

Contact arrangements

Children and young people in out-of-home care have a right to maintain contact with their family and other significant people in their lives. Making decisions about contact is complex. Factors to consider when planning the type of contact and how often it will occur include the child or young person's:

- views
- experience in care
- changing developmental needs
- safety
- case plan goal.

It is essential that planning for contact is flexible and responsive to each child's needs, rather than being a standardised rate of frequency.

Different ways to plan for contact

Case planning

Wherever possible, case planning should include planning for contact, regardless of whether there is a realistic possibility of restoring the child or young person to their family.

Agreement on contact arrangements is best achieved through case planning rather than court orders. This avoids additional stress on children, young people and families and is more sensitive to the needs of the child or young person.

Contact arrangements made through case planning can respond to new circumstances as they arise.

Involving all relevant parties in contact planning reduces the level of frustration and resistance that sometimes arises following contact orders made as part of a contested care application.

Contact plans are provided to the Children's Court to guide care order decisions. For new permanency care plans (including recommendations for guardianship or open adoption) the contact plan will outline how the child or young person will be supported to maintain relationships with their family and kin.

Importantly for Aboriginal children and young people, or those from a culturally and linguistically diverse background, contact arrangements facilitate connection to their culture, identity, religion and language.

Dispute resolution conferences

Although case planning should resolve most contact arrangements, there will always be some that cannot be resolved in this way.

After a care application has been filed with the Children's Court, the magistrate or children's registrar will determine if a dispute resolution conference is needed.

Where contact arrangements have not been agreed on through case planning, a dispute resolution conference provides a safe environment to resolve issues through a non-adversarial process.

Court orders

Where the Children's Court accepts the department's view that there is no realistic possibility of restoration, it can make an initial contact order for up to 12 months.

Contact orders can be varied where all relevant parties agree. A written and signed agreement must be registered with the Children's Court within 28 days of agreement to the variation. This is called a contact variation agreement. The child's legal representative must also sign the agreement if it is made less than 12 months after the contact order was made.

Resolving contact disputes through alternative dispute resolution

While case planning should resolve most contact arrangements, some issues are too complex. From 29 October 2014, alternative dispute resolution conferences facilitated by Legal Aid may be used to mediate contact disputes that occur **after** final orders from the Children's Court.

A contact order in place for more than 12 months is not necessarily compatible with the changing needs, circumstances and wishes of a child or young person. The introduction of alternative dispute resolution recognises that decisions about contact are best made through agreement between all relevant parties, rather than through prolonged litigation in the Children's Court.

Further information

Visit the FACS website: www.facs.nsw.gov.au/safehomeforlife