



**Department for Child Protection**

Policy for  
Children and Young People in the CEO's Care

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## **INTRODUCTION**

The Department for Child Protection has the responsibility for the wellbeing of children in the care of the CEO under the *Children and Community Services Act 2004*.

The objects of the Act include to:

- promote the wellbeing of children, other individuals, families and communities;
- acknowledge the primary role of parents, families and communities in safeguarding and promoting the wellbeing of children; and
- provide for the protection and care of children in circumstances where parents have not given, or are unlikely or unable to give, that protection and care.

The Act establishes that at all times the Department, the Children's Court or a person must regard the best interests of the child as the paramount consideration in performing a function, including the provision of services, or exercising a power under the Act. The Department endeavours to strengthen families to prevent the need for children coming into the care of the CEO. In the event a child or young person is placed in care the Department resolves as a first preference to consider reunification to family<sup>1</sup>.

The Act sets out the Department's responsibilities for the wellbeing particularly safety of children and young people coming into, being in, or leaving care. Wellbeing is not limited to the physical and safety needs of the child or young person but extends to attachments and heritage in a child or young person's life.

The Department strives for excellence in the delivery of policies and practices to provide quality care through collaboration and partnership with the not-for-profit sector, foster carers, the community and business partners, children and young people, parents and family networks. In this regard the task of caring well for children and young people is a joint responsibility between the government and the wider community. Partnered strategies that build the overall capacity of families and communities are pivotal to ensuring the wellbeing and safety of children and young people.

## **PURPOSE**

The Children and Young People in Care policy presents the Department's approach to the exercise of its responsibilities for the wellbeing and safety of children and young people in the care of the CEO and for children and young people leaving care whether to return to parents, to an alternative placement or moving to independent living.

The policy provides the framework to work alongside children, young people and their parents and significant others and to strengthen consultative and participatory networks.

The policy provides the foundation for the Department's partnership with funded agencies which have responsibilities for the wellbeing, safety and provision of services to children and young people in the care of the CEO or who are at risk of being taken into the care of the CEO.

## **LEGISLATION**

The *Children and Community Services Act 2004* provides for a flexible range of placement options for children and young people. Both short-term and long term placement arrangements, for children and young people must regard the principle of the best interests of the child as the paramount consideration.

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<sup>1</sup> *Policy for Reunifying children with their Families September 2006.*

There are a range of guidelines for determining the best interests of the child and guiding principles to ensure decisions about care are timely and deliver stable living arrangements that acknowledge the need for continuity of contact and cultural identity.

The principle of child participation stipulates a child or young person must have the opportunity to have a voice in decisions that impact on their lives. The guiding principles also stipulate that the views and opinion of parents and significant other parties should be considered. The legislation allows for the exchange of relevant information, in good faith, to assist the care planning decision-making process. The Department may disclose to or request from a public authority, a corresponding authority, a service provider or an interested person, relevant information that in the opinion of the CEO pertains to the wellbeing and safety of a child or young person.

The Act recognises the richness of diversity in the State's cultural networks and acknowledges the importance of familial relationships, attachments, ethnic and religious heritage of every child or young person placed in care<sup>2</sup>. This philosophy is reinforced by the inclusion of the Aboriginal and Torres Strait Islander child placement principle, the principle of self-determination and the principle of community participation. The Aboriginal and Torres Strait Islander child placement principle does not override the principle that the best interests of the child or young person is at all times the paramount consideration.

The Department aims to strengthen and enhance existing and new care partnerships between the Department and carers, placement agencies and the culturally and linguistically diverse and Indigenous communities, to ensure that decisions conform to the principles set out in the Act. The legislation provides for the CEO to arrange a placement of a child with an individual approved by the CEO, in accordance with the *Community Service Regulations 2006* which outline the competencies required. A child may be placed with a person or agency which has entered into an agreement under the Act for the provision of placement services or in a residential facility operated by the Department or another public authority.

Care plans are required for all children in care and these are to be reviewed at regular intervals not exceeding 12 months.

A child, parent, carer or person considered by the CEO to have a direct and significant interest in the wellbeing of the child who is aggrieved by a case planning decision can apply to the CEO for a review of the decision. The CEO must establish a Case Review Panel for this purpose. A person aggrieved by a decision made by the CEO following a review by the panel may apply to the State Administrative Tribunal (SAT) for a review of the decision.

## **CHILDREN AND YOUNG PEOPLE IN CARE**

Positive outcomes for children and young people in care can be achieved through regular planning, continuity of care and stability of placement<sup>3</sup>. Decisions about family reunification or ongoing care are to be made early having regard to the best interests of the child or young person. Where it is indicated that family reunification is the goal, research clearly demonstrates that the first few months a child is in care are critical to a successful return home. Given that the critical period is quite short, intensive planning and services are required from the point of children entering care, aimed at returning the child home with supports within the first few months.

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<sup>2</sup> *The Culturally and Linguistically Diverse Child Placement Principle (CaLD)* has been approved by the Minister for Child Protection.

<sup>3</sup> Children in the CEO's care Standards are found in the Department's Field Worker Guidelines.

Where family reunification is not in the best interests of the child, other longer-term options such as protection orders (until 18) or (enduring parental responsibility) are available to ensure enduring stability and safety for the child.

Assessment of a child's or young person's wellbeing in particular safety, taking into account his/her wishes, will determine the type of placement required. While the majority of children and young people who need to be in out of home care fare best in family foster care, some young people are more suited to placement services in a facility operated by the Department or funded placement agency. It may be more appropriate to place a young person from an Aboriginal or Torres Strait Islander<sup>4</sup> or culturally and linguistically diverse background<sup>5</sup> within their relevant community to best meet their needs. Under such an arrangement, the Department and the community identifies a suitable carer responsible for the young person in the selected community.

The assessment will identify whether the Department and the family can work together with the child or young person regardless of where the child or young person is placed.

Subsequent care plan reviews will establish whether the goal of family reunification is likely to be achieved or whether the child's or young person's needs would be better met in a long-term out of home arrangement. The protection orders (until 18) and (enduring parental responsibility) are designed for this purpose.

When a child or young person is in any type of placement arrangement, the child or young person is in the care of the CEO. The Department may have parental responsibility but this depends upon the circumstances of the child or young person entering care. When the child is under provisional protection and care the parent has parental responsibility while the CEO has responsibility for day to day care. The CEO has parental responsibility for children under a protection order (time-limited) or protection order (until 18). Under a negotiated placement agreement between the Department and the parent, the parent will retain parental responsibility except as set out in the agreement.

Parents are entitled to be fully informed and to understand the meaning of parental responsibility.

The intent of the legislation is to ensure inclusiveness and openness by engaging parents, the child and significant other people in the decision-making process as far as able and willing to do so. Case planning from the onset of the Department's engagement with a child, a young person and parents, provides an ongoing record and way of evaluating the actions taken by participants to promote the best outcome for the child or young person.

Children placed in pre adoptive care with a registered foster carer and some children placed in pre adoptive placements with the prospective adoptive parent<sup>6</sup> by the Department are considered to be in the CEO's care. Enquiries about their status should be directed to the Department's Adoption Service.

Some non-citizen children<sup>7</sup> are considered to be in the CEO's care where guardianship is delegated to the CEO by the Minister for Immigration. Enquiries about their status should be directed to the Principal and Planning Officer, Cultural Diversity, Central Office.

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<sup>4</sup> The Aboriginal and Torres Strait Islander child placement principle (section 12), the Principle of self-determination (section 13) and the Principle of community participation (section 14) must be observed at all times.

<sup>5</sup> Refer to the Department's *Cultural Diversity Policy and Strategic Framework 2006-2009*.

<sup>6</sup> The *Adoption Act 1994*, Western Australia.

<sup>7</sup> The *Immigration (Guardianship of Children) Act 1946*.

## **Care planning**

For children and young people in provisional protection and care, the care planning process commences with the development of a written Provisional Care Plan. This plan outlines the immediate placement and contact needs and identifies steps and measures to address those needs. The plan is to be prepared and implemented within seven working days<sup>8</sup> after the child or young person, is taken into provisional protection and care.

As soon as practicable after the Court grants a protection order (time-limited) or (until 18) the CEO must prepare and implement a Care Plan. If a child or young person enters care under a placement service or negotiated placement agreement the CEO is also required to prepare and implement a care plan as soon as practicable.

The care plan identifies the steps or measures necessary to meet the needs and safety of the child or young person including decisions about placement and contact. At the outset care planning has a dual purpose of concurrently focusing on the potential for family reunification or the need for long-term out of home care and incorporates cultural considerations.

When reunification is the goal, Provisional Care Plans are to be reviewed regularly to facilitate the earliest possible return of a child to family. It is good practice that Care Plans associated with a protection order are reviewed more frequently than the maximum 12 months interval. Care Plans:

- pay due regard to any changes which may occur that will affect the progress of the child's reunification with family.
- show a readiness for reunification based on agreed goals, responsibilities and timelines that engender transparency and honesty and have child focused best interest outcomes.

Reunification care planning also includes a Safety Plan to address any safety issues during contact between the child or the young person and their parents and significant others and to ensure a safe return to family.

For children and young people in the CEO's care the following applies:

- the child or young person must be visited and quarterly reports on the child's or young person's progress completed;
- when relevant a Cultural Plan is included in the care plan; and
- where a child or young person poses a risk to others and has been placed in a placement arrangement or placement service<sup>9</sup>, a Safety Plan must be put in place as part of the care plan to protect others in the residence and in all cases the District Manager must approve the placement.

Every child or young person in the CEO's care, parents and people considered by the CEO to have a direct and significant interest in the child or young person's wellbeing, are given a copy of the care plan.

## **Contact**

Decisions about contact need to consider the importance the child's or young person places on existing emotional attachments and take into account previous experiences and background to provide a sense of stability and continuity of identity.

Contact aimed at family reunification needs to be clearly distinguished from contact designed to maintain connectedness for children and young people in long-term care.

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<sup>8</sup> The *Children and Community Services Act 2004* Section 39(2)(b).

<sup>9</sup> Director General's Instruction 62.

Regular contact is important when family reunification is the goal. For long-term placements contact is to be set at a level which does not interfere with the child or young person's growing attachment to their new family.

### **Concurrent planning**

Concurrent planning is a strategic case management method that provides for a focus on reunification services while simultaneously developing an alternative plan, should it be required. Concurrent planning begins when a child or young person enters care. When it is determined that return home is not possible, concurrent planning enables a smooth transition in preparing a child or young person for long-term care, with minimum disruption in their lives.

### **Siblings**

Care planning takes into account whether siblings are to be kept together in the same placement arrangement and if not, ensure that sibling contact is maintained<sup>10</sup>.

### **Charter of Children's Rights**

In consultation with children, young people, the CREATE Foundation and the Foster Care Association, in accordance with the *Children and Community Services Act 2004*, the Department has developed a Charter of Rights for children and young people in the CEO's care.

The Department will promote compliance with the Charter of Rights and every child and young person in care must be given a copy and have the content explained to them.

### **Leaving Care Services**

A Care Plan is to be modified 12 months prior to a child or young person leaving the CEO's care. If the child or young person has a disability the Care Plan is to be modified two years prior to the child or young person leaving the CEO's care. This ensures that the child or young person is prepared to leave care and provided with any social services that the CEO considers appropriate, having regard to the needs of the child or young person as identified in the care plan.

Young people may qualify for assistance if they have reached 15 years of age and are under 25 years of age. The young person must have left the CEO's care, have been the subject of a protection order (time-limited) or (until 18), or a negotiated placement agreement for at least six months, or provided with placement services for a continuous period of at least six months prior to leaving care.

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<sup>10</sup> Refer to the Department's paper *Sibling relationships in the care system: Attachment, separation and contact issues 2004*.

## **PRINCIPLES**

**(as prescribed in the *Children and Community Services Act 2004*)**

1. The best interest of the child is the paramount principle. The determinants of a child's best interest and guiding principles prescribed in the Act are essential elements in the process of deciding what action is best in the short or the long-term for children and young people, including sibling groups.
2. Care placements arrangements are open and planned in consultation between the Department and the child or young person and with the participation of parents to ensure:
  - children and young people have a voice in decisions about them;
  - significant people and communities are consulted; and
  - cultural, ethnic and religious identity is encouraged and maintained.
3. Foster carers, especially Aboriginal and Torres Strait Islander and culturally and linguistically diverse carers, will be selected whenever possible to match the child's or young person's cultural, ethnic or religious heritage and to provide good physical and emotional care.
4. Children and young people in the care of the CEO are entitled to receive care services that<sup>11</sup>:
  - enable the opportunity to live with families when this is possible and appropriate;
  - acknowledge choice, dignity, privacy and potential of the individual;
  - are planned to ensure continuity and stability of living arrangements;
  - protect from neglect and abuse and are free from bullying, harassment and discrimination;
  - ensure problems, issues and complaints are heard and effectively handled without fear of retribution;
  - allow wishes and views to be heard according to age and level of understanding;
  - keep siblings together unless individual needs would be jeopardised;
  - provide access to a range of placements and services that address physical, emotional, intellectual, spiritual, developmental and educational needs;
  - promote contact with parents, siblings, other relatives and significant people in accordance with an agreed care plan;
  - continue network and social alliances where possible and appropriate; and
  - provide access to advocacy services.
5. A child's or young person's wellbeing and safety, diverse needs and best interests are promoted through quality care, and a choice and range of placement arrangements and services will be accessible regardless of cultural, ethnic or religious identity.
6. Children and young people are entitled to information about decisions made and a full explanation of the reasons for the decision made, given assistance that is necessary to enable them to express their wishes and views and the opportunity to respond to the decision made.
7. Children and young people leaving long-term care are entitled to transitional and exit services that are planned and identify their needs preparatory to leaving the Department's care into alternative care or to independent living.

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<sup>11</sup> Placement Arrangements – Principles, Standards and Protocols are found in the Department's Field Worker Guidelines.

8. The Department will engage in consultation and partnership with the relevant Aboriginal and Torres Strait Islander community<sup>12</sup> about placement to ensure connection with family and culture and placement is prioritised in the following order:
  - safety of the child;
  - a member of the child's family;
  - a person who is an Aboriginal or Torres Strait Islander from the child or young person's community according to customary practice;
  - a person who is an Aboriginal or Torres Strait Islander; or
  - a person who is not an Aboriginal or a Torres Strait Islander but who, in the opinion of the CEO, is sensitive to the needs of the child or young person and capable of promoting continued links to culture, and where possible, family<sup>13</sup>.
  
9. The Department will engage in consultation and partnership with the relevant culturally and linguistically diverse (CaLD) communities and significant people about placement arrangements in order to preserve a child's cultural, ethnic and religious identity in the following order of priority:
  - safety of the child;
  - the child is placed with the child's family of origin;
  - the child is placed with a carer from the same culture and religion as the child; or
  - the child is placed in a placement that is accepting and respectful of the specific cultural and religious needs of the child<sup>14</sup>.

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<sup>12</sup> The *Children and Community Services Act 2004* Section 81.

<sup>13</sup> The *Children and Community Services Act 2004* Section 12.

<sup>14</sup> Director General's Instruction No. 64 Placement of children from Culturally and Linguistically Diverse Backgrounds.

## GLOSSARY OF TERMS IN THE ACT

The following terms have their meaning set out in the *Children and Community Services Act 2004*:

**“Aboriginal person”**

Is a descendant of Aboriginal people of Australia, and **“Aboriginal child”** has a corresponding meaning.

**“Authorised officer”**

An officer appointed by the CEO.

**“Carer”**

A person who provides care for a child under a placement arrangement.

**“Case planning decision” section 91**

A decision set out in a care plan for a child.

**“Case Review Panel” section 92**

Members of the case review panel will be people who have such experience, skills, attributes or qualifications as the CEO considers appropriate to enable them to effectively perform their review function. An officer employed to work with the Department cannot be a member.

**“CEO”**

Means the chief executive officer of the Department.

**“Child”**

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.

**“Court”**

The Children’s Court of Western Australia.

**“Corresponding authority” section 34**

Means a person or body in another State or a Territory, or another country, that has functions corresponding to those of the CEO under the Act.

**“Department”**

The department of the Public Service principally assisting the Minister in the administration of the *Children and Community Services Act 2004*.

**“Disability”** means a disability –

(a) that is attributable to an intellectual, psychiatric, cognitive, neurological, sensory, or physical impairment or a combination of those impairments;

(b) that is permanent or likely to be permanent;

(c) that may or may not be of a chronic or episodic nature; and

(d) that results in-

(i) a substantially reduced capacity of the person for communication, social interaction, learning or mobility; and

(ii) a need for continuing support services.

**“Harm”**

In relation to a child, includes harm to the child’s physical, emotional or psychological development.

**“In the CEO’s care” has the meaning given to that term in section 30**

- (a) is in provisional protection and care;
- (b) is the subject of a protection order (time-limited) or protection order (until 18);
- (c) is the subject of a negotiated placement agreement (section 75); or
- (d) is provided with placement services under section 32(1)(a).

**“Interested person” section 23**

Means a person or body who or which, in the opinion of the CEO, has a direct interest in the wellbeing of a child or a class or group of children.

**“Negotiated placement agreement” section 75(1)**

An agreement where the parents of a child are unable to care for the child, the parents acting together and the CEO may enter into an agreement under which the CEO is required to make a placement arrangement for the child.

**“Parent”**

In relation to a child, means a person, other than the CEO, who at law has responsibility for

- (a) the long-term care, welfare and development of the child; or
- (b) the day-to-day care, welfare and development of the child.

**“Parental responsibility”**

In relation to a child, means all the duties, powers, responsibilities and authority which, by law, parents have in relation to children.

**“Placed”**

Placed under a placement arrangement.

**“Placement”**

Placement under a placement arrangement.

**“Placement arrangement” section 79**

Power of the CEO to arrange the placement of a child with either-

- a) an individual approved by the CEO in accordance with the regulations
- b) a person or body who or which has entered into an agreement under section 15(1) for the provision of placement services; or
- c) in a residential facility operated or managed by the Department or another public authority; or
- d) any other arrangement for the placement of the child that the CEO considers appropriate.

**“Protection order (enduring parental responsibility)” section 60**

Is an order giving a natural person, or 2 natural persons jointly, parental responsibility for a child until the child reaches 18 years of age.

**“Protection order (time-limited)” section 54**

Is an order giving the CEO parental responsibility for a child for the period specified in the order.

**“Protection order (until 18)” section 57**

Is an order giving the CEO parental responsibility for a child until the child reaches 18 years of age.

**“Provisional protection and care” section 29(1)**

Is a reference to the child being in, taken into, or placed in, the care of the CEO.

**“Public authority”**

- (a) a department of the Public Service;
- (b) a State agency or instrumentality;
- (c) a local government or regional local government; or
- (d) a body, whether corporate or unincorporated, or the holder of an office, post or position, established or continued for a public purpose under a written law.

**“Relative”**

- (a) In relation to a child is a parent, grandparent or other ancestor; step-parent; sibling; uncle or aunt; cousin; spouse or de facto partner, whether the relationship is established by, or traced through, consanguinity, marriage, a de facto relationship. A written law or a natural relationship.
- (b) In the case of an Aboriginal child, a person regarded under the customary law or tradition of the child’s community as the equivalent of a person mentioned in paragraph (a).
- (c) In the case of a Torres Strait Islander child, a person regarded under the customary law or tradition of the Torres Strait Islands as the equivalent of a person mentioned in paragraph (a).

**“Relevant Information” section 23**

Means information that, in the opinion of the CEO, has a direct interest in the opinion of the CEO, is, or is likely to be relevant to-

- (a) the wellbeing of a child or a class or group of children; or
- (b) the performance of a function under the Act.

**“Service provider” Section 15(1)**

The Minister may, on behalf of the State, may enter into an agreement with a person or body who or which-

- (a) provides or promotes social services; or
- (b) conducts research and development by that person or body in relation to the provision of social services.

**“Social services”**

Services provided to assist children, other individuals, families and communities including, but not limited to, the following services: preventative services; protective services; placement service; child care service; information and advisory services; education and training services; counselling services; therapeutic services; advocacy services; mediation services; crisis services; family and domestic violence services; support services.

**“Torres Strait Islander”**

A person who is a descendant of the Indigenous inhabitants of the Torres Strait Islands, and

**“Torres Strait Islander child”** has the corresponding meaning.

**“Wellbeing”**

Of a child includes the care, development, health and safety of the child.

\*As well as Aboriginality or Torres Strait Islander descent or whether the people are living together, the definition of “relative” is broad enough to ensure that a relationship can be established by blood, marriage, de facto relationship or through a step parent and older step-siblings by marriage – regardless of. A relative who does not fit the above categories is a person who, by customary law under Aboriginal and Torres Strait Islander law, is deemed to have a relationship through more extended kinship relations – people who are related in a customary sense.

## Additional notes

### A child or young person is in the CEO's care if that child or young person is:

- In the **provisional protection and care** of the CEO because there are reasonable grounds to believe that the child is in need of protection and care. Parental responsibility essentially remains with the parent(s) except that the CEO has the right to make decisions (defined in section 29) about the day-to-day care, welfare and development needs of the child until the child ceases to be in provisional protection and care. Parents cannot override the decisions of the CEO under the circumstances of provisional protection and care.
- The subject of a **protection order (time-limited)** as granted by the Children's Court giving the CEO parental responsibility for the duration of the order and the Department is responsible for the child's wellbeing and safety in the placement arrangement.
- The subject of a **protection order (until 18)** as granted by the Children's Court giving the CEO parental responsibility until the child or young person reaches the age of 18 years and the CEO is responsible for the child's wellbeing and safety in the placement arrangement.
- The subject of a **negotiated placement agreement** between the CEO and a parent or parents without the requirement for a Court order and the CEO is responsible for the child's wellbeing and safety in the placement arrangement. Parental responsibility essentially remains with the parent(s) except as determined by the negotiated placement agreement signed by the CEO and the parent(s). This type of care arrangement is not to be used if there are reasonable grounds to believe that the child is in need of protection.
- **Provided with a placement service.** Further action may be taken by the CEO to promote or safeguard the wellbeing and safety of a young person in special circumstances where making an application for a protection order or negotiated agreement is not appropriate or would be ineffective. It may be necessary to provide the young person with the opportunity to reside in a placement service. The CEO is responsible for the young person in a placement service but parental responsibility remains with the parents. Providing a placement service is an action of last resort and is not appropriate for children aged less than 15 years. Circumstances where placement services may be appropriate include the child refusing to return to parental care or parents refusing to have the child home or being not willing to enter into a negotiated placement agreement.
- **A transitional consented placement** refers to a child who was immediately before the commencement day of the *Children and Community Services Act 2004* cared for by a person under a placement arrangement made by the CEO with the written consent of the child's parent/s. The child is in the CEO's care and the parents retain parental responsibility until the circumstances of the child in a transitional consented placement and the family are reviewed to determine one of the following options:
  - reunification or;
  - concurrent applications for a protection order (S44) and an interim order (S133(2)(b)) to take the child into provisional protection and care or;
  - a negotiated placement agreement where a child is not in need of protection (S28) and the parent/s request care for family support reasons (S75) or
  - a placement service under S32(1)(a) as a last resort and where the child is 15 years or older.

### A child or young person is not in the CEO's care under the following Court orders:

- **Protection order (supervision)** where out of home care is not provided and parental responsibility is not affected but supervision of the wellbeing and safety of the child must be provided by the CEO for the period of time specified in the order.

- **Protection order (enduring parental responsibility)** which transfers parental responsibility from the parents to someone other than the Chief Executive Officer or a parent until the child or young person reaches 18 years of age. The court may order ongoing payment of subsidies to enable continuing financial support to the child's carers.

### **Approval of carers**

Under the *Children and Community Services Regulations 2006* clause 4(1)(a) the CEO may approve an individual for the purposes of section 79(2)(a)(i) of the Act if the CEO is satisfied that the individual –

- (i) is able to provide care for a child, promotes the child's family and interpersonal relationships, and protects the child from harm;
- (ii) (ii) is able to provide a safe living environment for a child;
- (iii) Is able to work cooperatively with officers, a child's family and other people when providing care for a child;
- (iv) Is able to take responsibility for the development of his or her competency and skills as a carer; and
- (v) Is a person of good character and repute.

### **Cultural Plan**

When planning for the care of children and young people from Aboriginal, Torres Strait Island or Culturally and Linguistically Diverse backgrounds a Cultural Plan must be included in the Care Plan. Information about the Cultural Plan is available in the Department's Field Worker Guidelines on the intranet.

### **Guardianship of children awaiting adoption where not all consents finalised**

Schedule 2 of the *Children and Community Services Act 2004* and section 28 of the *Adoption Act 1994*. This applies to a child if the child has been relinquished for adoption but where not all the consents to the child's adoption have been concluded or revoked. The CEO may apply to the Children's Court under the *Children and Community Services Act 2004* for a protection order (time-limited) or protection order (until 18) in respect of a child to whom this section applies.

### **Non-citizen children**

Under Commonwealth legislation the *Immigration (Guardianship of Children) Act 1946* section 6 states that the Minister is the guardian of every non-citizen child in Australia after the commencement of this Act. In some cases guardianship of some non-citizen children is delegated to the CEO.

### **Safety Plans**

The risk some children represent to others requires special consideration when placing them either for reunification or in out of home care. Director General's Instruction Number 62 provides procedures relevant to Safety Plans.

The **Seven Dimensions** for meeting the needs of a child's or young person's and safety are articulated in the Department's Field Worker Guidelines as – Health, Education, Identity/Culture, Family and Social Relationships, Social and Leisure Activities, Emotional and Behavioural Development, and Self Care skills.

### **State Administrative Tribunal (SAT)**

The Western Australia SAT is the primary place for the review of decisions made by Government agencies. Parties unhappy with a case decision about a child made by the Department are entitled to request a review of that decision by the Tribunal however, the party must first apply to the CEO for a review of the decision. The CEO must refer the matter to a Case Review Panel. If the party is still aggrieved they can apply to the SAT. The Tribunal will decide whether or not to review a case. If a case is to be reviewed the

Department is required to provide a copy of the care plan to the Tribunal and the Tribunal will make a recommendation if required and that recommendation is binding.

**Transitional arrangements (Schedule 1 of the Act)**

A child or young person in the care and protection of the Department prior to the proclamation of the *Children and Community Services Act 2004* has had their status reviewed as part of a care plan. An existing order automatically converted to one of the protection orders under the new legislation if that order was due to expire in 2 years or less after the commencement of the new Act. If an existing order applies to 18 years of age, this transferred to a protection order (until 18). If an existing extended order applied after 18 years of age, this order continued to apply as if the *Child Welfare Act 1947* had not been repealed.