

Policy: Permanent Care Orders

Policy Purpose

To ensure that a Permanent Care Order is pursued as a part of permanency planning, only when it is the best interests of a child who is in the long term care of the Chief Executive Officer (CEO), or another specified person, until 18 years of age.

Policy Statement

A Permanent Care Order (PCO) is to be considered by Case Managers for a child in Out of Home Care (OOHC) when reunification is no longer a viable option and their care plan goal has changed to a long term stable placement. The intent of a PCO is to provide safety, stability, attachment and a sense of normalcy in the relationship between a child and their primary carer.

A PCO is an order made by the Court that grants full parental responsibility for a child to an individual (the *permanent carer*) until the child in their care reaches the age of 18. The order may grant parental responsibility to one or more individuals – for example a single person, a partnered couple, an aunty and nieces. The individual must consent to the making of the order. They will have the same responsibilities for the child's care that the birth parent would normally have, and the full authority to make all the day to day and long term decisions for the child that will ensure the child's needs are met into the future.

When a PCO is granted, the child is no longer considered to be in OOHC and all case management will cease.

Care Planning

A full assessment of the child's immediate and future needs must clearly demonstrate that a PCO is in the child's best interests and will safeguard their wellbeing. The wishes of the child and their birth family will be carefully considered and help inform the decision making process.

The CEO's decision to consider, pursue and finally apply for a PCO will be informed by a process of consultation and detailed case plan reviews that will involve:

- the child, if of sufficient age and maturity;
- the child's parents, their maternal and paternal families;
- the proposed permanent carer and their family;
- any other person considered to have a direct interest in the child's wellbeing;
- cultural expertise and interpreters where required to assist the child and their family;
- Territory Families Carer Assessment Support Team (CAST), Case Manager and cultural advisors.

Assessments

The child's needs assessment and permanent carer's assessment will be robust and comprehensive, with a number of approval phases and reviews.

Child's needs assessment

The child's immediate and future needs and strengths will be determined by a rigorous multidimensional assessment undertaken by Case Managers in collaboration with CAST workers, and may include input from other professionals and a psychological report.

The holistic assessment will consider the child's developmental, emotional, cultural, language, and spiritual needs.

Careful consideration is to be given to the effect of a PCO on the child's sibling relationships as the maintenance of these relationships will have a direct influence on the child's social and emotional development as an adult.

Aboriginal children being considered for a PCO must have their needs and the proposed permanent care arrangements assessed under the Aboriginal Child Placement Principle, and the decision making process must be documented in detail.

The child's needs assessment report will determine if a PCO is the best means to safeguard the child's wellbeing and the decision and actions will be included in the care plan for the child.

Permanent Carer assessment

An approved permanent carer must meet the requirements of an approved Territory Families authorised carer and a further permanent carer assessment to determine their suitability to be given full parental responsibility for a child in their care.

The assessment will include an individual's ability to form attachments and stable relationships, and their ability to meet a child's physical, health, emotional, social, cultural and spiritual needs. The individual must demonstrate their willingness to support the child's right to maintain connections with their family, culture and community.

An individual may be approved as a permanent carer for either a specific child who is already in their care or for a child who will be transitioned into their care.

If an individual does not consent to a PCO application for a child currently placed with them, the placement must not be disrupted unless the child's needs assessment identifies that a placement change would be in their best interests.

Where an individual's application to become an approved permanent carer is not for a specific child they will be approved for the Permanent Carer Register. The individual and a suitable child will be matched. The child will be placed with the matched carer and the case manager will monitor the placement to assess whether the relationship and attachment developed between the carer and child is stable and positive.

To proceed with a PCO application for the matched child and carer a decision must be reached that to do so is in the child's best interests, considering all the circumstances of the case. The length of the assessment period is a case management decision. On balance it is not in the best interests of the child for this decision to be unnecessarily delayed or for it to be made with undue haste. The decision should be made as soon as possible and certainly within 12 to 18 months.

The Role of the Permanent Care Order Panel

Before the CEO can make an application for a Permanent Care Order the matter must be presented to the Permanent Care Review panel for consideration.

The panel is comprised of appropriate professionals and cultural advisors who must consider whether to endorse the application for a PCO based on:

- the child needs assessment report, including the child's approved care plan; and
- the proposed permanent carer assessment approved by the Executive Director, Out of Home Care.

The panel can endorse the application or decide not to endorse the application. The panel may request further information or make other recommendations for the child's care.

If the panel endorses the application for a PCO and the Chief Executive Officer then approves the panel's recommendations, the application can proceed to Court.

If the panel does not endorse the application then it cannot proceed. Further actions will depend on the panel's reasons and recommendations.

In all cases the child's care plan must be reviewed to reflect the next steps in the child's case management.

Court Application

Only the CEO can apply to the Court for a Permanent Care Order. The application must contain a statement that the proposed permanent carer consents to the order being granted, and should include a statement of consent from the child if it is appropriate for their age and maturity.

The application is to include a request for a direction authorising the child to travel outside of Australia without the consent of their parent, unless this would not be in a child's best interests. It is best practice to have the child's parents consent to the making of this direction if possible.

Making the Order

The Court must make the PCO if the Court is satisfied that:

- the child would be in need of protection if not for the fact that they are currently in the care of the CEO or another person;
- a PCO is the best means to safeguard the wellbeing of the child; and
- the proposed permanent carers are suitable persons to be granted parental responsibility.

Effect a PCO

The making of a PCO by the Court revokes the Long Term Protection Order that was in place.

The child is no longer in Out of Home Care and Territory Families will have no further involvement with the child, the permanent carer or the child's parents in relation to the child.

A PCO will not change a child's surname, birth certificate details, birth rights, inheritance, or access to entitlements, and the child will still be entitled to leaving care support when the PCO ceases when the child reaches the age of 18.

Payments and case closure

Carer payments will cease at the date the PCO is made by the court and the CEO will authorise a payment of \$5,000 per child to the permanent carer, with the recommendation that the money be used to support the future needs of the child.

The permanent carer is to be advised that in order to ensure the PCO is recognised in other jurisdictions they should register the PCO with the Family Court of Australia.

The child's case will be updated to reflect that a PCO has been made by the Court.

Appeal

Parties to the proceedings have 28 days from the date the PCO was made to lodge an appeal with the Supreme Court.

Revocation

A PCO can only be revoked by application to the Court by the CEO if there are concerns for the safety of the child. The Court must be satisfied that revoking the order is the best way to safeguard the wellbeing of the child. If the order is revoked it can be replaced by another order.

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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