

Foster Care Association of Victoria Position:

For some foster children, Child Protection make a case plan decision that a return to their birth family is not possible. Under these circumstances some foster carers choose to undergo an assessment process to shift the nature of their fostering role to become that of a permanent parent. Permanent Care provides children with an ongoing, nurturing home environment and stable, supportive relationships for life. It is important when considering such a transition, that you fully understand the responsibilities are for the life of the child, and you discuss the matter fully with your CSO and with your regional permanent care team.

This information sheet aims to assist by providing you with the basics, but in no way should replace discussion with the permanent care experts in your region. Each **Specific Application** process may be slightly different due to the individual nature of each case, the CSO you foster through, and the region you reside in.

The Basics:

- Transition of a foster care placement to permanent care is never automatic. Legislation and Best Interests Principles require full exploration of the child's extended family network before a decision to place with anyone else can be made.
- Whilst your role as a foster carer provides invaluable support for children, your family may not match the needs of a child on a permanent basis. Other potential permanent carers may be assessed as a more suitable match for the permanent care of the child.
- An application for a Permanent Care Order (PCO) may be complex and stressful. Birth parents have the administrative right to appeal the DHS permanent care case plan decision and the legal right to contest a DHS application to a Children's Court for a PCO. Birth parents also have the legal right to appeal, vary or revoke a PCO by making a Court application at any time after the PCO has been granted
- Permanent carers are usually required to arrange, support and supervise access visits with birth family members (for example, parents and siblings) in accordance with the conditions of the PCO.
- While there are guiding timelines for a child's transition to a permanent care placement, these can be significantly delayed depending on many of things. For example, the sensitivities of these decisions may require internal review, Court hearings may become protracted, there may be number of potential carers being assessed, or there may be an inability to locate a suitable permanent carer.
- Long term fostering of a child does not necessarily guarantee a foster carer will be successful in an application for permanent care. Foster carers may find the permanent care assessment process is more demanding and comprehensive than they expected.
- The granting of a PCO means the carer is no longer a foster carer for that child, but now has been named on the Order as the Custodian and Guardian of the child. This means the carer has all the rights and responsibilities for the decision making and care of the child. The carer must still follow the conditions of the PCO, usually in relation to family contact. The PCO ends DHS involvement with the case.

Key Considerations:

- A PCO lasts until the child is aged 18 years, or marries. However, the connection with a stable family unit is for life. Is this the commitment you and your family are willing and able to make?
- Permanent carers manage all responsibilities for the child, including (but not limited to) ongoing contact with birth family, the challenges of adolescent development, any special medical or dental needs, the need for counselling and therapeutic support, educational difficulties and meeting cultural requirements.
- Child Protection and the services they provide will no longer be available to the child. Will the loss of these services and supports positively or negatively impact on the child and the overall stability of the placement?
- Community supports – think about whether you have linked in with or identified the support services offered through mainstream services that may be required to meet the current and future needs of the child.
- The financial impact on our family – think about whether you have sat down and looked at the likely costs, including the state and federal government reimbursements and parenting payments available. Have you identified and accounted for costs currently being covered by your Community Service Organisation (CSO) or DHS? Think about how this can impact on your family.

- Legal issues - Have we sought out all of the practical and legal information and advice we need to make this decision? For example, are you aware of how to seek a passport for a child on a PCO?

Are there 'post legalisation' support services available?

- 'Post legalisation' means after the PCO has been made by the Children's Court.
- The foster care agency will usually stay involved with the new permanent carer for a period of three months following the order being made at the Children's Court. Ongoing involvement and support of the child and carer then formally ceases.
- It is important to talk to the permanent care team in your region about the support available particular to your circumstance. It may be different for you. The key is to find out this information well in advance.
- The transition from foster care to permanent care will result in some services becoming unavailable, or available at a cost to you. Unless the need for continuance of a service is negotiated prior to the Permanent Care Order being made and agreed to in the case plan, you may find it difficult to seek similar support down the track if a crisis occurs. Your decision to change the role you provide should include your own extensive pre-planning and consideration of the child's needs, to ensure you can provide the care required, and can access the services and supports you need once the Order is granted.

Is there financial assistance for permanent carers?

- While financial assistance will continue in the form of DHS caregiver reimbursement payments, it is important to note that payments will not usually exceed the 'general' level, regardless of any previous classification. Part of the process of permanent care is to support the child as you would a child of your own. Families are encouraged to 'normalise' their family unit in every way they can. Permanent Care includes taking on financial responsibility for the child. Amongst all of the things to consider, foster carers must also consider the impact of a possible reduction in reimbursements on their capacity to care for the child permanently.
- In some cases it will be possible to put forward a case for the continuance of a higher level of caregiver reimbursements, but this will need to be negotiated as part of the case plan prior to the permanent care order being granted.
- Permanent carers are not eligible to receive the Education Maintenance Allowance (EMA) as the placement is no longer temporary. You will however continue to receive the quarterly Education and Medical component of the DHS caregiver reimbursement.
- In summary, any ongoing or anticipated needs, be it financial or services-based, need to be identified, negotiated and agreed to, prior to the granting of the Permanent Care Order. The identification of these ongoing financial or service needs should be done in conjunction with your CSO who can guide you as to what supports and services may and may not be available.

Are there alternatives to Permanent Care?

- Most foster carers do not take on the permanent care of children in foster care. The decision to apply to be assessed as a permanent carer is yours to make.
- The need to truly connect a child with a permanent family and offer optimum security and stability is the most desirable outcome for most children. However, permanent care may not be the right option for every child.
- In some instances a case plan decision may be made that suggests a, long term guardianship order may be the more appropriate option. This Order extends Child Protection involvement into the longer term. Whilst this carries with it the possibility of ongoing legal instability and uncertainty for a child, the benefits of statutory supports may better meet the child's needs, and in turn allow the child to continue residing with a long term foster care family.
- If you wish to be assessed to provide permanent care for a particular child, please discuss this with your CSO and contact your regional permanent care team.