

Long-term guardianship to a suitable person

Information for **parents**





Contents

What is long-term guardianship to a suitable person?	4
How is the decision made?	4
What will change if a suitable person is granted guardianship of my child?	5
What are the long-term guardian's legal responsibilities?	8
Who looks after my child now?	9
What does it mean for my child?	9
How can I be involved in decision-making?	10
Where can I get more information?	10
Is there any support available to my child, or their guardian, after the Long-term Guardianship Order is made?	11

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 means that all future decisions about your child will be made by a guardian who will be a member of your child's family or community, or a foster carer.

This Order makes sure that if your child cannot live at home, they are given a home in which to live, now and into the future, with someone who knows and cares for them.

How is the decision made?

If the Department of Communities, Child Safety and Disability Services decides that it is not possible or in the best interests of the child to return to their parents, the department will consider the best alternative, long-term stable living arrangement for the child. One option for long-term care is a Long-term Guardianship Order to a suitable person, which applies until your child turns 18 years of age.

Prior to applying to the Childrens Court for a Long-term Guardianship Order to a suitable person, the Child Safety Officer will talk with you, your child, your child's carers and other people who are important to your child. The Child Safety Officer will explain how the Order will impact on arrangements for your child's future care, and will seek your views about the Order and the proposed guardians.

The child safety service centre manager makes the final decision about whether to apply for a Child Protection Order granting long-term guardianship to a suitable person. If the manager does not think that this Order would be in your child's

best interests, the department will apply for an Order granting long-term guardianship to the chief executive (Director-General) of Child Safety.

There are key differences between 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, who becomes guardian, plans for and makes decisions about your child. Child Safety no longer makes these decisions.
Long-term guardianship to the chief executive of Child Safety	Child Safety plans for, and makes decisions about your child, taking into account the views and wishes of you, your child and your child's carers.

What will change if a suitable person is granted guardianship of my child?

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

	<p>What happens now if your child is on a short-term Child Protection Order?</p> <p>and</p> <p>What will happen when your child is in the long-term guardianship of the chief executive?</p>
Child's contact with the Child Safety Officer	Monthly
Child's contact with their 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 your child is subject to the long-term guardianship of the chief executive, the Order expires on your child's 18th birthday.
Placement	Change is possible in some circumstances.

What will happen when your child is in the long-term guardianship of a suitable person?

Yearly

No

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

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

Yes, pending Commonwealth Government approval

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

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

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

The Order expires on your child's 18th birthday

Your child permanently resides with their guardian, until they live independently.

What are the long-term guardian's legal responsibilities?

If Child Safety decides to apply for an order granting long-term guardianship to a suitable person, there are a few key things that the law says your child's guardian must do, until your child turns 18 years of age. These include:

- telling you where your child is living, should your child change address or leave their guardian's care before they turn 18 years of age
- allowing your child to have contact with you and other members of their family and community
- giving you information about your child, for example, information about your child's health or education.

If there are serious safety concerns, the Childrens Court may decide that some or all of the above legal matters will not apply to the guardian, or will only apply to a limited extent. If the Childrens Court does not change the guardians' legal responsibilities, you must be told where your child is living.

Your child's long-term guardian must also:

- allow the Child Safety Officer to visit your child every 12 months (the Officer will make sure your child is well cared for and ask your child if they want their case plan to be reviewed)
- tell Child Safety if your child leaves their direct care before your child turns 18 years of age.

The Child Safety Officer will ask you for your views, before a decision is made to ask the Childrens Court for a Long-term Guardianship Order to a suitable person.

Who looks after my child now?

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

Your child is expected to live with their guardian until they turn 18 years of age, or until your child and their guardian agree that your child is ready to live independently as a young adult.

What does it mean for my child?

- Your child's guardian will make all decisions about your child's daily care (custody matters).
- Your child's guardian will make all decisions about issues likely to have a significant or long-term impact on your child's wellbeing and development (guardianship matters).
Note: you or the department may have made these decisions for your child until now.
- The guardian is now your child's legal parent and your child now has a permanent family who they will live with.
- The Child Safety Officer will visit your child once every 12 months.
- Your child will still have a case plan.
- Your child can still contact their Child Safety Officer if they need to. For example:
 - if things aren't going well with their guardian
 - if your child or their guardian needs extra support because things have changed
 - if your child's guardian is not meeting their legal responsibilities.

- Your child's guardian will help your child to make plans for their future as an adult.

How can I be involved in decision-making?

When the Child Safety Officer talks to you about long-term guardianship, it is really important that you tell them what you think. You can ask questions about what this means for you and your child, 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 child.

Where can I get more information?

You can find out more information about long-term guardianship to a suitable person from your child's Child Safety Officer. You can contact the Officer at the child safety service centre.

If you need to contact the child safety service centre, you can:

- visit the Department of Communities, Child Safety and Disability Services website on **www.communities.qld.gov.au/childsafety**
- Call the department's Enquiries Unit on **1800 811 810** (freecall)

If you would like to obtain legal advice about the Long-term Guardianship Order to a suitable person, you can contact:

- Legal Aid Queensland on **1300 651 188** (cost of a local call in Australia), or go to the Legal Aid Queensland website **www.legalaid.qld.gov.au**
- the Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd on **1800 012 255** (toll free), or go to the website **www.atsils.com.au**

Is there any support available to my child, or their guardian, after the Long-term Guardianship Order is made?

Yes, your child and their guardian are able to receive some help and support from Child Safety after the Long-term Guardianship Order is made, for example:

- financial support
- practical support
- referrals to other services in the community
- face-to-face contact between your child and their Child Safety Officer every 12 months
- your child or their guardian can request a review of your child's case plan at any time following the making of the Order.

Your child and their guardian might also receive support from Disability Services, if your child has a disability.

