



# Stability and Connection Planning Policy

This policy replaces the former Department for Child Protection and Family Support Permanency Planning Policy (December 2014).

## Purpose

The purpose of the policy is to outline the Department of Communities' (the Department) approach to promoting stability and connection (permanency) planning for all children<sup>1</sup> in the care of the Chief Executive Officer (CEO) of the Department who are in provisional protection and care, on a protection order (time-limited) or a protection order (until 18) under the *Children and Community Services Act 2004* (the Act).

The Department has changed the name of the policy from permanency planning to Stability and Connection Planning. This policy aims to clearly highlight the desired practice outcomes of stability and connection for children, no matter whether they are reunified with parent(s) or transition to long-term out-of-home (OOHC) care.

## Stability and connection planning

Stability of care and relationships during the formative years of a child's life provide a firm basis for a child to develop a positive identity, sense of belonging in community and strong skills to manage emotions and relate well to others. All these factors support better outcomes later in life. This is especially important for children in the CEO's care who are more vulnerable to poorer life outcomes when they experience multiple care arrangements.

Continuous connections with people who care about the child (parent(s), siblings, extended family, friends, community members), no matter where they are living, can reduce the associated trauma of multiple moves for a child. This links to the importance of Family Finding, the Care Team Approach and cultural support planning.

## Policy statement

### Parallel process and stability and connection goals

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<sup>1</sup> The term child means a person who is under 18 years of age, and in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.

Stability and connection planning must occur within a staged, parallel process where reunification with one or both parents<sup>2</sup> is the primary plan and long-term OOHC is the secondary plan. Planning for both reunification and long term OOHC must occur in parallel so if reunification is not in the best interests<sup>3</sup> of the child then transition to a stable, long-term OOHC arrangement can occur in a timely way.

## Timeframes

A primary focus of stability and connection planning is timely decision-making in a child's best interest. This aims to achieve long term stability and connection for children by maintaining their long term positive relationships and preventing them from 'drifting' from one care arrangement to another or experiencing instability through multiple unsuccessful attempts at reunification.

Assessment regarding the likelihood of reunification must begin as soon as a child enters care. Decisions on whether reunification is in the child's best interests should be made within:

- 12 months for children who enter provisional protection and care at less than three years of age; and
- two years for all other children.

For sibling groups, the youngest child's age should direct the timeframe for decision making.

Decision-making timeframes may be extended with Regional Executive Director approval if this is assessed as being in the best interests of the individual child. A documented rationale will be recorded, including whether any delay in decision or actions may have a detrimental effect on the child and their siblings.

If the Department assesses that reunification is not in the child's best interests, the Department may apply to the Court for determination on whether a protection order (until 18) is in the child's best interests.

The Department's Stability and Connection Planning Policy does not change a parent's right to seek a revocation of a protection order (until 18).

## Dimensions of stability and connection

Stability and connection planning is about much more than a child's care arrangement<sup>4</sup>. To achieve a sense of stability and connection for children, the Department works on all three interconnected dimensions of stability and connection (relational, physical and legal)<sup>5</sup> when assessing care options:

- Relational - stable, unconditional emotional connections with significant others (e.g. parents, siblings, extended family, community elders, carers, friends).

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<sup>2</sup> The term, parent, refers to a person, other than the CEO, who at law has responsibility for the day-to-day and longer-term care, welfare and development of the child.

<sup>3</sup> Section 8 of the Act sets out the matters that must be taken into account when determining what is in a child's best interests.

<sup>4</sup> Section 79 of the Act sets the criteria for the CEO to arrange a placement of a child.

<sup>5</sup> Tilbury C, & Osmond J (2006). Permanency planning in foster care: A research review and guidelines for practitioners. *Australian Social Work*, 59(3), September, 265-280

- Physical - safe, stable living environments, which extend to maintaining a child's cultural safety, belonging and identity through ongoing connection to the child's community and particularly for Aboriginal and Torres Strait Islander children, their connection to Country.
- Legal – legal arrangements determined by courts to be in the best interest of the child.

## Care arrangement (placement)

The Department adheres to the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) as set out in section 12 of the Act when considering placement options for Aboriginal and Torres Strait Islander children in care. It prioritises so far as is consistent with the child's best interests, care arrangements as follows:

1. Placement with a member of the child's family;
2. Placement with an Aboriginal person in the child's community in accordance with local customary practice;
3. Placement with an Aboriginal person;
4. Placement with a person who is not Aboriginal or a Torres Strait Islander but who, in the opinion of the CEO, is sensitive to the needs of the child and capable of promoting the child's ongoing affiliation with the child's culture, and where possible, the child's family.

Before making a care arrangement for an Aboriginal or Torres Strait Islander child, the Department consults with the child's family and an Aboriginal officer (usually an Aboriginal Practice Leader) of the Department who has relevant knowledge of the child, their family and community. Where available, consultation should also occur with an Aboriginal person or agency with relevant knowledge of the child, the child's family or the child's community.

The Department demonstrates its application or intended application of the Aboriginal and Torres Strait Islander Child Placement Principle (section 12) in reports it provides to the Children's Court in relation to a protection order (time limited), a protection order (until 18) or a protection order (special guardianship), in respect of a child.

For children from culturally and linguistically diverse (CaLD) backgrounds, care arrangements are prioritised as follows<sup>6</sup>.

1. Placement within the child's family of origin.
2. Placement with a carer from the same culture and religion.
3. Placement with carers who are accepting, respectful and responsive to meeting the specific cultural and religious needs of the child.

Active efforts are made to place all children with their siblings as a priority. This is in accordance with their best interests and in consideration of their views and wishes.

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<sup>6</sup> Section 80 refers to the guidelines that must be adhered to when making arrangements for children from culturally and linguistically diverse (CaLD) backgrounds. These guidelines form the Principle for the Placement of Culturally and Linguistically Diverse Children and Young People (CaLD CPP).

## Cultural support planning

A cultural support plan for a child is a plan that contains arrangements for developing and maintaining the child's connection with the culture and traditions of the child's family or community. This includes consideration of any potential Native Title rights and entitlements.

The Department must facilitate the development and annual review of detailed age appropriate cultural support plans for all children. However, there are specific requirements in respect of each Aboriginal and/or Torres Strait Islander child or CaLD child in care, which address their cultural needs as part of the care planning process.

Culture underpins and is integral to the safety and wellbeing of children. The Secretariat of National Aboriginal and Islander Child Care (SNAICC) state that,

*Aboriginal and /or Torres Strait Islander children have a right to grow up with a communal sense of belonging, a stable sense of identity, to know where they are from, and their place in relation to their family, 'mob', community, land and culture<sup>7</sup>.*

This is aligned with the United Nations Conventions on the Rights of the Child which recognises the importance of the traditions and cultural values of each people for the protection and harmonious development of the child and respects the right of the child to preserve their identity, including nationality, name and family relations.<sup>8</sup>

For an Aboriginal or Torres Strait Islander child, his or her Country, family, culture, language and community are central to the development of their sense of identity. Connections to these elements of country, community and culture impact significantly on the child's social, emotional, physical, educational and psychological development and shape who they become as they transition through adolescence and into adulthood.

Cultural support plans are tailored to meet the needs of individual children and remain as 'living documents'. They are updated with the child and their family at least annually and more often as required in response to a change in a child's care arrangement, age and development and associated cultural obligations, and significant new information<sup>9</sup>.

The child, parent/s and extended family (maternal and paternal) are recognised as the most valuable resources for effective cultural support planning, and are integral to its success. Wherever possible, the child's family members should lead cultural support planning processes.

The Department uses a Family Finding<sup>10</sup> approach to identify and engage family members as part of the child's Care Team<sup>11</sup> and to facilitate the child's understanding of and

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<sup>7</sup> SNAICC, *The Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation*, 2018.

<sup>8</sup> *United Nations Convention on the Rights of a Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 8 September 1990) art 8.

<sup>9</sup> Quarterley Care Review, Viewpoint, Needs Assessment Tool.

<sup>10</sup> The *Family Finding* model recognises that all children have extensive family networks and every child has the right to either be brought up within their own family and community or to maintain meaningful connections with their family where this is not possible. The model complements the *Signs of Safety Child Protection Assessment Framework* used by the Department to engage families in case planning and decision making.

<sup>11</sup> Refer to *The Care Team Approach Practice Framework*.

involvement in their family's stories about land and culture, language, lore, obligations, traditions and celebrations, as well as cultural and community events.

In line with the Care Team Approach<sup>12</sup> every child in OOHC has a care team comprised of people important to the child. Care team members have a shared responsibility for meeting the needs of the child in care. They do this by supporting the child's care arrangement and their life-long knowledge of and connection to family, culture, community and Country (including registering the child for any potential Native Title entitlements).

Aboriginal Practice Leaders in the Department play a critical role in the cultural support planning process, and must be included in the development, endorsement and review.

External organisations with relevant knowledge of the child, their family and community should also be consulted in the cultural support planning process.

## Relevant Legislation

The Act is the legislative base that underpins this policy and practice guidance, in particular:

- **Section 7** states that the best interests of the child are paramount when performing a function or exercising any powers under the Act in relation to a child.
- **Section 8** sets out the matters that must be taken into account when determining what is in a child's best interests, including in paragraphs:
  - (d) the nature of the child's relationship with the child's parents, siblings and other relatives and with any other people who are significant in the child's life;
  - (g) the importance of continuity and stability in the child's living arrangements and the likely effect on the child of disruption of those living arrangements, including separation from:
    - (i) the child's parents; or
    - (ii) a sibling or other relative of the child; or
    - (iii) a carer or any other person (including a child) with whom the child is, or has recently been, living; or
    - (iv) any other person who is significant in the child's life;
  - (h) the need for the child to maintain contact with the child's parents, siblings and other relatives and with any other people who are significant in the child's life;
  - (j) the child's cultural, ethnic or religious identity (including any need to maintain a connection with the lifestyle, culture and traditions of Aboriginal people or Torres Strait Islanders); and
  - (m) the likely effect on the child of any change in the child's circumstances.
- **Section 9** requires the Department to observe the following principles relevant to this policy:
  - (b) The preferred way of safeguarding and promoting a child's interest is to support the child's parents, family and community in the care of the child.
  - (e) Every child should have stable, secure and safe relationships and living arrangements.
  - (g) If a child is removed from the child's family, then so far as is consistent with the child's best interests the child should be given encouragement and support in maintaining contact with the child's parents, siblings and other relatives and with any other people who are significant in the child's life.

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<sup>12</sup> Refer to *The Care Team Approach Practice Framework*.



(ha) Planning should occur as soon as possible to ensure long term stability for the child.

- **Section 10** sets out the requirements of the principle of child participation. When decisions are likely to have a significant impact on a child's life then the child should be provided the opportunity to participate in the decision-making process.
- **Section 12** sets out the Aboriginal and Torres Strait Islander child placement principle and its objective of maintaining connection with family and culture for Aboriginal and Torres Strait Islander children who are in a care arrangement.
- **Section 39** requires the CEO to prepare and implement a provisional care plan for a child within seven working days of the child being taken into provisional protection and care. The provisional care plan must set out the care arrangements for the child and the contact arrangements with the child's parents, siblings, relatives and any other person who is significant in the child's life.
- **Section 80** refers to the guidelines that must be adhered to when making arrangements for children from culturally and linguistically diverse (CaLD) backgrounds. These guidelines form the Principle for the Placement of Culturally and Linguistically Diverse Children and Young People (CaLD CPP).
- **Section 81** sets out the requirement for consultation with an Aboriginal officer, or Aboriginal person or agency with relevant knowledge of the child, the child's family, or the child's community, when making care arrangements for Aboriginal children.
- It is a policy and practice requirement that child protection workers consult with an Aboriginal practice leader or other senior Aboriginal officer when stability and connection planning for Aboriginal children.
- **Section 89** requires the CEO to prepare and implement a care plan for the child as soon as practicable after a child first comes into the CEO's care. This plan must include decisions on contact arrangements with the child's parents, siblings, relatives and any other person who is significant in the child's life.

## Stability and connection goals

### Reunification (primary plan)

Reunification refers to the process of assessing, planning for and returning a child to their parent's care after a period in the CEO's care. Reunification is usually the preferred stability and connection option for a child in provisional protection and care or on a protection order (time-limited). It is the first priority because it recognises that parents and extended family play a primary role in promoting a child's sense of belonging and identity.

For further information on reunification please refer to the Department's Casework Practice Manual entry in Chapter 3 – Children and Young People in the CEO's Care. 3.4 Planning: Stability and Connection Planning.

### Long-term out-of-home care (secondary plan)

If reunification is not in the child's best interests, the next priority is to place the child with another family member or significant other person who, ideally, has an established relationship with the child and the child's family. Identification of potential family and

significant other carers should, wherever possible, occur in conjunction with Signs of Safety<sup>13</sup> meetings, cultural support planning and genogram preparation.

Long-term OOHC options become the stability and connection goal when reunification is not in the child's best interests. Long-term OOHC options are:

- a parenting order<sup>14</sup> with a person with an established relationship with the child, such as a family member or significant other;
- protection order (until 18), in the care of the CEO, and stable care arrangement with:
  - a family or significant other carer; or
  - a foster carer; or,
  - residential care
- protection order (special guardianship) with a family or significant other carer or foster carer;
- adoption<sup>15</sup> with a relative, significant other or foster carer.

A special guardianship order (SGO) is an order made by the Children's Court under section 61 of the Act which gives an individual or two individuals jointly, parental responsibility for a child until the child reaches 18 years of age. The individual or individuals become the child's Special Guardian/s and have all the duties, powers and responsibilities of a parent.

SGOs are intended to provide children in care with stable and long-term care arrangements whilst maintaining their connectedness with parents, family members and others who are significant to the child. Special Guardians are required to comply with any condition set out in the SGO in respect of contact between the child and another person.

Given the legal framework of adoption which is a long-term legal arrangement that terminates a child's legal ties with their birth parents, adoption (other than "customary" adoption<sup>16</sup>), is not generally recognised in Aboriginal culture. It is therefore only considered when there is no other appropriate alternative, long-term care arrangement that meets the child's best interests, and if the child's parents and family consent to the adoption.

In all cases where adoption is being considered for a child in the CEO's care, the Department must be satisfied that the child's adoption would be preferable to the making of a protection order (special guardianship). Such consideration should include the implications of each of these orders for the child, the child's carers, and the child's family, both at present and in the future.

In exceptional circumstances and with the District Director approval, it may be necessary to review the stability and connection plan to assess if the return to live with family is likely and in the child's best interests.

Exceptional circumstances may occur when the child's long-term OOHC arrangement breaks down and alternative long-term OOHC options need to be assessed. For instance, this may be due to a significant change in the carer's family circumstances such as a

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<sup>13</sup> Refer to *Signs of Safety Child Protection Practice Framework*

<sup>14</sup> Through the Family Court of WA under the *Family Law Act 1997*

<sup>15</sup> Through the Family Court of WA under the *Adoption Act 1994*

<sup>16</sup> Customary adoption involves the permanent transfer of care responsibilities and is a 'social arrangement' which serves to entrench reciprocal obligations thereby contributing to social stability. [Bringing Them Home Report \(1997\)](#)

severe illness, or if it is assessed that the carer can no longer meet the child's needs. At this time, returning to live with family (along with long-term OOHC options) could be considered and further assessed if the reason the child was brought into the CEO's care has been addressed and no longer exists. The child's current needs and best interests determine decision making in these circumstances.

For further information on family care please refer to CPM entry *3.1 Family or significant other care*.

For further information on long-term OOHC please refer to the CPM entry *3.4 Stability and Connection Planning*.

## Contact with family and significant others

The Department is committed to promoting meaningful family contact for all children in care which is purposeful, planned, and safe and supports the child's sense of connection to their family and network of significant people. This is a right for all children in care<sup>17</sup> and the focus of Standard 5 in the *Better Care Better Services Standards*<sup>18</sup>. It is recognised as an essential element of stability and connection planning goals, regardless of whether a child's plan is for reunification or long-term OOHC.

Planning for contact includes consideration of the child's attendance at important family, cultural and community events such as funerals (including 'Sorry' Business), ceremonies and celebrations. This provides opportunities for children to learn and understand their cultural expectations, obligations and relationships.

### How contact relates to reunification and long-term care

Contact arrangements are made in the context of any existing legal arrangements for the child and clearly distinguish between contact intended to support reunification with parent(s) and contact that supports the child's significant relationships and cultural/family connections whether there is either a short-term or long-term protection order in place.

When the primary plan is reunification, a child's contact with parents is supported with the purpose of maintaining parental relationships with the child in addition to providing safe opportunities for parents to develop, enhance and demonstrate skills necessary for reunification.

If a decision is made that long-term care is in the child's best interests, the contact arrangements are reviewed to support a child's transition to the proposed long-term care contact arrangements. However, any proposed adjustments to a child's contact arrangements will not commence until after the Court has made its determination, in case the Court does not grant a long-term order and reunification remains the stability and connection goal.

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<sup>17</sup> Refer to *Charter of Rights for Children in Care*

<sup>18</sup> Refer to *Better Care, Better Services: Safety and quality standards for children and young people in protection and care*



## Child participation and contact

Children are supported to participate in nominating and deciding how they want to spend time with the people they value, where it is safe for them to do so and consistent with promoting their wellbeing under section 10 of the Act.



## Contact with siblings

Sibling relationships are the longest and most enduring relationships in a child's life, integral to maintaining the child's personal and cultural identity (particularly for Aboriginal and Torres Strait Islander children and CaLD children). The Department makes active efforts to place siblings in a single care arrangement where possible and in children's best interests. If siblings cannot remain together in a single care arrangement, children are encouraged and supported to maintain strong sibling relationships, with this as a strong focus for their care teams.

## Adherence to the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP)




The ATSICPP acknowledges the significance of connections to Country, family, culture and community in child and family welfare legislation, policy and practice.

The Table below outlines how the Department implements active efforts to adhere to all five elements of the ATSICPP in stability and connection planning. Active efforts are timely, purposeful and thorough actions that are supported by legislation and policy and enable the safety and wellbeing of Aboriginal and Torres Strait Islander children<sup>19</sup> in care.

| ELEMENT   | ACTIVE EFFORTS   |
|---|--|
| <br><b>PREVENTION</b>  | <p>Ongoing, culturally appropriate and effective communication between workers and family to encourage openness and trust.</p> <p>Referral to culturally responsive services to support reunification.</p> <p>Implementation of parallel planning during the stability and connection planning process. This is important to maximise the possibility of reunification or a long-term family care arrangement for the child if reunification is not in their best interests.</p> <p>Identification and engagement with family to allow for their participation in parallel planning.</p> |
| <br><b>PARTNERSHIP</b> | <p>Identification of and engagement with family and significant others to allow for their participation in parallel planning.</p> <p>Facilitation of meaningful participation by family and community members with knowledge of the child, family and community when making placement arrangements and parallel planning.</p> <p>Application of the <i>Signs of Safety Child Protection Practice Framework</i><sup>20</sup> principles to create stable working relationships and trust between family, community and the Department.</p>  |

<sup>19</sup> SNAICC, *The Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation*, 2018.

<sup>20</sup> Refer to *Signs of Safety – Child Protection Practice Framework*

|   |   |
|---|---|
|   | <p>Application of a cultural lens to all interactions between the Department and Aboriginal families. This includes increasing awareness and understanding of cultural issues such as unconscious bias, intergenerational trauma and healing Aboriginal parenting practices and attachment.</p> <p>Care arrangements and cultural support planning consultation with Aboriginal Practice Leaders of the Department and Aboriginal person/s or agency with relevant knowledge of the child, the child's family or the child's community.</p>   |
|  <p><b>CONNECTION</b></p>      | <p>Early identification of Aboriginality is necessary to:</p> <ul style="list-style-type: none"> <li>○ prompt cultural support planning and exploration of Native Title entitlements and rights.</li> <li>○ contact that is safe, purposeful, well-planned and supports the child's ability to maintain lifelong connections to their parents, family and other significant people in their life.</li> <li>○ development of quality cultural support plans and commitment by members of the child's care team<sup>21</sup> to support and implement the plan.</li> <li>○ regular review and approval of cultural support plans in line with the care plan review cycle and when significant changes occur (e.g. the child changing a care arrangement) and recognition that children's cultural needs and obligations will develop as they mature.</li> </ul>   |
|  <p><b>PARTICIPATION</b></p> | <p>Identification and connection with family and community to allow for their participation into parallel planning.</p> <p>Promoting the best interests of the child as the paramount consideration in decision-making. This includes genuine and meaningful child participation in decision-making.</p>  |
|  <p><b>PLACEMENT</b></p>     | <p>Care arrangements enable the greatest level of connection between the child and their family, community, Country and culture consistent with the child's best interests.</p> <p>Ongoing identification and engagement of family members of Aboriginal children to find support networks and explore all possibilities of family care.</p> <p>Application of the placement hierarchy requires decision makers to exhaust all possible options at one level of the hierarchy before considering a lower order care arrangement.</p> <p>Cultural support planning is essential when placing an Aboriginal child, especially for the children placed lower in the placement hierarchy (placed out of Country, apart from siblings or with a non-Aboriginal carer).</p> <p>Development and review of cultural support plans is a priority in care planning. Care planning and review is a collaborative process involving the child and their family.</p> |

<sup>21</sup> Refer to *The Care Team Approach Practice Framework*

## Definitions

| Term  | Definition  |
|---|---|
| ATSICPP   | Aboriginal and Torres Strait Islander Child Placement Principle   |
| CaLD  | Culturally and Linguistically Diverse   |
| CaLD CPP  | Culturally and Linguistically Diverse Child Placement Principle   |
| CEO   | Chief Executive Officer of the Department of Communities.   |
| Family Finding                                      | A model combining methods and strategies to locate and engage relatives of children currently living in the CEO's care. |
| Genogram  | Illustrated recording of a child's family members including annotated relationships between members.                    |
| Signs of Safety Child Protection Practice Framework | A strengths-based, safety organised approach to child protection practice utilised by child protection workers.         |

## Responsibilities

Service Design and Support is the custodian of the Stability and Connection Planning Policy. Community Services is responsible for associated procedures detailed in the Casework Practice Manual (CPM) and the implementation.

## Procedures, guidelines and forms

Please refer to the CPM chapters 3: Stability and Connection Planning and Care Planning – provisional care plans, care plans and Viewpoint for details of procedures, guidelines and forms.

## Document control

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