

# Child Safety POLICY

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**Title:** Placement of children in care

**Policy No:** 578-3

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## Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (Child Safety) has a legislative responsibility to place a child assessed as being in need of protection in a care arrangement, when doing so is required to ensure the child's safety or wellbeing. Placement in a care arrangement is a means of providing a child with a safe and therapeutic living environment. It will not be used if less disruptive strategies can resolve the child's need for protection.

Child Safety may place a child in care during an investigation and assessment to assess a child's need of protection, or during ongoing intervention while working towards the child's reunification with their family or an alternative permanency option for the child.

Child Safety is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, Child Safety has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

The safe care and connection of Aboriginal and Torres Strait Islander children with family, community, culture and country will be a key consideration in Child Safety decision-making.

## Principles:

- The safety, wellbeing and best interests of the child both throughout childhood and the rest of the child's life, are paramount.
- The five elements of the child placement principle (prevention, partnership, placement, participation and connection) under the *Child Protection Act 1999* (the Act), section 5C, apply to processes, decisions and actions taken for an Aboriginal or Torres Strait Islander child.
- Child Safety staff will act and make decisions in a way that is compatible with human rights and obligations under the *Human Rights Act 2019*.
- In deciding whose care the child will be placed, proper consideration will be given to placing the child, as a first option, with kin.
- Placement and support responses take into account the age and developmental level of the child and their cultural needs. Family based options are preferred for all children particularly those under 12 years of age.

- The child will be kept informed of matters affecting them, in a way and to an extent that is appropriate, having regard to the child's age and ability to understand.
- The child will have the opportunity to participate in making decisions affecting their lives and their views will be recorded and considered in the decision (taking into account the child's age and ability to understand).
- The child's parents and kin are given the opportunity to participate in decision-making about the child and to have their views heard.
- All decisions for a child in care will be timely and facilitate the prompt receipt of services, or participation in activities, that will enhance the child's safety, belonging and wellbeing.
- Placement and support services will be evidence based and informed by established theories of child development, attachment, trauma, grief and loss.

### **Objectives:**

This policy aims to ensure that:

- the placement of children in care will prioritise the child's safety, belonging and wellbeing
- decisions made under the Act in relation to Aboriginal and Torres Strait Islander children promote their safe care and connection with family, community, culture and country.

### **Scope:**

This policy relates to all children placed in care. A child in care is defined as a child subject to:

- an assessment or child protection care agreement, or
- an assessment order, or
- a temporary custody order, or
- a child protection order that grants custody or guardianship to the chief executive, and
- the care arrangement is made under section 82(1) of the Act, where a child is placed in the care of:
  - approved foster carers, approved kinship carers or provisionally approved carers
  - an entity conducting a departmental service
  - a licensed care service, including residential care services
  - another entity that a delegated officer is satisfied is most appropriate for meeting the child's particular protection and care needs (for example, a particular medical or residential facility may be the most appropriate entity for a child with a disability), and
- the care arrangement is approved by a delegated officer.

When making a decision about where or with whom an Aboriginal or Torres Strait Islander child will live, Child Safety will, in consultation with the child and family, arrange for an independent Aboriginal or Torres Strait Islander entity for the child (independent person) to facilitate the child's and family's participation in decision-making. This requirement applies when an Aboriginal or Torres Strait Islander child is subject to:

- a child protection care agreement, or
- an assessment order, or
- a child protection order granting custody or guardianship to the chief executive under the section 83(2) of the Act.

### **Roles and Responsibilities:**

Child Safety recognises its responsibility to ensure:

- all children in care receive quality care, consistent with the Charter of Rights for a Child in Care and the Statement of Standards in section 122 of the Act
- a child who has experienced disrupted attachments, trauma and loss, will receive care arrangements and support services that are therapeutic and responsive to their relational, behavioural and emotional needs
- children in care will receive similar life chances and opportunities to their peers, thus maximising their ability to successfully transition into adulthood
- children in care maintain positive family relationships, where possible and appropriate, and are supported in their individual rights and ethnic, religious and cultural identity and values
- a child who does not have a parent able and willing to provide ongoing protection in the foreseeable future has the right to a long-term stable care arrangement or another permanency option that meets their best interests and ongoing welfare, including safety, belonging and wellbeing needs.

Placement decisions will be based on the child's case plan and comprehensive assessment, to the extent that is reasonable based on the length of time in care. These decisions will be informed by:

- all relevant information gathered about the child, including their child protection and placement history
- the child strengths and needs assessment, which describes a child's current development and functioning in nine domains
- the child's Education Support Plan, if relevant
- the cultural support plan for Aboriginal and Torres Strait Islander children.
- the child's need for specialist assessments and services, for example with Evolve Interagency Services or sexual abuse services.

Child Safety will partner with foster and kinship carers, non-government services, and other government agencies to ensure quality care, that takes into account the need for support and continuity of relationship for children through transitions.

Child Safety recognises its responsibility to implement licensing and quality assurance processes as appropriate to ensure that funded non-government services provide high quality placement and support services to children in care.

**Authority:**

*Child Protection Act 1999*, sections 51ZE, 82, 83(2) and 84.

*Child Protection Regulation 2011*

**Delegations:**

Refer to instruments of delegations related to the placement of children in care.

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

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**Links:**

**Procedures**

Child Safety Practice Manual

**Related Legislation or Standards**

*Child Protection Act 1999*

*Child Protection Regulation 2011*

*Human Rights Act 2019*

Statement of Commitment between the Department of Child Safety, Foster Care Services and the carers of Queensland

**Related policies**

Assessing and responding to matters of concern (326)

Decisions about Aboriginal and Torres Strait Islander children (641)

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

Placement of children with Child Safety employees (36)

Residential care (603)

Transition to adulthood (349)

**Rescinded Policies**

578-2 Placement of children in care as part of an integrated child protection response

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Michael Hogan

Director-General