PERMANENCY PLANNING POLICY

POLICY STATEMENT
The Department for Child Protection and Family Support (the Department) actively plans and facilitates stability and belonging for children\(^1\) in the Chief Executive Officer’s (CEO’s) care who are in provisional protection and care, on a protection order (time limited) or a protection order (until 18) through permanency planning.

For children in temporary care (provisional protection and care and on a protection order (time limited)) permanency planning must occur within a parallel process that identifies reunification with one or both parents\(^2\) as the primary permanency plan and permanent care as the secondary permanency plan.

Assessment regarding the likelihood of reunification must begin when a child enters provisional protection and care.

Decisions about whether reunification should proceed and is in the child’s best interests must be made within:

- 12 months for children who enter provisional protection and care at less than three years of age; and
- Two years for all other children.

For sibling groups the youngest child’s age should direct the timeframe for decision making.

For children on a protection order (until 18) permanent care is the only permanency plan.

PURPOSE OF THE POLICY
The purpose of the policy is to outline the Department’s position in relation to permanency planning for children in provisional protection and care, on a protection order (time limited) or a protection order (until 18).

\(^1\) The term child means a person who is under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.

\(^2\) The term parent refers to a person, other than the CEO, who at law has responsibility for the day-to-day and long-term care, welfare and development of the child.
BACKGROUND
Permanency planning is the case management practice used to provide children in care with safe, continuous and stable living arrangements, lifetime relationships and a sense of belonging. Given the knowledge that children in care who experience multiple care arrangements are more likely to demonstrate poor outcomes in adulthood, the primary focus of permanency planning is to prevent children ‘drifting’ in care from one care arrangement to another, or through multiple attempts at reunification.

Permanency planning should not be confused with ‘permanent care’. Permanency planning places an emphasis on meeting the child’s need for stability, permanency and continuity of relationships – either through reunification or through permanent care.

The importance of permanency and stability has been well documented in child protection literature, which identifies issues of fractured attachment and unmet developmental needs as negative consequences of instability.

Evidence on early brain development demonstrates the importance of attachment and stability for children’s healthy physical, emotional, and psychosocial development and learning. Children need consistent and appropriate parenting to provide the nurturing environment necessary to engender feelings of safety, belonging and wellbeing. Recent neuroscience research shows that positive nurturing stimulates growth in the brain, while neglectful care can result in withdrawal or disorganisation. Research also shows that insecure attachments and the negative patterns associated with them can be repaired when positive emotional relationships are formed.

Evidence indicates that timeframes for making decisions about a child’s permanency should be based on the child’s age, developmental needs and length of time already spent in care.

The timeliness of decision-making regarding a child’s permanency and stability is particularly important for younger children because the first two years of a child’s life are the most critical for the development of emotional attachments, and the first three years of life, for the establishment of competence and coping skills.

A fundamental principle of permanency planning is the understanding that when children are unable to live with their family, efforts to promote the connectedness of family and significant relationships with people who are important to them are essential to the child’s culture, identity, and sense of belonging.
This policy replaces the previous separate policies on contact, reunification and permanency planning.

**LEGISLATIVE MANDATE AND PRINCIPLES**

The Department is guided by section 7 of the *Children and Community Services Act 2004* (the Act), which states that the best interests of the child are paramount when performing a function or exercising any powers under the Act. Section 8 of the Act lists the matters which must be taken into account when determining what is in a child’s best interests and section 10 includes the principle of child participation.

The Department recognises the need to make timely decisions affecting children’s long term stability when taken into care, and is guided by the following principles under section 9 of the Act:

- The preferred way of safeguarding and promoting a child’s wellbeing is to support the child’s parents, family and community in the care of the child.
- Every child should have stable, secure and safe relationships and living arrangements.
- If a child is removed from the child’s family, then so far as is consistent with the child’s best interests:
  - the child should be given encouragement and support in maintaining contact with the child’s parents, relatives\(^3\) and with any other people who are significant in the child’s life.
  - planning should occur as soon as possible to ensure long term stability for the child.

Section 12 of the Act outlines the Aboriginal child placement principle and states the importance of maintaining a connection with family and culture for Aboriginal children who are placed in the CEO’s care. Section 81 of the Act outlines the requirement for consultation with an Aboriginal officer, or Aboriginal person or agency with relevant knowledge of the child, the child’s family, or the child’s community, when making care arrangements for Aboriginal children. It is a policy requirement that child protection workers consult with an Aboriginal Practice Leader or other senior Aboriginal officer when developing permanency plans for Aboriginal children.

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\(^3\) The term relative refers to a child’s: grandparent, other ancestor, step-parent, sibling, uncle or aunt, cousin, spouse or de facto partner. In the case of an Aboriginal child, a person regarded under the customary law or tradition of the child’s community may also be considered a relative.
Section 80 of the Act refers to the guidelines that must be adhered to when making care arrangements for children from culturally and linguistically diverse backgrounds.

Under section 39 of the Act, the CEO must prepare and implement a provisional care plan for a child within seven working days of the child being taken into provisional protection and care. The provisional care plan must set out the care arrangements for the child and the contact arrangements with the child’s parents, relatives and any other person who is significant in the child’s life.

Section 89 of the Act requires the CEO to prepare and implement a care plan for the child as soon as practicable after a child first comes into the CEO’s care. This plan must include decisions about contact arrangements with the child’s parents, relatives and any other person who is significant in the child’s life.

PERMANENCY PLANNING

Case planning using the Signs of Safety Child Protection Practice Framework

Permanency planning occurs as part of case planning using the Signs of Safety Child Protection Practice Framework. Significant events such as a child coming into care present a unique opportunity for change in the lives of the parents and their children. During a period of intense crisis parents may be more motivated to work with the Department. It is important to emphasise that families have the strengths to come up with their own solutions. The child’s carer should be involved in the permanency planning process. The child protection worker should invite the carer to the Signs of Safety case planning meetings wherever possible. If they are not able to attend or if there are safety issues, the child protection worker should work with the carer to keep them involved in the process. It is important to begin building the relationship between the parent and the carer from the first meeting. Child protection workers should explain to parents and carers that it takes more than one person to meet a child’s many needs and they are likely to:

- have shared plans to do what is best for the child;
- each have their own unique knowledge, abilities and role for helping the child; and
- both participate in decision-making and work together in order to help the child.

The child’s needs must be central to case planning. Wherever possible, children should be placed where they can remain if reunification is not possible. The child protection worker must begin to develop a Words and Pictures explanation with the birth parent/s within three months of the child entering provisional protection and care, to explain to the child the
reasons the Department and Court decided the child could not live with their parents. It is also important that the child protection worker includes the child’s voice in case planning.

**Parallel planning and timeframes**

For children in temporary care (provisional protection and care and on a protection order (time limited)) permanency planning must occur within a parallel process that identifies reunification with one or both parents as the primary permanency plan and permanent care as the secondary permanency plan. Assessment regarding the likelihood of reunification must begin when a child enters provisional protection and care.

Decisions about whether reunification should proceed and is in the child’s best interests must be made within:

- 12 months for children who enter provisional protection and care at less than three years of age; and
- Two years for all other children.

For sibling groups the youngest child’s age should direct the timeframe for decision making. Any proposal to seek an extension of a protection order (time-limited) requires the approval of the Department’s Director General, and should take into consideration the guiding principle of timely decision making to facilitate long term stability for the child. If a decision is made that reunification is unlikely within the agreed timeframes and is not in the child’s best interests, the child protection worker will be required to apply to the Children’s Court (the Court) for a long term order - a protection order (until 18) or protection order (special guardianship). Where the Court does not grant the protection order sought by the child protection worker, the Department will be required to change the permanency plan to reflect the need to work towards reunification with the child’s parent(s).

For children on a protection order (until 18) permanent care is the only permanency plan.

**CONTACT ARRANGEMENTS**

Contact between children in care and their parents, relatives and others who are significant to them, is an important element of permanency planning, whether a child’s permanency plan is for reunification or permanent care. The term ‘contact’ refers to all links between the child in out-of-home care and their parents, relatives and any other people who are significant in the child’s life regardless of the form and frequency of these links. Contact can
include face-to-face meetings, written communication, telephone calls and the use of electronic social media, as appropriate.

The Department is committed to promoting contact that is purposeful, planned, safe, and supports the child’s sense of connection to their parents, relatives and any other person significant in the child’s life. Well planned contact is achieved when an open dialogue is established between the child’s family, the child's carer(s) and the Department so that the needs of the child remain the focus of the contact.

When the primary permanency plan is reunification, a child’s contact with parents needs to be regular and purposeful to support and assess the likelihood of reunification. After the decision has been made that permanent care is in the child’s best interests, the contact arrangements must be reviewed to begin transitioning to the proposed permanent care contact arrangements to minimise the impact of the change on the child. However, proposed permanent care contact arrangements should only commence after the Court has endorsed the Department’s decision.

**PERMANENCY GOAL: REUNIFICATION:**

Reunification is the planning process for assessing and returning a child home to his/her parent’s care after a period in out-of-home care. It is important to view reunification as a process rather than an event. Reunification of a child in provisional protection and care or on a protection order (time limited) with his/her parents is the Department’s first consideration in achieving a child’s permanency wherever appropriate, because it recognises that parents and extended family play a primary role in promoting a child’s sense of belonging and identity.

However, in accordance with permanency planning, the Department must balance the primary permanency plan of reunification with the responsibility of considering the best interests of the child and plan around a secondary permanency plan of permanent care options in all case planning.

**PERMANENCY GOAL: PERMANENT CARE**

The Department recognises that where reunification is not likely within the permanency planning policy timeframe, a stable environment should be provided by way of continuous permanent care. Permanent care arrangement options are:
• protection order (until 18) and stable care arrangements with:
  o a family or significant other carer; or
  o a foster carer;
• protection order (special guardianship) with a family or significant other carer;
• protection order (special guardianship) with a foster carer;
• parenting order with a person with an established relationship with a child such as a family member; or
• carer adoption with a relative, significant other or foster carer.

**Special guardianship**

Protection orders (special guardianship) are intended to provide children in care with stable and permanent care arrangements whilst their connectedness with parents, family members and others who are significant to the child4.

Under protection order (special guardianship), parental responsibility for the child is transferred to the special guardian until the child turns 18 years of age. This gives the special guardian all the duties, powers, responsibilities and authority which, by law, parents have in relation to their own children. The child is no longer in the CEO’s care, meaning the special guardian will be able to carry out all parental functions without having to consult the Department.

It is important that the special guardian be able to uphold the principles enshrined in the Act regarding the importance of preserving a child’s identity, language, cultural and religious ties, as far as possible and in the best interests of the child.

The special guardian must comply with any condition set out in the order in respect of contact between the child and any other person and be willing to be responsible for implementing these arrangements. Any party to the initial proceedings may apply to the Court for the revocation of a protection order (special guardianship).

**Protection order (until 18)**

When a child is on a protection order (until 18) the child is in the CEO’s care and the CEO has parental responsibility. Permanent care arrangement options can include placement with a foster, family or significant other carer.

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4 Others who are significant in the child’s life refers to a person(s) who has a positive relationship with the child or young person as identified by the child or young person, having regard to the child’s age and level of understanding, and/or a person considered by the CEO to have a direct and significant interest in the wellbeing of the child
Child protection workers should consider the attachments that are established between a child and carer(s) and the effect that a change to the care arrangement may have on a child’s immediate and long term future.

In cases where a child in care is subject to a protection order (until 18) and has been in a planned and stable care arrangement that meets the child’s needs for more than two years, a change in the care arrangement is generally not appropriate.

The Department’s permanency planning policy does not change a parent’s right to seek a revocation of a protection order (until 18).

**Parenting order**

In some cases, the Department may support a person with an established relationship with a child such as a relative, to apply for a Family Court of Western Australia parenting order.

**Carer adoption**

In some cases, adoption may be a suitable option for achieving permanency and stability for a child in the CEO’s care.

In all cases where adoption is being considered for a child in the CEO’s care, the Department must be satisfied that the child’s adoption would be preferable to the making of a protection order (special guardianship). Such consideration should include the implications of each of these orders for the child, the child’s carers, and the child’s family, both at present and in the future.

Adoption is not part of Aboriginal culture, and therefore the adoption of a child in the CEO’s care who is Aboriginal must occur only in circumstances where there is no other appropriate alternative for that child (s.3(2) Adoption Act 1994).

**RELATED POLICIES AND DOCUMENTS**

- The Signs of Safety Child Protection Practice Framework (September 2011 2nd Edition)
- Casework Practice Manual Chapter 10 Permanency Planning.
- Signs of Safety Policy 2012
- Care Planning Policy 2012
- Charter of Rights for Children and Young People in Care
- Foster Care Partnership Policy 2012
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