

Changes to the Child Protection Act

How they will affect existing limited approval carers



Provisionally approved carers

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 carers 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 is a 'provisionally approved carer'?

Under the changes made recently to the *Child Protection Act 1999*, a new category of carer – a 'provisionally approved carer' – has been created. A person can now gain provisional approval as a carer enabling them to care for a child while their application to be a foster carer or kinship carer is decided.

To be provisionally approved as a carer, the person must apply to become either a foster carer or kinship carer. All applicants will be assessed for their suitability to become provisionally approved carers and those who are successful will be issued with a certificate of approval. This approval is valid for 60 days with a possible extension of a further 30 days.

A child will only be placed with a provisionally approved carer when it is not possible to place them with another approved carer or when it is in the child's best interests.

How are provisionally approved carers different from former limited approval carers?

There are a number of important differences between the former 'limited approval carer' category and the new 'provisionally approved carer' category. These are:

- A person can only become a provisionally approved carer when a child cannot be placed with an already approved foster carer or kinship carer, an approved service, or if it is in the child's best interests.
- A carer can only be provisionally approved if they apply to become a foster carer or a kinship carer.
- A provisionally approved carer and other adult members of their household must apply for a Blue Card from the Commission for Children and Young People and Child Guardian, as part of their application to become a foster carer or kinship carer.
- A provisionally approved carer will be issued with a certificate of approval. Conditions may be attached.
- The certificate of approval for a provisionally approved carer can be amended, suspended or cancelled.
- A provisional approval cannot exceed 90 days. It is expected that the carer's application to become an approved foster carer or kinship carer will be finalised during this time. Previously, there was no limit on the number of times a limited approval carer could be extended.



Can a provisionally approved carer seek a review of departmental decisions?

The only way to become provisionally approved as a carer is to apply for approval as a foster carer or kinship carer. Prospective or existing provisionally approved carers have no option for seeking a review of departmental decisions if the department decides to:

- not place a child with the person before their application to become a carer is decided
- not extend a carer's provisional approval even though the 90 days may not have expired
- cancel a carer's provisional approval
- remove a child from the person's care.

These decisions do not affect a person's application for approval as a foster carer or kinship carer. If an application to be an approved foster carer or kinship carer is refused the applicant can seek to have the decision reviewed by the Children Services Tribunal.

What standards of care apply to provisionally approved carers?

All provisionally approved carers will be required to provide care consistent with the standards set out in the *Child Protection Act 1999*. These standards describe the type and quality of care that children and young people are entitled to. To comply with the standards, carers must ensure, for example, that:

- the child's needs for physical care including adequate food, clothing and shelter will be met
- the child's needs relating to schooling, physical and mental stimulation, recreation and general living will be met
- the child will receive dental, medical and therapeutic services necessary to meet his or her needs
- contact is maintained between the child and their family and/or other significant people in their lives.

Applying the standards to all placements of children and young people will ensure all children receive quality care.

What other obligations do provisionally approved carers have?

Provisionally approved carers must report to the department any changes in their personal circumstances or household, just as foster carers and kinship carers do. Specifically, they must inform the department:

- 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 starts a new or ends an existing spousal relationship

- if there is a change in their personal history or if the carer becomes aware or reasonably suspects 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 happens if changes to household or personal circumstances are not reported to the department?

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

It is important that the department knows at all times of any possible risks to the safety or wellbeing of a child in the carer's home. Where the department is aware of the possible risks, the carer and the department can work together to ensure the child is safe. Where the changes in personal circumstances or membership of the household pose a risk to the safety of the child, the child may need to be removed.

What will happen to current limited approved carers?

From 30 April 2006, 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 advise what they need to do.

Where can I get more information?

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

Aboriginal and Torres Strait Islander people can contact their 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.

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

Provisionally approved carers, foster carers and kinship carers can join Foster Care Queensland (FCQ), a non-government organisation that provides support and information for carers and the children and young people they care for. FCQ can be contacted on 07 3268 5955.