

Child Safety POLICY

Title: Kinship care

Policy No: 632-3

Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (Child Safety) is committed to its legislative responsibility to preserve children's family connections and promote their safety, belonging and wellbeing by identifying suitable kinship care options, when care is required. Child Safety recognises that kinship care is a unique placement type within an integrated system of care arrangement and support options.

When a child is subject to statutory child protection intervention and requires a care arrangement under the *Child Protection Act 1999* (the Act), section 5(f)(iii), Child Safety is required to give proper consideration to placing the child, as a first option, with kin.

The safe care and connection of Aboriginal and Torres Strait Islander children with family, community, culture and country will be a key consideration when making care arrangements for Aboriginal and Torres Strait Islander children. Section 83 of the Act outlines specific provisions for placing Aboriginal and Torres Strait Islander children with family and community.

Where 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 (section 59(7)(b) of the Act).

Child Safety is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, Child Safety has an obligation to take action to ensure that decisions about the use of kinship care are made in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

Principles:

- The safety, wellbeing and best interests of the child, both throughout childhood and the rest of the child's life, are paramount.
- The preferred way of ensuring a child's safety and wellbeing is through supporting the child's family.
- When a child is removed from their family, consideration will be given to placing the child with kin, as a first option

- Proper consideration will be given to placing the child with family members or people of significance to the child, with the appropriate approval processes being followed.
- Child Safety staff will act and make decisions in a way that is compatible with human rights and obligations under the *Human Rights Act 2019*.
- The five elements of the Aboriginal and Torres Strait Islander Child Placement Principle (prevention, partnership, placement, participation and connection) under section 5C of the Act apply to all processes, decision and actions taken for an Aboriginal or Torres Strait Islander child.

Objectives:

This policy aims to ensure that:

- proper consideration is given to placing the child, as a first option, with kin, by ensuring all reasonable efforts are made by Child Safety, or a service provider on the Child safety's behalf, to adequately identify potential kinship carers for the child.
- kinship assessments acknowledge the child's pre-existing relationship with the kinship carer and are collaborative, supportive and partnership based, while being thorough and having the child's safety and wellbeing as the paramount consideration.
- the kinship carer's strengths, potential stressors and support needs are identified to enable the provision of active assistance and encouragement to enhance the stability of the care arrangement.
- kinship carers are provided information and actively supported to provide a positive, stable care environment for children requiring a care arrangement that meets the Statement of Standards for the standards of care.

Scope:

This policy refers to kinship carers and to children subject to statutory intervention who require a care arrangement under a care agreement, or who are subject to an assessment order or an order granting custody or guardianship of the child to the chief executive under the Act, including a temporary custody order or transition order.

Schedule 3 of 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'. An approved kinship carer is a person related to the child or a member of a 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.

For an Aboriginal and Torres Strait Islander child, 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.

Roles and Responsibilities:

- Child Safety may place a child in the care of an approved kinship carer (section 82(1)(a) of the Act) or with a provisionally approved carer (section 82(1)(e) of the Act).
- Child Safety is required to ensure that placement decisions for Aboriginal and Torres Strait Islander children are consistent with the child placement principle.
- The Child Safety Service Centre (CSSC) manager is responsible for deciding an application for approval as a kinship carer and for granting provisional approval as a carer when necessary.
- The duty executive officer is responsible for decisions in relation to a person's suitability to become a provisionally approved carer outside business hours.
- The senior team leader, CSSC manager, or Child Safety After Hours Service Centre senior team leader or manager is responsible for approving the decision to place the child with an approved kinship carer or provisionally approved carer.
- Where a kinship carer is affiliated with a non-government foster and kinship care service, the service is responsible for the assessment, training (if required) and support of the carer in accordance with Child Safety's regulation of care processes and the organisation's service agreement and care service licensing requirements.
- The procedures that give effect to this policy are outlined in the Child Safety Practice Manual, Provide and review care, and associated resources.

Authority:

Child Protection Act 1999, sections 4, 5B(h), 5BA, 5C, 6, 6AA, 6AB, 7, 74, 82(1)(a) and (e), 83, 83A, 122, 133.

Child Protection Regulation 2011, section 23.

Delegations:

Refer to instruments of delegation for information on delegations for decision-making under the Act.

Records File No.: Not applicable
Date of approval: 20 April 2022
Date of operation: 20 April 2022
Date to be reviewed: 20 April 2025

Office: Investment and Commissioning
Contact: Tertiary Care and Support

Links:

Links:

Procedures

Child Safety Practice Manual

Related policies

Carer debt (FPA024.1)
Carer learning and support (457)
Carer participation (460)
Complex Support Needs Allowance (612)
Decisions about Aboriginal and Torres Strait Islander children (641)
Dual payment of carer allowances (289)
Expenses – Fortnightly Caring Allowance and interstate foster payments (365)
Foster care training (383)
High support needs allowance (296)
Participation by children and young people in decision-making (369)
Permanency planning (594)
Placement of children in care (578)
Regional remote loading for carers (379)
Responding to concerns about the standards of care (326)

Related legislation or standard

Human Rights Act 2019

Statement of Commitment between the Department of [Child Safety] and the foster and kinship carers of Queensland

Rescinded policy

632-2 Kinship care

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