

Aboriginal Child Placement Principle practice guide

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In this document, 'Aboriginal' refers to both Aboriginal and Torres Strait Islander people. 'Indigenous' or 'Koori/Koorie' is retained when part of the title of a report, program or quotation.

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Introduction

From 1 July 2024, amendments to the *Children, Youth and Families Act 2005* include:

- a new statement of recognition
- new recognition principles
- the expansion of the Aboriginal Child Placement Principle to include all 5 elements.

These amendments ensure that decision-making includes:

- the views of Aboriginal children, families and communities
- Aboriginal children, families and communities right to self-determination, culture and connection.

This resource includes examples of good practice to guide child protection practitioners on how to:

- understand the 5 elements of the Aboriginal Child Placement Principle
- apply the elements of the principle to child protection practice in Victoria
- make decisions based on the best interests for Aboriginal children
- comply with the intent of the statement of recognition and recognition principles.

Glossary

Term	Shortened form
Aboriginal Child Placement Principle	ACPP
Aboriginal community-controlled organisation	ACCO
Aboriginal Child Specialist Advice and Support Service	ACSASS
<i>Children, Youth and Families Act 2005</i>	the Act
Aboriginal Family Led Decision Making	AFLDM
Client Relationship Information System	CRIS
Department of Families, Fairness and Housing	DFFH

The 5 elements of the Aboriginal Child Placement Principle

Prevention

s.14 (1A)

An Aboriginal child has a right to be brought up within the child's family and community.

Our practice	Practitioner actions
<ul style="list-style-type: none"> • Identify Aboriginal children at the earliest possible point of child protection intervention. • Help families understand the reason for child protection involvement in their lives. • Ensure families can access integrated and culturally appropriate services so that they may address the protective concerns. • Offer families a choice about which services they can access. • Ensure comprehensive assessments of a child and family's needs are culturally safe. • Explore alternative referral pathways to divert children and families away from child protection involvement. 	<ul style="list-style-type: none"> • Ask questions to establish a child's Aboriginal identity. • Record and verify a child's Aboriginal identity on CRIS upon completion of the first home visit. • Consult ACSASS for cultural advice as part of investigation planning. • Invite ACSASS to attend the first home visit. • Continue consultation with ACSASS before making significant decisions. Reflect these consultations in detailed notes on CRIS. • Complete a genogram with the family. The genogram should: <ul style="list-style-type: none"> – clearly identify who in the family is Aboriginal – help you understand who in the family network can support the safety, wellbeing and cultural connection of the child. – record at least three generations of the family • Make a referral to Aboriginal Kinship Family Finding as soon as out-of-home care is considered. • Follow up after making referrals to support families in engaging with services.

Practice Reflection prompts

- Have I clarified the child and both parents' clan, mob, community group and language?
- Have I sensitively and respectfully gathered cultural information about the child and family? For example, when asking about cultural information, saying: 'I acknowledge some people may not know this information, but if you do, can you share this with me?'
- Have I asked about the strengths and protective factors that the family's culture and cultural identity provides them?
- Have I implemented appropriate Aboriginal advice and support services to help the family address the protective concerns?
- Have I offered the family a choice of support services they can access? Do they understand the purpose of each service's involvement?
- Have I considered cultural connections to be protective factors in the risk assessment?
- Is this the least intrusive intervention required to keep these children safe?

Partnership

s.14 (1B) and (1C)

(1B) The Aboriginal community to which the child belongs and other respected Aboriginal persons have a right to participate in the making of a significant decision in relation to an Aboriginal child under this Act.

(1C) Representatives of the Aboriginal community have the right to participate in the design and implementation of child protection and community services relating to Aboriginal children and their families under this Act.

Our practice	Practitioner actions
<ul style="list-style-type: none"> • Ensure early, frequent and high-quality consultation with ACSASS. Ensure this moves beyond 'advising/informing' of decisions. • Recognise the role that child welfare practices played in colonisation. Understand the ongoing impacts and the power imbalance between Child Protection and Aboriginal families and organisations. Take active steps to build trusting relationships. • Child Protection leadership plays an active role in establishing area-based forums and opportunities for Aboriginal organisations to participate and provide input to decision-making. 	<ul style="list-style-type: none"> • Build relationships to partner with Aboriginal families and services to involve them in significant decision-making. • Strengthen relationships with local ACSASS service and ACCOs to increase knowledge and trust. • During the consultation process, provide ACSASS with the information they need to provide timely and high-quality advice. • Give ACCO staff access to child protection training. • Invite ACCO staff to reflective practice sessions. • Where advice is sought from Aboriginal staff within DFFH, ensure they understand their role and purpose of the consultation. • Offer Aboriginal professionals involved in a family's care the opportunity to be part of decision-making. • Keep Aboriginal professionals involved in a family's care updated. • Regularly review children on eligible orders for case-contracting to an ACCO.

Practice reflection prompts

- Do I know which ACCOs in my area work with Aboriginal children and families? Have I reached out to them to learn more?
- Are there Aboriginal-specific programs within the mainstream services we refer to? Do I know their referral process and criteria?
- Am I following the right protocols for engaging with Aboriginal communities?
- Have I talked with Aboriginal agencies already engaged with the family?
- Do the Aboriginal staff and representatives from ACCOs at this meeting know what it's for? Do we usually follow their advice?

Participation

s.14 (1D)

The parents and members of the extended family of an Aboriginal child have a right to participate, and to be enabled to participate in an administrative or judicial decision-making process under this Act that relates to that child.

Our practice	Practitioner actions
<ul style="list-style-type: none"> • Actively seek the views of the child in an age-appropriate manner and this is recorded clearly on the file • Consider the views of the child's parents/caregivers/family in decision-making. • Ensure families feel safe and supported to play an active role in the decision-making processes. • Ensure Aboriginal families and communities understand child protection processes. • Communicate with families in a respectful and transparent manner. • We promote ways for Aboriginal families to provide feedback on their experiences with child protection. • Ensure parents know their rights and are able to get legal help that understands their cultural rights. • Ensure Aboriginal families are able to participate in AFLDM meetings. 	<ul style="list-style-type: none"> • Understand the child's family network • Seek the advice of ACSASS on how to support cultural engagement with Aboriginal children and families. • Use 'My Views' and 'Voice of the Child' resources to capture the child's view. Ensure this is represented at AFLDM and other case planning meetings. • Make a referral to the AFLDM convenor within 48 hours of the substantiation decision. • Encourage families to participate in decision-making outside of the AFLDM process; including case planning meetings. • Tell families about their rights, including how to request a review of a decision and how to make a complaint. • Use the AFLDM evaluation form for feedback. • Ensure interviews and meetings occur at a location and time chosen by the family. • Regularly engage in reflective practice. • Seek out training in how to work with Aboriginal families in a culturally sensitive manner.

Practice reflection prompts

- How have you gathered and understood: What are the child's thoughts and wishes? Have these changed since they were last asked?
- Who will represent the child's view at the case planning or care team meeting?
- Can the meeting be held somewhere other than the DFFH office? Maybe a place that's easier or more culturally safe for the family?
- Do the family understand the child protection processes that they are being asked to participate in? Have I explained the process and expectations in a way that is easy to understand?
- Thinking about what the family wants: Are there other people the child or family wants to be involved in making decisions?

Connection

s.14 (1E)

An Aboriginal child has a right to develop and maintain a connection with the child's family, community, culture, Country and language.

Our practice	Practitioner actions
<ul style="list-style-type: none"> Record information about a child's cultural heritage in CRIS. Make sure it's easy to locate. Ensure all Aboriginal children in out-of-home care have an up-to-date cultural plan. Ensure carers of Aboriginal children know and respect the child's need and right to stay connected to their culture and community. Ensure carers of Aboriginal children receive adequate support to implement the goals and actions in the cultural support plan. Ensure Aboriginal children have regular opportunities to strengthen family connection through meaningful contact. Support carers to actively facilitate contact between siblings across placements. Refer Aboriginal children who do not know their cultural connections to family finding services. Help them understand work is underway to find this information. Embed connection to culture in all children's case plans. Regularly review, support and advance options for reunification wherever possible. 	<ul style="list-style-type: none"> The case plan outlines how Aboriginal children will connect to their culture. The case plan considers how a child will access culturally appropriate health care and education support. Aboriginal children connect to the Aboriginal community in which they live and participate in cultural activities and events. Start working on a cultural plan as soon as a child enters out-of-home care. Review and update the cultural plan every 12 months, sooner if the child moves placements. Aboriginal children living off-Country have had a Return to Country visit. Non-Aboriginal carers have training to support an Aboriginal child's cultural, community and family connections.

Practice reflection prompts

- Have you considered a review of the cultural plan?
- Is the child proud to be Aboriginal – are they connected with their culture? If not, what are some ways I can help them connect?
- If the child has parents from different Aboriginal cultures, are they connected to both?
- Does the child have a cultural mentor?
- Where further family finding work has been conducted, have we updated this on the file?
- Does the child have a cultural mentor or role model?

Placement

s13 (Advice and criteria for placement)

Our practice	Practitioner actions
<ul style="list-style-type: none"> • Make active efforts to seek placement with kin or community that form the foundations of a child's identity and culture. • Understand the family's definition of what and who constitutes 'kin' and family. • Monitor and support kinship placements to ensure children can remain with Aboriginal family. • When an Aboriginal child is not placed with family, regularly review options and explore barriers to this occurring. • Where possible, place siblings together or geographically close to each other so that contact can occur regularly and organically. 	<ul style="list-style-type: none"> • Complete a genogram during the Investigation phase that includes both sides of the family to three generations. • Conduct Kinship Part B and C assessments (with input from ACSASS). • Where possible, use a Targeted Care Package to support the child to live with family. • Assess placement options in order of hierarchy and record rationale for placement (ACPP) in CRIS. • Ensure non-Aboriginal carers have undertaken training to better understand an Aboriginal child's cultural needs. • Ensure non-Aboriginal carers are linked in with supports at an ACCO. • View permanent care as a last resort.

Practice reflection prompts

- Has family mapping been regularly reviewed and kept current?
- Is there an up-to-date assessment of the kinship placement to understand the carer's needs?
- Are there any additional supports required to ensure the placement is viable long-term?
- Have the non-Aboriginal carers been linked in with an Aboriginal organisation?