The pivot to permanency: Reforming child protection and out-of-home care in NSW, Australia

Presented by
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Introduction

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Overview

- Background: Child protection in New South Wales
- The challenge of child protection
- New South Wales permanency reforms
- The concept of permanency: Dimensions, considerations, enactment
- An emerging model of permanency with lifelong connections

Background on New South Wales

- Largest state in Australia (7.5 million people)
- Includes Australia’s largest city (Sydney)
- Child protection and out-of-home care is organized at the state level

Background on child protection in Australia

Table 2: Trends in children aged 0–17 years in ODHC, states and territories, 30 June 2015 to 30 June 2017

<table>
<thead>
<tr>
<th>Year</th>
<th>NSW</th>
<th>Vic</th>
<th>Qld</th>
<th>WA</th>
<th>SA</th>
<th>Tas</th>
<th>ACT</th>
<th>NT</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>11,422</td>
<td>4,642</td>
<td>8,366</td>
<td>3,825</td>
<td>2,697</td>
<td>1,967</td>
<td>988</td>
<td>742</td>
<td>45,549</td>
</tr>
<tr>
<td>2016</td>
<td>10,932</td>
<td>4,770</td>
<td>8,405</td>
<td>3,723</td>
<td>2,631</td>
<td>1,954</td>
<td>986</td>
<td>706</td>
<td>45,029</td>
</tr>
<tr>
<td>2017</td>
<td>10,563</td>
<td>3,567</td>
<td>8,348</td>
<td>3,594</td>
<td>2,808</td>
<td>1,768</td>
<td>817</td>
<td>673</td>
<td>42,960</td>
</tr>
<tr>
<td>2018</td>
<td>10,020</td>
<td>3,705</td>
<td>8,170</td>
<td>4,000</td>
<td>2,243</td>
<td>1,850</td>
<td>748</td>
<td>602</td>
<td>40,648</td>
</tr>
<tr>
<td>2019</td>
<td>9,875</td>
<td>3,102</td>
<td>8,041</td>
<td>4,332</td>
<td>2,664</td>
<td>1,205</td>
<td>803</td>
<td>659</td>
<td>39,075</td>
</tr>
</tbody>
</table>

Numbers of children in care has been growing (recent decline in New South Wales not reflected in these statistics)  Source: Australian Institute of Family Studies
The majority of children in care have been there more than one year. If children remain in care more than 2 years, it is unlikely that they will return home. Source: Australian Institute of Family Studies

Indigenous children are significantly over-represented among children who come into care and those who stay in care long-term. Aboriginal and Torres Strait Islander children are 5.5% of the population but more than 1/3 (37.3%) of the out-of-home care population. They are more than 10x more likely to be in care than non-Indigenous Australians.

Basic Permanency Assumptions

- Children have a right and need to live and develop within safe, secure, and permanent families.
- Children have a right to live with parents/caregivers whom they can love, trust, and depend upon.
- Separation for extended periods of time may result in tremendous psychological and developmental disruption.
- A child’s perception and experience of time are determined by level of cognitive developmental maturity.

Source: The Pennsylvania Child Welfare Resource Center

NSW Permanency Reforms

- A decade of significant reform emphasizing ‘permanency’ for children
- Introduction of timeframes to make decisions about returning children to their families
- Inclusion of permanent placement principles, which prioritise legal guardianship orders with relatives or open adoption with foster carers over long-term foster care.

Out-of-home care in NSW

A child’s journey
Hierarchy of placement preferences

<table>
<thead>
<tr>
<th>Stage</th>
<th>New South Wales</th>
<th>England and Wales</th>
<th>US</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Restoration to parents</td>
<td>Restoration to parents</td>
<td>Restoration to parents</td>
</tr>
<tr>
<td>2.</td>
<td>Long-term guardianship to 18 to relative or kin</td>
<td>Kinship placement with approved kinship carer or under a Child Arrangement Order (previously Residence Order)</td>
<td>Adoption</td>
</tr>
<tr>
<td>3.</td>
<td>Adoption (open)</td>
<td>Long-term fostering including Special Guardianship</td>
<td>Legal guardianship</td>
</tr>
<tr>
<td>4.</td>
<td>Parental responsibility to the Minister</td>
<td>Adoption</td>
<td>Permanent placement with a fit and willing relative</td>
</tr>
</tbody>
</table>

*Order reversed for Aboriginal and Torres Strait Islander children

**Aboriginal and Torres Strait Islander Child Placement Principle**

- Recognise the right of Indigenous children to be raised in their own family and community;
- Prioritise child placements with family members or those within the Indigenous community, in the form of kinship care;
- Recognise the right of Aboriginal and Torres Strait children, parents and family members to participate in child protection decisions; and
- Support children in out-of-home care to maintain connection to “their family, community and culture, especially children placed with non-Indigenous carers”

Source: Child Family Community Australia, 2015

**Dimensions of permanency**

- **Relational permanency**:
  - Connections & sense of security

- **Residential permanency**:
  - Stable home and carers

- **Legal permanency**:
  - Commitment to age 18 or for life

**Considerations for permanency**

- **Relational permanency**:
  - Connections & sense of security

- **Residential permanency**:
  - Stable home and carers

- **Legal permanency**:
  - Commitment to age 18 or for life

**Enactment of permanency**

- **Relational permanency**:
  - Connections & sense of security

- **Residential permanency**:
  - Stable home and carers

- **Legal permanency**:
  - Commitment to age 18 or for life

**Legislation and policy documents**
Permanency from a child’s perspective

How can child protection systems ensure that children experience safe, stable and loving care, and connections to their families of origin that are in their best interests?

Emerging model: Permanency with lifelong connections

- Cultural connection
- Relational: Developing relationships building practices
- Life story work
- Ongoing contact with birth family
- Listening to the views of young people
- Legal: Developing workforce skills and processes
- Residential

Questions and Discussion

Thank You

Please contact amy.conleywright@sydney.edu.au with questions