

Restoration

Aboriginal children and young people continue to be over-represented in out-of-home care. Aboriginal children and young people both enter care at a disproportionate rate, and tend to stay in out-of-home care longer than their non-Aboriginal peers. In addition to greater efforts to strengthen “at-risk” Aboriginal families, there is also an identified need to enhance practice with respect to the restoration of Aboriginal children and young people in out-of-home care to their families.

AbSec is committed to protecting the full enjoyment of the rights of Aboriginal children and young people. AbSec’s vision is for all Aboriginal children to be raised in safe, thriving Aboriginal families and communities. This includes ensuring access to tailored services and supports for all Aboriginal families to support Aboriginal children and young people to be safely restored to their families. However, our families and communities continue to feel that existing systems do not adequately support the restoration of Aboriginal children to their families.

Aboriginal families and practitioners have expressed clear concerns about lack of supports for restorations, contributing to the longer periods away from home for Aboriginal children and young people relative to their non-Aboriginal peers. Families have spoken of being uncertain about the concerns Family and Community Services hold for their children, undermining their opportunities to address them (as well as raising the issue of how such concerns are appropriately communicated to families), while others raise the issue of “moving goalposts”; working hard to address stated concerns, only to be told that their children still will not be restored.

Further, supports for families are often contingent on children being in the home, with critical supports for parents and families removed when children are taken into out-of-home care. Rather than realising this as an opportunity for intense, targeted supports to families and communities while children are safely placed, families are left without supports and hope for change. Aboriginal services report being constrained in the services they can offer through funding agreements, reducing their flexibility to respond to the needs of children and families. A lack of investment in restoration work further undermines the capacity of Aboriginal out-of-home care agencies to adequately support families through the restoration process alongside ongoing commitments to meet the needs of Aboriginal children and young people in out-of-home care.

Restoration in the NSW Child Protection System

The NSW Child Protection system is committed to the restoration of children and young people to their families, where it is safe to do so. This is clearly demonstrated in the Permanent Placement Principles within the *Children and Young Persons (Care and Protection) Act 1998* (the Care Act), which states that “the first preference for permanent placement of the child or young person is for the child or young person to be restored to the care of his or her parent (within the meaning of section 83) or parents so as to preserve the family relationship”. The Care Act also outlines the responsibility of the State in supporting all persons with child-rearing responsibilities in providing a safe a nurturing environment for all children and young people¹.

¹ s.8 *Children and Young Persons (Care and Protection) Act 1998*

In Practice

- Invest in Aboriginal community-controlled approaches to achieve safe, sustainable restorations, including step-down supports that acknowledge the changing needs of families and are pragmatically equipped to manage setbacks in a supportive way that keeps children safe. Broadly, such approaches will provide flexible, holistic supports that are tailored to the needs of Aboriginal families and communities, similar to existing Aboriginal Community-Controlled Intensive Based Family Services (IFBS) which provide critical supports to achieve family preservation and restoration.
- Consistent with the above, support the transition of all FACS Aboriginal IFBS to the Aboriginal Community Controlled sector, and develop a strategy to achieve state-wide coverage of important intensive family preservation and restoration services.
- Ensure greater participation of Aboriginal families and communities in child protection decision making processes, allowing families and communities to work together to address risk of significant harm concerns through formal and informal supports. Where children and young people require alternate care, such an approach can ensure that Aboriginal children and young people remain safe and connected to their extended social networks, minimising the need to be placed with people they do not know and the associated disruption and trauma of removal.
- Active family finding to broaden the network of formal and informal supports that can support children to safely return to their families.
- Support the development of culturally valid and reliable assessment tools for Aboriginal families, led by Aboriginal people, to assess family need and options to keep children with their family. As reflected in the Aboriginal Child Placement Principles, where children are placed outside of their family and Aboriginal community, the fundamental goal of restoring Aboriginal children to their families must be actively pursued.
- Use of Aboriginal family led decision making to support case planning and placement, minimising removals from family, and engaging Aboriginal families and communities about their needs as well as access to formal and informal supports.
- Aboriginal Family Strengthening services should be funded to support Aboriginal families to work towards restoration where their children have been removed. This will support meeting the Children's Court need to determine the likelihood of successful restoration.
- Develop systems to support