

Child protection and you

Information for carers
about the new law



Government of South Australia
Department for Child Protection

Introduction

New child safety laws have switched on, representing the biggest change to the child protection system in 25 years – the *Children and Young People (Safety) Act 2017*.

These changes aim to ensure greater safety, wellbeing and stability for children and young people within our communities.

As a carer, you play a critical role in the health, safety, wellbeing and cultural identity of children and young people in your care. The new laws recognise this more than ever before. This has resulted in a number of progressive changes that empower carers, so together we can ensure children in care thrive and reach their full potential.

All carers will now be referred to as approved carers rather than kinship, foster and specific child only carers. The new legislation acknowledges the role of all carers.

Detailed information and resources related to the new laws and resulting practices are available at www.childprotection.sa.gov.au/new-laws.



Decision-making

The laws have improved the way in which you contribute to decisions related to the health, safety and wellbeing of a child or young person in your care.

Carers are entitled and encouraged to participate in regular care team meetings with case workers and other important people in the child's life to share information and discuss plans that are in their best interests.

This will occur on an ongoing basis, but also through an annual review of the child or young person's case plan. Decisions made during these meetings might relate to things like schooling and medical needs. You have a right to be informed and attend the annual review, and to be given information about the outcome of the review.

Children and young people in your care will also be encouraged to share their views and contribute to decisions made about them. You play a key role in helping the Department for Child Protection determine the best way to ensure children and young people have a voice in this process. If a child does not want to participate in person, they can be heard through a representative at the meeting, a survey or in some other way.

It is important to note the new laws do not change everyday decisions you can make for a child or young person in your care, such as making a doctor's appointment, getting a haircut or going on a holiday.

More information about these decisions can be found in the 'Who can say OK?' booklet.

Delegation of power

As a carer, there may be times when you wish to seek greater decision-making independence relating to a child or young person's health, travel arrangements, education and welfare.

To support this, under the new laws the Department for Child Protection Chief Executive may grant additional powers that enable you to make certain decisions about a child or young person in your care. This decision will be made in liaison with the child's care team, and will usually only be considered in long-term care arrangements. You can discuss the process for greater decision-making power with your case worker.

Handing over specific powers to a carer can help to:

- ensure efficiency in keeping a young person safe, stable and happy
- reduce delays in decision-making
- reduce the administration associated with being a carer
- increase a child or young person's sense of belonging and connectedness
- normalise a child or young person's experience in out-of-home care.



Information sharing

As a carer, you are responsible for the ongoing exchange of information related to a child's needs, behaviours, strengths and challenges. Your case worker will work with you to identify any supports the child might need.

The Department for Child Protection will now share important information with carers about a child or young person before they come into your care. If you're a foster carer, this may occur through your agency or your case worker. If you're a kinship carer, your case worker will give you this information at the time of placement.

This will help to ensure that you have relevant information to help your family and the child or young person adjust to the change. This information will also help the child or young person to develop positive relationships and provide a safe and secure home.

The type of information that will be shared about the child or young person includes:

- age, date of birth, gender and culture (including clan and language)
- health needs
- any disability
- schooling
- behaviour and development needs
- likes and interests
- insight into their story
- family connections and contact arrangements.

The child or young person can express whether there is any information they do not wish to share. Their wishes will be respected, unless this poses a risk to their health and wellbeing or your ability to provide appropriate and safe care for them.

The new laws also require the child or young person to be provided with information about you, your family and your home before moving into your care. This information will be gathered from carers and provided in ways that are easy for a young person to understand – verbally, in writing or with photos.

As a carer, you also have a legal responsibility to keep a child's information confidential and only disclose what is necessary to those who need it. No details of children in your care should be posted in any social media forum and you can be charged with an offence for breaching this section of the Act.





Connection to culture

Connection to culture and community are important to a child's health, wellbeing and development. For Aboriginal children, connection to country is also important.

This is recognised in the new laws in several ways, including the Aboriginal and Torres Strait Islander Child Placement Principle. Wherever possible, Aboriginal children and young people in care will live with a relative or someone else from their community.

Maintaining and developing connection to culture will also be a big part of the case planning process. As such, an Aboriginal or Torres Strait Islander organisation will now be consulted in the development of case plans for Aboriginal children and young people.

As a carer, you have an obligation to help support connection to culture for children in your care.

Temporary care

In an urgent situation, you may be asked to care for a child known to you. The laws have changed so that you must be assessed and approved as a carer within three months once a child starts living with you.

Long-term guardianship

The new laws now consider the bond a child has with a primary carer/guardian when making decisions about their circumstances and stability.

As a carer, you can now seek long-term guardianship of a child that has been in your care for more than two years.

Should you wish to pursue long-term guardianship, a new application form is available from the child's case worker. After lodging the form, a meeting will be held with you, the case worker and a Principal Social Worker to help determine your suitability to be a long-term guardian. If supported, a full assessment will be undertaken.

Complaints and reviews

It is always best to try and resolve your concerns with your case worker first. If you are not happy with the resolution, you can contact the Department for Child Protection Complaints Unit. There is an easy online form on the department's website that you can use to raise your concern.

Internal reviews

There is a new way for children, young people, carers and other people with an interest in a child's circumstances to raise a concern or request a review of a decision.

Examples of reviewable decisions are:

- a decision about your approval as a carer, including the number of children you can have in your care
- a decision to cancel your carer approval, noting that you must be given 28 days notice before this occurs
- a decision made about where the child will live
- a range of decisions relating to the child's education and health care
- a decision about your application to be a long-term guardian.

Requesting a review of a decision made by the Department for Child Protection must be made within 30 days of receiving the decision, or such longer time as the Department for Child Protection may allow.

A Department for Child Protection staff member who was not involved in the original decision will carry out the review and may want to talk to you directly as part of the process.

Once a review has been completed, the reviewer may confirm, vary or set aside and replace an earlier decision and you will then be informed of the outcome as soon as possible.

External reviews

If you are dissatisfied with the outcome of the internal review, in some cases you may make an application to the South Australian Civil and Administrative Tribunal (SACAT) for external review.

Further information and guides on how to a submit a complaint or request a decision review are available at

www.childprotection.sa.gov.au/new-laws.

Contact arrangements

All contact arrangements will now be determined by the Department for Child Protection, such as the contact a child has with their biological family. Previously access arrangements were made by the court.

A child in your care and their biological family can now apply to have a contact arrangement determination reviewed by the 'Contact Arrangements Review Panel'.

As a carer, you may be asked to provide your views to the panel. If you also have concerns about the contact arrangements for a child in your care, talk to your case worker from the Department for Child Protection. While you cannot apply for a panel review, your views are still an important part of the decision-making process.





If you have any questions or want to find out more about the new laws, visit

www.childprotection.sa.gov.au/new-laws