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What being involved with the justice system means

You're involved with the justice system if you're:

- in prison or youth detention, including while waiting for a court decision or sentence
- held in a secure mental health facility under a forensic order
- on bail, probation, parole or another community-based order
- on approved leave from a prison or forensic facility.

You have the same right as anyone to remain an NDIS participant or apply to the NDIS if you meet the NDIS eligibility requirements. It's your choice to apply to the NDIS and use NDIS supports.

If you become involved with the justice system

Tell us as soon as possible if your situation changes. This includes when you become involved with the justice system.

You can contact us by:

- calling us on 1800 800 110
- talking to your my NDIS contact
- submitting an enquiry through our service hub .

If you can't contact us yourself, you can ask someone to contact us on your behalf if you have given us your consent. This could be a provider, a nominee, a justice professional or a family member.

We'll work with you to understand your disability support needs and whether your NDIS plan needs to change.

We may need information about:

- how your disability affects your daily life
- your support needs
- court orders or conditions that apply to you.

Your NDIS supports may change when you enter custody. Some supports you used in the community are the justice system's responsibility while you're in custody.

> **Tip: If your plan has no funded supports.**
>
> You can remain a participant even if your plan has limited or no funded NDIS supports during this time.

Transitioning from custody back into the community

We'll work with your justice team and the people helping you as early as possible before you leave custody. We'll work together to plan your NDIS supports for your transition back into the community and discuss whether your plan needs to change. We may fund NDIS supports to help with daily tasks, build skills and take part in your community.

We'll also discuss community and mainstream supports and services that may help you.

We plan your NDIS supports but the justice system leads your transition planning.

Supports the justice system provides

Your state or territory justice system is responsible for your day-to-day care and support needs in custody.

This includes:

- accommodation, food and clothing
- personal care, such as help to shower or dress
- health care, including mental health care
- drug and alcohol treatment
- help to communicate, including Auslan interpreting
- building changes and fixed equipment, such as shower rails
- programs to reduce offending
- release planning, including intensive case coordination.

When you're in the community, the justice system remains responsible for:

- assessing risks and making decisions about community safety
- supervising you and helping you follow community or parole orders

- drug testing and medication management to comply with justice orders
- providing programs and specialist treatment to reduce offending, mental health treatment including urgent care, and drug and alcohol treatment and rehabilitation
- providing support for your culture, language and religion so you can take part in justice and supervision processes, including help from Aboriginal and Torres Strait Islander liaison officers.

NDIS supports don’t replace these services.

Supports we may fund

We may fund some supports related to your disability, such as:

- assessments and therapy to help us understand your disability support needs
- some assistive technology, such as a replacement prosthetic limb
- training staff about your specific NDIS support needs
- short-term NDIS supports to prepare for release, such as support coordination or help to connect with providers.

These supports must be NDIS supports. We can’t fund supports that other government systems are responsible for.

The justice system decides what can be delivered safely in custody. It may not allow some equipment or services because of safety or security risks.

People who can help you

Your my NDIS contact, support coordinator or recovery coach can discuss your NDIS supports.

An NDIS partner may help you connect with community and mainstream supports and services if you’re not eligible for the NDIS.

Learn more about getting started.

Our Guideline

Download the justice system guideline:

- Justice system (PDF 228KB)
- Justice system (DOCX 82KB)

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