



**Australian Government**

**Australian Institute of  
Health and Welfare**

# **Child protection Australia 2018–19**

## **Appendixes B to G**

Australian Institute of Health and Welfare  
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# Abbreviations

ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
AIHW	Australian Institute of Health and Welfare
COAG	Council of Australian Governments
CP NMDS	Child Protection National Minimum Data Set
NSW	New South Wales
NT	Northern Territory
Qld	Queensland
SA	South Australia
SEIFA	Socio-Economic Indexes for Areas
Tas	Tasmania
Vic	Victoria
WA	Western Australia

# Symbols

0	zero
—	rounded to zero
..	not applicable
n.a.	not available
n.p.	not publishable because of small numbers, confidentiality or other concerns about the quality of the data

# Appendix B: Technical notes

## 1 Impact of implementing the national definition of out-of-home care

This is the first year that a single national definition of out-of-home care has been consistently applied across all states and territories (see Box 5.1). In previous years, out-of-home care counts have been reported based on jurisdiction-specific definitions, which has resulted in significant comparability issues both between jurisdictions and across time.

To provide a picture of the impact of implementing the national definition, two different comparisons are provided in this section. Specifically, we compare counts of children in out-of-home care at 30 June 2019 under the new national definition with:

- counts using previous jurisdiction-specific definitions in 2017–18
- counts using a broader scope applied across all jurisdictions, including all children on third-party parental responsibility orders.

### Comparison with previous jurisdiction-specific definitions

In 2017–18, New South Wales, Victoria and Western Australia were already reporting out-of-home care data according to definitions consistent with the new national definition. Western Australia has always defined out-of-home care as excluding children on third-party parental responsibility orders. A revised definition of out-of-home care that excluded children on third-party parental responsibility orders was adopted by:

- New South Wales in 2014–15 (for children on third party orders where there is no case management and the care arrangement is considered a permanent arrangement), and
- Victoria in 2017–18.

Accordingly, the implementation of the national definition has had no effect on these jurisdictions this year but has impacted counts for Queensland, South Australia, Tasmania and the Australian Capital Territory (Table B1.1; Figure B1.1).

**Table B1.1: Children in out-of-home care under the new national definition or old jurisdiction-specific definitions, by state or territory, 30 June 2019**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Old jurisdiction-specific definitions used in 2017–18	16,884	8,490	9,669	4,754	3,988	1,325	806	1,056	46,972
New national definition	16,884	8,490	8,125	4,754	3,797	1,104	696	1,056	44,906
Difference	0	0	1,544	0	191	221	110	0	2,066

#### Notes

1. New South Wales data for out-of-home care includes children on parental responsibility orders to relatives and non-relatives (third-party parental responsibility orders – out-of-home care) where there is generally ongoing case management.
2. Tasmanian data exclude children not under care and protection orders placed with relatives for whom a financial contribution is made under the Supported Extended Family or Relatives Allowance programs. Tasmania is not able to include children in care where a financial payment was offered but was declined by the carer meaning Tasmania's data are slightly lower than would be the case if the counting rule was strictly applied.
3. The Australian Capital Territory included some young people aged 18 and over in their old definition.
4. For the Northern Territory, there is no difference in counts between old and new definitions because the Northern Territory had no children on third-party orders this year.

Source: AIHW Child Protection Collection 2019.

**Figure B1.1: Children in out-of-home care under the new national or jurisdiction-specific definitions, by state or territory, 30 June 2019**



**Notes**

1. New South Wales data for out-of-home care includes children on parental responsibility orders to relatives and non-relatives (third-party parental responsibility orders – out-of-home care) where there is generally ongoing case management.
2. Tasmanian data exclude children not under care and protection orders placed with relatives for whom a financial contribution is made under the Supported Extended Family or Relatives Allowance programs. Tasmania is not able to include children in care where a financial payment was offered but was declined by the carer meaning Tasmania's data are slightly lower than would be the case if the counting rule was strictly applied.
3. The Australian Capital Territory included some young people aged 18 and over in their old definition.
4. For the Northern Territory, there is no difference in counts between old and new definitions because the Northern Territory had no children on third-party orders this year.

Source: AIHW Child Protection Collection 2019.

## Comparison with a broader definition

The comparisons presented in this section provide an indication of how the new national definition affects out-of-home care reporting when compared to counts if a broader definition were applied across all jurisdictions.

The comparison in the previous section only demonstrates the impact of the new national definition on those jurisdictions that adopted it this year. However, another way to understand the impact is to compare counts under the new national definition with counts if a broader definition that included children on third-party parental responsibility orders was applied nationally. The majority of jurisdictions used broader definitions that included children on third-party orders prior to 2018–19.

The number of children either in out-of-home care or on a third-party parental responsibility order (which make up the bulk of children no longer considered to be in out-of-home care under the national definition) are presented in Table B1.2 (visualised in Figure B1.2). The national definition of out-of-home care includes 83% of these children, with some variation across jurisdictions (Table B1.2).

For similar comparisons over time at the national-level, see Chapter 5 (and T3).

The sum of children in out-of-home care and on third-party parental responsibility orders provide an approximate indication only of the number of children who would have been counted as being in out-of-home care at 30 June 2019 if all jurisdictions used broader definitions of out-of-home care.

**Table B1.2: Children in out-of-home care or on third-party parental responsibility orders, by state or territory, 30 June 2019**

Legal arrangement	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas <sup>(b)</sup>	ACT	NT	Total
<b>Number</b>									
Children in out-of-home care	16,884	8,490	8,125	4,754	3,797	1,104	696	1,056	44,906
Children on third-party orders	3,050	3,223	1,583	779	196	232	97	0	9,160
<b>Children in out-of-home care or on third party orders</b>	<b>19,934</b>	<b>11,713</b>	<b>9,708</b>	<b>5,533</b>	<b>3,993</b>	<b>1,336</b>	<b>793</b>	<b>1,056</b>	<b>54,066</b>
<b>Number per 1,000</b>									
Children in out-of-home care	9.5	6.0	6.9	7.9	10.3	9.8	7.3	17.0	8.0
Children on third-party orders	1.7	2.3	1.3	1.3	0.5	2.1	1.0	0.0	1.6
<b>Children in out-of-home care or on third party orders</b>	<b>11.2</b>	<b>8.3</b>	<b>8.2</b>	<b>9.2</b>	<b>10.8</b>	<b>11.9</b>	<b>8.4</b>	<b>17.0</b>	<b>9.6</b>
<b>Per cent</b>									
Children in out-of-home care	84.7	72.5	83.7	85.9	95.1	82.6	87.8	100.0	83.1
Children on third-party orders	15.3	27.5	16.3	14.1	4.9	17.4	12.2	0.0	16.9
<b>Children in out-of-home care or on third party orders</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

(a) New South Wales data for out-of-home care include children on parental responsibility orders to relatives and non-relatives (third-party parental responsibility orders – out-of-home care) where there is generally ongoing case management. Children who are in the independent care of their guardian (third-party parental responsibility orders – non out-of-home care) are considered as on an out-of-scope order. Only children on the latter order types are counted as being on third-party orders for New South Wales in this table. Therefore, counts of children on third-party orders reported here may not match data published elsewhere.

(b) Tasmanian data exclude children not under care and protection orders placed with relatives for whom a financial contribution is made under the Supported Extended Family or Relatives Allowance programs. Tasmania is not able to include children in care where a financial payment was offered but was declined by the carer meaning Tasmania's data are slightly lower than would be the case if the counting rule was strictly applied.

#### Notes

- Children on immigration orders are not considered to be in out-of-home care under the national definition. In previous years, these children may have been counted as being in out-of-home care by some jurisdictions. In 2019, there were 12 children on immigration orders at 30 June.
- The total number of children in out-of-home care or on a third party order provides only an approximate indication of how many children would be counted as being in out-of-home care under a broader definition. This is because some children on third-party or immigration orders cannot be matched to care arrangements and, similarly, some children in out-of-home care cannot be matched to legal orders at 30 June. This is likely due to limitations in the processes used for reporting and lags in processing changes in living and legal arrangements.

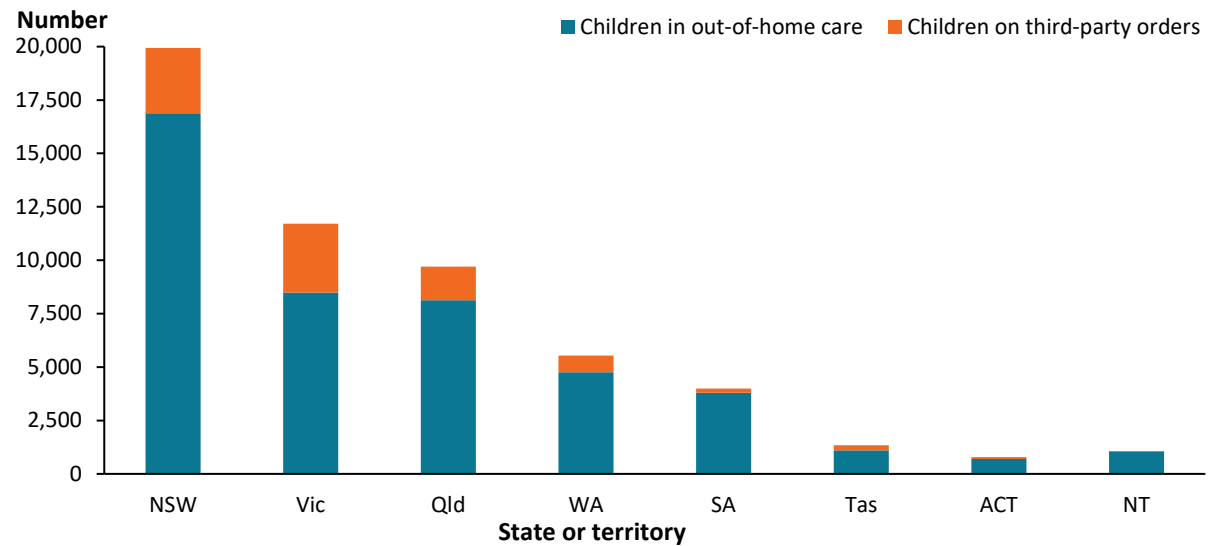
Sources: Tables A1, S4.10 and AIHW Child Protection Collection 2019.

Note that the 'difference' presented in Table B1.1 may not match the number of children on third-party parental responsibility orders presented in Table B1.2. This is due to a number of factors, including:

- The difference in Table B1.1 including children on other out-of-scope orders types (e.g., immigration orders) or not being considered to be in out-of-home care for other reasons (such as being aged 18 or over)

- Some children on third-party parental responsibility orders presented in Table B1.2 not having matching living arrangements (and therefore not appearing in out-of-home care counts presented in Table B1.1).

**Figure B1.2: Children in out-of-home care or on third-party parental responsibility orders, by state or territory, 30 June 2019 (number)**



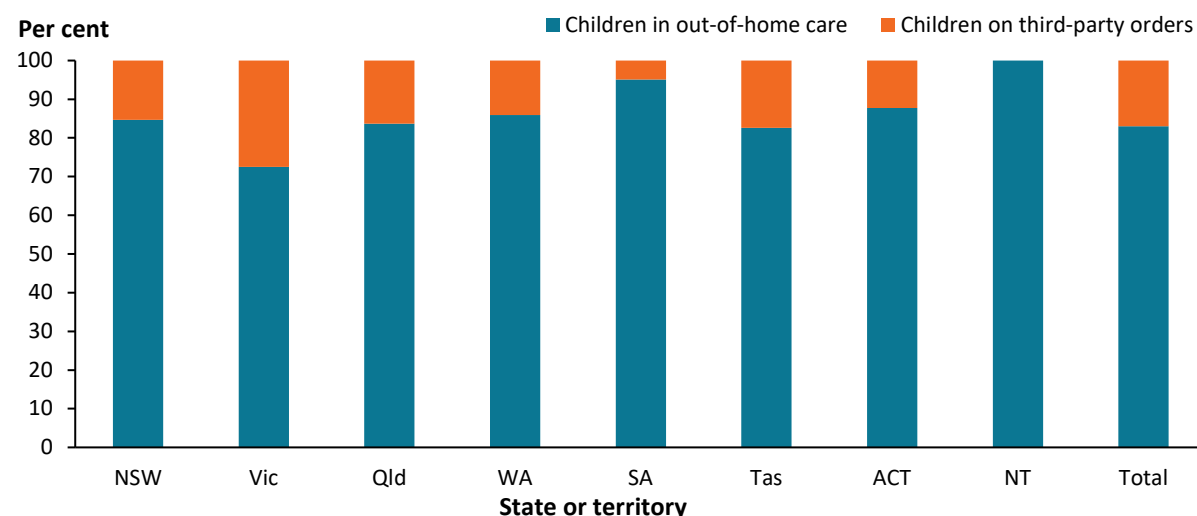
**Notes**

1. Not every child on a third-party order will necessarily be in a care arrangement, and not every child in out-of-home care will necessarily have a legal order at 30 June
2. New South Wales data for out-of-home care include children on parental responsibility orders to relatives and non-relatives (third-party parental responsibility orders – out-of-home care) where there is generally ongoing case management. Children who are in the independent care of their guardian (third-party parental responsibility orders – non out-of-home care) are considered as on an out-of-scope order. Only children on the latter order types are counted as being on third-party orders for New South Wales in this figure.
3. Tasmanian data exclude children not under care and protection orders placed with relatives for whom a financial contribution is made under the Supported Extended Family or Relatives Allowance programs. Tasmania is not able to include children in care where a financial payment was offered but was declined by the carer meaning Tasmania's data are slightly lower than would be the case if the counting rule was strictly applied.

Source: Table B1.2.



**Figure B1.3: Children in out-of-home care or on third-party parental responsibility orders, by state or territory, 30 June 2019 (per cent)**



**Notes**

1. Not every child on a third-party order will necessarily be in a care arrangement, and not every child in out-of-home care will necessarily have a legal order at 30 June
2. New South Wales data for out-of-home care include children on parental responsibility orders to relatives and non-relatives (third-party parental responsibility orders – out-of-home care) where there is generally ongoing case management. Children who are in the independent care of their guardian (third-party parental responsibility orders – non out-of-home care) are considered as on an out-of-scope order. Only children on the latter order types are counted as being on third-party orders for New South Wales in this figure.
3. Tasmanian data exclude children not under care and protection orders placed with relatives for whom a financial contribution is made under the Supported Extended Family or Relatives Allowance programs. Tasmania is not able to include children in care where a financial payment was offered but was declined by the carer meaning Tasmania's data are slightly lower than would be the case if the counting rule was strictly applied.

Source: Table B1.2.

## 2 Permanency in out-of-home care

### Permanency Context

Using existing national child protection data collections held by the AIHW, the permanency indicators presented in this report have been developed as a best endeavours approach to enable reporting on permanent outcomes for children in out-of-home care. State and territory jurisdictions are also working to enhance their reporting capabilities for future permanency reporting (see Domains 3 and 4 of Figure B2.1).

The indicators in this report have been guided by the national priority commitments on permanency, and have been developed to capture the first two domains of the Framework, namely:

#### *Permanent, safe and stable care*

This domain encompasses the goal that vulnerable children who are at risk of entering, or who have experienced, out-of-home care, have permanent safe and stable care.

#### *Timely and informed decision making on permanency*

This domain encompasses the goal that vulnerable children who have experienced out-of-home care have timely decision making on permanency that takes into account the views of the child.

**Figure B2.1: Permanency Outcomes Performance Framework**

<b>Domain 1: Permanent, safe and stable care</b>
<b>Vulnerable children who are at risk of entering, or who have experienced out-of-home care have permanent, safe and stable care</b>
<p>Outcomes:</p> <ul style="list-style-type: none"> <li>Families are supported to allow children to remain at home following the substantiation of a risk of harm report whenever it is safe to do so</li> <li>Children in out-of-home care are reunified with their parents, families, or former guardian whenever it is safe to do so</li> <li>Children in out-of-home care who are unable to live with their parents, families or former guardian achieve a permanent care arrangement</li> <li>Children in a permanent care arrangement feel safe and secure</li> <li>Children in out-of-home care have a few placements as possible</li> </ul>
<b>Domain 2: Timely and informed decision making</b>
<b>Vulnerable children who have experienced out-of-home care have timely decision making on permanency that takes into account the views of the child</b>
<p>Outcomes:</p> <ul style="list-style-type: none"> <li>Children are included in decision making about their permanency arrangements</li> <li>Children receive timely decisions about their permanency arrangements</li> </ul>
<b>Domain 3: Achieve better life outcomes and realise their full potential</b>
<b>Vulnerable children who have experienced out-of-home care achieve better life outcomes and realise their full potential</b>
<p>Outcomes:</p> <ul style="list-style-type: none"> <li>Children have strong physical, social and mental health</li> <li>Children attend, participate and achieve in quality education or employment</li> <li>Children leave care equipped for the future</li> </ul>
<b>Domain 4: Lifelong relationships, belonging, identity and connection</b>
<b>Vulnerable children who have experienced out-of-home care have lifelong relationships and a sense of belonging, identity and connection to their culture and their community</b>
<p>Outcomes:</p> <ul style="list-style-type: none"> <li>Children have a connection with their family</li> <li>Children have their cultural needs identified and responded to</li> <li>Children are living within their cultural community</li> </ul>

## Permanency technical notes

### Returns and permanency end dates

Where a permanency event is recorded in the CP NMDS, analyses are undertaken to derive a permanency end date. The methods for determining permanency end dates varies according to the permanency outcome type. Regardless of the permanency outcome type, the permanency end date is used to mark a return to out-of-home care.

For reunifications, which occur at the end of a living arrangement, the permanency end date (and the return to a new episode of out of home care) is marked by the presence (start) of a subsequent (new) in-scope living arrangement.

For third party parental orders, the end date of the permanency event occurs when the order ends. For adoptions, the permanency event ends either when the adoption order ends or a new living arrangement starts during the adoption order.

### Age

Many indicators feature disaggregation based on the age of the child at the time of a permanency event. For example, Indicator 1.3 reports children with a reunification shown by the age at reunification, 1.4 does the same for third-party parental orders and 1.5 for adoptions. For these indicators, the denominator is the population of children in care during the reporting period. Age at reunification cannot be calculated for children in the denominator group who lack a permanency event. Therefore, for those denominators age is calculated as at:

- the end of the reporting period, if the child is still in out-of-home care at that time,
- otherwise, at the end of their latest episode of out of home care.

This also applies for indicators 1.6, 1.6a, 1.6b and 1.6c.

The same approach is used for disaggregation using continuous time in care (see Table B3); continuous time in care is calculated either until the permanency event or, for denominators in which not all children have a permanency event, the end of the reporting period (30 June 2019) or end of episode is used.

**Table B1.3: Timing for calculation of age for permanency indicator numerators and denominators.**

Indicator	Numerator Age and time in care calculated at...	Denominator Age and time in care calculated at
1.1a		
1.1b		
1.2	Date of notification	Date of notification
1.3	Date of permanency event (latest reunification)	30 June 2019 or start of living arrangement (for children not in care on 30 June 2019)
1.4	Date of permanency event (latest third-party)	30 June 2019 or start of living arrangement (for children not in care on 30 June 2019)
1.5	Date of permanency event (latest adoption)	30 June 2019 or start of living arrangement (for children not in care on 30 June 2019)
1.6a	Date of permanency event (latest exit)	30 June 2019
1.6b	Date of permanency event (latest reunification)	30 June 2019

(continued)

**Table B1.3 (continued): Timing for calculation of age for permanency indicator numerators and denominators.**

Indicator	Numerator Age and time in care calculated at...	Denominator Age and time in care calculated at
1.6c	Date of permanency event (latest third-party)	30 June 2019
1.6d	Date of permanency event (latest adoption)	30 June 2019
1.7a	30 June 2019	30 June 2019
1.7b		30 June 2019
1.7c	30 June 2019	30 June 2019
2.1	Date of finalised care of protection order	Date of finalised care of protection order
2.2	Date of permanency event (exit)	Date of permanency event (exit)

Note: Indicator 1.1a is based on Table S5.5; age and time in care is calculated as of 30 June 2019.

## Continuous time in care

An important component of permanency is the timeliness of permanency planning. As such, many of the permanency indicators focus on the continuous time a child spends in care before a permanency outcome.

To calculate continuous time in care, however, requires data that capture the full history of a child's placements. Specifically, data are required that clarify when a child began an episode of out-of-home care and when they may have exited, either to a permanency outcome (reunification, third-party parental orders, or adoption) or for other reasons (for example, detention, ageing out).

For these indicators, the data about the episode start date (for living arrangements and for care and protection orders) provided by jurisdictions as part of the CP NMDS have been updated to account for the recent change in scope for out-of-home care. That is, the general consensus that third-party parental orders (and less frequently, immigration orders) are not in scope for out-of-home care required the re(derivation) of episode start dates. Previously continuous episodes of care may now be fragmented due to the presence of third-party parental orders. The derivation of an updated episode of care start date for the 2018–19 permanency indicators was undertaken by the AIHW using the already supplied CP NMDS data. Because these data only extend back to 2012–13 the episode start date could only be updated for a limited time period. However, the cross-tabulation of indicators by continuous time in care does not disaggregate beyond 5 or more years. These disaggregations can therefore be accurately reported using the historical CP NMDS data currently available to the AIHW.

Note that the key marker for the end of an episode of care is a break in a living arrangement that falls under the scope of “out-of-home care” by 60 days or more. As such, permanency events such as reunification, adoption or third party orders that last more than 60 days will split episodes.

As with age, continuous time in care is calculated differently for indicators that feature events that are specific to the numerator. That is, for indicators where the continuous time in care is relative to an event such as permanency (for example, 1.3, 1.4, 1.5) the continuous time in care for the denominator population (all children in care in the reporting period) is calculated as of 30 June 2019.

## Permanency indicator specifications

**Indicator 1.2** The proportion of children who were not in out-of-home care and were subject of a substantiation in 2017-18 who were not admitted to out-of-home care in 12 months or less

### *Numerator*

The number of children aged less than 17 years who were the subject of a substantiation in the previous reporting period, regardless of the date of notification, who were not admitted to out-of-home care in 12 months or less from substantiation.

### *Denominator*

The number of children aged less than 17 years with a substantiation in the previous reporting period, regardless of the date of notification.

### *Notes*

Children who were in out-of-home care at the time of the substantiation were excluded from both the numerator and denominator. Children on third-party parental orders at the time of substantiation are not excluded, however, as under the new scope children on these orders are not considered to be in out-of-home care. An age limit of less than 17 years at the time of substantiation was applied to allow for a 12-month follow up.

Each child is only counted once. Therefore, only the first notification that resulted in a substantiation during the previous (2017–18) reporting period is counted. Time-to-admission is calculated from the date of this substantiation, even if there was another substantiation that occurred earlier but which came from a different (and later) notification than the first notification.

### *Key considerations*

Jurisdictions expressed numerous caveats about this indicator. Although jurisdictions agreed that substantiation is the appropriate point to measure preservation, departments could potentially decide not to substantiate and keep a case open and work with the family. This is a form of preservation that is not captured by this indicator.

Furthermore, although within the context of permanency planning it was acknowledged that the purpose of this indicator is to demonstrate that not all children with a substantiation enter out-of-home care, this indicator is generally not a good indicator of preservation because:

- it offers no insight into the use and subsequent success rate of early intervention and family support services used by Departments to support preservation,
- it does not capture the fact that preservation is not always a safe outcome.

**Indicator 1.3** The proportion of children aged 0 to 17 in out-of-home care who were reunified during 2018–19

### *Numerator*

The number of children in out-of-home care who were reunified during the reporting period, excluding children on long-term guardianship or custody orders for the whole of the reporting period, aged 0–17 years at the time of reunification.

### *Denominator*

The number of children in out-of-home care during the reporting period, excluding children on long-term guardianship or custody orders for the whole of the reporting period, aged 0-17 years at the end of the reporting period or the end of their latest episode of care. By calculating age as at the end of the reporting period or the end of the latest episode of care, children who are about to age-out of care are excluded from the denominator.

### *Notes*

A child has been reunified when the Department/agency has transferred full parental guardianship/custody of the child back to the birth parent, family or former guardian within the reporting period. This only includes children for whom the out-of-home care placement was closed—trial reunification where the out-of-home care placement remains open is excluded. This indicator includes children who self-reunified if there is subsequent endorsement by the Department/agency.

This indicator includes all children who were reunified during the reporting period regardless of whether the reunification was successful and/or the number of reunification events. It includes children who self-reunify and for whom the reunification is subsequently endorsed by the department.

A reunification is only counted if it is also considered a discharge in national counting rules – specifically, if it meets the criterion for an exit from care, which is defined as a child having left out-of-home care and not returning in less than 60 days. A reunification is not counted as an exit, however, if a third-party parental placement commences within 60 days, even though the third-party placement is not a return to out-of-home care.

Reunification is not generally a priority, or in some cases has been eliminated as a safe option, for children on long-term guardianship or custody orders; children on these orders are therefore not included in the numerator or denominator for this indicator.

Some children will have multiple reunifications during the reporting period. In these cases, for this indicator each child is only counted once and their last reunification is used for counting. The last, rather than the first, reunification is used in order to align with Indicator 1.6, which counts return to care within 12 months. Taking the first reunification event would mean that the return to care rate for children with multiple reunifications would be high. Conversely, for children with multiple reunification events, taking the last event means that time in care is less, as it is calculated from the time of their last re-entry into care, which occurred at the end of their previous reunification.

Time in care is calculated as at the time of their latest exit (reunification). For the denominator, which is children who do not exit to reunifications, time in care (and age) is calculated as at the end of the reporting period (30 June 2019) or if they are not in care at that time, at the end of their last episode of care.

### *Key considerations*

This indicator was developed with the intent that it would be disaggregated by reunification type (that is, the entity to which the child is being restored to; possible reunification types are: reunification with birth parent/s, reunification with Indigenous relatives/kin, reunification with other relatives/kin, reunification – other/not further specified). However, current data do not support this. Reunification type is not specified for South Australia and the Northern Territory. For the remaining jurisdictions (except for New South Wales, for which unit record data are not available, and QLD, for which reunification data are not available), reunification was nearly exclusively with birth parents. This disaggregation is therefore not pursued in the indicators.

Children on long-term guardianship or custody orders for the entire reporting period are not included in the indicator population. Although some children are reunified from long-term orders, reunification is not a priority for these children or in some cases reunification has been eliminated as an option.

Although this indicator is a proxy for reunification rates, it does not take into consideration time spent in care – children who enter care at the end of the reporting period will be counted with the same weight in the denominator as children who have been in care for the entire period. The disaggregation by time in care (Table S6.4) should be considered when interpreting this indicator.

**Indicator 1.4** The proportion of children aged 0 to 17 in out-of-home care who exited to a third-party order in 2018-19

#### *Numerator*

The number of children in out-of-home care who were placed on a finalised third-party parental responsibility order during the reporting period, aged 0-17 years at the time of exit.

#### *Denominator*

The number of children in out-of-home care during the reporting period, aged 0-17 years at the end of the reporting period or the end of their latest episode of care. By calculating age as at the end of the reporting period or the end of the latest episode of care, children who are about to age-out of care are excluded from the denominator.

#### *Notes*

A child has exited to a third-party parental care arrangement when the Department/agency has transferred full parental guardianship/custody of the child to a third-party within the reporting period (as identified by a third-party parental responsibility order being issued). Note that some jurisdictions (SA, ACT, QLD) retain some case management for children in third-party placements.

Exited care is defined as children who left out-of-home care in the reporting period and did not return in less than 60 days. For this indicator, a return to care is indicated if the third party order lasted less than 60 days. This indicator counts children who exited out-of-home care to a third-party parental care arrangement during the reporting period regardless of whether the arrangement was successful.

A child could have more than one exit to a third-party parental responsibility order during the reporting period. In these cases, only the last exit is counted and age and time in care is calculated as at the time of the last exit.

#### *Key considerations*

The new scope for national reporting of out-of-home care is implemented using a child's care and protection order. That is, a child is considered to be in a third-party parental responsibility arrangement if they have a third-party order, irrespective of their living arrangement. This is because not all jurisdictions code third party living arrangements. This means that a child may be in a variety of living arrangements, and still be considered out of scope because these living arrangements coincide with a third-party parental responsibility order.

**Indicator 1.5** The proportion of children aged 0 to 17 who were adopted from out-of-home care during 2018–19

*Numerator*

The number of children in out-of-home care who had a known-carer adoption order finalised during the reporting period, aged 0–17 years at the time of adoption.

*Denominator*

The number of children in out-of-home care, aged 0–17 years at the end of the reporting period or the end of their latest episode of care. By calculating age as at the end of the reporting period or the end of the latest episode of care, children who are about to age-out of care are excluded from the denominator.

**Indicator 1.6** The proportion of children aged 0 to 16 who exited out-of-home care to a permanency outcome in 2017–18 and did not return within 12 months

*Numerator*

The number of children who exited out-of-home care to a permanency outcome in the previous reporting period (2017–18) and did not return to out-of-home care in 12 months or less and who were aged 0–16 years at exit.

*Denominator*

The number of children who exited out-of-home care to a permanency outcome in the previous reporting period (2017–18) aged 0–16 years at exit.

Only children aged less than 17 years were included in this indicator to allow for a full 12 months of follow up, otherwise they may age-out of child protection.

*Notes*

Where a child has multiple exits to a permanency event during a reporting period, this indicator counts only the last event in the reporting period. Time to admission to out-of-home care is counted from the time of episode start (admission) to the date of the last exit from out-of-home care for a child in the previous reporting period. Where there are multiple exits for a child the time in care will measure the time from the return from the second-to-last exit to the time of the last exit.

**Indicator 1.6a** The proportion of children aged 0 to 16 who were reunified 2017-18 and did not return within 12 months

*Numerator*

The number of children who exited out-of-home care to a reunification in the previous reporting period (2017–18) and did not return to out-of-home care in 12 months or less and who were aged 0–16 years at exit.

*Denominator*

The number of children who exited out-of-home care to a reunification in the previous reporting period (2017–18) aged 0–16 years at exit.



Only children aged less than 17 years were included in this indicator to allow for a full 12 months of follow up, otherwise they may age-out of child protection.

#### *Notes*

A child is considered to have returned to out-of-home care if, following an exit to a reunification, a new episode of out-of-home care commences in 12 months or less.

Where a child has multiple exits to a reunification this indicator counts only the last event in the reporting period. Time to admission to out-of-home care is counted from the time of episode start (admission) to the date of the last exit from out-of-home care for a child in the previous reporting period. Where there are multiple exits for a child the time in care will measure the time from the return from the second-to-last exit to the time of the last exit.

**Indicator 1.6b** The proportion of children aged 0 to 16 who exited out-of-home care to a third-party parental care arrangement in 2017–18 and did not return within 12 months

#### *Numerator*

The number of children who exited out-of-home care to a third-party parental care order in the previous reporting period (2017–18) and did not return to out-of-home care in 12 months or less and who were aged 0–16 years at exit.

#### *Denominator*

The number of children who exited out-of-home care to a third-party parental care order in the previous reporting period (2017–18) aged 0–16 years at exit.

Only children aged less than 17 years were included in this indicator to allow for a full 12 months of follow up, otherwise they may age-out of child protection.

#### *Notes*

A child is considered to have returned to out-of-home care if, following an exit to a third-party parental care order, a new episode of out-of-home care commences in 12 months or less.

Where a child has multiple exits to a third-party parental care order this indicator counts only the last event in the reporting period. Time to admission to out-of-home care is counted from the time of episode start (admission) to the date of the last exit from out-of-home care for a child in the previous reporting period. Where there are multiple exits for a child the time in care will measure the time from the return from the second-to-last exit to the time of the last exit.

**Indicator 1.6c** The proportion of children aged 0 to 16 who were adopted from out-of-home care in 2017–18 and did not return within 12 months

#### *Numerator*

The number of children who were adopted from out-of-home care in the previous reporting period (2017–18) and did not return to out-of-home care in 12 months or less and who were aged 0–16 years at exit.

### *Denominator*

The number of children who were adopted from out-of-home care in the previous reporting period (2017–18) aged 0–16 years at exit.

Only children aged less than 17 years were included in this indicator to allow for a full 12 months of follow up, otherwise they may age-out of child protection.

### *Notes*

A child is considered to have returned to out-of-home care if, following a known-carer adoption, a new episode of out-of-home care commences in 12 months or less, regardless of whether the adoption order has ended.

**Indicator 1.7a** The proportion of children in out-of-home care for 2 or more years at 30 June by legal and living arrangement, age and Indigenous status

### *Numerator*

Number of children who had been continuously in out-of-home care for 2 or more years at 30 June by legal and living arrangement.

### *Denominator*

All children who had been continuously in out-of-home care for 2 or more years at 30 June.

Age of child refers to age at 30 June of the reporting period.

### *Notes*

Calculations of continuous time in care are based on national counting rules for episodes of care. Any break of 60 days or more is considered to break the continuity of the placement. Where a child returns home for less than 60 days and then returns to the former placement or to a different placement, this absence from out-of-home care does not affect the length of time in care. Holidays or authorised absences (less than 60 days) in a placement do not break the continuity of placement.

Where a child has more than one placement prior to 30 June and these placements are continuous, the length of time in out-of-home care is the total time in out-of-home care for all placements.

**Indicator 1.7b** The proportion of children in out-of-home care for 2 or more years at 30 June by continuous time in out-of-home care and the number of placements in the last 2 years

**Indicator 1.7c** The proportion of children in out-of-home care for 2 or more years at 30 June by time spent in the main care arrangement

### *Numerator*

Number of children who had been continuously in out-of-home care for 2 or more years at 30 June by legal and living arrangement.

### *Denominator*

All children who had been continuously in out-of-home care for 2 or more years at 30 June.

Age of child refers to age at 30 June of the reporting period.

#### *Notes*

Any break of 60 days or more is considered to break the continuity of the placement. Where a child returns home for less than 60 days and then returns to the former placement or to a different placement, this does not affect the length of time in care. Holidays or authorised absences (less than 60 days) in a placement do not break the continuity of placement.

Where a child has more than one placement prior to 30 June, and these placements are continuous, the length of time in out-of-home care should be the total time in out-of-home care for all placements.

Each placement should only be counted once. A return to a previous placement is not counted as a different placement. A return home is not counted as a placement, although if a child returns home for 60 days or more they are considered to have exited care.

Placements lasting less than 7 days should not be counted as a placement.

Changes in the placement include: a change in the placement type, for example, from home based to a facility based placement; or within placement types a change in the venue, for example, a change from one home based placement to a different home based placement.

'Main care arrangement' refers to the care arrangement of the longest total duration (the sum of all care periods for each unique care arrangement, excluding any breaks). This includes placements that commenced in a previous collection period and were ongoing during the current reporting period. Therefore, time spent in the main care arrangement can include time spent outside the current reporting period.

**Indicator 2.1** Time from admission to out-of-home care to achieving a finalised care and protection order

#### *Numerator*

The number of children aged 0–17 years by time from admission to out-of-home care to the finalised care and protection order being issued in the reporting period.

#### *Denominator*

The number of children aged 0–17 years who had a finalised care and protection order issued in the reporting period.

#### *Notes*

Each child is counted only once.

Time from admission to out-of-home care is counted from the continuous episode of care start date for the related episode of out-of-home care to the date the first finalised care and protection order was issued in the reporting period.

Finalised care and protection orders only include finalised guardianship/custody orders and finalised third-party parental responsibility orders. This includes both short- and long-term finalised orders issued.

The first finalised care and protection order is where there was not a preceding finalised guardianship/custody order or finalised third-party parental responsibility order in the episode.

A renewal of an existing finalised order in the reporting period is not counted as an order issued.

An order finalised before or on the same day as admission to out-of-home care (negative time) is reported as 0 days.

<b>Indicator 2.2</b> Time from admission to out-of-home care to achieving a permanency outcome
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*Numerator*

The number of children aged 0–17 years by time from admission to out-of-home care to the permanency outcome being achieved in the reporting period.

*Denominator*

The number of children aged 0–17 years who had achieved a permanency outcome in the reporting period.

*Notes*

Each child is counted only once.

Time from admission to out-of-home care is counted from the continuous episode of care start date for the related episode of out-of-home care to the date the first finalised care and protection order was issued in the reporting period.

For this indicator, permanency outcomes include reunification, long-term finalised guardianship/custody order for children remaining in out-of-home care, third-party parental care and adoption. This is different to the scope of permanency used in all other indicators, which does not include children on long-term finalised guardianship/custody orders.

The first permanency outcome is where there was not a preceding reunification, long-term finalised guardianship/custody order, finalised third-party parental responsibility order or adoption event in the episode.

Include all children who achieved a permanency outcome during the reporting period regardless of whether the permanency outcome was successful and/or the number of events.

A renewal of an existing finalised order in the reporting period is not counted as an order issued.

An order finalised before or on the same day as admission to out-of-home care (negative time) is reported as 0 days.

### **3 Care and protection orders**

The following rules apply to the counting of admissions, discharges and length of time for care and protection orders:

- A renewal of an existing order is not counted as an admission. A change to an order is counted as an admission. However if a new care and protection order is applied in 5 days or less of the discharge of another order (regardless of that type of order), neither an admission nor a discharge are counted.
- If a child is on multiple care and protection orders/arrangements, all orders/arrangements must be discharged before a discharge is counted.

- If a child is admitted to or discharged from, multiple care and protection orders/arrangements, the child is counted for only 1 admission and/or 1 discharge for the year.
- The length of time continuously on an order is counted only for the first order/arrangement from which the child is discharged during the year.
- If a child is discharged from an order and a new care and protection order/arrangement is applied in 5 days or less of the discharge, the orders are deemed to be consecutive (that is, the length of time on an order will include both orders).
- Each child is counted for 1 admission for the year.

## 4 Population data

Population estimates for all children aged 0 to 17 years are sourced from the Australian Bureau of Statistics (ABS). Population estimates for Indigenous children are sourced from Indigenous population projections produced by the ABS. Non-indigenous population estimates are derived by calculating the difference between the total population and the corresponding estimate from the Indigenous population projections.

From this release of *Child Protection Australia* onwards, the most up to date time series of population estimates from the ABS will be used in all trend calculations. This will result in differences to data published in previous *Child Protection Australia* reports.

Population estimates used to calculate rates are available in online supplementary tables P1 – P5.

### Calculation of rates

This report uses both December and June population data, depending on the point of analysis (see section 8 Points of analysis). December population data are used when calculating rates for during the year counts. June population data are used when calculating rates for 30 June counts.

Population rates are calculated by dividing the number of children for a specific measure or group (e.g. children in out-of-home care) by the corresponding population. For example, the rates of children on care and protection orders at June 30 are calculated as follows:

$$\frac{\text{Number of children aged 0–17 on care and protection orders at 30 June}}{\text{Estimated resident population of children aged 0–17 at June}} \times 1,000$$

### Rate ratio

Rates can be compared using a rate ratio, which is 1 rate divided by another. Rate ratios should be interpreted with care where there are small denominators or where a large proportion of data is recorded as 'unknown'.

In *Child protection Australia* reporting, rate ratios are mainly used to compare Indigenous and non-Indigenous rates, and measure the level of Indigenous over-representation. Rates are also presented to guide interpretation.

Rate ratios are not calculated where 1 or both of the rates have fewer than 5 children or young people in the numerator.

## 5 Age

Age is always calculated in whole years. For example, a child who was aged 5 years and 9 months is recorded as being aged 5.

Throughout *Child protection Australia*, age is calculated at different points in time for a child, depending on the analysis in question:

- For 30 June analyses, age is calculated as at 30 June.
- For analyses of events occurring during the year, age is calculated at the relevant point in time during the year:
  - For analyses of children who were the subject of a child protection notification or substantiation, age is calculated at the earliest date of notification during the period.
  - For analyses of children who were admitted to, or discharged from, a care and protection order or an out-of-home care placement, age is calculated at the date of first admission and first discharge during the period.
- For analyses of children receiving child protection services, age is calculated at the earliest point of contact or at 1 July of the relevant reporting period if the child was on an ongoing care and protection order, or in an ongoing out-of-home care placement at the beginning of the period.

## 6 Average

Averages or means are calculated by summing all the values of interest, and dividing by the total number of observations of interest. In *Child protection Australia*, averages are used in the reporting of the average co-occurrence of abuse and neglect.

## 7 Identification of Indigenous status

### Children

The practices used to identify and record the Indigenous status of children vary across states and territories. No state or territory can validate the data on Indigenous children by other means, so the quality of the data is unknown.

In this collection, children are counted as Indigenous if they are identified as such in the state and territory data collections. Where possible, children whose Indigenous status is recorded as 'unknown' are excluded from the calculations of rates and proportions. So, the counts for Indigenous children are likely to be an underestimate of the number of Indigenous children in the child protection system.

### Caregivers

In the out-of-home care data collection, the Indigenous status of caregivers is collected. Carers who are identified as being Aboriginal and Torres Strait Islander are included in the Indigenous category for caregivers. In instances where there is no single caregiver, such as facility-based care, the caregiver will be recorded as Indigenous if the facility is specifically for Indigenous children. If Indigenous children are living in other types of facility-based care, the caregiver are not counted as Indigenous.

## 8 Points of analysis

### During the year

Each child is counted only once, even if a child had multiple occurrences of the event during the year.

For example, when calculating the number of children who were the subjects of substantiations of child protection notifications during the year, a child will be counted if a notification received during the financial year was substantiated. However, the child will only be counted once, regardless of how many notifications were substantiated for them in the financial year. Where details relating to the substantiation are reported (e.g., type of abuse or neglect, or age of the child) the first substantiated notification is counted.

### 30 June (at the end of the financial year)

Counts of people at 30 June are calculated by counting each distinct person for whom the event of interest was ongoing at the end of the financial year. Each person is counted only once, even if that person had multiple occurrences of the event ongoing at 30 June.

In instances where a child or young person has multiple child protection orders ongoing at 30 June, the child or young person is counted against the national order type that represented the highest level of intervention.

In instances where a child or young person has multiple living arrangements ongoing at 30 June, the child or young person is counted against the living arrangement type that is considered their usual placement.

For example, when calculating the number of children and young people on a care and protection order at 30 June, a child or young person will be counted if they were on a care and protection order during the reporting period, and the order had not ended, or ended after 30 June. If the child or young person had an ongoing finalised guardianship order and an ongoing interim order at 30 June, they would be counted in the finalised guardianship order category, as this represents the higher level of intervention of the 2 orders.

### Trends

Trends are reported as 5-year periods unless specified otherwise. Increases over time in the number or rate of children receiving child protection services or support might relate to changes in the underlying rate of child abuse and neglect, increases in notifications and access to services, or a combination of these factors.

It is standard practice to present 5-year trends in data, as changes in state and territory legislation, policy/practice, and information management systems reduce the ability to accurately compare data over longer periods.

Changes that have an impact on the data are provided as caveats to the data, and in Appendixes B–G (online) at [www.aihw.gov.au/reports/child-protection/child-protection-australia-2018-19/related-material](http://www.aihw.gov.au/reports/child-protection/child-protection-australia-2018-19/related-material).

## 8 Socioeconomic area

*Child protection Australia* reporting uses the Socio-Economic Indexes for Areas (SEIFA), developed by the ABS to analyse socioeconomic status (ABS 2018b).

The SEIFA comprises 4 indexes that are created using information from the Census of Population and Housing. These indexes are:

- the Index of Relative Socio-Economic Disadvantage
- the Index of Relative Socio-Economic Advantage and Disadvantage
- the Index of Economic Resources
- the Index of Education and Occupation.

The Index of Relative Socio-Economic Advantage and Disadvantage is used to compare the average level of socioeconomic advantage and disadvantage. It is the SEIFA index used in this report, ranking geographical areas on a continuum from 'most disadvantaged' to 'least disadvantaged' using a combination of income, education, employment, occupation, housing, and other Census variables (ABS 2018b).

The AIHW uses postcode data to match SEIFA information to child protection data and to calculate population quintiles. The population datasets used to calculate the quintiles for SEIFA were based on regional population data the ABS published in 2018 (ABS 2018c).

For more information on SEIFA refer to [Socio-economic indexes for areas: getting a handle on individual diversity within areas. ABS cat. no. 1351.0.55.036 \(ABS 2011\).](#)

## 8 Remoteness area

*Child protection Australia* reports use the Australian Statistical Geography Standard Remoteness Structure developed by the ABS to analyse the remoteness of a child's usual place of residence at the time of notification, and the remoteness of a child's living arrangement (ABS 2018a).

The AIHW uses postcodes to match remoteness information to child protection data. These data include postcode at notification and postcode of living arrangement. Records with invalid, missing, or unknown postcodes at notification or of living arrangements were excluded from the analysis (782 records in 2018–19). New South Wales was also excluded from the analyses of remoteness at notification, as data were not available. A small number of postcodes were split between 2 or more remoteness areas. For these instances, the data were weighted according to the proportion of the population of the postcode area in each remoteness area. Some children and young people might appear in remoteness areas for which there is no population within that state or territory. This is due to records whose postcode is in a different state or territory to the one in which they received a notification, or were in out-of-home care.

For more information on the Australian Statistical Geography Standard Remoteness Structure refer to [Australian Statistical Geography Standard Remoteness Structure. ABS cat. no. 1270.0.55.005.](#)



# Appendix C: Policy and practice

## C.1 National policy context

The *National Framework for Protecting Australia's Children 2009–2020* is a long-term approach aimed at ensuring the safety and wellbeing of Australia's children. The National Framework is composed of a series of 3-year action plans, with the first three Action Plans delivering many key achievements, including the appointment of the National Children's Commissioner, the development of National Standards for out-of-home care, and the delivery of projects to improve service responses for families and promote better understanding of child wellbeing.

The Fourth Action Plan 2018–2020 was launched on 30 January 2019. The four priorities of the plan are:

- improving outcomes for Aboriginal and Torres Strait Islander Children at risk of entering, or in contact with, child protection systems
- improving prevention and early intervention through joint service planning and investment
- improving outcomes for children in out-of-home care by enhancing placement stability through reunification and other permanent care options
- improving organisations' and governments' ability to keep children and young people safe from abuse (DSS 2018).

### **Royal Commission into Institutional Responses to Child Sexual Abuse**

The Royal Commission into Institutional Responses to Child Sexual Abuse concluded on 14 December 2017, and Volume 12 of its final report provides comprehensive coverage of responses to sexual abuse in contemporary out-of-home care settings (from 1990 onwards).

Children in out-of-home care are highly vulnerable to sexual abuse, as separation from their family of origin and instability of placements can leave them feeling isolated, and lacking established relationships with trusted adults.

More than 20 of the Royal Commissions' recommendations suggest changes to various aspects of the out-of-home care system to help better protect vulnerable children from sexual abuse while in care.

The AIHW is working with the Australian and state/territory governments to progress recommendations related to national child protection data collection and reporting, including:

- developing nationally agreed key terms and definitions of child sexual abuse for the purpose of national data collection and reporting
- improving the Child Protection National Minimum Dataset (CP NMDS) to:
  - better identify children with a disability, children from culturally and linguistically diverse backgrounds, and Aboriginal and Torres Strait Islander children
  - include information about children who were the subject of a substantiation for sexual abuse while in out-of-home care, and characteristics about them, and the type of abuse.

Some jurisdictions include cases of alleged abuse in out-of-home care in the data they provide on the number of notifications, investigations, and substantiations, but these cases cannot currently be separately identified in the national data.

## Permanency reforms and early intervention

In August 2017, Community Services Ministers of the Australian and state and territory governments agreed to focus efforts in:

- providing stability for children in child protection
- ensuring the right services are available to prevent children entering child protection.

Ministers agreed to improve early intervention investment for children and families, through a joint investment and evaluation approach.

Ministers also committed to reducing state guardianship of children in out-of-home care, by securing permanency outcomes for children who cannot be safely reunified with their families within a reasonable time (Seselja 2017).

The AIHW has commenced reporting on permanency planning in *Child protection Australia 2018–19*. The Institute is working with the Australian and state/territory governments to develop national reporting on culturally appropriate placements for Indigenous children.

## Mandatory reporting

Commonwealth and jurisdiction-specific legislation governs the reporting of suspected child abuse and neglect. However, there is variation regarding who is legally obliged to report it to the appropriate authority. Further details about mandatory reporting are available online [www.aihw.gov.au/reports-data/health-welfare-services/child-protection/child-protection-legislation-by-jurisdiction](http://www.aihw.gov.au/reports-data/health-welfare-services/child-protection/child-protection-legislation-by-jurisdiction).

## National Child Protection Data Collection

The National Child Protection Data Collection is based on administrative data provided by state and territory departments responsible for child protection, according to a set of agreed technical specifications. The aggregation of jurisdictional data into a national collection assumes the technical specifications are followed and the same definitions are applied in all jurisdictions. However, different policies and practices in jurisdictions, largely predating the national collection, influence the collection of administrative data. Limited specificity in the technical specifications and different interpretation and application in data collection and reporting have had a further impact on national comparability.

The implementation of the Child Protection National Minimum Data Set (CP NMDS) for reporting from 2012–13 has reduced some of the different interpretation of the technical specifications. This was primarily achieved through the application by the AIHW of nationally agreed rules and methods in the compilation and analysis of the data (AIHW 2014a). However, key policy and practice differences continue to have an impact on the comparability of the national child protection data, including differences in the:

- use of agency-defined and caller-defined approaches to recording notifications
- thresholds used for risk assessment practices
- treatment of multiple notifications and overlapping investigations
- treatment of cases for unborn children, abuse in care, non-familial maltreatment and where there is no suitable caregiver

- care and protection orders issued, particularly for interim and temporary orders
- reporting types of out-of-home care placements.

Many of these differences relate to substantive jurisdictional legislation, policies and practices that may prevent consistency being achieved in the short term. These differences affect the comparability of data included in this report across jurisdictions and over time. Ongoing work is required to improve these identified national comparability issues. Differences in legislation, policy, and definition between jurisdictions, and detailed information on recent policy and practices changes are outlined further below.

## **C.2 Differences in state and territory policy and practice**

### **C.2.1 Notifications, investigations and substantiations**

Although specifications for notifications, investigations and substantiations have been agreed for national reporting, there are numerous differences in jurisdiction policy/practice which influence the reported data. Differences in the initial count of notifications have a flow-on effect on other data, including the number of investigations, substantiations, and substantiations per child.

#### **Initial assessment of reports made to departments**

The national specifications for notifications specifically exclude reports about wider concerns about children or families classified as child concern reports. However, there are different policies and practices used by states and territories for assessing whether these reports are recorded as notifications. This can result in reporting of child concern reports as a notification. These differences are broadly grouped into 2 categories—caller-defined and agency-defined notifications. Furthermore, there are some variations within these 2 categories which need to be better understood in order to accurately assess national data and understand the comparability issues.

#### **Agency-defined versus caller-defined notifications**

Notifications are agency-defined in New South Wales, Queensland, Western Australia, South Australia, Tasmania and the Northern Territory (Figure C1). These jurisdictions undertake threshold assessment processes at the time a report is made, and a notification is recorded only when the information received suggests that a child needs care or protection. Note, as per the national definition of notifications, child concern reports are excluded. There are differences in the threshold assessment process used by these jurisdictions. For example, New South Wales and Queensland employ a ‘risk of significant harm’ (ROSH) threshold, while other jurisdictions assess risk of harm only (see further information in the following section ‘Threshold differences for risk assessment’).

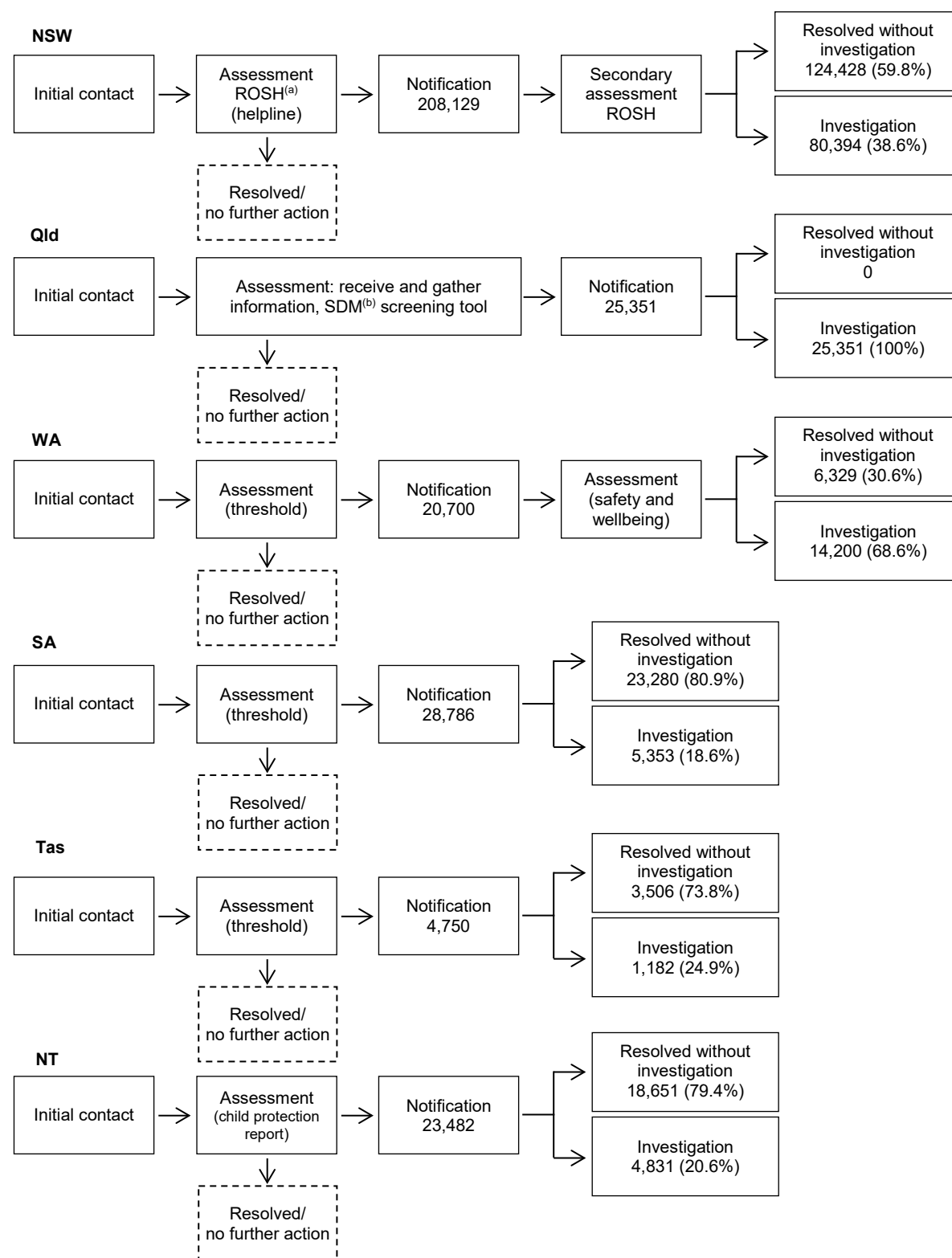
During 2015–16, the recording of notifications in Tasmania changed from caller-defined to agency-defined for local and national reporting purposes (Figure D1). In line with national specifications, child concern reports—as per section 17(2)(a) of the *Children, Young Persons and Their Families Act 1997* (Tas)—have been excluded from counts of notifications from February 2016. This resulted in a fall in the number of notifications recorded for Tasmania in 2015–16 compared with previous years with the change taking full effect from 2016–17.

In Victoria and the Australian Capital Territory, notifications are caller-defined; that is, all initial contacts regarding concerns for children are recorded as notifications (Figure C2).

Caller-defined notifications are not comparable with agency-defined notifications due to the different assessment processes applied (that is, assessment occurs either before a notification is recorded in the case of agency-defined notifications, or after a notification is recorded in the case of caller-defined notifications). This may result in higher levels of notifications being recorded in jurisdictions where all reports, including those classified by other jurisdictions as child concern reports, are recorded as notifications.

The effect of this is evident when reporting on the number of notifications received and the type of action taken on them in the relevant reporting period. Table S3.1 shows that the percentage of notifications resolved without investigation was 61% across jurisdictions. However, this varied from 0% in Queensland (where the policy is to investigate all notifications) to 87% in the Australian Capital Territory. As per the national specifications, child concern reports are excluded from the count of notifications by jurisdictions with an agency-defined approach.

**Figure C1: Agency-defined notifications, assessment and investigations 2018–19**



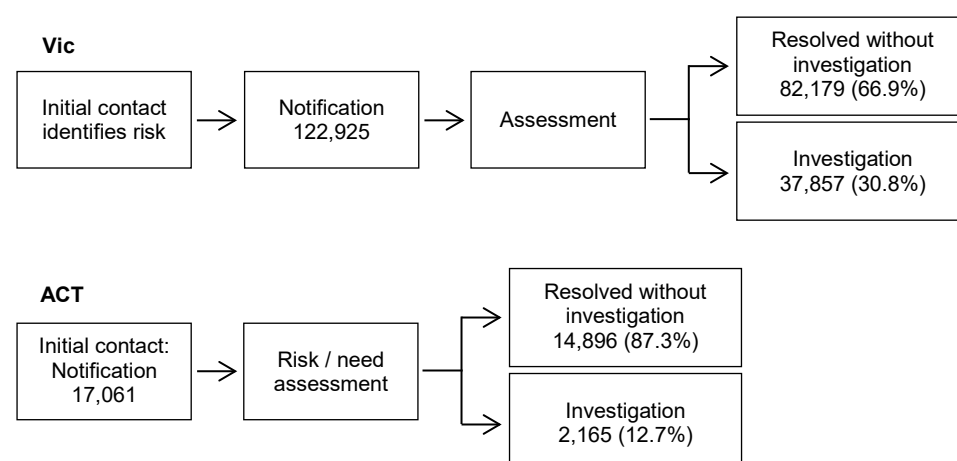
(a) ROSH stands for Risk Of Significant Harm

(b) SDM stands for Structured Decision Making.

*Note:* The categories 'Resolved without investigation' and 'Investigation' may not sum to the total number of 'Notifications' as 'Notifications in process' have not been included in this figure.

*Source:* Table S3.1.

**Figure C2: Caller-defined notifications, assessment and investigations 2018–19**



*Note:* The categories 'Resolved without investigation' and 'Investigation' may not sum to the total number of 'Notifications' as 'Notifications in process' have not been included in this figure.

*Source:* Table S3.1.

### Threshold differences for risk assessment

'Threshold differences' also have an impact on national data comparability. Thresholds for what is substantiated vary across jurisdictions. Some substantiate the harm, or risk of harm, to the child, and others substantiate actions by parents, or incidents that might cause harm. In considering harm to the child, the focus of the child protection systems in many jurisdictions has shifted away from the actions of parents to the outcomes for the child.

The differences across jurisdictions and, in particular, how these affect the counts of notifications and substantiations, are difficult to identify and explain. All jurisdictions are required to assess the risk of harm and prioritise cases accordingly. Although there are tools to assist child protection staff to assess risk, there is a level of professional judgment applied by staff when assessing risk.

From the available information, it is difficult to assess what thresholds are being applied across jurisdictions and the impact on national reporting. What is clear is that there are differences in national reporting because of some key differences. For example, New South Wales and Queensland employ a risk of significant harm (ROSH) threshold to all child concern reports while others assess risk of harm only. The process used in New South Wales and Queensland screens out child concern reports but may also screen out reports that other jurisdictions, applying a lower threshold (for example, risk of harm), would include as a notification. While most jurisdictions substantiate harm in terms of the outcomes for the child, some jurisdictions substantiate the actions/inactions of the parents.

Differences also exist across jurisdictions for counts of investigations. For example, from 2017–18 New South Wales changed counts for investigations to include only field assessments, while all office-based assessments are counted as ‘dealt with by other means’. Therefore, data for New South Wales are not comparable to previous years, or other jurisdictions.

There are also differences in the available responses that can be taken based on the information received as part of child concern reports, notifications or investigations. Within the child protection system, there is a layering of risk, with suitable programs in place to support families and protect children, depending on this risk. At any point in the child protection process, children and their families may be referred to family support services which may be used instead of, or as a complementary service to, a statutory child protection response. For example, a service may provide parenting and household skills development, therapeutic care and family reunification services.

### **Recording multiple notifications and overlapping investigations**

Differences in the number of substantiations recorded per child may reflect how jurisdictions record information about events such as notifications, investigations and substantiations. Table S8 indicates that while most jurisdictions had 1–2 substantiations per child, New South Wales and the Australian Capital Territory, had higher proportions of children with 4 or more substantiations.

The national specifications indicate that:

Where there is more than 1 notification about the same ‘event’ involving a child, this is counted as 1 notification. Where there is more than 1 notification between 1 July 2018 and 30 June 2019, but relating to different events, these are counted as separate notifications.

Table C1 summarises the differences between states and territories in how incoming notifications and investigations that overlap with other cases (that is, notifications or investigations depending on the status of the preceding notification) are recorded. Operational practices mean that if a new notification is received while another case is open:

- it is counted as a new notification (New South Wales, Western Australia and the Australian Capital Territory)
- it is not separately recorded but is included as additional notes to be dealt with by open cases (Victoria, Queensland, South Australia and Tasmania).

In the Northern Territory, subsequent reports of the same harm to a child are linked to an existing notification where there is an open child protection investigation. If a different harm type is reported, it is recorded as a new notification.

**Table C1: Recording incoming notifications that overlap with other cases, states and territories**

Jurisdiction	New notification recorded	Notification linked to open cases
NSW	✓	x
Vic	x	✓
Qld	x	✓
WA	✓	x
SA	x	✓
Tas	x	✓
ACT	✓	x
NT	✓	✓

✓ Indicates overlapping notifications are recorded as per the description for the relevant category.

x Indicates overlapping notifications are not recorded as per the description for the relevant category.

There is variation between states and territories in how overlapping cases are reported in the national data, however 'on the ground' they would be treated as a single investigation. When multiple notifications are 'rolled up' into the same investigation but are recorded separately in the data, this will result in comparatively higher counts of notifications, investigations and substantiations. Conversely, linking new notifications to open cases has the effect of decreasing the number of notifications, investigations and substantiations recorded.

Analysis of the extent of the overlap was possible using CP NMDS data for all jurisdictions except New South Wales. Table C2 shows:

- in Victoria and Queensland, almost all investigations (99.8% and 99.2%) are unique. There is almost a 1:1 ratio between notifications and investigations, indicating in almost all cases, a new investigation does not commence until a previous investigation is completed;
- the percentage of overlapping investigations in Western Australia and Tasmania is low (3.0% and 7.1%, respectively). The majority (99% or more) of investigations in these jurisdictions involved 1 or 2 notifications per investigation 'episode'
- the percentage of overlapping investigations is higher in South Australia (30.2%), the Australian Capital Territory (43.3%) and the Northern Territory (35.6%).



**Table C2: Number of notifications per investigation 'episode', states and territories, 2018–19 (%)**

Number of notifications per investigation 'episode'	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1	99.8	99.2	96.9	69.8	92.9	56.7	64.4	<b>92.4</b>
2	0.2	0.6	2.8	20.7	7.1	24.8	21.3	<b>5.1</b>
3	0.0	0.2	0.2	5.9	0.0	10.7	7.8	<b>1.5</b>
4	0.0	0.0	0.0	1.9	0.0	4.1	3.8	<b>0.5</b>
5+	0.0	0.0	0.0	1.7	0.0	3.8	2.7	<b>0.4</b>

*Notes*

1. For the purpose of this analysis, investigation 'episodes' are created. If dates of investigations overlap they are considered to be part of the same investigation episode. If the dates do not overlap with any other investigations, they are deemed to be a unique investigation episode.
2. NSW data are not reported as CP NMDS data were not available.

Source: AIHW Child Protection Collection 2019.

## Treatment of notifications for unborn children

All jurisdictions, except South Australia and the Northern Territory, have legislation to support the prenatal reporting of children at risk; that is, reports can be made for pregnant women where there are concerns about their unborn children. In 2018–19, 1,529 children who were the subject of a child protection substantiation were unborn at the time of notification (Table S3.6). Differences in policy and practice across jurisdictions impact on the data relating to unborn children for notifications, investigations and substantiations.

The level of intervention and the timing of investigations for notifications for unborn children were examined using available CP NMDS data. Note this excludes New South Wales, Victoria, South Australia and the Northern Territory. New South Wales and Victoria do not provide CP NMDS data, which enables this type of analysis and South Australia and the Northern Territory lack the relevant legislation to support such reporting.

Victoria did not include unborn children in the CP NMDS data as they are not considered a child protection notification. Initial reports can be case managed on a voluntary basis or referred to other services/social support and a new report can be initiated after birth and investigated if necessary.

A majority (95%) of records where a child was unborn at the time of notification had a date of assessment decision made before their date of birth. However, there was variation in the level of intervention (that is, resolved without investigation or investigated) and when investigations occurred (that is, before or after birth).

Table C3 shows that of children who were the subject of a notification before birth:

- in Queensland, all cases (100%) were investigated
- in Western Australia, the majority of cases were investigated (91%)
- in Tasmania and the Australian Capital Territory, a proportion of cases were resolved without investigation (42% and 98%, respectively).

**Table C3: Children who were unborn at the time of notification, by type of action, 2018–19 (%)**

Type of action	Qld	WA	Tas	ACT	Total
Investigations finalised	76.6	56.5	40.0	1.8	62.0
Investigation closed—no outcome possible	12.9	4.9	6.1	0.0	8.9
<i>Total closed investigations</i>	<i>89.6</i>	<i>61.4</i>	<i>46.1</i>	<i>1.8</i>	<i>70.9</i>
Investigations in process	10.4	29.3	12.2	0.0	15.8
<i>Total investigations</i>	<i>100.0</i>	<i>90.7</i>	<i>58.3</i>	<i>1.8</i>	<i>86.7</i>
Notifications in process	0.0	0.5	1.7	0.0	0.3
Notifications resolved without investigation	0.0	8.8	40.0	98.2	13.0
<i>Total dealt with by other means</i>	<i>0.0</i>	<i>9.3</i>	<i>41.7</i>	<i>98.2</i>	<i>13.3</i>
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

**Notes**

1. Children are counted only once in this table; if a child received more than 1 notification before birth, the notification recorded is for their highest level of intervention at the time of notification.
2. Some children who were unborn at the time of notification would have subsequently been born in the reporting period—see Table C4 for detail about the timing of investigations.
3. NSW data are not reported as CP NMDS data are not available. Vic do not provide notifications relating to unborn children in the CP NMDS data. SA and the NT are excluded as legislation does not cover notifications for unborn children in these jurisdictions.
4. Percentages in the table may not add to 100 due to rounding.

Source: AIHW Child Protection Collection 2019.

Table C4 shows variation in the timing of investigations for children who were unborn at notification. In Queensland and Tasmania more than a quarter of investigations did not commence until after the birth of the child (31% and 30% respectively). In contrast, almost all investigations commenced prior to the birth of the child in Western Australia (96%). However, the large majority of these investigations were not completed prior to the birth of the child (78% of all investigations).

In the Australian Capital Territory, legislation does not allow for investigations to commence before the child's birth. A code for escalation at birth is included within the territory's system indicating children who will require further assessment when they are born—hospital alerts facilitate this process.

**Table C4: Children who were the subject of a notification while unborn whose cases were investigated, by investigation timing, 2018–19 (%)**

Investigation timing	Qld	WA	Tas	ACT	Total
Commenced and completed before birth	43.5	17.3	27.3	0.0	33.2
Commenced before birth, completed after birth	21.8	46.3	24.2	0.0	30.7
Commenced before birth and still ongoing at the end of the period	4.1	32.0	18.2	0.0	14.9
Commenced and completed after birth	30.6	4.3	30.3	100.0	21.3

Note: NSW data are not reported as CP NMDS data were not available. SA and the NT are excluded as legislation does not cover notifications for unborn children in these jurisdictions. Vic do not provide notifications relating to unborn children in the CP NMDS data.

Source: AIHW Child Protection Collection 2019.

In jurisdictions where notifications for unborn children can be investigated (Queensland, Western Australia and Tasmania) pre-birth involvement usually consists of intensive work with the mother/family in an attempt to build support and divert the case away from child protection after the child is born. In Queensland, pre-birth work (including investigations where required) can only be undertaken with the consent of the mother.

Most children (94%) received only 1 notification while unborn (Table C5). In the Australian Capital Territory, higher proportions of children with more than 1 notification are recorded. This may be influenced by the territory's practice of recording all notifications separately, rather than linking notifications (as noted previously in Section C.1.2) and to only investigate after birth.

**Table C5: Number of notifications received while unborn, per child, states and territories, 2018–19 (%)**

Number of notifications	Qld	WA	Tas	ACT	Total
1	97.2	96.6	94.5	48.6	94.3
2	2.7	3.3	5.5	19.3	4.0
3	0.1	0.1	0.0	11.0	0.7
4	0.0	0.0	0.0	9.2	0.5
5+	0.0	0.0	0.0	11.9	0.6

*Notes*

1. NSW data are not reported as CP NMDS data were not available. SA and the NT are excluded as legislation does not cover notifications for unborn children in these jurisdictions. Vic do not provide notifications relating to unborn children in the CP NMDS data.
2. Percentages in the table may not add to 100 due to rounding.

Source: AIHW Child Protection Collection 2019.

In New South Wales notifications can be received and recorded for children before they are born. This generally involves assessment of the mother's connection to the health system; child protection would generally be involved after birth if required.

## **Notifications relating to abuse in care, no suitable caregiver and extra-familial maltreatment**

The national definitions do not specify whether cases of abuse in care, no suitable caregiver and extra-familial maltreatment should be included or excluded from national reporting. Jurisdictional differences relating to the recording of these events may influence national reporting on notifications, investigations and substantiations. Further information on these differences is provided in the following sections. This is limited to policy/practice differences as notifications relating to these events are not able to be separately identified in the national data.

### **Abuse in care**

Cases of alleged abuse for children in out-of-home care are included in the data for notifications and substantiations for all jurisdictions, except Victoria, South Australia and Queensland. In these jurisdictions, although cases of alleged abuse in care are not included in the data, these cases are treated very seriously and assessed via a separate process. For example, in Victoria, this process includes assessment of the suitability of the carer, the performance of the agency that made the placement and its continued registration as a care provider.

Other jurisdictions may also have a separate, parallel process that is undertaken to review the standard of care provided.

In Queensland, the *Child Protection Act 1999* (section 122) defines the standards of care to be provided to a child placed in care. Ongoing monitoring is undertaken to ensure the carer meets these standards of care. Where it is indicated that the standards of care may not have been met for a child, a standards of care review is undertaken. Where it is indicated the child has experienced harm or it is suspected that they have experienced harm, a Harm Report is made and a notification can be recorded. Prior to 8 July 2013, these cases were recorded as Matters of Concern.

In the Northern Territory, all ‘concerns about the safety and wellbeing of children in care’ are reported and recorded as a child protection report and referred to an Internal Review Unit for a coordinated response. All matters that meet the definition of harm in the *Care and Protection of Children Act 2007* (NT) are substantiated. This process was introduced in 2014–15 to ensure that all concerns about children in care are recorded and responded to appropriately.

### No suitable caregiver

Cases where there is ‘no suitable caregiver’ (that is, no suitable parent or other legal guardian) can include situations where a child’s parent(s) have died, been incapacitated due to illness/injury or are otherwise unavailable (for example, due to being imprisoned). Table C6 provides an overview of the variation in recording these cases.

**Table C6: Recording of cases involving ‘no suitable caregiver’, states and territories**

Jurisdiction	Notification and substantiated neglect recorded	Notification and dealt with by other means recorded
NSW	✓	x
Vic	✓	x
Qld	✓	x
WA	..	..
SA	✓	x
Tas	✓	x
ACT	✓	✓
NT	..	..

✓ Indicates the notification and investigation outcome are recorded as per the description for the relevant category.

x Indicates the notification and investigation outcome are not recorded as per the description for the relevant category.

.. Not applicable (cases of no suitable caregiver are not included in the data for notifications).

All jurisdictions, except Western Australia and the Northern Territory, include cases of ‘no suitable caregiver’ in the data for notifications. However, the subsequent reporting of these cases differs, for example:

- New South Wales, Victoria, South Australia and Tasmania report these cases as substantiated neglect
- in Queensland, cases of ‘no suitable caregiver’ are reported as substantiated neglect if no other harm type was identified during the investigation and assessment
- from 2015–16, in Western Australia, cases where the primary concern is ‘no suitable caregiver’ are outside the scope of national reporting. From 2017–18, cases of ‘no suitable caregiver’ where there is no associated physical, sexual, emotional abuse or neglect are excluded from national reporting
- in the Australian Capital Territory:
  - if the parent/guardian is unable to be found, the notification is recorded as neglect
  - if the parent/guardian is deceased, the notification is recorded as ‘dealt with by other means’

- a notification is not recorded in some situations requiring substitute care. For example, a Youth Justice client using a diversionary program might be referred to another service without recording a notification.

### **Extra-familial maltreatment**

In the Australian Institute of Family Studies 2008 data comparability report (AIFS: Holzer & Bromfield 2008), extra-familial maltreatment was defined as abuse perpetrated by someone other than a family member. It was noted that extra-familial maltreatment is not within the mandate of most jurisdictions' child protection system unless a child's parents are not acting to protect the child; however, some jurisdictions had policies and practices relating to the reporting of these matters. Table C7 provides a broad overview of the recording of extra-familial maltreatment:

- In New South Wales, Western Australia and Tasmania, some extra-familial matters are included in the national counts of notifications, investigations and substantiations. No distinction is made as to whether a matter relates to an intra- or extra-familial matter.
- In Victoria, extra-familial maltreatment for children in care is recorded and managed through a separate client incident management system. Case notes are also recorded on the client file.
- In Queensland, practice is, for children in scope of Queensland's policy 'Responding to concerns about the standards of care', to record a harm report in relation to extra-familial abuse if the alleged person responsible is either the carer, an adult household member who is not the carer, or a staff member of a care service.
- In South Australia, extra-familial maltreatment is included in the count of notifications, but is not typically investigated—instead it is recorded as dealt with by other means. A small number of extra-familial maltreatment cases may be counted in the investigation phase, most likely in the preliminary stages of an investigation. Where extra-familial maltreatment is determined, it would then be referred to the South Australia Police.
- In the Australian Capital Territory, extra-familial matters are included in the count of notifications and are counted:
  - in investigations where a joint investigation is conducted with ACT Policing or where the police decline involvement due to lack of evidence
  - as dealt with by other means if the matter was referred solely to the police.
- In the Northern Territory, extra-familial matters may be included in data provided for national reporting purposes. Generally, extra-familial matters are referred to the Northern Territory Police. However, extra-familial matters may be referred to the joint Child Abuse Taskforce (Territory Families and the Northern Territory Police) and may therefore be registered as a child protection notification—in which case, it would be included in data provided for national reporting purposes.

**Table C7: Recording of cases involving ‘extra-familial maltreatment’, states and territories**

Jurisdiction	Recorded in notifications, investigations, substantiations (not differentiated)	Recorded in notifications, excluded from investigations (dealt with by other means)	Recorded in notifications, investigated subject to conditions	Recorded in notifications, investigations, substantiations only where concerns relate to abuse in care	Recorded as case notes only where concerns relate to abuse in care
NSW	✓	x	x	x	x
Vic	x	x	x	x	✓
Qld	x	x	x	✓	x
WA	✓	x	x	x	x
SA	x	✓	x	x	x
Tas	✓	x	x	x	x
ACT	x	✓	✓	x	x
NT	x	x	✓	x	x

✓ Indicates the notification and investigation are recorded as per the description for the relevant category.

x Indicates the notification and investigation are not recorded as per the description for the relevant category.

## C.2.2 Care and Protection orders issued

Table S4.1 shows that 44% of orders issued in 2018–19 were issued in Victoria, with the majority (14,368 or 67%) of these being interim and temporary orders. While other jurisdictions, such as Tasmania and the Northern Territory, had high proportions of interim and temporary orders reported, the numbers were much lower (around 787 in Tasmania and around 1,500 in the Northern Territory).

This variability was noted for the first time in 2014–15 due to a change in reporting for Victoria—previously, a large number of children were recorded as being in out-of-home care but were not recorded as being on an order, which is inconsistent with the state’s process.

In Victoria, interim orders are usually ‘interim accommodation orders’, which allow the child to be placed in care. These orders are usually for 3 weeks duration and are then subject to review and possible extension by the court. Each return to the court is counted as a new order for Victoria.

This is substantially different from the recording of these orders in other jurisdictions. For example, in the Australian Capital Territory, if a temporary order is issued by the court with specific conditions and is later extended with the same conditions, it is not counted as a new order issued. A new order is counted if different conditions are applied and/or when a final order is issued.

## C.2.3 Classifications of out-of-home care

Differences in the reporting of placement types across jurisdictions limit comparisons that can be made about the use of out-of-home care across jurisdictions. Table S36 shows the number of children in out-of-home care, by type of placement at 30 June 2019. The following differences in the type of placement reported for children have been identified:

- Children placed with a relative/kin who is also fully registered to provide foster care for other children:

- in Victoria and the Northern Territory, they are usually reported as being in foster care
- in all other state and jurisdictions they are reported as being placed with relatives/kin.
- For the Northern Territory 'Other home-based care' includes children placed with family day care providers.
- The 'Other/unknown' category for out-of-home care placements includes living arrangements not otherwise classified by 1 of the other categories, such as boarding schools, hospitals, hotels/motels and the defence forces. It also includes unknown placement types.

Jurisdictions have also indicated that there may be variability regarding whether data include children who are in unapproved placements; that is, where children under the care of the department for child protection have absconded from care and are classified as 'self-placed'. In these situations, the preceding out-of-home care placement may remain 'open' or be 'closed' and a new living arrangement recorded.

# Appendix D: Recent state and territory policy changes

This section outlines the major child protection policy changes that have occurred in recent years. The various child protection authorities in the states and territories have provided this information.

## New South Wales

The New South Wales Government committed \$2.2 billion in 2018–19 for sustained support for individuals, children and families experiencing harm – a 6.7% increase on 2017–18 in real terms. The funding supports a significant reform agenda that will help improve the lives of vulnerable children and families.

### Their Futures Matter

The NSW Government launched an ambitious reform agenda in November 2016 called—Their Futures Matter (TFM). The TFM is a landmark reform of the NSW Government to deliver improved outcomes for vulnerable children, young people and their families.

Enlisting whole-of-government accountability, the vision is to create a coordinated service system that delivers evidence-based, wraparound supports for children and families to transform their life outcomes. This vision will be realised under whole-of-government investment to deliver:

- A Smart System—the work brings together data, evidence and investment to build an integrated and accountable service system.
- One Connected Response—the approach will provide a whole-of-government response that gives vulnerable children, young people and their families access to services they need.
- Needs Based Supports—the services will be designed and delivered in consideration of their needs and aspirations, informed by the risks to their wellbeing and futures.

One component of the TFM reform is the Access System Redesign (ASR) of the child and family service system, which aspires to significantly improve life outcomes for current and future generations of children and families, and to ensure that every child has a safe, permanent and loving home.

TFM has a mandate to lead the redesign of the access system, together with multiple partners across government agencies, the non-government sector, children, young people, families and communities. It aims to deliver a multi-agency and evidence-based system that enables children, young people and families in NSW to access the right supports at the right time.

This vision means long-term reform which will require a paradigm shift in the way the system organises and delivers supports to assist children, young people and families achieve and maintain optimum wellbeing. For vulnerable children, young people and families, timely access to services and support is essential to address child wellbeing or safety concerns. The system needs to give families a pathway to early support when they need it, both early in life and early in need, and must intervene to protect children identified to be at risk of significant harm.



The ASR is being undertaken in three distinct phases:

### **1. High level design (August – December 2018)**

The first stage of high level design was completed in December 2018. To inform the redesign, early work focused on reviewing the research evidence and convening stakeholder workshops to better understand the strengths and weaknesses of the current system. This resulted in the release of:

- a discussion paper that is open for public comment until 29 March 2019. The paper—[\*Moving the system from crisis to early help: connecting children, young people and families to the right support at the right time\*](#)—seeks views on what guiding principles should underpin the access system redesign, eight key system elements identified for further development and the necessary enablers to support a well-functioning access system
- an evidence review. The review consolidates the available academic and grey literature into a report that sets the evidence base for our proposed design elements and system enablers, as featured in the discussion paper (see: [\*Access System Redesign: Evidence Review\*](#)).

### **2. Detailed design (January – June 2019)**

Over the six months to June 2019, ASR in collaboration with multi-agency partners, children, families and communities are tasked with designing the future access system, including the preparation of detailed options and models for reform.

### **3. Implementation (Post June 2019)**

Dependent on Cabinet approval on the proposed changes and operating model for the future access system, the third stage—implementation—is scheduled to start from July 2019.

To achieve the TFM vision, a number of key initiatives are being delivered to transform the service system including:

- Access System Redesign

As noted above, TFM program is in the early stages of a large-scale reform of the child and family access system. This reform has a strong focus on reorienting the system to better support children and families access supports and services they need at the earliest possible opportunity. As described above, the approach to ASR details the areas of focus for the proposed reforms. While it is too early to provide evidence in relation to trials or evaluations, the published evidence review sets the basis for the system elements that form the focus of development in this current stage of detailed design.

- Futures Planning & Support (FP&S)

The [\*Futures Planning & Support \(FP&S\) Pilot Program\*](#) is being implemented on the Mid North Coast (MNC) District and Service Provision is expected to begin in July 2019. An additional pilot location will follow in late 2019 in the Western Districts. The FP&S Pilot seeks to address issues faced by young people (17–25) who are exiting or have exited Out of Home Care (OOHC).

The cost to young people who have been in OOHC is significant with research showing disproportionately poor social and economic outcome and high rates of intergenerational disadvantage and engagement with FACS. The FP&S pilot seeks to address and reduce risk factors influencing young people by offering flexible, culturally appropriate and proactive supports, which place the client at the centre of the service. It is anticipated the increased

support for young people who have been in OOHC will contribute to reduced rates of child protection intervention and entry to OOHC for the children of care leavers.

- Family preservation and restoration services:
  - [Multisystemic Therapy for Child Abuse and Neglect](#) and
  - [Functional Family Therapy through Child Welfare](#).

TFM has committed to providing 900 places per year for intensive family preservation and restoration services—Multisystemic Therapy for Child Abuse and Neglect (MST-CAN®) and Functional Family Therapy – Child Welfare (FFT-CW®)—aimed at keeping families together. Half of these 900 places will be for Aboriginal children and their families.

Service delivery commenced on 1 August 2017 and there are currently six MST-CAN® and 18 FFT-CW® teams operating in over 15 priority locations in NSW. More information about the locations and the models is available at: [Initiatives commissioned by Their Futures Matter](#).

## Permanency Support Program

An important step towards *Their Futures Matter* is the Permanency Support Program (PSP), a series of changes from October 2017 to shift from a 'placement-based' service system to a child- and family-centred service system that focuses on individual need, helping families to change and achieving permanency for children and young people soon after they come to the attention of the child protection system.

In the new system, every child or young person will have a case plan with a goal for permanency within two years of entering care.

Case plans will be focused on working with families to keep children at home, or find a stable and secure option through guardianship or open adoption (unless the child is Aboriginal).

Under the PSP, the New South Wales Government has changed how it funds non-government partners. New performance based contracts support intensive work with children, families and carers to achieve a safe and stable home for vulnerable kids.

As part of this reform, new contracts for care of the most vulnerable young people will be introduced in 2018. This will require providers to deliver therapeutic care for young people aged over 12 who are unable to live with their family or carers.

- The PSP has four main components:
  - **Permanency and early intervention principles built into casework:** In the new system, a child or young person will have a case plan with a goal for permanency within two years of entering care. There will be a number of funding packages and targeted support packages that can be mixed and matched to suit a child or young person's individual needs and achieve case plan goals.
  - **Working intensively with birth parents and families to support change:** By reducing the number of children in out-of-home care, funds can be re-invested in the delivery of family strengthening and prevention services to strengthen the capacity of families to care for their children. This will create a stronger and more innovative service system in the longer term.
  - **Foster carer recruitment, support and retention:** A new carer recruitment and retention strategy with new providers will be introduced in 2018. It aims to address shortages, and recruit foster, kinship and relative carers who would like to support restoration, or become adoptive parents (unless the child or young person is Aboriginal).

- **Intensive Therapeutic Care system reform:** The government will keep a strong focus on recovery from trauma through an Intensive Therapeutic Care system for children over 12 years who have been assessed as requiring intensive therapy. Intensive Therapeutic Care will be introduced to replace residential care.

Their Futures Matter and the Permanency Support Program builds on the success of early reforms including Safe Home for Life reforms and the transition of children in out-of-home care to non-government organisations.

The Safe Home for Life reforms, introduced in 2014, strengthened the child protection system through legislative change, new policy and practice and a redesign of how technology is used in child protection. Permanency placement principles and Guardianship orders were introduced for the first time and there was a renewed focus on open adoption. In 2017–18, 140 children were adopted from out-of-home care, by far the highest number of any state. New South Wales also has over 2,500 guardians and over 95% of Australia's out-of-home care open adoptions.

## Recent child protection legislative amendments

The Children and Young Persons (Care and Protection) Amendment Act 2018 commenced on 4 February 2019.

The legislative amendments aim to support further reduction in the number of children and young people in OOHC and improve the timeliness and quality of services for families.

Key amendments include:

- The mandatory offer of Alternative Dispute Resolution by the Department of Communities and Justice to support families to make their own plans to keep their children safe before any court action is initiated.
- Prioritising shorter-term court orders to create a greater urgency to realise permanency goals earlier for children.
- Allowing guardianship orders by consent, which empowers parents to make decisions about the best care arrangements for their children.

More information is available at <https://www.facs.nsw.gov.au/providers/children-families/child-protection-services/shaping-a-better-child-protection-system>

## The NSW Practice Framework

Launched in September 2017, the NSW Practice Framework brings together practice approaches, reforms and priorities to guide FACS child protection work across systems, policies and practice. The Framework aims to improve the quality of FACS child protection practice to generate the best outcomes for children and families across NSW and has delivered over 30,000 hours training to caseworkers.

## Commissioning

Close to 58% of children in out-of-home care are managed by non-government organisations. The transfer of children began in 2012 in recognition of the fact that non-government organisations are more flexible and closer to the community, allowing them to implement reform and innovative service models more quickly than government agencies.

## Targeted earlier intervention

The reform of targeted earlier intervention (TEI) programs to develop a Service system that is flexible, locally responsive, evidence-based, adaptive and client-centred continued in 2017–18. A result of significant collaboration, the Targeted Earlier Intervention Outcomes Framework was developed to set out how FACS and TEI services will work together to measure the effectiveness of programs, show the contribution services make to client outcomes, and build the evidence base for what works to enable continuous service delivery improvement.

Under the Families NSW and Aboriginal Child, Youth and Family Strategy, 30,981 families were supported. This strategy aims to provide children with the best start in life by providing support to families in the early years of a child's development, are underpinned by evidence that interventions at this early stage have ongoing positive impacts.

## Victoria

Victoria's legislative foundation for child protection is provided by the *Children, Youth and Families Act 2005*, the *Child Wellbeing and Safety Act 2005* (which is the framework legislation for services for all children) and the *Commission for Children and Young People Act 2012*, which established an independent commission for children and young people.

The Children, Youth and Families Act, which commenced operation in April 2007, provides a unifying framework for:

- family and placement services that community service organisations deliver
- child protection services that the Department of Health and Human Services delivers
- decision making by the Children's Court.

The Act explicitly places children's best interests at the heart of all decision making and service delivery.

The Commission for Children and Young People Act established an independent commission to promote continuous improvement and innovation in policies and practices relating to the safety and wellbeing of vulnerable children and young people, and of young people generally, and in the provision of out-of-home care services for children.

The Department of Health and Human Services works in partnership with community service organisations and Aboriginal services to strengthen support services for vulnerable families. Strong focus is given to keeping Aboriginal children connected to their culture and community.

Although front-end child protection demand has exhibited real growth in recent years, the enhanced availability of diversionary services, especially through referrals to Child FIRST (Child and Family Information, Referral and Support Teams) and The Orange Door, has meant that the number of children subject to court orders has remained relatively stable.

The *Children, Youth and Families Act 2005* was substantially amended in March 2016 to explicitly promote the achievement of permanency planning objectives (family preservation, family reunification, adoption, permanent care, long-term out-of-home care) for children in need of protection. The amendments included a new range of protection orders and changes to case planning requirements, and included stronger timelines consistent with the achievement of those objectives than had existed previously.

The impact of these significant amendments was subject to an inquiry by the Commission for Children and Young People. This inquiry made many recommendations, including that a further study be undertaken into the impact of the amendments. This study is being led by

the University of Melbourne in partnership with the department, and with support from the universities of Sydney and of New South Wales. A final report is due in June 2020.

Consistent with the government and departmental policies regarding self-determination, the gradual transfer of responsibility for Aboriginal children and young people on protection orders from community service organisations and the department to Aboriginal Community Controlled Organisations has commenced.

Additionally, Victoria is implementing a range of recommendations arising from recent inquiries conducted by the Commission for Children and Young people which include improving compliance with the Aboriginal and Torres Strait Islander Child Placement Principle and cultural support planning. The department's 'Roadmap for Reform' is in the process of implementing area-based and pro-active service provision of all community services to local communities, and this will have an impact on the future role and scope of the child protection program which currently performs many tasks more appropriate to secondary rather than tertiary/statutory services. This strategy incorporates responses to a wide range of recommendations made by Victoria's Royal Commission into Family Violence.

Better Futures, a new model to support young people transitioning from care, has been piloted in Victoria since 2017 and rolled out state wide in November 2019. Better Futures engages earlier with young people transitioning from care, Better Futures workers support young people to have an active voice in their transition planning, and provide individualised support across a range of life areas including housing and living skills, health and wellbeing, education, employment, and community and cultural connections, up to the age of 21 years. All eligible young people are referred to their local Better Futures provider at 15.9 years and the level of support provided is dependent upon the circumstances of the young person.

In 2018, Victoria invested \$11.6 million to roll out Home Stretch. Over the next five years, Home Stretch will support approximately 250 young people to make a more gradual and supported transition to independent living. Through Home Stretch:

- Young people and their kinship and foster carers have the option of the young person remaining with their carer up to the age of 21 years, supported by an allowance.
- Young people leaving residential care (including lead tenant), kinship care, foster care, or in some cases leaving another care or living arrangement, are eligible for an allowance to support them with their housing costs up to 21 years of age.

In addition to an accommodation allowance, the program includes casework support and flexible funding to facilitate the young person's access to education, employment, health and wellbeing, community connections and housing and living support.

The Victorian Government is interested in new approaches to achieving improved social outcomes in partnership with the public, private and not-for-profit sectors. The government is delivering a range of innovative new initiatives, including the COMPASS social impact bond in partnership with Anglicare Victoria and Vincent Care, supporting more than 200 care leavers over five years in Melbourne's west, inner north and Bendigo. COMPASS provides access to housing and other supports tailored to young people's needs

## Queensland

Queensland is progressing a 10-year reform program—*Supporting Families Changing Futures*—for its family support and child protection system. Supporting Families Changing Futures is focused on delivering the right services at the right time to support families and keep children safely at home.

The reform program is at the halfway point and on 25 July 2019 a five year, whole-of-government strategy - *Supporting Families Changing Futures 2019-23 – the Queensland Government’s plan for helping Queensland children, young people, parents and families* – was released. The strategy outlines the next steps in the reform program and ensures the reform program remains responsive to the changing needs and priorities of children, young people and families experiencing vulnerability.

The strategy outlines achievements to date and actions to be taken in the next stage of the reform program to support families and children who are at risk to break the cycle of disadvantage. The strategy focuses on four key areas: making sure children have safe, secure and stable places to live; supporting children’s mental, physical and emotional health; helping children into education from kindergarten through to their transitioning into adulthood; and making sure Aboriginal and Torres Strait Islander children are connected with culture and community.

Recent achievements include:

- additional frontline and support staff to better support children, young people and families at risk;
- expansion of age eligibility for the Next Step After Care Program to better support young people aged 15-25 in their transition from care to adulthood, and the extension of carer allowances to support young people through high school;
- increased specialist support to address youth sexual violence, including three place-based trials, tailored to the specific needs of each community to provide support to young people who have experienced sexual violence or who are engaging in early sexual behaviour.

In May 2017, the Queensland Government, in partnership with Family Matters Queensland, released *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families 2017–2037*. The *Our Way* strategy is underpinned by a series of action plans over the life of the strategy. The first three year action plan, *Changing Tracks 2017-2019*, sets the foundation for change across the child protection system to eliminate the disproportionate representation of Aboriginal and Torres Strait Islander children and families in the child protection system. The action plan builds on existing child and family reforms in Queensland.

Implementation of the strategy and action plans is overseen by the independent Queensland First Children and Families Board made up of eminent Aboriginal and Torres Strait Islander people from Queensland, along with the Directors-General of the Department of Child Safety, Youth and Women and the Department of Aboriginal and Torres Strait Islander Partnerships.

Achievements to date include:

- statewide rollout of 33 Aboriginal and Torres Strait Islander Family Wellbeing Services that provide Aboriginal and Torres Strait Islander families with the right child and family support services at the right time to support and protect their children
- establishing the Queensland First Children and Families Board to guide and oversee the implementation of the *Our Way* strategy and to reaffirm the Government’s commitment to ensuring Aboriginal and Torres Strait Islander peoples participation in, and greater control over, decisions that affect their children
- establishing the Empowering Families Innovation Grants program and funding 15 Family Participation service providers to support Aboriginal and Torres Strait Islander families participate in family-led decision making across the child protection continuum

- implementing the First 1000 Days Australia initiative to give Aboriginal and Torres Strait Islander children the best start in life
- progressing the Service Reform project in three discrete communities to build a coordinated, place-based universal and secondary service system, providing greater community control over the services delivered to residents and ensuring accountability to the community.

In addition to the above, changes to the *Child Protection Act 1999* commenced in stages throughout 2018. The amendments:

- promote positive long-term outcomes for children in the child protection system through timely decision making and decisive action towards either reunification with family or alternative long-term care
- promote the safe care and connection of Aboriginal and Torres Strait Islander children with their families, communities and cultures
- support the rights of Aboriginal and Torres Strait Islander peoples to self-determination
- enable family-led decision making and embed the five elements of the Aboriginal and Torres Strait Islander Child Placement Principles across the child protection system
- provide a greater emphasis on culture as a protective factor and the need for ongoing connection for Aboriginal and Torres Strait Islander children to family, community and culture
- enable the Chief Executive to delegate functions or powers under the Act to an Aboriginal or Torres Strait Islander community controlled agency
- introduce a new permanent care order to provide a child or young person in long-term care with more stable and secure family arrangements
- introduce a legal requirement for transition planning to commence from 15 years of age and the extension of support eligibility up to the age of 25 for young people who have been in care, and
- provide a contemporary information sharing regime for the child protection and family support system, which is focused on children's safety and wellbeing, including the publication of information sharing guidelines.

The Queensland Government is continuing to review the *Child Protection Act 1999*, and released a discussion paper *Rethinking rights and regulation: towards a stronger framework for protecting children and supporting families* in July 2019. A consultation report summarising the feedback received was released in December 2019. The Queensland Government is now considering the results of consultation and how these may support a stronger legislative framework for the child protection and family support system.

A range of policy initiatives that support the child protection agenda have also been implemented. In particular:

- The *Third Action Plan of the Domestic and Family Violence Prevention Strategy 2016–26* was released in September 2019. The Third Action Plan builds on existing work and includes signature actions to address broader issues related to domestic and family violence, including improving equity in service delivery, implementing an enhanced housing response, and supporting women impacted by domestic and family violence to return to the workforce.
- *Prevent. Support. Believe. Queensland's Framework to Address Sexual Violence* was released in October 2019, and includes priorities, strategies and actions to address all

forms of sexual violence, including child sexual abuse and youth sexual violence and abuse. The Framework includes strategies to: provide timely, integrated and victim-centric support for people who have experienced sexual violence; increase the capacity of specialist and mainstream services to be trauma-informed; and expand access to early intervention programs for children and young people displaying harmful sexual behaviours or who are at risk of experiencing sexual violence. An Action Plan to support implementation of the Framework will be released in 2020.

## Western Australia

In late 2018, the WA government announced a trial of Home Stretch, a service model designed to enhance the support system for young people from ages 18 to 21 years who are transitioning from care, and who:

- wish to remain in a supported living arrangement with their previous foster carers or family/significant other (and whose carer/s agree); or
- wish to stay in a supported living arrangement, but are unable to remain in their care arrangement past 18 years (such as those exiting residential care); or
- do not wish to remain in a supported living arrangement but would benefit from or have requested continued support.

An innovative policy co-design process was used to conduct a series of workshops with key government and community service organisation stakeholders to develop a model of support specific to WA. The model brings together the main elements considered at the co-design workshops including:

- one-to-one transition support, provided by suitably qualified or experienced community sector employees;
- a safety net fund to facilitate access to housing, supported living arrangements, health, education and life skills development; and
- a support circle of people chosen by the young person who they can trust to support them over the longer term as they progress into independence.

A three-year pilot of the Home Stretch model commenced on 30 July 2019 with a cohort of 15 young people. Measure and review points are built into the model.

In 2018–19, WA progressed, and is now finalising, a three-stage of review of its Permanency Planning Policy, associated practice guidance and staff resources. Adherence to the five interrelated elements of the Aboriginal and Torres Strait Islander Child Placement Principle (the Principle) is fundamental to this work.

The proposed changes to the Permanency Planning Policy will assist to implement the recommendations of the Department of Communities (WA's) 2017 Statutory Review of the *Children and Community Services Act 2004*. The changes are informed by the Secretariat of National Aboriginal and Islander Child Care's (SNAICC's) resource, *The Aboriginal and Torres Strait Islander Child Placement Principle: A guide to support implementation*, as well as SNAICC facilitated workshops and seminars attended by WA in November 2018.

The proposed changes to the revised draft policy are intended to strengthen application of the Principle and include:

- Renaming the Permanency Planning Policy as the Stability and Connection Policy to clearly highlight the desired outcomes and elevate the importance of relational permanence for children in care.



- Timeframes in policy to support timely decision making on the most appropriate stability and connection (permanency) outcome, with flexibility to work outside these time frames where this is in the child's best interests.
- Inclusion of cultural support plans in policy and strengthened practice guidance on the development of cultural support plans to enhance stability and connection planning for children from Aboriginal and culturally and linguistically diverse backgrounds.
- A section of the policy detailing Communities active efforts to implement each of the five elements of the Principle.

A new cultural support planning process, which forms part of the above work, will elevate the importance of cultural support planning for all children in the CEO's care but especially those who identify as Aboriginal, Torres Strait Islander or Culturally and Linguistically Diverse. It emphasises the importance of locating and developing meaningful relationships with family and community to contribute to the development of cultural support plans.

The practice of thorough cultural support planning helps to achieve relational permanence, develop a positive sense of identity and belonging and can improve outcomes for children leaving care.

## South Australia

During 2018–19 reform of the child protection system in South Australia in response to recommendations of the Nyland Child Protection Royal Commission report *The life they deserve* continued. The focus has been to build the foundation supporting whole of system change whilst delivering immediate priority reforms.

Progress on implementation of the 256 recommendations from *The life they deserve* report is detailed in the *Child Protection a fresh start progress report September 2019*. The Appendix of the *fresh start* report contains detail specific to each recommendation.

## Legislative reforms

New legislation, the *Children and Young People (Safety) Act 2017* incorporating many of the recommendations contained in *The life they deserve* has been fully implemented. Phase 1 implementation occurred in February 2018 and phase 2 in October 2018.

The new Act enshrines principles for early decision-making supporting permanency and stability, increases focus on listening to and acting on the voices of children and carers, strengthens family group conferencing provisions and emphasises safe and nurturing placements.

The Act provides the legal framework to drive reform. Along with the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*, it delivers a comprehensive and coordinated oversight and accountability system for child protection.

New functions and obligations for the Minister for Child Protection and the Chief Executive of the Department for Child Protection are included in the Act. Further supports for young people transitioning to adulthood are also included.

The Act passed after amendments made as a direct result of ongoing feedback from child protection and child wellbeing sectors.

Additional key changes included:

- the inclusion of a parliamentary declaration recognising the importance of children and young people in South Australia
- increased voice and involvement for children and young people in decision-making
- increased rights for carers, including the ability to apply to the South Australian Civil and Administrative Tribunal (SACAT) for review of certain decisions of the Chief Executive
- establishment of a Child and Young Person's Visitor Scheme
- ability for the Chief Executive to convene a family group conference
- powers for the Chief Executive to direct parents to undergo drug and alcohol assessments and parenting capacity assessments
- a requirement for the Minister to arrange assistance for eligible care leavers, including the provision of education and training services and assistance finding accommodation, employment and accessing legal and support services
- the requirement for those employed in licensed residential facilities, both government and non-government, to undergo psychological assessment of a kind determined by the Chief Executive.

Other legislative changes include:

### *Child Safety (Prohibited Persons) Act 2016*

This Act defines a new working with children checks system for people working or volunteering with children in South Australia. Key parts include an ongoing monitoring system and moving from three-yearly to five-yearly checks. Importantly, checks will also be transferable between different jobs and volunteer positions.

### *Children and Young People (Oversight and Advocacy Bodies) Act 2016*

This Act covers the statutory independent oversight and advocacy bodies, including the Guardian for Children and Young People, the Child Death and Serious Injury Review Committee (CDSIRC), the Commissioner for Children and Young People and the new Child Development Council.

### *Public Sector (Data Sharing) Act 2016*

This Act provides for the sharing of data between public sector agencies, the Commonwealth, other States and Territories, local government and other entities (such as universities and non-government organisations) and provides protections relating to the sharing of data. The Act also established the Office for Data Analytics to coordinate data sharing across government and other entities, and to undertake data analytics work on public sector data.

## **Other major initiatives**

### **Early Intervention**

A key priority of the new Act is earlier intervention where children and young people are identified as being at risk, and for government and key partners to promote and assist in the development of co-ordinated strategies for early intervention in cases where children and young people may be at risk of harm.

The Early Intervention Research Directorate (EIRD) was established as one of the responses to *The life they deserve*. The EIRD is growing the evidence base about the services children and families need, when and where they need them, and which services are most likely to work in local communities and contexts. EIRD applies data systematically to support South Australia's service planning and uses the best evidence to guide decisions about prevention and early intervention for child abuse and neglect. EIRD has a specific focus on addressing the disproportionate number of Aboriginal children in the child protection system.

This work will be used to make improvements to how early interventions are commissioned and provided to ensure the best service possible for children, young people and families.

### **Aboriginal families and communities**

Improving services and outcomes for Aboriginal children, families and communities across the state remains a priority for the Government of South Australia.

This has included:

- recruitment of the Director, Aboriginal Practice and placing Principal Aboriginal Consultants in all service delivery directorates
- inclusion of Family Group Conferencing in the new *Children and Young People (Safety) Act 2017*
- establishment of the Aboriginal Family Scoping Unit
- shared support of the Aboriginal workforce through meaningful engagement and consultation, such as the State Wide Aboriginal Network (SWAN) and SA Senior Aboriginal Leaders Committee
- commitment to 10% Aboriginal employment across the workforce in departmental recruitment and retention strategies
- development of a Cultural Capabilities Framework and reviewing procedures to streamline the sources of internal cultural advice to the agency.

This work will be supported by the development of an Out of Home Care Strategy and refreshed implementation of the Aboriginal and Torres Strait Islander Child Placement Principle as detailed in the new *Children and Young People (Safety) Act 2017*.

## **Commissioner for Aboriginal Children and Young People**

To promote the safety and wellbeing of Aboriginal children in this State, the Government has appointed a Commissioner for Aboriginal Children and Young People. This Commissioner with functions to improve the safety and wellbeing of Aboriginal children and young people is a fundamental element of successful reform.

A key priority of this role is to ensure the voices of Aboriginal people informs the system and is embedded in all ongoing decision-making, policy and practice that affects Aboriginal children and communities.

## **Foster care payments extended until age 21**

From 1 January 2019, the Government of South Australia is extending the payments available for foster and kinship carers until the young person in their care reaches 21 years of age.

This financial commitment will provide stability by assisting young people to stay in home-based care beyond 18 years of age. It is supported by a range of initiatives to better support young people's educational, employment and health needs as they transition to adulthood.

## **Multidisciplinary approach to recruitment**

The Government of South Australia is working to create a skilled workforce, where staff are supported to make decisions using their professional judgment. The Department for Child Protection is changing its recruitment process to accept an expanded range of qualifications. This aims to reduce vacancies and improve outcomes for children and young people. Employees can now have degree level qualifications in a broader range of relevant disciplines in addition to social work, such as health and human services.

## **National partnerships**

### **Family Matters**

As part of national efforts to improve outcomes for Aboriginal children, the Department for Child Protection is a signatory to the Family Matters Statement of Commitment.

This commitment requires that the department work in accordance with the campaign's key principles:

- Applying a child-focused approach
- Ensuring that Aboriginal and Torres Strait Islander people and organisations participate in and have control over decisions that affect their children
- Protecting Aboriginal and Torres Strait Islander children's right to live in culture
- Pursuing evidence-based responses
- Supporting, healing and strengthening families
- Challenging systemic racism and inequities.

## **Royal Commission into Institutional Responses to Child Sexual Abuse**

The Government of South Australia is committed to taking action to reduce the risk of institutional child sexual abuse and better support victims and survivors. The government is working to bring together the findings from the Royal Commission into Institutional

Responses to Child Sexual Abuse with previous royal commissions and inquiries to develop a holistic, evidence-based strategy for reform.

The Royal Commission delivered 409 recommendations, of which 199 have been accepted or accepted in principle by the Government of South Australia to action. Details of the Government's response are in the [\*Government of South Australia's 2019 Annual Report\*](#).

The Department for Child Protection will be coordinating the annual progress reports for the next four years. This work provides an opportunity for alignment with the Nyland Royal Commission response, and will complement the overarching program of reform underway in the South Australian child protection and child wellbeing systems.

## Tasmania

Tasmania continues to deliver an integrated solution for child wellbeing and safety as part of the Strong Families – Safe Kids Implementation Plan 2016–2020, through the implementation of the following programs, initiatives and services.

The Strong Families Safe Kids Advice and Referral Line commenced in late 2018 with a focus on early intervention, by facilitating appropriate and timely family services and community sector support to ensure the safety and wellbeing of vulnerable children.

The Intensive Family Engagement Services (IFES) trial commenced in February 2018 with the engagement of four non-government service providers, with the objective to prevent the imminent separation of children from their primary caregivers, by focusing on improving family functioning and skills. IFES is more intensive (up to 15 to 20 hours per week for approximately 12–20 weeks), specialised and capable of addressing higher level, more complex issues than existing family support service. The evaluation of the pilot in 2019 indicated early success in keeping children with their families.

Tasmania is in the process of redesigning the remaining Child Safety Service. The new model has a focus on family preservation where it is safe to do so; on timely restoration where removal is necessary, and where children are on permanency orders are supported to live settled and stable lives.

Central to the early intervention approach is the promotion of child and youth wellbeing. The Child and Youth Wellbeing Framework was released in June 2018 and provides a contemporary and accessible definition of child wellbeing to ensure that everyone, in all parts of Tasmania's service and support system, as well as in the broader community, has a strong, common understanding of child and youth wellbeing. Plans are in place to incorporate the wellbeing assessment tool with care teams as the new process for case and care planning for children in out of home care.

The Child Safety Service has also implemented a new Practice Framework focusing on child-centred, family and caregiver focused, culturally responsive and sharing responsibility practice.

## Australian Capital Territory

The A Step Up for Our Kids—Out of Home Care Strategy 2015–2020 (the Strategy) is a five-year reform program for the child protection and out of home care system. It provides the strategic direction to ensure children and young people are at the centre of decision-making and have every chance to grow and develop in a safe, supportive and stable home

environment. The Strategy strives to deliver a therapeutic trauma-informed system of care through three key domains:

- Strengthening high-risk families
- Creating a continuum of care
- Strengthening accountability and ensuring a high-functioning care system.

A Step Up for Our Kids represents a significant collaboration between government and the community. This major funding initiative reflects the Community Services Directorate's priority to provide better and earlier support to children, young people and their families. A strong emphasis is placed on preventing children and young people entering care by providing intensive family preservation services and/or reuniting them with their birth parents. In the ACT, Uniting delivers intensive services to families who have children at risk of entering care, or who have entered care. These services are aimed at keeping families together, and providing parents with the tools they need to sustain a safe home environment for their children. All referrals for this service are made by Child and Youth Protection Services.

A key focus for the ACT Government is addressing the over-representation of Aboriginal and Torres Strait Islander children involved with the child protection system. A number of initiatives have been implemented to address over-representation including:

- The 'Our Booris, Our Way' Review. The Review is look into the circumstances of each Aboriginal and Torres Strait Islander child and young person involved in the child protection system, including those in out of home care. The Review has a focus on systemic improvements needed to reduce the number of Aboriginal and Torres Strait Islander children and young people entering care; improve their experience and outcomes while in care; and where appropriate, exit children from care.
- Family Group Conferencing model for Aboriginal and Torres Strait Islander families at risk of ongoing involvement with the child protection system. Family Group Conferencing aims to divert families away from Children's Court processes and ensure all members of a child's family are contacted and encouraged to be involved in the decision-making process about their child's situation, and to keep their children safe, strong and connected to family and culture.
- Gudan Gulwan Youth Aboriginal Corporation, in partnership with OzChild, are undertaking a twelve-month trial of Functional Family Therapy for Aboriginal and Torres Strait Islander families at risk of ongoing involvement with the child protection system. The aim of the trial is to reduce the number of Aboriginal and Torres Strait Islander children and young people entering, or remaining in out of home care, through interventions that strengthen families and communities.

## Northern Territory

Territory Families is a maturing organisation that has enabled the Northern Territory Government to adopt a collective approach to addressing vulnerabilities in the Northern Territory. Territory Families is committed to protecting children; supporting families; reducing domestic, family and sexual violence; addressing youth offending; creating safer communities; supporting seniors and enhancing the social inclusion of the Northern Territory.

In 2018–19, the NT saw reductions in the demand for child protection services as a result of our investment in early intervention and prevention, our new approach to family support and our improvements to child protection processes and practice.

More families are contacting Territory Families for support — including through new systems and programs such as our FACES (Families and Children Enquiries and Support).

The FACES service has received significant uptake and is now increasingly being used to provide help and support and to empower families and children before problems escalate.

In 2018–19, Territory Families improved the way child protection notifications are received, recorded and actioned through boosting staffing in our central intake team. Territory Families has invested in child protection practice through a new Clinical Practice Directorate and adoption of the Signs of Safety Practice model. Frontline staff were supported to reduce administrative burdens through the introduction of new technology and tools to assist them to work remotely.

A key focus for Territory Families in 2018–19 has been the transformation of child protection practice. This has included a new focus on family-led decision making, strengths-based conversational approaches, and the establishment of trusting relationships to drive change. The intention of this reform has been to remove past practices that too often led to proceduralised responses in times of crisis and disempowered the people most likely to have solutions – the child’s family.

In 2018–19 Territory Families began implementing the internationally recognised Signs of Safety child protection practice model. Signs of Safety is an Australian developed model designed to increase child safety, empower parents and families and use the knowledge and expertise of case managers. This year over 545 department staff and 50 external agency staff have been trained in the practice framework. Signs of Safety is improving assessment of, and responses to, child abuse and neglect. By giving parents and families an equal say, this new approach to child protection encourages case workers to help tailor individual responses to each child and family situation and empower parents and families.

In addition to the adoption of the new practice model, Territory Families amended existing policies and practices that overly-bureaucratized responses to at risk children. Under old policy a child would require a new case for every notification received. This multiplied the paperwork and administrative burden on frontline staff for little client benefit. In 2018–19 the agency adopted the ‘one child - one case policy’. This now means that a worker processes all known information about a child through one active case, and can spend more time building relationships with the child’s family and conducting holistic assessments into the child’s safety.

Territory Families continues to offer place based support for families. There are currently six existing Child and Family Centres in the Northern Territory and work in partnership with local providers continues to expand these by another 11 starting with three more in Katherine, Darwin’s Northern Suburbs and Tennant Creek. Child and Family Centres coordinate the delivery of support services to children, young people and families and support them to access a range of services so their individual needs are met.

In 2018–19, Aboriginal Controlled Organisations Ngura Tjuta/Pmarra Ntjarra Aboriginal Corporation, Larrakia Nation and Tangentyere Council Aboriginal Corporation were funded and empowered to take responsibility for family-finding and kinship carer recruitment and support. These partnerships have led to the single biggest increase in authorised kinship carers and Aboriginal children placed with Aboriginal carers.

In March 2019, the Minister for Territory Families introduced the Care and Protection of Children Amendment Bill 2019, the Youth Justice and Related Legislation Amendment Bill 2019 and the Youth Justice Amendment Bill 2019 to the Legislative Assembly. These critical pieces of legislation implement 23 recommendations from the Royal Commission into the Protection and Detention of Children in the Northern Territory. Territory Families also created

an information sharing scheme for the Domestic and Family Violence Act 2007. These laws are set to improve life outcomes for children, young people, their families and communities.

The Care and Protection of Children Amendment Bill 2019 amended the Care and Protection Act 2007. This Bill is designed to ensure early support for families to take better care of their children and reduce the number of children in out-of-home care, result in more children living with their family, and improve court orders and the legal processes to better protect children.

On 24 October 2018, the Legislative Assembly passed amendments to the Domestic and Family Violence Act 2007 to create a new domestic and family violence information sharing scheme (the information sharing scheme) that is the responsibility of Territory Families. The new scheme aims to facilitate coordinated and timely sharing of information between authorised entities in order to assess, lessen and prevent serious threat to a person's life, health, safety or welfare because of domestic and family violence. The amendments will commence on 30 August 2019 which has enabled time for consultation on the guidelines underpinning the scheme which prescribed Information Sharing Entities must comply. The amendments prescribe relevant Northern Territory Government agencies and non-government schools as Information Sharing Entities (ISEs), meaning they must participate in the new scheme. Non-government organisations who provide domestic violence services (as defined in the Act) may also be prescribed as ISEs under the regulations, provided that the Minister is satisfied that the organisation will comply with administrative guidelines.



# Appendix E: Inquiries into child protection services

Various inquiries into child protection services have been conducted in a number of jurisdictions in recent years. These include:

- New South Wales—Report of the Special Commission of Inquiry into Child Protection Services in NSW (Wood 2008)
- New South Wales—Keep them safe? A special report to Parliament under s31 of the Ombudsman Act 1974. Report tabled in Parliament on 30 August 2011 (New South Wales Ombudsman 2011)
- New South Wales—Responding to child sexual assault in Aboriginal communities report, December 2012 (New South Wales Ombudsman 2012)
- New South Wales—Review of the NSW child protection system—are things improving? Special report to Parliament. April 2014 (New South Wales Ombudsman 2014)
- New South Wales—Inquiry into Child Protection established by the Parliament of New South Wales Legislative Council General Purpose Standing Committee no. 2 on 12 May 2016
- New South Wales—Independent Review of Out of Home Care in New South Wales, report to NSW Cabinet (David Tune AO PSM 2016; New South Wales Government 2016)
- Victoria—Report of the Protecting Victoria’s Vulnerable Children Inquiry 2012 (State Government of Victoria 2012)
- Victoria—In the child’s best interests: inquiry into compliance with the intent of the Aboriginal Child Placement Principal in Victoria (Victorian Commission for Children and Young People 2015)
- Victoria—Always was, always will be, Koori children. Systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria (Victorian Commissioner for Children and Young People 2016)
- Victoria—Safe and Wanted: an inquiry into the implementation of permanency arrangements (Victorian Commissioner for Children and Young People 2017)
- Victoria—...As a good parent would... Inquiry into the adequacy of the provision of residential care services to Victorian children and young people who have been subject to sexual abuse or sexual exploitation whilst residing in residential care (Victorian Commission for Children and Young People 2015)
- Queensland—Protecting children: an inquiry into the abuse of children in foster care (Crime and Misconduct Commission 2004)
- Queensland—Taking responsibility: a roadmap for Queensland child protection (Queensland Child Protection Commission of Inquiry 2013)
- Queensland—Partners in Care – Working better with foster and kinship carers (Foster Care Queensland and Queensland Government 2017)
- Queensland—Keeping Queensland’s children more than safe: Review of the blue card system (Queensland Family and Child Commission 2017)
- Queensland—Keeping Queensland’s children more than safe: Review of the foster care system (Queensland Family and Child Commission 2017)

- Queensland—Strengthening Capacity Across Queensland's Child Protection System (Queensland Family and Child Commission 2017)
- Queensland—When a child is missing: Remembering Tiahleigh – A report into Queensland's children missing from out-of-home care (Queensland Family and Child Commission 2016)
- Queensland—A systems review of individual agency findings following the death of a child (Queensland Family and Child Commission 2017)
- South Australia—Children in state care: commission of inquiry (Mullighan 2008a)
- South Australia—Children on Anangu Pitjantjatjara Yankunytjatjara (APY) lands: commission of inquiry (Mullighan 2008b)
- South Australia—Inquest into the death of Chloe Lee Valentine (South Australia State Coroner 2015)
- South Australia—The life they deserve: Child Protection Systems Royal Commission report (Child Protection Systems Royal Commission 2016)
- South Australia—Final report of the select committee on statutory child protection and care in South Australia (Parliament of South Australia 2017)
- Tasmania—Redesign of child protection services Tasmania: strong families—safe kids (Tasmanian Department of Health and Human Services 2016a)
- Tasmania—Strong families—safe kids: implementation plan 2016–2020 (Tasmanian Department of Health and Human Services 2016b)
- Australian Capital Territory—The Territory as a parent: a review of the safety of children in care in the ACT and of ACT Child Protection management (Commissioner for Public Administration 2004a)
- Australian Capital Territory—The Territory's children: ensuring safety and quality care for children and young people. Report on the audit and case review (Commissioner for Public Administration 2004b)
- Northern Territory—Growing them strong, together: promoting the safety and wellbeing of the Northern Territory's children. Report of the Board of Inquiry into the child protection system in the Northern Territory 2010 (Northern Territory Government 2010).
- Australia—Royal Commission into Institutional Responses to Child Sexual Abuse final report (Royal Commission 2017).

These inquiries generate much media interest, both locally and nationally, which heightens public interest, reinforces the need to protect children and may, in turn, affect the willingness of the general public to report suspected instances of child abuse. They also can potentially affect the reported data, as departments often respond to inquiries by introducing new policies and practices, or modifying existing one.

# Appendix F: Permanency concepts, legislative and policy contexts for states and territories

## New South Wales

Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Permanency hierarchy (Permanent placement principles)</b>	<p><i>Children and Young Persons (Care and Protection) Act 1998, No 157 (Last amended 2018)</i></p> <p>A child or young person who needs permanent placement is to be placed in accordance with the Permanent Placement Principles, in an order of preference.</p> <p><i>NSW FACS Permanent Case Management Policy (Policy Statement), July 2018</i></p> <p>If a child or young person is unable to remain in the care of their parents, case planning must actively consider whether or not there is a realistic possibility of restoration to the child's birth parents. If restoration is not viable, the Permanent Placement Principles are to guide all actions and decisions made regarding the placement of the child.</p> <p>Applying the Permanent Placement Principles in practice means considering the best interests of a child or young person. This may mean considering permanency options such as</p>	<p><i>Children and Young Persons (Care and Protection) Act 1998, No 157 (Last amended 2018)</i></p> <p><i>Adoption Act 2000, No 75</i></p> <p>The Act outlines the following Permanent Placement Principles (in order of preference, Section 10A):</p> <ul style="list-style-type: none"> <li>• restoration to care of parent (10A 3a)</li> <li>• guardianship of relative, kin or other suitable person (10A 3b)</li> <li>• adoption (10A 3c; except in the case of Indigenous children – see below)</li> <li>• parental responsibility of the Minister (10A 3d)</li> </ul> <p>Section 13 of the Act stipulates the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles, whereby, subject to the objects in Section 8 and the principles set out in Section 9, an Aboriginal or Torres Strait Islander child or young person who needs to be placed in out-of-home care is to be placed with:</p>	<p><i>NSW Permanency Case Management Policy (FACS 2018)</i></p> <p>The Permanent Placement Principles, in order of preference is to:</p> <ul style="list-style-type: none"> <li>• work with families/kin to keep a child or young person at home, or return them to their family</li> <li>if that is not possible,</li> <li>• identify stable and secure guardianship options, so that a child or young person can grow up with their family/kin or another suitable person</li> <li>if that is not possible,</li> <li>• facilitate an open adoption to provide a child or young person with secure attachment and permanency in an adoptive family that supports connection with birth their birth family</li> <li>if that is not possible,</li> <li>• provide long-term care to a child or young person in parental responsibility of the Minister, that provides a safe and permanent home and keeps them</li> </ul>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	guardianship and adoption concurrently to determine which option is in the child or young person's best interests.	<ul style="list-style-type: none"> <li>a. a member of the child's or young person's extended family or kinship group, as recognised by the Aboriginal and Torres Strait Islander community to which the child or young person belongs, or</li> <li>b. if it is not practicable for the child or young person to be placed in accordance with paragraph (a) or it would not be in the best interests of the child or young person to be so placed-a member of the Aboriginal and Torres Strait Islander community to which the child or young person belongs, or</li> <li>c. if it is not practicable for the child or young person to be placed in accordance with paragraph (a) or (b) or it would not be in the best interests of the child or young person to be so placed-a member, of some other Aboriginal and Torres Strait Islander family residing in the vicinity of the child's or young person's usual place of residence, or (d) if it is not practicable for the child or young person to be placed in accordance with paragraph (a), (b) or (c) or it would be detrimental to the safety, welfare and well-being of the child or young person to be so placed-a suitable person approved by the Director-General after consultation with: <ul style="list-style-type: none"> <li>i. members of the child's or young person's extended family or kinship group, as recognised by the Aboriginal and Torres Strait Islander community to which the</li> </ul> </li> </ul>	<p>connected to their birth family and community.</p> <p><i>NSW FACS Permanency Support Program (PSP) – effective 1 October 2017</i></p> <p>Permanent Placement Principles in casework gives a child or young person in the child protection or out-of-home care system the best opportunity to have a permanent, safe home.</p> <p>Under the Permanency Support Program, caseworkers work with a child and the people who love and care for the child, to identify the best permanency goal – and to attain that goal within two years.</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>child or young person belongs, and,</p> <p>ii. such Aboriginal and Torres Strait Islander welfare organisations as are appropriate to the child or young person.</p>	
<b>Permanency planning</b>	<p><i>Children and Young Persons (Care and Protection) Act 1998, No 157 (Last amended 2018)</i></p> <p>Section 78A - Permanency planning is the making of a plan that aims to give a child or young person a stable placement (including restoration to family) that offers long-term security and that:</p> <ul style="list-style-type: none"> <li>• meets their needs;</li> <li>• avoids the instability and uncertainty that arises from a series of different placements or temporary care arrangements;</li> <li>• aims to make arrangements in a timely manner, recognising their circumstances and that the younger the child, the greater the need for early decisions about a permanent placement.</li> </ul> <p><i>NSW Child Safe Standards for Permanent Care, Standard 13: Initial assessment and permanency planning (OCG 2015)</i></p> <p>Permanency planning is undertaken for a child or young person assessed at high or</p>	<p><i>Children and Young Persons (Care and Protection) Act 1998, No 157 (Last amended 2018)</i></p> <p>Permanency planning recognises that long-term security will be assisted by a permanent placement.</p> <p>A permanency plan need not provide details as to the exact placement in the long-term of the child or young person concerned, but must be sufficiently clear and particularised so as to provide the Children's Court with a reasonably clear picture as to the way in which the child's or young person's needs, welfare and wellbeing will be met in the foreseeable future.</p>	<p><i>NSW Paths to Permanency (FACS 2019)</i></p> <p>Keeping families safely together is the priority, though where this is not possible, the Permanent Placement Principles contained in the <i>Children and Young Persons (Care and Protection) Act 1998</i> guide how to provide children and young people with a safe, stable home.</p> <p>The preferred order when planning for the permanent placement of a child or young person is:</p> <ul style="list-style-type: none"> <li>• keeping them with, or returning them to their family (preservation or restoration)</li> <li>• guardianship</li> <li>• open adoption (except for Aboriginal children where open adoption comes after parental responsibility to the Minister)</li> <li>• parental responsibility to the Minister</li> </ul> <p><i>NSW Child Safe Standards for Permanent Care, Standard 14: Case planning and review (OCG 2015)</i></p> <p>Children and young people in out-of-home care must have their care arrangements</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	<p>very high risk of experiencing abuse or neglect in their home in future.</p> <p>Permanency planning puts in place arrangements that achieve permanency and wellbeing. That is, stable, long-term arrangements that help a child grow up to be a healthy, caring and responsible adult with positive values and identity, social competencies and support networks.</p>		<p>reviewed regularly and following a significant change in the placement or in the child or young person's circumstances. Planning must include the necessary supports for providing long-term, secure care arrangements.</p>
<b>Permanent placement</b>	<p><i>Children and Young Persons (Care and Protection) Act 1998, No 157 (Last amended 2018)</i></p> <p>Section 10A - Permanent placement means a long-term placement following the removal of a child or young person from the care of a parent or parents pursuant to the Act that provides a safe, nurturing, stable and secure environment for the child or young person.</p>	<p><i>Children and Young Persons (Care and Protection) Act 1998, No 157 (Last amended 2018)</i></p> <p>Subject to the objects in Section 8 and the principles in Section 9 of the Act, a child or young person who needs permanent placement is to be placed in accordance with the Permanent Placement Principles outlined in Section 10.</p>	<p><i>NSW Child Safe Standards for Permanent Care, Standard 13: Initial assessment and permanency planning (OCG 2015)</i></p> <p>Standard 13 stipulates that, children and young people receive an initial assessment based on their interests and are placed according to their identified needs, the Permanent Placement Principles and where relevant, the Aboriginal and Torres Strait Islander placement principles.</p>
<b>Guardian</b>	<p><i>Children and Young Persons (Care and Protection) Act 1998, No 157 (Last amended 2018)</i></p> <p>The Act (Section 79A) defines a guardian as “a person who has been allocated all aspects of parental responsibility for a child or young person until the child or young person reaches 18 years of age by a guardianship order made under the Section”</p>	<p><i>Children and Young Persons (Care and Protection) Act 1998, No 157 (Last amended 2018)</i></p> <p>Allocation of parental responsibility by guardianship order can be made by the Children's Court, however, the Children's Court must not make a guardianship order unless it is satisfied that:</p>	<p><i>NSW Child Safe Standards for Permanent Care, Standard 13: Initial assessment and permanency planning (OCG 2015)</i></p> <p>Guardianship is the second preference of the Permanent Placement Principles for a child or young person who is unable to live with their parents and this change will provide greater stability in their living arrangement.</p> <p><i>NSW FACS 2019</i></p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<ul style="list-style-type: none"> <li>there is no realistic possibility of restoration of the child or young person to his or her parents (note this requirement does not apply for a guardianship order by consent made in accordance with Section 38(2A)(c)), and</li> <li>that the prospective guardian will provide a safe, nurturing, stable and secure environment for the child or young person and will continue to do so in the future, and</li> <li>if the child or young person is an Aboriginal or Torres Strait Islander child or young person – permanent placement of the child or young person under the guardianship order is in accordance with the Aboriginal and Torres Strait Islander Child Placement Principles (that apply to the placement of such a child or young person in statutory out-of-home care under Section 13) and</li> <li>if the child or young person is 12 or more years of age and capable of giving consent – the consent of the child or young person is given in the form and manner prescribed by the regulations.</li> </ul>	<p>The child or young person will remain in the care of their guardian until they turn 18 or until the Children’s Court changes the order. Under a guardianship order, a child or young person is no longer considered to be in foster or out-of-home care but in the independent care of their guardian. If it is safe to do so, the guardianship order will give a child or young person contact with their parents, family and other important people in their life.</p>
<b>Kinship care</b>	<p><i>NSW Foster, relative and kinship care (FACS 2019)</i></p> <p>Relative or kinship care is a type of care that places a child or young person with a</p>	<p><i>NSW Foster, relative and kinship care (FACS 2019)</i></p>	<p><i>NSW Foster, relative and kinship care (FACS 2019)</i></p> <p>Children and young people at risk of significant harm may be removed from their</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	<p>relative or someone they already know, for example, a grandparent. Caring by relatives is a common practice across cultures, but the term kinship care can have different meanings for different cultural groups.</p> <p>In Aboriginal communities, kin may be a relative of the child or young person or someone who shares a cultural or community connection.</p>	<p>Formal relative and kinship care is when a care order or parenting order is made by the Family Court of Australia or Federal Magistrates Court under the Family Law Act 1975, or by the NSW Children's Court under the Care and Protection Act. A parenting order is issued when FACS has intervened in the proceedings of the Family Court or Federal Circuit Court.</p> <p>Section 135 of the <i>Children and Young Persons (Care and Protection) Act 1998 No 157</i> (Last amended 2018) defines out-of-home care. Section 3 (b) states it does not include care provided by a relative or kin unless:</p> <ul style="list-style-type: none"> <li>(i) the Minister has parental responsibility for the child or young person by virtue of an order of the Children's Court, or</li> <li>(ii) the child or young person is in the care of the Secretary, or</li> <li>(iii) it is care in respect of which the Secretary is providing support under section 153,</li> </ul> <p>or</p> <p>Section 153 outlines other supported out-of-home care arrangements. For example:</p> <ul style="list-style-type: none"> <li>(1) The Secretary may provide support in respect of the residential care and control of a child or young person that is provided: <ul style="list-style-type: none"> <li>(a) by a relative or kin who has, by virtue of a relevant court order, parental responsibility for the child or young person, and</li> </ul> </li> </ul>	<p>birth parents and placed into the care of relatives or kin by FACS. When this happens, FACS can make a care application in the Children's Court. If the court then makes a care order, FACS is responsible for supporting the relative or kinship carer by developing a care plan for the child or young person, and providing case management.</p> <p>An informal relative or kinship arrangement is an agreement with the child's family about caring for the child, without a court order. These arrangements are often verbal. The child's parents are still the legal guardians so they have parental responsibility. In an informal agreement, there are limits to the decisions a relative or kinship carer, such as a grandparent, can make without the parent's consent.</p> <p>All carers are provided with support, training and advocacy and are supported by a caseworker through an accredited out-of-home care agency or with FACS. Financial support for informal relative and kinship arrangements are not available from FACS. The supported care allowance is only payable where there is a court order in place.</p>



Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>(b) at a place other than the usual home of the child or young person.</p> <p>(2) In this section: relevant court order means:</p> <p>(a) an order of the Children's Court, or</p> <p>(b) a parenting order in favour of the relative or kin under the <i>Family Law Act 1975</i> of the Commonwealth made in respect of proceedings to which the Secretary was a party</p> <p>The Aboriginal and Torres Strait Islander Child Placement Principles provide for an order of placement which aims to ensure that (where possible and assessed as safe), Aboriginal and Torres Strait Islander children and young people are placed within their biological family, extended family, local Aboriginal community or wider Aboriginal community and culture.</p>	
<b>Concurrent planning</b>	<p><i>NSW Permanency Case Management Policy, (FACS 2018)</i></p> <p>"Applying the permanent placement principles in practice means considering the best interests of a child or young person. This may mean considering permanency options such as guardianship and adoption concurrently to determine which option is in the child or young person's best interests."</p>	<p>Concurrent planning is not covered explicitly in the <i>Children and Young Persons (Care and Protection) Act 1998</i>, however, the NSW Permanency Case Management Policy identifies all necessary components to achieving permanency through permanency planning.</p>	<p>Concurrent planning is not covered explicitly in the <i>Children and Young Persons (Care and Protection) Act 1998</i>, however, the NSW Permanency Case Management Policy identifies all necessary components to achieving permanency through permanency planning.</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Case plan (Care plan)</b>	<p><i>Children and Young Persons (Care and Protection) Act 1998, No 157 (Last amended 2018)</i></p> <p>A care plan means a plan to meet the needs of a child or young person:</p> <ol style="list-style-type: none"> <li>that is developed through agreement with the parents of the child or young person, or</li> <li>that represents a set of proposals for consideration by the Children's Court.</li> </ol> <p><i>NSW FACS 2019 Permanency in casework</i></p> <p>A permanency case plan includes:</p> <ul style="list-style-type: none"> <li>a goal for the child or young person to have a permanent home within two years;</li> <li>a focus on working with parents, family and other significant people, to keep the child at home with family or provide a safe and permanent home through guardianship or open adoption.</li> </ul> <p>Permanency in casework gives a child or young person in the child protection or out-of-home care systems the best opportunity to have a permanent, safe home.</p>	<p><i>Children and Young Persons (Care and Protection) Act 1998, No 157 (Last amended 2018)</i></p> <p>The development and enforcement of care plans is stipulated in Section 38 and Section 78 of the Act.</p>	<p><i>NSW Child Safe Standards for Permanent Care, Standard 14: Case planning and review (OCG 2015)</i></p> <p>Case planning supports stable placements that are responsive to the changing needs of children and young people. Key requirements:</p> <ul style="list-style-type: none"> <li>Children and young people in out-of-home care must have their care arrangements reviewed regularly and following a significant change in the placement or in the child or young person's circumstances.</li> <li>Children and young people's care plans must include the necessary supports for providing long-term, secure care arrangements.</li> <li>Children and young people, their families and the people caring for them must be given opportunities to participate in the planning process.</li> </ul>

## Victoria

Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Permanency hierarchy (Permanency objectives)</b>	<p><i>Children Youth and Families Act 2005 (amended 2014, commenced 1 March 2016)</i></p> <p>Permanency objectives outline the order of preference for achieving permanency for children involved with child protection services.</p> <p>For the majority of children involved with child protection services, the preferred permanency objective is family preservation.</p> <p>For a small proportion of children with whom child protection services intervene, a permanent out of home care placement will be required to ensure their safety and wellbeing.</p>	<p><i>Children Youth and Families Act 2005 (amended 2014, commenced 1 March 2016)</i></p> <p><i>Adoption Act 1984</i></p> <p>A case plan must include one of the following permanency objectives set out in the <i>Children Youth and Families Act 2005</i> (CYFA) section 167, to be considered in order of preference as determined to be appropriate in the best interests of the child:</p> <ol style="list-style-type: none"> <li>1. Family preservation—the objective of ensuring a child who is in the care of a parent of the child remains in the care of a parent;</li> <li>2. Family reunification—the objective of ensuring that a child who has been removed from the care of a parent of the child is returned to the care of a parent;</li> <li>3. Adoption—the objective of placing the child for adoption under the Adoption Act 1984;</li> <li>4. Permanent care—the objective of arranging a permanent placement of the child with a permanent carer or carers;</li> <li>5. Long-term out of home care—the objective of placing the child in a stable, long-term care arrangement with a specified carer(s); or, if this is not possible,             <ol style="list-style-type: none"> <li>i. Another suitable long-term care arrangement.</li> </ol> </li> </ol>	<p><i>Child Protection Manual (DHHS 2018)</i></p> <p><i>Best Interest Case Practice Model (DHHS 2012)</i></p> <p>The permanency hierarchy is taken into account when preparing the client's case plan.</p> <p>As well as the legislated requirement of having the permanency objective stated in the case plan, significant decisions need to reflect, support and work towards meeting the permanency objective.</p> <p>Identifying and recording the permanency objective is intended to keep a child's need for permanency at the fore front of child protection intervention. If the focus and momentum of intervention is lost, cases can drift, resulting in uncertainty and delayed decision making. Such delays can be harmful to children. This can be prevented by driving towards a permanency objective through continued momentum in purposeful intervention.</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>Section 13 of the Act stipulates the Aboriginal Child Placement Principle. The criteria are:</p> <ul style="list-style-type: none"> <li>a. as a priority, wherever possible, the child must be placed within the Aboriginal extended family or relatives and where this is not possible other extended family or relatives;</li> <li>b. if, after consultation with the relevant Aboriginal agency, placement with extended family or relatives is not feasible or possible, the child may be placed with— <ul style="list-style-type: none"> <li>i. an Aboriginal family from the local community and within close geographical proximity to the child's natural family;</li> <li>ii. an Aboriginal family from another Aboriginal community;</li> <li>iii. as a last resort, a non-Aboriginal family living in close proximity to the child's natural family;</li> </ul> </li> <li>c. any non-Aboriginal placement must ensure the maintenance of the child's culture and identity through contact with the child's community.</li> </ul>	
<b>Permanency planning</b>	<p><i>Child Protection Manual (DHHS 2018)</i></p> <p>Permanency [of care] refers to an enduring care arrangement for a child that promotes the child's safety, development and sense of belonging.</p>	<p><i>Children Youth and Families Act 2005 (amended 2014, commenced 1 March 2016)</i></p>	<p><i>Child Protection Manual (DHHS 2018)</i></p> <p>Planning for permanency begins immediately after protective concerns are substantiated. If family reunification is possible, this needs to be achieved within the legislated timeframe of 12 months or, at most, 24 months.</p> <p>Planning for permanency is consistent with Section 10 and Section 11 of the Act, the</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	<p>Permanency planning aims to promote continuity in care and relationships by making permanent arrangements for children to live with their family of origin or in other care at the earliest possible time.</p> <p>Permanency encompasses all decisions made about a child's permanent living and care arrangement regardless of whether a child remains in, or returns to, parental care or needs an ongoing out of home care arrangement.</p> <p>Case planning includes planning for permanency, and is the process of making significant decisions in relation to a child during child protection involvement, from intake to closure. Planning is directly informed by the current assessment of the child's situation and lived experience, and directly informs any actions that need to be taken.</p>	<p>The principles of permanency planning are embedded in section 167 of the CYFA, which contains the hierarchy of permanency objectives (s. 167(1)), the preference for kinship care where a child is placed in out of home care (s. 167(2)), and the timelines within which family reunification should be achieved (s. 167(3) and (4)) and beyond which, except in exceptional circumstances, alternate long-term or permanent care will be more appropriate objectives.</p> <p>A case plan must include a permanency objective that considers the stable long-term out of home care for the child. If the child is in out of home care, the case plan may include details of</p> <ul style="list-style-type: none"> <li>the proposed long-term carer of the child or the type of carer who should be sought to provide the long-term stable care of the child;</li> <li>the appropriate Court order that the Secretary considers best supports the long-term stable placement of the child;</li> <li>matters relevant to the out of home care of the child that may relate to the family or environmental circumstances that caused the child to be placed in out of home care and that may give rise to particular needs to requirements in relation to the child;</li> <li>planning for arrangements for access by the child to the child's parents and siblings;</li> <li>steps to be taken by the child's carer to meet the developmental needs of the child, including steps relating to the child's health, emotional and behavioural development,</li> </ul>	<p><i>Best interest principles</i> and <i>Decision making principles</i>. These principles set out the considerations that Child Protection must make when determining whether a decision or action is in the child's best interests and requires Child Protection to actively and effectively engage families and children (in age appropriate ways) in the decision making process.</p> <p><i>Children Youth and Families Act 2005</i> (amended 2014, commenced 1 March 2016)</p> <p>The case plan includes the permanency objective and all significant decisions made by Child Protection in relation to the present and future care and wellbeing of the child, including placement of and contact with the child.</p> <p>Case plan requirements and timelines depend on how Child Protection is working with the family, whether by agreement or under a court order. Case plans must be reviewed no more than 12 months after the date that the plan is made and, once reviewed, not more than 12 months after the date of the review.</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		education, family and social relationships and identity.	
<b>Permanent placement (Permanent care)</b>	<p><i>Child Protection Manual (DHHS 2018)</i></p> <p>Permanent care is when children are placed with approved permanent care parents by adoption and permanent care (A&amp;PC) teams, or when an existing foster care or kinship care placement is converted to permanent care by the granting of a permanent care order or an order from the Family Court.</p> <p>Permanent care provides security and stability for children and young people who have entered the child protection system and for whom a decision has been made that they are unable to live safely within their birth family on a long-term basis.</p> <p>Long-term out of home care will be the appropriate permanency objective where:</p> <ul style="list-style-type: none"> <li>• The preferred carer is willing to be the child's long-term carer but does not consent to a permanent care order; or</li> <li>• a permanent care order would not be in the child's best interests and long-term care is required.</li> </ul>	<p><i>Children Youth and Families Act 2005 (amended 2014 commenced 1 March 2016 )</i></p> <p>Permanent care is the objective of arranging a permanent placement of the child with a permanent carer(s). Permanent care is the fourth preferred option in the permanency hierarchy where the objective is to provide a long-term, stable living arrangement with a kinship, foster or other carer. This is one of the remaining options when family restoration, family reunification and adoption are not possible or in the best interests of the child.</p> <p>Long-term care is the objective of placing the child in a stable, long-term care arrangement with a specified carer(s).</p> <p>This is the remaining option when permanent care is not possible.</p>	<p><i>Child Protection Manual (DHHS 2018)</i> <i>Best Interests Case Practice Model (DHHS 2012)</i></p> <p>Permanent care provides a safe and secure care arrangement with a specific carer or carers until the child is 18 years old. This objective may be selected for a child's case plan where a child is already placed with a kinship or foster carer who is available to become the child's permanent care parent, or where a permanent care parent is yet to be identified.</p> <p>A <i>permanent care order</i> (PCO) is a court order that grants a person (other than a parent or the Secretary) parental responsibility for a child.</p> <p>Permanent care provides long term security and certainty about the future care for children who have entered the child protection system and for whom a decision has been made that they are unable to live safely with their birth parents on a long term basis. A PCO remains in force until the child turns 18, or marries, whichever happens first.</p>
<b>Guardian (Guardianship)</b>	<p><i>Child Protection Manual (DHHS 2018)</i></p>	<p><i>Children Youth and Families Act 2005 (amended 2014, commenced 1 March 2016)</i></p>	<p><i>Child Protection Manual (DHHS 2018)</i></p> <p>Parental responsibility is determined based on the decision of court order:</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	<p>The term <i>parental responsibility</i> was adopted in the context of child protection in Victoria as part of the permanency amendments, and largely replaces the concept of guardianship in child protection in Victoria. Parental responsibility in relation to a child is defined in the CYFA and means all the duties, powers, responsibilities and authority which, by law or custom, parents have in relation to children.</p> <p>.</p>	<p>A person or persons (including the Secretary) will have parental responsibility for a child based on the decision of the court and the order the child is subject to.</p> <p>For some orders, the Secretary may have parental responsibility to the exclusion of all others, on other orders the Secretary may be required to consult about decisions with parents with whom the child is to be reunified, and may not be able to make decisions about major long-term issues without the parents' agreement (other than where there is specific authority). In making of a Permanent Care Order it confers parental responsibility to the person or persons named on the order to the exclusion of all others.</p>	<ul style="list-style-type: none"> <li>• Family preservation order</li> <li>• Family reunification order</li> <li>• Care by Secretary order</li> <li>• Long-term care order</li> <li>• Therapeutic treatment (placement) order</li> <li>• Permanent Care Order</li> </ul>
<b>Kinship care</b>	<p><i>Child Protection Manual (DHHS 2018)</i></p> <p>Kinship care is the care provided by relatives or a member of the child's social network when a child cannot live with their parents.</p> <p>Aboriginal kinship care is care provided by relatives or friends to an Aboriginal child who cannot live with their parents, where Aboriginal family and community and Aboriginal culture are valued as central to the child's safety, stability and development.</p>	<p><i>Kinship Care Model (DHHS 2018)</i></p> <p>Statutory kinship placements occur when a child protection intervention has occurred and a decision has been made to place a child with relatives or a significant friend consistent with the permanency objective hierarchy and may also involve an order made by the Children's Court.</p> <p>Private, informal or non-statutory kinship care are terms which may be used to describe arrangements where children are cared for by relatives without any child protection intervention.</p>	<p><i>Kinship Care Model (DHHS 2018)</i></p> <p>The kinship care model identifies kinship networks earlier, promotes placement quality and supports children and young people living in kinship care.</p> <p>Kinship care is the preferred placement type for children who cannot live with their parents.</p> <p>Placements of Aboriginal children must comply with the Aboriginal and Torres Strait Islander Child Placement Principle (ATSI CPP). When a child needs an out of home care placement, it is a legislative requirement that kinship be investigated before other placement options are pursued.</p>



Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Concurrent planning</b>	<p><i>Child Protection Manual (DHHS 2018)</i></p> <p>Concurrent planning aims to avoid drift associated with sequential planning by assessing the likelihood of reunification and working simultaneously on an alternate permanency plan. This includes engaging in intensive reunification work with families in a time limited way and placing children early with relatives or foster/adoption families in the event that reunification cannot occur or fails.</p> <p>Where the likelihood of enduring reunification is low, managing the parallel process of planning for reunification while seeking out alternate care arrangements that can offer the maximum level of security and potential permanency.</p>	<p>Concurrent planning is consistent with the framework for intervention guided by the best interest principles (s. 10) and the framework for case planning (s11-12 and 166-169). The CYFA mandates maximum timeframes for family reunification orders and case plans with a permanency planning of family reunification.</p>	<p><i>Child Protection Manual (DHHS 2018)</i></p> <p>The CYFA mandates maximum timeframes for family reunification orders and case plans with a permanency planning of family reunification.</p> <p>There will be cases where the child's current carer is prepared to become the child's long-term or permanent carer if family reunification cannot be achieved in a timely way. Where this is the case, assessments of the suitability of the carer should be completed so that a change of case plan permanency objective can be implemented without delay if family reunification cannot be achieved in a timely way.</p> <p>Where the current carer is not able to be a permanent or long-term carer if reunification cannot be achieved, consideration should be given to convening a family-led decision making meeting to identify how the child's extended family may be able to assist in providing permanency for the child.</p>
<b>Case Plan</b>	<p><i>Child Protection Manual (DHHS 2018)</i></p>	<p><i>Children Youth and Families Act 2005 (amended 2014 commenced 1 March 2016 )</i></p> <p>A case plan is a succinct, high level plan prepared by the Secretary for the child.</p> <p>Section 166(2) of the Act provides that a case plan must contain all decisions made by the Secretary concerning the child that:</p>	<p><i>Child Protection Manual (DHHS 2018)</i></p> <p>'Case plan preparation and review' of the Manual outlines:</p> <ul style="list-style-type: none"> <li>preparing a case plan for a child following substantiation</li> </ul>



Concept	Definition(s)	Legislative context	Policy and/or operational context
	<p>Case planning in child protection practice specifically relates to the process of planning with children and families following substantiation of child protection concerns. Case planning involves the preparation, implementation and review of the child's case plan when either working with the child and family by agreement (that is, without a court order) or under a court order.</p>	<ul style="list-style-type: none"> <li>• The Secretary considers to be significant decisions, and</li> <li>• Relate to the present and future care and wellbeing of the child, including placement of, and contact with, the child.</li> </ul> <p>Under Section 169(1) of the Act, a case plan must include a date for the review of the case plan not more than 12 months after the date that the case plan is made and once reviewed, not more than 12 months after the date of the review.</p>	<ul style="list-style-type: none"> <li>• reviewing and preparing a new version of a case plan for a child after one of the following orders has been made: <ul style="list-style-type: none"> <li>○ Family preservation order</li> <li>○ Family reunification order</li> <li>○ care by Secretary order</li> <li>○ long-term care order.</li> </ul> </li> <li>• Preparing a case plan following the making of a therapeutic treatment (placement) order</li> <li>• Reviewing a case plan when required or when requested.</li> </ul> <p>Case practitioners must:</p> <ul style="list-style-type: none"> <li>○ Ensure that the preparation and review process is consistent with best interest and decision making principles and that all significant decisions and processes are recorded.</li> <li>○ Endorse the case plan including the permanency objective and all significant decisions.</li> </ul>

## Queensland

Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Placement hierarchy (Placement principles)</b>	<p><i>Child Safety Practice Manual</i></p> <p>Placement principles, or placement matching, enables identification of the type of care and placement that best suits the child. This process is informed by the case plan goal and through assessment of the child's strengths and needs, including the extent to which these impact on the child's daily functioning and the domains in which they are present.</p>	<p><i>Child Protection Act 1999</i></p> <p><b>5B Other general principles</b></p> <p>The following general principles relate to permanency:</p> <p>(b) a child's family has the primary responsibility for the child's upbringing, protection and development;</p> <p>(c) the preferred way of ensuring a child's safety and wellbeing is through supporting the child's family;</p> <p>(f) if a child is removed from the child's family, support should be given to the child and the child's family for the purpose of allowing the child to return to the child's family if the return is in the child's best interests;</p> <p>(g) if a child does not have a parent able and willing to give the child ongoing protection in the foreseeable future, the child should have long-term alternative care;</p> <p>(h) if a child is removed from the child's family, consideration should be given to placing the child, as a first option, in the care of kin;</p> <p>(i) if a child is removed from the child's family, the child should be placed with the child's siblings, to the extent that is possible</p>	<p><i>Child Safety Practice Manual</i></p> <p><b>Primary goal to achieve permanency</b></p> <ul style="list-style-type: none"> <li>• Within the case planning process, each child will require a primary permanency goal to be developed during the initial family group meeting. The <b>primary</b> goal identifies the direction for the intervention to best maintain or achieve permanency for the child, and can be one of the following:</li> <li>• Child to remain safely in the home: the child's safety, belonging and wellbeing needs can be met by the family with time-limited ongoing intervention from Child Safety.</li> <li>• Reunification: the child has been removed from the care of a parent, and the goal of the case plan is to reunify the child with the parents on a permanent basis. Reunification with the family is optimal for children when the family can provide, and sustain, safe and nurturing care for a child.</li> </ul>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>(k) a child should be able to maintain relationships with the child's parents and kin, if it is appropriate for the child;</p> <p>(l) a child should be able to know, explore and maintain the child's identity and values, including their cultural, ethnic and religious identity and values;</p> <p>(m) a delay in making a decision in relation to a child should be avoided, unless appropriate for the child.</p> <p><b>S5BA Principles for achieving permanency for a child</b></p> <p>(1) The principles stated in this section are relevant to making decisions about actions to be taken, or orders to be made, under this Act.</p> <p>(2) For ensuring the wellbeing and best interests of a child, the action or order that should be preferred, having regard to the principles mentioned in <u>sections 5B</u> and <u>5C</u>, is the action or order that best ensures the child experiences or has—</p> <p>(a) ongoing positive, trusting and nurturing relationships with persons of significance to the child, including the child's parents, siblings, extended family members and carers; and</p> <p>(b) stable living arrangements, with connections to the child's community, that meet the child's developmental, educational,</p>	<ul style="list-style-type: none"> <li>Other permanency option: the child's safety, belonging and wellbeing needs are best met by a long-term order, as it is not in the child's best interests, not possible, or it is not safe for the child to return home on a permanent basis. Consider permanency options such as: <ul style="list-style-type: none"> <li>long-term guardianship to a suitable family member or another suitable person</li> <li>permanent care order</li> <li>Family court order</li> <li>adoption order</li> <li>other option, for example, a family has arranged a cultural adoption.</li> </ul> </li> <li>Children permanently residing with kin or in foster care may be provided with enhanced legal, physical and relational permanency through the use of guardianship orders. Placing a child with extended family members or significant people in their lives, for example, friends, is the preferred option for achieving permanency for children who cannot safely live at home. Children requiring a permanent care placement may also be provided with legal permanence through adoption.</li> </ul>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>emotional, health, intellectual and physical needs; and living arrangements that provide for a stable and continuous schooling environment.</p> <p>(c) legal arrangements for the child's care that provide the child with a sense of permanence and long-term stability, including, for example, a long-term guardianship order, a permanent care order or an adoption order for the child.</p> <p>(3) For this Act, <b>permanency</b>, for a child, means the experience by the child of having the things mentioned in subsection (2)(a) to (c).</p> <p>(4) For deciding whether an action or order best achieves permanency for a child, the following principles also apply, in order of priority—</p> <p>(a) the first preference is for the child to be cared for by the child's family;</p> <p>(b) the second preference is for the child to be cared for under the guardianship of a person who is a member of the child's family, other than a parent of the child, or another suitable person;</p> <p>(c) the third preference is for the child to be cared for under the guardianship of the chief executive.</p>	<ul style="list-style-type: none"> <li>Long-term out-of-home care: the child's reunification with a parent is not possible or not in a child's best interests, and an alternative long-term care arrangement is required. Long-term out-of-home care applies to children who are subject to a child protection order granting long-term guardianship to the chief executive.</li> <li>Young person lives independently: if reunification with a parent is not possible, or not in the child's best interests, an older child may transition to adulthood through independent living.</li> </ul> <p><b>Alternative goal to achieve permanency</b></p> <ul style="list-style-type: none"> <li>Where the primary goal is reunification, an alternative permanency option must be recorded and pursued through concurrent planning processes, in the event that the timely return of the child to the care of their parents is not possible. One of the following options must be selected: <ul style="list-style-type: none"> <li>other permanency option, as listed above</li> <li>long-term out-of-home care – long term guardianship to the chief executive</li> <li>young person lives independently.</li> </ul> </li> </ul>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>See sections 62 and 64 about the restrictions on the duration or extension of child protection orders granting custody or short-term guardianship.</p> <p><b>S83 Additional provisions for placing Aboriginal and Torres Strait Islander children in care</b></p> <p>(1) This section applies if the child is an Aboriginal or a Torres Strait Islander child.</p> <p>(2) The chief executive must, in consultation with the child and the child's family, arrange for an independent Aboriginal or Torres Strait Islander entity for the child to facilitate the participation of the child and the child's family in the process for making a decision about where or with whom the child will live.</p> <p>(3) However, the chief executive is not required to arrange for the involvement of an independent Aboriginal or Torres Strait Islander entity for the child under subsection (2) if—</p> <p>(a) it is not practicable because an entity is not available or urgent action is required to protect the child; or</p> <p>(b) the chief executive is satisfied that an entity's involvement—</p> <p>(i) is likely to have a significant adverse effect on the safety or psychological or</p>	<ul style="list-style-type: none"> <li>For children subject to a short-term order granting custody to the chief executive, an alternative permanency option of long-term care may require an application for a child protection order granting guardianship of a child to the chief executive or another suitable person, or a permanent care order, prior to the end of the two year period.</li> </ul> <p><b>Concurrent planning</b></p> <p>Concurrent planning is a process that supports the identification of a primary permanency goal and an alternative permanency option with a child and family. The aim of concurrent planning is to expedite permanency for a child and it requires actions to be developed and progressed for both goals, to be worked on simultaneously from the time a child comes into care, until a permanency decision is made.</p> <ul style="list-style-type: none"> <li>It is crucial that the family group meeting convenor explains the requirement for concurrent planning to the child and the child's family, and for all participants to have a clear and shared understanding of concurrent planning, the goals of the case plan and actions to work towards the goals. The shared focus is on the child's safety, wellbeing and best interests of the child now and for the rest of the child's life.</li> </ul>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>emotional wellbeing of the child or any other person; or</p> <p>(i) is not otherwise in the child's best interests; or</p> <p>(c) the child or the child's family does not consent to the entity's involvement.</p> <p>(4) In making a decision about the person in whose care the child should be placed, the chief executive must, if practicable, place the child with a member of the child's family group.</p> <p>(5) However, if it is not practicable to place the child with a member of the child's family group, in making a decision about the person in whose care the child should be placed, the chief executive must place the child with—</p> <p>(a) a member of the child's community or language group; or</p> <p>(b) if it is not practicable to place the child in the care of a person mentioned in paragraph (a), an Aboriginal or Torres Strait Islander person who is compatible with the child's community or language group; or</p> <p>(c) if it is not practicable to place the child in the care of a person mentioned in paragraph (a) or (b), another Aboriginal or Torres Strait Islander person; or</p>	<p><b>Principles for working with Aboriginal and Torres Strait Islander children</b></p> <p>When making decisions for an Aboriginal or Torres Strait Islander child, consider the five elements of the Child Placement Principle as outlined in the <i>Child Protection Act 1999</i>, section 5C(2), as part of all decision-making processes:</p> <ul style="list-style-type: none"> <li>the <b>prevention principle</b> that a child has the right to be brought up within the child's own family and community</li> <li>the <b>partnership principle</b> that Aboriginal or Torres Strait Islander persons have the right to participate in significant decisions under this Act about Aboriginal or Torres Strait Islander children</li> <li>the <b>placement principle</b> that, if a child is to be placed in care, the child has a right to be placed with a member of the child's family group</li> <li>the <b>participation principle</b>, that a child and the child's parents and family members have a right to participate, and be enabled to participate, in an administrative or judicial process for making a significant decision about the child.</li> </ul>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>(d) if it is not practicable to place the child in the care of a person mentioned in paragraphs (a) to (c), a person who—</p> <p>(i) lives near the child’s family, community or language group; and</p> <p>(ii) has a demonstrated capacity for ensuring the child’s continuity of connection to kin, country and culture.</p> <p>(6) Also, the chief executive must give proper consideration to—</p> <p>(a) the views of the child and the child’s family; and</p> <p>(b) ensuring the decision provides for the optimal retention of the child’s relationships with parents, siblings and other people of significance to the child under Aboriginal tradition or Island custom.</p> <p>(7) Before placing the child in the care of a family member or other person who is not an Aboriginal person or Torres Strait Islander, the chief executive must give proper consideration to whether the person is committed to—</p> <p>(a) facilitating contact between the child and the child’s parents and other family members, subject to any limitations on the contact under <u>section 87</u>; and</p>	<ul style="list-style-type: none"> <li>the <b>connection principle</b>, that a child has a right to be supported to develop and maintain a connection with the child’s family, community, culture, traditions and language, particularly when the child is in the care of a person who is not an Aboriginal or Torres Strait Islander person.</li> </ul> <p>Policy: Permanency planning (2018)</p> <p>Policy: Decisions about Aboriginal and Torres Strait Islander children and young people (2018)</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>(b) helping the child to maintain contact with the child's community or language group; and</p> <p>(c) helping the child to maintain a connection with the child's Aboriginal or Torres Strait Islander culture; and</p> <p>(d) preserving and enhancing the child's sense of Aboriginal or Torres Strait Islander identity.</p>	
<b>Permanency planning</b>	<p><i>Permanency – Practice kit (DCSYW 2019)</i></p> <p>Permanency is about maximising a child's stability and identity through relationships and connectedness.</p> <p>Permanency practice is the planning, actions and decision making that create stability, continuity and connection for a child in the child protection system. It involves making plans in a timely way and having alternative plans should the primary goal not be achieved.</p>	<p><i>Child Protection Act 1999</i> see above</p> <p>Section 62(3) If no previous child protection order has been made for the child and the order grants custody or short-term guardianship of the child, the stated time for the order must not be more than 2 years after the day it is made.</p>	<p><i>Child Safety Practice Manual - See above</i></p> <p>Policy: Support for children in the care of long-term guardians and permanent guardians</p>
<b>Permanent placement (Permanent care)</b>	<p><i>Child Safety Practice Manual</i></p> <p>Permanency planning recognises the life-long benefits enduring relationships afford children, and prioritises a child's need for a permanent living situation in case planning. Permanency planning aims to meet a child's need for relational, physical and legal permanency.</p>	<p><i>Child Protection Act 1999</i> see above</p> <p>S61(g) an order (a <b>permanent care order</b>) granting long-term guardianship of the child to a suitable person, other than a parent of the child or the chief executive, nominated by the chief executive</p>	<p><i>Child Safety Practice Manual – see above</i></p>



Concept	Definition(s)	Legislative context	Policy and/or operational context
	<p>If the family reunification assessment recommends Child Safety prepare for an alternative permanency option, and it is recommended an application be made to the Director of Child Protection Litigation for either:</p> <ul style="list-style-type: none"> <li>• a long-term guardianship order: <ul style="list-style-type: none"> <li>– to a suitable person</li> <li>– to a family member</li> <li>– to the chief executive</li> </ul> </li> <li>• or <ul style="list-style-type: none"> <li>– a permanent care order,</li> </ul> </li> </ul> <p>ensure that:</p> <ul style="list-style-type: none"> <li>• active efforts have been made to locate and engage both parents</li> <li>• the child's need for physical, relational and legal permanency will be best met in the long-term by the proposed order.</li> </ul>	<p>Note, only the litigation director may apply to vary or revoke a permanent care order – see section 65AA.</p>	
<b>Guardian (Parent/ guardian)</b>	<p><i>Child Protection Act 1999</i></p> <p>In the context of child protection orders, the Act outlines that a parent, of a child, means each of the following persons –</p> <ol style="list-style-type: none"> <li>The child's mother or father;</li> <li>A person in whose favour a residence order or contact order for the child in</li> </ol>	<p><i>Child Protection Act 1999</i></p> <p>Section 61 of the Act outlines types of child protection orders including those granting guardianship of the child.</p>	<p><i>Permanency Planning Practice Paper (DCSYW 2018)</i></p> <p>There are a number of options for guardianship to be granted to a suitable person. Long-term guardianship to a suitable person (kin or foster carer) is available with annual follow-up from Child Safety to see the child, capacity to review the case plan and with parents retaining</p>

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	<p>in operation under the <i>Family Law Act 1975</i>;</p> <p>c. A person, other than the chief executive, having custody or guardianship of the child under a law of the State (other than the <i>Child Protection Act 1999</i>) or another State;</p> <p>d. A long-term guardian of the child'</p> <p>e. A permanent guardian of the child.</p>		<p>the right to apply to vary or revoke the order.</p> <p>A Permanent Care Order is another option. Permanent guardians must be committed to preserving the child's identity, connection to community/culture and relationships with members of the child's family. This order differs from other long-term care options in that only the Director of Child Protection Litigation can apply for a variation or revocation of this order. Whilst there is no requirement for the department to have ongoing contact with the child, the child and/or the guardian can request a review of the case plan and a parent may make a complaint through the department's complaints process if they have concerns.</p>
<b>Kinship care</b>	<p><i>Child Protection Act 1999</i></p> <p>The Act defines kin as "any of the child's relatives who are persons of significance to the child, and anyone else who is a person of significance to the child."</p> <p>A kinship carer is a person related to the child or a member of the child's community and considered by the child to be family or of significance to them, who is approved by the department to provide an out-of-home care placement for the child. Kinship carers are approved for a specific child.</p> <p><i>DCSYW, 2019</i></p>	<p><i>Child Protection Act 1999</i></p> <p>S5B(h) If a child is removed from the child's family, consideration should be given to placing the child, as a first option, in the care of kin.</p> <p><b>Kinship Care Policy (DCSYW 2013)</b></p> <p>When a child is subject to statutory child protection intervention and requires an out-of-home care placement, the department is required under Section 5 of the Act to give proper consideration to placing the child, as a first option, with kin. The Act includes specific provisions for placing Aboriginal and Torres Strait Islander children with family and community in accordance with the Child</p>	<p><i>DCSYW</i></p> <p>Kinship carers are usually identified by the child's family Child Safety Officer (CSO) when it is decided that a child is unable to live at home. The process to become an approved foster or kinship carer involves formal interviews, training and eligibility assessments, including background checks.</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	The department is required to ensure that placement decisions for Aboriginal and Torres Strait Islander children are consistent with the Child Placement Principle. For Aboriginal and Torres Strait Islander children, a kinship carer may include another Aboriginal person or Torres Strait Islander who is a member of, or compatible with, the child's community or language group.	Placement Principle. In addition, the Act requires that if a child is not able to be safely reunified with a parent, the court must not grant long-term guardianship of a child to the chief executive if the court can grant guardianship to another suitable person.	The department recognises that kinship care is a unique placement type within an integrated system of out-of-home care placement and support options. The department is committed to its legislative responsibility to preserve children's family connections and promote their wellbeing by identifying suitable kinship care options, when out-of-home care is required.
<b>Concurrent planning</b>	<p><i>Child Safety Operational Policy, Permanency planning</i></p> <p>Simultaneously planning for a primary goal and an alternative goal is called concurrent planning. This is an essential way of ensuring suitable and timely decision making for a child.</p>	<p><i>Child Protection Act 1999</i> Under Section 5B of the Act, concurrent planning is primarily informed by the permanency goals.</p> <p><i>Child Safety Operational Policy, Permanency planning (DCSYW 2018)</i></p> <p>Legislatively, a departmental case plan must include a primary goal for best achieving permanency and the actions to be taken to achieve this goal. An alternative permanency goal must also be developed, in the event that the timely return of the child to the care of a parent is not possible. The aim of concurrent planning is to achieve timely permanence for children and young people.</p>	<p><i>Child Safety Practice Manual</i></p> <p>When a child is in care, Child Safety works with the child, their parents and their safety and support network to develop a case plan for the child that identifies:</p> <ul style="list-style-type: none"> <li>• a primary permanency goal, and</li> <li>• an alternative permanency goal if the primary permanency goal is reunification with the child's parents.</li> </ul> <p>This is known as concurrent planning, and it includes the development and progression of actions for achieving both goals as part of the case plan.</p> <p>Concurrent planning is in line with the permanency principles outlined in the <i>Child Protection Act 1999</i>, section 5BA and the additional principles for Aboriginal and Torres Strait Islander children outlined in section 5C.</p> <p>Child Safety assess and plan for the primary goal as soon as the child is placed</p>

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			<p>in care. If the primary goal is reunification, Child Safety also assess and plan for the alternative goal. This ensures that if the primary goal cannot be achieved in a timely way:</p> <ul style="list-style-type: none"> <li>the child and family still have a clear plan and understanding of where and with whom the child will live, and what the child's life will look like</li> <li>the child's alternative goal can be implemented in a timely manner.</li> </ul> <p>The child's carers also play an important role in working with the child and family, Child Safety and the safety and support network in acting on both goals. They provide input into case planning to support and complete actions for reunification and the alternative permanency goal.</p>
<b>Case plan</b>	<p><i>Child Protection Act 1999</i></p> <p>The Act stipulates that a case plan is a written plan for meeting the child's protection and care needs. A case plan may include —</p> <ul style="list-style-type: none"> <li>a goal or goals to be achieved by implementing the plan;</li> <li>arrangements about where or with whom the child will live, including interim arrangements;</li> </ul>	<p><i>Child Protection Act 1999</i></p> <p>Under Section 51B(2), a case plan must include the following matters—</p> <p>(a) the goal for best achieving permanency for the child and the actions to be taken to achieve the goal;</p> <p>(b) if returning the child to the care of a parent of the child is the goal for best achieving permanency for the child—an alternative goal in the event that the timely</p>	<p><i>Child Safety Practice Manual (DCSYW 2018)</i></p> <p>A case plan is a written plan for meeting a child's protection and care needs. Every child assessed to be in need of protection will have a case plan developed and reviewed in line with the <i>Child Protection Act 1999</i>, section 51A.</p> <p>A case plan clearly states:</p> <ul style="list-style-type: none"> <li>why a child is in need of protection</li> </ul>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	<ul style="list-style-type: none"> <li>services to be provided to meet the child's protection and care needs and promote the child's future wellbeing;</li> <li>matters for which the chief executive will be responsible, including particular support or services;</li> <li>the child's contact with the child's family group or other persons with whom the child is connected;</li> <li>arrangements for maintaining the child's ethnic and cultural identity;</li> <li>matters for which a parent or carer will be responsible;</li> <li>a proposed review day for the plan.</li> </ul>	<p>return of the child to the care of the parent is not possible;</p> <p>(c) for an Aboriginal or Torres Strait Islander child—details about how the case plan is consistent with the connection principle stated in section 5C(2)(e). Note— See section 6AA(5) for requirements about how the chief executive or an authorised officer must perform functions under this Act involving an Aboriginal or Torres Strait Islander person.</p> <p>(3) Also, a case plan must include actions for helping the child transition to independence if—</p> <p>(a) the child is 15 years or more; and</p> <p>(b) the child does not have a long-term guardian.</p> <p>A case plan must be developed for each child <b>in need of protection</b>. Under Section 51C and 51D of the Act, the chief executive must ensure a case plan is developed for each child who the chief executive is satisfied—</p> <ol style="list-style-type: none"> <li>is a child in need of protection; and</li> <li>needs ongoing help under this Act.</li> </ol>	<ul style="list-style-type: none"> <li>relevant information about the child, including: <ul style="list-style-type: none"> <li>goals and actions to achieve permanency for the child, and timeframes for achieving them</li> <li>actions to promote the child's safety, belonging and wellbeing</li> <li>actions to meet the child's developmental needs</li> <li>the people or services responsible for completing actions</li> <li>how a child will be assisted in gaining skills and a sense of wellbeing to help them meet their full potential and positively participate in the wider community.</li> </ul> </li> </ul> <p>If a child is Aboriginal or Torres Strait Islander, the case plan also includes a cultural support plan, which details how the child will be connected to their culture, family and community regardless of where they are living.</p> <p>Case planning is a collaborative process that involves four cyclical steps:</p> <ul style="list-style-type: none"> <li>assessment</li> </ul>

Concept	Definition(s)	Legislative context	Policy and/or operational context
			<ul style="list-style-type: none"> <li>• planning and developing</li> <li>• implementation, and</li> <li>• reviewing.</li> </ul>

## Western Australia

Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Permanency hierarchy</b>	<p><i>Permanency Planning Policy (CPFS<sup>1</sup> 2014)</i></p> <p>The <i>Children and Community Service Act 2004</i> (the Act) does not explicitly outline the concept of permanency hierarchy, however, the Permanency Planning Policy mentions best practice principles that are relevant to the concept of permanency for children in care.</p>	<p><i>Children and Community Services Act 2004 (Last amended 2016)</i></p> <p>The Department of Communities (the Department) is guided by Section 7 of the Act, which states that the best interests of the child are paramount consideration when performing a function or exercising any powers under the Act. Section 8 of the Act lists the matters which must be taken into account when determining what is in a child's best interests. Section 9 includes principles that the permanency planning policy is aligned to. Section 10 includes the principle of child participation.</p> <p>Section 12 of the Act outlines the Aboriginal child placement principle and states the importance of maintaining a connection with family and culture for Aboriginal children who are placed in the CEO's care.</p> <p>A recommendation of the Statutory Review of the <i>Children and Community Service Act</i></p>	<p><i>Permanency Planning Policy (CPFS 2014)</i></p> <p>The Department recognises the need to make timely decisions affecting children's long-term stability when taken into care, and is guided by the following principles under Section 9 of the Act:</p> <ul style="list-style-type: none"> <li>• The preferred way of safeguarding and promoting a child's wellbeing is to support the child's parents, family and community in the care of the child.</li> <li>• Every child should have stable, secure and safe relationships and living arrangements.</li> <li>• If a child is removed from the child's family, then so far as is consistent with the child's best interests: <ul style="list-style-type: none"> <li>○ the child should be given encouragement and support in maintaining contact with the child's parents, relatives and with any other people who are significant in the child's life.</li> </ul> </li> </ul>

<sup>1</sup> As part of the Machinery of Government as of 1 July 2017 the Department of Child Protection and Family Support (CPFS) was amalgamated with the Department of Housing (Housing Authority), the Disability Services Commission and the Department of Local Government and Communities. It is now known as the Department of Communities.

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>2004 (the Legislative Review)<sup>2</sup> relates to amendments to be made to section 12 of the Act whereby decisions made under the Act about the placement arrangements of an Aboriginal child or a Torres Strait Islander child, a principle to be observed is that any placement of the child must, so far as is consistent with the child's best interests and is otherwise practicable, be in accordance with the following order of priority –</p> <ol style="list-style-type: none"> <li>placement with a member of the child's family;</li> <li>placement with a person who is an Aboriginal person or a Torres Strait Islander in the child's community in accordance with local customary practice;</li> <li>placement with a person who is an Aboriginal person or a Torres Strait Islander in close proximity to the child's community;</li> <li>placement with a non-Aboriginal person in close proximity to the child's community;</li> <li>placement with an Aboriginal person;</li> <li>placement with a non-Aboriginal person but who, in the opinion of the Chief Executive Officer (CEO), is sensitive to the needs of the child and capable of promoting the child's ongoing affiliation</li> </ol>	<ul style="list-style-type: none"> <li>planning should occur as soon as possible to ensure long term stability for the child.</li> </ul>

<sup>2</sup> As per section 249 of the Act the Department undertook a review of the operation and effectiveness of the Act on behalf of the Minister, with the assistance of a reviewing committee, which resulted in the *Statutory Review of the Children and Community Services Act 2004* which has been tabled in Parliament in 2017 and is available online at: <https://www.dcp.wa.gov.au/Organisation/Documents/Statutory%20Review%20of%20the%20Children%20and%20Community%20Services%20Act%202004.pdf>



Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>with the child's culture, and where possible, the child's family.</p> <p><i>Adoption Act 1994</i></p>	
<b>Permanency planning</b>	<p><i>Permanency Planning Policy (CPFS 2014)</i></p> <p>Permanency planning is the case management practice used to provide children in care with safe, continuous and stable living arrangements, lifetime relationships and a sense of belonging.</p> <p>Permanency planning places an emphasis on meeting the child's need for stability, permanency and continuity of relationships – either through reunification or through long-term out-of-home care.</p>	<p><i>Children and Community Services Act 2004 (Last amended 2016)</i></p> <p>Section 8 of the Act outlines what is in a child's best interests, and matters that must be taken into account when making decisions under the Act.</p> <p>Section 9 of the Act stipulates that if a child is removed from the child's family then, so far as is consistent with the child's best interests, planning for the child's care should occur as soon as possible in order to ensure long-term stability for the child.</p> <p>Section 12 of the Act outlines the Aboriginal child placement principle and states the importance of maintaining a connection with family and culture for Aboriginal children who are placed in the CEO's care.</p>	<p><i>Permanency Planning Policy (CPFS 2014)</i></p> <p>The Department actively plans and facilitates stability and belonging for children in the CEO's care who are in provisional protection and care, on a protection order (time limited) or a protection order (until 18) through permanency planning.</p> <p>For children in temporary care, permanency planning must occur within a parallel process that identifies reunification with one or both parents as the primary permanency plan and permanency care as the secondary permanency plan. Assessment regarding the likelihood of reunification must begin when a child enters provisional protection and care.</p> <p>Long-term out-of-home care becomes the permanency planning goal when it is assessed that reunification is unlikely and permanent out-of-home care is in the child's best interests.</p> <p>The Department of Communities is finalising a three-stage review of the Permanency Planning Policy, associated practice guidance and staff resources to implement changes necessary to enhance its ongoing implementation. Proposed changes to the Permanency Planning</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
			<p>Policy will assist to implement recommendations of the Statutory Review of the Children and Community Services Act 2004. The revised draft policy proposes a name change from Permanency Planning Policy to Stability and Connection Planning Policy.</p> <p>Other relevant practice models/guidance/frameworks that are integrated with permanency planning include: Family Finding; Care Team Approach Practice Framework; care plan; and cultural support plan.</p>
<b>Permanent placement (Permanent care)</b>	<p><i>Permanency Planning Policy (CPFS 2014)</i></p> <p>Permanent care is long-term out-of-home care for children or young people who are in need of care and protection. Permanent care can be achieved through protection orders, special guardianship orders or adoption. For further details refer to the policy/operational context.</p> <p>In all cases where adoption is being considered for a child in the CEO's care, the Department must be satisfied that the child's adoption would be preferable to the making of a protection order (special guardianship). Such consideration should include the implications of each of these orders for the child, the child's carers, and the</p>	<p><i>Children and Community Services Act 2004 (Last amended 2016)</i></p> <p>Under Section 39 of the Act, the CEO must prepare and implement a provisional care plan for a child within seven working days of the child being taken into provisional protection and care. The provisional care plan must set out the care arrangements for the child and the contact arrangements with the child's parents, relatives and any other person who is significant in the child's life.</p> <p>Section 89 of the Act requires the CEO to prepare and implement a care plan for the child as soon as practicable after a child first comes into the CEO's care. This plan must include decisions about contact arrangements with the child's parents,</p>	<p><i>Permanency Planning Policy (CPFS 2014)</i></p> <p>The Department recognises that where reunification is not likely within the permanency planning policy timeframe, a stable environment should be provided by way of continuous permanent care. Permanent care arrangement options include:</p> <ul style="list-style-type: none"> <li>• protection order (until 18), in the care of the CEO, and stable care arrangement with: <ul style="list-style-type: none"> <li>○ a family or significant other carer; or</li> <li>○ a foster carer; or ,</li> <li>○ residential care</li> </ul> </li> <li>• protection order (special guardianship) with a family or significant other carer or foster carer;</li> </ul>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	child's family, both at present and in the future. Adoption is not part of Aboriginal culture, therefore the adoption of a child in the CEO's care who is Aboriginal must occur only in circumstances where there is no other appropriate alternative for that child (s.3(2) Adoption Act 1994).	<p>relatives and any other person who is significant in the child's life.</p> <p><i>Permanency Planning Policy (CPFS 2014)</i></p> <p>In accordance with permanency planning, the Department must balance the primary permanency plan of reunification with the responsibility of considering the best interests of the child and plan around a secondary permanency plan of permanent care options in all case planning.</p>	<ul style="list-style-type: none"> <li>a parenting order<sup>3</sup> with a person with an established relationship with the child, such as a family member or significant other;</li> <li>adoption<sup>4</sup> with a relative, significant other or foster carer.</li> </ul>
<b>Guardian (Special guardian)</b>	<p><i>Permanency Planning Policy (CPFS 2014)</i></p> <p>Under a protection order (special guardianship), parental responsibility for the child is transferred to the special guardian until the child turns 18 years of age. This gives the special guardian all the duties, powers, responsibilities and authority which, by law, parents have in relation to their own children. The child is no longer in the CEO's care, meaning the special guardian will be able to carry out all parental functions without having to consult the Department.</p>	<p><i>Children and Community Services Act 2004 (Last amended 2016)</i></p> <p>Under Section 42 of the Act, 'special guardian' means the individual who is given, or the 2 individuals who are jointly given, parental responsibility for a child under a protection order (special guardianship).</p>	<p><i>Permanency Planning Policy (CPFS 2014)</i></p> <p>If a decision is made that reunification is unlikely within the agreed timeframes and is not in the child's best interests, the child protection worker will be required to apply to the Children's Court for a long-term order:</p> <ul style="list-style-type: none"> <li>A protection order (until 18); or</li> <li>A protection order (special guardianship) with a family or significant other carer.</li> </ul> <p>Protection orders (special guardianship) are intended to provide children in care with stable and permanent care arrangements whilst supporting their connectedness with</p>

<sup>3</sup> Through the Family Court of WA under the *Family Law Act 1997*

<sup>4</sup> Through the Family Court of WA under the *Adoption Act 1994*

Concept	Definition(s)	Legislative context	Policy and/or operational context
			parents, family members and others who are significant to the child.
<b>Kinship care</b>	<p><i>Casework Practice Manual (Child Protection and Family Support, 2019)</i></p> <p>Section 3 of the <i>Children and Community Services Act 2004</i> (the Act) defines 'Relative'.</p> <p>'Significant other' or 'kinship' is not defined in the Act but includes adults who:</p> <ul style="list-style-type: none"> <li>would be included in a child's ecomap</li> <li>have known, and demonstrated an active interest in, the child and/or their family for a significant period, and</li> <li>belong to the same cultural group.</li> </ul> <p>In WA, statutory (formal) kinship care is defined as care with a relative or significant other where a child is in the care of the CEO of the Department. In WA, care with a relative or significant other is referred to as a family care arrangement. The Department provides the family carer with a subsidy payment to cover the normal, ongoing costs of maintaining the child</p>	<p><i>Children and Community Services Act 2004 (Last amended 2016)</i></p> <p>Under Section 3 of the Act, a relative, in relation to a child, means each of the following people:</p> <p>a. the child's —</p> <ol style="list-style-type: none"> <li>parent, grandparent or other ancestor;</li> <li>step-parent;</li> <li>sibling;</li> <li>uncle or aunt;</li> <li>cousin;</li> <li>spouse or de facto partner,</li> </ol> <p>whether the relationship is established by, or traced through, consanguinity, marriage, a de facto relationship, a written law or a natural relationship;</p> <p>b. in the case of an Aboriginal child, a person regarded under the customary law or tradition of the child's community as the equivalent of a person mentioned in paragraph (a);</p> <p>c. in the case of a Torres Strait Islander child, a person regarded under the customary law or tradition of the Torres Strait Islands as the equivalent of a person mentioned in paragraph (a).</p> <p>Section 12 of the Act outlines the Aboriginal child placement principle and states the</p>	<p><i>Casework Practice Manual (Child Protection and Family Support, 2019)</i></p> <p>In the event it is assessed that reunification is unlikely and permanent out-of-home care is in the child's best interests options include:</p> <ul style="list-style-type: none"> <li>Protection order (until 18) and stable care arrangement with: <ul style="list-style-type: none"> <li>a family or significant other carer, or</li> <li>a foster carer, or</li> <li>residential care</li> </ul> </li> <li>Protection order (special guardianship) with a family or significant other carer</li> <li>Protection order (special guardianship) with a foster carer</li> <li>Parenting order with a person with an established relationship with the child, such as a family member, significant other, or</li> <li>Carer adoption, with a relative, significant other or foster carer.</li> </ul> <p>When a child is in out-of-home care, it is always a priority to place children with another family member or significant other person who, ideally, has a pre-existing relationship with the child and the child's family.</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	<p>in their care (same as that provided for general foster carers).</p> <p>Informal kinship care is when parents and their families have primary responsibility to provide safe care for children. Grandparents or other relatives may assume care of children within their family for various reasons. In all of these cases, the child's parents (those with parental responsibility) must agree with the informal arrangement and parental responsibility remain with them.</p>	importance of maintaining a connection with family and culture for Aboriginal children who are placed in the CEO's care.	
<b>Concurrent planning (Parallel planning)</b>	<p><i>Casework Practice Manual (Child Protection and Family Support, 2019)</i></p> <p>The Department refers to parallel planning as the process of identifying the primary permanency plan (i.e. or reunification) <i>and</i> the secondary permanency plan (i.e. permanent out-of-home care) simultaneously, ensuring a child's best interests are taken into account and in a timely manner.</p>	<p><i>Children and Community Services Act 2004 (Last amended 2016)</i></p> <p>Section 8 of the Act lists the matters which must be taken into account concurrently when determining what is in a child's best interests.</p>	<p><i>Permanency Planning Policy (DCPFS 2014)</i></p> <p>In accordance with permanency planning, the Department must balance the primary permanency plan of reunification with the responsibility of considering the best interests of the child and plan around a secondary permanency plan of permanent care options in all case planning.</p>
<b>Case plan (Care plan)</b>	<p><i>Casework Practice Manual (Child Protection and Family Support, 2019)</i></p> <p>A care plan is a cyclical and ongoing process where plans are developed, reviewed and modified so that steps and measures are identified to meet</p>	<p><i>Children and Community Services Act 2004 (Last amended 2016)</i></p> <p>Under Section 39 of the Act, the CEO must prepare and implement a provisional care plan for a child within seven working days of the child being taken into provisional protection and care. The provisional care</p>	<p><i>Casework Practice Manual (Child Protection and Family Support, 2019)</i></p> <p>The care planning process should be an inclusive process where the views and wishes of the child, the child's parents, carers, and any other person considered by the CEO to have a direct and significant</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	<p>the following nine dimensions of care that inform decisions throughout the care plan:</p> <ul style="list-style-type: none"> <li>• Safety</li> <li>• Care arrangements</li> <li>• Health</li> <li>• Education</li> <li>• Social and family relationships</li> <li>• Recreation and leisure</li> <li>• Emotional and behavioural development</li> <li>• Identity and culture, and</li> <li>• Legal and financial (note: this dimension refers to any legal claims or issues, and financial issues such as inheritance – not funding).</li> </ul>	<p>plan must set out the care arrangements for the child and the contact arrangements with the child's parents, relatives and any other person who is significant in the child's life.</p> <p>Section 89 defines what is in a care plan; modification of a care plan; and who must receive a copy as well as the discretion that can be exercised to limit distribution of a care plan.</p>	<p>interest in the child's wellbeing are gathered and documented.</p> <p>The care plan must:</p> <ol style="list-style-type: none"> <li>identify the needs of the child</li> <li>outline the steps or measures to be taken in order to address those needs , and</li> <li>set out decisions about the care of the child including: <ul style="list-style-type: none"> <li>○ decisions about placement arrangements</li> <li>○ decisions about contact between the child and a parent, sibling or other relative of the child or any other person who is significant in the child's life, and</li> <li>○ where applicable, secure care decisions referred to in Section 88G of the Act.</li> </ul> </li> </ol>

## South Australia

Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Permanency hierarchy (Placement hierarchy, placement principles)</b>	<p>It is the primary aim of the Department for Child Protection (DCP) to support a child or young person's need for permanency and stability within their birth family.</p> <p>Where children and young people's safety cannot be assured with their birth family, stable long-term care arrangements must be secured as soon as possible.</p>	<p><i>Children and Young People (Safety) Act 2017</i></p> <p>Under Part 3 (Section 11 and 12 of the Act, the stipulates:</p> <p>11 (1) The <b>placement principles</b> are as follows:</p> <ul style="list-style-type: none"> <li>(a) all children and young people who have been removed from the care of a person under this Act should be placed in a safe, nurturing, stable and secure environment;</li> <li>(b) the preferred option in relation to such placement of a child or young person is to place the child or young person with a person with whom they have an existing relationship;</li> <li>(c) approved carers are entitled to be, and should be, involved in decision-making relating to children and young people in their care.</li> </ul> <p>12 (1) Subject to the placement principles, the objects and principles set out in this section apply to the placement of Aboriginal and Torres Strait Islander children and young people under this Act.</p> <p>(2)The objects of this section include—</p> <ul style="list-style-type: none"> <li>(a) maintaining the connection of Aboriginal and Torres Strait Islander children and young people with their family and culture; and</li> </ul>	<p><b>The DCP Practice Approach</b></p> <p>The DCP Practice Approach reflects best practice aligned with the department's legislative mandate under the <i>Child and Young People's Safety Act 2017</i>. This framework, identifies child centred, strengthening families, cultural safety, partnership and collaboration as the pillars of this practice.</p> <p><b>Aboriginal and Torres Strait Islander Child Placement Principle</b></p> <p>The fundamental goal of the Aboriginal Child Placement Principle is to enhance and preserve Aboriginal and Torres Strait Islander children's rights to remain connected to family and culture.</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>(b) enabling Aboriginal and Torres Strait Islander people to participate in the care and protection of their children and young people; and</p> <p>(c) achieving the objects set out in the preceding paragraphs (as well as reducing the incidence of the removal of Aboriginal and Torres Strait Islander children and young people) by encouraging Aboriginal and Torres Strait Islander people, their children and young people and State authorities to act in partnership when making decisions about the placement of Aboriginal and Torres Strait Islander children and young people under this Act.</p> <p>(3) The <b><i>Aboriginal and Torres Strait Islander Child Placement Principle</i></b> is as follows:</p> <p>(a) if an Aboriginal or Torres Strait Islander child or young person is to be placed in care under this Act, the child or young person should, if reasonably practicable, be placed with 1 of the following persons (in order of priority):</p> <p>(i) a member of the child or young person's family;</p> <p>(ii) a member of the child or young person's community who has a relationship of responsibility for the child or young person;</p> <p>(iii) a member of the child or young person's community;</p>	



Appendix A – Permanency concepts, legislative and policy contexts, South Australia

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>(iv) a person of Aboriginal or Torres Strait Islander cultural background (as the case requires),</p> <p>(determined in accordance with Aboriginal or Torres Strait Islander traditional practice or custom);</p> <p>(b)if an Aboriginal or Torres Strait Islander child or young person is unable to be placed with a person referred to in <u>paragraph (a)</u>, or it is not in the best interests of the child or young person to do so, the child or young person should be given the opportunity for continuing contact with their family, community or communities and culture (determined in accordance with Aboriginal or Torres Strait Islander traditional practice or custom);</p> <p>(c)before placing an Aboriginal or Torres Strait Islander child or young person under this Act, the Chief Executive or the Court (as the case requires) must, where reasonably practicable, consult with, and have regard to any submissions of, a recognised Aboriginal or Torres Strait Islander organisation.</p> <p><i>Adoption Act 1988</i></p> <p>Under Part 3 of the Act, the placement principles are stipulated as follows:</p> <ul style="list-style-type: none"> <li>• All children and young people who have been removed from the care of a person under this Act should be placed in a safe, nurturing, stable and secure environment;</li> </ul>	

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<ul style="list-style-type: none"> <li>The preferred option in relation to such placement of a child or young person is to place the child or young person with whom they have an existing relationship;</li> <li>Approved carers are entitled to be, and should be, involved in decision-making relating to children and young people in their care.</li> </ul> <p>In addition to the placement principles, the Aboriginal and Torres Strait Islander Child Placement Principle stipulates:</p> <ol style="list-style-type: none"> <li>if an Aboriginal or Torres Strait Islander child or young person is to be placed in care under this Act, the child or young person should, if reasonably practicable, be placed with 1 of the following persons (in order of priority): <ol style="list-style-type: none"> <li>a member of the child or young person's family;</li> <li>a member of the child or young person's community who has a relationship of responsibility for the child or young person;</li> <li>a member of the child or young person's community;</li> <li>a person of Aboriginal or Torres Strait Islander cultural background (as the case requires), (determined in accordance with Aboriginal or Torres Strait Islander traditional practice or custom);</li> </ol> </li> </ol>	

Appendix A – Permanency concepts, legislative and policy contexts, South Australia

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>b. if an Aboriginal or Torres Strait Islander child or young person is unable to be placed with a person referred to in paragraph (a), or it is not in the best interests of the child or young person to do so, the child or young person should be given the opportunity for continuing contact with their family, community or communities and culture (determined in accordance with Aboriginal or Torres Strait Islander traditional practice or custom);</p> <p>c. before placing an Aboriginal or Torres Strait Islander child or young person under this Act, the Chief Executive or the Court (as the case requires) must, where reasonably practicable, consult with, and have regard to any submissions of, a recognised Aboriginal or Torres Strait Islander organisation.</p>	
<b>Permanency planning (Placement planning)</b>	Permanency planning is a timely, goal-directed approach to case planning to promote safety, stability and a sense of belonging for all children and young people.	<p><i>Children and Young People (Safety) Act 2017</i></p> <p>The Act provides for the care and protection of children although does not explicitly mention permanency or placement planning, however, Part 3 outlines the principles of intervention which stipulates that:</p> <p>Decisions and actions (if any) under this Act should be taken in a timely manner (and, if particular, should be made as early as possible in the case of young children in order to promote permanence and stability).</p>	The Act and the DCP Practice Approach promotes permanency planning for all children and young people subject to DCP intervention. Given the importance of permanency for good outcomes, practitioners consider permanence from the first contact with the family. Permanency planning supports children to develop secure attachment relationships with their caregivers through enduring care arrangements. For Aboriginal children and young people, permanency may

Concept	Definition(s)	Legislative context	Policy and/or operational context
			<p>be provided by multiple attachments and connections with caregivers and relationships within extended family, and kinship and community networks. Permanency planning for Aboriginal children and young people must include connections to culture, family and community.</p> <p>The DCP Practice Approach recognises that decisions regarding the care of children must be timely to promote permanence and stability. Timely decision making is particularly important for young children given their critical need to develop healthy attachment to caregivers. It is important to consider how lifelong relationships (in addition to caregiver relationships) for children and young people will be supported by permanency planning to ensure the child or young people's social, emotional and physical needs will be met.</p> <p>It is the primary aim of the DCP to support a child or young person's need for permanency and stability within their birth family. For reunification cases, timely and proactive intervention aims to improve a family's ability to keep the child or young person safe and return them home as soon as possible. Where children and young people's safety cannot be assured with their birth</p>

Appendix A – Permanency concepts, legislative and policy contexts, South Australia

Concept	Definition(s)	Legislative context	Policy and/or operational context
			<p>family, stable long-term care arrangements must be secured as soon as possible. For reunification cases, this requires concurrent case planning.</p> <p>Permanency must be considered from the point of placement in care for all children and young people to reduce short-term and multiple placements. Placement changes can have devastating impacts on children and young people. Active and collaborative case planning is fundamental to achieve timely, permanent outcomes for children and young people.</p>
<b>Permanent placement (Long-term care)</b>	For some children, returning to their birth family is not possible. Long term care is provided until family circumstances change or until the child turns 18.	<p><i>Children and Young People (Safety) Act 2017</i></p> <p>Part 3 of the Act outlines transition to long-term guardianship, whereby:</p> <p>If, following an assessment referred to in Section 89(3), the Chief Executive is satisfied that a proposed guardian is suitable to be the guardian of a particular child or young person, the Chief Executive must cause a plan (a <i>long-term care plan</i>) to be prepared in respect to the child or young person.</p>	Every child or young person will have a thorough placement planning assessment to determine the best care options for settled and stable long-term placements. DCP caseworkers will work with the out of home sector, cultural advisors and other key professionals to assist long-term placement planning assessments.
<b>Guardian (Long Term Guardianship – Specified Person)</b>	<p>Long Term Guardianship (Specified Person) provides children with a loving and stable care environment – where their current carer becomes their legal guardian.</p> <p>Under a Long Term Guardianship (Specified Person) arrangement,</p>	<p><i>Children and Young People (Safety) Act 2017</i></p> <p>Part 1 of the Act stipulates that the guardian of a child means a parent of the child, a person (other than the Minister) who is the legal guardian of the child or has the legal custody of the child or any other person who stands in <i>loco</i></p>	If a child has been in the care of a carer for 2 consecutive years and the carer(s) are committed and willing to care for them for the long term, they may be eligible to become a guardian under a Long Term Guardianship (Specified Person) arrangement. There are also a number of eligibility

Concept	Definition(s)	Legislative context	Policy and/or operational context
	carers become the child's legal guardian and have day-to-day parenting responsibilities. This means carers can make more decisions without having to ask the department, including decisions about the child's: health; education; holidays; emotional, social and cultural needs.	<i>parentis</i> to the child and has done so for a significant length of time.	criteria that must be met, which is a process that can take up to 6 months (due to the detailed assessments and legal processes the department needs to complete).  Long Term Guardianship (Specified Person) is not adoption. Adoption permanently changes the legal status of the child and severs all rights of the birth parents as they are no longer recognised as the child's parents. Long Term Guardianship (Specified Person) sees the child maintain a connection with their birth family.
<b>Kinship care</b>	Kinship care is a type of family based care provided by a relative, extended family or kin and can enter into long term guardianship.	<i>Children and Young People (Safety) Act 2017</i>  In Chapter 7 of the Act, alternative out of home care means care provided for a child on a residential basis – by or through a government or non-government agency; or other than the child's home,  .	The DCP Practice Approach ensures that a placement in out of home care supports the child's connection to family, culture and community.  Relative and Kinship Care is a valued part of alternative care services and has an important role in maintaining children in their familial networks and connected to their communities and culture..
<b>Concurrent planning</b>	Concurrent planning involves working towards reunification whilst at the same time planning to ensure long term alternative care is available if there is no evidence of change in parental attitude, capacity and behaviour.	<i>Children and Young People (Safety) Act 2017</i>  The Act does not explicitly cover concurrent planning, however, Section 28 of the Act details all matters that a child's case plan must cover, relevant to the prescribed child or young person's circumstances (including, but not limited to, decisions relating to reunification and permanency simultaneously).	The DCP Practice Approach recognises that planning and decisions regarding the care of children must be timely to promote permanence and stability. Case planning and decision making occur with the understanding of the importance of stability, permanence, attachment relationships, culture,

Appendix A – Permanency concepts, legislative and policy contexts, South Australia

Concept	Definition(s)	Legislative context	Policy and/or operational context
			identity and belonging to children's wellbeing.
<b>Case plan</b>	Case planning is based on a holistic assessment of the child and family's needs and strengths, and ensures that intervention is focused and outcome oriented. Case planning is a crucial process in child-centred case work.	<i>Children and Young People (Safety) Act 2017</i> Section 28 of the Ac requires that each child in custody or under guardianship pursuant to the Act have a Case Plan that is developed and maintained in partnership with children, families, carers and relevant professionals. Additionally, DCP also requires a Case Plan to be prepared for family preservation cases..	The DCP Practice Approach requires that the planning and decisions regarding the care of children must be timely to promote permanence and stability. Active and collaborative case planning is fundamental to achieve timely, permanent outcomes for children and young people.

## Tasmania

Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Permanency hierarchy</b>	<p><i>Children, Young Persons and Their Families Act 1997</i> (Last amended 2013)</p> <p>The Act does not explicitly outline permanency hierarchy, however, Part 1A of the Act outlines the principles to be observed when dealing with children and young people.</p>	<p><i>Children, Young Persons and Their Families Act 1997</i> (Last amended 2013)</p> <p>The Act does not explicitly outline permanency hierarchy, however, Part 1A of the Act outlines the principles to be observed when dealing with children and young people.</p> <p>Section 10G stipulates the principles to be observed in dealing with Aboriginal children. Section 10G(3) outlines that an Aboriginal child, as far as practicable, should be placed with a person in the following order or priority:</p> <ol style="list-style-type: none"> <li>A member of the child's family;</li> <li>An Aboriginal person in the child's community in accordance with local community practice;</li> <li>Another Aboriginal person;</li> <li>A person who – <ol style="list-style-type: none"> <li>is not an Aboriginal person, but,</li> <li>in the Secretary's opinion, is sensitive to the child's needs and capable of promoting the child's ongoing affiliation with the culture of the child's community and, if possible, the child's ongoing contact with his or her family.</li> </ol> </li> </ol>	<p>A Future Program for Family Based Care Out of Home Care Foundations Project (Department of Communities 2018)</p> <p>The department does not explicitly outline permanency hierarchy, however, takes into account the work underway on a permanency framework.</p>



Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Permanency planning</b>	<p>A Future Program for Family Based Care Out of Home Care Foundations Project (Department of Communities 2018)</p> <p>Permanency planning refers to the processes that are undertaken by state and territory departments responsible for child safety, to achieve a stable long-term care arrangement (which can be broadly grouped as reunification, third-party parental responsibility orders, long-term finalised guardianship/custody/care, and adoption).</p>	<p><i>Children, Young Persons and Their Families Act 1997</i> (Last amended 2013)</p> <p>The Act does not explicitly outline permanency planning, however, Section 10E stipulates that in performing functions or exercising powers under the Act, the best interests of the child must be the paramount consideration.</p>	<p>Outcomes Framework for Children and Young People in Out of Home Care in Tasmania (Department of Communities 2018)</p> <p>The outcomes framework outlines that permanency planning is integrated into case and care planning. Permanency planning includes relational, physical and legal permanence, which is integrated in case and care planning.</p>
<b>Permanent placement</b>	<p>Adoptions and Permanency Services (Department of Health and Human Services, 2019)</p> <p>“Permanency Services: Permanent care is an option used to provide a long term stable placement for children in out of home care.”</p>	<p><i>Children, Young Persons and Their Families Act 1997</i> (Last amended 2013)</p> <p>The Act does not explicitly outline permanent care, however, Section 10E stipulates that in determining the best interests of the child, the child’s need for stability in living arrangements must be taken into account.</p> <p><i>Adoption Act 1988</i></p> <p>The Act allows for adoption when; it is in the best interest of the child, consent if provided by parents (some exceptions) and when the child agrees with the proposal (dependent on age and capacity).</p>	<p>Outcomes Framework for Children and Young People in Out of Home Care in Tasmania (Department of Communities 2018)</p> <p>The outcomes framework integrates six wellbeing domains with the needs of children and young people in out of home care. The first domain reflects the need for children and young people to have decisions on permanency or long-term living arrangements (permanent homes) made in a timely way.</p>
<b>Guardian</b>	<p><i>Children, Young Persons and Their Families Act 1997</i> (Last amended 2013)</p>	<p><i>Children, Young Persons and Their Families Act 1997</i> (Last amended 2013)</p>	<p>A Future Program for Family Based Care Out of Home Care Foundations Project (Department of Communities 2018)</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	<p>Guardian means –</p> <ol style="list-style-type: none"> <li>a parent of a child; and</li> <li>a person (other than the Secretary) who is the legal guardian of a child); and,</li> <li>a person (other than the Secretary) who has the legal custody of the child; and,</li> <li>any other person (other than the Secretary) who generally acts in the place of a parent of a child and has done so for a significant length of time.</li> </ol>	<p>Part 1, Section 5 – Responsibilities and powers of guardian</p> <p>Part 1, Section 6 – Responsibilities and powers of a person who has custody</p> <p>Part 7 – Children under guardianship or in custody of secretary</p>	<p>A person other than the Secretary may be granted guardianship for a child or young person under a care and protection order. Under such an order the guardian has the same rights, powers, duties, obligations and liabilities as a natural parent of the child or young person would have.</p>
<b>Kinship care</b>	<p>A Future Program for Family Based Care Out of Home Care Foundations Project (Department of Communities 2018)</p> <p>Kinship care is a form of out of home care where the caregiver is:</p> <ul style="list-style-type: none"> <li>a relative (other than parents);</li> <li>considered to be family or a close friend;</li> <li>a member of the child or young person's community (in accordance with their culture); and,</li> <li>who is reimbursed by the state/territory for the care of the child (or who has been offered and declined reimbursement).</li> </ul>	<p><i>Children, Young Persons and Their Families Act 1997</i> (Last amended 2013)</p> <p>The Act does not explicitly outline kinship care, however, Part 1, Section 3 interprets the meaning of extended family as –</p> <ol style="list-style-type: none"> <li>All persons, other than the child's immediate family, to whom the child is or has been related to by blood, adoption or marriage; and</li> <li>if a child is an Aboriginal child who has traditional Aboriginal kinship ties, those persons held to be related to the child according to Aboriginal kinship rules; and</li> <li>if the child is a member of a community that accepts relationships other than those referred to in paragraph (a) or (b)</li> </ol>	<p>A Future Program for Family Based Care Out of Home Care Foundations Project (Department of Communities 2018)</p> <p>"The Strong Families, Safe Kids redesign of child safety services will reduce the number of children and young people entering out of home care. For those children and young people who are unable to live at home, it is imperative that family based care is strengthened and in particular how to work with, train and support family based carers."</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	For Aboriginal and Torres Strait Islander children, a kinship carer may be another Indigenous person who is a member of their community, a compatible community or from the same language group.	as kinship ties, those persons held to be related to the child by that community.	
<b>Concurrent planning</b>	<p>A Future Program for Family Based Care Out of Home Care Foundations Project (Department of Communities 2018)</p> <p>Concurrent planning is a concept which seeks to maintain stability or the continuity of care for a child or young person while they remain in out of home care. Using this approach, children and young people are placed into a home where they may stay permanently if they are unable to return home to their biological family.</p>	<p><i>Children, Young Persons and Their Families Act 1997</i> (Last amended 2013)</p> <p>Concurrent planning is not explicitly covered in the Act.</p>	<p>A Future Program for Family Based Care Out of Home Care Foundations Project (Department of Communities 2018)</p> <p>The approach of concurrent planning recognises the importance of a stable home as a foundation for developing caring trusting and stable relationships, and maintaining connections with education, culture and community. The discussion paper reiterates that concurrent planning will receive greater focus within case planning, particularly while children are in their active attachment period.</p>
<b>Case plan</b>	<p>A Future Program for Family Based Care Out of Home Care Foundations Project (Department of Communities 2018)</p> <p>Child Protection Information System (CPIS)</p> <p>A Case and Care Plan is a record of the plan to address the client's safety concerns and/or their care needs if placed in OoHC. Policy and procedural documents refer to care planning processes that inform decision making and delivery of care for children and young people entering care.</p>	<p><i>Children, Young Persons and Their Families Act 1997</i> (Last amended 2013)</p> <p>Case plans are not explicitly covered in the Act, however, Part 5 Division 1 outlines Family group conferences, which are convened in respect of a child to secure the child's care and protection. The purpose of a family group conference is to provide an opportunity for a child's family and other persons attending the conference –</p>	<p>A Future Program for Family Based Care Out of Home Care Foundations Project (Department of Communities 2018)</p> <p>A strengthening of the Care Planning Processes for Carers and Child Safety Officers: while collaborative care planning processes already form part of practice, there is scope for the process to be strengthened. The discussion paper outlines options to be included in an enhanced approach to care planning.</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<ul style="list-style-type: none"> <li>a. make informed recommendations as to the arrangements for best securing the care and protection of the child; or</li> <li>b. to review those arrangements and make further recommendations in respect of those arrangements from time to time.</li> </ul>	

## Australian Capital Territory

Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Permanency hierarchy</b>	<p><i>Children and Young People Act 2008</i></p> <p>The ACT placement and permanency hierarchy is outlined in s350 of the Act. Permanency and priority is given to family. The <i>Children and Young People Act 2008</i> sets out that in addition to the best interests of children and young people the primary responsibility of providing care and protection for the child or young person lies with the child's or young person's parents and other family members and that priority must be given to support the child's or young person's parents and other family members to provide for the wellbeing, care and protection of the child or young person.</p> <p>Wherever it is safe to do so, children, young people and their families are supported to remain at home together. If this is not possible, children and young people are placed with other family members.</p>	<p><i>Children and Young People Act 2008</i></p> <p><i>Adoption Act 1993</i></p> <p>In addition to the best interests of children and young people as outlined in Section 8, care and protection principles are stipulated under Section 350 of the Act:</p> <ol style="list-style-type: none"> <li>the primary responsibility for providing care and protection for the child or young person lies with the child's or young person's parents and other family members;</li> <li>priority must be given to supporting the child's or young person's parents and other family members to provide for the wellbeing, care and protection of the child or young person;</li> <li>if the child or young person does not live with his or her family because of the operation of this Act—contact with his or her family, and significant people, must be encouraged, if practicable and appropriate;</li> <li>if the child or young person is in need of care and protection and the child's or young person's parents and other family members are unwilling or unable to provide the child or young person with adequate care and protection (whether temporarily or permanently)—it is the</li> </ol>	<p><i>Carer Handbook: the go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>A <i>Step Up for Our Kids</i> strategy follows a 'step up, step down' approach where personalised services can scale up and down in intensity as a child's (and their family's) needs change over time. This approach places strong emphasis on preservation and restoration, and permanent care placements:</p> <p>Permanency – providing children with permanent alternative homes, with a priority on kinship care, as quickly as possible when they cannot safely return to their birth parents' care. Permanency options are individualised and can include:</p> <ul style="list-style-type: none"> <li>• A long-term Care Order</li> <li>• Enduring Parenting Responsibility Order</li> <li>• Adoptions Order</li> </ul>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<p>responsibility of the government to share or take over their responsibility;</p> <p>e. if the child or young person does not live with the child's or young person's parents because of the operation of this Act—the safety and wellbeing of the child are more important than the interests of the parents;</p> <p>f. a court should make an order for a child or young person only if the court considers that making the order would be better for the child or young person than making no order at all.</p> <p>Section 513 of the Act stipulates priorities for out-of-home care placements in the case of an Aboriginal and Torres Strait Islander child or young person.</p>	
<b>Permanency planning (Stability proposal)</b>	<p><i>Carer Handbook, The go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>Permanency: A focus on the importance of providing children who are unable to return to the care of their birth parents with stable, consistent and long-term care arrangements.</p> <p>Stability planning: Child and Youth Protection Services undertake permanency planning through case management, resulting in a stability proposal that is established in a child's Care Plan.</p>	<p><i>Children and Young People Act 2008</i> <i>Adoption Act 1993</i></p> <p>Under Section 456 of the Act, the director-general must prepare a [stability] proposal that outlines how the director-general proposes to ensure long-term placement in a safe, nurturing and secure environment.</p> <p>For a child or young person not living with his or her parents, the stability proposal will include:</p> <ul style="list-style-type: none"> <li>• An assessment of whether restoration is a realistic possibility;</li> <li>• A proposal for restoration, or</li> </ul>	<p><i>Carer Handbook, The go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>"A <i>Step Up for Our Kids</i> is the out of home care strategy in the ACT. It outlines the ACT Government's commitment to a child-centred, therapeutic and trauma-informed care system. This approach places a strong emphasis on permanency – providing children with permanent alternative homes, with a priority on kinship care, as quickly as possible when they cannot safely return home to their birth parents' care."</p> <p>As soon as possible after the child enters care, a case manager (and Care Team)</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		<ul style="list-style-type: none"> <li>A proposal for long-term placement.</li> </ul> <p>The <i>Children and Young People Amendment Bill 2015 (No.3)</i> reduced the waiting period for an Enduring Parental Responsibility order from two years to one year for children under the age of two.</p>	<p>will assess the permanent care arrangement for the child. These are:</p> <ul style="list-style-type: none"> <li>restoration – returning the child to their birth parents;</li> <li>long-term care or Enduring Parental Responsibility – placing the child with a carer until 18 years old</li> <li>adoption – transferring all legal rights from the birth parents to adoptive parents.</li> </ul>
<b>Permanent placement</b>	<p><i>Carer Handbook, The go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>A placement is described as a child's living arrangement.</p> <p>As soon as possible after the child enters care, a case manager (and Care Team) will assess the permanent care arrangements for the child. These include:</p> <ul style="list-style-type: none"> <li>restoration – returning the child to their birth parents;</li> <li>long-term care or Enduring Parental Responsibility – placing the child with a carer until 18 years old</li> <li>adoption – transferring all legal rights from the birth parents to adoptive parents.</li> </ul>	<p><i>Children and Young People Act 2008</i></p> <p>Section 349 of the Act stipulates that in deciding what is in the best interests of the child or young person, a decision-maker must consider:</p> <p>(1) (h) that it is important for the child to have settled, stable and permanent living arrangements.</p>	<p><i>Carer Handbook, The go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>A <i>Step Up for Our Kids</i> strategy follows a 'step up, step down' approach where personalised services can scale up and down in intensity as a child's (and their family's) needs change over time. This approach places strong emphasis on preservation and restoration, and permanent care placements:</p> <ul style="list-style-type: none"> <li>Permanency – providing children with permanent alternative homes, with a priority on kinship care, as quickly as possible when they cannot safely return to their birth parents' care.</li> </ul>

Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Guardian (Parental responsibility)</b>	<p><i>Carer Handbook, The go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>Parental responsibility means all the duties, powers, responsibilities and authority parents have by law in relation to their children, including daily care and long-term care responsibility.</p>	<p><i>Children and Young People Act 2008</i></p> <p>Section 15 of the Act stipulates that parental responsibility, for a child or young person, means all duties, powers, responsibilities and authority parents have by law in relation to their children, including:</p> <ol style="list-style-type: none"> <li>daily care responsibility for the child or young person;</li> <li>long-term care responsibility for the child or young person.</li> </ol>	<p><i>ACT Community Services, 2019 Carer Handbook, The go-to resource for kinship and foster carers in the ACT</i></p> <p>The Handbook outlines examples of daily care responsibilities (practical day-to-day arrangements and decisions that carers can make concerning a child in care) and long-term care responsibilities (decisions about a child's long-term care that rests with CYPS unless a court order outlines other specific conditions).</p>
<b>Kinship care</b>	<p><i>Carer Handbook, The go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>Kinship care is described as the care and support provided to children by relatives (kin) or people in a child's extended family network or community, when they are unable to live with their birth parents. Kinship care is recognised as having advantages for the preservation of family, promotion of cultural identity and reduced separation trauma for the child.</p>	<p><i>Children and Young People Act 2008</i></p> <p>Section 516 of the Act outlines a Kinship carer – specific parental authority:</p> <ol style="list-style-type: none"> <li>(2) The director-general may authorise (a <i>specific parental authority</i>) orally or in writing, a family member, or significant person, of the child or young person to exercise the daily care or long-term care responsibility for the director-general (a <i>kinship carer</i>).</li> </ol>	<p><i>Carer Handbook, The go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>CYPS and ACT Together places highest priority on children being cared for by relatives or kin community members – prioritising care within family networks over all other forms of care.</p>
<b>Concurrent planning</b>	<p><i>Carer Handbook, The go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>Concurrent care is care provided to a child during Court proceedings while a decision is made about whether they will return to their birth parents, or kinship options are explored.</p>	<p><i>Children and Young People Act 2008</i></p> <p>Concurrent care is not explicitly covered in the Act, though decisions in relation to a child or young person must take into consideration the best interests of children and young people, as stipulated in Section 8.</p>	<p><i>Carer Handbook, The go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>The Carer Handbook outlines out of home care in the ACT and the specific types of care that can be considered concurrently to determine the most suitable care arrangements for a child.</p>



Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Case plan (and Care plan)</b>	<p><i>Carer Handbook, The go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>A case plan is the primary day-to-day case management tool developed by CYPS and ACT Together to meet a child's safety and care needs, and to monitor how the child is going. Case plans are developed in partnership with relevant individuals including parents, carers and the child.</p> <p>A care plan outlines what needs to happen to ensure the care and protection of a child. It records goals, tasks and actions. Care plans are developed in partnership with members of a Declared Care Team. Care planning is the process of developing a care plan, and implementing the agreed tasks and actions within a specified timeframe.</p>	<p><i>Children and Young People Act 2008</i></p> <p>Section 456 in the Act outlines proposals that may be considered for the purpose of case planning.</p> <p>Section 455 in the Act defines a care plan and Section 457 outlines the process for preparing a care plan.</p>	<p><i>Carer Handbook, The go-to resource for kinship and foster carers in the ACT (ACT Community Services, 2019)</i></p> <p>Case management is the process of how the needs of the child in care will be met and how their care plan will be implemented. The purpose is to:</p> <ul style="list-style-type: none"> <li>capture the needs and views of the child;</li> <li>identify strategies, support and resources required to meet those needs;</li> <li>articulate whether restoration to the child's birth family, long-term orders or permanency is the focus;</li> <li>assist in decision-making for those involved;</li> <li>provide an opportunity to review the progress of the child during their time in care.</li> </ul> <p>The case plan will be regularly reviewed to ensure progress against the set goals is happening and to identify if any changes need to be made.</p> <p>Care plans are developed in partnership with relevant people and groups linked to the child or young person. The focus of care the plan will either be restoration, permanency or transition. These goals will be captured in the child's care plan.</p>

## Northern Territory

Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Permanency hierarchy</b>	<p><i>Care and Protection of Children Act 2007</i></p> <p>Territory Families does not explicitly refer to permanency hierarchy, however, outlines placement decisions that should be considered, in line with best interests of the child or young person as stipulated in Section 10 of the Act.</p>	<p><i>Care and Protection of Children Act 2007</i></p> <p><i>Adoption Act 1994</i></p> <p>Section 10 of the Act stipulates that when a decision involving a child is made, the best interests of the child are the paramount concern.</p> <p>In addition, Section 12 of the Act stipulates that an Aboriginal child should, as far as practicable, be placed with a person in the following order of priority:</p> <ol style="list-style-type: none"> <li>1. a member of the child's family;</li> <li>2. an Aboriginal person in the child's community in accordance with local community practice;</li> <li>3. any other Aboriginal person;</li> <li>4. a person who: <ol style="list-style-type: none"> <li>i. is not an Aboriginal person; but,</li> <li>ii. in the CEO's opinion, is sensitive to the child's needs and capable of promoting the child's ongoing affiliation with the culture of the child's community (and, if possible, ongoing contact with the child's family)</li> </ol> </li> </ol>	<p><i>Placements Policy (Territory Families, 2015)</i></p> <p>Territory Families does not explicitly refer to permanency hierarchy, however, stipulates that the child or young person should be matched with carers who have the capacity to meet their needs, support their development and maintain positive family, community and cultural connections.</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
<b>Permanency planning</b>	<p><i>Permanent Care Order Policy, (Territory Families, 2019)</i></p> <p>Permanency planning is not explicitly defined by Territory Families, however, it is noted that planning for a child's permanent care should commence from the moment they enter care, concurrent with planning for alternative care goals.</p>	<p><i>Care and Protection of Children Act 2007</i></p> <p>Planning for permanency is outlined under Section 10(2) of the Act, whereby the best interests of the child are the paramount concern, including:</p> <ul style="list-style-type: none"> <li>the child's need for permanency in the child's living arrangements;</li> <li>the child's need for stable and nurturing relationships.</li> </ul>	<p><i>Care Planning for Children in Care Policy (Territory Families, 2018)</i></p> <p>Within three weeks of a child entering the care of the CEO a care plan must be prepared and implemented. The care plan must: include the overall care plan goal of either reunification or permanency.</p>
<b>Permanent placement (Permanent care order)</b>	<p><i>Placement Policy (Territory Families, 2015)</i></p> <p>If a child is unable to return safely home, they may be considered for a permanent care order, if it is in their best interests. Permanent care aims to provide long-term safety and stability for the child and also gives the permanent caregiver all the rights and responsibilities that a parent would normally have.</p>	<p><i>Care and Protection of Children Act 2007</i></p> <p>As outlined in Section 137A of the Act, permanent care orders are made by the Court in relation to a child, for the period that ends when the child turns 18 years of age, that orders that a person have the parental responsibility of the child.</p> <p>Chapter 2 of the Act stipulates that in making decisions that relate to orders for children, the Court must consider:</p> <ol style="list-style-type: none"> <li>any matters arising from a medication conference for the child;</li> <li>the wishes of the following: <ol style="list-style-type: none"> <li>the child;</li> <li>a parent of the child;</li> <li>a person proposed to be given daily care and control of, or parental responsibility for, the child under the order;</li> </ol> </li> </ol>	<p><i>Placement Policy (Territory Families, 2015)</i></p> <p>An application for a Permanent Care Order should be considered as a part of permanent planning for children in long term out of home care to age of 18.</p> <p>In addition, the child or young person should be matched with carers who have the capacity to meet their needs, support their development and maintain positive family, community and cultural connections.</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
		iv. any other person considered by the Court to have a direct and significant interest in the wellbeing of the child.	
<b>Guardian (Carer)</b>	<p><i>Care and Protection of Children Act 2007</i></p> <p>In the context of a placement arrangement, a carer is:</p> <ul style="list-style-type: none"> <li>i. a parent of the child;</li> <li>ii. a family member of the child;</li> <li>iii. an individual approved by the CEO.</li> </ul>	<p><i>Care and Protection of Children Act 2007</i></p> <p><i>NT Care and Protection of Children (Placement Arrangement) Regulations 2010</i></p> <p>Part 2 of the NT Care and Protection of Children (Placement Arrangement) Regulations outline the eligibility for authorised carers.</p> <p>In addition, Chapter 2 of the Act stipulates that the regulations may:</p> <ul style="list-style-type: none"> <li>a. provide for the nomination and approval of an individual as a carer; and,</li> <li>b. provide for the responsibilities of a carer; and</li> <li>c. specify the conditions for a placement arrangement, including, for example, the standards required of a facility for the arrangement.</li> </ul>	<p><i>Placement Policy (Territory Families, 2015)</i></p> <p>Territory Families outlines the department's responsibility for sourcing and approving appropriate out of home care placements for all children in the care of the CEO.</p> <p>The child or young person should be matched with carers who have the capacity to meet their needs, support their development and maintain positive family, community and cultural connections.</p>
<b>Kinship care</b>	<i>Territory Families, 2019</i>	<p><i>NT Care and Protection of Children (Placement Arrangement) Regulations 2010</i></p> <p>To be a kinship carer (or authorised carer) in the Northern Territory, carers must be formally approved as authorised carers, which means they must meet eligibility requirements as outlined in the Care and Protection (Placement Arrangements) Regulations. Authorised kinship carers can</p>	<p><i>Placement Policy (Territory Families, 2015)</i></p> <p>Territory Families outlines that a placement within the child's immediate or extended family is preferred for all children and young people, therefore the search for suitable placement options within the child's immediate and extended family should continue until all options have been exhausted, before placing the child with non-related carers.</p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	<p>Under a Court order, children may be placed with a foster or kinship carer for a few months or longer. The immediate focus of a [kinship] placement is to help children return home to their parents or extended families, or to ongoing care within the community they have been brought up in. A longer-term [kinship care] placement may be needed to provide for the ongoing safety and stability of a child when they are unable to return home.</p> <p>An authorised carer in the context of kinship care also means an individual meets eligibility requirements under Part 2 of the Care and Protection of Children (Placement Arrangement) Regulations and approved as per the decision of the CEO (of Territory Families).</p>	then be approved for placement arrangements.	<p>When kinship care placements are not immediately possible, including the time during which kinship placement options are being found, a child will preferably be placed with trained and authorised Territory Families Carers, as home-based placements provide the best environments.</p> <p>Aboriginal children are placed according to the Aboriginal Child Placement Principle, as specified in Section 12 of the Act.</p>
<b>Concurrent planning</b>	<p><i>Permanent Care Order Policy (Territory Families 2019)</i></p> <p>Territory Families does not explicitly define concurrent planning but refers to the equivalent as policy intentions in the Permanent Care Orders Policy.</p>	<p><i>Care and Protection of Children Act 2007</i></p> <p>The Act does not explicitly refer to concurrent planning, but refers to decisions that relate to permanency planning.</p>	<p><i>Permanent Care Order Policy (Territory Families 2019)</i></p> <p>Permanency planning must be a priority for all children in care. Planning for a child's permanent care should commence from the moment they enter care, concurrent with planning for alternative care goals.</p>
<b>Case plan (Care plan)</b>	<p><i>Case Management Policy (Territory Families 2018)</i></p>	<p><i>Care and Protection of Children Act 2007</i></p> <p>As soon as practicable after the child is taken into the CEO's care, the CEO must prepare and implement a care plan for the child.</p>	<p><i>Care Planning for Children in Care Policy (Territory Families 2018)</i></p>

Concept	Definition(s)	Legislative context	Policy and/or operational context
	A care plan documents the child's needs, agreed care goals, and the actions needed to meet the goals. Immediate and longer term actions must be included, identifying who is responsible for the actions, and timeframes for completion.	<p>The care plan is a written plan that:</p> <ul style="list-style-type: none"> <li>a. identifies the needs of the child;</li> <li>b. outlines measures that must be taken to address those needs;</li> <li>c. sets out decisions about daily care and control of the child, including for example: <ul style="list-style-type: none"> <li>i. decisions about the placement arrangement for the child, and</li> <li>ii. decisions about contact between the child and other persons.</li> </ul> </li> </ul>	<p>Every child in care must have a comprehensive written care plan that identifies the case direction, their needs, the actions to be taken to meet their needs, decisions about placement arrangements, and contact between the child and their family or significant people in their life.</p> <p>Care plans must be developed in a way that encourages and facilitates the participation of the child, their parents, their carer, professionals who are involved to support the child and their family.</p> <p>Within three weeks of a child entering the care of the CEO, a care plan must be prepared and implemented. Within two months of a child entering the care of the CEO and every six months thereafter, the care plan must be reviewed. The care plan may be modified at any time that the CEO or their delegate considers appropriate, for example, when new information emerges or events occur that have an effect on the planning decisions of the child.</p>

# Appendix G: National mapping of care and protection orders

Updated September – December 2019

## New South Wales

*Children and Young Persons (Care and Protection) Act 1998*

Order type – national	Order type – state/territory	Brief description of state/territory order
<b>Finalised guardianship or custody order</b>	<b>Order allocating Parental Responsibility</b> to the Minister, Section 79	<ul style="list-style-type: none"> <li>Care and Protection Order (other than guardianship order) allocating parental responsibility solely to the Minister.</li> <li>Finalised long term order until the child or young person reaches 18 years of age are considered Permanent Care. Short term final orders to Minister are not considered permanent care.</li> <li>Under section 90 an application for the rescission or variation of a care order can be made.</li> </ul>
	<b>Order allocating Parental Responsibility</b> solely to one or both parents and to the Minister jointly, Section 79	<ul style="list-style-type: none"> <li>Care and Protection Order (other than guardianship order) allocating parental responsibility solely to one or both parents and to the Minister jointly.</li> <li>Shared parental responsibility has aspect of the order allocated. The specific aspects of parental responsibility that may be allocated by an order of the Children's Court under subsection (1) include, but are not limited to, the following               <ul style="list-style-type: none"> <li>(a) residence of the child or young person,</li> <li>(b) contact</li> <li>(c) education and training of the child or young person,</li> <li>(d) religious and cultural upbringing of the child or young person,</li> <li>(e) medical and dental treatment of the child or young person</li> </ul> </li> <li>Finalised long term order until the child or young person reaches 18 years of age, however under section 90 of the Act, an application for the rescission or variation of a care order may be made.</li> <li>This order is considered to be Permanent care.</li> </ul>
	<b>Order allocating Parental Responsibility</b> solely to the Minister and another suitable person or persons jointly, Section 79	<ul style="list-style-type: none"> <li>Care and Protection Order (other than guardianship order) allocating parental responsibility solely to the Minister and another suitable person or persons jointly.</li> <li>Shared parental responsibility has aspect of the order allocated. The specific aspects of parental responsibility that may be allocated by an order of the Children's Court under subsection (2) include, but are not limited to, the following               <ul style="list-style-type: none"> <li>(a) residence of the child or young person,</li> <li>(b) contact</li> <li>(c) education and training of the child or young person,</li> <li>(d) religious and cultural upbringing of the child or young person,</li> </ul> </li> </ul>

Order type – national	Order type – state/territory	Brief description of state/territory order
		<p>(e) medical and dental treatment of the child or young person</p> <ul style="list-style-type: none"> <li>Finalised long term order until the child or young person reaches 18 years of age, however under Section [90] an application for the rescission or variation of a care order may be made.</li> <li>This order is considered to be Permanent care.</li> </ul>
<b>Finalised third-party parental responsibility order</b>	<b>Order allocating Parental Responsibility</b> to a suitable person or persons jointly, Section 79	<ul style="list-style-type: none"> <li>Care and Protection Order (other than guardianship order) allocating parental responsibility solely to a suitable person or persons jointly.</li> <li>Shared parental responsibility has aspect of the order allocated. The specific aspects of parental responsibility that may be allocated by an order of the Children's Court under subsection (1) include, but are not limited to, the following: <ul style="list-style-type: none"> <li>(a) the residence of the child or young person,</li> <li>(b) contact</li> <li>(c) the education and training of the child or young person,</li> <li>(d) the religious and cultural upbringing of the child or young person,</li> <li>(e) the medical and dental treatment of the child or young person</li> </ul> </li> <li>Finalised long term order usually to age 18 years, however under section 90 an application for the rescission or variation of a care order can be made.</li> <li>This order is considered to be Permanent care.</li> </ul>
	<b>Allocation of parental responsibility by guardianship order, Section 79A</b>	<ul style="list-style-type: none"> <li>guardian means a person who has been allocated all aspects of parental responsibility for a child or young person until the child or young person reaches 18 years of age by a guardianship order made under this section.</li> </ul> <p>Section 79A (3) outlines that:</p> <p>The Children's Court must not make a guardianship order unless it is satisfied that:</p> <ul style="list-style-type: none"> <li>(a) there is no realistic possibility of restoration of the child or young person to his or her parents (note this requirement does not apply for a guardianship order by consent made in accordance with Section 38(2A)(c)), and</li> <li>(b) that the prospective guardian will provide a safe, nurturing, stable and secure environment for the child or young person and will continue to do so in the future, and</li> <li>(c) if the child or young person is an Aboriginal or Torres Strait Islander child or young person—permanent placement of the child or young person under the guardianship order is in accordance with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles that apply to placement of such a child or young person in statutory out-of-home care under section 13, and</li> <li>(d) if the child or young person is 12 or more years of age and capable of giving consent—the consent of the child or young person is given in the form and manner prescribed by the regulations.</li> </ul>



Order type – national	Order type – state/territory	Brief description of state/territory order
<b>Interim or temporary order</b>	<b>Interim order</b> allocating Parental Responsibility to the Minister Section 79	<ul style="list-style-type: none"> <li>Care and Protection Order (other than guardianship order) allocating interim parental responsibility solely to the Minister.</li> <li>Short term Interim orders until the permanent plan is determined.</li> <li>This order is not considered to be Permanent care.</li> </ul>
	Delegated to Agency Section 249	<ul style="list-style-type: none"> <li>Interim order Parental responsibility is delegated to designated Out of Home care Agency</li> <li>Under section 249 of the <i>Children and Young Persons (Care and Protection) Act 1998</i>, the Minister has power to delegate Parental Responsibility to accredited Non-Government Organisation.</li> </ul>
	<b>Interim order</b> allocating Parental Responsibility solely to one or both parents and to the Minister jointly Section 79	<ul style="list-style-type: none"> <li>Care and Protection Order (other than guardianship order) allocating interim parental responsibility solely to one or both parents and to the Minister jointly</li> <li>Shared parental responsibility has aspect of the order allocated. The specific aspects of parental responsibility that may be allocated by an order of the Children's Court under subsection (1) include, but are not limited to, the following: <ul style="list-style-type: none"> <li>(a) the residence of the child or young person,</li> <li>(b) contact</li> <li>(c) the education and training of the child or young person,</li> <li>(d) the religious and cultural upbringing of the child or young person,</li> <li>(e) the medical and dental treatment of the child or young person</li> </ul> </li> <li>Short term Interim orders until the Permanent plan is determined.</li> <li>This order is not considered to be Permanent care.</li> </ul>
	<b>Interim order</b> allocating parental responsibility solely to the Minister and another suitable person or persons jointly Section 79	<ul style="list-style-type: none"> <li>Care and Protection Order (other than guardianship order) allocating interim parental responsibility solely to the Minister and another suitable person or persons jointly</li> <li>Shared parental responsibility has aspect of the order allocated. The specific aspects of parental responsibility that may be allocated by an order of the Children's Court under subsection (1) include, but are not limited to, the following: <ul style="list-style-type: none"> <li>(a) residence of the child or young person,</li> <li>(b) contact</li> <li>(c) education and training of the child or young person,</li> <li>(d) religious and cultural upbringing of the child or young person,</li> <li>(e) medical and dental treatment of the child or young person</li> </ul> </li> <li>Short term Interim orders until the Permanent plan is determined.</li> <li>This order is not considered to be Permanent care.</li> </ul>
	<b>Interim order</b> allocating parental responsibility to a suitable person or persons jointly Section 79	<ul style="list-style-type: none"> <li>Care and Protection Order (other than guardianship order) allocating interim parental responsibility solely to a suitable person or persons jointly.</li> <li>Shared parental responsibility has aspect of the order allocated. The specific aspects of parental responsibility that may be allocated by an order of the Children's Court under subsection (1) include, but are not limited to, the following</li> </ul>

Order type – national	Order type – state/territory	Brief description of state/territory order
		<ul style="list-style-type: none"> <li>(a) the residence of the child or young person,</li> <li>(b) contact</li> <li>(c) the education and training of the child or young person,</li> <li>(d) the religious and cultural upbringing of the child or young person,</li> <li>(e) the medical and dental treatment of the child or young person</li> <li>• Short term Interim orders until the Permanent plan is determined.</li> <li>• This order is not considered to be Permanent care.</li> </ul>
	<b>Emergency Care and Protection Order</b> Section 46	<ul style="list-style-type: none"> <li>• Emergency care and protection orders places the child or young person in the care responsibility of the Secretary or the person specified in the order when a child or young person is at risk of serious harm. The order has effect for a maximum period of 14 days, or unless the order is extended in accordance with section S46(4). An order under this subsection, while the order remains in force, be extended once only for a further maximum period of 14 days.</li> <li>• Short term Final order - If an application is made for the extension of an order under this section before the order expires, the order remains in force until the Children's Court makes a final determination on the application, even if that occurs after the original expiry date. This order is not considered to be Permanent care</li> </ul>
<b>Administrative arrangement</b>	<b>Temporary Care Arrangement</b> Section 151	<ul style="list-style-type: none"> <li>• The Secretary may make a temporary care arrangement in respect of a child or young person if the child or young person is assessed to be in need of care and protection, and a parent of the child consents to the arrangement, and there is a permanency plan involving restoration, or the child or young person is assessed to be in need of care and protection, and the parents of the child are, in the opinion of the Secretary, incapable of consenting to the arrangement.</li> <li>• Under section 151(2)(a), the Secretary will have "care responsibility" of a child or young person who is the subject of a temporary care arrangement.</li> <li>• Short term Interim - If consent is provided by the parent(s), Temporary Care Arrangement for a period of up to 3 months. At the expiry of the 3 month period, the arrangement may be renewed for a further period of 3 months if the Secretary is of the opinion that the child or young person is still in need of care and protection, and the parent(s) consent to the arrangement being renewed. Temporary care arrangement cannot be renewed if the child or young person has, during the previous 12 months, been the subject of a temporary care arrangement for a period, or for periods in the aggregate, exceeding 6 months.</li> <li>• This is not permanent care</li> </ul>
<b>Finalised adoption order</b>	<b>Adoption Order</b> <i>Adoption Act 2000 (NSW)</i>	<p>Two pathways to progress an out-of-home care adoption for a child or young person</p> <ol style="list-style-type: none"> <li>1. Authorised Carer - an authorised carer(s) wishing to adopt the child or young person in their care who is under the parental responsibility of the Minister to 18 years.</li> <li>2. Dually Authorised Carer - a person/couple are dually authorised as a carer(s) and approved adoptive applicant prior to a child or young person being placed in their care under the parental responsibility of the Minister with a view to adoption.</li> </ol> <p>Known Carer Adoptions counts</p>

Order type – national	Order type – state/territory	Brief description of state/territory order
		<ul style="list-style-type: none"> <li>Known Adoptions is the number of OOHC adoptions (children under the PR to the Minister who were adopted) PLUS the adoption of adults by their former foster carers. Includes foster parents or other non-relatives who have been caring for the child and have had the responsibility for making decisions concerning the daily care and control of the child for the relevant period (as specified by the relevant state/territory department) before the adoption.</li> <li>Long term finalised orders - an adoption order is not time limited - it is for life and beyond (eg entitlements to deceased's estates etc).</li> <li>Adoption Order cannot be varied or rescinded. An application can be made to discharge an adoption order but only on grounds that the consent to the adoption or adoption order was obtained by fraud, duress or other improper means or where there are some other exceptional reason why the adoption order should be discharged.</li> <li>This order is considered to be Permanent care.</li> </ul>

# Victoria

*Children, Youth and Families Act 2005*

Order type – national	Order type – state/territory	Brief description of state/territory order
Finalised guardianship or custody order	Family Reunification Order	<ul style="list-style-type: none"> <li>• A Family Reunification Order places a child in out of home care with the aim of achieving family reunification.</li> <li>• An initial family reunification order can be made for a period that does not place the child in out of home care for more than a cumulative period of 12 months from when the child was first placed in out of home care and subject to a Children's Court order.</li> <li>• A subsequent family reunification order can be made for a period that does not place the child in out of home care for more than a cumulative period of 24 months from when the child was first placed in out of home care and subject to a Children's Court order, where there is compelling evidence that family reunification can be achieved in that subsequent period.</li> <li>• Conditions can be attached to the order that are relevant to the goal of achieving family reunification, including contact conditions.</li> <li>• The child is placed in the care of the department (and usually placed with kinship or foster carers).</li> <li>• The department and the child's parents both have parental responsibility for the child, with the child's parents needing to agree to long-term decisions and be consulted about short-term decisions.</li> <li>• If the child is returned home during the order, the Court can be notified that the order has become a Family Preservation Order.</li> </ul>
	Care by Secretary Order	<ul style="list-style-type: none"> <li>• A Care by Secretary Order is always of 2 years duration and can be extended for further periods of 2 years if the Court is not able to make another type of order.</li> <li>• The purpose of the order is usually to place the child in out of home care while more permanent alternate care arrangements are made. In exceptional circumstances, a goal of family reunification may be pursued under this order and where the child has been in out of home care and subject to a Children's Court order for more than two years.</li> <li>• Conditions cannot be attached to the order.</li> <li>• The department has exclusive parental responsibility for the child.</li> <li>• If the child is returned home during the order, the Court can be notified that the order has become a family preservation order.</li> </ul>
Finalised third-party parental responsibility order	Permanent Care Order	<ul style="list-style-type: none"> <li>• A Permanent Care Order places the child in the permanent care of a specified carer or carers who are provided with exclusive parental rights until the child is 18.</li> <li>• Contact conditions can be attached to the order.</li> <li>• The department has no ongoing supervisory role.</li> </ul>

Order type – national	Order type – state/territory	Brief description of state/territory order
	<b>Long-Term Care Order</b>	<ul style="list-style-type: none"> <li>• A Long-term Care Order is made until the child is 18 and where there is a specific carer (or carers) who will care for the child until the child is 18.</li> <li>• Conditions cannot be attached to the order.</li> <li>• The department has exclusive parental responsibility for the child and reviews the case annually.</li> <li>• If the care arrangement breaks down, the matter returns to the Children's Court.</li> </ul>
<b>Finalised supervisory order</b>	<b>Family Preservation Order</b>	<ul style="list-style-type: none"> <li>• A Family Preservation Order can be made for a period of up to 12 months or, if there are exceptional circumstances, up to 24 months.</li> <li>• The order can have conditions attached that are relevant to achieving enduring family preservation.</li> <li>• Where the child's parents have separated, the order can also specify which parent the child is to reside with and what contact the other parent is entitled to, or it can specify a shared – and as far as possible – equal care arrangement.</li> <li>• Parents must allow the department to visit the child.</li> <li>• The department can issue reasonable directions to the child or their parent/s.</li> </ul>
<b>Interim or temporary order</b>	<b>Interim Accommodation Order</b>	<ul style="list-style-type: none"> <li>• An Interim Accommodation Order is made where the Children's Court has received an application and is unable to make a final decision.</li> <li>• The interim accommodation order specifies where the child will reside and can include relevant conditions about what parties are required to do during the adjournment period.</li> <li>• If the child is placed in the care of parents, kin or foster parents, the interim accommodation order can cover the entire period of any adjournment.</li> <li>• If the child is placed in a secure welfare unit, a mother and baby unit or a hospital, the interim accommodation order cannot exceed 21 days.</li> </ul>
<b>Assessment order</b>	<b>Temporary Assessment Order</b>	<ul style="list-style-type: none"> <li>• The Children's Court can make a Temporary Assessment Order. The purpose is to enable access to a child to conduct an investigation where parents are preventing access. It is not a protection order because it is made when it has not been established whether the child is in need of protection.</li> </ul>
<b>Finalised adoption order</b>	<b>Adoption order</b>	<ul style="list-style-type: none"> <li>• Subject to Division 3 of the <i>Adoption Act 1984</i>, the Court shall not make an order for adoption of a child unless the Court is satisfied that consent to the adoption has been given in accordance with Division 3, by the appropriate person or persons.</li> </ul>

# Queensland

*Child protection Act 1999*

Order type – national	Order type – state/territory	Brief description of state/territory order
Finalised guardianship or custody order	Short-term custody order – to the Chief Executive	<p>In accordance with the Act, a person who has or is granted short-term custody of a child has:</p> <ul style="list-style-type: none"> <li>the right to have the child's daily care; and</li> <li>the right and responsibility to make decision about the child's daily care.</li> </ul> <p><b>Additional comments</b></p> <ul style="list-style-type: none"> <li>Short-term custody orders are appropriate when the case plan goal is reunification of a child with their family.</li> <li>Another type of short-term order granting custody are assessment orders which are used during an investigation and assessment where Child Safety are still assessing if the child is in need of protection and a longer period of time is required to complete the assessment.</li> <li>A short-term custody order must not be for more than two years (section 62(3)).</li> <li>Short-term custody orders are not considered to be 'permanent care'.</li> </ul>
	Short-term guardianship order – to the Chief Executive	<p>In accordance with the Act, a person who has or is granted short-term guardianship of a child has:</p> <ul style="list-style-type: none"> <li>the right to have the child's daily care; and</li> <li>the right and responsibility to make decisions about the child's daily care; and</li> <li>all the powers, rights and responsibilities in relation to the child that would otherwise have been vested in the person having parental responsibility for making decisions about the long-term care, wellbeing and development of the child.</li> </ul> <p><b>Additional comments</b></p> <ul style="list-style-type: none"> <li>Short-term guardianship orders are appropriate when the case plan goal is reunification of a child with their family.</li> <li>A short-term guardianship order must not be for more than two years (section 62(3)).</li> <li>Short-term guardianship orders are not considered to be 'permanent care'.</li> </ul>

Order type – national	Order type – state/territory	Brief description of state/territory order
	<b>Long-term guardianship order</b> –to the Chief Executive	<p>In accordance with the Act, a person who has or is granted long-term guardianship of a child has:</p> <ul style="list-style-type: none"> <li>the right to have the child's daily care; and</li> <li>the right and responsibility to make decisions about the child's daily care; and</li> <li>all the powers, rights and responsibilities in relation to the child that would otherwise have been vested in the person having parental responsibility for making decisions about the long-term care, wellbeing and development of the child.</li> </ul> <p><b>Additional comments</b></p> <ul style="list-style-type: none"> <li>Long term guardianship orders are appropriate when it has been assessed in the course of working with the child and the family that the child is not able to be safely reunified with the parents within a timeframe appropriate to the child's age and circumstances, and that the child's protection and care needs will be met through long-term out-of-home care (to the child's 18th birthday). This is considered 'Permanent Care' - long-term stable living arrangement for a child (section 5BA(2)(b)).</li> <li>Once a decision is made to pursue an alternative long-term stable living arrangement, it is not appropriate for a child to remain on a short-term custody or short-term guardianship order.</li> </ul>
<b>Finalised third-party parental responsibility order</b>	<b>Long-term guardianship order</b> –to a suitable person.	<p>In accordance with the Act, a person who has or is granted long-term guardianship of a child has:</p> <ul style="list-style-type: none"> <li>the right to have the child's daily care; and</li> <li>the right and responsibility to make decisions about the child's daily care; and</li> <li>all the powers, rights and responsibilities in relation to the child that would otherwise have been vested in the person having parental responsibility for making decisions about the long-term care, wellbeing and development of the child.</li> </ul> <p><b>Additional comments</b></p> <ul style="list-style-type: none"> <li>Long term guardianship orders are appropriate when it has been assessed in the course of working with the child and the family that the child is not able to be safely reunified with the parents within a timeframe appropriate to the child's age and circumstances, and that the child's protection and care needs will be met through long-term out-of-home care (to the child's 18th birthday). This is considered 'Permanent Care' - long-term stable living arrangement for a child (section 5BA(2)(b)).</li> <li>Once a decision is made to pursue an alternative long-term stable living arrangement, it is not appropriate for a child to remain on a short-term custody or short-term guardianship order.</li> </ul>
	<b>Permanent care order</b>	<p>In accordance with the Act, a person who is a permanent guardian for a child has:</p> <ul style="list-style-type: none"> <li>the right to have the child's daily care; and</li> <li>the right and responsibility to make decisions about the child's daily care; and</li> </ul>

Order type – national	Order type – state/territory	Brief description of state/territory order
		<ul style="list-style-type: none"> <li>all the powers, rights and responsibilities in relation to the child that would otherwise have been vested in the person having parental responsibility for making decisions about the long-term care, wellbeing and development of the child.</li> </ul> <p><b>Additional comments</b></p> <ul style="list-style-type: none"> <li>Permanent care orders are appropriate when it has been assessed in the course of working with the child and the family that the child is not able to be safely reunified with the parents and the child requires a permanent home that can provide them with stability as well as physical, relational and legal permanency through long-term out-of-home care (to the child's 18th birthday). This order will only be made if the Children's Court is satisfied that the permanent guardian will meet their obligations under a permanent care order, which includes preserving the child's identity, relationships with their birth family and connection to their culture of origin. This is considered 'Permanent Care' - long-term stable living arrangement for a child (section 5BA(2)(b)).</li> <li>Permanent care orders differ from long-term guardianship orders in that: <ul style="list-style-type: none"> <li>i) Child Safety will not have any ongoing involvement in the child's life and will not make decisions about how they are cared for, however the child or their "permanent guardian" can seek a review of the case plan at any time</li> <li>ii) the order can only be varied or revoked by the Director of Child Litigation.</li> </ul> </li> </ul>
<b>Finalised supervisory order</b>	<p><b>Non-Custodial Order</b></p> <p>Non-custodial orders may take the form of:</p> <ul style="list-style-type: none"> <li><b>Directive Order</b></li> <li><b>Supervision Order</b></li> </ul>	<p>A child protection order where custody and guardianship of the child remain with the parents. These orders are appropriate where the child is able to safely remain in the home and an out-of-home care placement is not required.</p> <p>An order made under the Act directing a parent to:</p> <ul style="list-style-type: none"> <li>To do or refrain from doing something directly related to the child's protection;</li> <li>Not to have contact (direct or indirect) with the child, or to only have contact when a stated person or a person of a stated category is present.</li> <li>A directive order must not be for more than one year (section 62(2)).</li> <li>Directive orders are not considered 'permanent care'.</li> </ul> <p>An order made under the Act directing a parent to:</p> <ul style="list-style-type: none"> <li>A child protection order that requires the Chief Executive to supervise the child's protection in relation to the matters stated in the order.</li> <li>A supervision order must not be for more than one year (section 62(2)).</li> <li>Supervision orders are not considered 'permanent care'.</li> </ul>
<b>Interim or temporary order</b>	<b>Interim Order</b>	<ul style="list-style-type: none"> <li>On the adjournment of a proceeding for a court assessment or child protection order the Children's Court has the power to make an interim order.</li> <li>An interim order made on adjournment of a court assessment order may grant temporary custody to the Chief Executive, or the child's parents will retain custody.</li> <li>An interim child protection order made on adjournment of a child protection order will grant custody to a family member or the Chief Executive.</li> <li>Interim orders are not considered 'permanent care'.</li> </ul>



## Western Australia

*Children and Community Services Act 2004*

Order type – national	Order type – state/territory	Brief description of state/territory order
<b>Finalised guardianship or custody order</b>	<b>Protection order</b> (time-limited)	<ul style="list-style-type: none"> <li>Order may be issued by the Children's Court of Western Australia or transferred from another jurisdiction.</li> <li>Order period must not exceed two years and must end before the child reaches 18 years of age. Orders may be extended more than once.</li> <li>CEO has parental responsibility.</li> <li>Western Australia considers these orders to be short term, temporary care with a view to reunification.</li> </ul>
	<b>Protection order</b> (until 18)	<ul style="list-style-type: none"> <li>Order may be issued by the Children's Court of Western Australia or transferred from another jurisdiction.</li> <li>Orders are in force, unless they are revoked, until the child reaches 18 years of age.</li> <li>CEO has parental responsibility.</li> <li>Western Australia considers these orders to be long term and to constitute permanent care (although the child's carer/living arrangements can change).</li> </ul>
<b>Finalised third-party parental responsibility order</b>	<b>Protection order</b> (special guardianship)	<ul style="list-style-type: none"> <li>Order is issued by the Children's Court of Western Australia.</li> <li>Parental responsibility is transferred to the special guardian.</li> <li>Order remains in force, unless it is revoked, until either the child reaches 18 years of age or an adoption order is made in relation to the child under the <i>Adoption Act 1994</i>.</li> <li>Western Australia considers these orders to be long term and to constitute permanent care.</li> </ul>
<b>Finalised supervisory order</b>	<b>Protection order</b> (supervision)	<ul style="list-style-type: none"> <li>Order is issued by the Children's Court of Western Australia.</li> <li>Orders provide for the supervision of the wellbeing of a child by the CEO. The child remains at home with parents. A supervision order must not exceed two years and must end before the child reaches 18 years of age. Orders can be extended once.</li> <li>Parental responsibility remains with the parents.</li> <li>Western Australia views these arrangements as short term. They do not constitute permanent care as the child remains with parents.</li> </ul>

Order type – national	Order type – state/territory	Brief description of state/territory order
Interim or temporary order	Interim order	<ul style="list-style-type: none"> <li>The Children's Court of Western Australia may, at any time in the course of protection proceedings, make an interim order under section 133(2) of the Act. This includes circumstances where there is an application to the Court for a care and protection order and this has not yet been issued. Western Australia views these arrangements as short term. They do not constitute permanent care.</li> </ul>
	Interim Order (secure care)	<ul style="list-style-type: none"> <li>Order may be made only on the application of the CEO.</li> <li>The Children's Court of WA must not make an interim order (secure care) unless it is satisfied that the child meets the legislative threshold under section 134(A) of the Act.</li> <li>CEO has parental responsibility for the provisionally protected child's day to day care but responsibility for long term care remains with the parents.</li> <li>Western Australia views these arrangements as short term. They do not constitute permanent care.</li> </ul>
Administrative arrangement	Negotiated Placement Agreement	<ul style="list-style-type: none"> <li>Placement under section 75 of the Act. Where the parents of a child are unable to care for the child, the parent/s and the CEO may enter into a written agreement under which the CEO is required to make a placement arrangement for the child. Agreements can be extended by the parents with the CEO at any time before the expiry or termination of a negotiated placement agreement. The CEO must not enter into or extend an agreement if there are reasonable grounds to believe that the child is in need of protection. A negotiated placement agreement has effect for the period specified in the agreement or any extension of the agreement unless it is terminated.</li> <li>Parental responsibility remains with the parents except as determined by the agreement.</li> <li>Agreements cannot be used where there are child protection concerns.</li> <li>Western Australia views these arrangements as short term. They do not constitute permanent care.</li> </ul>
	Placement Service	<ul style="list-style-type: none"> <li>Placement under section 32(1)(a) of the Act as a social service to a child to safeguard or promote a child's wellbeing.</li> <li>Service cannot be provided where there are child protection concerns.</li> <li>Western Australia views these arrangements as short term. They do not constitute permanent care.</li> </ul>
Finalised adoption order	Adoption Order	<ul style="list-style-type: none"> <li>Order is issued by the Family Court of Western Australia.</li> <li>Adoptions from out-of-home care can only include 'known-carer adoptions'. A carer adoption may be considered if the carer has had the daily care of the child for at least two years, the carer has been the consistent carer throughout the placement, the Department supports the adoption, the child's wishes have been taken into consideration, and adoption is in the child's best interests.</li> <li>Western Australia considers these orders to be long term and to constitute permanent care.</li> </ul>

## South Australia

*Child and Young People (Safety) Act 2017*

Order type – national	Order type – state/territory	Brief description of state/territory order
<b>Finalised guardianship or custody order</b>	Custody to Chief Executive for 12 months Section 53	<ul style="list-style-type: none"> <li>The Court may make orders granting custody of the child or young person to f the Chief Executive.</li> </ul>
	Guardianship of Chief Executive for 12 months Section 53	<ul style="list-style-type: none"> <li>The Court may make orders placing the child or young person, for a specified period not exceeding 12 months, under the guardianship of the Chief Executive.</li> </ul>
	Guardianship of Chief Executive to 18 years Section 53	<ul style="list-style-type: none"> <li>The Court may place the child, until the child attains 18 years of age, under the guardianship of the Chief Executive or such other person(s) (not exceeding two) as the Court thinks appropriate in the circumstances of the case..</li> </ul>
	Guardianship or custody granted interstate Part 5	<ul style="list-style-type: none"> <li>The Chief Executive must, as soon as possible, file in the Court for registration a copy of a child protection order transferred to South Australia under an interstate law.</li> </ul>
	Family Court sole parent responsibility to for 12 months	<ul style="list-style-type: none"> <li>Sections 91B and 92A of the <i>Family Law Act</i> 1975 operate to allow a child welfare authority to intervene in proceedings (either by invitation by the court or through its own motion) where there are child protection concerns. Once a child welfare authority becomes a party to proceedings (which happens very rarely in South Australia), the court may make orders conferring parental responsibility on the Chief Executive.</li> </ul>
	Custody to Minister for 12 months (registered interstate order) Part 5	<ul style="list-style-type: none"> <li>The Chief Executive must file in the Court for registration a child protection order transferred to South Australia under an interstate law.</li> </ul>
	Guardianship of Chief Executive for 12 months (registered interstate order) Part 5	<ul style="list-style-type: none"> <li>The Chief Executive must file in the Court for registration a child protection order transferred to South Australia under an interstate law.</li> </ul>

Order type – national	Order type – state/territory	Brief description of state/territory order
<b>Finalised third-party parental responsibility order</b>	Custody to guardian Section 53	<ul style="list-style-type: none"> <li>The Court may grant custody of the child, for a specified period not exceeding 12 months, to a guardian of the child.</li> </ul>
	Custody to family member Section 53	<ul style="list-style-type: none"> <li>The Court may grant custody of the child, for a specified period not exceeding 12 months, to some other member of the child's family.</li> </ul>
	Custody to any other person Section 53	<ul style="list-style-type: none"> <li>The Court may grant custody of the child, for a specified period not exceeding 12 months, to any other person that the Court thinks appropriate in the circumstances of the case.</li> </ul>
	Guardianship to other person(s) Section 53	<ul style="list-style-type: none"> <li>The Court may place the child, for a specified period not exceeding 12 months, under the guardianship of such other person(s) (not exceeding two) as the Court thinks appropriate in the circumstances of the case.</li> </ul>
	Guardianship to other person(s) to 18 years Section 53	<ul style="list-style-type: none"> <li>The Court may place the child, until the child attains 18 years of age, under the guardianship of such other person(s) (not exceeding two) as the Court thinks appropriate in the circumstances of the case.</li> </ul>
<b>Finalised supervisory order</b>	Supervision of the CE Section -53	<ul style="list-style-type: none"> <li>If the Chief Executive is of the opinion that a child is at risk and the Court finds that an order should be made in respect of the child to secure his or her care and protection, the Court may require a parent to enter into a written undertaking (for a specified period not exceeding 12 months) to do any specified thing, or to refrain from doing any specified thing and, if the Court thinks fit, require the child to be under the supervision of the Chief Executive or some other specified person or authority for the duration of the undertaking.</li> </ul>
<b>Interim or temporary order</b>	Custody to Chief Executive (Investigation & Assessment orders) Section 53	<ul style="list-style-type: none"> <li>If the Court is satisfied that there is information or evidence leading to a reasonable suspicion that a child is at risk and that further investigation of the matter is warranted or a family care meeting should be held the Court may make an order granting custody of the child to the Chief Executive.</li> </ul>
	Interim custody to Chief Executive (Investigation & Assessment orders) Section 53	<ul style="list-style-type: none"> <li>The Court may on an adjournment make an order granting custody of the child to the Chief Executive.</li> </ul>
	Extension of custody to Chief Executive Section 53	<ul style="list-style-type: none"> <li>An order granting custody of the child to the Chief Executive may be extended for a period specified in the order.</li> </ul>

Appendix G – National mapping of care and protection orders, South Australia

Order type – national	Order type – state/territory	Brief description of state/territory order
	Interim custody to Chief Executive Section 53	<ul style="list-style-type: none"> <li>On any adjournment the Court may grant custody of the child to the Chief Executive, to have effect for the period of the adjournment and any subsequent adjournment.</li> </ul>
	Interim custody to other person Section 53	<ul style="list-style-type: none"> <li>On any adjournment the Court may grant custody of the child to any other person that the Court thinks appropriate in the circumstances of the case, to have effect for the period of the adjournment and any subsequent adjournment</li> </ul>
	Interim guardianship of the Chief Executive Section 53	<ul style="list-style-type: none"> <li>On any adjournment the Court may place the child under the guardianship of the Chief Executive, to have effect for the period of the adjournment and any subsequent adjournment.</li> </ul>
	Interim guardianship of other person Section 53	<ul style="list-style-type: none"> <li>On any adjournment the Court may place the child under the guardianship of any other person (s) (not exceeding two) that the Court thinks appropriate in the circumstances of the case, to have effect for the period of the adjournment and any subsequent adjournment.</li> </ul>
	Emergency removal of child from dangerous situation Section 43	<ul style="list-style-type: none"> <li>If the Chief Executive does not already have custody of a child who is removed from a situation of danger under this section, the Chief Executive has custody of the child until the fifth day of the child was removed, or the child's return home.</li> </ul>
	Child Protection Restraining Order emergency removal of child Section 41	<ul style="list-style-type: none"> <li>If a restraining order has been made under the <i>Intervention Orders (Prevention of Abuse) Act 2009</i> preventing a person from residing with a child; and the child is residing, during the operation of the order, with the person, the child will be taken to be in a situation of serious danger from which an officer is authorised to remove him or her.</li> <li>In these situations, the Department would usually make an application to the Court for Investigation and Assessment orders to secure the child's ongoing care and protection.</li> </ul>
	Interim Family Court sole parent responsibility to Minister	<ul style="list-style-type: none"> <li>Sections 91B and 92A of the <i>Family Law Act 1975</i> operate to allow a child welfare authority to intervene in proceedings (either by invitation by the court or through its own motion) where there are child protection concerns. Once a child welfare authority becomes a party to proceedings (which happens very rarely in South Australia), the court may make orders conferring parental responsibility to the Chief Executive.</li> <li>It is understood that the court would generally only issue an interim order if the hearing was adjourned. Otherwise, an order conferring parental responsibility on the Chief Executive would be made until 18 years and parties would need to go back to court to vary it.</li> </ul>

Order type – national	Order type – state/territory	Brief description of state/territory order
	Interim Family Court sole parent responsibility to specific person or relative	<ul style="list-style-type: none"> <li>There is provision within the <i>Family Law Act 1975</i> for the Court to make orders conferring parental responsibility on a specific person or relative.</li> <li>It is understood that the court would generally only issue an interim order if the hearing was adjourned. Otherwise, an order conferring parental responsibility on a specific person or relative would be made until 18 years and the parties would need to go back to court to vary it.</li> </ul>
<b>Administrative arrangement</b>	Voluntary Custody Agreement Section 96	<ul style="list-style-type: none"> <li>The guardians of a child and the Chief Executive may enter into an agreement (a custody agreement) under which the Minister will have the custody of the child while the agreement has effect.</li> <li>A custody agreement has effect for a period, not exceeding three months, and may be terminated at any time in writing by a guardian who is party to the agreement or by agreement between the parties to the agreement.</li> </ul>
<b>Assessment order</b>	Authorising examination and assessment of the child Section 35	<ul style="list-style-type: none"> <li>If the Chief Executive is satisfied that there is information or evidence leading to a reasonable suspicion that a child is at risk and that further investigation of the matter is warranted or a family care meeting should be held the Court may make an order authorising examination and assessment of the child and/or an order authorising or directing the assessment of a parent to determine the capacity of that parent to care for and protect the child.</li> </ul>
	Request Person to Answer Questions Section 150	<ul style="list-style-type: none"> <li>A child protection officer may, by notice in writing, require a specified person to— <ul style="list-style-type: none"> <li>(a) answer, to the best of the person's knowledge or belief, questions put by the child protection officer or an employee of the Department authorised by the Chief Executive for the purposes of this subsection; and</li> <li>(b) in the case of a person who has examined, assessed or treated a person under this Act—provide to the child protection officer or the Chief Executive a written report of that examination, assessment or treatment.</li> </ul> </li> </ul>
	Request Written Reports on Parties Section 35	<ul style="list-style-type: none"> <li>A person who examines, assesses or treats a child or young person in accordance with the Act must, as soon as practicable after doing so, provide to the Chief Executive a written report on the examination, assessment or treatment.</li> </ul>
	Direction to parent to undergo a drug assessment Section 37	<ul style="list-style-type: none"> <li>The Chief Executive may require an individual to undertake a random drug and alcohol assessment.</li> </ul>
<b>Finalised adoption order</b>	<b>Consent of parent or guardian</b> <i>Adoption Act 1988</i> Section 15 and 19	<ul style="list-style-type: none"> <li>Where the Chief Executive or another person is the child's guardian an adoption order will not be made unless each person who is a parent and the guardian of the child has consented to the adoption or the court has dispensed with consent.</li> </ul>

# Tasmania

*Children, Young Persons and Their Families Act 1997*

Order type – national	Order type – state/territory	Brief description of state/territory order
<b>Finalised guardianship or custody order</b>	<b>Guardianship and Custody to 18 years</b> Section 42(4)(b) and 42(4)(c)	Care and protection order granting guardianship and custody to the Secretary until the child reaches the age of 18 years. <ul style="list-style-type: none"> <li>• Long-term</li> <li>• Permanent care</li> </ul>
	<b>Guardianship to 18 years</b> Section 42(4)(c)	Care and protection order granting guardianship to the Secretary until the child reaches the age of 18 years. <ul style="list-style-type: none"> <li>• Long-term</li> <li>• Permanent care</li> </ul>
	<b>Custody to 18 years</b> Section 42(4)(b)	Care and protection order granting custody to the Secretary until the child reaches the age of 18 years. <ul style="list-style-type: none"> <li>• Long-term</li> <li>• Permanent care</li> </ul>
	<b>Guardianship and Custody (not to 18 years)</b> Section 42(4)(b) and 42(4)(c)	Care and protection order granting guardianship and custody to the Secretary that is not to 18 years. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
	<b>Guardianship (not to 18 years)</b> Section 42(4)(c)	Care and protection order granting guardianship to the Secretary that is not to 18 years. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
	<b>Custody (not to 18 years)</b> Section 42(4)(b)	Care and protection order granting custody to the Secretary that is not to 18 years. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
	<b>Extension of a Care and Protection Order</b> Section 44	The court may extend a care and protection order. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
	<b>Care and protection order</b> Section 42(4)(g)	Any other care and protection order the Court considers appropriate. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
<b>Finalised third-party parental responsibility order</b>	<b>3rd Party Guardianship</b> Section 42(4)(c)(ii)	Care and protection order granting guardianship to the child's carers until the child reaches the age of 18 years. Carers have rights to financial assistance to support the child's needs. <ul style="list-style-type: none"> <li>• Long-term</li> <li>• Permanent care</li> </ul>

Order type – national	Order type – state/territory	Brief description of state/territory order
	<b>3rd Party Guardianship</b> Section 42(4)(c)(iii)	Care and protection order granting guardianship to the child's carers and the Secretary until the child reaches the age of 18 years.
<b>Finalised supervisory order</b>	<b>Supervision Order</b> Section 42(4)(a)	Care and protection order not exceeding 24 months that, although not affecting the guardianship or custody of a child, transfers the responsibility for supervising the child to the Secretary but the child is placed in the day-to-day care of one or more of the child's guardians. A Supervision Order may require the child or a guardian of the child to do, or to refrain from doing, any specified thing. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
<b>Interim or temporary order</b>	<b>Warrant</b> Section 20(3)	Warrant under Section 20 allows for the child to be taken for the purpose of an assessment without agreement from the guardian/carer. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
	<b>Interim Assessment Order</b> Section 26	Interim assessment order on adjournment of the hearing of an application for an assessment order. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
	<b>Interim Care and Protection Order</b> Section 46	Interim care and protection order on adjournment of the hearing of an application for a care and protection order. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
<b>Administrative arrangement</b>	<b>Requirement</b> Section 20(2)	A requirement is a legal request made by an authorised officer to a guardian (or whoever is caring for the child), for the child to attend a place or see a person specified. Section 20(2) states that the authorised officer may take the child to the assessment by agreement. Short term custody begins under s21 of the Act once the requirement has been actioned. A child can be taken for assessment and may remain in care for up to 120 hours for this assessment to be completed. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
	<b>Voluntary Care Agreement</b> Section 11	Care agreements which allow the Secretary to have custody of a child not exceeding 3 months in agreement with the child's guardian when the guardian is temporarily unable to maintain or exercise adequate supervision and control over the child. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
<b>Assessment order</b>	<b>Assessment Order</b> Section 22(3)	Initial assessment order not exceeding 4 weeks. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
	<b>Extension of an Assessment Order</b> Section 22(5)	Initial assessment order can be extended for an additional 8 weeks for the purposes of conducting a Family Group Conference. <ul style="list-style-type: none"> <li>• Short-term</li> </ul>
<b>Finalised adoption order</b>	<b>Adoption Order</b> Section 70	Legal transfer of the rights and responsibilities for the permanent care of a child from the Secretary to the child's carer. Provisions can be made to provide financial assistance to adoptive carers. Tasmania has not progressed the adoption of a child in care to carers who have not had a long-term prior relationship to the child.



# Australian Capital Territory

## Children and Young People Act 2008

Order type – national	Order type – state/territory	Brief description of state/territory order
<b>Finalised guardianship or custody order</b>	<b>Care and protection order - residence with PR</b> Section 464	<ul style="list-style-type: none"> <li>Order requiring child or young person to reside as directed and conferring parental responsibility in whole or part to the Director-General.</li> <li>Generally made for 1 or 2 years (short term) or to 18 years old (long term)</li> </ul>
	<b>ACT registration of interstate order</b> Section 666	Transfer of order from interstate which includes a transfer of parental responsibility to the Director-General. Once lodged in ACT court the order is considered equivalent to residence order above.
	<b>Family Court Order - with PR</b>	Order made in the family court regarding custody with provision transferring parental responsibility to the Director-General in whole or part.
<b>Finalised third-party parental responsibility order</b>	Care and protection order - <b>Enduring Parental Responsibility</b> Section 464	<ul style="list-style-type: none"> <li>Transfers parental responsibility to carer (foster or kin)</li> <li>Is a Permanency Order</li> <li>Counted in Living Arrangements as out-of-home care (payment continues unchanged unless child or young person leaves household) as 'other home-based' (ex-foster) or 'kinship'</li> </ul>
<b>Finalised supervisory order</b>	Care and protection order - <b>supervision without PR</b> Section 464	Order requires family to allow entry into home and interview child or young person
<b>Interim or temporary order</b>	Interim care and protection order - <b>residence with PR</b> Section 433	Order requiring child or young person to reside as directed and conferring parental responsibility in whole or part to the Director-General. Made for adjournment pending final order.
	Interim care and protection order - <b>supervision without PR</b> Section 433	Order requires family to allow entry into home and interview child or young person. Made for adjournment pending final order
	<b>Emergency Action</b> Section 406	<ul style="list-style-type: none"> <li>Action taken by child protection worker (also able to be taken by police) to ensure immediate safety of child. Transfers parental responsibility wholly to the Director-General.</li> <li>Can be made for maximum of 72 hours and must be heard in court within this time (business days allowing).</li> </ul>
<b>Administrative arrangement</b>	<b>Voluntary Care Agreement</b> Section 397	<ul style="list-style-type: none"> <li>Shares parental responsibility between Director-General &amp; parent(s). Generally short term, may only be made for total of 6 months in a 12 month period, except for yp 15 years and over with agreement of young person <u>and</u> parent(s), can be made to 18 years</li> </ul>
<b>Finalised adoption order</b>	<b>Adoption Order</b>	<ul style="list-style-type: none"> <li>A couple of children included in the out-of-home care count due to 'paid adoption' of children with disability needs and adopted from OOHHC, otherwise not included in AIHW child protection NMDS.</li> </ul>

# Northern Territory

*Care and Protection of Children Act 2007*

Order type – national	Order type – state/territory	Brief description of state/territory order
Finalised guardianship or custody order	<b>A Protection Order</b>	<p>The Chief Executive Officer may apply to the Court for a Protection Order if the Chief Executive Officer reasonably believes that:</p> <ul style="list-style-type: none"> <li>the child is in need of protection; or</li> <li>would be in need of protection but for the fact that the child is currently in the Chief Executive Officer's care; and</li> <li>the proposed order is appropriate and the least intrusive means to safeguard the wellbeing of the child.</li> </ul> <p>The proposed Order must specify one or more of the following directions:</p> <ol style="list-style-type: none"> <li>supervision direction(s);</li> <li>daily care and control direction;</li> <li>short term parental responsibility direction; and</li> <li>long term parental responsibility direction.</li> </ol> <p>The Court may specify other directions.</p> <p>Any party to the proceedings may apply to the Court for the Order to be varied or revoked.</p> <p>The Court must not make a protection order unless a care plan, interim care plan or proposed care plan has been provided to the Court.</p>
	<b>Daily Care and Control Direction</b> to the CEO or a specified person.	<p>The Chief Executive Officer may apply to the Court if:</p> <ul style="list-style-type: none"> <li>it has been established that no less intrusive action is adequate to meet the child's protective needs;</li> <li>the child's protective needs are unable to be adequately met while they remain in the care of their parent/s;</li> <li>the parent/s are willing and able to maintain a positive working relationship with Territory Families and have an ongoing role in decision making for their child/ren;</li> <li>it is appropriate for the parents to retain their parental rights and responsibilities for the care of the child; and</li> <li>there is a plan to return the child to their parents care.</li> </ul> <p>The Chief Executive Officer or specified person is entitled to exercise all the powers and rights, and has all the responsibilities for the day to day care for the child; making decisions in relation to living arrangements, attendance to school, clothing, feeding, behavioural issues, transportation and routine health checks for the child.</p>

Order type – national	Order type – state/territory	Brief description of state/territory order
	<b>Short-term Parental Responsibility Direction</b> for a child to the CEO or another specified person for a specified period not exceeding 2 years.	<p>The Chief Executive Officer may apply to the Court if:</p> <ul style="list-style-type: none"> <li>the proposed specified period of the direction is two years or less in duration;</li> <li>it has been established that no other less intrusive action is adequate to meet the child's protective needs;</li> <li>the child's protective needs are unable to be adequately met while they remain in the care of their parent/s;</li> <li>a parent is unable or unwilling to participate in decision making about the child's ongoing needs and/or has had minimal or no contact with the child for an extended period;</li> <li>it is considered appropriate to grant the rights and responsibilities in relation to a child's short term care and development, normally exercised by parents, to someone else;</li> <li>the plan is reunification of the child with the family</li> <li>the child cannot safely remain at home and the seriousness of the harm means it is not appropriate for the parents to retain parental responsibility for the child;</li> <li>there is no parent to exercise their rights and responsibilities for the child and be involved with the planning for the child; or</li> <li>it is determined that the parent/s will fail to exercise their rights and responsibilities and this could place the child at risk of future harm (eg child needs ongoing medical attention), and therefore it is appropriate that parental responsibility is given to the Chief Executive Officer.</li> </ul> <p>Parental responsibility means the Chief Executive Officer and/or a specified person is entitled to exercise all powers and rights, and has all the responsibilities for the child that would ordinarily be those of the parents of the child. For example, decisions in relation to a child's religion, employment, and important medical decisions including surgery.</p>
	<b>Long-term Parental Responsibility Direction</b> for a child to the CEO or another specified person for a specified period that exceeds 2 years and ends before the child turns 18 years of age.	<p>The Chief Executive Officer may apply to the Court if:</p> <ul style="list-style-type: none"> <li>the proposed specified period of the direction exceeds two years in length;</li> <li>it is considered in the best interests of the child for their long term stability and security;</li> <li>a parent is unable or unwilling to participate in decision making about the child's ongoing needs;</li> <li>it is considered appropriate to grant the rights and responsibilities in relation to a child's long term care and development normally exercised by parents to someone else;</li> <li>when intervention has occurred to assist the family towards reunification with the child and a decision is made that a long term out of home care placement is in the child's best interests;</li> <li>when it has been assessed that there is no parent available, or the parent is unable to meet the protective needs of the child due to, for example, a significant intellectual disability; or</li> <li>there are no prospects of reunifying the child with their parents.</li> </ul>
<b>Finalised third-party parental responsibility order</b>	<b>Permanent Care Order</b> granting full parental responsibility to a specified person for a child until aged 18 years.	<p>The Chief Executive Officer may apply to the Court if:</p> <ul style="list-style-type: none"> <li>the child would be in need of protection if for the fact that, at the time the application is made, a Protection Order with a long term parental responsibility direction giving parental responsibility for the child to the Chief Executive Officer or another specified person (or both) is in force for the child for a period that ends immediately before the child turns 18 years of age; and</li> <li>the proposed Order is the best means to safeguard the wellbeing of the child; and</li> <li>the person proposed to be given parental responsibility for the children has demonstrated the person's suitability to be given that responsibility and give their consent.</li> </ul>

Order type – national	Order type – state/territory	Brief description of state/territory order
		The Order cannot be varied or have directions. Only the Chief Executive Officer can apply to the court to have the Order revoked.
<b>Finalised supervisory order</b>	<b>A Protection Order with Supervision Directions</b>	<p>The Chief Executive Officer may apply to the Court for a Protection Order with a supervision direction requiring:</p> <ul style="list-style-type: none"> <li>• that a person must do, or refrain from doing, a specified thing directly related to the protection of the child;</li> <li>• that the Chief Executive Officer must supervise the protection of the child in relation to specified matters; or</li> <li>• that the Chief Executive Officer must do, or refrain from doing, a specified thing related to the care of the child</li> </ul> <p>The direction may require a person not to have any direct or indirect contact with a child or conditions pertaining to contact.</p>
<b>Interim or temporary order</b>	<b>Temporary Protection Order</b> granting daily care and control to the CEO for 14 days	<p>The Chief Executive Officer may apply to the Court if:</p> <ul style="list-style-type: none"> <li>• the child is in need of protection; and</li> <li>• the proposed Order is urgently needed to safeguard the wellbeing of the child; and</li> <li>• no Protection Order is in force for the child.</li> </ul> <p>The Order gives daily care and control of the child to the Chief Executive Officer and is in force for 14 days. A Chief Executive Officer may apply for a second Order while the existing Order is in place.</p>
<b>Administrative arrangement</b>	<b>Temporary Placement Agreement</b>	<p>The Chief Executive Officer may arrange for a temporary placement of a child who is residing with the parents of the child:</p> <ul style="list-style-type: none"> <li>• for a period not exceeding two months; and</li> <li>• the parents agree to enter into the arrangement; and</li> <li>• the child consents if over the age of 15 years of age.</li> </ul> <p>The Chief Executive Officer has daily care and control of the child while the arrangement is in force.</p> <p>The arrangement can be extended for further periods but each extended period cannot be exceed two months and must cease to be in force after six months.</p>
<b>Assessment order</b>	<b>Assessment Order</b>	<p>The Chief Executive Officer may apply to the Court if:</p> <ul style="list-style-type: none"> <li>• there is no Protection Order in force; and</li> <li>• it is reasonably believed that the proposed assessment is necessary to determine whether the child is in need of protection; and</li> </ul> <p>the proposed assessment cannot be performed without the Order. An assessment includes any assessment of the child for determining whether the child is in need of protection and any assessment of the child for determining whether the parent is capable of exercising parental responsibility for the child.</p> <p>The Court may specify:</p> <ul style="list-style-type: none"> <li>• the making of an assessment specified in the Order;</li> <li>• a direction restricting contact between a specified person and the child;</li> <li>• a direction requiring certain child-related authorities to give the Chief Executive Officer specified information about the child.</li> </ul> <p>An Assessment Order stays in effect for 28 days. It can be extended for one further 28 day period.</p>
<b>Finalised adoption order</b>	<b>Adoption Order</b>	<p>The objective of adoption is to promote the welfare interests of the child by the provision of a substitute family.</p> <p>The Court can only make an Order for the adoption:</p> <ul style="list-style-type: none"> <li>• of a child who had not attained age 18 years or under specific circumstances over the age of 18 years; and</li> </ul>

Order type – national	Order type – state/territory	Brief description of state/territory order
		<ul style="list-style-type: none"> <li>• to a married couple, couple in a de-facto relationship, couple who has been in a combination of a married or de-facto relationship for the last two years or a recognised traditional Aboriginal marriage not less than two years; and</li> <li>• a single person in extremely limited situations; and</li> <li>• to applicants aged between 25 and 40 years of age and at least 25 years older than the child to be adopted; and</li> <li>• both the biological parents and a child over 12 years of age must consent unless there are special circumstances; and</li> <li>• does not exclude children who are in out of home care (although there has only been one some years ago).</li> </ul> <p>An Order for adoption of an Aboriginal child will only be granted to the child's extended family or Aboriginal people with the correct relationship or in special circumstances where the child's will maintain their cultural and family connections.</p>