

POLICY STATEMENT

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| Title: | Aboriginal and Torres Strait Islander Child Placement Principle |
| Policy No.: | CPD609-1 |

Policy Statement:

The Department of Communities (Child Safety Services) recognises the importance of preserving and enhancing Aboriginal and Torres Strait Islander children's sense of identity by maintaining their connections with family, community and culture. Child Safety Services also understands the significance of extended family, kinship arrangements, culture and community in raising children and is committed to ensuring that Aboriginal and Torres Strait Islander children who require statutory child protection intervention are, whenever possible, safely maintained in the care of their family and community. The Aboriginal and Torres Strait Islander Child Placement Principle (referred to as the Child Placement Principle), which enacts this commitment, is contained within Section 83 of the *Child Protection Act 1999*.

Principles:

- The safety, wellbeing and best interests of a child are paramount and all interactions with a child will be respectful.
- Every Aboriginal and Torres Strait Islander child has a right to be safe and to live in a stable, secure and culturally appropriate placement.
- Returning an Aboriginal or Torres Strait Islander child to their family, or maintaining their contact or involvement with family, community and culture, is always in the child's best interests and will be supported by and reflected in departmental case plans, cultural support plans and case documentation.
- Recognised Entities must be given an opportunity to participate in decision-making processes about an Aboriginal or Torres Strait Islander child in accordance with *Child Protection Act 1999*, Sections 6 and 83(2) and (5)(a).
- Aboriginal and Torres Strait Islander children have an inherent right to know their own family and culture and to stay connected with their family, community, culture and spirituality.
- Aboriginal and Torres Strait Islander children in care who remain connected with family, community and culture have a significantly reduced risk of developing psychological, social, emotional, health, developmental and educational difficulties.
- The maintenance of connections to family and community enables the development of the Aboriginal or Torres Strait Islander child's identity as an Aboriginal or Torres Strait Islander person and facilitates their cultural connectedness and the emergence of their spirituality.

- Family members who are involved in an Aboriginal or Torres Strait Islander child's life and who help to raise them, commonly include grandparents, aunts, uncles, cousins, nieces and nephews and members of the community who are considered to be family.

Objectives:

The Child Placement Principle recognises the detrimental and lasting effects of past removal policies on the lives of Aboriginal and Torres Strait Islander families and communities and endeavours to protect the rights of future generations of Aboriginal and Torres Strait Islander children by minimising the trauma to these children from statutory intervention. The Child Placement Principle ensures that, when a child must be removed from home, he or she remains connected with family, community and culture to the maximum extent possible.

Scope:

This policy, and associated procedures, guide the decisions and actions of Child Safety staff when an Aboriginal or Torres Strait Islander child is deemed to be in need of protection and is unable to remain at home.

Roles and Responsibilities:

When the removal of an Aboriginal or Torres Strait Islander child from his or her home is unavoidable, then the child must be safely placed in out-of-home care in accordance with the hierarchy of placements specified in the Child Placement Principle under Section 83 (4) of the Act. This hierarchy of placements, in order of priority, includes:

- a member of the child's family
- a member of the child's community or language group
- another Aboriginal or Torres Strait Islander person who is compatible with the child's community or language group
- another Aboriginal or Torres Strait Islander person.

When placing an Aboriginal or Torres Strait Islander child in out-of-home care, Child Safety staff must place the child with a member of his or her extended family or kinship group, as recognised by the Aboriginal or Torres Strait Islander community to which the child belongs.

When Child Safety staff are not able to locate an appropriate placement with a carer who is an Aboriginal or Torres Strait Islander person the officer must ensure that the carer is committed to:

- facilitating contact between the Aboriginal or Torres Strait Islander child and his or her parents and other family members
- helping the child maintain contact with his or her community or language group
- helping the child maintain a connection with his or her Aboriginal or Torres Strait Islander culture and
- preserving and enhancing the child's sense of Aboriginal or Torres Strait Islander identity.

When placing an Aboriginal or Torres Strait Islander child in out-of-home care, Child Safety staff must:

- ensure the participation of the child (where appropriate), the family and the Recognised Entity in decision-making about the child's placement
- work with the family and Recognised Entity to develop a cultural support plan for the child that maintains the child's connection with their family, community and culture and

- clearly document their actions and the decision making process undertaken when locating, assessing and deciding the child's placement, particularly when the carer is not an Aboriginal or Torres Strait Islander person.

When an Aboriginal or Torres Strait Islander child is placed with a carer who is not an Aboriginal or Torres Strait Islander person, Child Safety staff must, in addition to required case planning and review procedures, regularly review the child's placement in partnership with family and the Recognised Entity and continue to attempt to locate a placement that complies with the hierarchy of placements outlined in the Child Placement Principle.

Authority:

Child Protection Act 1999, Sections 6, 7(1)(o) and 83

Delegations:

Director-General

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Office: Communities, Child Safety, Youth and Families
Help Contact: Child Protection Development – 3235 9411

Links:

Related departmental policies:

Working with Aboriginal and Torres Strait Islander children, families and communities (610)

Related legislation or standard:

Child Protection Act 1999

United Nations Convention on the Rights of the Child (UNCRC)

Related Government guidelines:

Child Safety Practice Manual

Practice Paper: Working with Aboriginal and Torres Strait Islander people

Practice resource: The Child Placement Principle

Practice resource: Working with the Recognised Entity

Practice resource: Developing a cultural support plan for an Aboriginal or Torres Strait Islander child

Practice resource: Legislative provisions in relation to Aboriginal and Torres Strait Islander children and collaboration with Recognised Entities

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Director-General