

FACT SHEET

Children, Young Persons and Their Families Amendment Amendment Bill 2017

The *Children Young Persons and Their Families Amendment Amendment Bill 2017* amends the *Children Young Persons and Their Families Amendment Act 2013* (2013 Amendment Act).

The 2013 amendments were introduced to ensure that the child protection system in Tasmania operated in line with contemporary best practice, was child and youth centred and family focused. The aim was to introduce a less adversarial approach when dealing with parents engaged with the child safety system. The amendments were based on recommendations made in the independent Legislative Amendment Review Reference Committee's (LARRC) report.

The purpose of this new Amendment Bill is to clarify and strengthen the intention of the *Children Young Persons and Their Families Amendment Act 2013* through minor amendments. The amendments correct uncommenced amendments relating to voluntary care agreements and simplify uncommenced Family Meetings provisions.

Revising the Voluntary Care Agreement Provisions

There are two amendments relating to Voluntary Care Agreements (VCA) in the Bill. The first amendment corrects an error in respect of the maximum period for standard VCAs so that they may have a total extended period of 6 months.

The second amendment addresses the 2013 amendment that provided for longer VCAs for children with special needs arising from disability, and children where special circumstances exist and it is in the best interests of the child. While disability is an area of need that may justify the longer VCA, the specific reference to disability may also inadvertently narrow the scope of the VCA provisions.

The removal of the specific reference to disability clarifies the broad scope of the longer VCAs. It also resolves any ambiguity between the State and the National Disability Insurance Agency with respect to funding disability supports. That is, State governments retain responsibility for protecting the wellbeing of children including out of home care for a child where this is required. The NDIS supports the child's disability related needs, such as aids and equipment and supports to access the community and transport.

Maximising Non-Adversarial Dispute Resolution Mechanisms

The 2013 Amendment Act contains uncommenced and detailed formal provisions for 'Family Meetings'. The amendments were introduced to provide additional flexibility prior to the use of family group conferences, to enable responses that more appropriately address a family's individual circumstances.

The uncommenced 2013 Amendment provisions are not sufficiently flexible and will not, without amendment, meet the LARCC's objectives. Family Meetings have already begun operating administratively in the Department's Child Safety Service under the 'Signs of Safety' framework.

The Signs of Safety Framework was originally developed in Western Australia's Department of Child Protection. It is currently being utilised by a number of jurisdictions both nationally and

internationally. It is an established evidence-based practice that offers significantly increased positive and sustainable outcomes for Child Safety Service's clients.

Signs of Safety family meetings are less formal and less adversarial. They are a family-led forum for decision-making.

Signs of Safety family meetings are designed to create a proactive, structured and monitored process that provides parents involved in child safety matters with a genuine opportunity to demonstrate that they can provide for the safety and care of their children as DHHS requires.

They can be used at any stage, but serve as an ideal safety planning opportunity that can be convened quickly after the initial investigation or the children being removed from their natural family.

The Signs of Safety family meetings have been found to be flexible, reactive and adaptive to diverse child protection matters.

The Bill simplifies the 2013 amendments to make sure they are sufficiently flexible and align with the flexibility of this framework.