

Child Safety POLICY

Title: Permanency planning

Policy No: 594-6

Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (Child Safety) is committed to administering the *Child Protection Act 1999* (the CP Act) in a way that promotes permanency for children across all phases of the child protection continuum.

Permanency is defined in the CP Act, section 5BA (3) as a child having:

- ongoing positive, trusting and nurturing relationships with persons of significance to the child, including the child's parents, siblings, extended family members and carers (*relational permanency*)
- stable living arrangements with connections to the child's community, that meet the child's developmental, educational, emotional, health, intellectual and physical needs (*physical permanency*)
- legal arrangements for the child's care that provide a sense of permanence and long-term stability (*legal permanency*).

Child Safety recognises that children need lasting connections with family, community and culture and an opportunity to develop a positive attachment with a safe and caring adult who can meet the child's safety, belonging and wellbeing needs.

Case planning will be undertaken to enable children subject to ongoing intervention under the CP Act to experience relational, physical and legal permanency. Where the goal for best achieving permanency is to return a child to the care of their parent, the case plan will also identify an alternative goal, in the event timely reunification is not possible. All aspects of Child Safety's planning with children and families will be aimed at promoting relational, physical and legal permanency.

Child Safety is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, Child Safety has an obligation to act and make decisions in a way that is compatible with human rights. When making a decision about how to best achieve permanency for a child, proper consideration will be given to children's cultural rights and the distinct cultural rights of Aboriginal and Torres Strait Islander peoples and families' right to protection by the State.

When undertaking permanency planning with Aboriginal or Torres Strait Islander children and their families, Child Safety will recognise Aboriginal or Torres Strait Islander people's right to self-determination, the long-term effect a decision will have on a child's identity and connection with family and community and will demonstrate active efforts in applying the five core elements of the [Aboriginal and Torres Strait Islander Child Placement Principle](#).

Principles:

- The safety, wellbeing and best interests of a child, both through childhood and for the rest of the child's life, are paramount.
- Families have the primary responsibility for the upbringing, protection and development of their children and the preferred way of ensuring a child's wellbeing is through supporting the child's family. If a child is removed from the child's family, consideration will be given to placing the child, as a first option, in the care of kin.
- Child Safety staff will undertake concurrent planning with children subject to statutory intervention and their families, to proactively identify the best action or order to achieve permanency for the child, in a timely manner.
- Case planning decisions and actions will promote a child's relational, physical and legal permanency.
- Children's right to participate in decision-making about their own lives will be recognised and support will be given to enable the child to have a support person or advocate assist their participation.
- Aboriginal or Torres Strait Islander children and families will be supported to access an independent person to help facilitate their participation in significant decisions.
- Children and families from culturally and linguistically diverse backgrounds will be supported to access support they may need to assist their participation.
- Child Safety will make active efforts to apply the five core elements of the [Aboriginal and Torres Strait Islander Child Placement Principle](#) when working with Aboriginal and Torres Strait Islander children and families.

Objectives:

This policy aims to:

- support collaborative and timely planning to best achieving permanency for a child
- ensure principles for achieving permanency for a child, and the additional principles for Aboriginal and Torres Strait Islander children, are applied to identify the best action or option for achieving permanency for a child.

Scope:

This policy applies to all planning, decisions and actions undertaken to meet the safety, belonging and wellbeing needs of children subject to statutory intervention under the CP Act.

Roles and Responsibilities:

Roles and responsibilities in relation to permanency planning are set out in the Child Safety Practice Manual.

Practice panel review of permanency decisions

A practice panel will be convened to review all decisions relating to permanency (reunification or the pursuit of an alternative permanency goal). The practice panel will provide rigour and objectivity to decisions being made about how to best achieve permanency for a child.

The practice panel will critically examine information available, including the child's views and the views of their parents and family. If the decision involves an Aboriginal and Torres Strait Islander child, the panel will also consider whether an independent person helped facilitate the child and the child's family to participate in decision making and the extent of active efforts made to apply the five core elements of the Aboriginal and Torres Strait Islander Child Placement Principle when working with the child and their family.

The practice panel will include a critical friend and other relevant partners to ensure all perspectives are considered in decision making.

Permanency considerations that apply to all children

To determine the best option for achieving relational, physical and legal permanency for a child, Child Safety will identify the option that:

- supports ongoing positive, trusting and nurturing relationships with persons of significance to the child, including the child's parents, siblings, extended family members and carers (*relational permanence*); and
- provides stable living arrangements, with connections to the child's community, that meet the child's developmental, educational, emotional, health, intellectual and physical needs (*physical permanence*); and
- provides legal security and 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 (*legal permanence*).

Child Safety will, wherever possible, ensure the option enables the:

- child to be placed with kin (section 5B(h) of the CP Act)
- child to be placed with siblings (s5B(i) of the CP Act)
- to have ongoing relationships with family and kin (s5B(k) of the CP Act)
- child to know, explore and maintain their own identity and values, including their cultural, ethnic and religious identity and values (section 5B(l) of the CP Act)
- continuity and strengthening of relationships with other persons of significance, such as friends, people in their community networks, school friends or a medical professional
- child to have ongoing involvement in clubs, associations, religious institutions and other activities
- continuity of schooling, including childcare arrangements and access to additional supports the child needs to maintain continuity
- continuity of health care providers, particularly where children are regularly accessing specialist or culturally appropriate health care providers for ongoing health needs

- child to remain living within or connected to their local community.

In addition, Child Safety will also consider the extent to which an action or order upholds the child's rights under the *Human Rights Act 2019*.

Achieving permanency for non- Aboriginal and Torres Strait Islander children

In addition to the considerations prescribed in [section 5BA\(2\)](#) of the CP Act, when determining the action or order that would best achieve permanency for a non-Aboriginal or Torres Strait Islander child, Child Safety will consider other statutory requirements, including:

- the principle that the first preference is for the child to be cared for by the child's family
- the principle that 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
- the principle that the third preference is for the child to be adopted under the *Adoption of Children Act 2009*
- the principle that the last preference is for the child to be cared for under the guardianship of the chief executive.

The order of preferences for achieving permanency for a non-Aboriginal or Torres Strait Islander child will be considered in context with all statutory requirements, and the child's specific permanency needs, and will not be the sole consideration in identifying the option that best achieves permanency for a child.

Aboriginal and Torres Strait Islander children

In addition to considering the statutory requirements that apply to all children prescribed in [section 5BA\(2\)](#) of the CP Act, when determining the action or order that would best achieve permanency for an Aboriginal or Torres Strait Islander child, Child Safety will also consider:

- what long-term effect each option would have on the child's identity and connection with the child's family and community
- the extent to which each option upholds the five elements of the Aboriginal or Torres Strait Islander child placement principle [Aboriginal and Torres Strait Islander Child Placement Principle](#) —
 - (a) the child's right to be brought up within the child's own family and community
 - (b) Aboriginal or Torres Strait Islander persons' right to participate in significant decisions under the CP Act about Aboriginal or Torres Strait Islander children
 - (c) if a child is to be placed in care, the child's right to be placed with a member of the child's family group
 - (d) the child and the child's parents' and family members' right to participate, and be enabled to participate, in an administrative or judicial process for making a significant decision about the child

(e) the child's 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.

- provisions for placing Aboriginal and Torres Strait Islander children in care, section 83 of the CP Act ([section 83](#))
- the extent to which each option upholds the child's rights under the *Human Rights Act 2019*
- the principle that the first preference is for the child to be cared for by the child's family
- the principle that 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
- the principle that the third preference is for the child to be cared for under the guardianship of the chief executive
- the principle that the last preference is for the child to be adopted under the *Adoption Act 2009*.

The order of preferences for achieving permanency for an Aboriginal or Torres Strait Islander child will be considered in context with all statutory requirements, and the child's specific permanency needs, and will not be the sole consideration in identifying the option that best achieves permanency for the child.

Authority:

Adoption Act 2009

Child Protection Act 1999

Human Rights Act 2019

Delegations:

Refer to instruments of delegation for delegations relevant to permanency planning decision-making.

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Office: Office of the Chief Practitioner
Help Contact: Child Protection Practice

Links:

Procedures

Child Safety Practice Manual

Related policies

Case planning (263)

Decisions about Aboriginal and Torres Strait Islander children (641)

Participation by children and young people in decision-making (369)

Rescinded Policies

594-5 Permanency planning

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