GOVERNMENT OF WESTERN AUSTRALIA

Children's Court of Western Australia

Government of Western Australia Department of Justice

Government of Western Australia Department of Communities

LEGAL AID WESTERN AUSTRALIA

RUAH LEGAL SERVICES

Women's Legal Service WA Justice for women

Dandjoo Bidi-Ak

GUIDELINES

Status:	Final approved
Date:	1 May 2026
Approved by:	His Honour Judge Hylton Quail President of the Children's Court of Western Australia

Acknowledgement of Country

The Department of Justice respectfully acknowledges the traditional custodians of the land as being the first peoples of this country. We embrace the vast Aboriginal diversity throughout Western Australia and recognised their continuing connect to country, water and sky.

We pay our respects to Elders past, present and future.

The Department is committed to fostering respectful partnerships with our Aboriginal colleagues, clients, and those in our care.

The Department pays its respects to individuals of the Stolen Generation and to their families and communities across Australia and recognises the importance of continuing to acknowledge the devastating impacts of the forced removal of Aboriginal and Torres Strait Islander children from their families.

The Department uses the term Aboriginal people throughout this document to refer to both Aboriginal and Torres Strait Islander peoples, acknowledging the over-representation of Aboriginal people in Western Australia in the care of the Department.

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1 Culture is Everything

Upon entering Dandjoo Bidi-Ak all parties respectfully and fully commit to embedding culture and cultural LORE into all LAW proceedings and decisions.

2 Introduction

2.1 Authority

The Dandjoo Bidi-Ak Protection and Care Court (**Dandjoo Bidi-Ak**) operates on the authority of the President of the Children's Court of Western Australia (**CCWA**) pursuant to the powers conferred under s 37(1) of the *Children's Court of Western Australia Act 1988*. In accordance with those powers, these guidelines are approved and adopted to the extent that they relate to the administration, disposition of business, practice and procedure of the court. This approval is effected pursuant to **Practice Direction 4 of 2026: *Dandjoo Bidi-Ak Protection and Care Court***.

At all times Dandjoo Bidi-Ak operates under the *Children and Community Services Act 2004* (the **Act**). In the operation of Dandjoo Bidi-Ak, the paramount consideration is the best interests of the child. In determining the child's best interests, Dandjoo Bidi-Ak must have regard to the matters set out in s 8 of the Act.

2.2 Background

Dandjoo Bidi-Ak at the CCWA was established on 10 July 2020. The meaning of the name is **"together on a path"** in Noongar language. Dandjoo Bidi-Ak provides a therapeutic model to respond to protection and care matters, for Aboriginal families involved with the Department of Communities (**DoC**) (as the agency responsible for administering the Act) and aims to achieve safe and sustainable family reunification.

Dandjoo Bidi-Ak currently operates four days a week at CCWA and involves a separate list of cases in the protection and care jurisdiction, focusing on families in need. The cases are managed by two Magistrates, who hear matters in a therapeutic manner and encourage collaboration and an open relationship between Dandjoo Bidi-Ak, DoC, and families.

> *I would recommend it to every mother that needs help, that I would. That's probably one of the most effective and efficient courts that help people get their children back. Not just mothers, but fathers as well. [Family 9].*[1]

2.3 Purpose and Approach

The primary focus of this therapeutic court list is to move away from the adversarial process and to encourage reunification between parents and their children, where possible, while also aiming to address the issues that cause families to come before the court in a holistic, therapeutic, and culturally informed manner. The court should provide an environment where difficult conversations about risk and safety can occur with parents in a safe and supported way to support the path to reunification.

This document sets out the key service delivery elements required to implement the day-to-day management of Dandjoo Bidi-Ak.

3 Goals of Dandjoo Bidi-Ak

Broadly, the objective of Dandjoo Bidi-Ak is to provide a culturally safe and respectful environment which enhances the participation of families involved in protection and care

[1] An evaluation of the Dandjoo Bidi-Ak Therapeutic Pilot Court – Final Report. J. Jones, J. Brooks, L. Roarty, M. Symons, H. McGlade, Natalie. Strobel, D. McAullay. pg. 30

matters, with the ultimate aim of achieving safe and sustainable family reunification, for Aboriginal children and their families.

Whilst reunification, where in the best interests of the child, is the ultimate aim of Dandjoo Bidi-Ak, it is recognised that the achievement of the below objectives is also considered a successful outcome:

- **Improve Engagement** – improve engagement through providing a therapeutic and culturally informed process in which families feel empowered. Through engagement support the early identification of issues/concerns.
- **Improve Relationships** – actively encourage and facilitate the improvement of relationships between parents, DoC, and the court.
- **Cultural Safety** – Ensure processes and procedures are culturally safe for Aboriginal families and they are more empowered to lead the way in offering solutions for their families.
- **Improve Processes** – Enhance procedural justice and legal representation for parents and children. Empower parent/s to tell their story, be accountable and provide solutions during the court process. Provide a clear pathway forward, providing next steps, solutions and accountability.
- **Social Outcomes** – Improve social outcomes both for children and their families through provision of a holistic response to the individual needs of participants and achieving safe and sustainable family reunification. Assist families to access services.
- **Increase Contact** – develop an appropriate contact plan with parents and extended family to support increased connection and provide the parents with the opportunity to parent safely. This plan should be reviewed regularly and be developed based on the child's needs. Increased number and duration of contact visits with parents and family members, where in the best interests of the child.
- **Stronger implementation of the Aboriginal and Torres Strait Islander child placement principle**

4 Guiding Principles

In addition to the principle that the best interests of the child are paramount, the operation of Dandjoo Bidi-Ak is guided by five principles. Broadly, these are:

- what children need, including considering each child as an individual, with their own unique needs, now and in the future;
- self-determination of Aboriginal and Torres Strait Islander people;
- honouring the role of the child's birth parents and their families and communities;
- recognising that everyone's journey is different, including acknowledgment that each person's journey is shaped by the trauma they have faced in their lives, including the intergenerational trauma they may have suffered, and that each person's identity, journey and strength is wrapped up in culture; and
- agreement that everyone is equal, and everyone's voice is important.

These principles are further defined at Appendix A.

In addition, Dandjoo Bidi-Ak is based on the principles of therapeutic jurisprudence and working in a trauma-informed and culturally safe environment for all participants.

4.1 Therapeutic Jurisprudence

Dandjoo Bidi-Ak is a solution focused court in that it uses the methods and principles of therapeutic jurisprudence to support families within a legal setting in a comprehensive way. Dandjoo Bidi-Ak adopts the core therapeutic values and practices of self-determination which recognises that if an individual chooses action personally meaningful to them, they are likely to have greater motivation to achieve it.

Dandjoo Bidi-Ak promotes procedural fairness with the Magistrate acting independently with compassion and empathy, providing the individual with an opportunity to be heard, acknowledging the individual's own views about their actions are important, treating individuals

with dignity and respect and acknowledging individuals are more satisfied with the process when they feel they have been treated fairly.

An evaluation of Dandjoo Bidi-Ak was undertaken by Curtin University through the Criminal Justice Research Grant Fund in 2024 (the **Evaluation**). The Evaluation found that:

> *...Dandjoo Bidi-Ak successfully incorporates the principle of therapeutic jurisprudence in order to better meet the needs of Aboriginal families*[2]*.*

The Evaluation also noted the need to provide training and clear guidelines for practitioners who are new to working in a therapeutic court environment. This training will be developed, designed and delivered with a focus on working in a court setting (refer s.19 Training and Professional Development Approach).

4.2 Trauma-Informed Approach

These Operating Guidelines will be grounded in what is known nationally and internationally as a Trauma-Informed Approach. [3] The trauma informed principles, including safety, trustworthiness and transparency, collaboration and mutuality and empowerment, voice and choice will guide how to engage participants who have experienced trauma.

Staff that work in Dandjoo Bidi-Ak will not necessarily be trauma experts and will need additional training to further understand trauma. When there is an understanding of trauma, often, staff responses to behaviours are more trauma informed. This can aid in de-escalation, thus creating a safer environment. It may also help staff to identify and avoid (as far as possible) triggering trauma responses. Understanding grounding techniques can also be beneficial to staff, should they see a participant displaying symptoms of distress.

The goal is not to create a trauma specialist workforce, rather, encourage workers in Dandjoo Bidi-Ak to be aware of the prevalence of trauma to take into account of how they work.

All staff working in Dandjoo Bidi-Ak will attend training around trauma informed care and practice. This training will be developed, designed and delivered with a focus on working in a court setting (refer s.19 Training and Professional Development Approach).

Trauma-informed care also recognises that staff are subject to secondary traumatic stress (also known as vicarious traumatisation) because of the environment they work in. Every effort must be made to offer support to staff who may witness traumatic events or be exposed to the details of traumatic histories of participants and staff should be offered therapeutic assistance and adequate supervision to manage incidents of vicarious trauma. In recognition of this an approach for supporting staff to recognise and cope with vicarious trauma will be developed (refer s. 20 Staff Support and Wellbeing).

4.3 Culturally Appropriate

> *It felt warm, welcoming. As soon as you walked in, they got pictures [cultural paintings]. It doesn't actually feel like a courtroom. I wouldn't even say it's like a normal room because it's got paintings, it's comfy. It's a vibe. They've got dot paintings, but there's also kids that have done paintings and they've got it up on the wall. They do Welcome to Country as well, so that's amazing. I've never experienced that before until I went to that Dandjoo Bidi-Ak. [Family 2]*[4]

Dandjoo Bidi-Ak features physical and verbal acknowledgements of culture. At the beginning of each court sitting an acknowledgement of country is performed by a member of the Dandjoo

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[2] An evaluation of the Dandjoo Bidi-Ak Therapeutic Pilot Court – Final Report. J. Jones, J. Brooks, L. Roarty, M. Symons, H. McGlade, Natalie. Strobel, D. McAullay. pg. xii

[3] Substance Abuse and Mental Health Services Administration (SAMHSA) Concept of Trauma and Guidance for a Trauma Informed Approach. SAMHSA's Trauma and Justice Strategic Initiative. July 2014. Pg 10.

[4] An evaluation of the Dandjoo Bidi-Ak Therapeutic Pilot Court – Final Report. J. Jones, J. Brooks, L. Roarty, M. Symons, H. McGlade, Natalie. Strobel, D. McAullay. pg. 33

Bidi-Ak Court Team, the courtroom has been modified to display Aboriginal artwork, maps and the Aboriginal and Torres Strait Islander flags.

The engagement of Aboriginal staff working in Dandjoo Bidi-Ak has been instrumental in developing culturally appropriate approaches with the Evaluation noting that participants:

> *...reported feeling more culturally safe within the therapeutic court environment, where they were encouraged to voice their concerns and perspectives while supported by Aboriginal liaison officers and other Aboriginal staff[5].*

The Evaluation also noted:

> *During non-participant observations, Dandjoo was perceived to be a culturally safe environment for families. Strong leadership was shown by the Aboriginal liaison officer and facilitation by the Aboriginal convenor. The researcher observed friendly interactions between staff and families that helped create a non-confrontational and relaxed environment in which parents felt empowered to speak openly. The layout of the courtroom also contributes to this, with all parties seated at a round table on the same level[6].*

Whilst the Evaluation noted positive findings in relation to cultural safety it was also identified that there was a need for greater Aboriginal governance and consultation. In response to this an Aboriginal Reference Group (**ARG**) was established in late 2023 to provide cultural advice, guidance and support to Dandjoo Bidi-Ak through a cultural lens.

The ongoing engagement of Aboriginal staff working in Dandjoo Bidi-Ak and the newly established ARG will be instrumental in ensuring these guidelines and other supporting documents are culturally appropriate as is the court process and support pathways.

5 Dandjoo Bidi-Ak Governance

Dandjoo Bidi-Ak's success relies on different stakeholders interfacing together and offering differing complementary skills, it is crucial that strong governance mechanisms are in place. The governance model defines authorities, roles, responsibilities and escalation pathways for Dandjoo Bidi-Ak. It also ensures there is an appropriate forum for the discussion and resolution of Dandjoo Bidi-Ak issues not able to be resolved within staffs delegated authority or line management.

5.1 Operations Working Group

Whilst Dandjoo Bidi-Ak is in Pilot phase the Project Working Group will function as the Operations Working Group. This group will provide a forum for continuous development and improvement regarding, support, services, and policies and procedures.

This group will also act as an escalation point should there be any risks to the operation of Dandjoo Bidi-Ak. Should a matter not be able to be resolved at the Project Working Group it will be escalated via the Executive Director Magistrates Court and Specialist Jurisdictions to the head of all agencies/departments involved for resolution.

A copy of the Terms of Reference are provided at Appendix B.

5.2 Therapeutic Children's Court Interagency Steering Committee

The Therapeutic Children's Court Interagency Steering Committee provides a forum for high level executive interagency support and strategic guidance to achieving an integrated and coordinated response to therapeutic court-based programs in Western Australia's Children's Courts.

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[5] An evaluation of the Dandjoo Bidi-Ak Therapeutic Pilot Court – Final Report. J. Jones, J. Brooks, L. Roarty, M. Symons, H. McGlade, Natalie. Strobel, D. McAullay. pg. xii

[6] An evaluation of the Dandjoo Bidi-Ak Therapeutic Pilot Court – Final Report. J. Jones, J. Brooks, L. Roarty, M. Symons, H. McGlade, Natalie. Strobel, D. McAullay.

The Steering Committee provides accountability and oversight of decisions, monitors implementation and responds to system barriers raised through the escalation pathway.

Matters can be escalated at all levels by emailing PCCTherapeuticCourts@justice.wa.gov.au

A copy of the Terms of Reference at provided at Appendix C.

5.3 Aboriginal Reference Group (ARG)

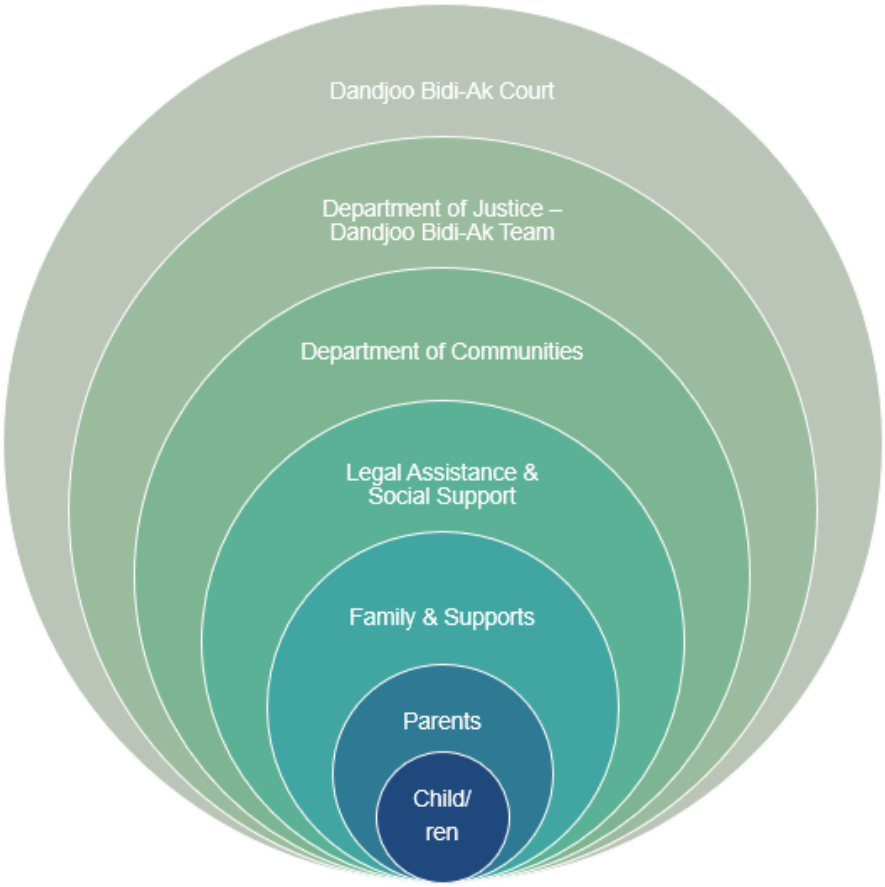
The function of the ARG is to provide cultural advice, guidance and support to Dandjoo Bidi-Ak procedures through a cultural lens. The ARG will provide direction to the Department of Justice (**DoJ**) on the development and strategy of Dandjoo Bidi-Ak and a forum for the discussion and resolution of issues related to justice system responses to care and protection and family violence in Aboriginal communities to support the outcomes of Dandjoo Bidi-Ak. Specifically, the ARG will:

- identify and provide advice on gaps in service delivery for Aboriginal participants and children;
- identify and provide advice on gaps in service delivery for perpetrators of family and domestic violence interacting with Dandjoo Bidi-Ak;
- support the strategic alignment of the Department's Strategy with the targets of Dandjoo Bidi-Ak;
- contribute to the development of an Action Plan by co-designing actions and activities corresponding to focus areas and desired outcomes; and
- contribute to the development of a monitoring and evaluation framework for Dandjoo Bidi-Ak.

6 Dandjoo Bidi-Ak Court Team – Roles and Responsibilities

Dandjoo Bidi-Ak fosters a collaborative, responsive team effort that is underscored by a multidisciplinary, holistic approach required to address the complex and diverse challenges within the protection and care system with a focus on family reunification and safety. The diagram below shows the hierarchy of supports available for families engaged in Dandjoo Bidi-Ak.

Diagram 1: Hierarchy of supports



This section details the roles and responsibilities of all stakeholders within Dandjoo Bidi-Ak to ensure everybody is operating within their remit.

In addition, defining and agreeing roles and responsibilities further supports a strong governance framework and ensures that:

- regular discussion and review of strategies are undertaken to ensure that referral and prioritisation processes are effectively managed collaboratively with relevant stakeholders and that information and accurate record keeping is aligned to departmental standards.
- a holistic approach to the delivery of supports and services is fully implemented.
- planning is led by the parents and where appropriate, children, extended family and other supports.
- security risks are identified and a supportive culture to manage risk is maintained.

6.1 Dandjoo Bidi-Ak Magistrates

The Magistrates manage each individual case and hold a crucial position in the oversight and accountability of the program and the relevant stakeholders. They play a role in creating a therapeutic courtroom environment and oversees the roles, responsibilities, and accountability of the team.

6.2 Department of Justice (DoJ)

The DoJ court staff consists of a Senior Aboriginal Liaison Officer (**SALO**), a Case Manager, two Family Engagement Officers and a Judicial Support Officer (**JSO**). This team supports the Magistrate and participants in Dandjoo Bidi-Ak.

It is important to note that this team is independent of the Judiciary and therefore will only share information with the Magistrate with the knowledge and consent of the participants and will be done so in Dandjoo Bidi-Ak sitting. Prior to seeking permission from parents, the Dandjoo Bidi-Ak Team will first discuss with their Lawyer who will be given the opportunity to attend the

discussion with the parents. Permission will then be sought from the parent/s, and they will be made aware of what matters will be discussed when they are in Dandjoo Bidi-Ak. The exception to this is when they are required to share information by law and/or there is a serious threat to the life, health or safety of any individual, or to public health or safety.

6.2.1 Dandjoo Bidi-Ak Case Manager

The Dandjoo Bidi-Ak Case Manager is responsible for supporting families participating in Dandjoo Bidi-Ak and working collaboratively with other stakeholders within Dandjoo Bidi-Ak to ensure a multidisciplinary and holistic approach is undertaken to address the complex and diverse challenges within the protection and care system.

They are responsible for the day-to-day leadership of Dandjoo Bidi-Ak and lead a small team consisting of two Family Engagement Officers. The Dandjoo Bidi-Ak Case Manager works closely with other staff at the CCWA including a dedicated JSO and the SALO. Whilst the role of the Dandjoo Bidi-Ak Case Manager is independent to the Judiciary the Case Manager will provide support and guidance to the Magistrates and make suggestions/recommendations in relation to working with Dandjoo Bidi-Ak families.

They are responsible for ensuring any relevant next steps identified during court sittings are followed up and actioned and that the Family Engagement Officers follow up on referrals as needed so families can access services and supports when needed.

The Dandjoo Bidi-Ak Case Manager leads the Assessment Team which comprises of the Family Engagement Officers and the SALOs from the DoJ and DoC. The Assessment Team is responsible for reviewing all new referrals, meeting with families where needed and making a determination of whether the family would benefit from being heard in Dandjoo Bidi-Ak.

The Case Manager will collaborate with internal and external stakeholders to ensure Dandjoo Bidi-Ak is delivering positive outcomes for families. This will include developing relationships with external service providers to promote Dandjoo Bidi-Ak and to establish referral pathways to support positive outcomes.

6.2.2 Family Engagement Officer

The Family Engagement Officer is part of a small team managed by the dedicated Dandjoo Bidi-Ak Case Manager. They assist the Dandjoo Bidi-Ak Case Manager in supporting families participating in Dandjoo Bidi-Ak and work collaboratively with other stakeholders within Dandjoo Bidi-Ak to ensure a coordinated approach is taken when supporting families.

They are responsible for following up with families between Dandjoo Bidi-Ak hearings and coordinating any referrals made to support services so families can access services and supports when needed. They will work closely with the Social Support Workers who are engaged by the Legal Assistance sector to ensure a collaborated response.

The Family Engagement Officers are part of the Assessment Team which is led by the Dandjoo Bidi-Ak Case Manager and also comprises of the SALOs from the DoJ and DoC. The Assessment Team is responsible for reviewing all new referrals, meeting with families where needed and making a determination of whether the family would benefit from being heard in Dandjoo Bidi-Ak.

The Family Engagement Officers will meet with families who may benefit from participating in Dandjoo Bidi-Ak to provide them with information on Dandjoo Bidi-Ak and answer any questions they may have. With the guidance and support of the Dandjoo Bidi-Ak Case Manager they will collaborate with internal and external stakeholders to improve positive outcomes for families and develop relationships with external service providers to promote Dandjoo Bidi-Ak and establish referral pathways.

6.2.3 Senior Aboriginal Liaison Officer (SALO)

The SALO provides a high level of services and accurate information to Dandjoo Bidi-Ak families that contributes to an efficient, effective and more culturally responsive court. They educate families about the operations of Dandjoo Bidi-Ak and explain their rights, obligations, court

procedures and protocols in language that they can understand and in a way that alters Aboriginal people's perceptions about Dandjoo Bidi-Ak.

The SALO supports parents and their families throughout the Dandjoo Bidi-Ak process. They facilitate connections to culturally appropriate Community Support Services/Organisations. They also provide support during wait times to the participant and their families, including debriefs.

The SALO is part of the Dandjoo Bidi-Ak Assessment Team. The Assessment Team is responsible for reviewing all new referrals, meeting with families where needed and making a determination of whether the family would benefit from being heard in Dandjoo Bidi-Ak.

6.3 Department of Communities (DoC)

DoC's positions include a Lawyer, a Senior Child Protection Work and a SALO. DoC have been funded to foster collaborative, improved relationships with parents participating in Dandjoo Bidi-Ak and to ensure participation in processes and procedures are culturally safe for Aboriginal families.

It is the expectation of Dandjoo Bidi-Ak that a decision maker is also available when court is sitting to enable a timely decision to be made. The Senior Child Safety Practitioner (**SCSP**) will consult with their Team Leader or District Director as needed for all significant decisions. The Child Safety Practitioner (**CSP**) is often the person who has the most contact with the family and children through these proceedings and it is important that the planning and decision making for reunification occurs according to policy and practice guidelines and is consistently applied both in and outside the court process.

DoC staff will be committed to working in a therapeutic justice environment and be flexible and responsive to the needs of the case.

6.3.1 DoC Lawyer

The Lawyer will represent DoC in protection and care litigation under the *Children and Community Services Act 2004*.

Lawyers conduct themselves in a manner consistent with the principle of therapeutic jurisprudence and working in a non-adversarial approach.

6.3.2 Senior Aboriginal Liaison Officer

Refer to s 6.2.3 Senior Aboriginal Liaison Officer.

6.3.3 Child Safety Practitioners and Team Leaders

The CSP carry out statutory functions under the *Children and Community Services Act 2004*, including responding to concerns about the safety and wellbeing of children and taking intervention action (i.e. initiating protection proceedings in the CCWA).

When parent/s are accepted into Dandjoo Bidi-Ak the CSP will work with the family to arrange for services that address child protection issues and strengthen the family functioning, this includes referrals to appropriate agencies based on assessed family needs. They will assist in developing family capacity to provide a safe family environment for the child/ren to return to.

The CSP will ensure children in care have an up-to-date Care Plan as defined by s 89 of the *Children and Community Services Act 2004* that reflects the current circumstances of the child, promotes their ongoing development and is subject to regular review. They will undertake assessments of families and foster families in determining appropriate care arrangement options for children in care which where appropriate will include family reunification and Leaving Care arrangements (*Children and Community Services Act 2004* pt 4, div 5 and 6).

They will work with the parent/s to draft the s 143 Written Proposal and Cultural Support Plans.

The CSP will liaises with appropriate cultural and Aboriginal services and communities that provide an identity for the child/ren.

6.4 Legal Assistance Sector

Parents who participate in Dandjoo Bidi-Ak would often otherwise appear in the general list, at pre-hearing conferences, signs of safety pre-hearing conferences and at trial without legal representation. A keyway in which Dandjoo Bidi-Ak encourages re-unification between respondent parent/s and children is to ensure that parents have access to legal representation at every court appearance.

Legal assistance providers are funded to represent parents at all court appearances in the therapeutic court list, mentions and pre-hearing conferences. Working with lawyers representing parents in Dandjoo Bidi-AK, the legal assistance sector also provides social support to families participating in Dandjoo Bidi-Ak. Their role is to bolster and support families, including in activities associated with their court engagement.

6.4.1 Lawyers

Lawyers provide legal advice and representation to the parents at all court appearances. The Lawyer actively engages in the therapeutic court list, mentions and pre-hearing conferences to ensure procedural fairness for participants.

As Dandjoo Bidi-Ak is a therapeutic court the preference is for respondent parent lawyers to attend in person.

Lawyers conduct themselves in a manner consistent with the principle of therapeutic jurisprudence and working in a non-adversarial approach. They are encouraged to work with their client in a way that motivates, encourages and reinforces the gains they have made whilst attending Dandjoo Bidi-Ak and speak to them honestly and openly where there are areas of improvement needed.

6.4.2 Social Support Workers

Working with lawyers representing parents in Dandjoo Bidi-Ak, the legal assistance sector also provides social support to families participating in Dandjoo Bidi-Ak. Their role is to bolster and support families, including in activities associated with their court engagement.

6.5 Roles and responsibilities to Parents

Diagram 2: Roles and responsibilities to Parents

7 Referral and Eligibility

7.1 Dandjoo Bidi-Ak Assessment Team

The Dandjoo Bidi-Ak Assessment Team is made up of the Dandjoo Bidi-Ak Case Manager, Family Engagement Officers and the SALOs from the DoJ and DoC. The Assessment Team is responsible for reviewing all new referrals, they apply the Dandjoo Bidi-Ak suitability criteria and consider DoC and other parties' views. The Assessment Team will meet regularly with such members as are available and then make a recommendation to the Magistrate for their consideration.

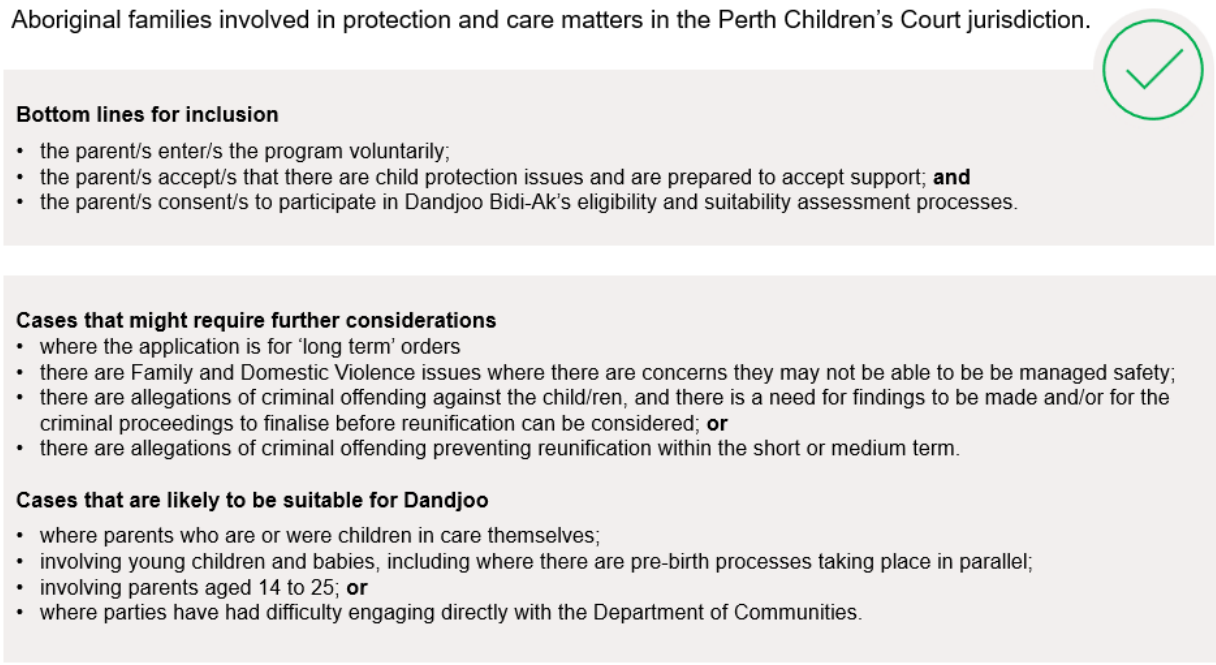
7.2 Target Cohorts

Aboriginal families who are in care and protection matters at the CCWA and:

- where the parents were in care themselves;
- involves parents aged 14 to 25; and
- involves young children and babies.

7.3 Eligibility Criteria

Diagram 3: Eligibility Criteria



Time on the Program will vary however ordinarily will take 12 months but an earlier determination may be made in certain circumstances, or the process may be extended at the Magistrates discretion.

7.4 Referral

If the above eligibility criteria are met, parent/s or their lawyer can refer the matter to be assessed for suitability by the Dandjoo Bidi-Ak Assessment Team (refer s.7.1 Dandjoo Bidi-Ak Assessment Team). The referral form must be completed (Appendix D) and emailed to Dandjoo@justice.wa.gov.au.

Copies of relevant restraining orders and protective bail conditions should be provided with the referral form.

The referral will then be considered by the Dandjoo Bidi-Ak team. The appropriateness of a Dandjoo Bidi-Ak referral will be considered in accordance with the following assessment process and is not a matter for determination in the general Protection and Care List.

7.5 Assessment

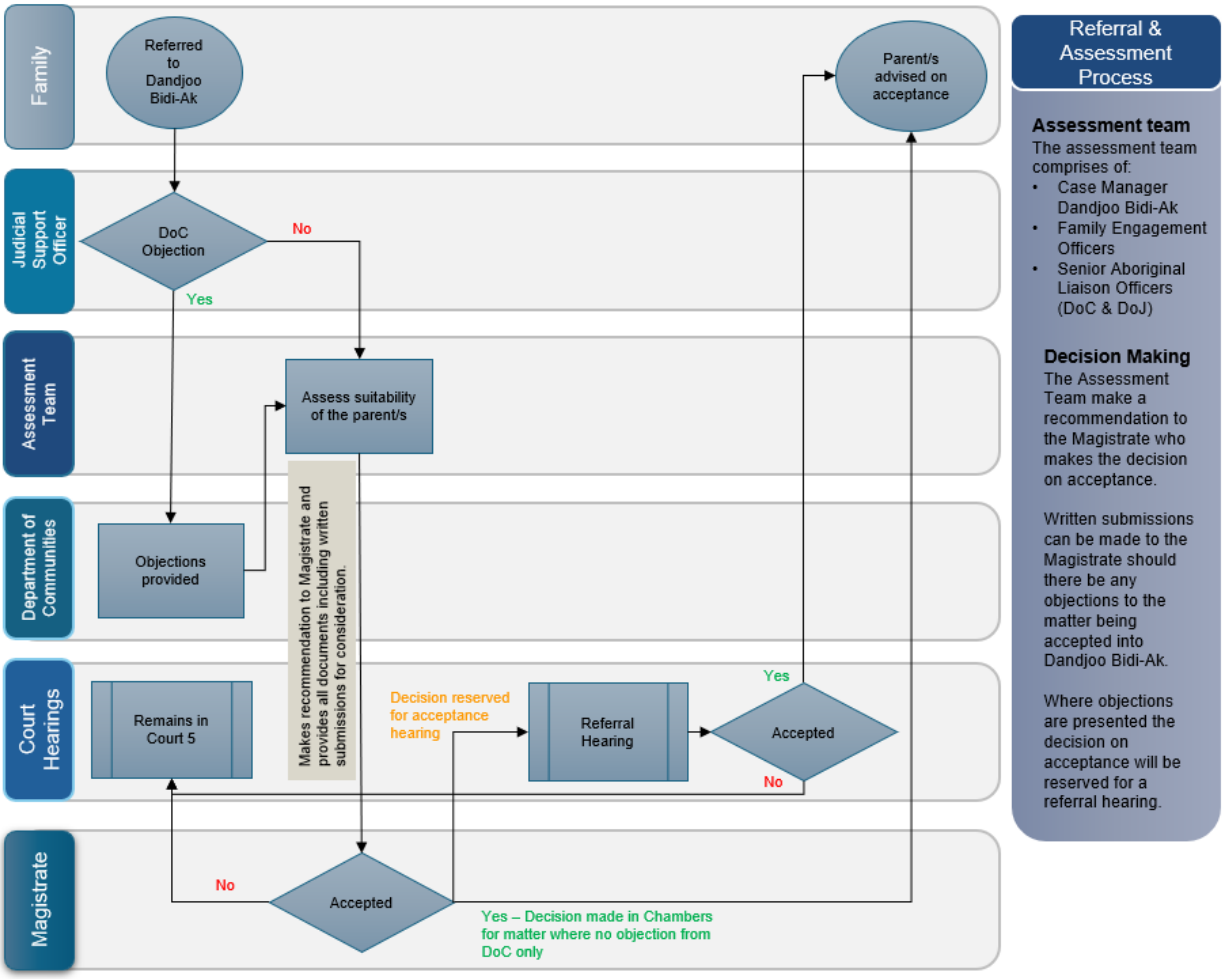
Once the referral is received by the Dandjoo Bidi-Ak Assessment Team an email will be sent to DoC and all other participating parties to the proceedings for consideration and comment. Any comments on objections to referrals are expected to be provided within five working days.

If there are no objections received after five working days, members from the Assessment Team will meet to go through the suitability assessment checklist (Appendix E). The Assessment Team will ensure the parent/s meet the eligibility criteria. If eligibility is met the Assessment Team will then make a recommendation on acceptance to the Dandjoo Bidi-Ak Magistrate for their consideration in chambers.

In appropriate cases, the Case Manager may consider scheduling a meeting with the family to discuss their referral including confirming with the parents that they acknowledge there are current issues that the family requires support with and that they accept there is a need for therapeutic intervention and consent to the interim order.

7.6 Acceptance

Diagram 4: Acceptance Process



The Magistrate will review all matters in chambers taking into consideration all documents provided as part of the referral, the recommendation made by the Assessment Team and any submissions made by DoC.

Where no objections have been raised by DoC, the Magistrate can make a decision on acceptance in chambers or reserve the decision to an acceptance hearing. Their decision will be recorded in DoJ's Integrated Court Management System (ICMS) and E-Bench. A copy of the decision can be provided to DoC upon their request.

The Magistrate's decision will be communicated to all parties by email from the Dandjoo Bidi-Ak Assessment Team.

Where objections have been raised, the matter will be listed for a referral hearing where all parties will be able to make submissions to the Magistrate prior to a decision being made as to whether the matter is suitable.

Parents and caseworkers are not required to attend, provided that lawyers are fully instructed. The referral hearing will take place in an ordinary court setting. The Magistrate may in their discretion hear from members of the Dandjoo Bidi-Ak Assessment Team in deciding whether to accept a matter into Dandjoo Bidi-Ak.

7.7 Family and Domestic Violence

Dandjoo Bidi-Ak acknowledges that managing Family and Domestic Violence concerns is a complex issue and a Family and Domestic Violence process is being developed in recognition of this. This process will include a Family and Domestic Violence risk assessment being undertaken. This will enable a determination to be made as to whether Dandjoo Bidi-Ak is an appropriate environment for the matter and plan how the matter will be dealt.

The Dandjoo Bidi-Ak Court Guidelines will be updated once the process is finalised.

8 Dandjoo Bidi-Ak Journey

Dandjoo Bidi-Ak cases are managed by two Magistrates, who hear matters in a therapeutic manner and encourage collaboration and an open relationship between DoC and families.

The primary focus of this therapeutic court list is to move away from the adversarial process and to encourage reunification between parents and their children, while also aiming to address the issues that cause families to come before Dandjoo Bidi-Ak in a holistic, therapeutic, and culturally informed manner. Dandjoo Bidi-Ak aims to improve relationships between all parties involved, work through concerns regarding child placement, identify and link parents to appropriate service providers and address any barriers to the parents being reunified with their children. Parents are encouraged to participate in the process and identify solutions to address these barriers as well as sharing their perspectives and experiences.

Participation is broken down into four phases:

- Phase One – Commitment
- Phase Two – Engagement
- Phase Three – Participation
- Phase Four – Consistency

Whilst it is ideal for parent/s to progress through the Phases of Dandjoo Bidi-Ak directly from Phase One to Phase Four they can revert to a previous Phase at any time whether this be due to setbacks, new concerns arising or the parent/s requiring some additional time/support prior to moving on. However, the commitment to the child's best interests remains paramount and timeliness of court proceedings and progressing through phases must consider the needs and stability of the child.

Dandjoo Bidi-Ak acknowledges everyone's journey will be different. The Phases have been developed as a guide to the Dandjoo Bidi-Ak, stakeholders, families and parents. There are no expectations to how parents progress through the Phases or the time spent in each phase.

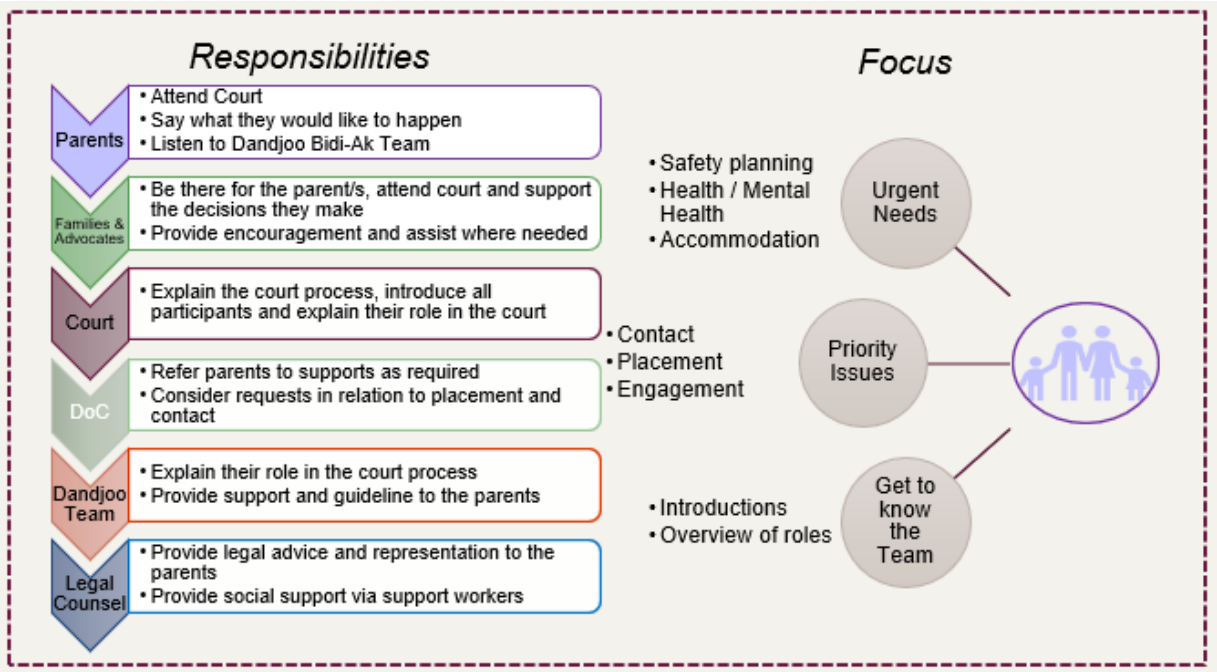
8.1 Phase One – Commitment - *Establishing Relationships and Setting Expectations*

During Phase One, the parent/s are getting to know Dandjoo Bidi-Ak process and the Dandjoo Bidi-Ak team. They are provided with the opportunity to say what they would like to get out of the Dandjoo Bidi-Ak process and what supports they need to address the child protection concerns.

The parent/s' urgent needs are also considered during this phase and supports put in place where possible.

Parents can use this time to discuss concerns with the placement of their children and contact for themselves and their family.

Diagram 5: Phase One – Commitment



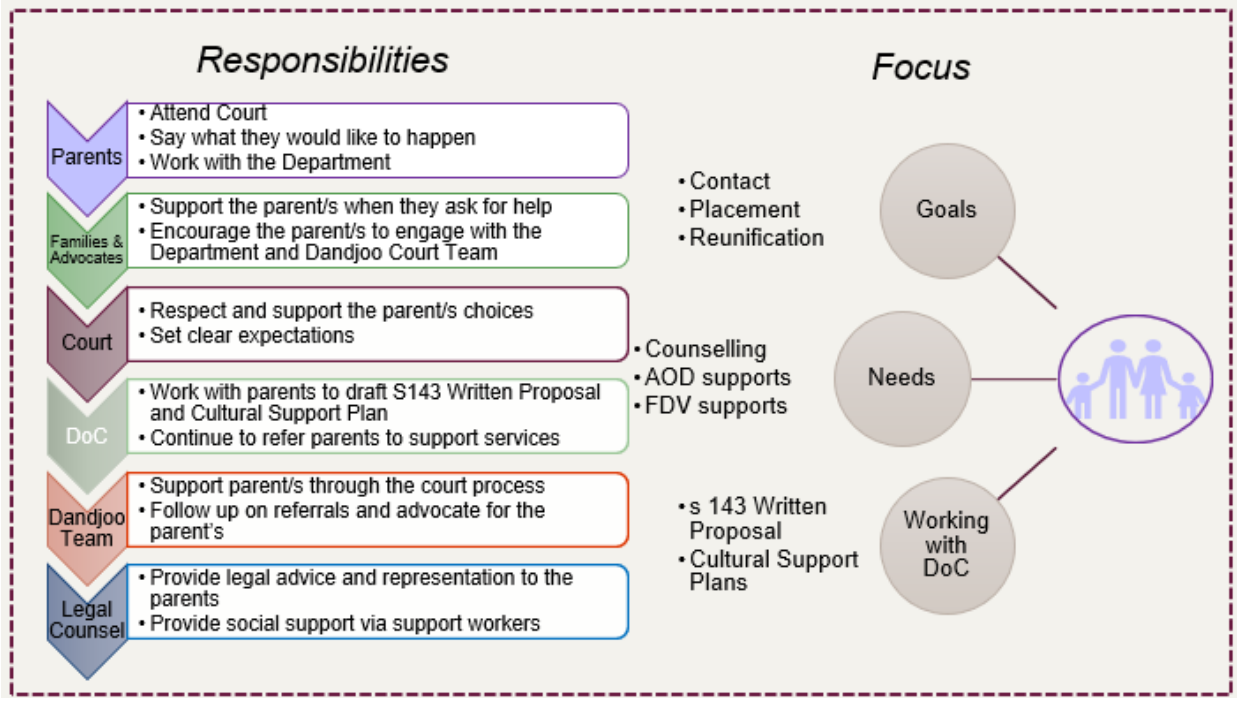
8.2 Phase Two – Engagement - *Setting goals, accessing supports and working with DoC*

During Phase Two the parent/s will start to engage with supports required to address the child protection concerns and work towards meeting the goals they have put in place for themselves.

The parent/s will commence working with DoC on the s 143 Written Proposal and the child/ren's Cultural Support Plans.

DoC and Dandjoo Bidi-Ak use this phase to set clear expectations of the parent/s in relation to what they need to work on and achieve during this process.

Diagram 6: Phase Two – Engagement



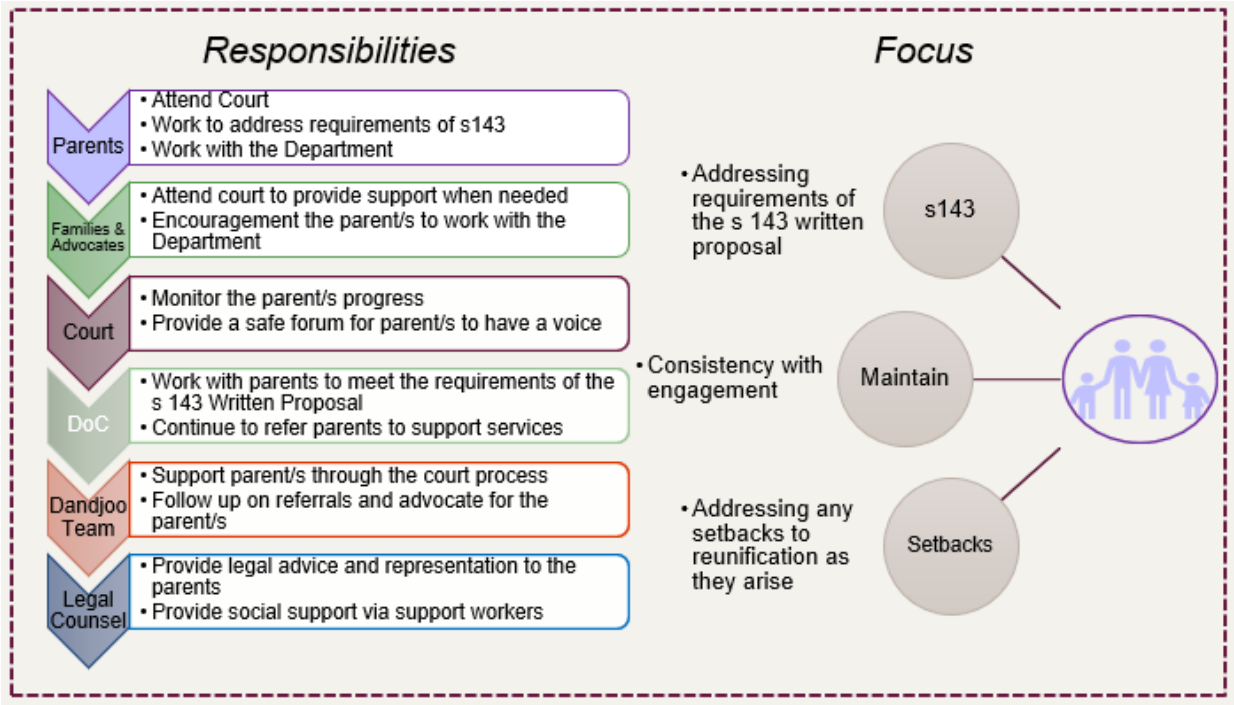
For the parent/s to progress to Phase Three the s 143 proposal must be agreed by all parties. This will set clear expectations for the parent/s on what needs to happen during the Dandjoo Bidi-Ak process.

8.3 Phase Three – Participation - *Work with DoC & Support Services*

During Phase Three the parent/s start to work towards meeting the requirements of the written proposal. They are supported by DoC, the Dandjoo Bidi-Ak Team, their lawyer and the Social Support Worker from their chosen Legal Assistance provider.

The agencies will all work together to ensure the parent/s are provided with the supports they need and referrals are actioned and followed up on a regular basis, so the parent/s get the supports they need when they are ready to access them. This will also ensure relationships are established between the teams so any risk factors that arise can be communicated at the earliest opportunity.

Diagram 7: Phase Three – Participation



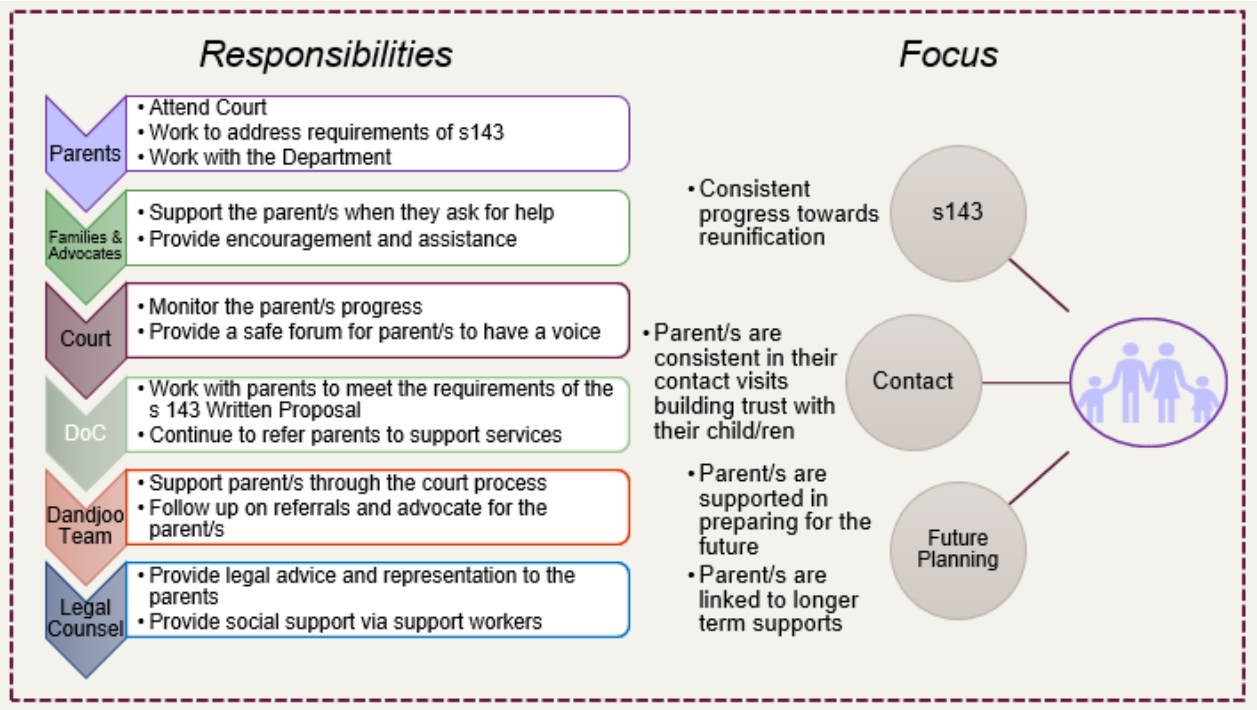
Whilst on Phase Three Dandjoo Bidi-Ak will continue to check in and monitor the parent/s progress to ascertain if they are on track for reunification or if at any time during this phase it becomes apparent that making a Protection Order is the more appropriate course of action.

8.4 Phase Four – Consistency

During Phase Four the parent/s show themselves, their child/ren, DoC and Dandjoo Bidi-Ak that they can maintain the progress they have accomplished during their time in Dandjoo Bidi-Ak.

DoC, Dandjoo Bidi-Ak Team, and Social Support Workers will support the parent/s to establish longer term supports they can reach out to if needed to ensure they continue to build on the foundations they have built during their time in Dandjoo Bidi-Ak.

Diagram 8: Phase Four – Consistency



8.5 Progressing through the Phases

Prior to the parent/s moving from one phase to the next consideration will be given to whether they are ready to progress, should remain for a longer period or consideration may be given to making a Protection Order if this is more appropriate.

9 Dandjoo Bidi-Ak Court Requirements

9.1 Court Updates

It was identified in the Evaluation that on occasion Dandjoo Bidi-Ak are not aware of events that have occurred in the parent/s' lives or interactions with DoC and whether families may cause conflict or distress in court. A court update process has been implemented to provide a structured avenue for Dandjoo Bidi-Ak and all stakeholders to be made aware of these events or incidents.

All court update forms must be emailed to the Court three days prior to the hearing.

It is the expectation of Dandjoo Bidi-Ak that the Court Update Form (Appendix F) is completed by all parties prior to each court sitting. This includes DoC and the parent/s legal representatives.

All parties are encouraged to utilise trauma informed language and context when drafting the court update. Should there be any matters that parties do not think are appropriate to raise in the court update or in a standard hearing they are able to request a modified hearing (refer s. 10.1 Modified Hearing).

9.2 Next Steps

The Next Steps (Appendix G) process enables Dandjoo Bidi-Ak to ensure all parties are held accountable between Dandjoo Bidi-Ak sittings. This involves compiling a document during each hearing that summarises the discussion and outlines what all parties have agreed to undertake before the next meeting.

The Next Steps will be completed in court with the JSO displaying the document on the screen to ensure all parties agree. The document will be emailed to all parties once agreed.

10 Court Structured Day

10.1 Modified Hearings

Ordinary hearings will be recorded, with confidentiality of access to a court record governed by the *Children's Court of Western Australia Act 1988* and the *Children and Community Services Act 2004*.

Depending on the issues on any particular case, the Magistrate may decide (after hearing from the parties) to convene an ad hoc pre-hearing conference. In Dandjoo Bidi-Ak this is often referred to as 'going into pre-hearing mode'. Section 137 of the *Children and Community Services Act 2004*applies to pre-hearing mode. While agreement can be occur it is not intended that Court decisions are made in this mode.

Pre-hearing conferences will not be recorded and can occur with the parent/s present or in their absence with the agreement of their legal representation. Should the parent/s be absent, all parties acknowledge that any discussions that occur can be discussed directly with the parents at the discretion of their legal representation.

The Court can also modify the hearing arrangements as appropriate. A modified hearing can be facilitated at the request of any party to the proceedings, including the court, and may involve:

- A pre-hearing conference
- Lawyers only meeting
- Shuttle conference
- Separate hearings

The request for a modified hearing can be made via the Court Update Form (Appendix F) or liaising with the Dandjoo Bidi-Ak team prior to the hearing for same day requests.

10.2 Dandjoo Bidi-Ak Sittings

Each court sitting commences with an Acknowledgement of Country performed by the Magistrate. All parties will introduce themselves as Dandjoo Bidi-Ak aims to provide a therapeutic environment.

Each Dandjoo Bidi-Ak appearance is scheduled for up to one hour. This is to allow time for the families to discuss matters they would like addressed and allow the families time to identify their own solutions.

The parent/s will lead in the Dandjoo Bidi-Ak sittings as to which matters they would like to discuss and what, if any, matters they would like resolved. Once the parent/s have addressed all their matters DoC will then be given an opportunity to raise any points, they require discussion and or clarification on.

It is the expectation of Dandjoo Bidi-Ak that all stakeholders conduct themselves in a manner that is consistent with the principles of Dandjoo Bidi-Ak as defined in s. 4 Guiding Principles.

The listing arrangements for Dandjoo Bidi-Ak can be found at Appendix H.

11 Exit Criteria

Diagram 9: Exit Criteria

A parent may withdraw from Dandjoo Bidi-Ak or be exited at the direction of the Magistrate.

Considerations

- the parent/s have disengaged from the process and are not attending court or actively participating in required activities (usually after a period of attempting to 'problem solve' the barriers to engagement);
- proceeding in Dandjoo is no longer in best interests of the children;
- there are reasons why an order is considered preferrable – e.g. the likely timeframe for reunification is substantially beyond a suitable timeframe for the program.

Either parent may withdraw at any stage should they no longer wish to participate in Dandjoo Bidi-Ak.

Any stakeholder can raise concerns around a family potentially being exited from Dandjoo Bidi-Ak in the Court Update Form. When this happens, the Magistrate will give consideration to whether these discussions should occur in a modified hearing. Refer to s. 10.1 Modified Hearings for further detail.

DoC may make an application that a family exit Dandjoo Bidi-Ak if they are of they view that it is no longer in the child's best interests.

The Magistrate will make a decision on whether a family is to be exited or remain engaged in Dandjoo Bidi-Ak. As noted above in s. 10.1 Modified Hearings parties are entitled to transcript of evidence and judgement/reasons.

12 Interim Orders

Should a parent/s have their matter listed in the Protection and Care general list to make an application for an interim order they will be automatically accepted back into Dandjoo Bidi-Ak once the matters are finalised.

If there are any concerns from DoC or other stakeholders regarding their ongoing suitability these can be raised with the Dandjoo Bidi-Ak Magistrate in the Court Update Form (Appendix F).

13 Child's Voice

In accordance with the *Children and Community Services Act 2004*, children are to be given the opportunity to express their wishes and views freely. Their voice will be communicated to Dandjoo Bidi-Ak through their separate lawyer, their case workers and/or their family.

Where children are represented by a separate lawyer, their separate lawyer may participate in Dandjoo Bidi-Ak in a manner that is in accordance with s 148 of the *Children and Community Services Act 2004.* Prior to the separate lawyer communicating the child's instructions or best interests, as the case may be to Dandjoo Bidi-Ak they must ensure that the parent/s and DoC have been made aware these three days prior to the court hearing at a minimum, so parents have an opportunity to process this information prior to the hearing.

14 Family and Domestic Violence Risk Management

Dandjoo Bidi-Ak aims to work with families where family and domestic violence is a protection and care concern. It is a priority of Dandjoo Bidi-Ak to ensure victims of family and domestic violence are not prevented from participating and that the court process is not used by perpetrators to further control their victim. In balancing the need to work with victims of family and domestic violence, and the need for procedural fairness to all parties, the court offers separate appointments when necessary to ensure the safety of a party.

The Magistrate will decide whether separate appointments are necessary after hearing from both parties. If the Magistrate decides separate appointments are appropriate the parents' meetings will be on different days and times. The meetings in relation to one party is confidential and will not be shared with the other party unless expressly consented to.

It was identified in the Evaluation that working with families with severe and continuing family and domestic violence could heighten safety risks, with the evaluators identifying the development of guidelines on how to management family violence cases while prioritising safety as an opportunity for improvement to Dandjoo Bidi-Ak's operations. The evaluators noted:

This would be undertaken by staff and relevant stakeholders prior to the pre-hearing conference and would include a risk assessment and examples of when a case may not be suitable for Dandjoo or when a meeting should not go ahead.[7]

A Family and Domestic Violence Process will be developed and included at Appendix H.

15 Security Risk

In circumstances where a parent/s presents to the court in a state of crisis and court security have a concern that proceedings may pose a risk to the security, safety or wellbeing of any staff or community members they will advise the Magistrate in chambers.

Lawyers and DoC staff are encouraged to notify the Dandjoo Bidi-Ak team and court security if there are any concerns with proceeding with a hearing.

The Magistrate will make a determination on the appropriate way to proceed after seeking advice from a member of the Dandjoo Bidi-Ak Assessment Team and/or security. This could include proceeding with a modified hearing or an adjournment.

If a DoC staff member or any other person in the court feels unsafe they may seek leave from the Magistrate to exit the court room.

In circumstances where the parent/s pose a significant risk to themselves or the community the Dandjoo Bidi-Ak Team may consider contacting:

- The Western Australian Police Force;
- The Mental Health Emergency Response Line; and/or
- Services the parent/s are already engaged with.

Where appropriate the DoC case worker and respondent parent/s Legal council will also be notified.

Hearings will not proceed if the parent/s are under the influence of drugs or alcohol or in a mental health crisis.

16 Confidentiality

Except in the case of a pre-hearing style hearing, meetings are recorded in the usual way. Proceedings are not private nor conducted on a without prejudice basis. The reason for this is there are times in court when the Magistrate will make a decision when the parties do not agree so there needs to be a record of what was said. At the beginning of each meeting the parents are reminded that the meetings are recorded and are offered the opportunity to take break at any time to speak confidentially with their lawyer.

The Case Manager, Family Engagement Officers and SALO will not share information with the Magistrate unless they have the permission of the family, and it is done so in a Dandjoo Bidi-Ak sitting. Permission will be sought from the parent/s and they will be made aware that this will be discussed when they are in the courtroom. The exception to this is when they are required to share information by law, or there is a serious threat to the life, health or safety of an individual or to public health or safety.

Information disclosed within the pre-hearing meetings, court appearances and post-court meetings must be within the scope of each professional's relevant ethical practice or professional code of conduct. The information shared is for the purposes of participation within Dandjoo Bidi-Ak and services directly related to supporting the participant's needs. Any concerns regarding sharing information or confidentiality should be raised at the earliest opportunity and guidance sought from the relevant service's line manager.

[7] An evaluation of the Dandjoo Bidi-Ak Therapeutic Pilot Court – Final Report. J. Jones, J. Brooks, L. Roarty, M. Symons, H. McGlade, Natalie. Strobel, D. McAullay. pg. 58

17 Work Health and Safety

The DoJ Health and Safety Policy 2024, affirms the DoJ's commitment to providing a safe and healthy workplace in compliance with the *Work Health and Safety Act 2020*. The Policy applies to all DoJ workers, external contractors, and visitors, it is the responsibility of all staff within the Program to ensure workplace safety through adherence to Work Health and Safety procedures. This includes risk management, incident reporting, hazard management, and open consultation.

18 Conflicts of Interest

It is the duty of any person employed by the DoJ including contractors, service providers and volunteers to take all reasonable steps to manage, avoid and/or minimise, and declare Conflicts of Interest (**COI**).

Where an employee's personal interests come into conflict with his/her public duty, the employee should seek to resolve the conflict in favour of the public interest.

A COI may be actual, or be perceived to exist, or potentially exist at some time in the future. The DoJ Conflict of Interest policy is to be adhered to for all DoJ staff. For court staff external to the DoJ their home agencies COI policy is to be adhered to.

19 Training and Professional Development Approach

Due to the specialist nature of Dandjoo Bidi-Ak it is acknowledge that traditional training courses may not always be fit for purpose and in most instances training and development will need to be tailored with training and development sessions focusing on building the teams skill set in line with the guiding principles of Dandjoo Bidi-Ak, working with families with complex needs and any other areas that are identified by the team.

A Training and Professional Development Approach is provided at Appendix I.

20 Staff Support and Wellbeing

General staff support and supervision will be provided to staff participating in Dandjoo Bidi-Ak via their home agencies.

In the event of a critical incident occurring within Dandjoo Bidi-Ak. The DoJ's Potentially Traumatic Events Response Procedure will be followed.