

Authorising carers to make certain decisions

Information for carers of children where the Secretary has sole parental responsibility

This information sheet applies to children and young people living in kinship, foster or residential care, subject to one of the following Children's Court orders:

- **care by secretary order**
- **long-term care order**

The Secretary has parental responsibility for these children to the exclusion of all others.

Introduction

You have been authorised to make decisions under section 175B of the *Children, Youth and Families Act 2005*. The child specific instrument of authorisation you have received sets out the issues about which you are authorised to make decisions for the child in your care. This information sheet will help you understand the types of decisions that you can make and where you can obtain further information if you have any questions.

The law requires the Department of Health and Human Services to administer the order the child in your care is subject to, and, to have a case plan for the child that includes all the significant decisions regarding the child's care and wellbeing. The child will have a case planner within the department, and a case worker (who may work for the department or a community service organisation), and there may be a care team supporting the placement.

The decisions you make need to be consistent with the child's current court order, departmental policies, the case plan, and any care and placement plan for the child.

The child specific authorisation covers issues not included in the standard instrument of authorisation, if this has been issued to you by your community service organisation.

If you have any queries, please discuss them with the child's case worker (see contact details below). Where there is a care team in place you will be part of this team, and it may also assist. You are responsible for keeping the department (through the case worker) informed about the decisions you make.

Types of decisions that may be included in a child specific authorisation

Care decisions

As the child's carer, you will make many decisions every day to do with caring for the child, for example, about the clothes the child will wear, their routine, and so on. These are day-to-day care decisions and, as the child's carer, you have both the right and the responsibility to make them in the child's best interests. You do not require authorisation to provide care for the child.

Decisions of a short-term nature

At times, routine decisions that are not of a long-term nature need to be made for a child. Your instrument of authorisation lists the issues you are authorised to make decisions about to support the care you provide.

Decisions of a long-term nature

A major long-term issue in relation to a child means an issue about the care, wellbeing and development of the child that is **of a long-term nature**. This includes issues about the child's education (both current and future), religious and cultural upbringing, health or name **of a long-term nature**.

You may be authorised to make some decisions of a long-term nature in relation to the child in your care. If you are, the issues will have been specified in your instrument of authorisation. Examples include assisting the child select their Year 11 or 12 subjects and attending a school trip overseas.

However there will be other long-term decisions you are not authorised to make for a child in your care and for which you must seek guidance from the case worker for the child.

Financial decisions

Your authorisation to make certain decisions does not affect the arrangements for financial support for home-based carers, or for meeting the costs of care for children in residential placements. Current procedures regarding financial arrangements in relation to children in out-of-home care still apply.

The care, education and medical expense allowances provided to home-based carers assist with meeting the expenses associated with providing home-based care as a volunteer carer. This includes costs connected with recreational activities and entertainment, and meeting the educational and health needs of the child the allowance relates to. You are already in a position to commit to the expenditure of the allowances you receive and this will be relevant to many of the decisions you are authorised to make in relation to the child.

Where a home-based carer believes a cost is beyond the scope of their care allowances, supplementary placement support funding may be requested.

You are not authorised to commit the department to any financial expenditure. Existing arrangements for approval of expenditure still apply.

General guidance for making decisions

Legal obligations

Any decision you make needs to be in the best interests of the child and consistent with the court order and case plan for the child. This will mean, for example, that activities cannot be arranged that would prevent compliance with a condition of the court order, or prevent established contact arrangements from proceeding (if applicable), without prior agreement by the department.

Consider families and culture in decision making

If the permanency objective is for the child to return home, consider with the case worker or care team how best to include the child's parents in any decisions that will have an impact after the child returns to their parents' care – for example, if a school camp or other activity will occur after the date planned for the child to return to their parents' care, or where the child's involvement in an activity may need to be maintained after they return home.

Give particular consideration to the child's culture and how this may be relevant to the decisions you make. For example, in some cultures, haircuts have particular meaning; or a baby's first haircut may be very significant; choice of sport (aussie rules vs soccer) may be something about which a child's parents feel passionate; or participation in camps may be of concern in some cultures.

Photographs

Consent forms for a school activity, sporting event or community activity may include a specific option for agreeing to the child's photograph being taken, for a class photo or for publication in a school newsletter or newspaper or similar.

Where you are authorised to make decisions about such activities you may consent to such photographs **provided that**:

- there is no risk to the child from their location being revealed; and
- this will not lead to identification of the child as being involved with the Children's Court. Be mindful that mention of the child's care arrangement, such as foster care or kinship care, could lead to such identification. It is an offence to publish details that could lead to the identification of a person as being involved with Children's Court proceedings. Contact the department for further information.

If the placement is undisclosed, consent should not be given.

Indemnity and immunity clauses on consent forms

Consent forms for an activity sometimes include an indemnity or immunity clause intended to apply should the child be harmed while participating in the activity.

Before signing a form with such a clause, you need to give careful consideration to:

- the level of risk associated with the activity and the safety arrangements in place
- whether the activity is appropriate for the child
- whether there can be negotiation regarding the clause (you may question the clause, and the organiser may accept it being deleted)
- what a responsible parent would do in the circumstances.

If you have any doubt, consult with the child's case worker before signing. The department is able to seek legal advice if necessary.

High-risk activities

Where there is potential for participation in high-risk activities to arise during a placement, given the child, their age and interests, or the interests of the carer, it is wise to establish the case planning position regarding high-risk activities in advance.

Short-term issues that may be included in your authorisation if you do not have a standard authorisation

Check your authorisation to confirm which issues you are able to make decisions about.

Routine medical and dental care

Where this is a specified issue, you may:

- arrange routine medical care provided by staff at day care, kindergarten or school as well as by a general registered medical practitioner (GP)
- consent to tests recommended by a GP or dentist
- unless otherwise specified, arrange childhood immunisations as set out in the current Department of Health and Human Services immunisation schedule
- arrange routine dental care provided by a dentist. This includes dental check-ups and routine treatment
- sign for prescriptions at a pharmacy, and administer medication prescribed by a registered medical practitioner or dentist.

You may not:

- approve or consent to non-routine or specialist assessment or treatment including surgery
- make decisions regarding medical or health issues of a long-term nature
- arrange more extensive dental treatment such as orthodontic treatment or the extraction of permanent teeth.

Existing arrangements for consent regarding non-routine medical matters are to be followed.

This does not prevent you from seeking emergency medical treatment for the child where required.

Activities

School, kindergarten, or child-care activities, incursions or excursions, and work experience and school camps within Victoria

Where specified you may consent to school, kindergarten, or childcare activities, incursions and excursions, work experience within Victoria, and camps within Victoria.

You may be authorised to provide consent to, or refuse participation in, religious education at the child's school, depending on the circumstances.

Activities - sports, cultural and social clubs

Where this issue is specified, you may arrange for the child to participate in suitable organised activities outside of school hours that occur within Victoria (for example: sports, dance classes, music lessons, scouts, Aboriginal or other relevant cultural activities), including excursions, and trips of more than one day. Refer to:

['Guidelines for consent for participation of children and young people in out of home care in school excursions, camps and other non-school activities'](#) .

Social events and overnight stays

You may arrange for the child to engage in activities such as concerts, parties or driving lessons. In providing consent, you need to consider the child's age and stage of development. If you have any concerns or queries, discuss them with the child's case worker or care team.

As the child's carer, you are expected to act as a responsible parent would when making decisions about where the child in your care can go or where they can be left without your direct supervision.

There are a range of matters you should consider in determining whether an overnight stay is appropriate. Please refer to:

['Guidelines for overnight stays for children in out of home care'](#)

High-risk activities

If an activity or camp involves a high risk activity, (such as horse riding, rock climbing, abseiling or water skiing) the issue of participation in high risk activities must have been discussed with the child's care team or case worker before you provide consent. This may have happened in advance of the situation arising. Your decision needs to be consistent with the case planning position on high-risk activities.

Where appropriate, in addition to the usual issues specified regarding activities, you may be authorised to make decisions regarding a child's involvement in a specific high-risk activity.

Haircuts

Where this issue is specified without qualification, you may arrange haircuts for the child.

Where the permanency objective is family reunification, you may have been authorised to arrange haircuts so that the child's hair is maintained in the current style, or the health of the hair can be maintained. You will need to seek approval from the department regarding any significant change, such as to the hairstyle or colour, as it will generally be appropriate to engage the parents in making this decision.

Interstate travel

The department must be aware of interstate movement of a child subject to an order (because it involves the child leaving the jurisdiction of the Children's Court).

Interstate travel for a particular purpose may have been specified in your instrument of authorisation. If so, be sure to keep you case worker informed of the child's movements.

Where a need for interstate travel or movement is anticipated, an authorisation that specifies the approved nature of the travel or movement may be made. Where the placement is near an interstate border, and if you regularly cross the border, you may be authorised to cross the border consistent with your usual routine.

Other interstate travel may be specified, for example, where you regularly holiday across the border, or where it is known that the school camp for the child's year level will be interstate, or about other anticipated travel. If you anticipate the need for interstate travel with the child may arise during the placement, discuss this with your case worker as authorisation in advance may assist.

Long-term issues that may be included in your authorisation

Long-term issues are more likely to be included in your authorisation if you are the long-term carer or intended permanent carer. **Check your authorisation** to confirm which of the following issues you are able to make decisions about.

Overseas travel

You may be authorised to make decisions about overseas travel of a specified nature and duration, depending on the circumstances.

Body piercing

You may be authorised to decide on legal body piercings, depending on the circumstances. There are restrictions regarding some body piercing. Check the law before giving consent.

Selection of VCE subjects

As the child's carer, you may be authorised to approve the child's selection of Year 11 or 12 subjects.

Enrolment in school, kindergarten, or child care

You may be authorised to sign specific school or kindergarten enrolment forms or arrange childcare as set out in the case plan.

Decisions you are not authorised to make

There are some long-term issues you will not be authorised to make decisions about.

Enrolment in school, kindergarten, or child care

You are not able to change the child's childcare, kindergarten, or school other than where specified to enact the case plan.

Interstate or overseas travel

You are not authorised to make decisions about interstate or overseas travel, except as specified.

Tattoos and some body piercing

In Victoria, you need to be 18 to get a tattoo. It's against the law for someone to tattoo a child. There are also restrictions regarding some body piercing.

Finance

As mentioned above, you are not authorised to commit the department to any financial expenditure. Existing arrangements for approval of expenditure beyond the scope of carer allowances, or for care expenses for children in residential care, still apply.

Information, support and assistance

Should there be a change of circumstances such as a different court order, a new instrument of authorisation would be required and the old one would no longer be valid. Parents will be informed about the decisions that you are able to make in relation to their child.

- The case worker is: _____ Phone: _____
- The case planner is: _____ Phone: _____

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