



## Community Services placement prevention and out-of-home care services

### Introduction

If Community Services investigates a risk of significant harm (ROSH) report and determines that a child or young person is in need of care and protection a number of different strategies may be employed to reduce the risk and ensure the safety, welfare and wellbeing of the child or young person. These strategies can be categorised as immediate and longer term.

### Immediate actions to ensure safety

If Community Services determines that a child or young person is in need of immediate care and protection a number of different actions can be undertaken:

#### Medical examinations

When considered necessary, medical examinations of children and young people can provide important information about the type and extent of injuries, diagnose an illness and/or determine necessary treatment(s).

They can also assist in the assessment and investigation of alleged abuse and or neglect. If a parent or guardian is unable or unwilling to consent to a medical examination, Community Services or NSW Police may serve a notice requiring medical examination.

This will require a person who has the care of a child or young person to present the child or young person for a medical examination if they believe on reasonable grounds that the child or young person is in need of care and protection [section 173 of the [Children and Young Persons \(Care and Protection\) 1998](#) (the Act)].

#### Apprehended violence orders

The purpose of an apprehended violence order (AVO) is to protect a person against threats and acts of violence (such as physical assault), non-physical abuse (such as harassment or intimidation) or damage or threatened damage to property.

An AVO is a less intrusive option for intervention in protecting a child or young person. In a case where there is an immediate danger of abuse an AVO can be used against a person associated with causing ROSH requiring them to stop certain behaviours and/or to leave the house.

An AVO could be made to cover the child or young person and, if appropriate, their primary carer and other members of the household. There are two kinds of AVOs:

- Apprehended Domestic Violence Order: used in relation to parties who are or have been in a domestic relationship.
- Apprehended Personal Violence Order: used against parties not covered above, such as neighbours or work colleagues.

#### Removing a child or young person or assuming care responsibility

Removing a child or young person from their parents or carers is only considered where a police officer or the Director-General is satisfied on reasonable grounds that the child or young person is at immediate risk of serious harm and the making of an apprehended violence order would not be sufficient to protect the child or young person from that risk. If this test is met a child or young person may be removed with or without a warrant [section 43].

Where the Director-General suspects on reasonable grounds that a child or young person is at risk of serious harm and is satisfied that it is not in the child or young person's best interests to be

removed from the premises where they are currently located (such as a hospital, respite care, or other service), Community Services may assume their care responsibility instead of removing them [section 44].

Assuming care responsibility occurs by serving an order for assumption at the hospital or other premises on the person who appears to be in charge of the premises, whether or not they are a parent of the child or young person. The order does not cease to have effect merely because the child or young person is transferred to different premises.

Where a child or young person has been removed or their care responsibility has been assumed the following actions occur:

- information is provided to the child or young person and carer
- parents or usual carers are kept informed
- the child or young person is informed they may apply for discharge [section 50]
- a placement is arranged
- an application is filed in the Children's Court within 72 hours
- provisions are made to facilitate contact between the child or young person and people and/or communities significant to them.

### **Emergency care and protection order**

In situations where there is an urgent need to protect a child or young person, Community Services can apply to the Children's Court for an Emergency care and protection order (ECPO) [section 46].

The Children's Court may make an ECPO when satisfied that the child or young person is at risk of serious harm. The ECPO places the child or young person in the care responsibility of the Director-General, or the person specified in the order. It has effect for a maximum of 14 days and can only be extended once for a further maximum of 14 days. Community Services can apply for an ECPO before or after a child or young person has been removed or assumed.

### **Longer-term actions to ensure safety**

Where a child or young person is in need of care and protection there are a number of different strategies that can be implemented in the longer term to ensure their safety, welfare and wellbeing. They include the provision of supports, where there is a risk of the child or young person entering out-of-home care (OOHC), or placing the child or young person in OOHC.

### **Brighter Futures**

This early intervention program is a partnership between non government organisations (NGOs) and Community Services. NGOs work with families with complex needs including families who may not yet have come into contact with the statutory child protection system.

This program assists in addressing the gap between early intervention and child protection and includes a focus on families with acute issues such as drug and alcohol, mental health and/or domestic violence problems.

### **Intensive family support services**

If Community Services determines that a child or young person is at ROSH and is at risk of placement in OOHC then the family may be referred to an Intensive family support service (IFS).

An IFS will offer a range of practical support and counselling/skills training that meet the assessed needs of both parents and children. The tailored program provides support for six months duration, with high intensity support within the first 12 weeks. Support can be extended for up to 12 months where needed.

### **Intensive family preservation service**

If Community Services determines that a child or young person is at ROSH and is at imminent risk of entering OOHC, then the family may be referred to an Intensive Family preservation service (IFP).

IFP offers a more intensive level of support than IFS with in-home crisis intervention, practical assistance, counselling and skill development for families so that children and young people are able to return to or can stay at home with their family in a safe, stable and nurturing environment.

### **Intensive family based services**

Intensive family based services (IFBS) is a culturally relevant, time-limited, home based program for Aboriginal families in crisis whose children are either at risk of entering OOHC placement due to safety and protection concerns or whose children have already been placed in OOHC. IFBS works intensively with families for a period of up to three months.

### **Parent responsibility contracts**

A parent responsibility contract (PRC) is a voluntary agreement between Community Services and one or more primary care-givers of a child or young person [section 38A]. A PRC aims to improve the parenting skills of the primary care-givers and encourage them to accept greater responsibility for their child by taking specific actions such as attending a support service, counseling or treatment for substance misuse.

A PRC must be in writing, be signed by the Director-General and each primary care-giver who is to be a party to the contract, be registered with the Children's Court, specify the period (not exceeding six months) during which the contract will be in force and specify the circumstances in which a breach of a term of the contract by a care-giver will authorise the Director-General to file a contract breach notice with the Children's Court.

### **Out-of-home care**

If the safety, welfare and wellbeing of a child or young person can not be ensured while residing with their birth families it may be necessary for the child or young person to be placed in OOHC to ensure their care and protection.

If a child or young person is receiving residential care and supervision away from their usual home or with persons other than their parents, they are considered to be in OOHC. OOHC aims to provide care in a family-like or personalised environment for children and young people who cannot live at home and to keep the existing ties that they have with their families and communities, if it is safe to do so. There are three types of OOHC:

- Statutory OOHC relates to OOHC that is provided for a child or young person for a period of more than 14 days, pursuant to a care order of the Children's Court or by virtue of the child or young person being a protected person. Statutory OOHC commences immediately on the making of a care order for more than 14 days or as soon as the child is placed with an authorised carer.
- Supported OOHC is OOHC that is a result of the Director General forming the opinion that the child or young person is in need of care and protection, arranged, provided or otherwise supported by the Director General. There are two types of supported OOHC, temporary care arrangements and other supported care arrangements.
- Voluntary OOHC is OOHC that is arranged by a parent of the child or young person with a relevant agency that provides or arranges OOHC. A relevant agency is a designated agency accredited to provide OOHC or an organisation that is registered by the Office of the Children's Guardian to provide voluntary OOHC.

Children and young people can enter OOHC in a number of ways:

- Short and medium-term placements are used when a child or young person needs a placement because of a temporary care agreement or pending the outcome of action in the Children's Court.

- Permanent care is when a child or young person has been removed from the care of their parents under a legislative provision of the Act and a care order has been made and the child or young person is in the care of a person such as authorised carer or family member who provides them with a stable placement that offers long-term security.
- Respite care is defined as planned, regular or one-off time-limited breaks for foster carers and children and young people in a placement. Respite care can be provided by authorised carers, by extended family members, friends, neighbours or by specialist respite carers, child carers or youth workers.

There are a number of different placement options when a child or young person is removed from the care of their parents:

- Relative and kinship care is for both short term and permanent care and is generally the least intrusive option as it places the child with people they are familiar with and assists the child in maintaining a connection with their familial network and cultural identity.
- General foster care is an appropriate short term or permanent placement for children and young people who would benefit from being cared for by an authorised carer who can provide them with individual attention to meet their assessed needs.
- Intensive foster care is specifically designed to provide home based placements for children and young people with complex and high support needs. Children and young people in intensive foster care are provided with an intensive case management service that delivers a coordinated, individualised plan of intervention based on the assessed needs of the child or young person in placement.
- Supported family group homes are designed to provide medium to long-term community based placements for groups of children and young people with low-to moderate support needs. The home is owned or rented by the service provider in the community for the purpose of providing OOHC in a family-like setting for a specific group of between four to six children or young people.
- Residential care is run by rostered staff for young people in care who are not suited to a family based foster care placement. Placement in residential services is usually time limited with the aim of stabilising the behaviour arising from complex needs so that the child or young person can move on to other care types or restoration.
- Intensive residential care aims to address the behavioural, social and emotional issues of children and young people with high support needs and complex behaviours for whom parental responsibility has been allocated to the Minister. This is done through an intensive, time limited program of integrated, individually determined interventions.

## **Restoration**

Where a parents and/or caregivers have demonstrated that they are capable of ensuring the safety, welfare and wellbeing of their child, it is possible that the child or young person may be restored to their care. Community Services may seek an interim care order to allow sufficient time for parents and/or caregivers to make necessary changes in order to reduce the risk issues that led to Community Services making a care application.

Care plans for restoration must include a permanency plan in relation to the restoration. The plan should include a description of the minimum outcomes that the Director General believes must be achieved before it would be safe for the child or young person to return to his/her birth parents and/or caregivers, details of the services Community Service or other agencies are able to provide or arrange to facilitate restoration, and a statement of the length of time during which restoration should be actively pursued.

## **Permanency planning**

The principles of permanency planning [section 78A] are a vital aspect of casework within Community Services and are a requirement of the Act. Permanency planning recognises that every child and young person should have a permanent and stable home where possible, preferably with his or her birth family, and that unnecessary changes to care arrangements create instability and uncertainty for a child or young person.

Permanency planning involves giving early consideration to the long-term needs of a child being placed in OOHC, based on a thorough assessment of family strengths, to determine whether or not there is a realistic possibility of restoration of the child to the parent/s. Permanency planning can include:

- restoration to the birth family
- long-term authorised foster care (including sole parental responsibility orders)
- relative and kinship placement
- adoption.

### **Adoption**

When restoration to a parent(s) is not a realistic possibility, adoption may be an appropriate permanent option for a child or young person under the parental responsibility of the Minister, regardless of whether the child or young person is placed with Community Services carers or is under the case management of a non-government OOHC service provider.

Community Services and other adoption agencies in NSW have a commitment to the practice of openness in adoption arrangements, and the *Adoption Act 2000* makes provision for the adopted person to continue to have contact with significant persons in their life.

### **For further information:**

- Visit Community Services website: [www.community.nsw.gov.au](http://www.community.nsw.gov.au)
- Visit *Keep Them Safe* website: [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)
- Call the Child Protection Helpline: 132 111 or 133 627 (mandatory reporters)

