

# Child protection legislative reforms

## Background

The NSW Government is exploring new ways of keeping families together - through effective intervention much earlier and by improving outcomes for children and young people in care.

The Department of Family and Community Services is committed to delivering on the NSW Government's commitment to create a more child-focused system and the child protection legislative reforms are vital to achieve this change.

In November 2012 the Child Protection Legislative Reforms discussion paper was presented to the public and the sector for feedback. An overwhelming response was received through public briefings held around the State and written submissions. Much of the feedback has been incorporated into the legislative reforms including support for Family Group Conferencing, better involvement of parents in adoption proceedings and greater permanency for children and young people who cannot live at home safely.

These reforms will make a difference and lead to a better child protection system that places the need for children and young people to be safe, and have a permanent and nurturing 'safe home for life' at the heart of decision-making.

The *Child Protection Legislation Amendment Bill 2013* focuses on three key areas:

- promoting good parenting
- providing a safe and stable home for children and young people in care
- creating a child-focused system.

## Promoting good parenting

First and foremost, the legislative reforms focus on keeping children and young people safe. The reforms also support parents so that children and young people can remain with their families wherever possible, where it is safe to do so.

The changes are about increasing parental capacity and accountability, encouraging parents to take responsibility and make the necessary changes to ensure they provide a safe environment for the child or young person.

Parental Responsibility Contracts will be strengthened through the reforms.

The introduction of stand-alone Parenting Capacity Orders will require attendance from parents at support services or programs to help them provide a safe home for their child.

## Providing a safe and stable home for children and young people in care

These legislative reforms will provide more children and young people in care with safe and stable homes to improve their social, emotional, health and educational outcomes.

Children and young people in out of home care need and deserve early and permanent decisions made about their long term care arrangements.

Incorporated into the *Children and Young Persons (Care and Protection) Act 1998* is a new process to help secure a permanent home for the child. The permanency principles are:

1. staying with or returning to their parent/s
2. giving long-term guardianship to relative or kin
3. open adoption
4. giving parental responsibility to the Minister.

Early, open adoption is encouraged where possible. It is recognised that open adoption is not the preferred permanent placement option for Aboriginal children and young people. For Aboriginal and Torres Strait Islander children and young people, the Aboriginal and Torres Strait Islander Child Placement Principles will continue to apply.

The reforms will help streamline out of home care adoptions by removing red tape and unnecessary administrative burdens not relevant to the court decision-making process.

## Creating a child-focused system

The child protection legal and regulatory system will be simplified through the reforms in areas including:

- changing the way decisions about contact arrangements between children in care and their birth parents are made, to make them more flexible
- reducing time spent in the Court by increasing the use of alternative dispute resolution
- simplifying parental responsibility and supervision orders.

### Insight from a young person who has experienced the NSW system

*“A parenting contract could have been effective...like a duty of care contract... Then they take the necessary steps to avoid being in a situation where their kids may be taken away from them...I 100 percent agree with having a contract in place. You look at the amount of children (seven of us) and every one is now in care. A contract could have prevented that – or changed that.”*

**Male, aged 21, responding to mandatory Parental Capacity Orders proposal.**