



**WACOSS submission to the**  
**Department for Child Protection's draft policies on:**  
**Permanency Planning**  
**Reunification**  
**Contact for Children and Young People in the CEO's Care.**

**Background**

As part of the Ford Report in 2007, recommendation 39 requested the Department for Child Protection (the Department) consider engagement in community consultation (including Aboriginal communities), to develop policy on permanency planning and placement, and consider whether and legislative amendment (Child and Community Services Act 2004) (the Act) would assist with this.

The State Government's child protection policy, *Better Protection for Children in Need*, noted the "problems associated with multiple placements"<sup>1</sup> and proposed the introduction of new arrangements for Special Guardianship Orders (SGO) based on English legislation.

The need for permanency planning was recognised in light of numerous international research findings<sup>2</sup>. Instability in placements, which the Ford Report cited as being when a child was in more than two or more placement breakdowns within a two year period, contribute significantly to developmental delays, long-term behavioural problems, and problems fostering positive relationships.

**Comment on the draft policies**

WACOSS partnered with the Department to coordinate a permanency planning workshop on Tuesday 27<sup>th</sup> April 2010. Approximately 15 participants attended the workshop, where a number of issues were discussed relating to the three draft policies, namely:

- Permanency planning;
- Reunification; and
- Contact.

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<sup>1</sup> DCP briefing to CST (formerly CSCPAG) 8 June 2010

<sup>2</sup> DCP Consultation Paper December 2008

WACOSS offers this short submission in support of other community service organisations working extensively in this space.

Permanency planning aims to ensure that children in care are given a sense of permanence and stability. While permanence and stability is essential for child wellbeing, and there is recognition that sometimes a child's birth parents cannot provide this environment for their child, it is still critical that investment be made in ongoing support and services for vulnerable families to ensure that children do not enter state care in the first instance. Where this cannot happen, and a child has been placed in the care system, investment must also be made in the supports and services necessary for the birth family to achieve reunification if appropriate.

Every child and family who enters the child protection system has unique needs and circumstances, and permanency planning must be flexible and responsive to a child's individual needs. A one size fits all approach to permanency planning is not appropriate.

### *Permanency planning*

The draft policy on permanency planning represents a shift in the Department's long term focus on reunification with birth parents, to a renewed focus on achieving the best interests of the child through permanent care arrangements.<sup>3</sup>

WACOSS supports the Department's emphasis on providing children who enter the care system with permanence and stability, as well highlighting the indicators that ensure children have positive care experiences that extend beyond just having their physical needs met. Some of these indicators are:

- Developing strong reciprocal relationships;
- Feeling a sense of belonging;
- Feeling loved and valued;
- Being supported to grow towards independence;
- Experiencing continuity of culture, language and tradition; and
- Having contact with people who are significant to them, along with a knowledge and acceptance of their birth family and life history.

Amendments are being made to the Children and Community Services Act 2004 to allow for permanent placement through the introduction of protection orders (special guardianship).

The Department states:

*A special guardianship order (SGO) for parental responsibility for the child, until the child turns 18 years of age, is transferred to the special guardian, which means the child will no longer be in the care of the CEO. This will give the special guardian all the duties, powers, responsibilities and authority which, by law, parents have in relation to their own children. The order will remain in force until the child reaches 18 years of age. The special guardian must comply with any condition set out in the SGO in respect of contact between the child and any other person.<sup>4</sup>*

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<sup>3</sup> Draft Permanency Planning Policy for Children and Young People in the CEO's Care. (p.1).

<sup>4</sup> Draft Permanency Planning Policy for Children and Young People in the CEO's Care. (p. 3).

There are certain practical considerations that need to be accounted for when carers are making SGO applications. WACOSS urges the Department to have consideration to the feedback given during information workshop and consultation on the 27 April. Some points include:

- Carers must be made aware of the differences in adoption and special guardianship orders. An SGO is not an adoption.
- What level of information sharing/ disclosure is appropriate, both from DCP and the carer?
- What support will be given for carers to lodge their application?
- The need to consider a continuum of permanence and stability –a child making improvements and achieving good outcomes in a particular care setting should not be moved along.
- Implications if a birth family doesn't agree to an SGO.

### *Reunification*

The shift the Department is making in terms of its focus on permanency planning should in no way undermine the importance of or investment in the reunification process.

The Department sees reunification as a process rather than a placement event that the family must be actively engaged in and committed to. It must focus on the relationship between the field worker, the child, their parents and their family, and foster carers. It is important that families are engaged in this process at the earliest possible opportunity, and that they continue to be engaged and supported post reunification. Decisions concerning reunification must take into account the child's best interest, their developmental needs, parental capacity and the assessment of harm or future risk.<sup>5</sup>

The nature of the intervention and supports needed, as well as the timeframes in which issues will be addressed, will vary and are dependent upon a range of different factors including age, development and attachment level of the child, the reasons for the child being taken into care, the issues that have impacted on a parent's inability to safely care for the child, and the child's wishes.

The Department's draft reunification policy states that following the removal of a child from their birth family, a decision about whether reunification is realistic and appropriate must take

- No longer than 12 months for children under the age of two years; and
- No longer than 24 months for all other children

While WACOSS acknowledges that the needs of the child and their ongoing stability are paramount, prescribing rigid timeframes may not reflect the reality that the process of reunification is dynamic and highly individualized, and that parents and families should receive the ongoing intensive, therapeutic support and assistance they need to enable the return of their child.

These support services must be culturally appropriate, accessible and targeted to a family's individual needs. Non-government service providers who are contracted by the

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<sup>5</sup>Draft Reunification Policy for Children and Young People in the CEO's Care. (p.2).

Department to provide these services must be adequately funded and resourced to do so. WACOSS supports the Department's use of the Signs of Safety Planning and Assessment Framework to ascertain whether reunification is appropriate.

### *Contact*

The Department's contact policy outlines their position in relation to planning, facilitating and promoting contact between children in care and their birth families. The term 'contact' refers to all links between a child in care and their birth family, regardless of the form and frequency of those links. A child's family includes siblings, parents, extended family and other people who the child deems as significant in their lives. For Aboriginal and Torres Strait Islander children, persons who are regarded as significant in the child's network under customary law or tradition of the child's community are included in the term 'family'.<sup>6</sup>

WACOSS asserts that contact arrangements must be positive, purposeful and supported. In order to facilitate the contact process, with the aim of reunification, investment should be made in the following areas:

- Intensive services;
- Resources/education services;
- Community supports and links;
- Post – reunification supports; and
- Informal supports and networks.

Some of the feedback from the jointly held consultation in April 2010 regarding the kind of support required for contact included:

- Contact arrangements appropriate and consistent;
- Adequate resourcing – transport, venue logistics, etc;
- Flexibility in meeting arrangements for contact visits;
- Contact maintained even with long term placements;
- Separate review process for contact arrangements;
- Culturally appropriate and flexible contact arrangements; and
- Skill level of carers must be appropriate, and training and proper resourcing must support this.

### **Conclusion**

Improving the experiences of children and families in the state care system, providing permanence and stability in a child's life, and investing in supports and services to reduce the numbers of children entering care and facilitate successful reunification is vital to achieving better outcomes for children. As a community we must be able to ensure that children removed from their parents will receive a high quality level of care in a permanent care setting or as a ward of the CEO. All children, whether they are in the care system or not, deserve to enjoy a quality of life consistent with community standards.

Significant investment in a wide range of primary, secondary and tertiary services is needed, both to ensure that children in state care are supported in achieving stability and permanency primarily through reunification but also through other permanent out-of-home care placements, but also to prevent children from entering the state care system.

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<sup>6</sup> Draft Contact Policy for Children and Young People in the CEO's Care. (p.1).

With appropriate and effective supports, the majority of parents are capable of providing their children with a stable, loving and nurturing family life.

WACOSS thanks the Department for Child Protection for the opportunity to provide input into the draft permanency planning, reunification and contact policies.