

Information for parents



Permanent Care Order

What is a permanent care order?

To grow up happy and healthy, children need permanency in their lives. For children to feel a sense of permanency, they need to know where they will be living from one day to the next, and from one year to the next. They need to know that the important people in their lives will remain in their lives. And they need to know who will be caring for them, both now and into the future.

When working with you and your family, the Department of Children, Youth Justice and Multicultural Affairs (Child Safety) will be aiming to make sure children have three kinds of permanency in their lives:

- **relational permanency:** ongoing positive, trusting and nurturing relationships with people who are important to them, like parents, siblings, extended family members and carers
- **physical permanency:** stable living arrangements, with connections to the child's community, that meet the child's developmental, educational, emotional, health, intellectual and physical needs
- **legal permanency:** legal arrangements for the child's care that provide the child with a sense of permanence and long-term stability, including, for example, a long-term guardianship order, a permanent care order or an adoption order for the child.

When Child Safety works with a child and family, the first option for giving a child permanency is for the child to stay at home, or return home after a short time in another care arrangement.

However, if it is not possible for your child to remain at home with you or to return home within a reasonable period of time, then Child Safety will look for other options for securing permanency for your child.

A permanent care order is one way that your child's needs for permanency can be met.

A permanent care order is an order made by the Childrens Court that gives responsibility for parenting a child to a person other than the child's parents. This person becomes the child's "permanent guardian" until the child reaches 18 years of age, and they will be responsible for providing for the child's care and upbringing.

This will make sure that your child has a secure and permanent home to live in, now and into the future, with someone who knows and cares about them.

The guardian does not replace you; you will always be your child's parent. The permanent care order does not sever your legal relationship with your child or change the child's legal identity. However, the guardian will take on most aspects of parenting, including providing care and making decisions.



How is the decision made?

If it is not possible for your child to be cared for at home, then Child Safety will work with you, your child and the important people in your child's life to make a decision about the best alternative living arrangements for him or her. The goal of this decision making is to make sure that your child has a safe and stable home with someone suitable. One option for providing for a stable living arrangement is a permanent care order.

A Child Safety Officer will explain what is involved in arranging for this type of order and what will happen after the order is made. The Child Safety Officer will also seek your views about the order and about the proposed guardian. Your views are very important, and the Child Safety Officer will support you to provide your input.

For a person or persons to be proposed as permanent guardians for your child, they must have already been caring for your child for at least 12 months. This will help Child Safety to know that the child's living arrangements are suitable. Child Safety will also do a comprehensive assessment of the proposed guardian's ability and willingness to meet all of your child's needs, both now and in the future.

The Director of Child Protection Litigation (DCPL) is an agency that is independent of Child Safety and is responsible for deciding whether to apply for child protection orders. When Child Safety decides that a permanent care order is the best way to meet your child's needs, a referral will be made to the DCPL recommending this type of order. The DCPL will then make a decision about whether to apply for this type of order or whether another type of order would be better for your child. The DCPL will then make an application for a child protection order to the Childrens Court.

For information about the court processes, you can speak with the Child Safety Officer or seek independent legal advice. You can find further information about child protection court processes at <http://childprotection.org.au/>

What will change if a permanent care order is made?

There are important differences between the type of order that may apply to your child now, and a permanent care order.

Once a permanent care order is made, the guardian will become responsible for daily care of your child, as well as for making decisions about the child's long-term care, wellbeing and upbringing. The order will remain in place until your child reaches 18 years of age.

As the guardian takes on parental responsibility for your child, Child Safety's ongoing role becomes very limited. Child Safety will no longer make decisions about your child's care and upbringing and will only have contact with your child and their guardian if:

- your child or their guardian requests a review of the case plan; or
- your child, you or a member of your family makes a complaint about the level of care your child is receiving and Child Safety needs to follow up on the complaint.

This means that many of the things that Child Safety may currently be responsible for will become the responsibility of your child's permanent guardian, including:

- supporting contact with family and other people who are important to the child
- providing for your child's health needs
- making decisions about your child's schooling and educational needs
- meeting your child's needs for disability support, where relevant, including working with the National Disability Insurance Agency
- helping your child to prepare for adulthood.

What are the responsibilities of my child's guardian?

Your child's permanent guardian will be responsible for the daily care of your child, as well as for your child's long-term care, wellbeing and upbringing.

In addition, the guardian will have the following responsibilities by law for as long as the order remains in place:

- tell you where your child is living and give you information about your child's care
- provide opportunities for your child to have family contact with you, other members of your family and persons who are significant to them
- preserve your child's identity and connection to their culture of origin
- tell your child about the Charter of Rights for a Child in Care and make sure the rights are complied with
- help your child transition to adulthood
- immediately inform Child Safety, in writing or via email, if the child leaves their care or intends to leave their care

In making the order, the Childrens Court may decide that the guardian does not have to do some of the things listed above. For example, if giving you information about where the child is living would be a safety risk, then the guardian may not be required to do this.

If you have views about the proposed guardian's ability to fulfil these responsibilities, it is important that you contact the Child Safety Officer and talk to them about it before the order is made.

If your child is cared for by a permanent guardian, and you have concerns that any of these responsibilities are not being met, you can raise this with Child Safety – see further information over the page.



What are some of the decisions the guardian will make?

A child's permanent guardian is able to make most of the decisions that a child's parent would usually make. Some of the key decisions the guardian may make about your child include:

- giving permission for them to have surgery and receive a general anaesthetic
- deciding if your child can see a counsellor
- providing consent for your child to access to the National Disability Insurance Scheme (NDIS) if required, and engaging disability support providers for your child
- enrolling your child in a school
- allowing your child to participate in high or very high-risk sporting activities, for example, trail bike riding, rock climbing or abseiling
- making decisions about your child's participation in cultural and religious events and activities
- making decisions about contact your child's contact with you, your family members and other people of importance to you

What does it mean for me?

Your will continue to be the parent of your child, although the guardian will be responsible for many aspects of parenting your child. The permanent care order does not sever the legal relationship between you and your child, or alter the child's legal identity.

You will remain an important person in your child's life, and will continue to have ongoing contact with your child, unless there are serious concerns that this would not be in your child's best interests.

How can I be involved in the decision-making?

When your child's Child Safety Officer talks to you about a permanent care order, it is important that you get all the information you need to be able to be involved in the decision-making process.

Prior to the making of the order, you have the right and the responsibility to tell Child Safety what is important to you and your child and be listened to and heard. You can ask questions about what this would mean for your child, you can tell people if you agree with the idea, you can talk through what would be good or not so good about this

type of order and what kind of ongoing contact you would like with your child.

If Child Safety and the DCPL decide to apply for a permanent care order, you will also have an opportunity to have your say through the court process.

If your child is Aboriginal or Torres Strait Islander, you are able to have an independent person help facilitate your involvement in the decision-making for your child.

What can I do if I have concerns about my child who is cared for by a permanent guardian?

If you, your child or a member of your family believes that the permanent guardian is not meeting their responsibilities, as outlined above, you, your child or a member of your family member can make a complaint to Child Safety.

You can speak to staff in the Child Safety Complaints Unit about your concerns and worries and they will advise you how Child Safety will respond to your complaint.

You can also contact any Child Safety Service Centre, and they will assist you to contact the Complaints Unit.

Where can I get more information?

You can find out more information about a PCO from your child's Child Safety Officer — to find the telephone number of your Child Safety Service Centre and your Child Safety Officer you can:

- go to the Department of Children, Youth Justice and Multicultural Affairs website www.cyjma.qld.gov.au; or
- call Child Safety's enquiries unit on **1800 811 810** (freecall)

If you would like to obtain legal advice about the PCO, you can:

- contact Legal Aid Queensland on **1300 651 188** (cost of a local call in Australia), or go to the Legal Aid Queensland website www.legalaid.qld.gov.au; or
- contact the Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd on **1800 012 255** (toll free), or go to the website www.atsils.com.au
- view the online Information Kit on Child Protection for Parents at <http://childprotection.org.au/>