

Achieving Permanency



Queensland
Foster and
Kinship Care

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What is Permanency

There are three ways that permanency can be achieved for children and young people in Alternative Care:

1. Reunification
2. Long term out of home care
3. Adoption



Dimensions of Permanency

Relational Permanency

- The experience of having positive, loving, trusting and nurturing relationships with significant others (parents, friends, siblings, family, carers) & not to feel a clash of loyalties

Physical Permanency -

- Stable living arrangements and connections with the child's community until they achieve independence

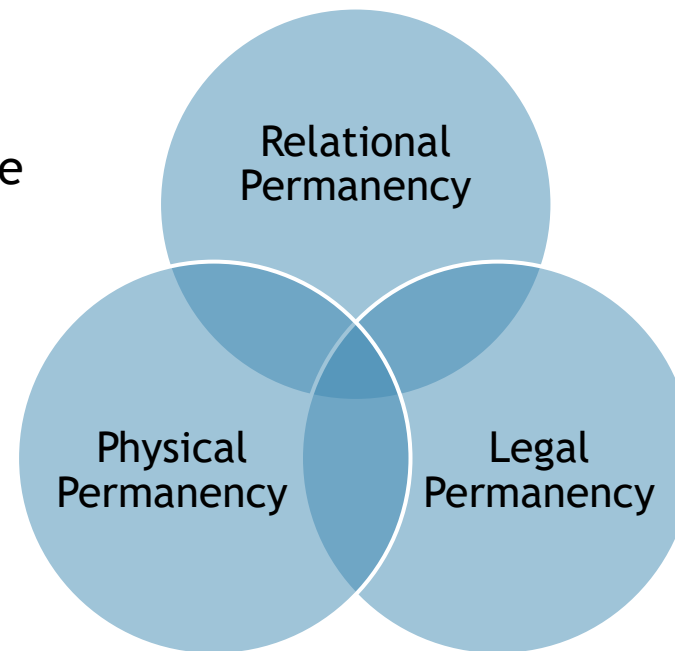
Legal Permanency -

- For all concerned to behave as if the child is a family member, legal arrangements associated with permanency

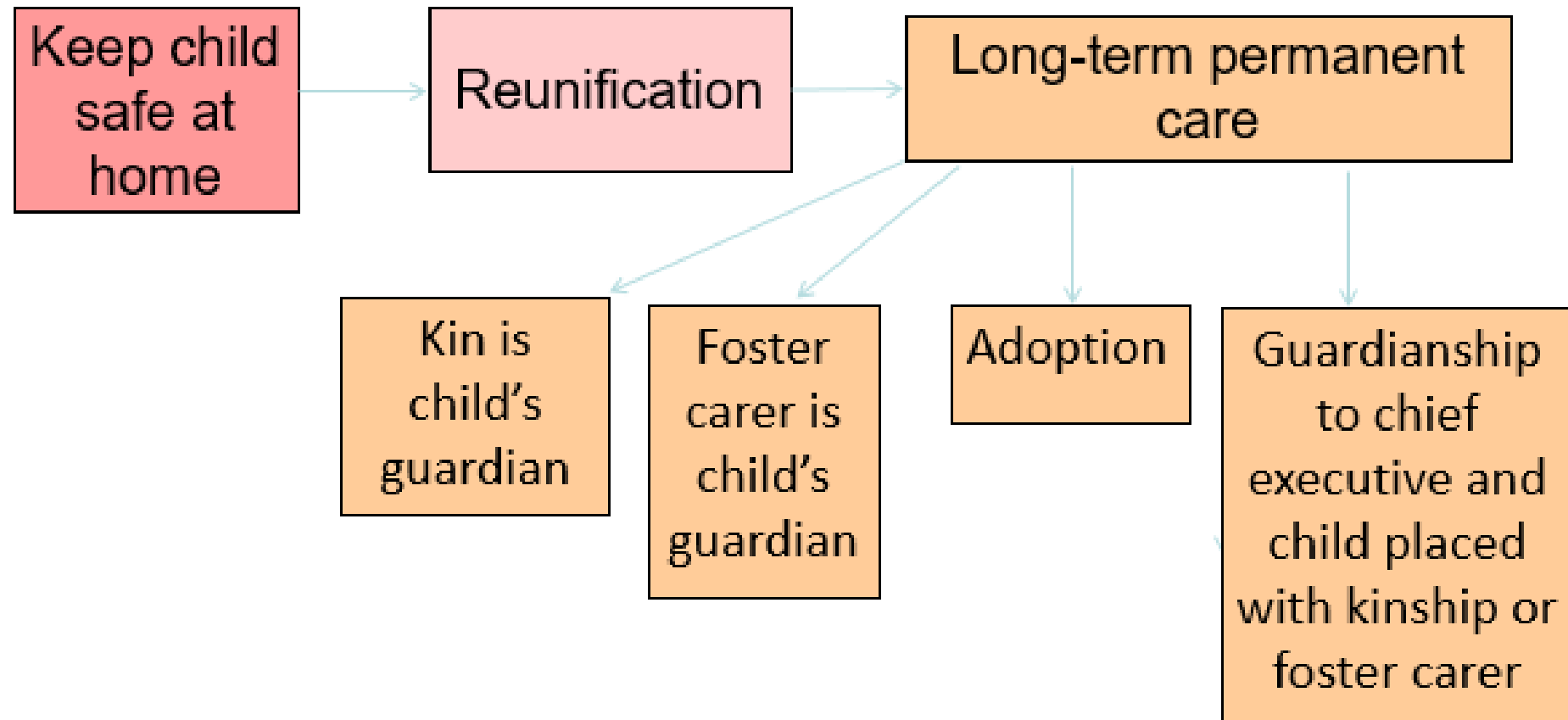
Permanency Options

Reunification ↔ Long Term Alternative Care ↔ Adoption

- ▶ Safety, wellbeing, and best interests of the child for LIFE
- ▶ Permanency enables children:
 - ▶ Sense of belonging and security
 - ▶ Develop good coping skills and resilience
 - ▶ Emotional and Cognitive development
 - ▶ Future and Educational Outcomes
 - ▶ Trust
 - ▶ Secure base
 - ▶ Secure and positive identity
 - ▶ Cultural identity formation



Permanence Continuum



Activity



In pairs, discuss what permanency planning involves and what considerations we should be thinking about when making decisions in relation to a child or young person's permanency - be sure to consider all three types of permanency.

Permanency Planning

A practice paper released by Child Safety in October 2018 describes permanency planning as being:

- ▶ Goal directed
- ▶ Systematic
- ▶ Timely
- ▶ Much more than placement
- ▶ Relational, physical and legal

Permanency Planning Policy

- ▶ A Permanency planning policy was established in 2023 - 594-7
- ▶ The Policy's scope identifies the Policy as 'applying to all planning, decisions and actions undertaken to the meet the safety, belonging and wellbeing needs of children subject to statutory intervention under the Act'

The Policy

- Outlines the role of the Practice panel in viewing permanency decisions
- Identifies permanency considerations that apply to all children
- Speaks to considerations in achieving permanency for both Aboriginal and Torres Strait Islander children and non Aboriginal and Torres Strait Islander children



Permanency
Planning Policy

A bit of History

- ▶ Queensland does not have a particularly good track record of achieving permanency for children and young people in a timely way;
- ▶ Children and young people have often been left to 'drift' in care - subject to ongoing subsequent short- term orders in an effort to achieve reunification with parents with often little consideration to a plan 'B'.

Carmody Inquiry - Taking responsibility: A roadmap for Queensland Child Protection

The importance of permanency for children and young people in care was highlighted by the 2013 Queensland Child Protection Inquiry.

‘The Commission is concerned at the high number of children and young people subject to multiple short-term orders because this could indicate that many children are ‘drifting’ in care without achieving either reunification with the family or long-term out of home care.

Carmody Inquiry Continued...

Carmody highlighted a range of other areas relating to permanency in the final report under **Section 7.7 ‘Planning for stability for children in the child protection system’**

Recommendations in this section were:

Recommendations

Recommendation 7.4

Consideration to pursue adoption, particularly for children under 3 when reunification's no longer feasible.

Recommendation 7.5

Include in cultural support plans for Aboriginal and/or Torres Strait Islander children a requirement that arrangements be made for regular contact with at least one person who shares child's cultural background.

Continued ...

Recommendation 7.6

Include in local family support needs plans information on the different cultural and linguistic groups in their community, engage in consultation with those communities to determine what cultural support they can provide and ensure frontline workers, Foster and Kinship Carers and non government service providers are given appropriate cultural training and that the cultural support plans specify arrangement for regular contact with at least one person who shares the child's cultural background.

Summary

The Carmody Inquiry highlighted the need for Permanency to be considered as more than just placement and spoke to the framework of relational, physical and legal permanency underpinning decision making to ensure that actual permanency is experienced for all children and young people in care - legislative reform reflects this.

Legislation Reform

On 29th October 2018, the Queensland Child Protection sector witnessed significant reform take place. The key changes were in relation to

- ▶ Permanency
- ▶ Safe Care and Connection
- ▶ Information Sharing
- ▶ Transition to Adulthood

Let's take a look at the Child Protection Act 1999 as they relate to achieving permanency for children and young people



Overview of Permanency Legislation

- ▶ Safety, wellbeing and best interests of a child throughout childhood and **for the rest of the child's life**
- ▶ Consider **relational, physical and legal aspects** of permanency
- ▶ The five elements of the **Child Placement Principle (CPP)** to be applied when working with Aboriginal and Torres Strait Islander children, young people and families
- ▶ **Concurrent planning** has a legislative base - all case plans to include goals and actions for achieving permanency
- ▶ For Aboriginal and/or Torres Strait Islander children, the case plan must include details as to how the plan is consistent with the “connection” element of the CPP
- ▶ **Permanent care order** as a type of child protection order
- ▶ Streamlining changes from one long term order to another

Key legislation relating to permanency

Principle: 5BA Principles for achieving permanency for a child

2(a) Ongoing positive, trusting and nurturing relationships (relational)

2(b) Stable living arrangements and connections with community to meet the child's needs

- ▶ Developmental
- ▶ Educational
- ▶ Emotional
- ▶ Health
- ▶ Intellectual and physical needs.

2(c) Legal arrangements for the child's care to provide the child with a sense of permanence and long-term stability...

Activity

Let's review and unpack what this Principle means:

- Relational
- Physical
- Legal



Relationships that are positive,
nurturing and trusting

Child Centred, age
and
developmentally
appropriate

Relational

Family, persons of
significance,
siblings, carers,
community

Relationships that are
nurtured through natural,
safe and appropriate
settings

Stable living
arrangements - child
or young person feels
this

Genuine connection
to community

Child experiences
stability at school

Physical

Child has consistent
therapeutic and
medical support

Child is able to
maintain extra-
curriculum activities

Legal arrangements
that provide sense
of permanency

Guardianship decisions sit with
the guardian who often best
knows the child

Child is able to
experience
relationships through
their community in a
natural way

Legal

Child and guardian
sharing important life
moments

Child feels their home is
permanent

Paramount Principle

The Act outlines that the main principle, that is, safety, wellbeing and best interests of the child both through childhood **and for the rest of the child** life can be achieved by having a focus on permanency in terms of :-

- Relational
- Physical
- Legal

Preference in achieving these are also listed as being firstly for the child to be cared for by family, or a member of the child's family if not a parent or another suitable person and as a last option, under the guardianship of the Chief Executive.

Concurrent planning

Section 51B (2) (b)

If returning the child to the care of a parent of the child is the goal for best achieving permanency for the child - an alternative goal in the event that the timely return of the child to the care of the parent is not possible.

Activity



When considering amendments to Section 51B 2(b), the legislation is referring to the concept of concurrent planning.

Lets review a case scenario to explore this concept further.



Concurrent planning: *two simultaneous plans*

- ▶ Permanent Reunification is always the primary goal
- ▶ Alternative Permanent Case Plan goal

Primary permanency goal

- Action steps
- Who will do what, by when?

Alternative permanency goal

- Action steps
- Who will do what, by when?

Activity

Read Scenario

1. Outline what the primary plan would be for Mary and John's family
2. What could the concurrent plan look like
3. When should the concurrent plan begin
4. What if the parents do not agree with the concurrent plan



Report about the review

Section 51(X)(4)

If the child is placed in the care of the Chief Executive under a Child Protection Order granting LTG, the report must state the progress made in planning for alternative long-term arrangements for the child including for example:

- LTG to kin or another suitable person
- Permanent Care Order to kin or another suitable person
- Adoption

Activity



Discuss in groups of three what you think may be the underpinning message in this section of the Act and why this amendment was introduced

The Practice Manual reads

Children permanently residing with Kin or in Foster Care may be provided with enhanced legal, physical and relational permanency through the use of Guardianship Orders. Placing a child with extended family members or significant people in their lives, for example friends, is the preferred option for achieving permanency for children who cannot safely live at home. Legal permanency can also be achieved through adoption.

Permanent Care Order

Section 59

The making of a Permanent Care Order - what the court must consider.



What is a Permanent Care Order?

- ▶ An order granting guardianship of a child to a suitable person other than the parent or CE, who is nominated by the CE.
- PCO can be varied/revoked only on application by DCPL (not parent)
- Does not legally sever birth parent relationships
- Must have been in care of proposed guardian for 12 months prior
- Permanent guardian assessment guidelines
- Initial case plan required and child/guardian may request a review
- There is no requirement for Child Safety to have ongoing contact with the child.
- There is no obligation for permanent guardians to allow Child Safety to have contact with the child.
- The child or guardian may at any time, ask for a review of the case plan.
- Child Safety may decide to refuse this request; however this is a reviewable decision.

Permanent Care Order Considerations

- ▶ Must be a suitable person for having guardianship of the child on a permanent basis;
- ▶ Willing and able to meet ongoing protection and care needs on a permanent basis;
- ▶ Committed to preserving identity, connection to culture of origin and the child's relationships with members of the child's family in accordance with case plans.

Permanent Care Order Considerations Continued

- ▶ The child has been in the care of the proposed guardian under a CPO granting custody or guardianship of the child to the CE or the proposed guardian for a period of at least 12 months immediately before the making of the application.

(7B exists, to state a magistrate can still make order if not all requirements are satisfied but exceptional circumstances exist - i.e. proposed guardian already has sibling).

Duration of Child Protection Orders

Section 62

This section outlines the duration of child protection orders

- ▶ Total amount of short-term orders can not exceed a period of two years
- ▶ Takes effect from time of final order, not interim
- ▶ Subsequent short-term orders can be applied for and made under exceptional circumstances

Obligations and rights under orders and care arrangements

Part 6 Division 1

Chief Executive's obligations to children under particular Child Protection Orders.

Part 6 Division 3

Obligations of Long-Term Guardians and permanent guardians to children under orders

Activity



- ▶ In groups of four, discuss what you believe should be the obligations of the CE when Long-Term Guardianship or Permanent Care Orders under the Act are granted
- ▶ Then consider what obligations the Long-Term or permanent guardian would have.

Obligations - the Chief Executive

- ▶ Child is regularly told about the charter of rights and its effect
- ▶ Is regularly told about the obligations of the child's long-term guardian or permanent guardian
- ▶ Is regularly told about the public guardian and to other entities known to the CE who can help the child if the child considers that the child's guardian is not complying with their obligations
- ▶ Is regularly told about their right to contact the CE if the child has any questions or concerns about the child's care or protection needs

Obligations - Long-term or Permanent Guardian

- ▶ Ensure the charter of rights for a child is complied with as if the guardian was the CE and the child was in need of care and protection
- ▶ Ensure child is provided with appropriate help in transition from being a child in care to independence
- ▶ To the extent it is in the best interests of the child, preserve the child's identity and connections to the child's culture or origin
- ▶ To the extent it is in the best interests of the child, help maintain the child's relationships with the child's parents, family members and other persons of significance to the child.

The obligations of guardians must be met to the extent of it being in the best interests of the child. The Children's Court can order any of these requirements do not apply or apply with stated modifications or apply to a stated extent if there is a risk to child or family or not in the best interests of the child (Section 79A (2))

Activity



With your partner, discuss two Charter of Rights for children and young people in care and discuss how you would meet these day to day for the child or how you would expect a carer to meet these.

Consider how and why the Charter of Rights sits so closely with the Statement of Standards and Principles of the Child Protection Act 1999.



Particular review requirements for children under long term guardianship of CE

Section 51 VAA

- ▶ The CE must review the case plan under section 51V within a period of 6 months starting on that day that is 2 years after the day the long-term guardianship order (to the CE) was made
- ▶ The review must comply with subsection 4 - the review must consider whether permanency for the child would be best achieved by an alternative arrangement mentioned in Section 5BA (4) (a), (b) or (c)
- ▶ The Practice Manual was updated in December 2023 to reflect intention of 51VAA highlighting that 5BA (4) is not the only consideration when deciding the best option for achieving permanency i.e. it may not be necessary to review whether reunification with a parent is the viable if relational and physical permanency have been achieved for the child in their current care arrangement.

Continued...

- ▶ Help maintain the child's relationships with the child's parents, family members and other person of significance to the child.

The obligations of guardians must be met to the extent of it being in the best interests of the child. The Children's Court can order any of these requirements do not apply or apply with stated modifications or apply to a stated extent if there is a risk to child or family or not in the best interests of the child.

Cultural Considerations

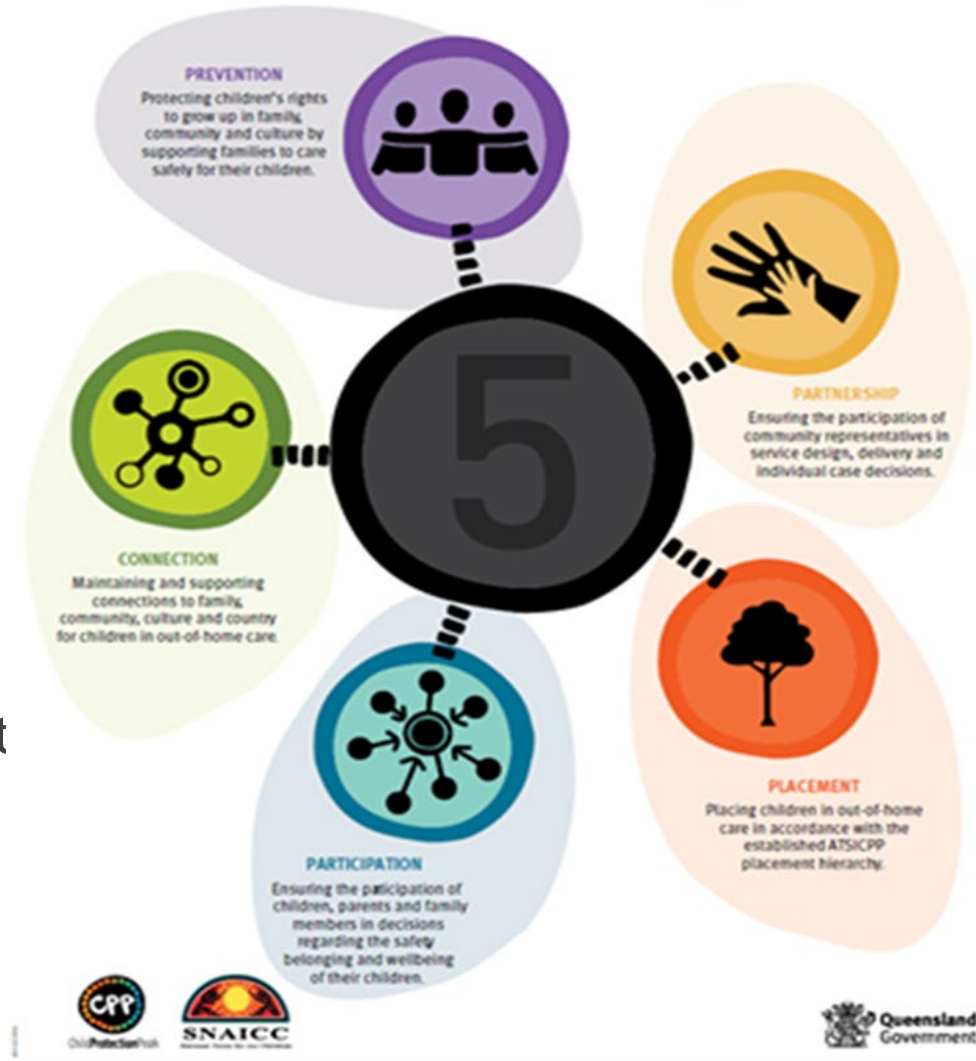
Child Safety have a responsibility to work alongside Aboriginal and/or Torres Strait Islander families in a way that promotes self determination.

The proclamation of the amendments to the Child Protection Act that came into effect on 29th October 2018 saw the introduction of Family Participation Programmes across Qld, the role of these programs is to support families to participate in child protection decisions that effect their lives.

PCO - Aboriginal and/or Torres Strait Islander Children

- ▶ Children's Court must have proper regard for:
 - Aboriginal tradition and Torres Strait Islander custom
 - The child placement principle
- ▶ Children's Court can only make the order if:
 - The case plan outlines details about how the child's connection to culture, community or language group will be developed or maintained
 - The decision to apply has been made in consultation with the child if the court considers it appropriate

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



Elements of the Aboriginal and Torres Strait Islander Child Placement Principle

- ▶ **Prevention** - a child has the right to be brought up within the child's own family and community.
- ▶ **Participation** - a child and the child's parents and family members have the right to participate in an administrative or judicial process for making a significant decision about a child.
- ▶ **Partnership** - Aboriginal or Torres Strait islander peoples have the right to participate in significant decisions under the *Child Protection Act 1999* about Aboriginal or Torres Strait Islander children, including the design and delivery of programs and services.
- ▶ **Placement** - if a child is to be placed in care, the child has a right to be placed with a member of the child's family group.
- ▶ **Connection** - a child has a right to be supported to develop and maintain a connection with the child's family, community, culture, traditions and language.

Cultural Considerations

All children regardless of culture have the right to permanency, they have a right to stable, long-term care that meets their needs.

What are some additional considerations the court and decision makers must bring their mind to when considering long term orders for Aboriginal and/or Torres Strait Islander children?

Cultural Considerations Continued...

Section 59 A - in deciding to make a order for a Permanent Care Order for an Aboriginal and/or Torres Strait Islander child, the Children's Court must have regard to:

- (a) Aboriginal tradition and Island custom relating to the child
- (b) The Child Placement Principle in relation to the child (listed in previous slide)

Cultural Considerations Continued...

The court can make the order only if it is satisfied:

- (a) 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 or maintained; and
- (b) The decision has been made in consultation with the child, if appropriate.

Cultural Considerations Continued...

The court may have regard to the views of:-

- An independent Aboriginal or Torres Strait Islander person for the child; or
- The child; or
- A member of the child's family.

Acts Interpretation Act 1954

Aboriginal Tradition

means the body of traditions, observations, customs and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people and includes any such traditions, observations, customs and beliefs relating to particular persons, areas, objects or relationships.

Family Participation programs and Permanency decision making

- ▶ A key function of the FPP is the facilitation of independent Aboriginal and Torres Strait Islander Family Led Decision Making (ATSIFLDM), a process whereby authority is given to parents, families and children to work together to solve problems and lead decision-making in a culturally safe space.
- ▶ This program will operate to keep children safe in a way that optimises a families' participation and confidence in the process while meeting any statutory requirements
- ▶ FPP's will have a key role in working alongside families to facilitate family led decisions regarding their children and ensuring that all decisions are reflective of the key principles

Let's take a closer look at Orders and what these mean...

	Short Term Order or LTG to CE	LTGO to another person	Permanent Care Order
Contact with CSO	Monthly	Yearly	None
Community Visitor	Yes	No	No
Case plan review	6 monthly	12 monthly or upon request	Only if requested by child or guardian
Education Support plan	Yes	No	No
Transition to adulthood plan	Yes	No	No

	Short Term Order or LTG to CE	LTG to Other	Permanent Care Order
Cultural support plan	Yes	No - guardian responsible for meeting need	No - guardian responsible for meeting need
Child Health passport	Yes	No	No
NDIS plan	Yes	Yes	Yes
Fortnightly caring allowance	Yes	Yes	Yes
HSNA	Yes	Yes	Yes

	Short Term Order or LTG to CE	LTG to Other	Permanent Care Order
CSNA	Yes	Yes	Yes
Child related costs	Yes	Yes	No
Order expiry	Short Term Order is recorded on order LTG to CE expires on 18 th birthday unless child passes away before	Order expires on 18 th birthday unless child passes away before 18 th birthday	The order expires on your 18 th birthday unless child passes away before 18 th birthday

	Short Term Order or LTG to CE	LTG to Other	Permanent Care Order
Revocation	Parent, Child and/or DCPL can make an application to revoke	Parent, Child and/or DCPL can make an application to revoke	Only DCPL can make an application to revoke
Access to respite	Yes	No	No

Deciding the Most Appropriate Order

When it becomes evident that a child or young person can not be reunified with their parents, Child Safety must make an assessment and recommendation to DCPL as to the most appropriate Long-Term Order to meet the child's needs.

What would be child safety's considerations in their assessment and recommendation?

Child Safety Considerations

- ▶ Placement length and stability
- ▶ Attachment
- ▶ SOC/Harm Report history
- ▶ Ability to meet Charter of Rights
- ▶ Financial stability
- ▶ Relationship with family
- ▶ Ability to meet specific cultural and religious needs

Child Safety Considerations Continued...

- ▶ Ability to maintain family connections
- ▶ Ability to meet child's needs without the additional sources of support usually offered to carers i.e. agency support, ESPs, respite
- ▶ Children's views and wishes
- ▶ Parents views and wishes

Assessment Processes

- ▶ Both LTG to Other and Permanent Care Orders have formalised assessment guidelines that must be completed by Child Safety to assess suitability of carer/kin or other significant person to become the guardian of the child.
- ▶ This assessment will assist Child Safety to form recommendation to DCPL.
- ▶ DCPL then make a decision as to what order will be applied for.



Children's Court and Orders

Carers may not agree with order being applied for by DCPL - in these instances

- ▶ In the first instance, ensure you speak to the Senior Team Leader
- ▶ Carers can lodge an application to be heard in respect to a matter before the Children's Court under S.113 of the Child Protection Act 1999.

Section 113 Child Protection Act 1999

- ▶ Court may hear submission from non-parties to proceeding
 - (1) In a proceeding on an application for an order for a child, the Children's Court may hear submissions from the following persons
 - (a) A member of the child's family:
 - (b) Anyone else the court considers is able to inform it on any matter relevant to the proceedings

Review of Case Plans

- ▶ LTG to Other has 12 monthly reviews
- ▶ LTG to Other can request review at any time
- ▶ PCO only has case plan review on request

Brainstorm

1. Reasons why a guardian may wish to request a review of the case plan
2. How might the review assist the guardian or the child?

Short-Term Intervention

- ▶ Additional financial assistance
- ▶ Training and education for guardian
- ▶ Family contact assistance
- ▶ Assistance with advocacy in relation to other government bodies i.e. Education, health, NDIS
- ▶ Emergency respite

Short-Term Intervention Continued...

- ▶ Review of case plans can be achieved through a simple review of the case plan and additional assistance can be requested where policy and procedure allows for this.

Support Service Case

- ▶ Opened when it is determined a child is **NOT** in need of protection however the level of risk is assessed as high and departmental support is required;
- ▶ Provide support to pregnant women to prevent children becoming in need of protection after birth
- ▶ When a young person turns 18 and requires ongoing support

Reviewable Right (51)(VA)(VB)

LTG-O

The child, parent or guardian may request a review of the case plan.

PCO

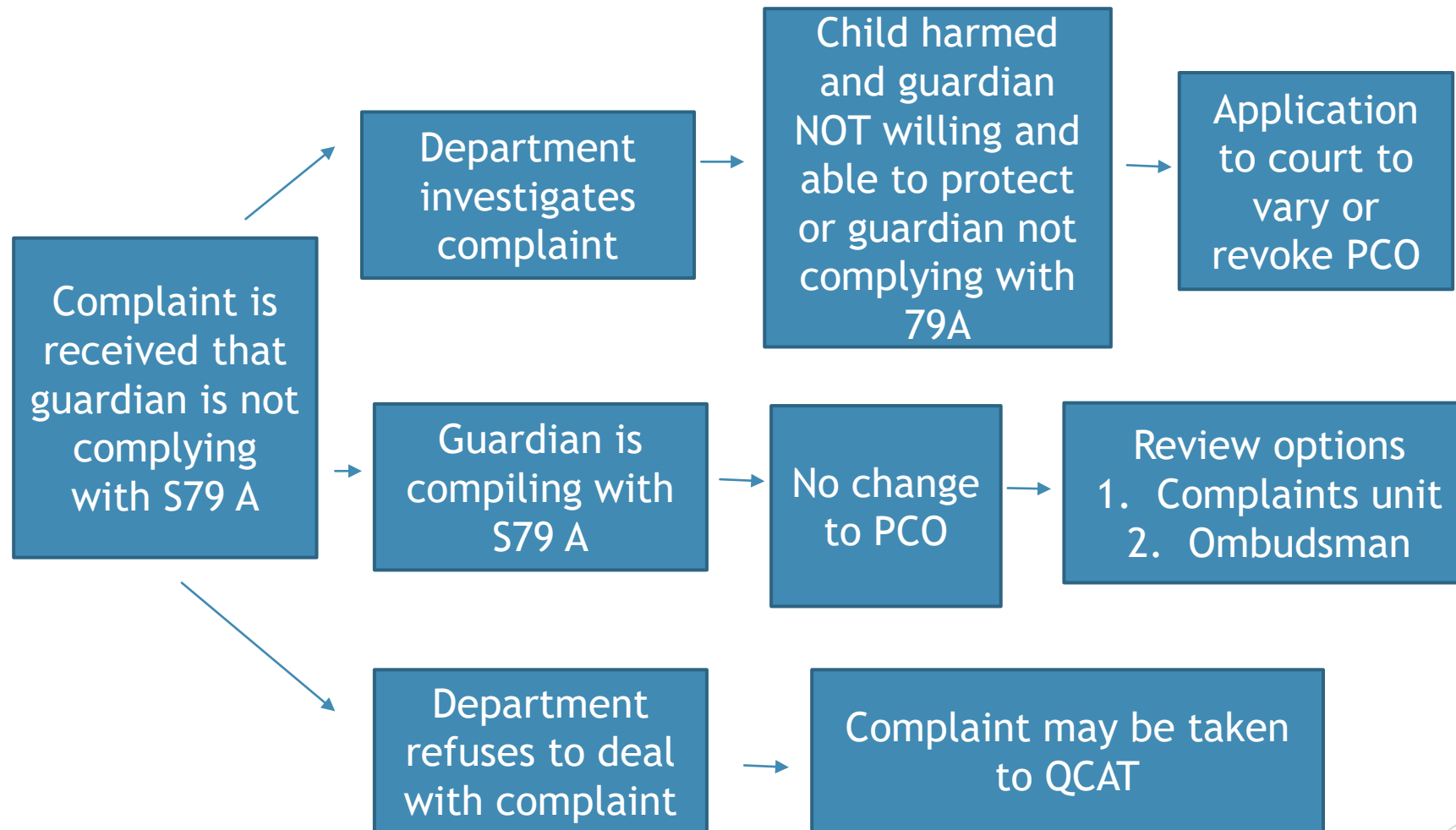
The child or guardian may request a review of the case plan.

If Child Safety refuse these requests to review the case plan due to

- ▶ child's circumstances have not significantly changed
- ▶ If it would be in appropriate in the circumstances

The decision to refuse to review the case plan under section 51 VA and VB is a reviewable decision that can go before QCAT.

Permanent Care Order Complaints



Summary

- ▶ Frameworks underpinning Permanency decision making now recognised in legislation will ensure children and young people achieve permanency in the real sense.
- ▶ It is critical that the Safety and Support networks surrounding children continue to bring their mind to these frameworks when making decisions relating to permanency and remember that permanency does not just mean placement
- ▶ Carers are a critical member of the Safety and Support network in achieving permanency for children and young people, be that with parents, extended family or themselves.
- ▶ Let this be the start of something new in Qld, where children do not drift, where concurrent planning leads to solid decision making that is focussed on the best interests of children not only now, but for their lifetime.

Further Resources



Providing Long-Term Care for a child information for guardians



Your Long-Term Care information for children



Your Long-Term Care information for young people

*“A goal without a plan of execution
and a deadline will just stay a goal.”
- Aurorasa Sima*

QFKC Support Team

Would you like to support and advise other carers? Training and support will be provided by QFKC.

Would you like to be involved in community events to support other carers?
Would you like to build stronger networks in your community?

If you are interested in becoming a QFKC Support Team member please let the trainer know and they will provide your details to the coordinator, alternatively ring the QFKC office on 3256 6166

Don't miss this great opportunity!



**Queensland
Foster and
Kinship Care**

Represent • Advocate • Inform • Support • Excel

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NB: This training is a Queensland Foster and Kinship Care tool.

Policies and Procedures do change over time.

All efforts are made to provide accurate information at time of training.