Policy: Permanent Care Orders

Policy Purpose
An application for a Permanent Care Order should be considered as part of permanency planning for children in long term out of home care to age 18.

Policy Statement
Permanency planning must be a priority for all children in care. Planning for a child's permanent care should commence from the moment they enter care, concurrent with planning for alternative care goals.

Eligibility criteria
An application can only be made for a Permanent Care Order if:
- A Protection Order with a long term parental responsibility direction to the Chief Executive Officer, or another specified person (or both), is in force for the child until age 18;
- A person has been assessed by Territory Families as appropriate to be granted parental responsibility as the child's Permanent Carer, and consents to the application being made; and
- A Permanent Care Order is considered to be the best means to safeguard the wellbeing of the child and to be in their best interests.

Consideration given to application for a Permanent Care Order
A Permanent Care Order should be considered as part of permanency planning for every child who meets the eligibility criteria stated above.

An application for a Permanent Care Order is a care planning decision focussed on determining the most suitable permanency outcome for a child in care, and involves a thorough assessment of the child's needs and the proposed permanent carer's capacity to meet these needs.

Planning for a Permanent Care Order must involve the child and their carer, the child's family and significant others, and where possible the child's parents, in three phases:
1. Consideration of a Permanent Care Order;
2. Assessments to support an application for a Permanent Care Order; and
3. Application for a Permanent Care Order

The relevant Regional Executive Director will determine whether or not to proceed with an application for a Permanent Care Order based on the evidence obtained through a series of comprehensive assessments and a review process.

Permanent care arrangements for Aboriginal children must fully comply with the Aboriginal Child Placement Principle and it must be demonstrated that active efforts have been made to find family members who are willing and suitable to become the child's permanent carer.

Proposed permanent carers must consent to the making of Permanent Care Order and the child's consent must also be obtained, where age and developmentally appropriate. Consent of the child's parents is preferred but is not required. If a carer does not consent to a Permanent Care Order application being made for a child currently placed with them
the placement is to be maintained unless it is the child's best interests to transition to a Permanent Care Order with another carer.

To support the permanent carer to provide for the child's needs, the permanent carer will receive fortnightly permanent carer financial support from Territory Families, equivalent to the applicable carer payments, inclusive of remote and complexity loadings.

Under a Permanent Care Order the child is no longer in the care of the Chief Executive Officer. Therefore Territory Families has no statutory obligation or authority to continue case management of the child. Financial support to the carer does not place an obligation on Territory Families to provide any additional services or support to the permanent carer. Territory Families has no involvement with decision making in relation to the child. Any involvement with the child’s parents, in relation to the child who is subject to the Permanent Care Order, will also cease after the Permanent Care Order has been granted by the Court.

The child’s substitute care case is closed at the expiration of the 28 day appeal period.

The permanent carer is entitled to seek support from Territory Families at any time, on the same basis as any other family within the Northern Territory.

Legislative Basis

*Care and Protection of Children Act 2007* s137A-M

Standards

*Standards of Professional Practice* 1, 3, 5, 6.

Authorised by:

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