useful in the future if you do need to go to court.

A Statutory Declaration from you stating that you have been parenting your grandchildren for a relevant period of time, could also be used as evidence in support of any application you make in respect to your grandchildren in the future.

Generally, grandparents are restricted from applying for a birth certificate unless they can provide evidence that it is required for some legal right or entitlement. For more information contact the Registry of Births, Deaths and Marriages (see Other useful contacts and resources).

Education

When enrolling a child in school, the Department of Education will need copies of:

- the child's birth certificate and immunisation records
- proof of your current address
- copies of Family Court orders to confirm proof of name and arrangements for the child.

If there are no court orders, the school may need to confirm with the parents that the children are in your care. If the parents do not provide confirmation, you will need to provide sufficient evidence that you are responsible for the children to satisfy the school's enrolment requirements and obtain approval from the school's principal. A guide to school enrolment is available at the Department of Education website (see Other useful contacts and resources).

Health

Medical Treatment

If urgent medical treatment is needed for your grandchild, then doctors will act in the best interests of the child's health, whether there is consent to the treatment or not.

In non-urgent circumstances, such as elective surgery, the parents need to give their consent to treatment unless there are court orders that allocate parental responsibility to another person such as the grandparent.

For details see WA Health Department Consent to Treatment Policy, section 4.3.2 (see Other useful contacts and resources for contact details).

Vaccinations

The Australian Vaccination Register can provide a copy of your grandchild's immunisation record. The Central Immunisation Clinic (see Other useful contacts and resources) offers advice on immunisation requirements and provides a free vaccination service for vaccines on the WA Immunisation Schedule.

Medicare

A child can be added to a new or existing Medicare card. If the child is under 15 years of age, the signature of at least one parent or guardian is required. If that is not possible, you will be required to provide evidence that your grandchild is in your care, such as a GP letter. You can submit Medicare reimbursement claims for anyone (even those not listed on your Medicare card) if you have paid for the health service.

For more information see the Department of Human Services website (see Other useful contacts and resources).

Centrelink

Grandcarers may be eligible for certain Centrelink benefits. To support your claim for these payments you will need to provide evidence that the child is in your care.

If Communities has been involved in placing your grandchild with you, they may be able to provide a reference letter for Centrelink. Other evidence could include a formal agreement between you and the parents, or documents such as school attendance and health records which show the dates that your grandchild has been in your care (see previous section on Having your role recognised).

The Centrelink Grandparent Adviser can provide information about the types of benefits you may be eligible to apply for.

For more information phone the Grandparent Adviser Line (see Other useful contacts and resources).

Child support

Grandcarers may be eligible to receive child support payments from the child's parents. The child must live with the grandparent for at least 35 per cent of the time and must not be in a domestic relationship with either of the parents. If you apply for a child support assessment you must apply to receive child support from both parents (there are several exceptions to this requirement). However, if you are not the legal guardian of the child and the parents have not consented to you caring for your grandchild, you will not be considered to be an 'eligible non-parent carer' without showing that there has been extreme family breakdown.

If you are caring for a child that is in the care of Communities, you cannot apply for child support because the child is not an 'eligible child'.

For more information contact the Child Support Agency (see Other useful contacts and resources).

If you cannot resolve some of the issues that arise when dealing with government agencies, you will need to seek legal advice about applying for formal court orders to give you parental responsibility for your grandchildren.

Travelling overseas

If you wish to travel overseas with your grandchild, and the child does not have a passport, you will need to ask the parents to sign the passport application form. Unless there are special circumstances, the Passport Office will not issue a passport without:

- the written consent of all those with parental responsibility for the child, or
- a Family Court order which permits the child to have a passport and to travel overseas.

For more information, visit the Australian Passport Office website (see Other useful contacts and resources).

Court orders

Generally, it will be necessary to have court orders in circumstances where you:

- are unable to obtain the consent of the parents in relation to an issue, and
- cannot provide sufficient evidence to show that you are parenting your grandchildren and are responsible for them.

Australia's family law system is designed to help people resolve the legal aspects of family relationship issues and encourages people to agree on arrangements without going to court.

Children sometimes move several times between parents and grandparents before a more permanent arrangement is in place.



Options if I want my grandchildren to continue living with me

Do nothing and continue the informal arrangement

Parental responsibility will remain with the parents. From time to time you may need to obtain the consent of the parents in relation to some of the issues discussed above. You may decide that it is better to try to work out any differences with the parents rather than taking them to court. There are a number of peer support groups and grandparent support services which can help you to access practical assistance and community resources (see Grandcarer support services).

Reaching agreement and developing a parenting plan

A parenting plan is a written agreement between you and the parents of the grandchildren that outlines arrangements for the children such as who they will live with, how much time they spend with the parents and who makes decisions about the children. While it is not enforceable, it is evidence of an agreement and can be taken into consideration by the Family Court if you later decide to apply for a court order.

Family Relationship Centres (FRCs) provide free family dispute resolution and mediation to help people discuss issues in dispute, explore possible solutions and hopefully come to an agreement. The FRC can prepare the parenting plan once an agreement has been reached. The parenting plan needs to be in writing, signed by all the parties concerned and dated (see Family dispute resolution services).

Family Court – Parenting Orders

The Family Court can make Parenting Orders under the *Family Law Act 1975* (Cth) or *Family Court Act 1997* (WA), either with the consent of the parties or where the decision is made by the court.

If you reach an agreement about the children and want it to be legally enforceable, you can file a Form 11 Application for Consent Orders in the Family Court (see Other contacts and Resources).

The Family Court website has a Consent Orders kit which provides detailed information and a checklist to help you prepare an Application for Consent Orders.

If you are unable to resolve a dispute between you and the parent(s) of the grandchildren you may wish to consider filing an application for the Family Court to make Parenting Orders.

This process can take one to two years for the Family Court to resolve. There is also the potential risk that your application may not be successful, and the associated costs of a lengthy, expensive and stressful court case to consider (see Starting a case in the Family Court).

If your application is successful and the court makes Parenting Orders in your favour, the orders will be enforceable by the court. This means that you will be able to show that you have parental responsibility for your grandchildren and have the authority to make decisions on their behalf.

Changing Parenting Orders

Once Parenting Orders are made by the Family Court they cannot be changed except by asking the court to make new orders. However, it is important to note that a more current (signed and dated) parenting plan can have the effect of overriding earlier Parenting Orders.

Family Court – Recovery Orders

Family Court Recovery Orders can be applied for if an urgent situation arises involving the care of your grandchildren. For instance, if your grandchildren are removed from your care, not returned to you or if they are removed from the school by their parents without your knowledge. This may leave you with no other option but to apply to the Family Court for a Recovery Order (you may choose to apply for Parenting Orders at the same time).

A Recovery Order is an order made by the Family Court for the return of a child to the person who applied for the order. You can apply for a Recovery Order if your grandchildren have been taken from you without your consent or not returned to you following an arranged visit and the person who has taken them is refusing to return them to you.

In your application for a Recovery Order, you can ask that the other person return the children to you (if you think they will obey such an order). Alternatively, a Recovery Order will authorise the police to search for, remove and return the children to you, using force if necessary. This process may be very distressing for your grandchildren.

You can contact the Legal Aid WA Infoline (see Legal assistance services) for urgent legal advice in relation to getting a Recovery Order from the Family Court.

You should also ask whether you are eligible for a grant of legal aid so that a lawyer can represent you in court if required. Applications for grants of aid are now made over the phone. See the Legal Aid website for eligibility guidelines for applying for a grant of aid.

Legal Aid WA have a Recovery Order Self Help Guide on their website which can assist you with your application.

Safety issues and dealing with parents

The following issues may concern you:

- Your grandchildren have been with you for some time but you are concerned that the parent(s) could remove them from your care or from the school they are attending.
- You are unable to reach an agreement with the parents about how much time they spend with your grandchildren.
- It isn't safe for the children to have unsupervised time with their parents at present.
- There have been incidences of family violence including actual physical injury and assaults, threats to harm, damage to property and intimidating behaviour.
- Communities has been working with you and the family around safety issues for the children and recommended that the children remain in your care and that you apply to the Family Court for Parenting Orders.

You should get legal advice about the issues mentioned above. See Legal assistance services for a list of legal services which may be able to assist you.

If you are concerned for your own or your grandchild's safety you should phone the WA Police Force on **13 14 44** or dial **000** if the situation is life threatening.

Magistrates Court: applying for a Family Violence Restraining Order

If a family member is violent and you are fearful for your safety or the safety of your grandchildren, you can apply for a Family Violence Restraining Order (FVRO). These applications are made in the Magistrates Court (see Other contacts and resources) under the *Restraining Orders Act 1997* (WA). FVROs can order the respondent (the person bound by the order) to stay a safe distance away from you or your grandchildren and prevent them from communicating with you except through a lawyer.

For a FVRO to be made, one of the following acts of abuse or family violence must have occurred or there must be a reasonable fear that those things could happen to the person seeking protection:

- hitting you or threatening to hit you
- threatening to share or actually sharing intimate images
- holding you against your will
- not letting you have money when you depend on them for financial support
- causing death or injury to your pets

- damaging property you own or jointly own
- repeatedly sending you unwanted or offensive texts, and
- stopping you seeing or keeping in contact with friends, family or culture.

There are a number of steps before a final FVRO is made:

1. You as the applicant (person to be protected) lodge your application and are given a court date, usually within a few days. A number of courts have a Family Violence service that can assist you in preparing your application for a FVRO. At this first court hearing the respondent is usually not present.
2. An Interim FVRO may be made protecting you and/or your grandchildren. The respondent will have 21 days in which to object to your application. If there is no objection, the order will become final and be in place for two years.
3. If no Interim FVRO is made, the respondent will be summonsed to attend a mention hearing.
4. At the next mention hearing, there will be an opportunity for the person bound to agree to the order. Sometimes the matter can be settled by an undertaking, that is, an agreement by the respondent not to act in those ways that cause you to be fearful.
5. If there is no agreement, the matter will be listed for a final order hearing (a trial when evidence is presented by both sides). The Interim FVRO is extended to protect you until the magistrate makes the decision about whether to make a final order.

If the respondent breaches the FVRO, you should immediately report the breach to police. Breaching a FVRO is a criminal offence. Penalties include a fine up to \$6,000 and/or two years' imprisonment.

If you are granted an Interim FVRO and the respondent objects to the order, you should contact the Legal Aid WA Infoline (see Legal assistance services). You may be eligible for a grant of legal aid for representation in the Magistrates Court.

Risk to tenancy

If your rental property is damaged as a result of family violence and you are concerned about maintaining your tenancy, a tenant advocate may be able to help you by negotiating with your landlord on your behalf.

Contact the Tenancy WA Advice Line or Consumer Protection for further information (see Other useful contacts and resources).



Starting a case in the Family Court

Before filing your application in the Family Court, you must attend Family Dispute Resolution (FDR) to try to resolve the issues in dispute (see Reaching Agreement and developing a parenting plan). This is a compulsory first step and you must provide a certificate from an FDR provider when you file your application for parenting orders.

The Parenting Orders Kit on the Family Court's website sets out the requirements for filing an application. Visit the Family Court website for more information (see Other useful contacts and resources).

There are some exceptions to attending FDR, such as when there is an urgent issue or where there has been family violence or child abuse. There is an exemption form that must be filed with your application.

You may also need to file a Form 4 Notice of Child Abuse and Family Violence so that the court is aware of past physical, sexual or psychological abuse, neglect or exposure to family violence. The Family Court must provide a copy of the Form 4 to Communities, which may provide a response to the court.

Both parents must be parties in the case and must be served with a copy of your application once it has been filed in the court. If you do not know the whereabouts of the parents, you will need to get legal advice about filing

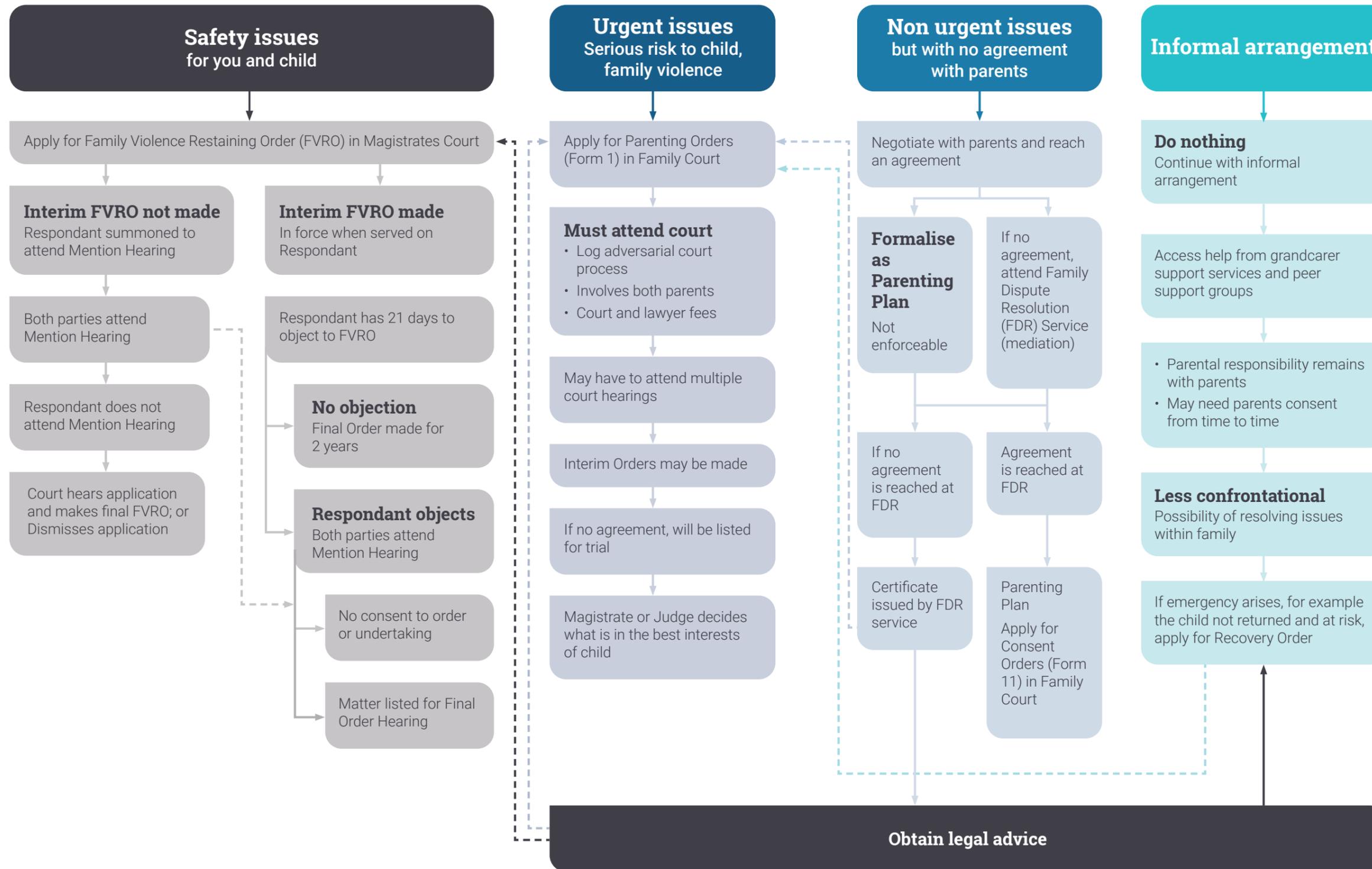
an application to serve the documents on a substituted person who will be able to deliver the documents. In some cases you can apply to dispense with the requirement for service altogether. It is important that all the parties concerned are aware of the court proceedings and you will be required to show the court what efforts you have made to locate the parents.

According to family law, children have a right to have a relationship with both of their parents. The focus is on the children's rights not parents' or grandparents' rights. If you have serious concerns about your grandchild's safety, you could suggest supervised time rather than no time at all. If you believe there should be no contact between your grandchild and their parents, you will need to seek legal advice until there are Family Court orders in place.

The following chart may assist you when considering the options available to you. Every family is different and you should seek legal advice to find out what is the best option for you. Do not sign a parenting plan or file an application for parenting orders without getting legal advice beforehand (see Legal assistance services).



Securing Care of Grandchildren



How does the Family Court decide what should happen?

The Family Court decides what orders to make based on what is in the best interests of the child. There are two primary considerations:

- the benefit to the child of having a meaningful relationship with both their parents and
- the need to protect the child from physical or psychological harm, and from abuse, neglect or family violence that has been directed at them or that they have seen or heard.

The court must give priority to the child's safety above the benefit of them having a meaningful relationship with their parents. Other considerations are:

- any views expressed by the child
- the nature of the child's relationship with their parents and other people
- whether each parent has taken, or failed to take, the opportunity to participate in long term decisions about the child, to spend time or communicate with the child
- whether either parent has fulfilled their obligation to maintain the child
- the likely effect of any changes in the child's circumstances
- the practical difficulty and expense of the child spending time or communicating with a parent
- the capacity of the parents or others, such as grandparents to provide for the needs of the child, including emotional and intellectual needs
- the maturity, sex, lifestyle and background, including culture and traditions, of the children and their parents

- the right of Aboriginal and Torres Strait Islander children to enjoy their culture and to enjoy that culture with other people who share it
- the parents' attitudes towards the children and the responsibilities of being a parent
- any family violence involving the children or a member of the children's family
- whether a family violence order applies or has applied in the past
- whether it is better to make an order which means the parents are less likely to seek further court orders about the children, and
- other facts or circumstances that the court thinks is relevant.

Independent Children's Lawyer

Once a case has started, the Family Court may appoint an Independent Children's Lawyer (ICL) to represent your grandchild's interests. The ICL's role is to look at all the evidence in the case and to make recommendations based on what they think is in the best interests of the child.

The ICL has to let the court know if the child has expressed a particular wish but they do not have to do what the child says. Depending on the age and maturity of the child, the ICL can explain to them how the legal system works and what options the court has when making a decision about the child's future. If an ICL is appointed, you may be asked to contribute to the cost if you are not eligible for a grant of legal aid.

Can I have a say in current court cases involving my grandchildren?

Generally, you need to be a party to the case if you want to have a direct say in court. Firstly, you need to know which court the case is being heard in.

If the case is in the Family Court:

- you can make an application to be an 'intervener' in the case. That is, to become an additional party to the proceedings
- it is up to the court to decide whether to give you permission to intervene
- you need to let the court know what has happened that has made it necessary for you to be a party and what orders you want the court to make about the arrangements for the children
- you need to file a Form 2 and supporting affidavit, attaching a copy of the parenting orders you want the court to make from the Family Court (see Other useful contacts and resources).
- you should get legal advice before making your application to intervene
- the Family Court cannot make orders if there is an ongoing application in the Children's Court and the child is in the care of Communities. The Family Court case will usually be delayed until there is a final outcome in the Children's Court, and
- Communities may suggest that you apply for Family Court orders if it intends to withdraw from the case because it no longer considers that the children are in need of protection. A likely consequence of having a Family Court order rather than a Child Protection order, is that you will no longer receive financial support from Communities for your grandchildren.

If the case is in the Children's Court:

- you can apply to be a party in a Children's Court case
- you must be able to show you have 'direct and significant interest' in the wellbeing of the child, and
- the *Children and Community Services Act 2004 (WA)* enables the CEO of Communities to apply for the following protection orders:
 - ▶ Supervision: parental responsibility remains with the parents and the child continues to live with the parents. The parents must follow a list of conditions and Communities will monitor the wellbeing of the child to ensure that they are safe. The order is for up to two years.
 - ▶ Time limited: parental responsibility is given to the CEO of Communities. Usually when this order is made, the child has been removed from the family home and placed with a foster carer or a relative such as a grandparent. The order can be for up to two years and Communities can apply to extend the time. The goal of the order is to reunite the child with the parents. There are no conditions on this order.
 - ▶ Until 18: parental responsibility is given to the CEO of Communities until the child reaches 18 years of age. The child lives with a foster carer or a relative such as a grandparent. There are no conditions.
 - ▶ Special Guardianship: parental responsibility is given to the person caring for the child. Either Communities or a person who has been caring for the child for a long time can apply for a Special Guardianship Order (SGO). The carer can only apply after the child has been in their care for a continuous period of two years prior to the application. The only condition attached to the SGO is about the contact arrangements between the child and another person such as their parent.

You should get legal advice if you have concerns about the type of protection order that is in place or if you are considering applying for a SGO. The usual practice is to file an application and affidavit in support. These forms can be found on the Children's Court website.

When making a protection order, the Children's Court must decide what is in the child's best interests. The court takes into account a number of factors including:

- the need to protect the child from harm
- the capacity of the child's parents to protect the child from harm
- the capacity of the child's parents, or of any other person, to provide for the child's needs
- the nature of the child's relationship with the child's parents, siblings and other relatives, and with any other people who are significant in the child's life
- the attitude demonstrated by the child's parents towards their child, and to parental responsibility
- any wishes or views expressed by the child, having regard to their age and level of understanding

- the importance of continuity and stability in the child's living arrangement and the likely effect on the child of disruption to those living arrangements, including separations from:
 - ▶ their parents, siblings or other relative of the child
 - ▶ a carer or any other person with whom they are, or have recently been living, or
 - ▶ any other person who is significant in the child's life.
- the need for the child to maintain contact with their parents, siblings, other relatives and other significant people in their life
- the child's age, maturity, sex, sexuality, background and language
- the child's cultural, ethnic or religious identity, including the need to maintain a connection with the lifestyle, culture and traditions of Aboriginal or Torres Strait Islander people
- the child's physical, emotional, intellectual, spiritual and development needs, and
- the child's educational needs.

The court must make a decision about the legal future of the child within two years of them entering care or three years in special circumstances.

Adoption

In some circumstances a grandparent may choose to adopt a grandchild. Adoption is a permanent arrangement that cuts all legal ties between the child and the birth parents, with the grandparent taking on full parental responsibility for the child. Communities must approve the placement of the child with the grandparents and then the Family Court must decide whether an order for adoption would be preferable to any other arrangement, such as a protection order or a parenting order. You should get legal advice if you are considering this option.

Communities provides information regarding adoption (see Other useful contacts and resources).

Aboriginal and Torres Strait Islander child placement principle

It is important that Aboriginal and Torres Strait Islander children maintain a connection with their family and culture. In making a decision about the placement of an Aboriginal or Torres Strait Islander child, Communities must observe this principle as far as is practicable. In order of priority the placement should be with:

- a member of the child's family (kin)
- an Aboriginal or Torres Strait Islander person in the child's community in accordance with local customary practice
- with a person who is Aboriginal or Torres Strait Islander, or
- a person who is not Aboriginal or Torres Strait Islander but who is sensitive to the needs of the child and capable of promoting the child's ongoing affiliation with their culture and, where possible, their family.



Providing for my grandchildren in the future

If you are concerned about what might happen to your grandchildren if you die while they are in your care, you can discuss your wishes with family members to find out who would be willing to help in such a situation.

Parental responsibility in the event of your death

Your will can set out who you would like to be the guardian of your grandchildren in the event of your death. However, only the Family Court can make the final decision about who will hold parental responsibility and who the children will live with in the future. Even if you have parenting orders in place, you are not able to transfer parental responsibility for the children to another person in the event of your death. The Family Court would need to look at the situation and decide what is in the best interests of the children at the time.

Property

It is important to have a will which clearly sets out your wishes in regard to who will inherit your property. If you do not have a will, the law sets out rules about how the property is to be divided. The rules can vary depending on the value of your estate and the number and type of family members you have.

In your will, you may want to provide for the future needs of your grandchildren by leaving them some of your property, excluding the parent of those children. Although you can leave your property to anyone you choose, you need to be aware that your adult child can challenge

your will. You may be advised to insert an explanation in the will about why you are leaving your child's share of your estate to your grandchildren rather than your child. However, this will not be sufficient to stop your child from challenging the will. If a challenge was made, the Supreme Court would look at whether you had a duty to provide for your child's needs. It is recommended that you obtain legal advice about this issue when preparing your will.

One option to protect some of the assets that you want your grandchildren to inherit, could be to set up a trust. The trust continues after your death and those assets held in the trust do not become part of your estate. It is recommended you seek legal advice about this and consider the costs involved.

The Citizens Advice Bureau and the Public Trustee provide independent information and assistance regarding wills (see Legal assistance services and Other useful contacts and resources).



Support services

Legal assistance services

Aboriginal Family Law Services

The Service provides legal services for all Aboriginal people who have experienced family violence or sexual assault. Areas of law include family violence issues and family law. Child protection matters are heard in regional areas only.

Telephone: (08) 9355 1502 or

Freecall 1800 469 246

Email: office@afls.org.au

Visit: www.afls.org.au

Aboriginal Legal Service of WA (ALS)

ALS offers legal services for Aboriginal and Torres Strait Islander people in Western Australia, including family law and child protection matters.

Freecall: 1800 019 900

Visit: www.als.org.au

Citizens Advice Bureau of WA

The Bureau provides legal services in areas of law including family law, wills and enduring powers of attorney.

Telephone: (08) 9221 5711

Visit: www.cabwa.com.au

Community Legal Centres (CLC) Association WA

CLC is the peak agency for community legal centres in Western Australia that provide free or low cost legal services. CLCs may offer different services - some generalist, others specialist. You should check eligibility requirements when contacting a centre.

Telephone: (08) 9221 9322

Email: administrator@communitylaw.net

Visit: www.communitylaw.net

Gosnells Community Legal Centre

The Centre provides legal services in areas of law including family violence, family law and child support.

Telephone: (08) 9398 1455

Email: admin@gosclc.com.au

Visit: www.gosclc.com.au

Law Access Pro Bono Referral Scheme

The Scheme acts as a clearing house to help people obtain pro bono or legal assistance in areas of law where there is limited or no assistance available from Legal Aid or any other agency.

Telephone: (08) 9324 8600

Email: info@lawsocietywa.asn.au

Visit: www.lawaccess.net.au

Support services

Legal assistance services continued

Legal Aid WA

Legal Aid WA provides information, advice and assistance in areas of law including family violence, family law and child protection. Grants of aid for legal representation may be available subject to eligibility criteria which include a:

- means test to review your income and assets and determine if you can afford to pay for all or part of your legal fees
- guidelines test to decide if your matter is one of Legal Aid WA's priority matters, and
- merit test to decide whether you are likely to succeed in your case.

Legal Aid WA have a dispute resolution service to give you and the people involved in the dispute the opportunity to work together to find a solution. A chairperson with extensive family law experience conducts the conference. The advantage of this type of mediation is that each of the parties has a lawyer with them during the conference. If an agreement is reached, consent orders can be prepared at the end of the conference. In order to qualify for a conference one person must be eligible for legal aid.

Legal Aid WA are not able to assist you if they have provided advice to one of the other parties in the case. However, you are still able to lodge an application for a grant of legal aid. If your application is successful the grant will be given to a private lawyer, and not a lawyer within Legal Aid WA.

Infoline: 1300 650 579

Visit: www.legalaid.wa.gov.au

South West Community Legal Centre

The Centre provides legal services in areas of law including family law, child support and family violence.

**Telephone: (08) 9791 3206 or
Freecall 1800 999 727**

Email: info@swclc.org.au

Visit: www.bunburyclc.com.au

Welfare Rights and Advocacy Service

The Service provides legal services in relation to Centrelink issues, family assistance, tenancy and social security prosecution issues (depending on location).

Telephone: (08) 9328 1751

Email: welfare@wraswa.org.au

Visit: www.wraswa.org.au

Family dispute resolution services (mediation)

Aboriginal Mediation Service

The Service offers culturally appropriate mediation services, with a panel of mediators that includes family dispute resolution practitioners.

Telephone: (08) 9264 6150 or

Freecall 1800 045 577

Visit: www.dotag.wa.gov.au

Citizens Advice Bureau

The Bureau provides a mediation service for issues concerning children, property, commercial and community disputes.

Telephone: (08) 9221 5711

Visit: www.cabwa.com.au

Family Relationships Advice Line

The Advice Line offers information and advice for anyone affected by family relationship issues and difficulties. Provides guidance on the impact of conflict on children.

Freecall: 1800 050 321

Visit: www.familyrelationships.gov.au

Family Relationship Centres

The Centres provide free family dispute resolution services (mediation) to families to help them reach workable arrangements for children without using the court system. There are currently four centres in the metropolitan area and three in the regions.

Visit: www.familyrelationships.gov.au

Gosnells Community Legal Centre

The Centre offers a family dispute resolution service and mediation for neighbourhood disputes.

Telephone: (08) 9398 1455

Visit: www.gosclc.com.au

Relationships Australia (WA)

Relationships Australia provides services in all areas of mediation, including family dispute resolution.

Telephone: 1300 364 277

Visit: www.relationshipswa.org.au

Support services

Grandcarer support services

Aboriginal Family Support Service

The Service offers information, advocacy and referrals as well as group activities, respite camps and peer support groups to support and strengthen Aboriginal grandparents.

Telephone: (08) 6330 5400

Email: info@whfs.org.au

Visit: whfs.org.au/services/aboriginal-family-support-service/

Carers WA

Carers WA offers peer support groups, held north and south of the river, for those raising a child with disability, mental illness or other serious health issue.

Telephone: 1300 227 377 or

Freecall 1800 242 636

Email: info@carerswa.asn.au

Visit: www.carerswa.asn.au

Grandparents Rearing Grandchildren WA (GRGWA) – Kingsley

GRGWA offers a support group to help increase grandparents' awareness of services and support.

Telephone: 0405 414 756

Email: secretary@grgwa.org.au

Visit: www.grandparentsrearinggrandchildren.org.au

Wanslea Grandcare

Wanslea Family Services provides information about being a grandcarer and where to get help. They facilitate peer support groups in the Perth metropolitan and some regional areas.

Freecall: 1800 794 909

Email: support@wanslea.org.au

Visit: www.wanslea.org.au

Other useful contacts and resources

Australian Passport Office

The Office provides information about Australian passports and issues passports to Australian citizens in Australia and overseas.

Telephone: 131 232

Visit: www.passports.gov.au/

Central Immunisation Clinic

The Clinic offers advice on immunisation requirements and provides a free vaccination service for vaccines on the WA Immunisation Schedule.

Telephone: (08) 9321 1312

Email: centimm@health.wa.gov.au

Visit: ww2.health.wa.gov.au

Children's Court of Western Australia

The Court hears criminal matters involving young people (aged 10 to 17 years) who are accused of committing offences.

Telephone: (08) 9218 0100

Visit: www.childrenscourt.wa.gov.au/

Department of Communities – Child Protection and Family Support (CPFS)

CPFS provides a range of child safety and family support services across WA and provides information about child protection processes.

Telephone: (08) 9222 2555 or

Freecall 1800 622 258 (non-metro callers)

Visit: www.communities.wa.gov.au/services/child-protection-and-family-support/

Department of Communities – Housing

Housing offers public housing and assistance to people with various other housing needs.

Use the Housing Office Finder via the webpage to locate branch and regional offices.

Visit: www.communities.wa.gov.au/services/housing/

Department of Education

The Department provides education for children and young people through 800 schools in WA. Information about enrolling children at school is available in 'How to enrol – A step by step guide.'

Telephone: (08) 9264 4111

Visit: www.education.wa.edu.au/

Department of Health

The Department can provide information regarding consent to treatment for children and young people.

Telephone: (08) 9222 4222

Email: enquiries@health.wa.gov.au

Visit: ww2.health.wa.gov.au/

Department of Human Services

The Department provides information about payments and services for Medicare, Centrelink and Child Support.

Visit: www.australia.gov.au/directories/australia/human-services

Department of Human Services - Grandparent Advisers

Grandparent Advisers provide information, book certain appointments and complete referrals to federal, state and community services.

Freecall: 1800 245 965

Department of Justice - Registry of Births, Deaths and Marriages

The Registry provides information regarding birth, death and marriage records.

Telephone: 1300 305 021 (calls from within Australia only)

International Access Code + 61 8 9264 1555 (Overseas calls only)

Visit: <https://bdm.justice.wa.gov.au/>

Department of Mines, Industry Regulation and Safety - Consumer Protection

Consumer Protection offers information for tenants and landlords/lessors.

Telephone: 1300 304 054

Email: consumer@dmirs.wa.gov.au

Visit: www.commerce.wa.gov.au/consumer-protection

Support services

Other useful contacts and resources continued

Family Court of Western Australia

The Court deals with parenting cases and can issue Parenting Orders.

Phone: (08) 9224 8222 or

Freecall 1800 199 228

Visit: www.familycourt.wa.gov.au/

Financial Counsellors Association of Western Australia

The Association provides a variety of self-help tools, information, resources and an online listing of free and independent financial counsellors.

Telephone: (08) 9325 1617

Email: admin@financialcounsellors.org

Visit: <http://financialcounsellors.org/>

Grandfamilies: A Resource Guide for Western Australian Grandparents Raising their Grandchildren

Visit: www.dlgc.wa.gov.au/AdviceSupport/Pages/Grandfamilies.aspx

Magistrates Court of Western Australia

The Court deals with adults, aged 18 years or over, required to appear in Court after being charged with a criminal offence; civil matters involving claims up to \$75,000 and consumer/trader claims of \$75,000 or less.

Visit: www.magistratescourt.wa.gov.au/

The Public Trustee

The Public Trustee offers will and enduring power of attorney drafting, deceased estate administration, executor support, financial administration and trust management services.

Phone: 1300 746 116 Wills, Deceased Estates and EPA

Email: public.trustee@justice.wa.gov.au

Visit: www.publictrustee.wa.gov.au/

Tenancy WA

Tenancy WA assists people who rent their home to resolve tenancy problems through advice, support and education.

Telephone: (08) 9221 0088 or

Freecall 1800 621 888

Email: admin@tenancywa.org

Visit: www.tenancywa.org.au

Acknowledgements

Aboriginal Family Law Services

Aboriginal Mediation Service

Aboriginal Family Support Service

Family Inclusion Network WA

Family Court of Western Australia

Gosnells Community Legal Centre

Legal Aid Western Australia

Wanslea Family Services

Disclaimer

The information contained in this publication is for information only and is not to be relied upon as legal advice. You are encouraged to consult a solicitor, call Legal Aid Western Australia or a community legal centre, if you are unsure how laws might apply to your situation.

Communities has made every effort to ensure the information is accurate and current as at 1 September 2018 and does not accept responsibility for any errors or omissions.

References

Family Law Act 1975 (Cth)

Family Court Act 1997 (WA)

Children and Community Services Act 2004 (WA)

Restraining Orders Act 1997 (WA)

Report of the Senate Community Affairs References Committee "Grandparents who take primary responsibility for raising their grandchildren"



For more information:

Department of Communities

Postal address: Locked Bag 5000, Fremantle WA 6959

Telephone: 1800 176 888

Email: enquiries@communities.wa.gov.au

Website: www.communities.wa.gov.au

Translating and Interpreting Service (TIS) – Telephone: 13 14 50

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information search National Relay Service.

