

Submission by
Foster Care Queensland Inc

FCQ Contacts:

Bryan Smith, Executive Director, FCQ Inc

[REDACTED]

[REDACTED]

Hazel Little, FCQ President and Linda Smith, FCQ Secretary

[REDACTED]

Carissa Inglis, Senior Team Leader, FCQ Inc

[REDACTED]

**This submission is made on behalf of the Management Committee,
staff and members of Foster Care Queensland including all registered
Foster and Kinship Carers in Queensland.**

Preface:

Foster Care Queensland (FCQ) is the peak Foster and Kinship Carer organisation representing all registered Foster and Kinship Carers, their families including children and young people in care and Long Term Guardians with child on Long Term Guardianship orders to Other.

FCQ has been established since 1976 with the Board of Governance (Management Committee) all being active Foster and or Kinship Carers with more than a combined 200 years of experience in family based alternative care of children.

FCQ provides this submission following extensive consultation and input from Foster and Kinship Carers who represent their local communities through the Foster Carer Advocacy and Support Team as part of Foster Care Queensland.

Foster Care Queensland has also had extensive consultation with the Department of Communities through the Stakeholder Advisory Group and has had the opportunity to provide input and feedback through the design and drafting of the bill now before Parliament.

To this end FCQ does not propose to go through all amendments but rather make comment on aspects of the bill and areas where change will have a significant impact on both children in care and the Foster and Kinship Care community.

Bryan Smith

Executive Director.

While FCQ supports the majority of changes to the Bill before the Queensland Parliament the organisation has and always will object to some specific terminology. The term “Out of Home Care” has always been seen by not only the majority of Foster and Kinship Carers but also children in care as wrong. The term seeks to state that our children are out of home when in fact they are clearly in a home where they are provided with a safe and nurturing environment.

FCQ believes that the term “Out of Home Care” is offensive by its very nature and indicates that children in care are somehow different to other children in our community, which provides a stigma that children who have been subject to trauma should not have.

FCQ respectfully asks that this term be removed from the Child Protection Act 1999 and any amendments and replaced with “Alternative Care” or another suitable term and that children in care with Foster and Kinship Carer families are in “Family Based Care”.

Clause 4:

The amendments to Section 5A to insert the words *“both through childhood and for the rest of the child’s life”* is significant in that this directs the Act to ensure that we consider long term wellbeing as well as immediate decisions made on behalf of a child. This is significant when considering implications for the child’s long term care arrangements but also when helping the child to consider long term arrangements that directly affect the child.

Clause 6:

Permanency planning plays a critical role in achieving outcomes for children that provides stability and overall wellbeing. This new principle sets a foundation for both the role that needs to be undertaken by the state in ensuring permanency is achieved while at the same time clearly setting out the hierarchy of order types in achieving permanency however past experience tells us that this is not necessarily the way in which practice is undertaken given the current hierarchy is not achieved in practice.

Clause 34:

Amendment to Section 62(b). While FCQ supports the amendment as a step forward in helping to ensure that children are not left on 2 or more short term custody or guardianship orders, we do not see this as ideal. The Child Protection Commission of inquiry recommendation which was accepted states, **90 13.4 the Minister for Communities, Child Safety and Disability Services propose amendments to the Child Protection Act 1999 to: • forbid the making of one or more short-term orders that together extend beyond two years from the making of the first application unless it is in the best interests of the child to make the order.**

Children currently experience too many short term orders. Temporary Custody and Interim Orders combined with Short Term Custody Orders often mean that children cannot achieve any

form of permanency throughout their journey in care, which has had the effect of increasing what is already significant trauma. While the new proposed order goes some way to stopping this, it does indicate that children are likely to be subject to more interim orders while the legal system debates the progressing to Short Term Custody or Guardianship orders. This may indicate that in practice we have children sitting on lengthy interim orders and still not having permanency in a timely way.

FCQ is also of the view that 2 years is enough time for the Department to work with a family to either progress to a child returning to their parents by being able to meet requirements of the case plan or moving the child to a long term guardianship order that meets the child's needs.

Clause 36:

Amendments to Section 65 of the Act is significant given the current environment and culture where the Department and the Director of Child Protection Litigation appear to find the process of applying for a Long Term Guardianship Order very difficult to navigate with the outcome that many children do not progress to a more permanent order. These changes will help ensure that those children that need to progress to either a Long Term Guardianship Order to Other or Permanent Care Order do so and with security in the knowledge this is their forever family. This will also lesson what is already significant trauma and bring about significantly more stability for the child and their caring family.

Clause 41:

The clarifying of requirements for the Department to plan for independence for a child in care from age 15 until age 25 is significant and for the first time enshrines this need in legislation. While this has been part of policy for many years the practice has been inconsistent and the embedding of transition to independence in legislation brings about a real obligation to ensure that transition needs are both clearly articulated to children but also the way in which practice is undertaken.

Clause 47:

The amendment of Section 97 is significant especially with regard to Vaccinations. For too long the Department and Foster and Kinship Carers have been unable to ensure that children have the best possible protection from many diseases because of the inability to have children immunized. Children deserve the best possible health care and this amendment will help ensure more positive health outcomes for our children.

Permanent Care Order:

The inclusion of new "*Permanent Care Order*" Section 61G is a significant and positive addition to the hierarchy of orders and support the current Long Term Guardianship to Other order.

While there has been some in our community that have advocated for a clearer path to Adoption as a form of permanency this has never been the view of Foster Care QLD and the significant majority of Foster and Kinship Carer families throughout Queensland. There are 2 very significant and positive outcomes that come from the addition of this order that FCQ feels that adoption would not attain. That is –

- Children in care are rarely the only child of a sibling group in care and at times these siblings can be detached already because of their age, different biology and distance. It is absolutely essential for a child's wellbeing to have the opportunity to be able to both know about their history and have the ability for connection in whatever way it is safe to do so. This order will allow for this connection to progress and while adoption proponents state that this is already the case, however in practice we rarely see this occur with the affect that children can have significant attachment issues as young adults as well increased trauma.
- Children in care have suffered significant trauma due to being harmed and this does not suddenly go away. It is important that while seeking to provide a permanent forever family we also ensure that we do not increase trauma because of lack of support. The permanent care order will bring obligation on the part of the family to ensure connection as part of the child's wellbeing but also the ability to access the appropriate support through systems that are experienced in dealing to trauma based behaviors and conditions resulting from abuse and neglect as well as their knowledge and specialist support services within the child protection context.

Summary:

The paramount principle of the Child Protection Act should drive our intent to provide the very best holistic, strength based services for our children as our primary focus always. The amendments to the Child Protection Act serve to strengthen the Act to better respond to a child's needs, emotionally, physically and psychologically. It is all our responsibility to undertake this task and any changes to the Act should always mirror our obligation to our most vulnerable children. The amendments to the Act do that in many ways and for this reason FCQ supports the changes.

Bryan Smith

Executive Director



Banyo, QLD, 4014