

# Identifying Aboriginal and/or Torres Strait Islander children

Information for families involved with child protection

## Why we need to know your child is Aboriginal and/or Torres Strait Islander

We know that every child's cultural identity and history is important. Child protection need to know if a child they are working with is Aboriginal and/or Torres Strait Islander so they can help them stay connected to their culture and protect the child's cultural rights. It also means Aboriginal\* services can be offered to the child and their family to help them. There are also laws to protect and help Aboriginal and/or Torres Strait Islander children that we need to obey.

The best way for child protection practitioners or workers to find out if your child is Aboriginal or Torres Strait Islander is to ask you and your family. We ask all families this question.

Knowing if a child is Aboriginal or Torres Strait Islander means:

- the child's cultural rights are protected and promoted in accordance with the Victorian *Charter of Human Rights and Responsibilities Act 2006*;
- Aboriginal specific services are offered to the child and family as soon as possible; and,
- laws in the *Children, Youth and Families Act 2005* (CYFA) that promote the child's cultural identity and connections to family and community are followed (including consultation with the Aboriginal Child Specialist Advice and Support Service (ACSASS)).

## How will this help your child?

### Aboriginal Child Specialist Advice and Support Service (ACSASS)

When we know a child is Aboriginal we must talk with the Aboriginal Child Specialist Advice and Support Service (ACSASS).

ACSASS is a specialist service that provides cultural advice and support to child protection practitioners to help them work in culturally safe ways with your child and family and make sure your child's history and heritage is respected. If you think it will help you and your child, ACSASS can also be present during visits at your home and meetings. Child protection will talk to ACSASS about all significant decisions about an Aboriginal and/or Torres Strait Islander child.

### Aboriginal Family-led Decision-Making (AFLDM)

The Aboriginal Family-led Decision-Making program helps Aboriginal families to make decisions together about the care, safety and protection of their child. This is a culturally safe approach to family decision making. An Aboriginal co-convenor helps child protection run a meeting with you, Aboriginal Elders and extended family, to make decisions to help you with problems that have been identified. This program is offered to families when child protection has assessed that a child is in need of protection. The program has often been able to help families avoid more serious actions such as Court proceedings.

### Legal obligations under the *Children, Youth and Families Act 2005*

Magistrates in the Children's Court must consider several key issues when the case before them involves an Aboriginal and/or Torres Strait Islander child. The child's Aboriginal cultural and spiritual identity must be protected and promoted under the law. The Magistrate must maintain and build the child's connections to their Aboriginal

family and community. There are also specific laws and guidelines for making decisions about where an Aboriginal child will live and who will look after them.

### **Cultural Plans for Aboriginal children**

All Aboriginal children living in out of home care must have a cultural plan and the child's case plan must address their cultural support needs. The plan shows how a child's family, support services and child protection will work together to keep children connected to their Aboriginal family, community and culture. A team of people made up of child protection, other professionals, community organisations or Aboriginal controlled organisations and family members provides support to children who reside in out-of-home care. An Aboriginal child's care team will be responsible for meeting that child's cultural support needs and helping them to grow strong in their culture.

### **Who is going to use information about my child's identity?**

We understand that some families may be worried about telling child protection practitioners that their child is Aboriginal. Child protection practitioners are trained to be respectful of Aboriginal culture and Aboriginal children and families.

Child protection practitioners will record that a child is Aboriginal in a child's file and use this information to make sure they meet all their legal obligations to the child. Child protection practitioners and contracted case managers involved with a child have permission to access that child's file.

We may also use the information to consult with ACSASS and refer to local Aboriginal services that can provide support to your child and your family. We will talk to you about this.

Information that a child or young person is Aboriginal will be provided to the Children's Court if a protection application is issued so that a magistrate understands the laws and rules they have to consider when they make decisions for Aboriginal children under the CYFA.

### **More information**

If you need more information or have questions about anything in this information sheet, please ask your child protection practitioner.

You can also contact the Aboriginal Child Specialist Advice and Support Service by emailing [adminlak@vacca.org](mailto:adminlak@vacca.org)

To receive this publication in an accessible format email: [cpmanual@dhhs.vic.gov.au](mailto:cpmanual@dhhs.vic.gov.au)

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Where the term 'Aboriginal' is used it refers to both Aboriginal and Torres Strait Islander people.

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