Child Safety
POLICY

Title: Care agreements
Policy No: CPD415-5

Policy Statement:
The Department of Communities, Child Safety and Disability Services, will take appropriate action, when necessary, to place a child in out-of-home care for the purpose of assessing or responding to the child’s safety and protection needs. Proper consideration will be given in the first instance to obtaining the parent’s consent to the placement by entering into a care agreement.

An assessment care agreement may occur when the child or young person is subject to an investigation and assessment. The parents retain all custody and guardianship rights and responsibilities. The assessment care agreement is for a period of up to 30 days and cannot be extended.

A child protection care agreement may occur when it has been assessed that the child is in need of protection, requires ongoing help under the Act and is not subject to a child protection order granting custody or guardianship to anyone. The chief executive will have custody of the child and the parents retain guardianship rights and responsibilities. The child protection care agreement is for an initial period of 30 days and may be extended for periods of up to 30 days, for up to 6 months within a 12 month period.

At any time, the department or the parent can end the care agreement by giving at least two days’ notice. If this occurs, and it is determined that a child is not safe, or is in need of protection, the department will take appropriate action to ensure the child’s safety.

A child subject to a care agreement must be placed with an approved carer.

Note: There is no legislative basis to enter into an assessment or child protection care agreement for a child subject to a child protection order granting long-term guardianship to a suitable person.

Principles:

- Actions taken, while in the best interests of the child, must not be unwarranted in the circumstances.
- The preferred way of ensuring a child’s wellbeing is through the support of the child’s family.
- Actions taken, while in the best interests of the child, should maintain family relationships and be supportive of individual rights and ethnic, religious and cultural identity and values.
- Proper consideration will be given to placing the child with family members or people of significance to the child, with the appropriate approval processes being followed.
Objectives:

This policy aims to ensure that Child Safety Services staff that place a child in out-of-home care under an assessment or child protection care agreement take actions and make decisions in accordance with provisions in the Child Protection Act 1999.

Scope:

This policy relates to a child who requires an out-of-home care placement for the purpose of assessing or responding to the child’s safety and protection needs where the child’s parents are consenting to that placement and a child protection order is not required.

Roles and Responsibilities:

The roles and responsibilities of Child Safety Services staff in relation to care agreements are outlined in the Child Safety Practice Manual, chapters 2 and 6 and associated practice resources.

Authority:

Child Protection Act 1999, sections 5, 6, 8, 9, 10, 11, 14, 51Z -51ZI, 74, 82, 82A, 83, 83A, 84, 88, 122

Child Protection Regulation 2000

Delegations:

Deputy Director-General, Child Family and Community Services
Executive Director, Child and Family Services
Assistant Executive Director, Child and Family Programs and Investment
Regional Executive Director
Regional Director, Child Safety
Manager, Child Safety After Hours Service Centre
Manager, Child Safety Service Centre
Senior Practitioner, Child Safety Service Centre
Team Leader, Child Safety After Hours Service Centre
Team Leader, Child Safety Service Centre
Child Safety Officer, Child Safety After Hours Service Centre
Child Safety Officer, Child Safety Service Centre
Records File No.: CHS/04408
Date of approval: 12 October 2011
Date of operation: 14 November 2011
Date to be reviewed: 10 December 2016

Office: Child Family and Community Services
Help Contact: Child and Family Program Development and Design

Links:

Procedures:
Child Safety Practice Manual, chapters 2 and 6

Related legislation or standards:
Public Guardian Act 2014

Related policies:
Intervention with parental agreement (343)
Supporting children in the care of long-term guardians (607)
Dual payment of carer allowances (289)

Forms:
Care Agreement
Child Information Form – Part A & Part B
Approved carer payment form – Care agreement

Rescinded policies:
345-2 The placement of children and young people with parental consent
402-1 The placement of children with parental consent
415-3 Care agreements
415-4 Care agreements

Michael Hogan
Director-General