

Child Safety POLICY

Title: Permanency planning

Policy No: 594-7

Policy Statement:

The Department of Child Safety, Seniors and Disability Services (Child Safety) is committed to administering the *Child Protection Act 1999* (the Act) in a way that promotes permanency for children across all phases of the child protection continuum.

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

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

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

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

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

When undertaking permanency planning with Aboriginal or Torres Strait Islander children and their families, Child Safety will recognise Aboriginal or Torres Strait Islander people's right to self-determination, the long-term effect a decision will have on a child's identity and connection with family and community and will make active efforts to apply the [Aboriginal and Torres Strait Islander Child Placement Principle](#) when making a significant decision about an Aboriginal and Torres Strait Islander child.





Principles:

- The safety, wellbeing and best interests of a child, both through childhood and for the rest of the child's life, are paramount.
- Families have the primary responsibility for the upbringing, protection and development of their children and the preferred way of ensuring a child's wellbeing is through supporting the child's family. If a child is removed from the child's family, consideration will be given to placing the child, as a first option, in the care of kin.
- Child Safety staff will undertake concurrent planning with children subject to statutory intervention and their families, to proactively identify the best action or order to achieve permanency for the child, in a timely manner.
- Case planning decisions and actions will promote a child's relational, physical and legal permanency.
- Children and young people will be provided with meaningful and ongoing opportunities to participate whenever a power is exercised, or a decision is made under the Act that affects, or may affect, them (section 5E of the Act).
- Child Safety staff will, in consultation, and with the consent of Aboriginal or Torres Strait Islander children and families (section 5H of the Act) arrange for an independent person to help facilitate their participation in significant decisions and decisions about where and with whom a child will live (section 83(2) of the Act).
- Child Safety staff must make active efforts to apply the Aboriginal and Torres Strait Islander Child Placement Principle when making significant decisions about Aboriginal and Torres Strait Islander children (section 5F(2)(a) of the Act). This means purposeful, thorough and timely efforts to apply the Aboriginal and Torres Strait Islander child placement principle (section 5F(6) of the Act).
- Children and families from culturally and linguistically diverse backgrounds will be supported to access support they may need to assist their participation.
- Children in care must regularly be provided with information about the charter or rights and its affect and Child Safety's obligations in relation to the charter.

Objectives:

This policy aims to:

- support collaborative and timely planning to best achieving permanency for a child
- ensure children and young people are provided with the information and support they need to participate in decisions about the best option for meeting their need for relational, physical and legal permanency.
- ensure principles for achieving permanency for a child, and the additional principles for Aboriginal and Torres Strait Islander children, are applied to identify the best action or option for achieving permanency for a child.

Scope:

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



Roles and Responsibilities:

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

Practice panel review of permanency decisions

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

The practice panel will critically examine information available including information about how the child has been provided with ongoing opportunities and support to meaningfully participate in decisions about the best option for meeting their need for relational, physical and legal permanency. If the decision involves an Aboriginal and Torres Strait Islander child, the panel will also consider whether an independent person helped facilitate the child and the child's family to participate in decision making and the extent of active efforts made to apply the Aboriginal and Torres Strait Islander Child Placement Principle when making decisions about the child's permanent care needs.

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


Permanency considerations that apply to all children

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

- supports ongoing positive, trusting and nurturing relationships with persons of significance to the child, including the child's parents, siblings, extended family members and carers and for an Aboriginal and Torres Strait Islander child, supports their right to develop and maintain a connection with their family, community, culture, traditions and language (*relational permanence*); and
- provides stable living arrangements, with connections to the child's community, that meet the child's developmental, educational, emotional, health, intellectual and physical needs (*physical permanence*); and
- provides legal security and a sense of permanence and long-term stability, including, for example, a long-term guardianship order, a permanent care order or an adoption order for the child (*legal permanence*).

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

- child to be placed with kin (section 5B(h) of the Act)
- child to be placed with siblings (section 5B(i) of the Act)
- child to have ongoing relationships with family and kin (section 5B(k) of the Act)
- for an Aboriginal and Torres Strait Islander child, the child to develop and maintain a connection with their family, community, culture, traditions and language
- child to know, explore and maintain their own identity and values, including their cultural, ethnic and religious identity and values (section 5B(l) of the Act)

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- continuity and strengthening of relationships with other persons of significance, such as friends, people in their community networks, school friends or a medical professional
 - child to have ongoing involvement in clubs, associations, religious institutions and other activities
 - continuity of schooling, including childcare arrangements and access to additional supports the child needs to maintain continuity
 - continuity of health care providers, particularly where children are regularly accessing specialist or culturally appropriate health care providers for ongoing health needs
 - child to remain living within or connected to their local community.

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

Achieving permanency for non- Aboriginal and Torres Strait Islander children

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

- the principle that the first preference is for the child to be cared for by the child's family
- the principle that the second preference is for the child to be cared for under the guardianship of a person who is a member of the child's family, other than a parent of the child, or another suitable person
- the principle that the third preference is for the child to be adopted under the *Adoption of Children Act 2009*
- the principle that the last preference is for the child to be cared for under the guardianship of the chief executive.

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

Aboriginal and Torres Strait Islander children

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

- what long-term effect each option would have on the child's identity and connection with the child's family and community
- the extent to which active efforts have been made to apply the [Aboriginal and Torres Strait Islander Child Placement Principle](#) in decision making, to uphold:
 - (a) the child's right to be brought up within the child's own family and community
 - (b) Aboriginal or Torres Strait Islander persons' right to participate in significant decisions under the Act about Aboriginal or Torres Strait Islander children



- (c) if a child is to be placed in care, the child's right to be placed with a member of the child's family group
 - (d) the child and the child's parents' and family members' right to participate, and be enabled to participate, in an administrative or judicial process for making a significant decision about the child
 - (e) the child's right to be supported to develop and maintain a connection with the child's family, community, culture, traditions and language, particularly when the child is in the care of a person who is not an Aboriginal or Torres Strait Islander person.
- provisions for placing Aboriginal and Torres Strait Islander children in care, [section 83](#) of the Act
 - the extent to which each option upholds the child's rights under the *Human Rights Act 2019*
 - the principle that the first preference is for the child to be cared for by the child's family
 - the principle that the second preference is for the child to be cared for under the guardianship of a person who is a member of the child's family, other than a parent of the child, or another suitable person
 - the principle that the third preference is for the child to be cared for under the guardianship of the chief executive
 - the principle that the last preference is for the child to be adopted under the *Adoption Act 2009*.

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

Authority:

Adoption Act 2009

Child Protection Act 1999

Human Rights Act 2019

Delegations:

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



Records File No.: Not applicable

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Office: Office of the Chief Practitioner

Help Contact: Child Protection Practice

Links:

Procedures

Child Safety Practice Manual

Related policies

Case planning (263)

Decisions about Aboriginal and Torres Strait Islander children (641)

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

Rescinded Policies

594-6 Permanency planning

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