

Changes to the Child Protection Act

How they will affect existing foster carers



Frequently asked questions

In 2004, the Crime and Misconduct Commission (CMC) released a report *Protecting Children: An Inquiry into Abuse of Children in Foster Care*, which recommended that the Queensland Government overhaul the child protection system to ensure better outcomes for Queensland children.

The Queensland Government embraced the Commission's recommendations and responded by creating a new Department of Child Safety with substantially increased funding. The *Child Protection Act 1999* has also been amended to provide even greater levels of protection for our children.

A number of the CMC's recommendations concerned the need for extra care in selecting and supporting foster and kinship carers, in order to ensure that children who must live away from their parents for their own protection receive safe, quality care.

Further improvements to some of the laws concerning child protection came into effect on 31 May 2006. Among these improvements are changes to the arrangements for the selection and approval of carers for children within the child protection system.

What are the key changes that will affect carers?

For all approved carers, the changes:

- strengthen the department's obligation to ensure children who are placed away from their parents are in appropriate and safe care
- extend the department's obligation to ensure the level of care meets the standards outlined by the *Child Protection Act 1999*
- require all approved carers and adult members of their households to have a current Blue Card
- make it compulsory for all approved carers to tell the department about changes to their household or personal circumstances.

For existing relative carers and limited approval carers, the changes:

- replace the 'relative care' category with a new category called 'kinship care'
- replace the current category of 'limited approval carer' with a new category called 'provisionally approved carer'
- require kinship carers to be initially assessed and re-approved firstly after 12 months, then subsequently at two-year intervals

- outline procedures to amend, suspend and cancel kinship and provisional approvals
- give kinship carers the same rights as foster carers to appeal against departmental decisions.

When did the changes take effect?

These changes took effect on 31 May 2006.

For details about the changes, current foster carers should contact their non-government foster care service, their departmental support worker or their local Child Safety Service Centre.

What changed for all carers from 31 May 2006?

From this date, currently approved foster carers will have to:

- obtain a Blue Card. Adult members of their household must also have a Blue Card
- tell the department immediately of any changes to their household or personal circumstances.

Household members may include people who stay overnight regularly, for example, once a week every month; once a fortnight in two consecutive months; or once a month in six consecutive months. Your support worker will advise you whether a regular visitor is considered a member of your household.

What changed for relative carers from 31 May 2006?

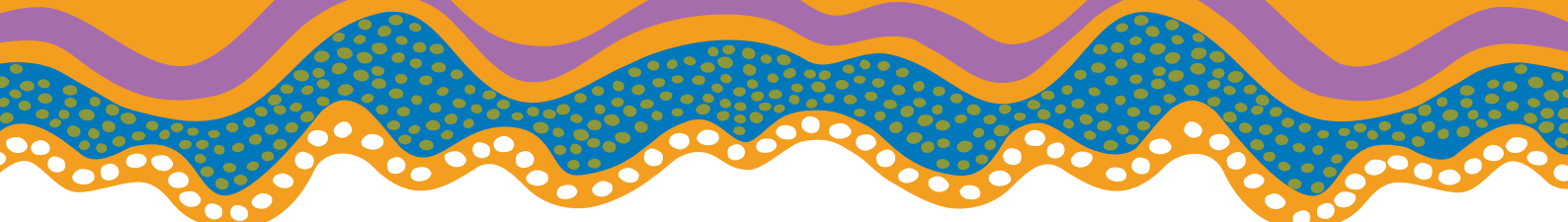
From this date, currently approved relative carers will automatically be transferred to the new category of 'kinship carer'.

Kinship care and the requirements associated with becoming a kinship carer are different to those that apply to relative carers.

Existing relative carers can find out more about the different requirements by reading the fact sheet on 'Kinship carers'.

What changed for limited approval carers from 31 May 2006?

From this date, all carers with limited approval will automatically be transferred to the new category of 'provisionally approved carer'. After the transition has occurred, carers will need to apply to become either a foster carer or a kinship carer. The carer's support worker will let them know what they need to do.



The rules relating to provisionally approved carers are different to those relating to limited approval carers. To become a provisionally approved carer, the person must have applied to become either a foster carer or a kinship carer. A person can be provisionally approved for up to 60 days, with a possible extension of 30 days. During this period, it is expected that their application to become a foster or kinship carer will be determined.

For more information about the new requirements, read the fact sheet on 'Provisionally approved carers'.

How does the new requirement about standards of care affect kinship and provisionally approved carers?

The standards of care to be provided to children are outlined in the Statement of Standards (section 122 of the *Child Protection Act 1999*). These standards describe the type and quality of care that must be provided to those children and young people for whom the department has a responsibility. Included in the standards are requirements that the:

- child's needs for physical care will be met, including adequate food, clothing and shelter
- child's need to maintain family and other significant relationships will be recognised
- child's needs relating to education, physical and mental stimulation, recreation and general living will be met.

All provisionally approved and kinship carers will receive information about these standards from their support worker. Kinship carers will also have access to training and support to help them meet these standards.

Existing foster carers must already meet these standards.

What are the changes to a carer's household or personal circumstances that the department needs to know?

From 31 May 2006, all approved carers must tell the department immediately if there is a:

- change in the carer's household, for example, if someone moves in or out of the household or if the carer commences a new, or ends an existing, spousal relationship
- change in the carer's personal history, or if they become aware or reasonably suspect there has been a change in the personal history of a member of their household.

'Personal history' means a person's criminal history, domestic violence history and traffic history. The department also checks child protection history. These new obligations apply to all approved carers.

What will happen if a carer does not tell the department about changes to their household or personal circumstances?

Failure to tell the department when there has been a change to household or personal circumstances is an offence and penalties may apply.

The department needs to know at all times about any possible risks to the safety or wellbeing of a child in the carer's home. If the department is aware of possible risks, the carer and the department can work together to ensure the child is safe. If changes to personal circumstances or household membership pose a serious risk to the safety of the child, the child will be removed.

When do carers or carer applicants have a right to ask for a review of a departmental decision?

All foster carer or kinship carer applicants can ask the Children Services Tribunal to review departmental decisions relating to their applications.

Foster carers and kinship carers can approach the Children Services Tribunal to review departmental decisions about:

- not approving their application to renew their approval as a kinship carer
- not approving any requested changes to their certificate of approval
- amending, suspending or cancelling their approval
- removing a child from their care (criteria apply).

Previously, the right to a review of departmental decisions applied only to foster carers.

How do I find out more about the Blue Card?

For more information about the Blue Card, refer to the brochure 'Blue Card for carers' or contact the Commission for Children and Young People and Child Guardian on 1800 113 611.

Who do I contact to find out more?

For more information about the recent legal changes, visit www.childsafety.qld.gov.au or contact your local Child Safety Service Centre.

Aboriginal and Torres Strait Islander people can contact the local Aboriginal and Torres Strait Islander foster care service or ask the Child Safety Service Centre for a list of organisations that can support and advise them.

