

# Charter of Rights for Children and Young People in Out-of-Home Care

Foster and kinship carers play a vital role in promoting and protecting the rights of children and young people in out-of-home care.

The *Charter of Rights for Children and Young People in Out-Of-Home Care* (the Charter of Rights) outlines the rights of every child and young person in out-of-home care. These rights reflect those of any child and young person.

The *Children and Young Persons (Care and Protection) Act 1998* requires that these rights are supported by authorised carers and caseworkers.

## Purpose

The purpose of the Charter is to:

- provide children and young people in out-of-home care with a clear statement of their rights
- provide a guide for carers and caseworkers with responsibility for ensuring children and young people in out-of-home care know about their rights
- help children and young people in out-of-home care assert their rights.

## What the Charter of Rights means for carers

Under Section 162 of the Act, you must uphold the rights outlined in the Charter.

If you are an authorised carer, you can help the children or young people placed with you by explaining the Charter to them in a way that they can understand and by helping them with any questions they may have.

## Charter of Rights booklets and videos

There are two Charter of Rights booklets – one targets children aged 7 to 12 years and the other targets young people aged 13 to 17 years. The booklets explain each right in the Charter using age-appropriate language and engaging illustrations. They prompt children and young people to think about how the rights apply them.

Children and young people from 7 years of age receive a booklet at the time they enter out-of-home care. The caseworker who arranges the placement will discuss the Charter with carers and with the child or young person as they develop the child's case plan. Children who enter care at a younger age will be provided with a copy of the booklet when they turn 7 years old.

There are also ten short videos with quick and simple explanations of key rights. Five videos target 7 to 12 year-olds, and five target 13 to 17 year-olds.

The videos and booklets are published at [facs.nsw.gov.au/cor](http://facs.nsw.gov.au/cor). Carers can use these resources to lead a discussion with children and young people in their care about the Charter of Rights.

## How do I explain complex terms?

A child or young person may have difficulty understanding some of the terms used in the Charter. While the booklets help explain some of the meaning, it is important to check that children understand.

Information to help you to explain different terms to the children or young people in your care is provided below. If you find it hard to explain the terms after you have read this information, contact a caseworker for more help.

### 'Right'

If you have trouble explaining the concept of 'rights' in child-friendly words, the Australian Human Rights Commission's resources for children and young people can help: [humanrights.gov.au/introhumanrights](http://humanrights.gov.au/introhumanrights).

### Caseworker

Some children or young people may know caseworkers by name or by a title other than 'caseworker'. Carers can help children who are not aware of the term 'caseworker' by letting them know what a caseworker does and how they can contact a caseworker.

### Records

Some children and young people are not aware that out-of-home care organisations keep records on the children and young people with whom they have contact. They may not know how to look for this information. Carers can help children and young people to understand that there is an official record kept of their time in care and that they are able to access it.

### Leaving care

In the Charter, 'leaving care' is about planning for the future for children and young people 15 years and older, and their right to have a leaving care plan.

Children and young people in out-of-home care, particularly younger children, may interpret 'leaving care' as other things, such as returning home to their birth families. They may benefit from talking about how this right relates to them either at present or in the future.

### Out-of-home care organisation

Some children or young people may not know the name of the organisation which has arranged their out-of-home care placement, whether this is FACS or another non-government organisation. It would be helpful to let them know which organisation is involved in their care and how to contact the organisation if they need to.

## How do I explain the Charter to a very young child?

The videos for children aged 7 to 12 years may be a good starting point for a discussion with younger children about their rights in out-of-home care, as they are short in length and use simple language.

Very young children will best learn from what they experience. As a carer you can help them understand about rights by making sure that you understand and apply the rights in the Charter.

As the child matures, his or her understanding of the rights included in the Charter will change. As with most things, it is important that you take the child or young person's stage of development into account when deciding how to explain ideas in the Charter.

## We have children of our own and are also foster carers. How do we use the Charter of Rights?

Most of the rights in the Charter are things we all take for granted within our families, including maintaining culture and religion, participating in decisions, and getting information and help when it's needed.

You might want to have a family discussion about the rights in the Charter, or a number of talks over a period of time, particularly if the children are younger. You can then talk about a few of the rights each time.

Based on your knowledge of the individual children, you may decide to take a different approach. For example, it might be better to talk to the child or young person individually about the Charter. If you are unsure about how to approach the discussion, or would like some more information about a particular right, contact a caseworker and discuss it with them.

## Where can I find more information about the Charter?

- Visit the FACS website at [facs.nsw.gov.au/cor](http://facs.nsw.gov.au/cor).
- Speak to your caseworker, or contact the agency responsible for your authorisation (if you are authorised by FACS, contact your local Community Services Centre (CSC)).