



Queensland Alliance for Kids Core Recommendations

QAK commends the proposed changes to the adoption and child protection legislation especially the monitoring by the Director General.

Seven years ago we formed our organisation exclusively to pursue permanency for children in out of home care in Queensland.

Over many years we have witnessed legislation designed to improve foster care not benefitting the children. An example of this is Permanent Care Order (PCO) with only 32 PCOs issued in the 18 months since they were accepted into law.

The negative culture of over emphasis on reunification at the cost of permanency (LTGO, PCO & adoption) has seen the promises of more permanency not kept, changes being slow to be implement, caught in policy tape, been unsupported by Child Safety staff and judges, or negated by the special circumstance clauses. Furthermore, the type of order a child is placed on should be about the permanency they need, not about their contact or financial support requirements. Therefore without cultural change the vulnerable children of Queensland will not fully benefit from any legislation changes. This is evident in the lack of increase of children on long-term orders, see the Department's own performance statistics <https://www.csyw.qld.gov.au/child-family/our-performance>.

As such QAK recommends 4 primary steps:

- 1. Employ and educate/re-educate more staff**
- 2. Cultural change**
- 3. Optimal use of Permanent Care Orders (PCO)**
- 4. Adoption in 21st Century**

QAK 4 steps:

1. Employ and educate/re-educate more staff

More staff are desperately needed because caseworkers in both child safety and agencies have huge caseloads.

- More CSOs to reduce caseloads, more early intervention workers to help families avoid removal, and administrative staff to assist CSOs with paperwork and research so they can focus on the child.
- Education/re-education of CS staff across the range of positions including judges, regarding the importance of permanency for all ages – attachment, mental health, emotional and behavioural wellbeing; the benefits of adoption & PCO so they become viable options.

2. Cultural change.

Historically Queensland has a negative attitude to adoption, based on fear of repeating the Stolen Generation, but we cannot deprive children of permanency because of fear of reprisal.

- Changing the culture of the department by creating a positive presence:
 - Educate/re-educate staff (as above) by framing permanency/adoption in a positive way, especially for children who are not able to return to birth family.

- Timely and evidence-based permanency decision-making for children at risk in early intervention programs and within the first 12 months for children in out of home care. More than 80% of children have been in care for more than 2 years, with 60% for more than 5 years. Kin mapping/reunification MUST be a genuine priority within the first year, concurrent permanency planning and then a decision by 2 years.
- Changing the culture of foster care by providing carers with positive experiences:
 - Respect for carers who are assessed, care for the child 24/7 and know the child. Carers need to be included in decision-making and recognised as capable guardians of the child through Long-Term Guardianship (LTG) to them. LTG is generally granted to Chief Executive (CE) as though foster carers are not capable.
 - The poor experience of carers is common knowledge especially that they witness children not getting permanency. Until the public see a more child-focussed foster care system we will continue to have difficulties in recruiting carers.
 - Most families are unwilling to subject their families to the instability of foster care but there would be many more carer applicants if they knew children would be placed permanently in their family via PCO or adoption.
 - Currently the majority of LTG is to CE, we recommend the majority become LTGO after the first 2 years with the same supports as LTGCE and Child Safety visits on a needs basis, monthly if needed and less often (3-6-12 monthly) as the child and family function well together.
 - Allow LTG carers to attain kinship status, giving them more of a voice in decisions for the child they 'know well'.
 - Restructure care payments as a 'Carer Payment' irrespective of the number children in their care, incremented according to training and experience, separate from the child's care allowance. As 'employees' carers are responsible for maintaining their training, regular reporting, etc, and will have rights as well as responsibilities.

3. Make Use of Permanent Care Orders (PCO)

QAK introduced the idea of the PCO and worked hard to make them a reality for Queensland children, yet only 32 PCOs have been made over the 18 months since legislation and those granted are primarily to kin. See the performance review.

PCO are rarely made for a number of reasons:

- For carers:
 - The criteria are arguably too high;
 - Considerable ambiguity about what support comes with the order. For example, there are questions over whether there will be ongoing financial support for children under PCO. This needs to be clarified especially for children with complex needs.
- For Child Safety
 - Overworked CSOs are happy to have children in stable long-term placements on their 'books' to balance the workload so we need to employ more CSOs/support staff to balance the load and facilitate timely outcomes for children;
 - Many Child Safety Offices & agencies are unaware of them;
 - Also judges need to be well informed and regularly updated about PCO.

- For agencies
 - Children on PCO no longer earn money for agencies,
 - Therefore agencies need to replace carers who have PCO;
- Kin carers have been the primary recipients this may be due to a continuing over-emphasis on biological relationships.
 - Kinship Carers seem to be an “easy” option for agency & the department. For example, they often get provisional approval but not full assessment which means they get less training when they need more support and more training due to the complications of caring for a hurt child as well as managing the parent of the child who is related to them, family dynamics, generational issues, etc.
 - We would like to see the definition of kin extended to foster carer who have a solid relationship with a child in practice.

4. Adoption in the 21st Century

We currently only have plenary adoption. We should be considering options that maintain the child's links to family and identity where appropriate.

- Simple adoption should be introduced as it gives the child stability and family while maintain a link to their birth family and heritage.
- Adoption can include an adoption birth certificate that links the child to their birth and placement information via a number like that used for transgender people already.
- Young people (e.g. 12 years +) who have a strong relationship with their carer long term should be able to choose adoption (or PCO) if the child & carer agree.
- Adoption could also be part of the transition plan proposed to carers and young people when the young person reaches 16-17 years so they have a permanent family to support them for the rest of their lives. Some states (e.g. NSW, Vic, SA) allow adoption at 18 years (not in QLD law).

Elaboration

Adoption from Foster Care as a Reality

There are very few adoptions from Foster Care (2 children in 2017).

| Category of adoption order | year ending 30 June 2015 | year ending 30 June 2016 | year ending 30 June 2017 | year ending 30 June 2018 | year ending 30 June 2019 |
|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Queensland | 10 | 9 | 7 (a) | 7 | 8 |
| Step Parent | 9 | 13 | 10 | 5 | 7 |
| Intercounty | 19 | 26 | 16 | 13 | 11 |
| Total | 38 | 48 | 33 | 25 | 26 |

(a) 2 children adopted from foster care <https://www.csjw.qld.gov.au/child-family/our-performance/adoptions>

Although it is in the amended legislation (2017) there is continuing poor permanency planning & matching.

The Adoption Act (**Part 3 Division 6. 39e page 35**) allows for adoption without parental consent and it is currently not even considered and has never been used (in law since 2009). The process of dispensing with parental permission for adoption is complex and time-consuming and even then due to lack of precedence judges will be reticent to approve.

Stop rolling short-term orders

Children are still not getting permanency despite the new legislations. Multiple short term orders (or multiple temporary orders) are still the norm and mean permanency is not considered on the legislated 2.5 year timeline.

For many years an in multiple reports (Forde, Carmody, etc) concurrent planning (reunification AND permanency) has been recommended but not implemented.

Hearing the child's voice

Children and young people whose voices are not heard in decision making can be driven to make irrational and/ or life threatening decisions, such as criminal activity, absconding and suicidal behaviour. Last year a 14 year old took his life because his pleas to stay in his foster home rather than go to live with kin were not heard.

There are already guides for who can speak with/for the child e.g. people who know the child but having so many departmental persons making decisions equality is imbalanced because there is conflict between the parties and often the child's perspective is lost (CREATE). An independent advocate is needed so young voices are heard.

<https://create.org.au/wp-content/uploads/2017/03/2016-McDowall-DP.pdf>

New Computer Systems to manage & measure

The problems in the system (e.g. number of times a child is returned to care after attempted reunification) can only be fix if statistics are being measured correctly. The current system doesn't measure the statistics correctly, e.g. if child is returned to care after a 6 month reunification it is viewed as a new entry to care or for shorter reunifications they are not counted and even though the child has a different foster care placement it is recorded as a continuation of care, so the number of attempts is not accurately recorded. This becomes more problematic when a child is moved across different jurisdictions or states.

The QFCC recommends introducing "a modern, integrated client management ICT system to replace the current outdated Integrated Client Management System in Child Safety." See page 5 of

<https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2017/5517T1598.pdf>

Technology is such that an Australia wide client management system is possible.

Agency & The Money

Agency are only funded for the children whose placements they manage, therefore they do not have the resources to implement best practices, i.e. recruitment of culture appropriate carers and match children to carers based on needs. This may also mean that PCO are not being promoted as agency will no longer receive funding for the child on a PCO.

Agencies need to have access to funding for research, training and resources for caseworkers and carers, with full transparency and accountability.

Agencies are also limited by their assigned geographical area, not able to look outside this area for optimal care options for a child, e.g. cultural connection.