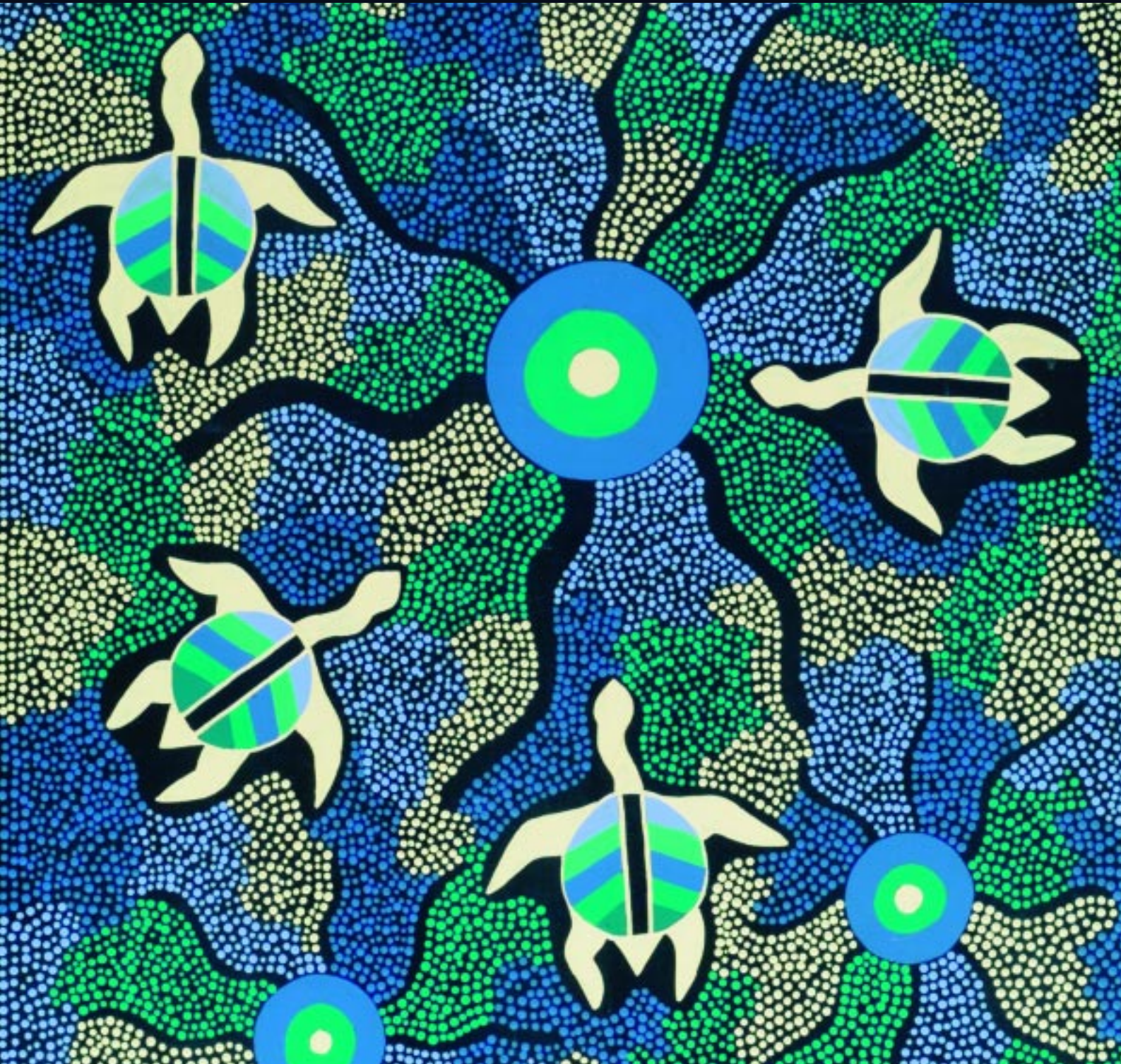
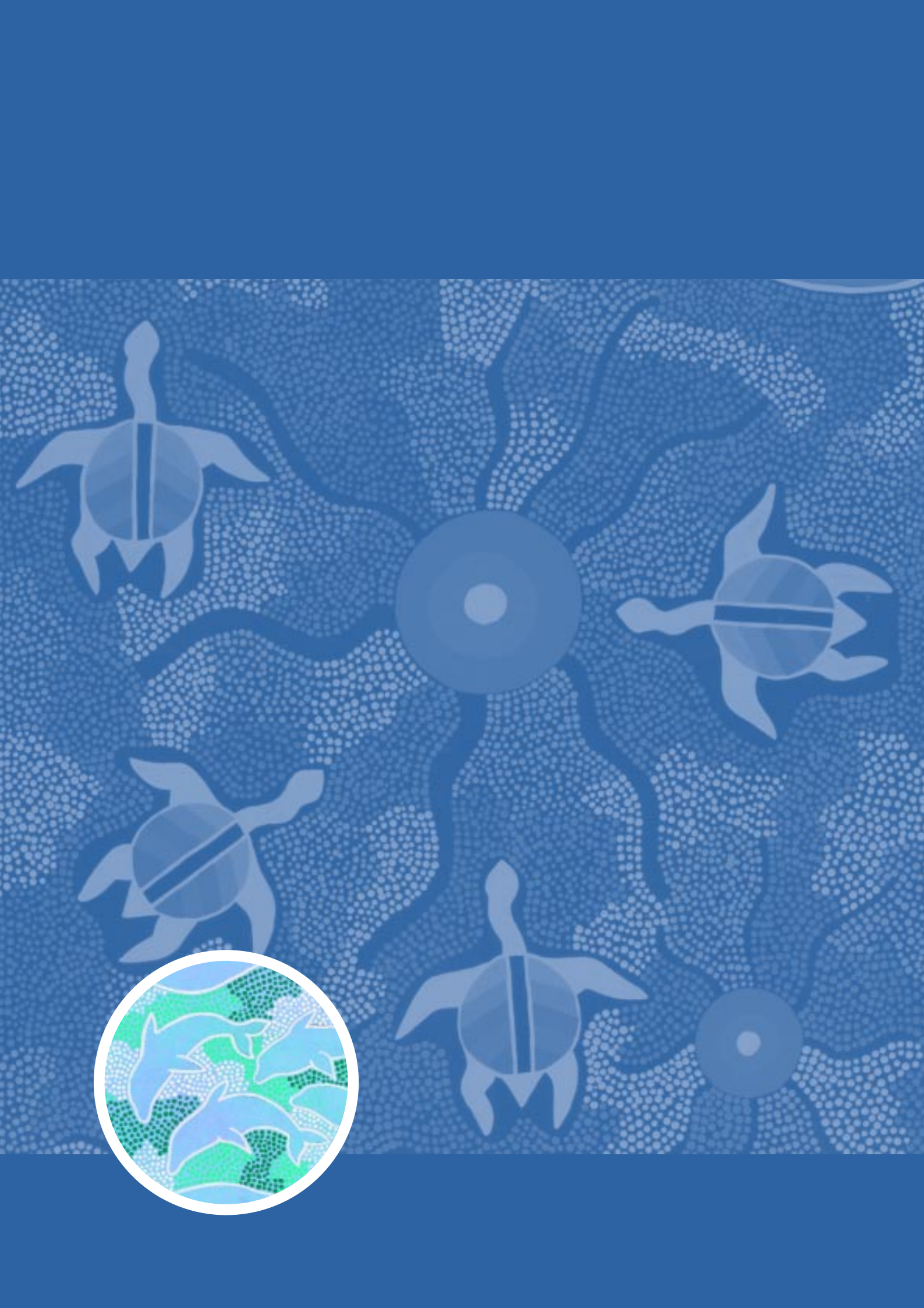


ABORIGINAL CHILD PLACEMENT PRINCIPLE





ABORIGINAL CHILD PLACEMENT PRINCIPLE

Guide



FOR CHILD PROTECTION AND CARE WORKERS

ACKNOWLEDGEMENTS

- This guide was written by Rodney Monohan with assistance from the Department of Human Services, Indigenous Initiatives Unit team.
- Artwork by Joanne Honeysett.
Joanne is a Taungurung woman from North Eastern Victoria.
- The Queensland Department of Family Youth and Community Care, *Aboriginal and Torres Strait Islander Child Placement Principle* booklet was used in the development of this guide.

Published by Community Care Division
Victorian Government Department of Human Services
Melbourne Victoria
August 2002

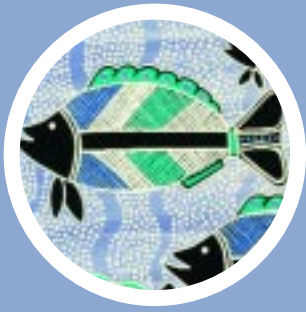
Also published on www.dhs.vic.gov.au

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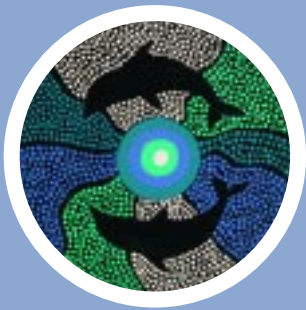
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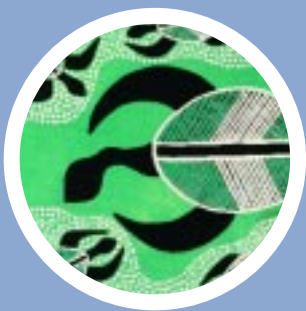
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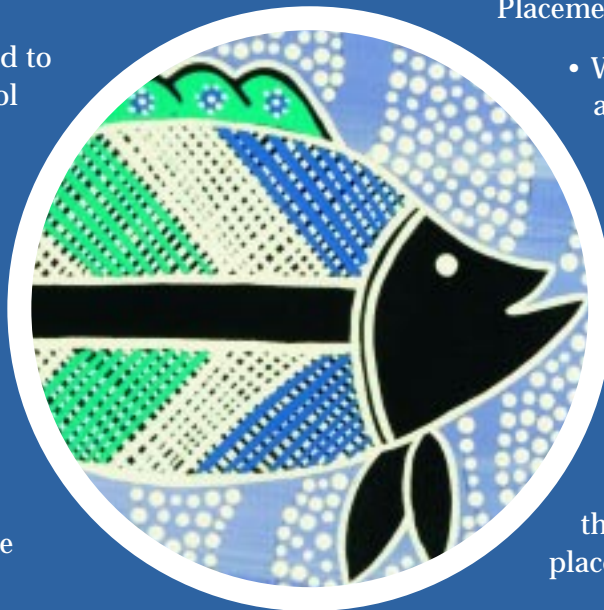
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PURPOSE OF THE GUIDE

The *Aboriginal Child Placement Principle Guide* was developed from issues highlighted in consultations undertaken by the Department of Human Services to review the operation of the 1992 Protocol between the Victorian Aboriginal Child Care Agency (VACCA) and the Child Protection Program within the Department of Human Services.

This Guide has been designed to sit alongside the new Protocol between the Department of Human Services' Child Protection Service and the Victorian Aboriginal Child Care Agency 2002, and to assist workers in Child Protection and Placement Services to provide a culturally appropriate and effective response to Aboriginal children and young people who need to be placed out of home.



A number of key questions and issues raised in consultations will be addressed in the Guide, these include:

- What is the Aboriginal Child Placement Principle?
- Why do we need an Aboriginal Child Placement Principle?
- What is the definition of an Aboriginal child for the purposes of the Aboriginal Child Placement Principle?
 - Does the Aboriginal Child Placement Principle take away parents rights regarding their own children?
 - Can a parent request that their Aboriginal child be placed outside the Principle?
- When placing an Aboriginal child who should be consulted?
 - Who will measure compliance with the standards set out in the Aboriginal Child Placement Principle?
- How will the Aboriginal Child Placement Principle affect my day-to-day practice when working with Aboriginal children, young people and families?

Purpose

PURPOSE OF THE ABORIGINAL CHILD PLACEMENT PRINCIPLE



The Purpose of the Aboriginal Child Placement Principle is to enhance and preserve Aboriginal children's sense of identity as Aboriginal, by ensuring that Aboriginal children and young people are maintained within their own biological family, extended family, local Aboriginal community, wider Aboriginal community and their Aboriginal culture. The objectives of the Principle are to ensure that, recognition is given to an Aboriginal child's¹ right to be raised in their own culture and, to the importance and value of family, extended family, kinship networks, culture and community in raising, — *'growing up'*— Aboriginal children.

The Principle defines the process of ensuring that, Aboriginal community representatives are consulted and involved in the decision making regarding the care arrangements for Aboriginal children and young people. Specific attention is paid to Aboriginal children and young people, who are separated or removed from their biological family.

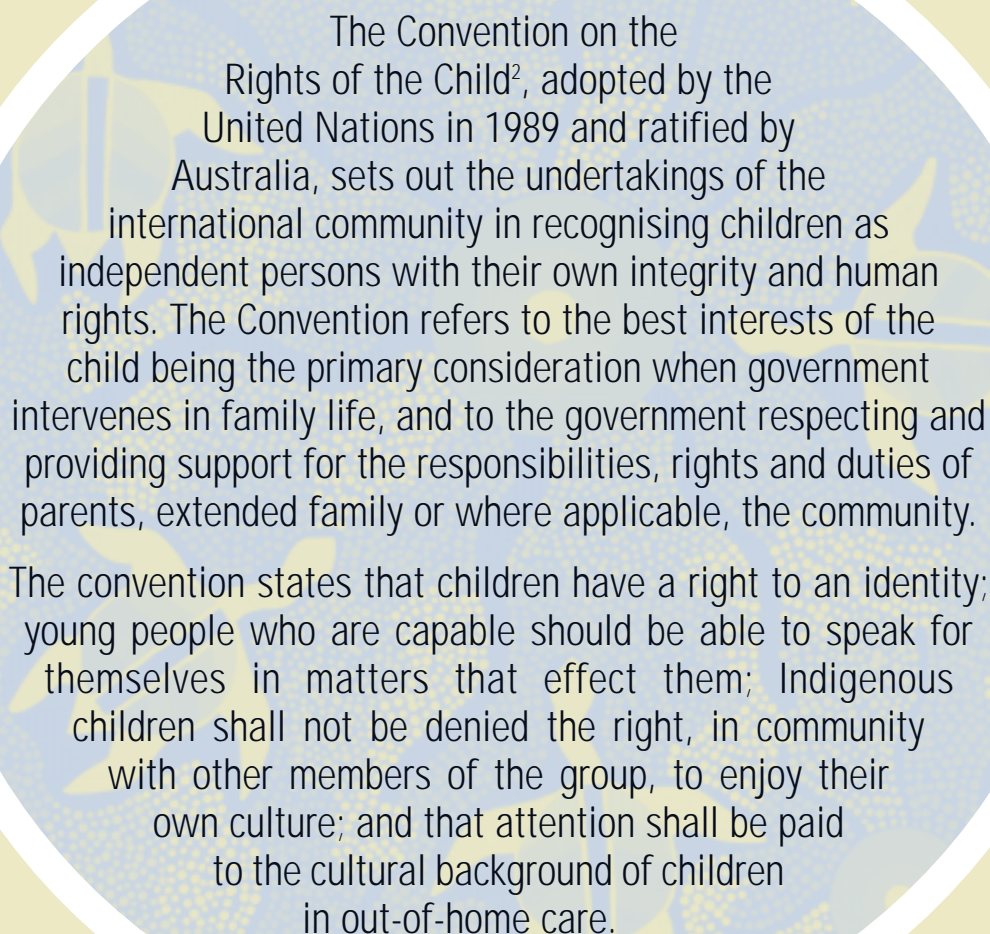
The Aboriginal Child Placement Principle also supports the importance of increased and ongoing involvement and control by Aboriginal people in Aboriginal child and family welfare and child protection matters.

1 For the purposes of this document 'child' or 'children' means any person under the age of 17 years



Rights

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD



The Convention on the Rights of the Child², adopted by the United Nations in 1989 and ratified by Australia, sets out the undertakings of the international community in recognising children as independent persons with their own integrity and human rights. The Convention refers to the best interests of the child being the primary consideration when government intervenes in family life, and to the government respecting and providing support for the responsibilities, rights and duties of parents, extended family or where applicable, the community.

The convention states that children have a right to an identity; young people who are capable should be able to speak for themselves in matters that effect them; Indigenous children shall not be denied the right, in community with other members of the group, to enjoy their own culture; and that attention shall be paid to the cultural background of children in out-of-home care.

² The United Nations Convention on the Rights of the Child



Principle

ABORIGINAL CHILD PLACEMENT PRINCIPLE

This principle governs the practice of Child Protection workers when placing Aboriginal children and young people in out of home care. The Aboriginal Child Placement Principle³ accepted and endorsed by the Secretariat of National Aboriginal and Islander Child Care (SNAICC) states that:

1. Removal of any Aboriginal child from their community and family environment by any welfare or government authority or other persons must be a last resort.
2. In the event, after consultation with a community controlled Aboriginal welfare organisation, of separation or removal of a child from its family being unavoidable then the courts or authorities will have regard to the direction of the Aboriginal Child Care Agencies and the following criteria:
 - (a) The child must be placed within the extended family or relatives.
 - (b) If the above is not feasible or possible after consultation with the community's child/ welfare organisation, the child may be placed with:
 - (i) an Aboriginal family from the local community and within close geographical proximity to the child's natural family;
 - (ii) as a last resort the child may be placed, after consultation with the local ACCA, with a non-Aboriginal family living in close proximity to the child's natural family;
 - (iii) any non-Aboriginal placement must ensure the maintenance of the child's culture and identity through contact with the child's community.

The Social Welfare Administrators, in their report on Aboriginal Fostering and Adoption, have adopted the following Child Placement Principle:

When a child is to be placed outside his/her natural family then the order of priority of placement should be:

- (1) A member of the child's extended family.
- (2) Other members of the child's Aboriginal community who have the correct relationship with the child in accordance with Aboriginal customary law.
- (3) Other Aboriginal families living in close proximity.

This order of priority of placement is to be followed in the absence of good cause to the contrary at all times.



³ Secretariat of National Aboriginal and Islander Child Care (SNAICC) *Aboriginal Child Placement Principle*



Guide

THE ABORIGINAL CHILD PLACEMENT PRINCIPLE GUIDE

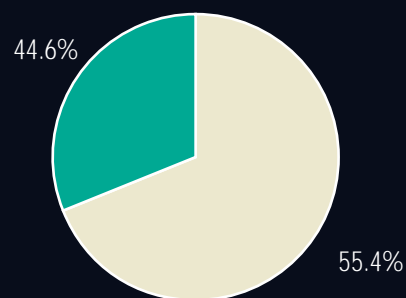


Why do we need an Aboriginal Child Placement Principle?

It is widely acknowledged today that Aboriginal children and young people have an inherent right to know their own family and culture. To deny this right can, and often does, have devastating, long term consequences.

The past policies of 'assimilation', 'protection' and 'integration' of Aboriginal people, children and families, have, in many ways, been very destructive to Aboriginal culture. The over-representation of Aboriginal children and young people in the out of home care, juvenile justice and child welfare systems can be directly attributed to these policies.

Aboriginal Children in Out-of-Home Care



■ With non-Aboriginal carers

■ With a relative or Aboriginal carer

ABORIGINAL CHILD PLACEMENT PRINCIPLE

At the end of June 2002, there were 489 Aboriginal children placed in out-of-home care in Victoria. Of these, 271 were placed with a relative or Aboriginal carer and 218 were placed with a non-Aboriginal carer.

The 'Stolen Generation'

The *Human Rights and Equal Opportunity Commission's Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997), documents the hardships and feelings

of loss and grief experienced by people affected by forcible removal policies and the legacy of those policies today. The ACPP protects the rights of future generations of Aboriginal children from the devastating effects of removal from family and culture.

The *Bringing Them Home*⁴ report documents the inquiries conclusion that:

"Between one in three and one in ten Indigenous children were forcibly removed from their families and communities in the period 1910-1970. During that period, not one family escaped the effects of forcible removal. Most families have been affected, in one or more generations, by the forcible removal of one or more children."

What is the definition of an Aboriginal child for the purposes of the ACPP?

Definition

'Aborigine' means a person who:

- (a) Is descended from an Aborigine or Torres Strait Islander; and
- (b) Identifies as an Aborigine or Torres Strait Islander; and
- (c) Is accepted as an Aborigine or Torres Strait Islander, by an Aboriginal or Torres Strait Islander community.

This definition allows for self-identification as well as identification by parents or other people from an Aboriginal or Torres Strait Islander Community.

Identity

It is essential that the child's Indigenous status be established, along with that of both parents, at the earliest possible stage of involvement with the Child Protection Service. The Child Protection worker will attempt to establish whether a child is Aboriginal by asking the notifier if the child or children involved are to their knowledge Aboriginal. Consultation with family as well as the child/young person if their age is appropriate, may be required. Liaison with representatives of the Aboriginal community may be necessary to ensure proper cultural identity is established.

Family includes extended family; biological or kinship relatives; aunts, uncles, grandparents, great aunts and uncles, all of whom may have some responsibility or interest in relation to a particular child or young person.



⁴ Victorian Govt Response, Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander children and their families, *Bringing Them Home*.

Does the ACPP take away parents rights regarding their own children?

No. The Principle does not attempt to diminish the rights of parents in relation to their own children. It does, however, take into account the inherent right of an Aboriginal child to be raised in an environment that allows him or her to access their own culture, extended family and community.

The Principle aims to ensure that the rights of an Aboriginal child as an individual are always maintained, while acting 'in the best interests of the child'. Equally, in any proceedings regarding the placement of a child away from their parents, the opportunity must be given to the child, their parents, extended family and community to have their views heard. This is in line with the United Nations Convention on the Rights of the Child.

Can a parent request that their Aboriginal child be placed outside the Principle?

Parents may request that their child be placed outside the ACPP guidelines, as the principle in no way attempts to undermine the wishes of an Aboriginal child's parents. The views and preferences of the child about where they feel safest should also be considered when it comes to decisions about placement. The Principle does however highlight the importance of the rights of the child to grow up within their own Aboriginal culture, with a sense of connectedness to extended family and community.

When placing an Aboriginal child, who should be consulted ?

Aboriginal Child Specialist Advice and Support Services (ACSASS) will be provided by two Aboriginal agencies in Victoria:

- The Victorian Aboriginal Child Care Agency (VACCA)
- The Mildura Aboriginal Corporation (MAC)

Where an out of home placement is required for an Aboriginal child/young person, a process of consultation must be undertaken, in the following order:

1. Where an Aboriginal child/young person is to be placed within the family's kinship network, Child Protection must endeavour to locate and consult with both the child's parents in the first instance. ACSASS will also be involved in this process.
2. Where an Aboriginal child/young person is to be placed outside the family' kinship network, ACSASS will provide advice regarding the Aboriginal community network and Aboriginal Placement Services options.
3. Where an Aboriginal child/young person is to be placed with carers who are not related nor Aboriginal, ACSASS must be consulted prior to that decision being made. ACSASS will participate in the preparation of a Cultural Support Plan for the placement until such time as the child/young person can be placed within their family or a more culturally appropriate out of home care arrangement is identified.

Both the child and parents views must always be considered in relation to placement decisions. Should a family not want ACSASS involvement in their case, the Child Protection worker will inform the family of the Protocol between the Department of Human Services' Child Protection Service and the Victorian Aboriginal Child Care Agency 2002, which requires consultation with ACSASS, however the family does not have to engage with the ACSASS worker.

Who will measure compliance with the standards set out in the ACPP?

The ACSASS provider VACCA or MAC and the Department of Human Services will measure compliance with the Principle, using both the Client and Service Information System (CASIS) and the Funded Agency Client Transaction System (FACTS) data collection systems.



ABORIGINAL CHILD PLACEMENT PRINCIPLE

How will the ACPP affect my day-to-day practice when working with Aboriginal children, young people and families?

Child Protection Intervention with Aboriginal Children, Young People and Families

Child Protection workers will:

- Ensure that there is a process of consultation and involvement of ACSASS from the time a notification with respect to an Aboriginal child or young person is received by the Child Protection Service, up until and including but no later than finalisation of the Statutory Case Plan.
- Involve the child's Aboriginal community in significant decisions through ACSASS.
- Consider all cultural issues during the decision making process, in consultation with the ACSASS worker, child's Aboriginal family and community.
- Ensure that all efforts to strengthen the Aboriginal family and keep them together are explored before the consideration of statutory intervention, specifically that which removes an Aboriginal child/young person from the care of his/her parents.
- Ensure that where a child has been placed away from his/her parents, a reunification plan is developed for the expedient return of the child.
- Make all attempts to ensure the maintenance of contact with family, extended family and community for children and young people who have been placed away from the care of their parents.

Maximum communication and discussion with families, extended family and relevant community representatives will occur at all stages of Child Protection involvement.

Aboriginal Family Group Conferencing/Aboriginal Family Decision Making

The Family Group Conferencing/Decision Making process facilitates the active involvement of family, extended family and community members in decision making. An Aboriginal Family Group Conference brings together family members, relevant organisations and Aboriginal community members to develop a safety plan for a child or young person. Where a child or young person is unable to remain at home, Aboriginal Family Group Conferencing is recognised as an effective method for ensuring all potential carers are explored. The views of the child/young person must also be taken into account in the Family Group Conference/Decision Making process, and their participation, in so far as it would not be detrimental to their safety and wellbeing, should be encouraged.

Placement Options for Aboriginal Children

It is acknowledged that the best interests of the child can be met with the child or young person remaining at home with their biological parents, therefore maintenance of a child at home with their mother and or father is the priority. However, if this is unsafe and an alternative placement is needed, all attempts will be made to ensure that the placement will be made in accordance with the ACPP and its order of priority.

Any placement out of home is required to retain the child's relationships with their Aboriginal parents, siblings, extended family, community and culture, whilst ensuring the best interests of the child are maintained.

Should an Aboriginal child require a placement with a non-Aboriginal family, a detailed Cultural Plan, must be developed (as a part of the current case plan and/or placement plan) containing information around ensuring that the child maintains and strengthens their links with their Aboriginal family, extended family and community.



Cultural Plans will be developed jointly, by the case manager, placement service and ACSASS to ensure the child/young person remains connected to their extended family and Aboriginal community. The plan will outline access between the child/ren and their extended family and ensure they are involved in relevant family and community events.

The Cultural Plan will be reviewed on a quarterly basis by the case manager in consultation with an Aboriginal Community Service Organisation, in order to determine whether there have been any changes to extended family or Aboriginal community placement availability and that these are considered as placement options.

Aboriginal Kinship Extended Family and Child Rearing Practices

While the European presence has had a real and often destructive influence on Aboriginal child rearing practices, it has not changed the essential values and beliefs of most Aboriginal people as they have adapted to their new and ever changing circumstances.

Traditionally, an Aboriginal child was not isolated from the rest of the community. Children can be seen as belonging to the whole of the community, therefore many adults and children may be involved in their lives and upbringing—*'growing up'*.

Aboriginal children traditionally were the responsibility of the entire extended family and community.

Aboriginal families tend to be large. Children will often have many siblings, cousins, uncles and aunties as well as grandparents and elders, as a part of their broader extended family. Their broader extended family will often play a role in their *'growing up'* including older siblings and cousins.

Aboriginal organisations also play a role in the social and kinship fabric of the communities they are in. They often have a role in the *'growing up'* of children whose parents and families are, for whatever reason, unable to care for them themselves.



FURTHER READING

Victorian Aboriginal Child Care Agency, *Aboriginal Resource and Cultural Guide: Resource for Staff Working with Aboriginal Children and their Families*.
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