



**My Forever
Family NSW**

Nurture Belonging

PERMANENCY WORKSHOP

PERMANENCY OVERVIEW



HOUSEKEEPING

- Follow all current Covid Safe Guidelines
- Conversation to remain respectful
- Privacy and confidentiality maintained
- Phones on silent
- Q & A time at the end of the presentation



WHAT IS PERMANENCY



Permanency planning is not only about placement. Most importantly, permanency planning is about relationships, identity and a sense of belonging.

(Brydon 2004; Fein & Maluccio 1992; Lahti 1982; Sanchez 2004. Cited in Tilbury 2006)

WHAT PERMANENCY MEANS TO CHILDREN AND YOUNG PEOPLE IN OUT OF HOME CARE



DIMENSIONS OF PERMANENCY



Relational permanency	The experience of having positive loving, trusting and nurturing relationships with significant others (parents, siblings, friends, family and carers).
Physical permanency	Stable living arrangements and the connection a child or young person has with their community.
Legal permanency	The legal arrangement for the child.

WHY IS PERMANENCY IMPORTANT?



Permanency Promotes:

- A healthy and positive sense of identity
- Stability and a sense of belonging
- Lifelong healthy relationships and networks
- Unconditional love

Permanency is essential for children and young people's health, development and dignity.



Permanent Placement Principles

Permanency Hierarchy
for Aboriginal and Torres Strait Islander children



Permanency Hierarchy
for non-Aboriginal and Torres Strait Islander children

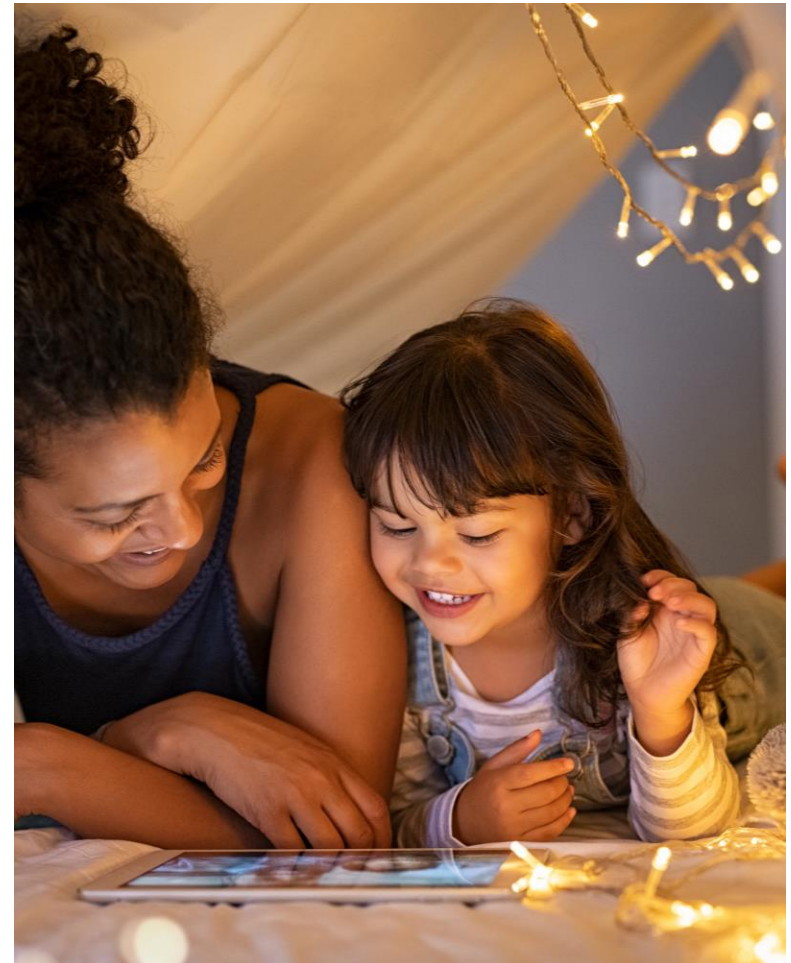


WHAT DO THE EXPERTS SAY ABOUT PERMANENCY?



It is internationally recognised and accepted that achieving early permanent, stable care and legal arrangements for children in the child protection system, whether returning to their home or in out-of-home care, leads to better life outcomes for children.

(Fernandez & Maplestone, 2006).



PATHWAYS TO PERMANENCY

GUARDIANSHIP

- Guardianship orders give children and young people greater stability.
- Guardianship ensures a child or young person has a stable, nurturing and safe home without cutting legal ties to their family.
- A guardian is a person who provides a caring, safe home for a child or young person until they turn 18.
- A guardian can be a relative or kinship carer, a family friend or an authorised carer who has an established and positive relationship with the child or young person.



GUARDIANSHIP AND ABORIGINAL CHILDREN



For Aboriginal children if the person who expresses an interest in a guardianship order is:

- not a relative or kin, they should be an Aboriginal person to be considered as a 'suitable person' for the purposes of a guardianship order
- a non-related and non-Aboriginal person, then a comprehensive Cultural Plan must be completed, and DCJ Executive District Director approval is needed to proceed with the guardianship court application.

PATHWAYS TO PERMANENCY



OPEN ADOPTION

- Adoption orders aim to provide children and young people with a loving home for life as legal members of their adoptive families.
- The status of the adopted person and the adoptive parent is the same as if the child had been part of the family at birth.
- Adopted children are supported to remain connected to their birth family and cultural heritage.



OPEN ADOPTION AND ABORIGINAL CHILDREN



THREE PERMANENCY ORDERS COMPARED



Communities
& Justice

Three permanency orders compared

August 2019

	Guardianship	Parental Responsibility to suitable persons	Adoption
Which legal jurisdiction applies?	NSW Children's Court	NSW Children's Court	Supreme Court of NSW
What's the duration of the order?	To 18 years of age	Various – including shorter-term orders and orders to 18 years of age	Permanent
Legal ties with parents	Remain	Remain	All legal ties with birth parents severed
Does the child receive a new birth certificate?	No	No	Yes. The adoptive parents are recorded as parents and where a name change has been ordered by the Court the child's birth certificate reflects their adoptive parents' surname
Can order change?	Yes. If 'significant change in relevant circumstances' occurs, the Court may grant leave for a s.90 application to be heard. The Court must prioritise the views of the child for s.90 and has summary dismissal powers	Yes. If 'significant change in relevant circumstances' occurs, the Court may grant leave for a s.90 application to be heard	No, however in exceptional circumstances an adoption order can be discharged, such as where the order or consent to the adoption was obtained by fraud, duress or other improper means, or some other exceptional reason
Is parental consent required?	No, however the Court will take parents' views into consideration	No, however the Court will take parents' views into consideration	Yes – unless consent is dispensed with by the Court or the child is 12+, has sufficient maturity, has been cared for by the proposed adoptive parents for at least two years and provides sole consent
Can parental responsibility be shared by two people?	Yes, an order can be made to a suitable person or persons jointly	Yes. Order can be made to a suitable person, persons jointly, and/or with the Minister	Yes, an order may be made in favour of one person or jointly in favour of a couple
Reporting required?	If guardian is receiving an allowance, once a year the guardian is required to confirm that the child remains in their care	Annual review of placement	If adoptive parent is receiving an allowance, once a year the adoptive parent is required to confirm that the child remains in their care

THREE PERMANENCY ORDERS COMPARED



	Guardianship	Parental Responsibility to suitable persons	Adoption
How is family contact managed?	Full responsibility of the guardian to manage and supervise, where required. The guardian must abide by any contact order made by the Children's Court which can be made for the length of the guardianship order	FACS/Funded Service Provider can facilitate and supervise contact at need	Full responsibility of the adoptive parent/s. The adoptive parents must comply with terms of any registered adoption plan as the terms of the adoption plan (including contact arrangements) have the effect of court orders and can be enforced
Is there casework support?	No	Yes, eligible	No
Authorisation required after final order?	No – the authorisation is taken to be cancelled automatically when a guardianship order is made in favour of an authorised carer	Yes – and WWCC updates required only where allowance provided	No. The adoptive parent can surrender their authorisation if they no longer care for any child in OOHC, otherwise if they do not provide OOHC to any child for two or more years, the designated agency must cancel their authorisation
FACS legal support if parent applies to vary/rescind the order?	Yes, for a period of three years after final orders are made and where FACS' position is consistent with the guardians	FACS will be involved in the proceedings. Separate representation not required unless carer's position differs from that of FACS	N/A
Are there allowances?	Yes – FACS Guardianship Allowance (Standard, +1 and +2)	Yes – FACS Supported Care Allowance (Standard, +1, +2), or FACS Statutory Care Allowance (Standard, +1, +2 for non-relative/kin)	Yes, if order made after 1 July 2017 (Standard, +1 and +2)
Means testing applies to allowance?	No	No	Yes, for orders after 1 July 2017 (eligibility for Tax Benefit A)
Other payments?	Limited access to additional support payments for education, childcare, medical/dental, prof. therapy, cultural/life-story work costs only. These must be written into the guardianship financial plan prior to the making of a guardianship order.	Yes, contingency payments	Annual payment of \$1500 for orders made before 1 July 2017
Eligibility for Centrelink work exemption?	Only, if guardian is relative/kin	Yes	No



**THERE ARE TWO
GIFTS WE SHOULD
GIVE OUR CHILDREN;
ONE IS ROOTS, AND
THE OTHER IS WINGS.**

Q&A OPPORTUNITY





**THANK
YOU**

