

# PRACTICE GUIDE

## Long term guardianship to suitable person Assessment

Long term guardianship to a suitable person is one permanency option for a child. A thorough assessment is undertaken of the proposed guardian and their capacity to meet the legislative requirements and the child's needs for physical, relational and legal permanency.

Following the assessment process complete the [Assessment Report – Long term guardianship to a suitable person](#).

The assessment includes information about:

- the child, including their strengths and needs, their views about guardianship, family relationships and cultural considerations
- the proposed guardian and their capacity to meet the obligations of a long term guardian
- the views of the parents and other family members
- how this guardianship option will meet the physical relational and legal permanency needs for the child

### Information about the child

Gather information about the child recorded in other assessments:

- brief summary of work to date to assist the parents to resume care of the child which is available in the last review report and family reunification assessment
- the child strengths and needs, assessed level of support and any special needs
- the child's siblings and family relationships
- cultural identity and needs from the cultural support plan

### Assessment of a proposed long term guardian

Prior to nominating an approved foster, kinship carer or family member as a proposed long-term guardian for a child, Child Safety assesses their ability and willingness to assume all guardianship responsibilities. This involves looking at:

- the match between the child's needs and the carer's ability to meet these needs with reduced levels of Child Safety support
- the carer's demonstrated ability to meet the child's needs in the past and present and the likelihood this will continue in the future
- the carer's capacity to take on the additional responsibilities of guardian and how this meets the child's need for physical relational and legal permanency

Use the lists below to guide exploration of various factors relevant to the assessment of the proposed guardian's ability and willingness to assume guardianship for this child.

### Child factors

- Consider the child's age, developmental age and ability to understand the concept of long term guardianship.
- Seek the child's views and wishes about the proposed guardians. Consider using tools such as the Three Houses, the Safety House or the Future House.
- Consider any special needs and therapeutic intervention required into the future including current approved High support needs allowance (HSNA) and Complex support needs allowance (CSNA). For example, are the proposed guardians willing to source and fund medical/therapeutic intervention if needed in the future for the child?

- Explore how the identified needs of the child will continue to be met with reduced support from Child Safety.
- Assess the ongoing level of support required to transition to adulthood and the proposed guardian's ability to provide the support required.
- If regular respite is currently accessed, assess how the proposed guardian will source respite outside of the placement system.
- Assess the quality of child's relationship with the proposed guardian and their family.
- Assess the relationship and attachment between child, parents, siblings, extended family members and proposed guardian.
- Consider the child's wishes for ongoing contact arrangements with family members and significant people in the child's life.
- Consider the impact on the child's identity and their future connections to their community of origin, including the proposed guardian's response to the child's views.
- Assess the level of cultural safety in the proposed guardian's care to determine if they will be able to meet the cultural needs of the child.

### **Parents and family factors**

- Assess the efforts of the family to address the child protection worries for the child/s care in a timely way.
- Consider how Child Safety has supported the parents to address the child protection worries and achieve the identified case plan goals throughout the intervention period.
- Explore case planning decisions regarding siblings who may be under child protection orders, considering placements together or the opportunity for future placements together.
- Assess the cultural considerations of importance of parents, extended family & other significant people to the child.
- Explore the parents' views of the proposed guardian, particularly in relation to responding to the child's cultural & identity needs.
- Consider the views of other family or community members of significance to the child.
- Assess the quality of the relationships of the parents, family, community and significant others in the child's life with the proposed guardians.
- Explore the ongoing family contact arrangements with siblings and extended family and community members and unpack any worries that the family may have about the proposed guardian's ability to maintain contact into the future.
- Assess whether the guardian's legal obligations (following the making of an order) to provide family contact and information to the parents would place the child/young person at risk or the guardian or their family at risk.

### **Proposed guardians factors**

- Assess the proposed guardian's current and ongoing ability to meet the needs of the child and young person with reduced support from Child Safety whilst continuing to meet the Statement of Standards.
- Consider previous Standard of care matters recorded and how these have impacted on the quality of care provided to the child.
- Assess the child protection history for the proposed guardian and their immediate family members and assess how these may impact on the quality of care provided to the child.
- Explore the proposed guardian's ongoing preparedness of supporting the child through any upcoming or future challenges, including any disabilities, developmental needs, challenging behaviours.
- If applicable, explore the proposed guardian's ability to continue to be a foster carer to other children without impacting on their capacity to be a guardian.
- Unpack the frequency and level of supports accessible for the proposed guardian, including family, friends and community services in their safety and support network.
- Explore the financial supports for ongoing care requirements specific to the level and nature of the child's needs and gather information from the proposed guardian on their ability to assume

financial responsibility for the child and young person in the absence of Child Related Costs, and for family members, the Foster Caring Allowance

- Assess the quality and level of relationship and attachment displayed for the child and young person.
- Assess the ongoing provisions for the direct care of the child and young person, such as guiding the child and young person towards adulthood.
- Assess the provision of lifelong family relationships and a sense of belonging and emotional support for the child and young person.
- Unpack the proposed guardians approach to the young person's living arrangements after they have turned 18.
- Assess the capacity of the proposed guardian to facilitate family contact and ongoing communication with the child's family and community members.
- Ability and commitment of the proposed guardian to maintain a sense of personal history, identity and culture for the child, including connections with Country, traditional language group and family members
- Criminal, domestic and family violence and traffic report histories are required under legislation to be considered and provided to the Children's Court for consideration.
- The ability and willingness of the proposed guardian to meet their legal obligations under the *Child Protection Act 1999* – see below.

## **Legislative responsibilities of a long term guardian**

Talk with the proposed guardian about the legislative responsibilities and assess their willingness and ability to meet these:

### **Having the right to care for and make decisions about the child on a daily basis**

Explore the types of decisions that are likely for any child and this child in particular. Consider the future challenges that are likely to arise, including during adolescence.

### **Telling the parents about where the child is living and giving them information about the child's care**

A long term guardian is to maintain the child and young person's connection with their parents and members of the child's family including:

- tell the parents where the child is living
- give them information about the child's care

Explore the nature of the relationship between the guardians and the parents and whether they have been able to manage direct communication about the child, without Child Safety involvement.

### **Facilitating contact between the child and their parents or appropriate family members of the child's family**

A long term guardian is to maintain the child and young person's connection with their parents and members of the child's family. This includes providing opportunities for contact between the child and the child's parents and appropriate members of the child's family as often as is appropriate in the circumstances. This is the legislative responsibility unless requested by Child Safety that the Children's Court specifies otherwise.

Explore the proposed guardian's capacity to date in facilitating family contact and the likelihood that they can manage this in the future.

### **Allowing Child Safety to have contact with the child at least once every twelve months to enable Child Safety to review their case plan (*Child Protection Act 1999, section 51VA*)**

Child Safety is required to contact a child on long term guardianship to a suitable person at least once every 12 months and that the guardian must allow for this contact to occur. Explore the proposed guardians' relationship with Child Safety and how they might manage ongoing contact in a way that is positive for the child.

**Notifying Child Safety in writing if the child is no longer in their direct care and providing the child's current whereabouts (*Child Protection Act 1999*, section 80A).**

A guardian to immediately advise Child Safety if the child and young person under their guardianship leaves their direct care or the guardians care of the child or young person will end, *"the child's long-term guardian or permanent guardian reasonably believes the guardian's care of the child will end in the near future"* and *"the child is no longer cared for by the child's long-term guardian or permanent guardian"*. The guardian must immediately give Child Safety written notice when either of the above circumstances occurs. Note, guardianship of a child or young person cannot be 'given' to another adult selected by the long term guardian as the child and young person remains a child subject to a child protection order until their 18<sup>th</sup> birthday.

A proposed guardian is able to state in their Will who they wish for guardianship to transfer to upon their death, as any parents would plan for their children's future. As the child is subject to a child protection order, Child Safety is required to take actions necessary to secure the child's legal safety, and where suitable, can assess the proposed guardian stated in the long term guardians' Will as a suitable person. This may support the long term emotional wellbeing of the child and support them remaining with their long term guardians family.

**Assessment documentation**

In finalising the assessment, draw all information together in the Assessment Report – Long Term Guardianship to a Suitable Person. Seek CSSC Manager's endorsement of the recommendation and seek advice from your Office of the Child and Family Official Solicitor (OCFOS) regarding the assessment outcome.

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**Version history**

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