



Reunification of Children under Care and Protection Orders

Guiding Principle

- **Family preservation** is given a **high priority** in the [Children, Young Persons and their Families Act, 1997](#) which aims to secure the safety of child first, and then work with the family where possible to increase the family's capacity to function in the best interests of the child and other children in the family.
- Reunifying a child with his or her family is a partnership between Child Protection Services, the parents/carers, any family service (or other) organisation which is assisting.
- **There must be honesty and trust from all involved.**

The vast majority of children who have involvement with CPS are reunified with their family when it has been assessed as safe and in their best interests.

Legislative requirement

- **This policy and practice advice applies to children placed in out of home care under Sections 42 (4) (b), (c) and (d) of the [Children, Young Persons and their Families Act, 1997](#) to support the return of a child to the care of his or her parents.**
- Section 8 (l) of the Children, Young Persons and their Families Act, 1997 states that its administration is to be founded on the following principles
 - (a) the primary responsibility for a child's care and protection lies with the child's family; and

(b) a high priority is to be given to supporting and assisting the family to carry out that primary responsibility in preference to commencing proceedings under Division 2 of Part 5.

- Section 54 of the Act requires that in any proceedings under the Act that the Court must treat the best interests of the child to be the paramount consideration.
- However, Section 55 (1) (g) requires the Court, in considering the best interests of the child, to consider the need to protect the child from physical or psychological harm.

Practice Requirement/s

- The [Guide for Assessing Reunifications of Children with Their Families](#) must inform the assessment process when reunification is being considered.
- A new tool, the Reunification Readiness Assessment, has been developed to guide Child Protection Workers when serious consideration is being given to reunifying a child to the care of his/her parent or caregiver.
- There must be an approved [Case and Care Plan](#) in place to support reunification.
- **The Case and Care Plan must clearly outline any Court Ordered requirements.**
- The child's family and current carers as well as other services supporting the child and the child's family (such as the Pathway Home Service) must be involved in the development of the Reunification Plan.
- The Reunification Plan will include clear guidelines about expectations of CPS in regard to the care of the child. A guide to the expectations of CPS in regard to the care of the child is available here [Attachment 1] and may be used in discussion with parents if applicable.
- The Reunification Plan will include adequate post-reunification services.
- Essential services must be in place to ensure adequate living conditions before reunification can be considered.
- A proposal to reunify must be presented to the Court Application Advisory Group (CAAG) for the Chairperson's approval of the decision to reunify OR through consultation with the Senior Practice Consultant (SPC). Final written approval of the Reunification Plan must be provided by the Child Protection (CP) Manager. The CAAG must also decide whether to apply for a variation of the Order (with conditions) prior to reunification.
- The decision to reunify may also be the subject of a Family Group Conference or discussion via Care Team meetings.
- **Reunification may include family support service organisations involved in the Pathway Home Service, funded by Disability and Community Services (DCS), to work with Child Protection Services to facilitate the process. Where applicable, see Pathway Home Service guidelines and the Flowchart Pathway Home and Child Protection Joint Management of Cases for Reunification.**
- The relevant Child Protection Worker **must visit the child every week for the first four weeks following reunification while the child/young person is subject to a Care and Protection Order** and thereafter every four weeks providing there are no major concerns for the child's wellbeing.



Each visit must involve the Child Protection Worker having direct contact with the child in order to determine that the child is safe. There must be a case note recorded in CPIS which is brought to the attention of the SPC, Team Leader and CP Manager after each visit. This forms part of the monitoring of the Reunification Plan which will include a review of the care expected in the home (see Attachment I).

- As well as the continuous monitoring which occurs as outlined above, the Reunification Plan will be formally reviewed by the CP Manager or SPC through care team meetings at least **every two months** during the first six months of the reunification process. This will include a review of the expectations in regard to the care of the child (see Attachment I).
- Child/ren must live with their parents for at least six months without an incident of concern (which might not necessarily be a notification) before a recommendation to lapse or revoke the order can be considered.
- If CAAG recommends that the order is revoked or allowed to lapse, any family support services involved must be informed prior to the lapse or revocation.

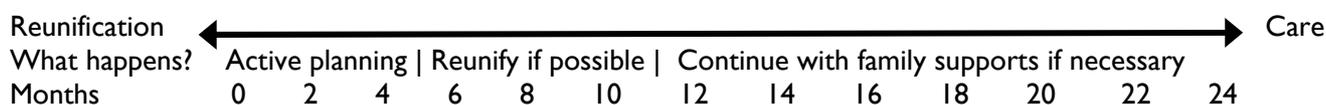
Timelines

Planning for reunification occurs during the first 6 months of a 12 mth order*

**See more below*

The Act supports reunification and permanency, but does not provide clear advice as to when to shift from reunification to permanency. Timelines are outlined below as to when permanency planning is triggered and reunification is less likely. Until that time, reunification should be sought where is safe to do so.

18-year order triggers permanency planning and the potential transfer of guardianship*



With a key focus on the first six months (and inside all 12 month care and protection orders) Child Protection Workers should be looking towards the potential for reunification. The process of assessment is continuous. Within the first six months, Child Protection Workers are encouraged to work vigorously towards reunification with the child's immediate family where possible, or other kin if possible.

Reunification can commence when supported by the SPC and approved by the CP Manager and is guided by the implementation of the Reunification Plan.

Permanency Planning - the shift to stability planning within out of home care OR transfer of guardianship to the child's carer should be considered for those children who are under the guardianship of the Secretary to 18 years and:

- are aged under two years and have been in the continuous care of approved carers for one year or more;



- are aged from two to seven years and have been in the continuous care of approved carers for 18 months; or
- are aged over seven years and have been in continuous care of approved carers for at least two years within three years of the date of the order.

It is recommended that an exception clause be included here to allow for cases to be assessed on an individual basis and ensuring that the decision is in the best interests of the child.

The above age-related timeframes also trigger the commencement of stability planning for children who are in care under a 42 (4) (d) order but are not in a stable placement.

Please note, children on long term orders can be considered for reunification.

Procedures

Assessment

Assessment is guided by the document *Assessing Reunifications of Children with Their Families* and a Child Protection Worker's completion of the Reunification Readiness Assessment.

The Signs of Safety tools can be useful in the planning phase.

Planning overview

The Case and Care Plan should specify that the case direction for the child is reunification. The future (reunification) plan to reunify the child must be explicit with clear activities and timeframes rather than long term or broad objectives.

The Reunification Plan must outline the mechanisms for monitoring the progress towards achieving the objective of family reunification. **It must clearly outline any Court Ordered requirements.** Drug testing must be completed if substance abuse has been indicated in the past. The level of success in achieving the planned activities must be closely monitored.

- The Reunification Plan will be formally reviewed at least **once every two months** through care team meetings until the child has been living successfully (without an incident of concern) with his or her parents for at least six months.
- Any incident of concern (for example an incident of domestic violence at the home, the child has run away from home, a parent has a serious mental health incident, and/or a notification of abuse in relation to any child in the family has been received) will result in a formal review of the Reunification Plan, as well as the Case and Care Plan.
- The review might not result in the child being removed from the family, although it should establish clear written expectations in relation to the future plans to ensure that the child is safe and well cared for.
- Once a new Reunification Plan commences, **monitoring will start again** until there is a period of stable care for the child of at least six months. This may require an application to extend the Care and Protection Order.
- Most children under a Section 42 Care and Protection Order will have been in out of home for a reasonable period of time (generally in excess of six months) before the plan for reunification is



explored. This means that the carers (and possibly previous carers) will possess significant information about the child, including the child's relationship with his or her family, the child's emotional state and any signs that the child is unsure or unhappy about particular decisions.

- **Parents need to be aware that although the child has been returned to their day to day care, the custody and or guardianship for the immediate period rests with the Secretary and that the Child Protection Worker, as the Secretary's delegate, has an ongoing role in ensuring that the child is safe and being cared for.** (Attachment 1 may be used as a guide to discuss expectations about care with the parents.)
- **The carers will be a significant support for the child** during the period of transition and planning for reunification should consider the ongoing role by the carers following the child's return to his or her family. It is imperative therefore to gain the carers' trust and willingness to be involved in the reunification process. Any reluctance on the part of the carer could jeopardise the best interests of the child, especially if the carer actively sabotages the process. Workers should spend time with the carer to ensure they understand the importance of their cooperation.
- It may be a significant support for the child to know that he or she will be able to spend short periods of time with the carers after the return home and that the carers will retain an interest in the child's future.

Planning process

I. Procedures for the development of a Reunification Plan

- The Case and Care Plan has been written with the case direction as Reunification. An updated TRF must be completed.
- The Reunification Readiness Assessment is completed by the Child Protection Worker and is supported by the Team Leader.
- The proposed Reunification is submitted to the SPC or listed for discussion at CAAG.
- The proposed Reunification is then either supported by the SPC or CAAG. The proposed Reunification is then submitted to the CP Manager for initial approval to proceed.
- Two options are available – refer the Reunification of the child/ren to the Pathway Home Service or follow an internal Reunification process. Complete the required paperwork for the Pathway Home Service.
- The Reunification Plan is to be developed with the participation and support of with all key stakeholders (preferably utilising the Signs of Safety). This will include the child if appropriate, parents, extended family, any family support services, the Pathway Home Service if involved and the agency. [See Attachment 3]. The Reunification Plan must state the level of involvement by Child Protection Services and other services during the reunification period and thereafter.
- The draft Reunification Plan is then submitted to the SPC for review and support.



- The Reunification Plan is then submitted to the CP Manager for final approval. Once approved, a copy of the Reunification Plan should be provided to all key stakeholders, including the child where appropriate.
- If the Reunification Plan is not supported or approved by CP Management but reunification is still regarded as being in the child's best interests then the Plan is referred back to the key stakeholders for further discussion and modification. The Reunification Plan will then be re-submitted to the SPC and CP Manager.

2. Formal plan – implementation and monitoring

Even though services will have been involved in the development and preparation and of the Plan, it is important to ensure that all services involved are aware that the Plan is about to be implemented.

Practice Requirements during the implementation of a Reunification Plan

- The relevant Child Protection Worker **must visit the child every week for the first four weeks following reunification whilst the child/young person is subject to a Care and Protection Order (and every four weeks thereafter)**. Each visit must involve the Child Protection Worker having direct contact with the child in order to determine that the child is safe. There must be a case note recorded in CPIS which is brought to the attention of the SPC, Team Leader and CP Manager after each visit. This forms part of the monitoring of the Reunification Plan.
- As well as the continuous monitoring which occurs as outlined above, the Reunification Plan will be formally reviewed by the CPW and Team Leader via a Care Team Meeting (including any service provider involved) **every two months** during the first six months of the reunification process.
- Children must live with his or her parents for at least six months without an incident of concern (which might not necessarily be a notification) before a recommendation to lapse or revoke the order can be considered.

3. Post reunification services

- These services are critical to ensure that the child's best interests are being met.
- Adequate post-reunification services will also mean that the child's situation will continue to be monitored.
- If the family is working with the Pathway Home Service an Exit Plan will be developed when the key objectives in the reunification plan have been achieved.
- The Exit Plan will include post reunification planning that outlines how services will step down, information about other services that may be required, and how referral via the Gateway to the IFSS will take place (if required).



4. Applying to vary an order (with conditions); allowing an order to lapse or seeking to discharge an order

- Following the child's reunification, the Court Application Advisory Group (CAAG) must make a decision as to whether to apply for a variation of an order (with conditions); to allow the Care and Protection Order to lapse; or to seek the discharge of an Order.
- If a Pathway Home Service is involved, a representative should be invited to the CAAG.
- When a six month period of stable reunification with the family has been established, efforts should be directed towards discharging the order. This should involve providing options for linking the family to primary and secondary services that they are able to access for support.
- When an order lapses, or is revoked, all family support services should be advised prior to the lapse or revocation.

