



Topic 2: Looking at the details

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Key Partners Forum Child Protection Reform:
Aboriginal Child Focus



Government of South Australia
Department for Child Protection



Key developments supporting DCP's work with and for Aboriginal families

- Appointment of Tracy Rigney as the Director, Aboriginal Practice and the establishment of the Directorate for Aboriginal Practice
- Clinical Governance Framework
 - Leadership, accountability and risk management
 - Partnership with children, young people, families, carers and stakeholders
 - Workforce capability and development
 - Performance and evaluation and improvement
 - Cultural accountability and inclusion
- Practice Framework
 - Child centred
 - Strengthening families
 - Cultural safety
 - Partnership and Collaboration
 - Learning culture





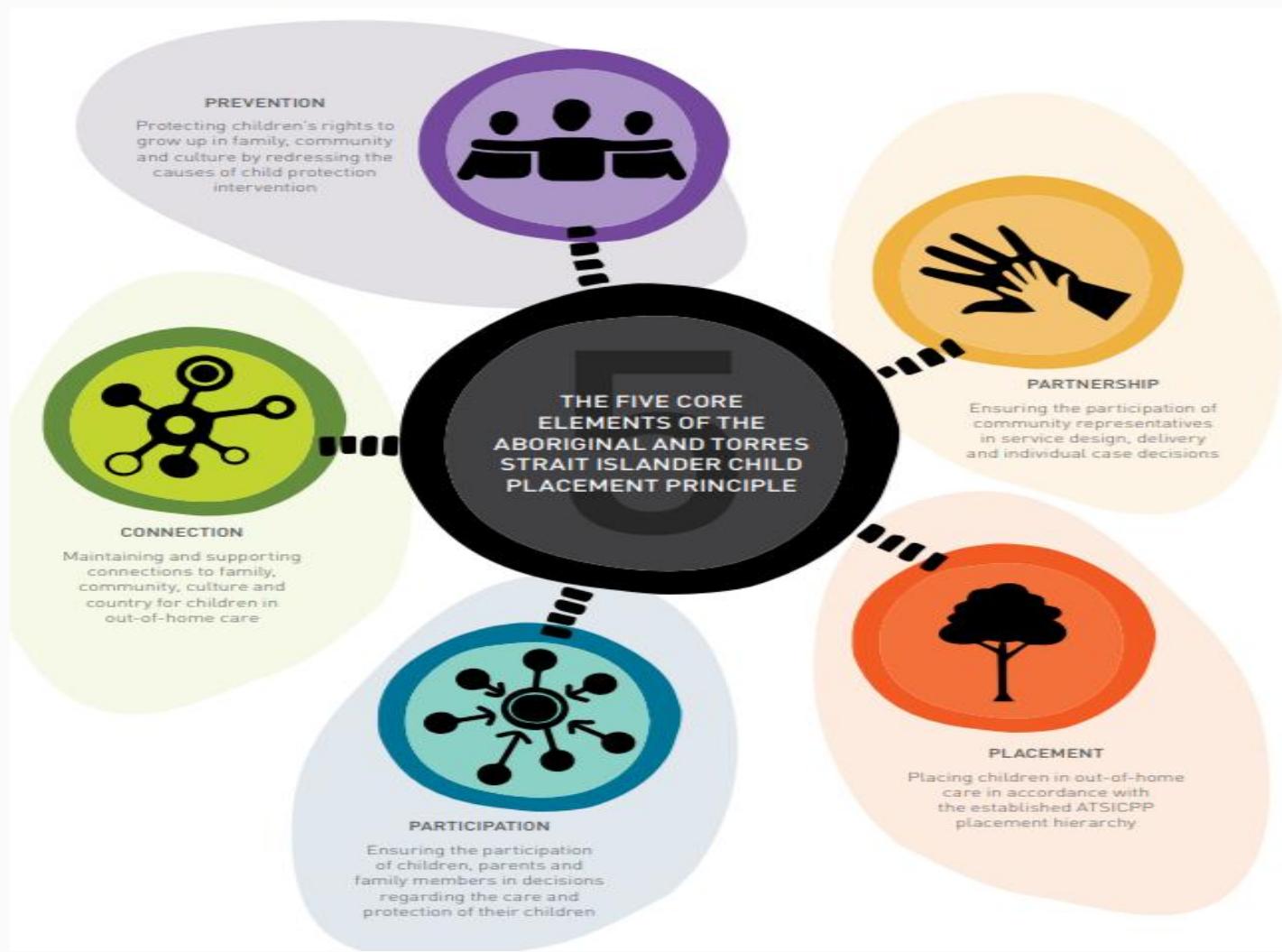
Aboriginal and Torres Strait Islander Child Placement Principle

If an Aboriginal or Torres Strait Islander child or young person is to be placed in care under this Act, the child or young person should, if reasonably practicable, be placed with 1 of the following persons (in order of priority):

- (i) a member of the child or young person's family;
- (ii) a member of the child or young person's community who has a relationship of responsibility for the child or young person;
- (iii) a member of the child or young person's community;
- (iv) a person of Aboriginal or Torres Strait Islander cultural background (as the case requires),

(determined in accordance with Aboriginal or Torres Strait Islander traditional practice or custom).

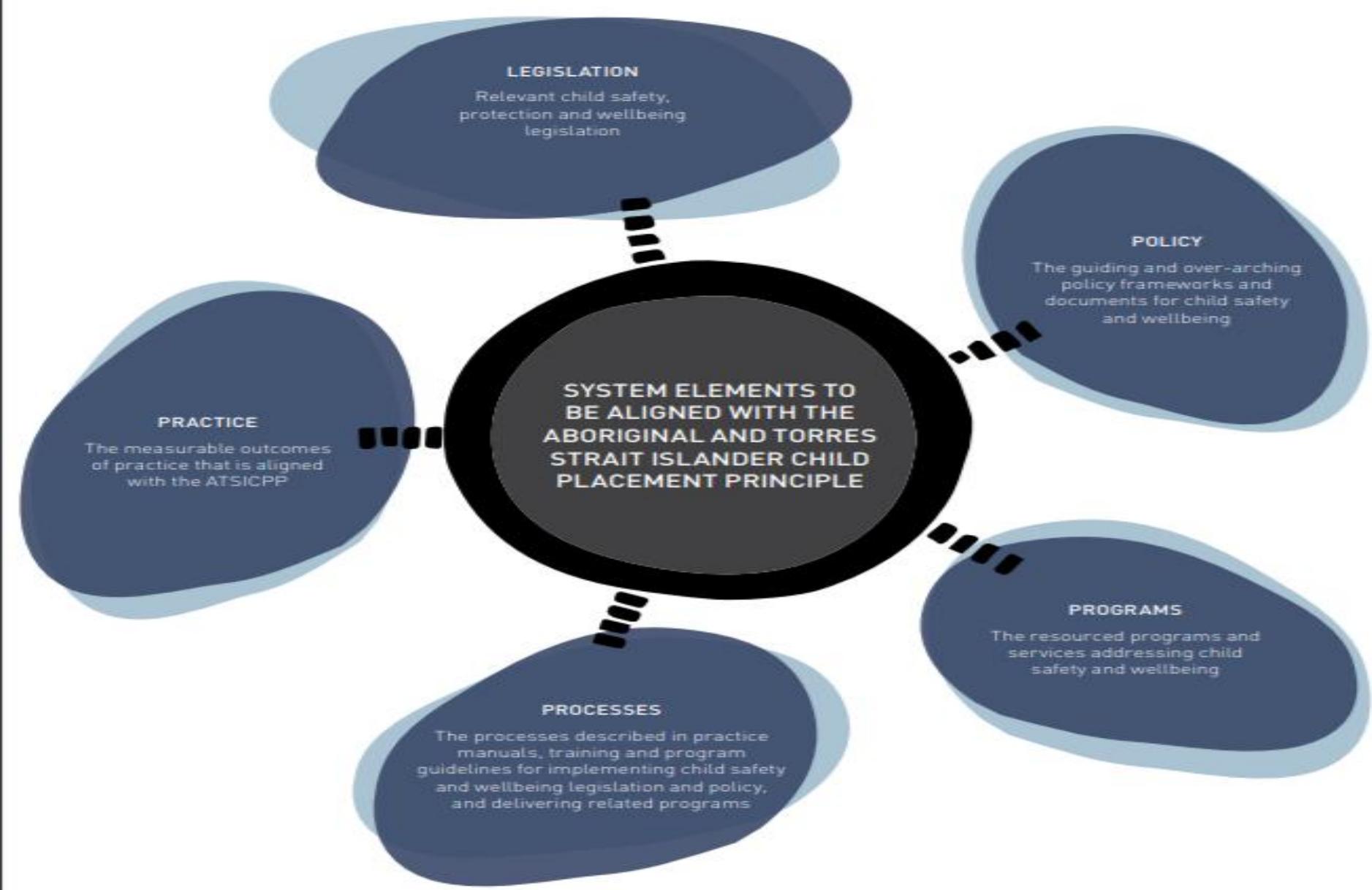




Understanding and Applying Aboriginal and Torres Strait Islander Child Placement Principle, SNAICC, 2017



Government of South Australia
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Family Group Conferencing (FGCs)

Sections 21–27 outline the procedures, role of the coordinator, possible attendees and review arrangements for FGCs.

Key changes:

- Chief Executive or the Youth Court can convene FGCs
- Families and Chief Executive must each accept decisions for the outcomes of FGCs to be deemed valid

Principles that will guide our practice:

- Aboriginal Family led decision making
- Utilising FGC as a tool in early intervention and family preservation
- Adhering to the Aboriginal and Torres Strait Islander Child Placement Principle (in its totality)





Family Group Conferencing (FGCs)

Our progress:

- DCP recognises the need for an overarching ‘Family Led Decision Making’ policy.
- Small trials are currently underway utilising Aboriginal and non-Aboriginal private providers as conference coordinators.
- Larger, evaluated trials that will initially focus on family preservation and then early intervention are being planned in partnership with the Courts Administration Authority.
- It is proposed that DCP will initially establish a unit staffed by Aboriginal people to trial family led decision making for Aboriginal families.
- It is anticipated that an expert from New Zealand will assist to guide planning and implementation.
- Nationally accredited training in FGCs is being planned later in the year that will be provided by an Aboriginal organisation.
- DCP is planning to collaborate with other agencies currently using FGCs approaches to ensure learnings are captured and processes refined to the benefit of Aboriginal families.





Chief Executive Powers

Intent of these Sections: Assisting families to access early intervention services and gathering information about children's safety without the need to obtain a court order

- **Section 33** – CE may refer matter to a State authority
- **Section 151** – CE may require State authority to provide a report
- **Section 35** – CE may direct that child or young person be examined or assessed
- **Section 36** – CE may direct person to undergo certain assessments (parenting capacity assessments and drug and alcohol assessments)
- **Section 38** – CE may direct certain persons to undertake rehabilitation program





Topic 3: Looking at the details

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The voice of the child

- **Section 10(1b)** - if a child or young person is able to form their own views on a matter concerning their care, they should be given an opportunity to express those views freely and those views are to be given due weight in accordance with their developmental capacity and the circumstances.
- **Section 62(1)** - in all Court proceedings, a child or young person must be given a reasonable opportunity to personally present to the Court their views about their ongoing care and protection.





The voice of carers

- **Section 79** - Approved carers to be provided with certain information prior to placement
- **Section 81** - Approved carers to be provided with certain information to provide adequate care and to keep people safe
- **Section 82** - Approved carers entitled to participate in decision-making process
- **Section 66** - the Court may hear submissions from previous or current carers





Case Planning

- **Section 28** - Every child and young person must have a case plan prepared and maintained throughout their journey through care.
- The Case Plan must include:
 - Decisions reached in Family Group Conferences
 - Cultural maintenance plan (Aboriginal Cultural Identity Support Tool and Culturally and Linguistically Diverse Cultural Maintenance Plan)
 - Reunification plan
 - Contact arrangements
 - Plan for resolving disputes
 - Children's needs (developmental and emotional, physical health, disability, education, social and recreational and life skills)





Case Planning

- The Case Plan:
 - is a working document that will evolve as more information is shared and the case direction becomes clear
 - will guide DCP's work with the child, family and carer (as applicable)
 - will be developed in partnership with the care team and promote active participation
 - will include the child's, parents' and carers' views
 - is to be monitored and reviewed as part of a six monthly case planning cycle
 - forms part of the Annual Review process
- Working in partnership = better outcomes, including safety and stability, for children





Long-term Guardianship to Specified Person

- **Section 89** - Provides for an approved carer, in whose care a child or young person has been for a period of at least 2 years (or shorter period as determined by the CE), to apply for the child or young person to be placed under the carer's guardianship.
- **Section 90** - requires the development of a long-term care plan to developed in respect of the child or young person. A long-term care plan must include:
 - a cultural maintenance plan
 - contact arrangements with family or significant people
 - education, health and disability needs
 - financial or other support provided or required for the carer
 - details of any Victims of Crime compensations
 - dispute resolution process
 - information relating to the most recent review of the child or young person's long-term care plan.
- Long-term Guardianship to a Specified Person provides children with a loving, stable and life long care arrangement
- Carers who are eligible to become long-term guardians can be identified by case managers or carers can put forward an expression of interest.





Long-term orders - Cultural Considerations

- A long-term guardianship arrangement recognises that all children need to maintain a connection to their culture and community.
- As part of meeting the eligibility criteria, potential guardians must demonstrate:
 - a commitment to maintaining the child's connections to their family of origin, community and culture
 - what they have done to gain more knowledge and understanding of the child's family
 - the plans, mechanisms and supports in place to enable the child to maintain and strengthen their cultural connections
- All assessments involving Aboriginal and Torres Strait Islander children include consultation with a Principal Aboriginal Consultant and family and community members where appropriate.





Family Contact Arrangements

- **Section 93** - Contact arrangements to be determined by the CE
- When making the contact arrangements the CE must have regard to:
 - If reunification is likely, the primary aim of contact arrangements should be to establish or maintain attachment relationships between the child and the person with whom they are to be reunited
 - If reunification is not likely, particular considerations must be given not to undermine or compromise the ability of the child to establish or maintain attachment relationships with their guardians





Contact Arrangements Determinations

- Each child needs a Contact Determination about their contact arrangements
- DCP will undertake an assessment of contact arrangements that consider the views and behaviours of the child and parent, and the views of the carers
- The determination must be provided to the person having contact with the child and set out:
 - Frequency
 - Duration
 - Venue or venues
 - Person who may be present during contact visits
 - Whether contact visits are supervised
- Contact Arrangement Review Panel will include a Principal Aboriginal Consultant

