

Shaping a Better Child Protection System: Shorter term court orders

The amendments make it clear that shorter term court orders can be made to support the objectives of the [Permanency Support Program](#) in achieving earlier permanency for children and young people.

Shorter term court orders mean that the Department of Family and Community Services (FACS) needs to focus on achieving the permanency plan goal earlier to reduce the time that children spend in out-of-home care. This will lead to better outcomes for children.

Orders allocating parental responsibility to the Minister

Where the Children's Court has approved a permanency plan involving restoration, guardianship or adoption, the maximum period of an order giving parental responsibility to the Minister will be 24 months, unless the Court is satisfied that special circumstances exist.

Previously, long term parental responsibility orders were often sought until a child turned 18 years of age. This practice did not support ongoing assessment and service delivery where the case plan goal is restoration, guardianship or adoption.

Shorter term court orders will provide greater certainty that a child's permanency plan will be achieved within 24 months after the order is made by the Children's Court.

Realistic possibility of restoration

The Children's Court must not make a final care order unless it has independently and expressly determined whether or not there is a realistic possibility of restoration. The Court will now be able to assess the possibility of restoration within 24 months. FACS will need to produce evidence to satisfy the Court that restoration is realistic with the provision of required support to parents.

Under the current approach, the Children's Court has to make this decision as a point in time assessment on the date of the hearing. The Court can now look at the realistic possibility of whether a child or young person can be restored to their parents within the next two years if the steps in the restoration plan are achieved successfully.