Title: Permanency planning
Number: 594-4

Policy Statement:

The Department of Child Safety, Youth and Women (Child Safety) is committed to promoting permanency for children and young people at all stages of child protection service delivery.

Permanency is defined 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 children’s and young people’s need for lasting connection to family, community and culture and an opportunity to develop a positive attachment to a safe and caring adult who ensures the child’s or young person’s safety, belonging and wellbeing needs are met. Children need consistent, predictable and loving relationships, a sense of connectedness and belonging to families and communities, and stable care arrangements.

Permanency planning is a systematic, goal-directed and timely approach to case planning for all children subject to ongoing intervention under the Child Protection Act 1999, aimed at promoting relational, physical and legal permanency. All aspects of Child Safety’s planning with children and families will be aimed at promoting the three dimensions of permanency.

Legal permanency

Timely decision-making is required to achieve legal permanency for children. Child Safety will work proactively with families to keep their children safely at home through collaborative case planning processes, wherever possible. Where reunification with family is not possible, the child’s safety, belonging and wellbeing will be met through an alternative permanency option.

When deciding whether an action or order best achieves permanency for a child, the first preference is for the child to be cared for by the child’s family. This recognises that:

- the preferred way of ensuring a child’s safety is through supporting the child’s family; and
- if a child is removed from the child’s family, support should be given to the child and the child’s family for the purpose of allowing the child to return to the child’s family if the return is in the child’s best interests.
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 (s5BA(4)(b)).

The third preference is for the child to be cared for under the guardianship of the chief executive (s5BA(4)(c)).

For some children, adoption under the Adoption Act 2009 may also be an appropriate option, subject to consent requirements in Part 2 of that Act.

When providing ongoing intervention under the Child Protection Act 1999, the case plan must include the goal for best achieving permanency for the child (primary goal) and the actions to be taken to achieve the goal. If the permanency goal is reunification, the case plan must also include an alternative goal in the event that the timely reunification is not possible (s51B). Simultaneously planning for a primary goal and an alternative goal is called concurrent planning.

Concurrent planning is an essential way of ensuring timely decision making for a child. The Child Protection Act 1999 (s62(2)) provides that custody orders and short-term guardianship orders may only be made for a combined period of two years from the date of the first order being finalised. Concurrent planning will provide, where the primary goal is reunification, for an alternative goal to be enacted in a planned and timely manner where reunification is not possible.

Relational permanency

When providing ongoing intervention under the Child Protection Act 1999, planning must actively promote relational permanency for the child. Relational permanency requires a child to have permanent and supportive relationships and connections and supports the child’s sense of belonging and wellbeing. It is sometimes referred to as ‘emotional permanency’ in that it provides a sense of belonging for the child, which is usually provided by significant family attachments, but could also include friendships and relationships within their community.

To better promote long term wellbeing, attention needs to be given to identifying and strengthening the range of connections that children and young people have with family and other persons of significance in all care arrangements, particularly where there may be no primary caregiver, for example young people in residential care settings.

For children in care, this will include plans for ensuring, wherever possible:

- that the child is placed with kin (s5B(h))
- that the child is placed with siblings (s5B(i))
- ongoing relationships with family and kin (s5B(k))
- that the child can know, explore and maintain their own identity and values, including their cultural, ethnic and religious identity and values (s5B(l))
- continuity and strengthening of relationships with other persons of significance, such as friends, community networks, a school teacher, school friends or a medical professional
- ongoing involvement in clubs, associations, religious institutions and other activities.

Physical permanency

Children form their sense of themselves, their identity and self-worth through the experience of, and perception of their experience with, primary attachment caregivers. Children who have secure attachments are more likely to develop into socially competent adults and experience a range of positive life outcomes. Physical permanency supports continuity of relationships with family, friends and community and enhances the child’s safety, belonging and wellbeing. Placement stability prevents further damage being caused to a child’s social, emotional and cognitive development.
Case planning processes must ensure that supports are planned and provided to maintain placement stability and reduce the risk of placement disruption or placement changes for the child.

Physical permanency also includes, for example:

- continuity of schooling, including child care arrangements and additional supports that best achieve this
- continuity of health care providers, particularly where children are regularly accessing specialist or culturally appropriate health care providers for ongoing health needs
- the child remaining within or connected to their local community.

**Safe care and connection of Aboriginal and Torres Strait islander children with family, community and culture**

Child Safety is committed to the safe care and connection of Aboriginal and Torres Strait Islander children with family, community, culture and country, and will work in accordance with the five elements of the Child Placement Principle: prevention, participation, placement, partnership and connection. Connection with family, community and culture is integral to promoting permanency for Aboriginal and Torres Strait Islander children.

Aboriginal and Torres Strait Islander children and families will be able to choose to have an independent entity to facilitate the child and family’s participation in significant decisions regarding an Aboriginal and Torres Strait Islander child.

When placing an Aboriginal or Torres Strait Islander child in care, additional requirements apply, which promote permanency for Aboriginal and Torres Strait Islander children:

- in making a decision about the person in whose care the child should be placed, the chief executive must, if practicable, place the child with a member of the child’s family group
- however, if it is not practicable to place the child with a member of the child’s family group, the chief executive must place the child with a member of the child’s community or language group
- if it is not practicable to place the child in the care of a person mentioned above, the chief executive must place the child with an Aboriginal or Torres Strait Islander person who is compatible with the child’s community or language group
- if it is not practicable to place the child in the care of a person mentioned above, the chief executive must place the child with another Aboriginal or Torres Strait Islander person
- if it is not practicable to place the child in the care of a person mentioned above, the chief executive must place the child with a person who lives near the child’s family, community or language group; and has a demonstrated capacity for ensuring the child’s continuity of connection to kin, country and culture.

**Practice panels**

Practice panels, including a critical friend, will review all decisions relating to permanency (reunification or the pursuit of an alternative permanency goal) to provide rigour and objectivity to the decision-making process around permanency for children subject to statutory intervention, as well as supporting the evidence base for referrals to the Director of Child Protection Litigation recommending an order.

**Principles:**

The safety, wellbeing and best interests of the child, both through childhood and for the rest of the child’s life, are paramount in all permanency decisions (s5A).

Decisions and actions made under the *Child Protection Act 1999* for a child must promote (s5BA):...
ongoing positive, trusting and nurturing relationships with persons of significance to them, including their parents, siblings, extended family and carers (relational permanency).

stable living arrangements, with connections to their community, and that meets their developmental, educational, emotional, health, intellectual and physical needs (physical permanency).

legal arrangements for their care that provide a sense of permanence and long-term stability (legal permanency).

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 (s5B(b-c)). If a child is removed from the child’s family, support should be given to the child and the child’s family for the purpose of allowing the child to return to the child’s family if the return is in the child’s best interests (s5B(f)).

If a child is removed from the child’s family, consideration should be given to placing the child, as a first option, in the care of kin (s5(h)).

Children have a right to participate in decision-making about their own lives and be provided with the opportunity to access a support person or advocate throughout the process. If the child is an Aboriginal or Torres Strait Islander person, the chief executive must make arrangements for an independent Aboriginal or Torres Strait Islander entity for the child for any significant decisions.

Consideration is to be given to the needs of children and families from culturally and linguistically diverse backgrounds, to ensure that their safety, wellbeing and best interests are prioritised.

Additional principles for achieving permanency for Aboriginal and Torres Strait Islander children:

- Aboriginal and Torres Strait Islander people have the right to self-determination (s5C).
- The long-term effect of a decision on the child’s identity and connection with the child’s family and community must be taken into account (s5C).
- A child has the right to be brought up within the child’s own family and community (the prevention principle).
- Aboriginal or Torres Strait Islander persons have the right to participate in significant decisions about their children (the partnership principle).
- 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 (the placement principle).
- A child and the child’s parents and family members have a right to participate, and be enabled to participate, in an administrative or judicial process for making a significant decision about the child (the participation principle).
- A child has a 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 (the connection principle).

Objectives:

This policy aims to promote and assist permanency planning for to all children subject to statutory intervention under the Child Protection Act 1999.
**Scope:**

This policy relates to all planning activities for ongoing intervention cases under the *Child Protection Act 1999*.

**Roles and Responsibilities:**

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

**Authority:**

*Child Protection Act 1999*

*Adoption Act 2009*

**Delegations:**

Refer to instruments of delegation for information on delegations for decision-making under the *Child Protection Act 1999*.
Records File No.: Not applicable
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Office: Child and Family Operations – Operational Support
Help Contact: Operational Support

Links:

Procedures:
Child Safety Practice Manual

Related Policies:
Case planning (263)
Participation by Children and Young People in Decision Making (369)

Related Legislation or Standards:
Child Protection Act 1999
Adoption Act 2009
Right to Information Act 2009
Director of Child Protection Litigation Act 2016
Childrens Court Rules 2016

Rescinded Policies:
594-3 Permanency planning

Michael Hogan
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