

Child Safety POLICY

Title: Kinship care

Policy No: 632-4

Policy Statement:

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

When a child is subject to statutory child protection intervention and requires a care arrangement under the *Child Protection Act 1999* (the Act), section 5B(h) Child Safety is required to give proper consideration to placing the child, as a first option, with kin. Child Safety is also required to make active efforts to apply the Aboriginal and Torres Strait Islander Child Placement Principle when making a decision about where and with whom a child will live (section 5F of the Act).

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

For an Aboriginal and Torres Strait Islander child, kin (schedule 3 of the Act) is:

- a person who is a member of the child's family group who is of significance to the child
- a person recognised as kin to the child under Aboriginal tradition or Island custom, as being of significance to a child and as having a cultural connection with the child.

Aboriginal and Torres Strait Islander children and families are the primary source of information, or able to advise who has expert knowledge, about:

- who is recognised as kin to a child under Aboriginal tradition or Island custom
- who is of significance to a child, and
- who has a cultural connection with the child.

Child Safety will work in partnership with Aboriginal and Torres Strait Islander children and families to uphold their right to self-determination (section 5C of the Act) when decisions are made about who is kin to a child, who is significant to a child and who has a cultural connection with a child.

Child Safety will be satisfied that a person is recognised as being kin to a child under Aboriginal tradition or Island custom, is of significance to the child and has a cultural connection with the child,

if the child or a member of the child's family group provides this advice. Recognition of 'kin' does not require consensus by all members of the child's family group.

Where a child is not able to be safely reunified with a parent, the court must not grant long-term guardianship of a child to the chief executive if the court can grant guardianship to another suitable person (section 59(7)(b) of the Act).

Child Safety is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, Child Safety has an obligation to take action to ensure that decisions about the use of kinship care are made in a way that is compatible with human rights. When making a decision, proper consideration will be given to upholding Aboriginal and Torres Strait Islander peoples' human right to enjoy, maintain, control, protect and develop their kinship ties.

Principles:

- The safety, wellbeing and best interests of the child, both throughout childhood and the rest of the child's life, are paramount.
- The preferred way of ensuring a child's safety and wellbeing is through supporting the child's family.
- When a child is removed from their family, consideration will be given to placing the child with kin, as a first option.
- Proper consideration will be given to placing the child with family members or people of significance to the child, with the appropriate approval processes being followed.
- Information will be sought from Aboriginal and Torres Strait Islander children and their families about who is kin to a child; who they recognise as having a cultural connection with the child; and who they want Child Safety to speak with to obtain information about the child's kin relationships and cultural connections, if applicable.
- 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*.
- Active efforts must be made to apply the Aboriginal and Torres Strait Islander Child Placement Principle under section 5F(2) of the Act when making a significant decision relating to an Aboriginal or Torres Strait Islander child.

Objectives:

This policy aims to ensure that:

- proper consideration is given to placing the child, as a first option, with kin, by ensuring all reasonable efforts are made by Child Safety, or a service provider on the Child safety's behalf, to adequately identify potential kinship carers for the child.
- Aboriginal and Torres Strait Islander peoples' right to self-determination (section 5C of the Act) is upheld when decisions are made about who is kin to a child, who is significant to a child and who has a cultural connection with a child.
- kinship assessments acknowledge the child's pre-existing relationship with the kinship carer and are collaborative, supportive and partnership based, while being thorough and having the child's safety and wellbeing as the paramount consideration.

- the kinship carer's strengths, potential stressors and support needs are identified to enable the provision of active assistance and encouragement to enhance the stability of the care arrangement.
- kinship carers are provided with information and actively supported to provide a positive, stable care environment for children requiring a care arrangement that meets the Statement of Standards for the standards of care.

Scope:

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

For non-Aboriginal and Torres Strait Islander children, schedule 3 of the Act defines kin as:

- a member of the child's family group who is a person of significance to the child, and
- another person who is recognised by the child and child's family as a person of significance to the child.

A person may be approved as a child's kinship carer if they are a member of the child's family and have a significant connection with the child or if the child or the child's family recognise the person as being significant to the child.

For an Aboriginal and Torres Strait Islander child, schedule 3 of the Act defines kin for an Aboriginal child and a Torres Strait Islander child, as:

- a member of the child's family group who is a person of significance to the child,
- a person under Aboriginal tradition who is regarded as kin of the Aboriginal child and for a Torres Strait Islander child, as a person who under Island custom is regarded as kin of the Torres Strait Islander child, and
- another person who is recognised by the child or their family group as a person of significance to the child who also has a cultural connection with the child.

A person may be approved as a kinship carer for an Aboriginal and Torres Strait Islander child if they are a member of the child's family and have a significant connection with the child or if they are regarded as kin under Aboriginal tradition or Island custom or are of significance to the child and have a cultural connection with the child.

Roles and Responsibilities:

- Child Safety may place a child in the care of an approved kinship carer (section 82(1)(a) of the Act) or with a provisionally approved carer (section 82(1)(e) of the Act).
- Child Safety is required to make active efforts to apply the Aboriginal and Torres Strait Islander Child Placement Principle when making placement decisions for Aboriginal and Torres Strait Islander children.
- Child Safety will be informed by the child, having regard to their age and ability to understand, and/or the child's family about whether a person has a significant relationship with the child.

- Child Safety will be informed by an Aboriginal and Torres Strait Islander child, having regard to their age and ability to understand, and/or the child's family, or a person the child and/or family nominate to provide information, about whether a person is recognised as kin to the child under Aboriginal tradition or Island custom or whether a person has a cultural connection to the child.
- The Child Safety Service Centre (CSSC) manager is responsible for deciding an application for approval as a kinship carer and for granting provisional approval as a carer when necessary.
- The duty executive officer is responsible for decisions in relation to a person's suitability to become a provisionally approved carer outside business hours.
- The senior team leader, CSSC manager, or Child Safety After Hours Service Centre senior team leader or manager is responsible for approving the decision to place the child with an approved kinship carer or provisionally approved carer.
- Where a kinship carer is affiliated with a non-government foster and kinship care service, the service is responsible for the assessment, training (if required) and support of the carer in accordance with Child Safety's regulation of care processes and the organisation's service agreement and care service licensing requirements.
- The procedures that give effect to this policy are outlined in the Child Safety Practice Manual, Provide and review care, and associated resources.

Authority:

Child Protection Act 1999, sections 4, 5B(h), 5BA, 5C, 5E, 5F(2)(a), 5H, 6, 7, 11, 74, 82(1)(a) and (e), 83, 83A, 122, 133.

Child Protection Regulation 2011, section 23.

Delegations:

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

Records File No.:	Not applicable
Date of approval:	21 May 2023
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Date to be reviewed:	21 May 2026

Office: Investment and Commissioning

Contact: Tertiary Care and Support

Links:

Procedures

Child Safety Practice Manual

Carer Debt (Financial Management Practice Manual 2.18)

Related policies

Carer learning and support (457)

Carer participation (460)

Complex Support Needs Allowance (612)

Decisions about Aboriginal and Torres Strait Islander children (641)

Dual payment of carer allowances (289)

Expenses – Fortnightly caring allowance and inter-state foster payments (365)

Foster care training (383)

High support needs allowance (296)

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

Permanency planning (594)

Placement of children in care (578)

Regional remote loading for carers (379)

Responding to concerns about the standards of care (326)

Related legislation or standard

Human Rights Act 2019

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

Rescinded policy

632-3 Kinship care

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