

Long-term guardianship to a suitable person

Information for **children and young people**



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What is long-term guardianship to a suitable person?

Long-term guardianship to a suitable person is a type of Child Protection Order made by the Childrens Court, which gives the legal rights and responsibilities for your care to someone other than your parents.

If you are unable to live at home with your parents, this type of order is a way of making sure that you are given a secure and permanent home to live in, now and in the future, with someone who knows and cares for you.

It is likely that your guardian will be someone you already know and who cares for you, for example, a member of your family or community, or your foster carer.

How is the decision made?

For every child or young person who is in the care of the Department of Communities, Child Safety and Disability Services, a decision must be made about their long-term care. One option for long-term care is a Child Protection Order granting long-term guardianship to a suitable person.

Before applying to the Childrens Court for a Long-term Guardianship Order, your Child Safety Officer needs to make sure that this is the best decision for you. To do this, your Child Safety Officer will talk with you, your parents, your carers and other people who are important to you. The Officer will explain what the Order will mean for you and your future care, and will seek your views about the Order and your proposed guardians.

Most importantly, before someone can become your guardian, your Child Safety Officer needs to assess their ability and willingness to meet all of your protection and care needs, now and in the future. That is, your Child Safety Officer needs to be sure that your proposed guardian will look after you until you don't need looking after anymore.

The child safety service centre manager makes the final decision about whether the department will apply to the Childrens Court for a Long-term Guardianship Order. If the manager does not think that this would be the best Order for you, the manager may decide that an Order granting long-term guardianship to the chief executive Child Safety would be better for you.

There are big differences between an order granting long-term guardianship to a suitable person and long-term guardianship to the chief executive.

Type of Long-term Guardianship Order	Difference between types of orders
Long-term guardianship to a suitable person	The suitable person (your guardian) plans for, and makes all decisions about, you and your future. Except for a decision about the publication of information by the media, Child Safety no longer makes any decisions about you or your future.
Long-term guardianship to the chief executive (Child Safety)	Child Safety plans for, and makes decisions about you and your future.

Your Child Safety Officer will explain the differences to you and ask you for your views about the best Order for you.

What will change if a suitable person is granted guardianship?

There are big differences between what happens now in your placement while you are subject to a short-term Child Protection Order, and what will happen if a suitable person is granted long-term guardianship of you.

There is no difference between what happens now in your placement while you are subject to a short-term Child Protection Order, and what will happen if the chief executive is granted long-term guardianship of you.

The table over the page gives you some ideas about how things will change, if a suitable person is granted long-term guardianship.

	<p>What happens now if you are on a short-term Child Protection Order? and What will happen when you are in the long-term guardianship of the chief executive?</p>
Child's contact with your Child Safety Officer	Monthly
Child's contact with your Community Visitor	Yes
Case plan review	Six-monthly
Transition from care case planning and support by Child Safety	Yes
Transition to Independent Living Allowance	Yes, pending Commonwealth Government approval
Education Support Plan	Yes
Cultural Support Plan	Yes
Child Health Passport	Yes
Expiry of the Order	For a short-term Child Protection Order, the expiry date is recorded on the Order. If you are subject to the long-term guardianship of the chief executive, the Order expires on your 18th birthday.
Placement	Change is possible in some circumstances.

What will happen when you are in the long-term guardianship of a suitable person?

Yearly

No

Each year, you will be asked if you want your case plan reviewed. Also, at any other time, you and your guardian can ask for a case plan review.

No — the guardian will help you to plan and prepare for your future as a young adult, and access the services or supports you might need.

Yes, pending Commonwealth Government approval.

No — your guardian will help you to identify your education needs, and access the services or supports you might need.

Yes — you still have a cultural support plan but your guardian will help you to identify cultural and identity needs, and access the services or supports you might need.

No — your guardian will help you to identify your health needs, and access the services or supports you might need.

The Order expires on your 18th birthday.

Permanent with your guardian.

Your guardian can ask for financial support in some circumstances to help meet your health, educational, counselling, transition into adulthood and cultural needs.

Why do these changes take place?

Some of the reasons for a Long-term Guardianship Order to a suitable person are to take you out of the child protection system, and to (as much as possible) give you a normal family life — like other children who live at home with their parents. You will no longer be in out-of-home care, and you will no longer be a foster child.

To help make your life as normal as possible, Child Safety has much less contact with you and your guardian, and no longer plans for, or makes decisions about you and your future.

This is why some of the things in the table on the previous page will no longer happen, will happen less often, or will now be done by your guardian (as your legal parent). Basically, your guardian is responsible for you just like the parent of any other child who has never been in out-of-home care.

What must your guardian do?

Your guardian will still have some extra things that the law says they must do as your legal parent.

The key things that the law says your guardian must do, until you turn 18 years of age:

- Your guardian must tell your parents where you are living.
- Your guardian must provide opportunities for you to have family contact with parents and other members of your family.
- Your guardian must give your parents information about you and your care.

If there are serious safety concerns, the Childrens Court may decide, when they make the Long-term Guardianship Order, that your guardian does not have to do the above things, or can do them in a certain way. Unless the Childrens Court makes a different decision, your parents must be told where you are living.

Your guardian must also allow your Child Safety Officer to visit you every 12 months. During this visit, your Child Safety Officer will make sure things are going OK and ask if you want your case plan to be reviewed.

After the Order is made, the department will have no legal ability to make sure that your guardian continues to do what they are legally required to do. This is why your Child Safety Officer will ask you for your views about these legal points before a decision is made to ask the Childrens Court for a Long-term Guardianship Order to a suitable person.

If you have views about your proposed guardian's legal obligations to you, your parents or family members, it is important that you let your Child Safety Officer know about them.

What are some of the decisions my guardian will make?

Some of the key decisions your guardian may make about you include:

- giving permission for you to have surgery, and to receive a general anaesthetic
- deciding if you can see a counsellor
- enrolling you in a school
- allowing you to participate in high or very high-risk sporting activities, for example, trail bike riding, rock climbing or abseiling.

- making decisions about your participation in cultural and religious events and activities
- making decisions about contact with your parents, family members and other people of importance to you
- deciding if you can travel interstate or overseas

Who looks after me now?

If a Long-term Guardianship Order is made, your guardian will be responsible for looking after you and making sure you are well-cared for. This includes looking after your health, educational, cultural, identity and therapeutic needs as well as helping you to prepare for future independence as an adult.

You are expected to live with your guardian until you turn 18 years of age, or until you and your guardian agree you are ready to live independently as a young adult.

What does it mean for me?

- Your guardian is now your legal parent and you now have a permanent family to live with.
- Your guardian will make all decisions about your daily care as well as all key decisions that Child Safety might need to make at the moment.
- Your Child Safety Officer will visit you once every 12 months.
- You will still have a case plan.
- You can still contact your Child Safety Officer if you need to, for example:
 - if things aren't going well at home
 - if you or your guardian need extra support because things have changed

- if your guardian is not helping you to have contact with your family or community
- if your guardian is not helping you to strengthen your cultural identity or connections
- if you want your case plan to be reviewed.
- Your guardian will help you to make plans for your future, including things like:
 - when and how you might leave home to live as an independent adult
 - whether you want to go to a TAFE or a university, or whether you would prefer to learn a trade or obtain a job.

How can I be involved in decision-making?

When your carer or Child Safety Officer talks to you about long-term guardianship, it is really important that you tell them what you think.

This is a decision about your life and you have the right and the responsibility to tell people what is important to you and the right to have them listen to what you say.

You can ask questions about what this would mean for you, you can tell people if you agree with the idea, what you think could be good or not so good about this type of Order and what kind of ongoing contact you would like with your family.

Some of the ways you can share your views and thoughts about long-term guardianship with your Child Safety Officer may include:

- writing your views down on paper
- making a tape recording of your views

- having a chat with your Child Safety Officer over the phone or during a visit
- telling your Child Safety Officer you would like a support person to help you share your views.

Where can I get more information?

You can find out more information about long-term guardianship from:

- your Child Safety Officer. To find the telephone number of your child safety service centre and your Child Safety Officer you can:
 - ask your carer
 - go to the Department of Communities, Child Safety and Disability Services website **www.communities.qld.gov.au/childsafety**
 - call the department’s enquiries unit on **1800 811 810** (freecall)
- your carer
- your Community Visitor
- CREATE Foundation
 - Queensland office — call **1800 655 105** (freecall)
 - National office — call **(02) 9267 1999** or go to **www.create.org.au**
- Youth Advocacy Centre Inc
 - call **3356 1002**
 - go to **www.yac.net.au**
 - email **admin@yac.net.au**

- Office of Public Guardian
 - call **1800 657 533** (freecall)
 - go to **www.publicguardian.qld.gov.au/child-advocate**
 - email **child@publicguardian.qld.gov.au**
- your parents and your family
- your school.

Is there any support available after the Long-term Guardianship Order is made?

Yes, you and your guardian may still get some help and support. This could include:

- financial support in most cases, including the fortnightly caring allowance and, depending on your needs and circumstances, the high support needs allowance and/or child-related costs
- some practical support, including advice or assistance from Child Safety regarding issues about family contact, access to counselling services, access to carer training and some time-limited, intensive case work if things aren't going well for you or your guardian
- support through Disability Services (if you have a disability),
- access to the Foster and Kinship Carer Support Line (for your guardian)
- referrals to other community services
- you or your guardian requesting a review of your case plan, at any time following the making of the Order.

