Let's get ready kit
for NGOs

Implementation of the Child Protection Reform Amendment Act 2017

supporting families changing futures

Queensland Government

Table of contents

NOTE: These changes will take effect from a date to be fixed by proclamation.

July Amendments Overview

What has changed?	Summary of legislation change
Temporary Custody Order (TCO)	Clarification that a TCO can be applied for to provide for the immediate safety of a child, where a matter has already been referred to the Director of Child Protection Litigation. A magistrate can only make a temporary custody order if they are satisfied that, within the period of the order, Child Safety or the Director of Child Protection Litigation will be able to decide the most appropriate action to meet the child's ongoing protection and care needs.
Intervention with Parental Agreement (IPA) **Sections 51ZB, 51ZC and 59**	Child Safety is not required to consider an IPA if it is reasonably believed the child would be at immediate risk of harm if the parents withdraw their agreement to the intervention. In an IPA case the department must include clear goals and actions in the case plan and detail what is expected of both the parents and the department to achieve the goals of the intervention. When making a child protection order, a court can consider the department's decision to end the IPA.
Vaccinations **Section 97**	Vaccinations are included in medical treatment that can be sought under section 97 when the CE has custody of a child or seeks an order for medical treatment on adjournment. A child who is in the custody the CE can be vaccinated by a health practitioner, in accordance with the Queensland Immunisation Schedule or in an emergency, such as a child's exposure to a viral illness or an accident requiring a tetanus vaccination. Child Safety officers will continue to seek the consent of the guardian however when this cannot be obtained an authorised officer will be able to provide the consent.
Research **Section 189B**	The chief executive can authorise access to information that could identify a person, as long as the chief executive is satisfied it is reasonably necessary for the research and the information will not be published in a way that could result in identification. The department will be able to participate in a greater range of research and analytic projects.
Publishing of information regarding child witnesses	If a child is likely to be called as a witness in criminal proceedings for a sexual or violent offence, any publication about the proceedings must not knowingly disclose identifying information about the child. These protections apply to all proceedings in the criminal prosecution process (such as extradition, bail and committal proceedings). If a report is produced about these proceedings it cannot disclose identifying information about a departmental officer or police officer.
Use of information by the Queensland Police Service	Queensland Police Service can use information they have obtained in their duties, without seeking approval from the department, provided that information does not identify the child or young person as being in care. E.g. to issue a child abduction or amber alert when a child or young person in care has been abducted.

* *These provisions came into effect on 23 July 2018.*

Proposed October Amendments Overview

What is changing? *	Summary of legislation change
Permanency	• The paramount principle has been amended to refer to safety, well-being and best interests of a child both through childhood and for the rest of a child's life. • Case planning must include permanency goals — this means that concurrent planning will occur from the beginning of intervention. If there is a goal for reunification there must also be an alternative goal. • Relational, physical and legal aspects of permanency are to be considered in decision-making. • Limits the total duration of short-term child protection orders to two years (unless the court is satisfied it is in the child's best interest and reunification of the child with their parent is reasonably achievable in the extended timeframe). • Provides a new permanent care order (PCO) which can only be varied or revoked on application by the Director of Child Protection Litigation, and a complaints framework for permanent care orders to allow the child/young person or a member of their family to make a complaint if they believe the guardian is not complying with their obligations. • Streamlines the process for changing the type of long term order, in that the court does not need to reconsider whether the child is in need of protection when: – Varying or revoking a long-term guardianship order to the chief executive with a long-term guardianship order to another person – Revoking a long-term guardianship order and making a permanent care order in its place.
Safe Care and Connection	• Includes principles that recognise the right of Aboriginal and Torres Strait Islander people to self-determination and requires a consideration of the long-term effect of a decision on identity and connection with family and culture. • Incorporates all five elements of the Child Placement Principle in the administration of the Act — **prevention, partnership, placement, participation and connection.** • Requires the chief executive, the Director of Child Protection Litigation or an authorised officer under the Act to comply with the Child Placement Principle when making a significant decision • Removes reference to recognised entities and introduces the new concept of Independent Aboriginal or Torres Strait Islander Entity (IE) to support the child and family in decision-making • Strengthens the requirement to place an Aboriginal and/or Torres Strait Islander child with their family group. • Enables the chief executive to delegate functions and powers in relation to Aboriginal and Torres Strait Islander children in need of protection to an Aboriginal and Torres Strait Islander organisation. • Recognises the importance of each child remaining connected to their family, community, culture and country

Information Sharing	• Simplifies the provisions around information sharing with a focus on the purpose of sharing the information and the best interests of the child or young person. • Enables the sharing of information between non-government organisations funded by either the Queensland or Commonwealth Government to provide services to child in need of protection or likely to become in need of protection. • Includes the principle that whenever safe, possible and practical, consent should be obtained before disclosing personal information. • Includes safeguards for the sharing of information. • Clarifies circumstances in which information can be shared about an unborn child or pregnant woman. • Requires the publication of an information sharing guideline by the department.
Transition to Adulthood	• Requires a case plan to include actions to help the child transition to adulthood from when they are 15 years old, other than when the child has a long-term guardian. • Provides that, as far as reasonably practicable, the chief executive must ensure help is available to assist a young person in their transition to adulthood until they turn 25 years of age.

* *These provisions will take effect from a date fixed by proclamation.*

Frequently Asked Questions For Non-Government Organisations

Child Protection Reform Amendment Act 2017

Vaccinations

1. What are the changes in relation to vaccinations?

The legislative changes add vaccinations under the definition of "medical treatment" in s97 of the *Child Protection Act 1999* (the Act). This means children and young people in the chief executive's custody can be vaccinated at the request of Child Safety.

2. How is this different from the changes announced last year?

The 2017 changes related to children and young people under the guardianship of the chief executive. These changes remain in effect and enable carers and care services to make arrangements for vaccinations to occur. Where the vaccination provider requires a signed consent form, the carer or care service staff will attach the Authority to Care – Guardianship to the Chief Executive form as this provides evidence of their authority to arrange for the child's vaccination.

3. Can carers arrange vaccinations for children subject to a custody order using just an Authority to Care (ATC) form?

For children and young people who are subject to a custody order, either the parent or the delegated officer will need to complete a consent form for the carer to present to the health practitioner.

4. What is the carer's role in vaccinations?

Regardless of the type of child protection order the child is subject to, there will be times when a carer facilitates a child or young person's vaccination for example by making an appointment, taking the child or young person to the appointment, or discussing their vaccination history with the health practitioner, etc. As the carer is not delegated to provide consent to the vaccination, prior authorisation must be obtained by the parent or delegated departmental officer, either through the Authority to Care form or through the consent form as mentioned above. Where possible and appropriate, parents should be invited to attend the appointment.

5. If Child Safety can request the vaccination, is parental consent still required?

Child Safety will always make active attempts to obtain a parent's consent, particularly when the parents retain guardianship. If the parent objects to their child being vaccinated, the grounds for their objection need to be discussed with the child's doctor. If the doctor advises that it is in the child or young person's interests to be vaccinated, Child Safety will provide consent.

Active attempts would include taking actions such as discussing the importance and schedule of vaccination with the parents; engaging the parents to gather information about the child or young person's vaccination history, including any previous adverse reactions; encouraging parents to attend the vaccination appointment and providing consent directly; or obtaining written consent from the parents (using the departmental immunisation consent form) for the child or young person to be vaccinated in accordance with the Queensland Immunisation Schedule.

6. Can children be vaccinated if they are under a temporary assessment order or a court assessment order?

Yes.

The legislative changes include vaccinations in the medical treatment a health practitioner may provide to a child or young person who is in the chief executive's custody. This means Child Safety can arrange for children or young people

subject to a temporary assessment order, a court assessment order, a temporary custody order, or an interim and procedural order as well as children subject to a child protection order granting custody or guardianship to the chief executive to be vaccinated.

Given the short-term nature of temporary assessment orders and temporary custody orders, it is unlikely vaccinations will be sought during this time. In the rare event that a vaccination is required, active attempts to gain the parent's consent should be made. In the event consent cannot be obtained from a parent, Child Safety can consent to the vaccination.

7. What about children who are in Child Safety's custody under a child protection care agreement?

Child protection care agreements, technically give Child Safety the ability to seek medical treatment including vaccination. It is Child Safety's current policy position that when subject to a child protection care agreement a child can receive a scheduled vaccination only if the child's parent consents. This is because a child protection care agreement is not a child protection order.

If an emergent vaccination like tetanus is required, active attempts to obtain parent's consent should be made. In the event the parent is not contactable, or otherwise unable to provide consent, Child Safety can request the emergent vaccination which the medical practitioner will determine.

8. What about an assessment care agreement?

Under an assessment care Agreement the child or young person is not in the chief executive's custody under the Act and therefore medical treatment, including vaccination, cannot occur without the consent of the parent or guardian.

9. What departmental officers are delegated to sign a consent for vaccination?

A Senior Team Leader or Manager is delegated to consent to vaccinations.

10. What do I do if a child has had an adverse reaction previously?

Child Safety will seek the parents' advice about the child or young person's vaccination history or request a search of the Australian Immunisation Register. If the child or young person has had an adverse reaction to previous vaccinations, Child Safety or the carer (depending on who is taking the child to the appointment) should ensure the health practitioner is aware of this information to enable them to make an appropriate decision about the child's treatment.

11. What happens if a health practitioner refuses treatment?

The decision to undertake or refuse treatment is up to the health practitioner and all medical treatment must be reasonable in the circumstances. Should a health practitioner refuse treatment, Child Safety or the carer (depending on who is taking the child to the appointment) should seek advice as to why. A second opinion may be required.

12. What if a child who is now at school has had none of their scheduled vaccinations?

Child Safety will seek the parents' advice about a child or young person's vaccination history and request the history from the National Immunisation Register. If a child or young person has not had vaccinations in line with the Queensland Immunisation Schedule, Child Safety or the carer (depending on who is taking the child to the appointment) should ensure this information is provided to the health practitioner to enable them to make decisions about the child's treatment, including development of a Catch-Up Schedule.

13. Where can I find more information about vaccinations?

For more information about vaccinations and the vaccination schedule, you can access the Queensland Government vaccinations site at https://vaccinate.initiatives.qld.gov.au/

Intervention with Parental Agreement (IPA)

14. What are the changes?

The legislative changes do not substantially change current practice. What is clarified is that:

- an IPA can only be considered if a child will not be placed at immediate risk of harm (danger) if the child's parent withdraws their agreement
- a case plan for a child must include details about what is expected of the child's parents and the chief executive in carrying out the intervention including goals, action steps, outcomes and timeframes
- the Childrens Court may have regard to a decision to end an IPA when considering making a child protection order.

Temporary Custody Orders

15. What are the changes to temporary custody orders (TCOs)?

The legislative amendments clarify that an authorised officer can apply for a TCO even when a referral has already been made to the Director of Child Protection Litigation (DCPL).

This change makes it clear the DCPL, in addition to the chief executive, is able to review and determine the next steps during a TCO after a referral has been made.

Research

16. What are the changes in relation to research?

The changes more easily enable Child Safety and NGOs to participate in research projects and to share data, with safeguards in place to ensure publication of information will not lead to the identification of a person known to Child Safety.

Protections for child witnesses

17. What is changing in relation to publishing details of child witnesses?

The changes increase protections for child witnesses, regardless of whether they are known to Child Safety. Where a child is a witness in a proceeding for a sexual or violent offence, a report of the proceeding or a 'related proceeding' such as a bail hearing, must not identify the child, unless the court has authorised the identifying information to be included in the report.

18. Why has the restriction on reporting been broadened to include violent offences?

Witnessing violence can be traumatic for any person, particularly a child. Cases have occurred where children and young people have been present when violent crimes have been committed and they have been identified in the media. The amendments clearly define what constitutes an offence of a violent nature.

Child Abduction (Amber) Alerts

19. What is changing in relation to the Queensland Police Service and the ability to issue Child Abduction (Amber) Alerts?

The changes will not affect current practices by either Police, Child Safety or carers. The changes make it clear that a police officer may use confidential information acquired under the Act (such as a description, age and a photograph but **NOT** details identifying the child is in care) to perform his or her functions as a police officer, such as issuing a child abduction alert.

Changes expected to come into effect in late 2018 on a date to be announced.

Safe Care and Connection

20. What is Safe Care and Connection?

Safe Care and Connection is about ensuring Aboriginal and Torres Strait Islander children and young people who are in care are looked after in a way that maintains their cultural, community and family connections. The changes recognise that stronger connections result in better outcomes for Aboriginal and Torres Strait Islander children and young people, and acknowledges the long-term impact of child protection decisions on a child or young person's identity and connection to culture.

21. How does the *Child Protection Reform Amendment Act 2017* (the Amendment Act) support Safe Care and Connection?

The Amendment Act introduces new principles to the administration of the *Child Protection Act 1999* (the Act) to recognise the right of Aboriginal and Torres Strait Islander peoples to self-determination and acknowledge the long-term effects of decisions on identity and connection with family and culture.

It also incorporates the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle — prevention, partnership, placement, participation and connection — requiring the principles to be applied when a person is undertaking a function under the Act.

Another way the Amendment Act supports Safe Care and Connection will be through the introduction of a new power for the chief executive of Child Safety to delegate some or all of their functions and powers in relation to an Aboriginal and Torres Strait Islander child or young person to an appropriate Aboriginal and Torres Strait Islander entity. Whilst this amendment will enable delegations to be made as soon as the new legislation commences, Child Safety and the non-government sector are working closely together to ensure both are ready before any delegations are made.

22. What does self-determination for Aboriginal and Torres Strait Islander peoples mean?

Self-determination is the process by which a person or family controls their own life, so it will mean something different for every individual Aboriginal and Torres Strait Islander person and community.

Aboriginal and Torres Strait Islander peoples' participation and leadership in the decisions that impact the care and protection of their children and young people will promote continuity of family and community relationships. Therefore the most appropriate approach to answering this question is to respectfully engage with Aboriginal and Torres Strait Islander peoples to seek their views.

23. What is happening with the Recognised Entity?

The amendments remove all references to a Recognised Entity. From the date of commencement, Child Safety and other agencies will no longer be required to consult with a Recognised Entity or have them participate in decision-making.

Funding from this program is transitioning to the new Family Participation Program, which changes the focus from supporting government to supporting families.

24. What is the Family Participation Program?

The Family Participation Program is focused on supporting Aboriginal and Torres Strait Islander families to fully participate in the child protection decisions that impact on them. The program is delivered and run entirely by Aboriginal and Torres Strait Islander community controlled organisations across Queensland.

A main focus of the program is the facilitation of Aboriginal and Torres Strait Islander Family Led Decision Making, a process whereby authority is given to parents, families and children to solve problems and lead decision-making in a culturally safe space. This recognises the child, young person and their families are the primary source of cultural knowledge in relation to the child or young person.

The ultimate goal of the Family Participation Program is to ensure the safety of children within family, community and culture.

25. How will I build my cultural capability?

Building cultural capability is important for all those involved in child protection and everyone is encouraged to foster relationships with their local communities to develop and build cultural knowledge. This could include talking to community groups, the local Family Wellbeing Services, an Indigenous Health Service, or other services and people. It may also involve reading and researching information about the local community or communities the child or young person comes from.

Children and young people in care may feel more connected to their culture if it is openly and positively embraced through discussion, symbology (such as paintings, books and artwork) and ongoing relationships with family and community (where appropriate).

As families and communities are the best source of cultural information as it relates to them, to fully embrace the Aboriginal and Torres Strait Islander Child Placement Principle, the child or young person and their family should be consulted about their culture and how to best provide a culturally safe environment.

26. What is an independent person for an Aboriginal or Torres Strait Islander child?

An independent person (known in the legislation as an independent Aboriginal and Torres Strait Islander entity) is a person chosen by a child, young person, parent or their family as someone who will support the child or young person and their family's meaningful participation in decision-making.

An independent person may also be from the Family Participation Program.

27. Why was the concept of the independent person introduced?

The introduction of the independent person supports the right to self-determination and choice for an Aboriginal or Torres Strait Islander child or young person and their family. The child or young person and their family choose someone who they are comfortable with, is significant to their child or young person, and knows their community or language group.

The child or young person and their family also have the right to decide not to have an independent person facilitate their participation in decision-making processes.

Importantly, Child Safety cannot impose an independent person on a family. An independent person is someone the child or young person and their family chooses to support them in their communication with the department and to meaningfully participate in decisions that may have an impact on a child or young person.

28. How will the role of independent person differ from the role the Recognised Entity currently has?

The Recognised Entity provided cultural advice in relation to a family to Child Safety (and in some cases other government agencies and the court) regarding child protection matters.

An independent person will support an Aboriginal or Torres Strait Islander child, young person and their family to optimise their participation in decision making processes for significant decisions. An independent person is chosen by the child or young person and their family. This recognises the child or young person and their families as the primary source of cultural knowledge in relation to the child, young person and family.

29. What are the significant decisions an independent person would be involved in?

A 'significant decision' about an Aboriginal and/or Torres Strait Islander child or young person is defined by the Act as 'a decision likely to have a significant impact on the child's life'.

The Act gives some examples, but is not an exhaustive list, because what is significant will depend on the unique circumstances of the case. However, significant decisions would always include:

- how to keep a child or young person safe (immediate safety planning during an investigation and assessment and placing a child in care)
- whether a child or young person is in need of protection
- case planning decisions including the type of ongoing intervention that will be undertaken with a family and how the child's needs will be met
- to refer a matter about an application for a child protection order for the child to the Director of Child Protection Litigation (DCPL)
- about where or with whom a child or young person will live - for children subject to a child protection care agreement or child protection order granting custody or guardianship to the chief executive (Child Protection Act 1999, section 83(2))
- support service planning prior to the birth of an Aboriginal or Torres Strait islander child.

30. How can an independent person help facilitate a child, young person, or their parents or family's participation in a decision?

The role of the independent person will differ depending on each family and their situation. Some examples of what the independent person may do include:

- being present as a trusted person during a meeting with Child Safety, to support the child or young person and their family to ensure everything they wish to say has been shared
- providing contextual cultural information about things impacting on a parent, to ensure Child Safety are accurately understanding the parent's motivations or actions when forming an assessment
- helping the child, young person or family explain to Child Safety the cultural factors that may be impacting on a family's capacity to fully participate in discussions and decisions.

31. Who can be an independent person for a child, young person or their family?

Generally the person chosen by the child, young person or their family will be an Aboriginal or Torres Strait Islander person who is a representative of the child's community or language group, of significance to the child or young person and/or is an authority to speak on Aboriginal or Torres Strait Islander culture in relation to the child or young person's family.

The child, young person or family may also choose an organisation that includes Aboriginal or Torres Strait Islander persons and provides services to Aboriginal or Torres Strait Islander persons (this could include a service funded by Child Safety or the Commonwealth Government).

It is important for the safety and wellbeing of the child or young person their independent person does not pose a risk to them and will not have a significant adverse effect on their safety, psychological or emotional wellbeing, or that of another person. The intent of the legislation is not to unnecessarily limit or restrict the child, young person or family's choice of an independent person.

32. Does 'independent' mean the independent person for a child or young person has to take on a neutral position and cannot support a family's view?

'Independent' means independent from Child Safety.

A child, young person or their family's independent person will support the child or young person and their family to be heard, and support and encourage their meaningful participation in decision making.

33. Will the independent person for a child, young person or their family have experience and knowledge in child protection?

The independent person is not required to be an expert in child protection. Child Safety staff will explain child protection processes and the role of the independent person to the child or young person, their family and independent person.

34. Could an independent person for a child also be nominated to be a provisionally approved carer or kinship carer for the child or young person?

Possibly. It may be an independent person is also best placed to provide care for the child or young person (e.g. the child's grandmother). When this occurs, Child Safety, the child or young person, their family and the carer should discuss the implications of undertaking both roles and whether this is in the best interest of the child or young person and the preference of the child or young person and their family. The person would need to satisfy suitability requirements for being provisionally approved. If being the child's carer presents a conflict of interest, this may need to be considered by the person either not being the family's independent person or by not being the child's carer.

35. Will an independent person for a child or young person be bound by the confidentiality provisions in the Act?

Yes. The Amendment Act includes the independent Aboriginal or Torres Strait Islander entity in the definition of a 'service provider' and therefore the independent person will have to meet relevant confidentiality requirements under the Act.

36. Will an independent person have contact with carers or NGOs?

The independent person is there to support the child or young person and their family in decision-making. As a person of significance to the child or young person and their family, the independent person may be a key relationship that needs to be maintained for the child or young person to be connected to family or community.

An independent person may be from the Family Participation Program, Family Wellbeing Service or other NGO. If unsure, it is always best to speak to Child Safety.

37. What is delegated authority?

The Amendment Act introduces a new power for the chief executive of the department to delegate some or all of their functions and powers in relation to an Aboriginal or Torres Strait Islander child or young person to an appropriate Aboriginal or Torres Strait Islander entity. This is known as delegated authority.

38. If the CE can delegate authority under the Act, does this mean all case work for Aboriginal and Torres Strait Islander families will transfer to Aboriginal and Torres Strait Islander organisations?

There are a range of options under consideration. Delegation can occur for individual children or groups of children, and can occur for one or more activities/decisions, such as case work or investigation and assessment. Further planning and scoping is being undertaken around delegated authority.

Permanency

39. What does permanency mean for children and young people in care?

Permanency is the experience of a child having stable relationships, living arrangements and legal arrangements, through their childhood and for the rest of their life.

The three dimensions of permanency are:

- relational permanency — the experience of having positive, loving, trusting and nurturing relationships with significant others, which may include the child's parents, siblings, extended family and previous carers

- physical permanency — stable living arrangements for the child with connections to their community (for example their school, friends, doctor and extra-curricular activities)
- legal permanency — legal arrangements associated with permanency, such as long-term guardianship child protection orders, adoption and family court orders.

All three dimensions must be taken into account in permanency planning for a child or young person.

40. Why have permanency principles been included in the legislation?

The principles promote decision making that prioritises timely permanency outcomes for children and young people; focus on relational, physical and legal aspects of permanency; and establish a hierarchy of preferred care arrangements for best achieving permanency for a child.

Achieving early permanent, stable care and legal arrangements for children in the child protection system, whether they are returning to their home or remaining in care, leads to better life outcomes for children (Fernandez & Maplestone, 2006).

As outlined in the final report of the Queensland Child Protection Commission of Inquiry, the aim of case planning for children and young people in the statutory care system is to achieve a permanent, stable home.

41. Are there additional permanency considerations for Aboriginal and Torres Strait Islander children and young people?

Yes. Child Safety must consider the long-term effects of decisions on the identity of an Aboriginal and/or Torres Strait Islander child or young person and their connection with family, community and culture, as well as the right of Aboriginal and Torres Strait Islander peoples to self-determination.

For any permanency decision made or action taken in relation to an Aboriginal and/or Torres Strait Islander child or young person, Child Safety and the courts must also consider and apply all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle.

42. How will permanency for Aboriginal and Torres Strait Islander children and young people be supported?

The changes require Child Safety to place a stronger emphasis on ensuring an Aboriginal and/or Torres Strait Islander child or young person's case plan is consistent with the connection element of the Child Placement Principle. This recognises the importance of having arrangements in place that support a child or young person to establish and maintain connections to their community and culture as a vital element of all three permanency dimensions.

Carers will play an important role in maintaining connections to community and culture through implementing appropriate actions in the case plan. Actions may include taking the child or young person to visit extended family or their community and ensuring children and young people attend community functions (where appropriate).

43. How will the changes impact placement decisions?

The legislative changes outline the preferred care arrangements for best achieving permanency for a child or young person to guide decision-making. In order of priority, the care arrangements are:

- first preference, for the child or young person to be cared for by the child or young person's family
- second preference, for the child or young person to be cared for under the guardianship of a member of the child or young person's family or another suitable person
- third preference, for the child or young person to be cared for under the guardianship of the chief executive.

44. If I currently have an Aboriginal and/or Torres Strait Islander child or young person in my care but I am non-Indigenous, will the child or young person be placed elsewhere?

The Act already provides an order of preference for the placement of Aboriginal and Torres Strait Islander children and young people, and where they are already placed with non-Indigenous carers, the appropriateness of the placement should have already been determined.

The Amendment Act will place a greater emphasis on cultural support planning that ensures children and young people remain connected to their family, community and culture. This will be undertaken in consultation and collaboration with the child or young person's family, community, independent person and carers.

45. What are the changes to short-term orders?

The amendments limit the duration of consecutive short-term child protection orders (granting custody or guardianship to the chief executive) to a total period of two years from when the first order was made. For example, if a child has been subject to a short-term custody order for two years, no further consecutive order can be made. If a child has been subject to a short-term custody order for 12 months, then a further order can only be made for a maximum of 12 months (two years in total). The two year period does not include interim orders that were in place before the first order was finalised.

There is an exception — where the court is satisfied it is in the best interests of the child or young person and reunification with the child or young person's parents is reasonably achievable in a longer timeframe, the court may choose to extend the order.

It is important to note the change only applies to consecutive orders. If a previous child protection order was revoked or expired, and there was a period of time the child or young person was not subject to an order, the court may make further short term child protection orders, up to a total duration of two years.

46. What is concurrent case planning?

Concurrent planning requires Child Safety to work with the child, young person and their parents to develop more than one permanency goal for the child as part of case planning. This will be particularly important given the new two year limit on short-term orders.

Within the case planning process, this will mean all children and young people will require a primary permanency goal to be developed during the initial Family Group Meeting, as well as an alternative permanency goal. The primary permanency goal will be reunification in most cases. Should reunification not be possible, the alternative permanency goal will be pursued. Both goals will require actions to be developed and progressed.

Carers will play an important role in both goals, working with Child Safety, the child or young person and their family towards reunification, and also providing input into the case planning process, particularly where reunification cannot be achieved and an alternative permanency goal needs to be pursued.

47. Does the two year time limit on short-term orders include temporary assessment orders (TAOs) and court assessment orders (CAOs)?

No. CAOs, TAOs and Temporary Custody Orders (TCOs) are not defined as 'child protection orders' in the Act. They will not be considered part of the two years when they were in place before the first order was made.

48. Will the duration of an interim order be included in the two year timeframe?

An interim order is normally made during the course of the proceedings before the Children's Court. It is a temporary order and will usually only last until the matter is next heard in court or until a final child protection order is made.

The two year timeframe is calculated from the date the first short term child protection order is

made under section 59 of the Act. Therefore, any interim arrangement prior to that date will not be considered. However if there are consecutive short term orders to be considered, the court time associated with the second short term order will be taken into account for the 2 year time period.

49. How is the new Permanent Care Order (PCO) different from other child protection orders?

A PCO is similar to a long-term guardianship order, in that it grants the guardianship of the child or young person to a suitable person until the child or young person is 18.

A PCO is different from other orders in that it can only be varied or revoked by the Director of Child Protection Litigation, meaning a parent cannot apply to vary or revoke the order once it is made. Another difference is once a PCO is made, Child Safety will not have ongoing involvement, noting the permanent guardian or child or young person can seek a review of the case plan at any time.

50. How will Child Safety determine whether a LTG-O or a PCO is appropriate?

An assessment of the child or young person's permanent care needs will begin early in Child Safety's involvement with a child or young person. Parents and family will be part of ongoing conversations with children, young people, parents, carers, the wider family and relevant services.

Consideration will be given to the child or young person's needs, the views and wishes of the parents and family, and the circumstances surrounding the care arrangements for the child or young person when determining what type of order is required to ensure their long-term protection needs.

The PCO will also include an assessment of the proposed guardian being able to meet the ongoing obligations under the Act without the ongoing involvement of Child Safety (e.g. guardians will need to facilitate family contact, keep parents and family informed of where the child is living and how they are doing).

51. Who can nominate to be a permanent guardian for a child or young person?

If a child or young person has been with a carer for more than 12 months and the carer is interested in becoming a permanent guardian for them, they can talk to the Child Safety Officer to let them know.

A PCO may not be appropriate in all situations so the decision to recommend an application for a PCO will be made in consultation with the child or young person, their parents, family and their carers. There will also be a sensitive and thorough assessment process for permanent guardians.

52. What will the assessment process for permanent guardians look like?

If a child or young person is subject to a PCO, Child Safety will not be required to provide ongoing support or case management to the child or young person, or their guardian. Therefore, a holistic assessment of the guardian's ability and suitability to meet the child or young person's care needs without ongoing monitoring or support will be required.

The assessment will be similar to the current assessment process undertaken for proposed guardians of children under long-term guardianship orders.

For an Aboriginal or Torres Strait Islander child or young person, each element of the

Aboriginal and Torres Strait Islander Child Placement Principle will need to be addressed when assessing the suitability of proposed guardians.

In addition, the child and family have the right to have an independent person to help facilitate their involvement in the decision-making process.

53. Does a permanent guardian have to have a Blue Card?

At the time of placement, the proposed guardian, as the child's approved foster or kinship carer, will require a Blue Card. After the order is made, there will be no requirement to continue to maintain a Blue Card, unless the guardian also continues to be an approved carer for other children in the household.

54. What will a permanent guardian be required to do after a PCO is made?

The permanent guardian has responsibility for meeting the child's or young person's daily care and long-term needs and have a legal obligation to:

- comply with the charter of rights for a child in care
- preserve the child's identity and connection to their culture of origin
- help maintain the relationship between the child or young person's and the child's family, and persons of significance, and provide opportunities for ongoing family contact with them
- help the child in their transition to adulthood
- tell the parents where the child is living
- give the parents information about the child's care
- immediately inform Child Safety, in writing or via email, should the child leave their care prior to turning 18 years of age
- immediately inform Child Safety, in writing or via email, should the child be leaving their care in the near future.

The ability of a permanent guardian to meet these obligations will be assessed prior to any application for a PCO.

55. Are there other considerations when making a Permanent Care Order for an Aboriginal or Torres Strait Islander child?

Yes. Additional requirements apply in relation to an application for a PCO for an Aboriginal and/or Torres Strait Islander child or young person.

A PCO may grant guardianship of a child or young person to members of the child's family, language group or community and thereby give legal recognition to arrangements that may previously have been in place to meet the child's care and protection needs.

When deciding whether to make a PCO for an Aboriginal or Torres Strait Islander child or young person, the Childrens Court must give consideration to the five elements of the Child Placement Principle, and to Aboriginal and Torres Strait Islander traditions and custom relating to the child or young person.

The Childrens Court may only make the order if it is satisfied that a plan for the child or young person includes appropriate details about how their connection with their culture, community and language group will be developed or maintained and the decision to apply for the order has been made in consultation with the child or young person, if appropriate.

The child or young person and their family have a right to have an independent person to support their participation in the case plan decision to pursue a permanent care order for the child.

Remembering the principle that Aboriginal and Torres Strait Islander people have a right to self-determination and the long term effect of a decision on the child's identity, and connection with the child's family and community must be taken into account.

56. Can non-Indigenous carers be approved as permanent guardians for Aboriginal and Torres Strait Islander children?

Yes, however, the preference would generally be for the child to be placed with a guardian from their own culture and/or extended family. Any carer being considered as a permanent guardian for an Aboriginal and/or Torres Strait Islander child will require a detailed assessment of their demonstrated ability to meet the child's needs, including an ability to ensure the child's relationships with their family, community and culture are supported, nurtured and encouraged. The child or young person's family (supported by their independent person) would be consulted, and their views taken into account.

57. What happens if the child or young person does not believe their permanent guardian is meeting all their requirements?

A child or young person may do the following:

- contact Child Safety, either by making a complaint or any other mechanism

- request someone contact Child Safety on their behalf
- speak to the Public Guardian so they may contact Child Safety.

58. How will Child Safety assess complaints about permanent guardians performing their role?

Any complaint by a child or a member of the child's family about a guardian not meeting their obligations will be considered in line with Child Safety's complaints policy. The information will be assessed and a decision made about whether or not to deal with the complaint.

Resolving the complaint may require contact with the guardian by Child Safety.

Child Safety will consider the information and advice provided by other parties, any responses from guardians to the complaint and other available information, and will resolve the complaint in accordance with the complaints guidelines.

59. Will permanent guardians be subject to Standards of Care processes?

No. Any concerns for a child or young person cared for by a permanent guardian under a PCO will be assessed the same way they are currently assessed for parents. That is, information would be assessed by the Regional Intake Service and a decision made about the level and risk of harm and the required response. Standards of Care processes for carers will not apply as the permanent guardian has assumed legal guardianship of the child or young person and is not a carer.

60. What happens if the permanent guardian can no longer care for the child or young person?

If the permanent guardian can no longer continue to provide care for a child or young person, Child Safety will review the child or young person's situation and take necessary steps to ensure their safety and wellbeing. This may include asking DCPL to vary or revoke the order, or working with the permanent guardian to determine if there are any supports available to enable them to continue to care for the child or young person.

A permanent guardian is required to notify Child Safety if the child or young person is no longer in their care or they reasonably believe their care of the child or young person is likely to end in the near future, for example, due to illness or injury or another reason.

61. What if a child or young person who is subject to a PCO dies?

Child protection orders are only current while the child or young person is alive and are not the same as adoption in that they do not legally sever the relationship with the birth family. It is recognised this situation will be painful for all and ideally guardians and biological parents would work together to make arrangements following the death of a child or young person subject to a PCO.

In addition, given the child or young person was subject to a child protection order, the death will be considered a "Reportable death" under the Coroners Act 2003 and will require coronial oversight.

62. Will a permanent guardian receive financial support from Child Safety?

The Amendment Act enables allowances to be provided to permanent guardians and consideration is being given to determine whether this will apply in all cases or on a case-by-case basis.

63. Will a permanent guardian be able to apply for a change of legal name for a child or young person?

Yes. In Queensland, an application to change the legal name of a child or young person can be made by a child or young person's permanent guardians to the Change of Name Register.

In addition, a Magistrates Court can, on application by a parent or guardian, approve a proposed change of name for a child or young person if it is satisfied that (a) the name is not a prohibited name; and (b) the change is in the child or young person's best interests.

64. What are the changes in relation to transitioning between long-term orders, such as long-term guardianship to the chief executive (LTG-CE), long-term guardianship to other (LTG-O) or PCOs?

The changes enable these applications to be made without requiring the court to reconsider some matters already considered when making the original long-term order. This includes whether a child or young person is in need of protection and whether a long-term order is appropriate.

The reason this change was made is because these matters have already been determined when making the original long-term guardianship order, and the court can rely on the previous findings.

The exception is where the court feels it is in the best interests of the child or young person for the matters to be considered again.

65. Where does adoption sit in the permanency continuum and how does Adoption Services' My Home permanent care initiative fit into this?

Adoption is the legal process that permanently transfers parental responsibility from the child or young person's birth parents (with their consent or with a Court's dispensation of their consent) to their adoptive parents, under the *Adoption Act 2009*.

Adoption severs the legal relationship between the child and the child's birth parents (unlike child protection orders) and creates a new identity for the child, including a changed birth certificate.

Adoption orders do not expire when the young person turns eighteen.

Adoption may be an appropriate options for some children in care, subject to the parents providing consent for adoption or reasonable grounds existing for a court to dispense with the need for consent (Adoption Act 2009, Part 2).

66. What is the My Home initiative?

The My Home initiative is a permanent placement program that aims to provide permanent homes for children or young people who are in the child protection system and where reunification with their family is no longer possible.

The aim of My Home is not to have children or young people adopted, but rather to meet their permanency needs through the provision of a forever home under the *Child Protection Act 1999*.

As part of My Home, Adoption Services has recruited a new cohort of permanent My Home foster carers who can care for a child or young person under a long-term order until they are 18 years old.

My Home is not an order type, it is a placement response for children or young people who are already subject to an order granting LTG-CE or for whom Child Safety is seeking a long-term order.

Information Sharing

67. What are the changes to information sharing?

The changes are intended to make the legislative provisions around information sharing clearer. They include a requirement for Child Safety to publish an information sharing guideline, broadens who can share information about a child or young person and their family to include the family support system (e.g. Family and Child Connect, Intensive Family Support services, and Aboriginal and Torres Strait Islander Family Wellbeing Services), and make it clear that, while it is best practice to obtain consent to share information, a child's safety, wellbeing and best interests are prioritised over an individual's privacy.

By removing barriers to information sharing, the laws enable collaboration and coordination of service delivery to children and their families. They support agencies working together to protect and promote the wellbeing of children.

Agencies who can share information include prescribed entities, service providers and the Department of Child Safety, Youth and Women.

68. What is a prescribed entity?

Prescribed entities (s.59M) of the *Child Protection Act 1999* (the Act) will include:

- the chief executives of the government agencies responsible for: adult corrective services, community services, disability services, education, housing services and public health
- the Police Commissioner
- the CEO of Mater Misericordiae
- a health service chief executive
- a principal of an accredited non-state school
- a specialist service provider.

69. What is a specialist service provider?

Specialist service providers are listed as prescribed entities under the information sharing provisions.

Specialist service providers are non-government services funded by the State or Commonwealth to provide a service to a relevant child or the family of a relevant child.

A relevant child is a child in need of protection or a child who may become a child in need of protection, if preventative support is not given to the child's family.

70. Who are specialist service providers?

Specialist service providers are services funded as tertiary or intensive secondary services to deliver support to 'at risk families', Aboriginal or Torres Strait Islander families who may be experiencing vulnerability or at risk, or 'statutory service users', including:

- Family and Child Connect services
- Intensive Family Support services
- Family Wellbeing Services
- Assessment and Service Connect services
- Tertiary Family Support services
- Child Protection Support Services.

71. Who are service providers?

A service provider is a person providing a service to children or families, a licensee or an independent person for an Aboriginal or Torres Strait Islander child.

72. Is consent required to share information?

Consent should be obtained where it is safe, possible and practical to do so.

However a child or young person's safety, wellbeing and best interests is prioritised over an individual's privacy. Also, when seeking consent, and before disclosing information, consideration will be given to whether this is likely to adversely affect the safety of a child, young person or another person.

73. When must specialist service providers share information with Child Safety?

Under s. 159N of the Act, Child Safety can compel some entities, including prescribed entities to provide information. This information must be relevant to Child Safety performing a function or exercising a power under the Act.

Child Safety makes these requests in writing and the requests must be complied with. In specific circumstances defined in the Act, information may not be shared, for example if giving information will endanger a person's life or physical safety.

74. What are the Information Sharing Guidelines and where do I find them?

Child Safety will be required to publish new guidelines on when information should be shared and the secure use, storage, retention and disposal of information for all stakeholders (including staff of Child Safety, government agencies and funded service providers).

These guidelines will be available on the department's website from commencement.

New sections, under Chapter 5A of the Act, specify when a holder of information may share information and with whom they may share information. The sections reflect different actions at each stage of the child protection continuum — reporting suspicion, assessment or investigation, assessing care needs and planning services, and decreasing likelihood of a child or young person becoming in need of protection.

Transition to Adulthood

75. Why has the language changed from Transition to Independence to Transition to Adulthood?

All young people make a transition from adolescence to adulthood and not all become 'independent' at the age of 18 years. The legislative amendments (which uses transition to independence language), recognise that most young people need access to supports well beyond their 18th birthday and it is now a community norm for young adults to receive financial, practical, health, educational, housing, emotional and access to legal support from their parents.

76. What is a carer's responsibility to help children and young people to transition to adulthood?

For children and young people who are subject to a long-term guardianship order to another suitable person or a PCO, it will be the responsibility of the long-term guardian or permanent guardian to ensure they are provided with appropriate help in their transition to adulthood. This will include preserving the young person's identity and connection to their culture or origin, and helping them maintain a relationship with their parents, family and other significant people in their life.

A permanent guardian can seek a review of a case plan at any time and may seek assistance from Child Safety to access supports that will assist the young person become self-sufficient.

77. What will Child Safety do to assist a young person who is, or has been, in the chief executive's guardianship to transition to adulthood?

The changes make it clear that, as far as reasonably practicable, Child Safety must ensure help is available to assist a young person in their transition to adulthood from the age of 15 up to when the young person turns 25.

This may include help to access entitlements (e.g. Transition to Independent Living Allowance), accommodation, health services and education, and help to obtain employment and legal advice. Child Safety is identifying opportunities to expand services such as Next Step After Care service, which is currently funded to provide such assistance for young people up to 21 years.Where a young person between the ages of 15 and 18 is in the chief executive's guardianship, their case plan must include a plan to support the young person in their transition to adulthood.

The Time in Care Information Access Service (1800 809 078) can also assist young people to access their stories and information.

78. Will the Next Step After Care program be extended to provide support to age 25 years?

Child Safety is identifying opportunities to extend the Next Step After Care program to support young people up to 25 years. Any changes to current eligibility for the program will be promoted as it becomes available.

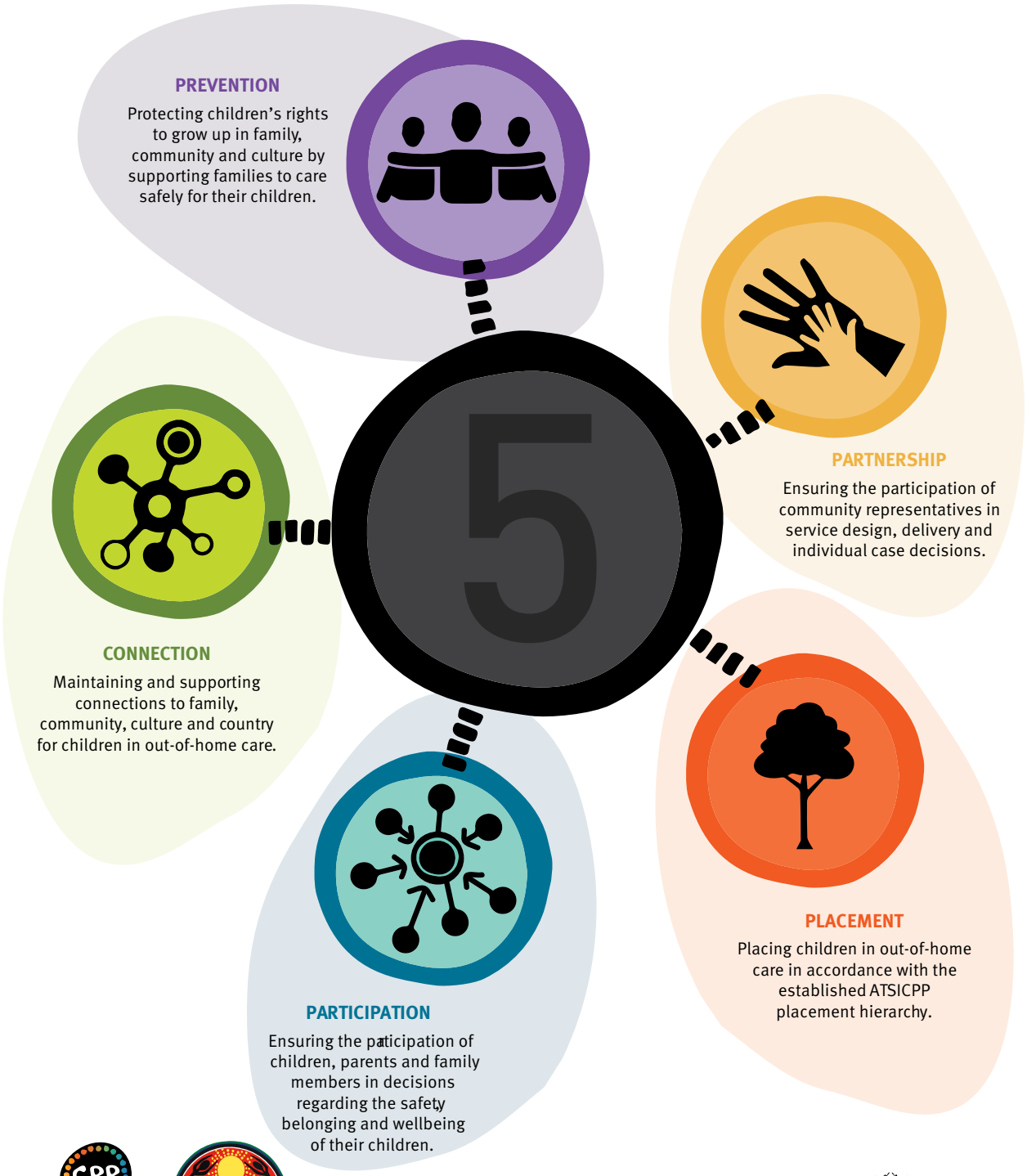
79. What if the young person is now a parent and requires assistance?

The young person's status as a parent will not limit their ability to seek assistance from Child Safety up to the age of 25 years.

Safe Care and Connection


Department of Child Safety, Youth and Women
Get ready for commencement of the
Child Protection Reform Amendment Act 2017
Safe Care and Connection
Aboriginal and
Torres Strait Islander
children and young people
need strong connections.
Legislative changes in late 2018 will promote the safe care and connection of Aboriginal and Torres Strait Islander children and young people.
Where can I get more information?
To find out more about the changes, visit
www.csyw.qld.gov.au/child-safety-legislation-reform
or email CPAreform@csyw.qld.gov.au
supporting families changing futures
Queensland Government

The five core elements of the Aboriginal and Torres Strait Islander Child Placement Principle



CPP ChildProtectionPeak

SNAICC National Voice for our Children

Queensland Government

These changes will take effect from a date to be fixed by proclamation

FACT SHEET:
Safe Care and Connection — Self Determination and the Aboriginal and Torres Strait Islander Child Placement

Child Protection Act 1999

The Child Protection Reform Amendments promote the safe care and connection of Aboriginal and Torres Strait Islander children and young people with family, community, culture and country.

Section 5C of the Act includes additional principles for administering the Act in relation to Aboriginal and Torres Strait Islander children including:

- Aboriginal and Torres Strait Islander people have the right to self-determination — s 5C(1)(a)
- The long term effect of a decision on identity and connection with the child's family and community must be taken into account — s 5C(1)(b)
- The five elements of the *child placement principle* also apply in relation to Aboriginal and Torres Strait Islander children: prevention, partnership, participation, placement and connection — s 5C(2).

Section 51B - requires a case plan for an Aboriginal and Torres Strait Islander child to include details about how the child will be supported to develop and maintain connections with their family, community and culture.

Section 83 has also been amended to strengthen the requirement to place children with family.

Child Safety Practice Manual

Changes are being made throughout the CSPM to reflect the Child Placement Principle. Key chapters include:

- Chapter 2 Investigation and Assessment
- Chapter 4 Case planning
- Chapter 5.1 outlines the steps for placing a child in out of home care
- Chapter 10.1 Decision making about Aboriginal and Torres Strait Islander children
- Practice Guide: The Child Placement Principle

Why have these amendments been made?

The amendments aim to improve child protection practice with Aboriginal and Torres Strait Islander children and families and reduce the over representation in the child protection system. The amendments embed the nationally recognised Aboriginal and Torres Strait Islander Child Placement Principle (CPP) and support the *Our Way* Strategy and Changing Tracks Action Plan.

All five elements of the CPP, prevention, partnership, participation, placement and connection are now made explicit in a single provision of the Child Protection Act and must be given consideration when applying the Act with respect to an Aboriginal and Torres Strait Islander child. They must also be applied in the broader administration of the Act such as in our program development and commissioning of services.

The CPP recognises the value of culture and the vital role of Aboriginal and Torres Strait Islander families' and communities' participation in decisions about the safety and wellbeing of their children. It is important to recognise that many of the different CPP elements intersect.

What does this mean in practice?

Anyone administering a function under the *Child Protection Act 1999* must make active efforts to implement the five elements which means ensuring engagements are affirmative, active, thorough and timely.

Prevention

Protecting children's rights to grow up in family, community and culture.

- Consider the generational impact and trauma experienced by Aboriginal and Torres Strait Islander peoples as a result of past policies, practices, programs and laws
- Consider the long term effect of decisions on the child's identity and connections with their family, community and culture
- Ensure families have access to a full range of culturally appropriate early childhood, education, health and other supports and social services
- Be proactive in linking families to the right services as challenges arise and consider referrals to Aboriginal and Torres Strait Islander Family Wellbeing Services
- Work with families and their networks to build safety and seek solutions that keep children out of the tertiary child protection system where possible
- Where children are subject to departmental intervention, provide culturally appropriate services to care for or return children to their families, community, culture and country
- Make arrangements in partnership with children and families for an Independent Aboriginal or Torres Strait Islander Entity (independent person) to facilitate the child's and family's participation in decision-making when Child Safety is involved.

Partnership

Ensuring the participation of family members in decisions about children and community representatives in service design and delivery.

- Commit to genuine partnerships between Aboriginal and Torres Strait Islander children and families, as well as the community controlled sector from all staff
- Form genuine partnerships with Aboriginal and Torres Strait Islander community representatives and facilitate their participation in decision-making across the child protection continuum. Consultation is insufficient.
- Involve families in all decision making by engaging with them directly in a culturally appropriate way and with the assistance of an independent person
- Invite families to stakeholder meetings that meet their location and family needs.

Placement

Ensuring placement of children and young people in care is prioritised in accordance with section 83.

- Aboriginal and Torres Strait Islander child or young person must if practicable be placed with a member of the child's family group
- If this is not practicable the child must be placed with:
  - Aboriginal and Torres Strait Islander members of the child's community or language group; or if not practicable
  - Aboriginal and Torres Strait Islander people (for example foster carers)

NB: If the above options are not available, as a last resort the child may be placed with a non-Indigenous carer who lives near the child's family, community or language group and has demonstrated capacity for ensuring the child's continuity of connection to kin, country and culture.

- Make arrangements in partnership with children and families for an independent person to support the child and their family's participation in decisions about where and with whom the child will live
- Make active efforts to identify kin for family arrangements or formal placements
- Complete a cultural support plan which outlines how Child Safety, family and carers will support children to maintain their connection to family, community and culture
- Review placement options if cultural support plans are not being implemented
- Where the child has not been placed with Aboriginal and Torres Strait Islander family or carers, regularly review appropriate placement options until permanency is achieved.

Participation

Ensuring the participation of children, parents and family members in decisions regarding the care and protection of their children.

- Acknowledge that Aboriginal and Torres Strait Islander families and young people are best placed to provide advice with respect to their culture, strengths and risks that exist in their own families and communities
- Enable children (when age appropriate) and families to participate in case planning and decision making processes. For example, utilise Aboriginal and Torres Strait Islander Family-led Decision Making processes (such as the Family Participation Program), and assist the child and family to identify and nominate an independent person
- Refer families to appropriate legal services if available or arrange for appropriate advocacy to support the participation of children in decision making.

Connection

Maintaining and supporting connections to family, community, culture, traditions and language for children and young people in care.

- Ensure options for reunification and reconnection are considered early, and reviewed regularly
- Develop, in partnership with the family and the child, meaningful cultural support plans for every Aboriginal and Torres Strait Islander child and ensure they are implemented and reviewed on a regular basis
- Ensure carers understand they have a role in maintaining cultural, community and family connections for children and clearly outline their responsibilities
- Place children with kin within their existing community wherever possible and make active efforts to ensure ongoing connections.

This fact sheet should be read in conjunction with the relevant legislation and the Child Safety Practice Manual. These will be available online from the date of commencement.

These changes will take effect from a date to be fixed by proclamation

FACT SHEET: Safe Care and Connection — Family Led Decision Making

Child Protection Act 1999

The Child Protection Reform Amendments promote the safe care and connection of Aboriginal and Torres Strait Islander children with family, community, culture and country.

Section 5C of the Act includes additional principles for administering the Act in relation to Aboriginal and Torres Strait Islander children including:

- Aboriginal and Torres Strait Islander people have the right to self-determination — s 5C(1)(a)
- The long term effect of a decision on identity and connection with the child's family and community must be taken into account – s 5C(1)(b)
- The five elements of the *child placement principle* also apply in relation to Aboriginal and Torres Strait Islander children: prevention, partnership, participation, placement and connection — s 5C(2).

Section 51B - requiring a case plan for an Aboriginal and Torres Strait Islander child to include details about how the child will be supported to develop and maintain connections with their family, community and culture.

Section 6 provides for an independent Aboriginal or Torres Strait Islander entity (known as an independent person) to facilitate the family and child or young person's involvement in decision making. (See fact sheet on *Independent Aboriginal and Torres Strait Islander Entity for a Child — Independent Person*).

Child Safety Practice Manual

Changes are being made throughout the CSPM to reflect the Child Placement Principle. Key chapters include:

- Chapter 2 Investigation and Assessment
- Chapter 4 Case planning
- Chapter 10.1 Decision making about Aboriginal and Torres Strait Islander children

Why have these amendments been made?

The amendments support the Our Way Strategy and Changing Tracks Action Plan by making changes to include:

- The right of Aboriginal and Torres Strait Islander peoples to self-determination
- The nationally recognised Aboriginal and Torres Strait Islander Child Placement Principle
- Enabling greater flexibility in facilitating the participation of an Aboriginal or Torres Strait Islander child or young person and their family in decision making under the Act.

What is Aboriginal and Torres Strait Islander family led decision making?

ATSIFLDM facilitates shared decision making involving children, young people, parents and families at different phases of the child protection system and aims to develop family based solutions that provide for the protection needs of children whether they are at home or in care.

Ideally ATSIFLDM is independently facilitated by an Aboriginal and Torres Strait Islander convenor, employed by a community controlled organisation.

ATSIFLDM aims to create a culturally safe space that is inclusive and respectful of the family's culture and which provides choice, privacy and time for decisions to be reached in the 'Aboriginal and/or Torres Strait Islander way'.

Family led decision making processes may be facilitated by Child Safety staff, internal and external convenors from the Collaborative Family Decision Making regional teams, and a new service — the Family Participation Program will be funded to deliver FLDM for Aboriginal and Torres Strait Islander children and families.

What does this mean in practice?

Families will be offered family led decision making processes when:

- Deciding the outcome of an investigation and assessment, where an outcome of 'child in need of protection' is being considered or is likely, and, if appropriate, the type of ongoing intervention required to provide for the child or young person's protection and care; and
- There is statutory child protection intervention, to participate in case planning, review of case plans and transition to adulthood planning.

Family led decision making processes can be used for a range of purposes, including to:

- Engage with families to collaboratively identify and address safety concerns, with the intent of arriving at alternatives to statutory protection, or identifying strategies to minimise the degree and length of any necessary intervention (prevention)
- Keep children connected with family, community and culture (connection)
- Map and identify kin (placement)
- Identify alternatives to a care placement and/or culturally appropriate placement options in line with the child placement principle (prevention and placement)
- Develop quality case plans, cultural support plans, and transition from care plans (participation and partnership).

Child Safety will work together with families and FLDM convenors to provide clear 'non negotiables' in relation to a child's safety and make collaborative decisions wherever possible.

Child Safety's decision-making responsibilities about the child's protection and care under the *Child Protection Act 1999* will not change, however the approach is to be as collaborative and family led as possible.

The child or young person and their family will have the opportunity to identify an independent person to support their participation in ATSIFLDM processes. (See fact sheet on *Aboriginal and Torres Strait Islander Independent Entity for a Child — Independent Person*).

The Family Participation Program

The Family Participation Program (FPP), which will commence at the same time as the legislative amendments are proclaimed, will enable Aboriginal and Torres Strait Islander children, young people, parents and families to participate in significant decision making processes regarding child protection matters that affect them.

The FPP seeks to give effect to the principle that Aboriginal and Torres Strait Islander peoples have the right to self-determination, and to support the implementation of the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle.

The FPP will be funded by Child Safety to provide independent facilitation of ATSIFLDM. The FPP will work alongside the Aboriginal and Torres Strait Islander Family Wellbeing Services which will continue to provide support services to families. The FPP may also provide an independent person for children, young people and families where the family prefers to use this service, rather than nominate someone else.

The extent of the capacity of the FPP to provide services to Aboriginal and Torres Strait Islander families will become clearer as the services are implemented. It is recognised that they may not be able to assist all families and some families may prefer not to use the service.

Child Safety's Collaborative Family Decision Making program with internal and external convenors will continue to be an option providing greater choice for Aboriginal and Torres Strait Islander families. A number of Indigenous internal and external convenors have been recruited across the state.

Child Safety Officers will continue to make referrals for FLDM processes dependent on family need, choice and the available services.

This fact sheet should be read in conjunction with the relevant legislation and the Child Safety Practice Manual. These will be available online from the date of commencement.

These changes will take effect from a date to be fixed by proclamation

FACT SHEET: Independent Aboriginal or Torres Strait Islander Entity for a child (Independent Person)

Child Protection Act 1999

Section 6 "Who is an independent Aboriginal or Torres Strait Islander entity?" outlines who can be an *independent Aboriginal or Torres Strait Islander entity for a child*.

Section 6AA requires the chief executive, authorised officers and the litigation director, to in consultation with the child or young person and their family, arrange for a person to facilitate the participation of the child or young person and family in the decision-making process when making a significant decision.

Schedule 3 includes the definition of a significant decision.

The legislation outlines who can be an independent person:

- An individual, who is an Aboriginal or Torres Strait Islander person; or
- A group, whose members includes Aboriginal or Torres Strait Islander persons

And must either:

- Provide services to Aboriginal and Torres Strait Islander persons (this could include an entity funded by Child Safety); or
- Be a representative of the child's community; or
- Be a person who is:
  - Of significance to the child or child's family; and
  - A suitable person for associating on a daily basis with the child; and
  - A person with appropriate authority to speak about Aboriginal or Torres Strait Islander culture in relation to the child or the child's family; and

Not an officer or employee of Child Safety.

And be a suitable person to be an independent Aboriginal or Torres Strait Islander entity for the child. To be a suitable person to be an independent Aboriginal or Torres Strait Islander entity, the entity must not pose a risk to children's safety or to the safety of the particular child.

In addition to information from the family and the nominated person, Child Safety will consider information kept in Child Safety records.

In accordance with the principle of self-determination a child or their family must agree to the involvement of the independent person.

Child Safety Practice Manual

Information on the involvement of an independent person, to help facilitate participation in significant decisions will be included in Chapter 10.1.

Information about when and how to engage an independent person will also be included in relevant chapters throughout the CSPM.

Why have these amendments been made?

The legislative amendments recognise the principle of Aboriginal and Torres Strait Islander self-determination. This requires us to work closely with Aboriginal and Torres Strait Islander children and families to enable their participation in significant decisions that affect them.

The concept of an independent Aboriginal or Torres Strait Islander person recognises that Aboriginal and

Torres Strait Islander children, young people and their families are best placed to identify a person who can support them and help facilitate their participation in decisions that affect their child.

Importantly, Child Safety can arrange an independent person only if the child, young person and family agree to them facilitating their participation in the decision making or planning process.

The independent Aboriginal or Torres Strait Islander entity provisions support the Child Placement Principle elements of partnership and participation.

What does this mean in practice?

When making a significant decision about an Aboriginal and Torres Strait Islander child, Child Safety will, in collaboration with the child or young person and their family, arrange an independent person.

A significant decision is a decision that is likely to have a significant impact on a child or young person's life.

The following decisions are considered significant for all children:

- a decision about how to keep a child safe (immediate safety planning during an investigation and assessment and ongoing intervention)
- a decision about whether a child is in need of protection
- case planning decisions including the type of ongoing intervention that will be undertaken with a family and how the child's needs will be met
- a decision to refer a matter about an application for a child protection order for the child to the Director of Child Protection Litigation (DCPL)
- a decision about where or with whom a child will live - for children subject to a child protection care agreement or child protection order granting custody or guardianship to the chief executive (Child Protection Act 1999, section 83(2))
- support service planning prior to the birth of an Aboriginal or Torres Strait islander child.

The primary role of the independent person is to help facilitate the child or young person and their family's meaningful participation in the decision making process for significant decisions.

The independent person does not have a say in decision making. They help the child, or one or more members of the child's family, to express everything they wish to say so their views are considered in decision making.

The primary source of cultural advice about an Aboriginal or Torres Strait Islander child, young person and family, for decision making by Child Safety, is provided by the child and the child's family.

An independent person is able to help Child Safety understand the child and family's culture and community and their motivations or actions as they relate to the decision being made.

There is an expectation that staff have the cultural capability to meaningfully engage with Aboriginal and Torres Strait Islander families.

It should be noted that intake decisions are not included in the significant decisions. There is an expectation that staff will apply a cultural lens at intake and if cultural advice is required this may be sought from a local Aboriginal or Torres Strait Islander community representative (sharing non-identifying information).

Investigation and Assessment (I&A)

When planning an I&A for an Aboriginal or Torres Strait Islander child, where cultural advice is required, Child Safety may consult with other child safety staff able to provide cultural advice or a local Aboriginal or Torres Strait Islander community representative (sharing non-identifying information).

During an I&A, Child Safety must arrange, in consultation with the child and the child's family, subject to their agreement, for an independent person to facilitate their participation in decision making through the I&A process. This includes facilitating their participation in the development of an Immediate Safety Plan, if required.

The child and family may choose to have the independent person facilitate their participation in developing a plan to address risk factors for matters where a Child in Need of Protection (CINOP) outcome is likely..

A family led decision making process may be used

to enable the child and family and Child Safety to identify the full range of strengths and supports available within the family to inform the decision about whether the child is in need of protection and the type of ongoing intervention required.

Ongoing Intervention (OI)

Child Safety must arrange, in consultation with the child and the child's family, subject to their agreement, for an independent person to facilitate their participation in significant decisions made during OI.

This includes decisions such as the type of intervention, child protection orders, and where and with whom a child, subject to the guardianship or custody of the chief executive, will live.

The independent person will not facilitate family led decision making meetings but may help facilitate the child, young person or family's participation in the meeting.

Interface between the independent person and non-government organisations

From November, NGOs working with Aboriginal and Torres Strait Islander families may participate in meetings involving Child Safety where the child and family are supported by an independent person. For example:

- when assessment and service connect staff meet families during an I&A or
- when family support services, licensed care services or foster and kinship care services are contributing to the development of a child's case plan.

Families may also approach staff from an NGO to consider being their independent person where the agency meets the criteria as outlined in the legislation. This may occur when the agency has an existing relationship with the child or family, for instance a family wellbeing service, or when the child or family cannot or do not want to nominate an independent person from their family and kin networks. One of the roles of the new family participation program may undertake is the role of independent person for families who wish to choose this option.

Are there circumstances in which an independent person does not have to be involved?

Child Safety cannot arrange an independent person if the child, young person or family does not agree to having an independent person facilitate their participation in a decision making process.

In addition, Child Safety is not required to arrange for an independent person to facilitate participation in a significant decision if doing so:

is not practicable because an independent person for the child is not available or urgent action is required to protect the child; or

is likely to have a significant adverse effect on the safety or psychological or emotional wellbeing of the child or young person or any other person; or

is otherwise not in the child or young person's best interests.

The CSPM will provide further guidance about the circumstances in which Child Safety is not required to arrange an independent person.

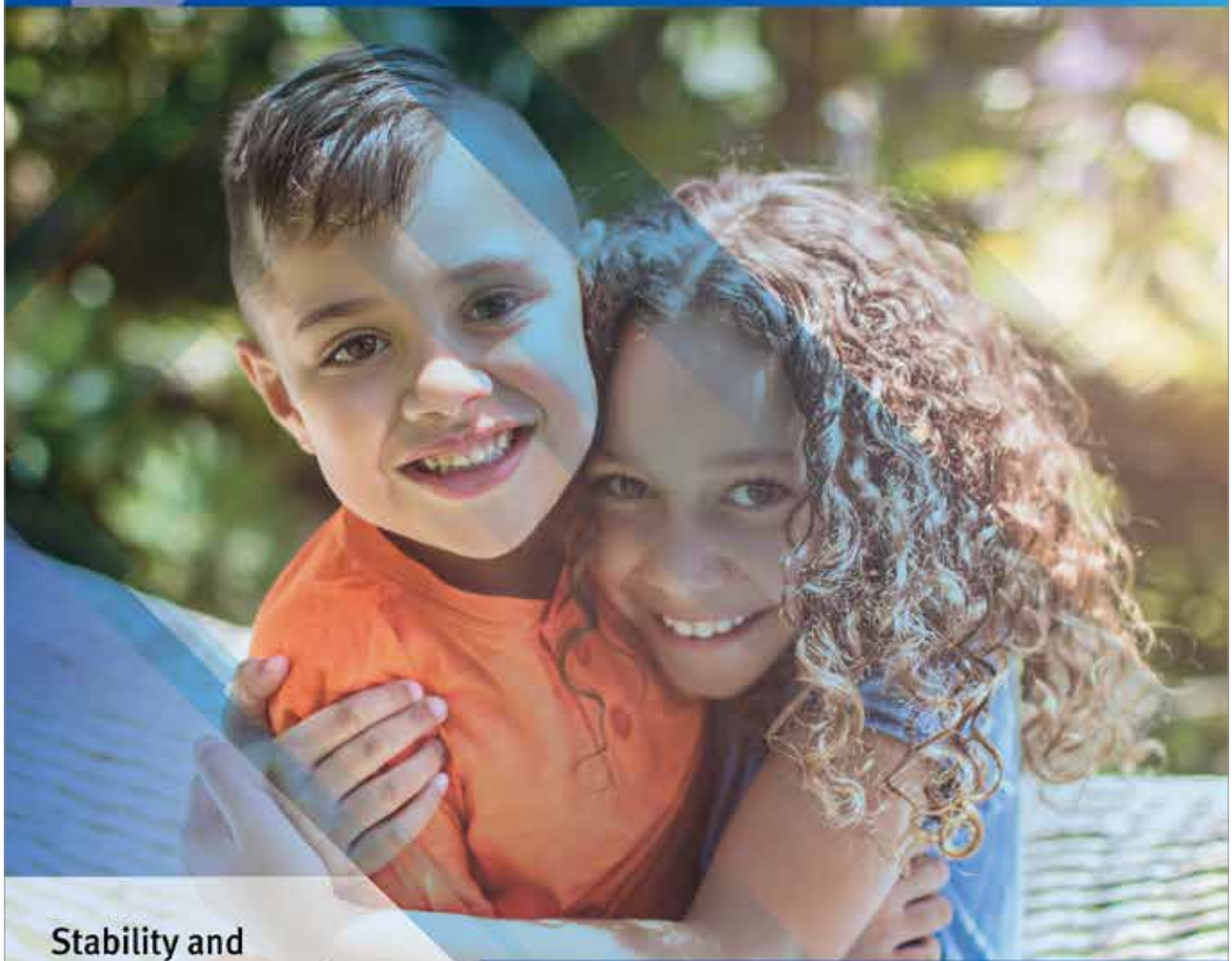
This fact sheet should be read in conjunction with the relevant legislation and the Child Safety Practice Manual. These will be available online from the date of commencement.

Permanency

Department of Child Safety, Youth and Women

Get ready for commencement of the *Child Protection Reform Amendment Act 2017*

Permanency



Stability and permanency equals positive outcomes for children and young people in care.

Legislative changes in late 2018 will promote physical, relational and legal permanency.

Where can I get more information?

To find out more about the changes, visit **www.csyw.qld.gov.au/child-safety-legislation-reform** or email **CPAreform@csyw.qld.gov.au**

supporting families changing futures

Queensland Government

These changes will take effect from a date to be fixed by proclamation

FACT SHEET: Permanency

Child Protection Act 1999

A number of amendments have been made to the *Child Protection Act 1999* to assist children and young people to achieve stability and permanency in a timely manner. These legislative changes are outlined in detail in Appendix to Fact Sheet: Permanency.

The key changes are as follows:

- The paramount principle has been amended to refer to safety, wellbeing and best interests of a child both **throughout childhood and for the rest of a child's life.**
- New permanency principles are introduced that require consideration to be given to the child's **relational, physical and legal permanency**, when making decisions in the best interests of the child.
- The child placement principles of **prevention, partnership, placement, participation, and connection** have been included in the Act and are to be applied when working with Aboriginal and Torres Strait Islander children, young people and their families.
- **A requirement for concurrent planning** has now been embedded into the Act through case planning processes. A case plan must include a primary goal for best achieving permanency and the actions to be taken to achieve this goal. In most cases, reunification will be identified as the primary goal for achieving permanency. Where reunification is the primary goal an alternative permanency goal must also be developed, in the event the timely return of the child to care of a parent is not possible.
- For Aboriginal and Torres Strait Islander children, case plans must include details of how the goals are consistent with the **connection principle**, which states a child has a right to be supported to develop and maintain a connection with the child's family, community, culture, traditions and language.
- Limitations have been placed on the **duration of short-term child protection orders** to a total of two years, after the first order is made, unless a court is satisfied that it is in the child's best interests and reunification of the child with their parents is reasonably achievable in the extended timeframe.
- A new child protection order has been introduced, the **Permanent Care Order (PCO)**.
- A PCO grants guardianship of a child to a suitable person (other than the parent of a child or the Chief Executive), nominated by the Chief Executive.
- Only the Director of Child Protection Litigation can apply to vary or revoke a PCO and before making a PCO the child needs to have been in the proposed guardian's care under a CPO granting custody or guardianship to the Chief Executive or the proposed guardian for a period of at least 12 months immediately prior.
- A complaints framework is being introduced for PCOs, to allow the child or a member of their family to make a complaint if they believe the guardian is not complying with their obligations.
- When deciding to make a permanent care order the Childrens Court must have regard to:
  - Aboriginal tradition and Island customs relating to the child and
  - The child placement principle
- When deciding permanency options the first preference is for the child to be cared for by the child's family; the second preference is for the child to be cared for under the guardianship of a family member; and the third preference is guardianship of the Chief Executive.

- The process for changing the types of long-term orders has been streamlined, as the court does not need to reconsider whether the child is in need of protection when:
  - Varying or revoking a long-term guardianship order to the chief executive with a long-term guardianship order to another person.
  - Revoking a long-term guardianship order and making a permanent care order in its place.

Child Safety Practice Manual

Further information in relation to permanency and concurrent planning, will be included in to the Child Safety Practice Manual (Chapters 3 and 4).

Why have these amendments been made?

Research shows that achieving permanency is one of the most important aspects contributing to positive outcomes for children and young people and it is critically important for a child's development and long-term wellbeing.

Improving stability and permanency outcomes for children and young people are also identified as a priority under the National Standards for out-of-home care, National Framework for Protecting Australia's children 2009-2020.

What does this mean in practice?

When engaging with families Child Safety will clearly communicate from the initial intervention the commitment to achieving permanency for children and the first priority is for children to be cared for by their families, whenever this is safe and possible. Child Safety will also support families to understand that if permanency with the family cannot be achieved in a timely manner, other care options will need to be actively pursued.

Concurrent planning commences from the initial case plan, until permanency is achieved.

From the initial involvement with a family, active efforts need to be undertaken to locate possible kin that may be able to care for the child or young person on a short-term basis or on a longer term basis, if required.

Whilst subject to a short-term custodial or guardianship order, case planning processes will be undertaken on at least a six monthly basis, to ensure active efforts are being made by both the parents and Child Safety to meet the case planning goals to best achieve permanency.

As well as achieving timely decisions for a child's permanency, this is also important given the new limits on short term CPOs, to two years, unless a court is satisfied that it is in the child's best interests **and** reunification of the child with their parents is reasonably achievable in the extended timeframe.

When making permanency decisions for a child, Child Safety will take into account who can best achieve relational, physical and legal permanency for the child:

- Relational permanency refers to the experience of having positive loving, trusting, and nurturing relationships with significant others (parents, friends, siblings, family and carers).
- Physical permanency is stable living arrangements and connections within a community.
- Legal permanency refers to the legal arrangements associated with permanency, such as who has guardianship (Stott & Gustavsson, 2010).

Child Safety will continue to assess what the best long term option is for a child who is unable to return to their parents within a reasonable timeframe (usually two years). In addition to long term guardianship to the Chief Executive (LTGCE) or to an 'other suitable person', (LTGO) permanent care orders (PCO) will be an option.

Child Safety will also assess whether it would be in the best interests of children on long-term guardianship orders to transition to a PCO and make recommendations to the Director of Child Protection Litigation.

New assessment guidelines will be introduced to assist in assessing permanent guardians and guidelines for assessing long term guardians are being updated.

Permanent care orders differ to LTGO as only the Director of Child Protection Litigation can apply to vary or revoke a PCO.

Child Safety will not have any contact with a child and their permanent guardian, unless they seek assistance from Child Safety or make a complaint.

A complaints framework is being developed to allow the child or a member of their family to make a complaint if they believe the guardian is not complying with their obligations.

If child protection concerns are received by Child Safety they will be assessed through the Regional Intake Service as for any child and family in the community.

Child Safety is currently exploring what supports a child and their permanent guardians could access in the event that challenges arise. This could include universal programs such as Triple P, secondary services as referred to by FACC, or more specialist services like post-adoption type services.

When carers are recruited, trained and supported they will receive information to ensure they understand what the legislative amendments mean for them and the role they play in achieving permanency for children.

Role of Non-Government Organisations

Non-government organisations delivering services for children will have an important role in promoting permanency, depending on the type of services provided.

For example, residential care services contribute to achieving relational and physical permanency for a child. This may include working in partnership with Child Safety to support young people to maintain positive relationship with their parents, siblings and other family members and develop trusting relationships with other significant people and by providing stable placements and opportunities for young people to stay connected with their communities.

Family support services and Family Wellbeing Services contribute to achieving relational permanency by providing services and supports to help families safely care for their children at home. As a result, children and young are able to have a stable, permanent home within their own family.

References

Stott, T & Gustavsson, N (2010) "Balancing permanency and stability for youth in foster care" *Children and Youth Services Review*, 32, 619-625.

This fact sheet should be read in conjunction with the relevant legislation and the Child Safety Practice Manual. These will be available online from the date of commencement.

These changes will take effect from a date to be fixed by proclamation

APPENDIX TO FACT SHEET:
Permanency

Section of the *CPA 1999*	Heading	Changes
Section 5A	Paramount Principle	The paramount principle has been amended to refer to safety, wellbeing and best interests of a child both throughout childhood and for the rest of the child's life.
Section 5BA	Principles for achieving permanency for a child	A new section has been inserted that outlines when ensuring the wellbeing and best interests of a child, consideration should be given to the relational, physical and legal aspects of permanency, when making decisions.
Section 51B	What is a case plan?	This section has been amended to outline that a case plan must include the following: • The goal for best achieving permanency and the actions to be taken to achieve the goal. • If reunification is assessed to be the best goal to achieve permanency an alternative goal is required in the event that the timely return of the child to the care of the parents is not possible. • For Aboriginal and Torres Strait Islander children the case plan must include details that are consistent with the connection principle, which states 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.
Section 51VB	Review of a plan — permanent guardian	A new section has been inserted to allow a permanent guardian or a child to, at any time, request a review of the child's case plan.

Section of the *CPA 1999*	Heading	Changes
Section 51X	Report about the review	This section has been amended to outline that the report about the review must focus on whether the goal for permanency has been achieved and whether there is any need to change the goals, including the goal for achieving permanency. Also if the case plan includes actions for helping the child transition to adulthood, the extent to which the actions continue to meet the child's needs. The review report must also address how the revised case plan gives priority to permanency for the child. A new section has also been inserted that outlines if a child is placed in care under a child protection order granting long-term guardianship to the chief executive, the review report must state the progress made in planning for alternative long-term arrangements for the child including: • Arrangements for the child to live with a member of the child's family or another suitable person under a child protection order granting long-term guardianship of the child. • Arrangements for the child to live with a member of a child's family or other suitable person under a permanent care order. • Arrangements for the child's adoption under the Adoption Act 2009.
Section 59	Making of a child protection order	This section inserts the following provisions that the Childrens Court needs to be satisfied of in order to make a child protection order: • The case plan for a long term guardianship order or a permanent care order includes the living arrangements and contact arrangements for the child. Before making a permanent care order the court must also be satisfied: • The person to whom guardianship of the child is granted under the order is a suitable person to have guardianship on a permanent basis. Is committed to preserving: – The child's identity – The child's connection to the child's culture of origin; and – The child's relationships with member of the child's family in accordance with the case plan for the child; and • The child has been in the care of the proposed guardian under a child protection order granting custody or guardianship of the child to the chief executive or the proposed guardian for a period of at least 12 months immediately before making the application. Note: there is an exceptional circumstances provision to this that can be used if it is considered to be in in the best interests of the child, to justify making the order.

Section of the *CPA 1999*	Heading	Changes
Section 59A	Additional matters about making permanent care orders for Aboriginal and Torres Strait Islander children	When deciding whether to make a permanent care order, the Childrens Court must have proper regard to: • Aboriginal tradition and Island custom relating to the child; and • The child placement principles The court can may only make the order if it is satisfied that the case plan for the child includes appropriate details about how the child's connection with his or her culture, and community or language group will be developed and maintained.
Section 61	Types of child protection orders	The inclusion of a new permanent care order, which grants guardianship of the child to a suitable person, other than a parent of the child or the chief executive, nominated by the chief executive.
Section 62	Duration of child protection orders	The duration of a short term child protection order, granting custody or guardianship, must not go beyond a total continuous period of two years from the time the first order was made, unless it is considered to be in the best interest of the child and reunification of the child with the child's family is likely to be achieved within the longer stated time.
Section 64	Extension of a certain child protection order	If an application is made to extend a child protection order granting custody or short-term guardianship of a child, the court must not extend the order for a period of time that would result in the child being in continuous care for a period of 2 years or more. However, this does not apply if the court is satisfied that it is in the best interest of the child for the order to be extended for a longer period of time than the 2 years and reunification of the child with the child's family is likely to be achieved within the longer stated time.
Section 65AA	Variation and revocation of permanent care orders	Insertion of a new section that outlines that the litigation director may apply to the Childrens Court to vary or revoke a permanent care order for a child or revoke a permanent care order and make another child protection order in its place.

Section of the *CPA 1999*	Heading	Changes
Section 74A	Chief executive's obligations to children under particular child protection orders.	Insertion of a new section that applies if the child is subject to an order granting long-term guardianship to a person other than the chief executive and to a permanent care order. It outlines that the chief executive must ensure that the child is: • Told about the charter of rights for a child in care in schedule 1 and its effect • Given written information about the charter of rights, unless, having regard to the child's age or ability to understand the child would not be able to understand the information • Told about the obligations of the child's long-term guardian or permanent guardian under section 79A • Told about the public guardian and other entities known to the chief executive who can help the child if the child considers that the child's long-term guardian or permanent carer is not complying with their obligations • Told about the child's right to contact the chief executive if the child has any questions or concerns about the child's protection and care needs.
Section 79	Obligations of family members or other persons granted custody or guardianship, to department Child Safety under orders.	Insertion of the requirement of a permanent guardian of a child to keep the chief executive informed about where the child is living.
Section 79A	Obligations of long-term guardians and permanent guardians to children under orders.	Insertion of a new section that outlines that a long term guardian or permanent guardian of a child must ensure that: • The charter of rights for a child in care in schedule 1 is complied with in relation to the child as if the guardian and the child was a child in need of protection in the custody or care of the chief executive • The child is provided with appropriate help in the transition from being a child in care to independence • To the extent it is in the best interests of the child, the child's identity and connection to the child's culture of origin • To the extent it is in the best interest of the child, maintain the child's relationship with the child's parents, family members, and other persons of significance to the child.

Section of the *CPA 1999*	Heading	Changes
Section 80A	Obligations if child is no longer cared for by long-term guardian or permanent guardian	Inclusion of the obligations of the permanent guardian to immediately notify the chief executive in writing if the guardian reasonably believes that their care of the child will end in the near future or if their care of the child has ended and where the child is living. Once the chief executive has received this information the chief executive must review the child's protection and care needs and wellbeing and take any action that the chief executive considers is appropriate.
Sections 80B–E	Complaints about permanent guardians	Inclusion of a new section outlining the process for how complaints can be made about permanent guardians, if a child or a member of the child's family honestly and reasonably believes a permanent guardian is not complying with the guardian's obligations under s 79A of the *Child Protection Act 1999*. Non-compliance complaints need to be made directly to the Chief Executive who may seek further information. The Chief Executive may refuse to deal with the complaint if it is considered to be trivial, unreasonable or without substance. If the Chief Executive refused to deal with the complaint, they must provide written notice of this to the complainant and outline their rights of review, through QCAT.

* *These provisions will take effect from a date fixed by proclamation.*

Comparison of Long-Term Orders from a Legal Perspective

This paper explores the differences between the three long-term orders that can be applied for pursuant to the *Child Protection Act 1999* — a permanent care order (PCO), a long-term guardianship order to a suitable person other than the parents (LTG-O) and a long-term guardianship order to the Chief Executive (LTG-CE).

This document does not constitute legal advice. And, as every case is different, Child Safety will seek legal advice in relation to a particular case to determine an appropriate course of action.

All three types of orders still require evidence that:

- The child is in need of protection and the order is appropriate and desirable for the child's protection
- There is a case plan that is appropriate to meet the child's protection and care needs and includes living and contact arrangements
- A court ordered conference has occurred if contested
- The child's views and wishes are known to the court
- The protection cannot be achieved through a less intrusive order
- There is no parent able and willing to protect the child within the foreseeable future or the child's need for emotional security will be best met in the long-term through an order.[1]

Permanent care orders

A PCO is an order which creates a permanent and independent relationship with the permanent guardian, less independent than adoption (which severs the relationship with birth parents permanently) but more independent than long-term guardianship to 'a suitable person' (which maintains ongoing contact with the department) and until the child is 18 years old. It offers 'a more permanent arrangement than a long-term guardianship order, without permanently severing a child's legal relationship with their birth family'.[2]

An application for a PCO may be more desirable than a LTG application given the "principles for achieving permanency" but each case depends on its facts.[3]

In addition to the evidence outlined in the above dot points, together with the Director of Child Protection Litigation (DCPL), Child Safety also has to satisfy the court that the permanent guardian is a suitable person to have the child on a permanent basis and is willing to meet their protection needs on a permanent basis and they are committed to preserving the child's identity, connection to culture of origin and relationships with family members and the supporting affidavit will need to address these factors.[4]

If the permanent guardian is not a family member, the supporting affidavit will have to evidence the options explored in terms of placement and why this was considered the most appropriate.[5]

The child will have to be placed, subject to a child protection order granting custody or guardianship to the Chief Executive or the proposed guardian, for a period of 12 months with the permanent guardian immediately before an application is made.[6]

A PCO requires the permanent guardian to maintain contact with the child's parents, family and persons of significance to the child in order to preserve the child's identity and connection to culture.

Only the DCPL can apply to vary or revoke the order, that is, parents cannot apply to vary or revoke a PCO. This strengthens the legal permanency for a child subject to these orders.

The obligations on the guardians for a PCO and LTG–O are almost identical. However the mechanism to raise issues regarding their care is different, with complaints about a permanent guardian being managed by the departmental complaints process as opposed to the service centre directly responding to worries and perhaps managing a case plan review regarding an LTG-O. According to the Act while a child or permanent

guardian can request a review of a PCO case plan, a parent cannot, hence their need to use the complaints process. Under an LTG-O a parent can request a review of the case plan.

Whether a child is subject to an LTG-O or a PCO, if issues regarding their safety are raised they will be managed by the Regional Intake Service as for any child in the community and a decision made regarding the level of intervention required, that is, Intake, Child Concern Report or Child Protection Notification.

Long-term guardianship to a suitable person

An LTG-O order provides a permanent arrangement until the child transitions to adulthood. The order provides the guardian with the ability to make day-to-day and long-term parental responsibility decisions about the child.

A court cannot make an LTG order to a non-family member unless the child is already on a child protection order and the proposed guardian is nominated by the CE.[7]

Before making an LTG–O order a court must consider any report by the CE about the suitable person.[8]

An LTG–O application is appropriate if:

- A decision has been made that the child's protective needs are to be met by the child remaining in care long-term
- There is an appropriate suitable person able and willing to assume long-term guardianship of the child
- There is no significant conflict between the parents and the suitable person such that it would impact on the effectiveness of the order
- The suitable person will facilitate appropriate contact between the child and the child's parents[9]
- The suitable person will deal appropriately with identity issues for the child and meet the child's cultural needs[10]
- The suitable person is assessed as suitable and likely to remain so in the long-term
- The suitable person understands and is willing/able to meet their obligations under the Act
- If the child is old enough to provide their views and wishes — the child agrees with the 'suitable other' assuming guardianship.

Long-term guardianship to the chief executive

A court cannot grant long-term guardianship to the Chief Executive (CE) if the court can grant guardianship to another suitable person[11] (consideration given to the least intrusive order).

An LTG–CE application is appropriate if:

- A decision is made that the child's protective needs are to be met by the child remaining in care long-term
- It is not possible, or not appropriate to make a LTG order in favour of a relative or another suitable person
- There are significant ongoing safety concerns which are best managed with the child in the CEs guardianship
- It has not yet been possible to establish a suitable long-term placement for the child
- There is significant conflict between the parents and any relative who could otherwise assume guardianship
- The child is in the care of a carer from whom it is not appropriate to move the child, but the carer is unable to meet the criteria for assuming long-term guardianship.

If, with ongoing assessment it becomes apparent that circumstances have changed and the long-term guardianship order could now be made in favour of a suitable other, an application to vary should be referred to the DCPL so that the appropriate order can be obtained, if this is in the child's best interests.

When a child is to be in care long-term and does not have a stable placement, this order may be made pending the location of a suitable person to assume long-term guardianship of the child after an appropriate settling period.

Other considerations

Below are some of the other obligations and considerations Child Safety will use when deciding which order best suits the family's circumstances given the assessment of the harm or risk of harm.

PCO	LTG-O	LTG-CE
Applicable time periods		
The child has to be in permanent guardian's care for 12 months *immediately* prior to making the application (except where there are exceptional circumstances).[12]	An LTG application can be filed at any stage during ongoing intervention.	An LTG application can be filed at any stage during ongoing intervention.
Contact with the department during course of the order		
Minimal or no contact with the department.	Yearly contact with the child by the department in accordance with s 51VA.	The child is still subject to regular contact and case planning cycles.
Case planning required by the Act		
A case plan is required. CE must ensure that a case plan is developed for each child who the CE is satisfied is a child in need of protection; and needs ongoing help under the Act.[13] An order cannot be made by a court unless it is satisfied that a case plan has been developed and is appropriate to meet the child's care and protection needs.[14] At any time the child or permanent guardian may request CE to review the case plan.[15]	CE must ensure that a case plan is developed for each child who the CE is satisfied is a child in need of protection; and needs ongoing help under the Act.[16] An order cannot be made by a court unless it is satisfied that a case plan has been developed and is appropriate to meet the child's care and protection needs. CE required to contact the child yearly to allow child to comment or ask queries or seek a review of the case plan.[17] At any time the child, the child's parents or the LTG-O may request CE to review the case plan.[18]	The child is still subject to the regular case planning cycle.

PCO	LTG-O	LTG-CE
Information sharing and privacy		
Permanent guardian has specific obligations to tell the parents where the child is living; provide information about the child's care; and provide an opportunity for contact between the child and the child's parents and appropriate members of the child's family as often as it is appropriate in the circumstances.[19] **Note:** the Court may order an exemption from this in certain circumstances.[20]	LTG-O has specific obligations to tell the parents where the child is living; provide information about the child's care; and provide an opportunity for contact between the child and the child's parents and appropriate members of the child's family as often as it is appropriate in the circumstances.[21] **Note:** the Court may order an exemption from this in certain circumstances.[23]	The child will still be in contact with the department in accordance with the regular case planning cycle.
Revocation		
Only DCPL may apply to vary or revoke. If satisfied that the child has suffered significant harm, or is at unacceptable risk of suffering significant harm; and the child's permanent guardian is not able and willing to protect the child from harm; or if the permanent guardian is not complying, in a significant way, with the obligations under s 79A(1).	The DCPL, a child's parent or the child may apply to vary, revoke or revoke and make another child protection order in its place.[25]	The DCPL, a child's parent or the child may apply to vary, revoke or revoke and make another child protection order in its place.[26]

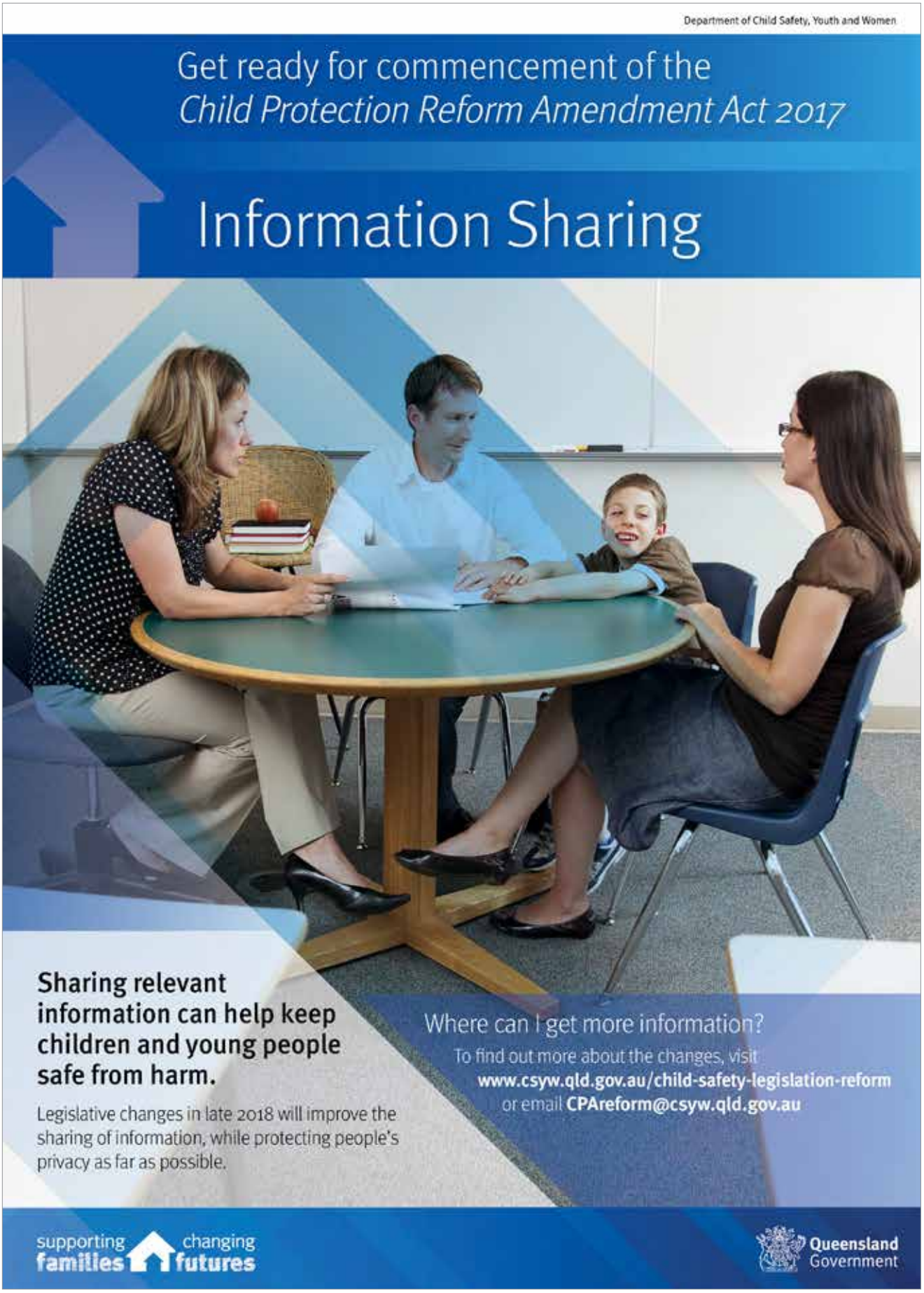
PCO	LTG-O	LTG-CE
Aboriginal and/or Torres Strait Islander families		
For an Aboriginal or Torres Strait Islander child it must be considered: "Is the permanent guardian a member of their family or community and can this situation satisfy the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle?"[27] The Childrens Court must regard Aboriginal tradition and Island custom with respect to the child's family as well as the elements of the Aboriginal and Torres Strait Islander Child Placement Principle. The Childrens Court can only make a PCO if the child's case plan includes detail about the child's connection to community and culture and language group and consultation with the child (if appropriate) has occurred.[28]	For an Aboriginal or Torres Strait Islander child it must be considered: "Does the placement satisfy the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle and address the emphasis on permanency?"	For an Aboriginal or Torres Strait Islander child it must be considered: "Does the placement satisfy the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle and address the emphasis on permanency?"
Obligations on the department		
The child must be told about: • The *Charter of Rights for a Child in Care* and given written information about these rights;[29] • The public guardian and other entities;[30] • The obligations of the child's permanent guardian under s 79A; • Their right to contact the CE if the child has any questions or concerns about their protection and care needs; and • Their right to ask for a review of their case plan.[31]	The child must be told about: • The *Charter of Rights for a Child in Care* and given written information about these rights;[32] • The public guardian and other entities;[33] • The obligations of the child's permanent guardian under s 79A; • Their right to contact the CE if the child has any questions or concerns about their protection and care needs; • Their right to ask for a review of their case plan.[34]	The child must be told about: • The Charter of Rights for a Child in Care and given written information about these rights;[35] • The public guardian and other entities;[36] • Assistance to be provided to the child to transition from care to adulthood.[37]

PCO	LTG-O	LTG-CE
Obligations on guardians		
The PCO guardian must: • Comply with the *Charter of Rights for a Child in Care*; • Help the child transition from care to adulthood; • Preserve the child's identity and connection to the child's culture of origin and help maintain the child's relationships with the child's parents, family members and other persons of significance to the child — **note: some exceptions;**[38] • If the permanent guardian believes the arrangement is likely to end or has ended they must immediately give the CE notice that the care has ended and, if the permanent guardian knows, where the child is living;[39] • Keep the CE informed about where the child is living;[40] • Tell the parents where the child is living, give them information about the child's care and provide opportunity for contact between the child and the child's parents and family members.[41]	The LTG-O guardian must: • Comply with the *Charter of Rights for a Child in Care*; • Help the child transition from care to adulthood; • If the LTG-O believes the arrangement is likely to end or has ended they must immediately give the CE notice that the care has ended and, if the permanent guardian knows, where the child is living;[42] • Keep the CE informed about where the child is living;[43] • Tell the parents where the child is living, give them information about the child's care and provide opportunity for contact between the child and the child's parents and family members;[44] • Allow the CE to have contact with the child at least once every 12 months.[45]	The CE must: • Ensure that the child is provided with help in the transition from care to adulthood, and ensure the help is available to the child/young person for the period starting when the person turns 15 and ending when the person turns 25;[46] • This includes help to access entitlements (including social security allowances and payments), accommodation, education and training, employment, legal advice, health and community services, support in maintaining family relationships, in accessing information in the CE's possession or control about the person, counselling and any other assistance based on the person's needs, provided by the CE.[47]

References

1. Section 59 Child Protection Act, 1999 (CPA).
2. Explanatory Notes – Child Protection Reform Amendment Bill 2017, p 6.
3. Section 5BA CPA.
4. Section 59(7A) CPA.
5. Section 59(7)(a) CPA.
6. Section 59(7A)(b) CPA.
7. Section 59(7)(a) CPA.
8. Section 59(5) CPA.
9. Section 80 CPA.
10. Section 79A CPA.
11. Section 80 CPA.
12. Sections 59(7A)–(7B) CPA.
13. Sections 51C(a)–(b) CPA.
14. Section 59 CPA.
15. Section 51VB(2) CPA.
16. Sections 51C(a)–(b) CPA.
17. Section 51VA CPA.
18. Section 51VB(2) CPA.
19. Section 80(1) CPA.
20. Section 80(2) CPA.
22. Section 80A CPA.
23. Section 80(2) CPA.
24. Sections 65AA(1)(a)–(b) CPA.
25. Sections 65AA(2)(a)(i)–(ii) CPA.
26. Sections 65(1)(a)–(b) CPA.
27. Sections 65(1)(a)–(b) CPA.
28. Section 5C(2) CPA.
29. Section 59A(3) CPA.
30. Sections 74(4)(a)–(b) CPA.
31. Section 74(4)(c) CPA.
32. Section 51VB(2) CPA.
33. Sections 74(4)(a)–(b) CPA.
34. Section 74(4)(c) CPA.
35. Section 51VA CPA.
36. Sections 74(4)(a)–(b) CPA.
37. Section 74(4)(c) CPA.
38. Section 75 CPA.
39. Section 79A(1)–(2) CPA.
40. Section 80A(2) CPA.
41. Section 79 CPA.
42. Sections 79, 80(1) CPA.
43. Section 80A(2) CPA.
44. Section 51VA(3) CPA.
45. Sections 79, 80(1) CPA.
46. Section 51VA(3) CPA.
47. Section 75(1)–(2) CPA.
48. Sections 75(1),(2),(3)(a)–(i) CPA.

Information Sharing


Department of Child Safety, Youth and Women
Get ready for commencement of the
Child Protection Reform Amendment Act 2017
Information Sharing
Sharing relevant information can help keep children and young people safe from harm.
Legislative changes in late 2018 will improve the sharing of information, while protecting people's privacy as far as possible.
Where can I get more information?
To find out more about the changes, visit
www.csyw.qld.gov.au/child-safety-legislation-reform
or email CPAreform@csyw.qld.gov.au
supporting families changing futures
Queensland Government

These changes will take effect from a date to be fixed by proclamation

FACT SHEET:
Information Sharing

Child Protection Act 1999

Chapter 5A key sections include:

- Section 159B: principles
- Section 159C: Chief Executive must publish guidelines
- Section 159M: defines prescribed entities, specialist service providers and service providers
- Section 159MA–159ME: who can share information and for what purpose
- Section 159MF: facts or opinions may be shared
- Section 159N: requirement of prescribed entities to share information when requested
- Section 159NA: what cannot be shared
- Section 187: confidentiality obligations
- Section 188: maintaining confidentiality.

Child Safety Practice Manual

Further information in relation to information sharing will be included in the CSPM Chapter 10, Section 3.

Why have these amendments been made?

Chapter 5A of the *Child Protection Act 1999* ("the Act") provides the legislative framework for agencies to coordinate services and share information. It does this by:

- Prioritising children's safety over an individual's privacy
- Defining organisations that can share information
- Identifying the particular purpose for sharing information, such as to provide timely, coordinated services to support families, assess and respond to the care and protection needs of children.
- The new laws support information sharing between agencies working with children at risk of entering and in the child protection system and their families.
- By removing barriers to information sharing, the laws enable collaboration and coordination of service delivery to children and their families. They support agencies working together to protect and promote the wellbeing of children.

Agencies who can share information include prescribed entities, service providers and the Department of Child Safety, Youth and Women.

What does this mean in practice?

The legislation and guidelines provide clearer information about information sharing. Key elements include:

Who can share information?

- Chief Executive or an authorised officer
- Prescribed Entity
- Specialist Service Provider
- Service Provider.

Prescribed Entities include:

- Adult corrective services
- Community services
- Disability services
- Education
- Housing
- Public health (including Mater Misericordiae Hospital)
- Police
- Specialist Service Provider
- Another entity that is prescribed by regulation to provide a service to children or families.

A **Specialist Service Provider** is a non-government entity funded by the state or commonwealth to provide services to a child in need of protection or who may become a child in need of protection, if preventative support is not provided to the child or family. This definition includes:

- Family and Child Connect services (FaCC)
- Intensive Family Support services (IFS)
- Family Wellbeing Services
- Family Participation Program
- Assessment and Service Connect services
- Tertiary Family Support services
- Child Protection Support Services.

A **Service Provider** includes:

- A person providing a service to children or families (e.g. GP, private counsellor)
- A licensee – a placement service licensed under the Act to provide out-of-home care
- An independent Aboriginal or Torres Strait Islander entity for a child – an individual or entity who facilitates the participation of an Aboriginal or Torres Strait Islander child or child's family in decision making.

When can information be shared?

- Reporting suspicion of harm or risk of harm to the Chief Executive
- Assessing or investigating harm or risk of harm or taking other action by the Chief Executive
- Assessing care needs and planning services
- Decreasing likelihood of child becoming a child in need of protection
- Helping an independent Aboriginal -or Torres Strait Islander entity for a child to facilitate the child or family's participation in decision making.

When must information be shared with Child Safety?

Particular entities must comply with a request for information under section 159N in relation to children, an unborn child or another person. Entities include:

- The public guardian
- A prescribed entity
- A licensee
- The person in charge of a student hostel.

The changes to section 159N make it clear that stated information requested by the Chief Executive must be relevant to the performance of a function or exercise of a power under the Act.

Consent

To share information, workers should seek consent from parents, children and pregnant women unless it is not safe, possible or practical.

Consent may be verbal or in writing.

Information can be shared without consent in circumstances where obtaining consent could jeopardise the safety or wellbeing of a person such as when:

- There is a threat a family may go into hiding or abduct a child
- There are assaults or threats to assault others
- There are attempts or threatened suicide
- There are concerns a child may be coerced or coached
- Doing so may place a person at risk
- An urgent response is required and obtaining consent may create delays
- A person is unable to provide consent because of, for example, a mental health condition or the influence of alcohol or drugs.

Unborn child

Consent from a pregnant women should be obtained prior to sharing information when safe, practical and possible.

It would be appropriate to share information, without a pregnant woman's consent where there are concerns for an unborn child after it is born, and there is a reasonable suspicion the woman may relocate to avoid departmental intervention.

The department may share information with an independent Aboriginal and Torres Strait Islander entity, if the unborn child is an Aboriginal and/or Torres Strait Islander child and the pregnant woman agrees to have the independent entity facilitate her participation and her family's participation.

If the pregnant woman does not agree to the involvement of an independent entity, this will not prevent the department from making a decision or taking action in relation to the unborn child.

FaCC and IFS

The amendments now provide for information to be shared between specialist service providers, such as FaCC services and between a FaCC service and an Intensive Family Support service, for example, if a family moves to another area.

When information may be shared by and with Specialist Service Providers

Information sharing between specialist service providers and service providers

Specialist service providers may give information to other specialist service providers and to service providers if they believe it will help them:

- decide whether to report concerns about a child or unborn child to Child Safety
- participate in case planning, assess or respond to the needs of a child in need of protection, or make plans or decisions about services to a child in need of protection or their family
- help Child Safety offer support to a pregnant woman
- assess or respond to the needs of a child, make plans or decisions, or provide services to a child or child's family to decrease the likelihood of the child becoming a child in need of protection.

Service providers may give information to a specialist service providers if they believe it will help the specialist service provider:

- decide whether to report concerns about a child or unborn child to Child Safety
- participate in case planning, assess or respond to the needs of a child in need of protection, or make plans or decisions about services to a child in need of protection or their family
- help Child Safety offer support to a pregnant woman
- assess or respond to the needs of a child, make plans or decisions, or provide services to a child or child's family to decrease the likelihood of the child becoming a child in need of protection.

Information sharing between specialist service providers and Child Safety

Specialist service providers may give information to Child Safety if they believe it will help Child Safety:

- investigate or assess harm or risk of harm about a child or unborn child
- make plans, decisions or provide services to a relevant child or their family
- offer help to a pregnant woman.

Child Safety may give information to a specialist service provider if they believe it will help the specialist service provider:

- decide whether to give Child Safety information to help Child Safety investigate or assess harm or risk of harm
- participate in case planning, assess or respond to the needs of a child in need of protection, or make plans or decisions about services to a child in need of protection or their family
- help Child Safety offer support to a pregnant woman
- assess or respond to the needs of a child, make plans or decisions, or provide services to a child or child's family to decrease the likelihood of the child becoming a child in need of protection.

When information may be shared by and with Specialist Service Providers

Information sharing between service providers and prescribed entities

Service providers may give information to a prescribed entity if they believe it will help them:

- decide whether to report concerns about a child or unborn child to Child Safety
- participate in case planning, assess or respond to the needs of a child in need of protection, or make plans or decisions about services to a child in need of protection or their family
- help Child Safety offer support to a pregnant woman
- assess or respond to the needs of a child, make plans or decisions, or provide services to a child or child's family to decrease the likelihood of the child becoming in need of protection.

Prescribed entities may give information to a service provider if they believe it will help the service provider:

- decide whether to report concerns about a child or unborn child to Child Safety
- participate in case planning, assess or respond to the needs of a child in need of protection, or make plans or decisions about services to a child in need of protection or their family
- help Child Safety offer support to a pregnant woman
- assess or respond to the needs of a child, make plans or decisions, or provide services to a child or child's family to decrease the likelihood of the child becoming in need of protection.

Information sharing between service providers and Child Safety

Service providers may give information to Child Safety if they believe it will help Child Safety:

- investigate or assess harm or risk of harm about a child or an unborn child
- develop or assess a child's case plan
- make plans, decisions or provide services to a relevant child or their family
- offer help to a pregnant woman.

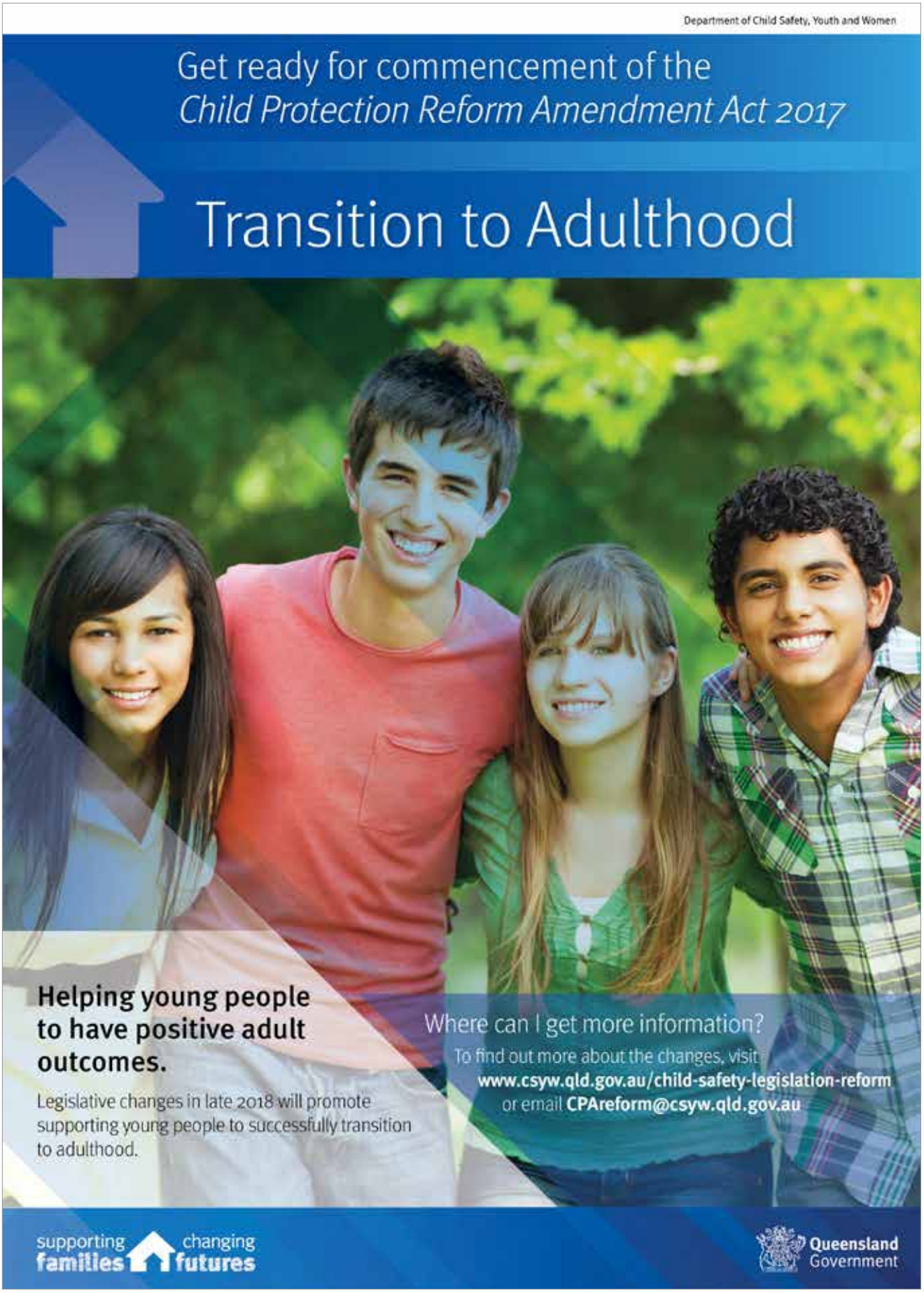
Child Safety may give information to a service provider if they believe it will help the service provider:

- decide whether to give Child Safety information to help Child Safety investigate or assess harm or risk of harm
- participate in case planning, assess or respond to the needs of a child in need of protection, or make plans or decisions about services to a child in need of protection or their family
- help Child Safety offer support to a pregnant woman
- assess or respond to the needs of a child, make plans or decisions, or provide services to a child or child's family to decrease the likelihood of the child becoming in need of protection.

A service provider may only share information with another service provider if they believe it will help them decide whether to report concerns about a child or unborn child to Child Safety.

This fact sheet should be read in conjunction with the relevant legislation and the Child Safety Practice Manual. These will be available online from the date of commencement.

Transition to Adulthood


Department of Child Safety, Youth and Women
Get ready for commencement of the
Child Protection Reform Amendment Act 2017
Transition to Adulthood
Helping young people to have positive adult outcomes.
Legislative changes in late 2018 will promote supporting young people to successfully transition to adulthood.
Where can I get more information?
To find out more about the changes, visit
www.csyw.qld.gov.au/child-safety-legislation-reform
or email CPAreform@csyw.qld.gov.au
supporting families changing futures
Queensland Government

These changes will take effect from a date to be fixed by proclamation

FACT SHEET:
Transition to Adulthood

Child Protection Act 1999

Section 75 refines the Chief Executive's responsibility to plan for and to make available support and assistance, to assist a young person to transition from care to adulthood.

Amendments to **s 75(2)(b)** include increasing the period which the Chief Executive remains responsible for supporting a young person in care, beginning at 15 years of age, and until the young person turns 25 years of age.

Section 75(3)(a)–(i) clearly defines areas of support which the Chief Executive must assist a young person to acquire as they transition to adulthood: Help to access to entitlements (including social security allowances and payments)

- Help to access appropriate accommodation
- Help to access education and training
- Help to obtain employment
- Help to obtain legal advice
- Help to access health and community services (including specialist disability services)
- Support in establishing and maintaining relationships with the person's family or carer
- Help in accessing information (including information in the Chief Executives control, about the person and his or her time in care)
- Other assistance, based upon an assessment of the person's needs, provided by the Chief Executive.

Further amendments under **s 51(1B)** set forth specific changes to case planning requiring that when developing a case plan for a young person 15 years of age or over, and where a child does not have a long term guardian, the Chief Executive **must** include actions for helping the young person transition to adulthood.

Why have these amendments been made?

All young people need support as they move to adulthood. Research tells us that young people in and exiting care are at greater risk of being homeless, and have a higher likelihood of negative life, education and employment outcomes compared to other young people.

Upon leaving care, many enter early adulthood without the 'safety nets' of other young people, such as family supports, education, appropriate housing and financial support. The amendments ensure the young person and their Safety and Support network are focused on establishing the building blocks required for successful adult functioning.

Who is eligible for assistance?

A person who is or has been a child in the custody or under the guardianship of the Chief Executive is eligible for support. Child Safety may open a Support Service case for young people who are no longer subject to a child protection intervention including those who have turned 18 years of age and up to 25 years of age. In most cases those over 18 will be supported by services funded by the department rather than the CSSC.

What does this mean in practice?

Building a Safety and Support Network (network) with the young person is critical to ensuring they have access to a number of supportive people now and into the future.

Child Safety remains responsible for guiding the young person and network to plan, and to access, support and assistance to help with the transition to adulthood and independence. This will be achieved through working in partnership with informal support people for ongoing safety,

belonging and wellbeing and government and non-government agencies, supports and services, to ensure young people leaving care have priority access (depending on need) to housing, health services and education and training opportunities.

Case plans will include goals and actions which are related to the key areas listed under **s 75(3)**. Additional consideration is given to young people transitioning from care to adulthood, who may experience barriers to participating fully in opportunities, including young people who:

- Are Aboriginal and/ or Torres Strait Islander
- Are from culturally diverse communities
- Are women
- Are lesbian, gay, bisexual, transgender or intersex
- Have a disability
- Have been a victim of a crime or act of violence
- Live in rural and remote areas.

Transition planning must commence from the **next case plan** after the young person turns 15 years. Eligible young people, their families, carers, and other members of the Safety and Support network, will be invited to participate in decision making and planning as the young person transitions to adulthood.

These conversations and actions will be captured formally when reviewing a young person's case plan at least 6 monthly, as per **s51A–51Y.**

Support service plans will be created for young people subject to a Support Service post 18 years of age where it is assessed as a suitable and required intervention. The young person's consent and willingness to actively participate is required for Child Safety to support a young person post 18 years of age.

CSOs, NGOs and supports will actively collaborate and implement the transitional goals and actions in partnership with the young person, with the view to gradually increasing the young person's preparedness for adulthood.

Consideration will be given to the young person's ongoing therapeutic needs, which will include making an application to Victim Assist Queensland in consultation with Legal Services unit, where this is relevant.

CSOs and NGOs can also assist young people to access the Time in Care Information Access Service (TICIAS) 1800 809 078 which provides a 'Time in Care Report' for young people including: reasons for coming into care, placement history, milestones, educational and medical information, and other relevant information.

CSOs and NGOs must take into account **s5C(2),** which enshrines the five elements of the Child Placement Principle, when planning for adulthood with Aboriginal and/or Torres Strait Islander young people:

- **Prevention**: Recognises a young person's right to enjoy culture with community
- **Partnership**: Recognises and promotes self-determination as a principle for working with the young person
- **Placement:** Recognises planning for living arrangements that meet individual and cultural needs
- **Participation:** Ensuring the participation of young people, and their parents and family members in decisions
- **Connection:** Maintaining and supporting connections to family, community, culture and country for young people.

CSOs and NGOs must offer an opportunity for an Aboriginal or Torres Strait Islander young person to identify and include an Independent Aboriginal or Torres Strait Islander Person to support them in decision making about transition to adulthood planning as per **s 6**.

Transition resources are listed on the attached appendix.

This fact sheet should be read in conjunction with the relevant legislation and the Child Safety Practice Manual. These will be available online from the date of commencement.

Contacts and Support

Have questions or need assistance?

If you have any questions or concerns, please talk to your local regional contract manager in the first instance.

Should you require further information or advice, please contact the Child Protection Reform Amendment Act Implementation Team at:

Email: CPAreform@csyw.qld.gov.au.

Quick Links to more information and resources:

Internet site: https://www.csyw.qld.gov.au/child-safety-legislation-reform