



**POLICY
PAPER**

ACHIEVING STABLE AND CULTURALLY STRONG OUT OF HOME CARE FOR ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN



SNAICC

**SECRETARIAT OF NATIONAL ABORIGINAL AND
ISLANDER CHILD CARE INC.**

Achieving Stable and Culturally Strong Out of Home Care for Aboriginal and Torres Strait Islander Children



SNAICC

The Secretariat of National Aboriginal and Islander Child Care Inc.

Policy Paper

2005

Published by SNAICC
(Secretariat of National Aboriginal & Islander Child Care Inc.)
Suite 8, Level 1
252–260 St Georges Rd
North Fitzroy VIC 3068
Tel: (03) 9489 8099
Fax: (03) 9489 8044
Email: snaicc@vicnet.net.au
Web: www.snaicc.asn.au

November 2005

© SNAICC 2005

All rights reserved. The contents, including artwork, of this publication should not be reproduced in part or whole without the prior authorisation of SNAICC.

Stable and Culturally Strong Out of Home Care for Aboriginal and Torres Strait Islander Children is a policy statement by the Secretariat of National Aboriginal & Islander Child Care on the best model out of home care for Aboriginal and Torres Strait Islander children, and how state, territory and federal governments in Australia can achieve this.

ISBN 1-921174-05-6 (print)
ISBN 1-921174-04-8 (online)

Cover artwork and internal illustrations: Ikanbala [Richard McLean]
Design and Layout: Mark Lawrence

The photographs are from SNAICC's photographic collection and copyright belongs to SNAICC or they are used by SNAICC under agreement with the photographers.

NOTE: The photographs of children used in this publication are for illustrative purposes only, and are not intended to imply the children depicted are in care.

An appropriate citation for this publication is:
SNAICC (Secretariat of Aboriginal & Islander Child Care) 2005, *Stable and Culturally Strong Out of Home Care for Aboriginal and Torres Strait Islander Children*, SNAICC, Melbourne.

FOREWORD

Culture defines who we are, how we think, how we communicate, what we value and what is important to us.

Whenever Aboriginal or Torres Strait Islander children need to be removed from home to protect them from harm, we must rise to the challenge of protecting their cultural identities. If we neglect this aspect of our children's best interests we deny them the cultural and spiritual life that is their birthright. We also risk fundamentally damaging their well being, growth, education and life prospects.

Our children need to know their culture and for Aboriginal and Torres Strait Islander children, culture and family are inextricably linked. Culture and spirituality are part of the meaningful ways in which Aboriginal and Torres Strait Islander people interact with their families and communities and their land. There are no short cuts to keeping our children culturally and spiritually strong: maintaining connections to family and community is the only way.

Stable and Strong Out of Home Care for Aboriginal and Torres Strait Islander Children outlines SNAICC's approach to doing this. It also addresses the need for governments to do more to reduce the abuse and neglect of Aboriginal and Torres Strait Islander children and the numbers who need out of home care.

Another important part of the approach is the often overlooked need to support families from whom children have been removed to heal and strengthen – physically, emotionally and culturally. This will enable them to rebuild healthy relationships with their children and help them move towards their children coming home.

Muriel Bamblett, AM
SNAICC Chairperson

FRONT COVER PAINTING STORY

The painting used on the cover, 'Keeping Strong', by Ikanbala, was commissioned by SNAICC for its 2005 National Aboriginal and Islander Children's Day poster. The theme for NAICD in 2005 was 'Foster and Kinship Carers – Keeping Kids Connected to Community, Family and Culture'.

The painting highlights the culture that Aboriginal and Torres Strait Islander people live today, and why it is important for Aboriginal and Torres Strait Islander children to be connected to their history and culture to keep their identity strong.

The black background represents the Aboriginal and Torres Strait Islander people – the original people of Australia. The dot formations represent our Indigenous history and culture, with the white dots representing the culture we live in today. Our culture is also signified by the cultural images of the kangaroo and emu and our other activities.

The large brown boomerang images represent the shelter and protection provided by the carers of Aboriginal and Torres Strait Islander children. The large 'U' shapes represent the carers; their different colours symbolise the many cultures they represent and the awareness of their cultures that they bring to Aboriginal and Torres Strait Islander children in care. The small black 'U' shapes represent those children in care.

The artist, Ikanbala (Richard McLean), is an internationally recognised Indigenous artist from Cape York in far north Queensland. Ikanbala is a proud descendent of the Yadhakana people of Cape York, Queensland, who now lives in Victoria.

CONTENTS

Foreword	iii
Front cover painting story	iv
Acknowledgements	vi
INTRODUCTION	1
PRELIMINARY COMMENT	1
METHODOLOGY	1
OVERVIEW	2
BACKGROUND	3
Statistics	3
Historical Context	3
SNAICC's Culturally Safe Model – 'A New Journey' (illustration)	4
Culturally Damaging Model – 'Trapped in Care' (illustration)	6
Aboriginal and Torres Strait Islander culture and spirituality	8
CURRENT POLICY ENVIRONMENT	9
THE SNAICC APPROACH	10
1. Moving towards total Aboriginal and Torres Strait Islander control of child and family welfare services for Aboriginal and Torres Strait Islander people including child protection services and out of home care service delivery and case management	10
Recommendations	12
2. Properly implementing the Aboriginal Child Placement Principle and more effectively recruiting, training and supporting Aboriginal and Torres Strait Islander foster carers and kinship carers	13
Recommendations	16
3. Developing national out of home care standards for Aboriginal and Torres Strait Islander children that reflect cultural and spiritual needs	17
Recommendations	20
4. Enabling Aboriginal and Torres Strait Islander children in out of home care to maintain and build family connections	20
Adoption	21
Recommendations	22
5. Developing healing and family support services for Aboriginal and Torres Strait Islander families to prevent child abuse, neglect and removal and to bring removed children home	22
Recommendations	23
CONCLUSION	24
ENDNOTES	25
SUMMARY OF RECOMMENDATIONS	26
APPENDIX: WHAT IS SNAICC?	29
REFERENCES	30

ACKNOWLEDGEMENTS

SNAICC would like to thank the following members of the SNAICC National Executive Committees (2004, 2005 or both) who were interviewed for this policy statement:

Muriel Bamblett
Chief Executive Officer, Victorian
Aboriginal Child Care Agency

Alison Overeem
Co-ordinator, Tasmanian Aboriginal
Centre

Ray Bobognie
Chairperson, Mackay Aboriginal and
Islander Alternative Care and Child
Protection Family Support Service

Gwen Owen
Treasurer (2004), SA Aboriginal
Family Support Services (2004)

Lyn Guidry
Manager, Indigenous Family and
Child Support Service (Coorparoo,
QLD)

Wendy Puaumjimi
Director (2004), Karu Aboriginal
and Islander Child Care Agency
(Darwin)

Steve Larkins
Manager, Hunter Aboriginal Chil-
dren's Services

Dawn Wallam
Chief Executive Officer, Yorganop
Aboriginal Child Care Agency
(Perth)

Garry Mathews
Administrator, Coffs Harbour Family
Community Care Centre

Sharron Williams
Chief Executive, South Australia
Aboriginal Family Support Services

SNAICC also thanks Julie Sleight, SNAICC's Policy Officer, who researched and wrote this policy statement.

We also thank Ikanbala (Richard McLean), an Indigenous artist descended from the Yadhakana people of Cape York, Queensland, who designed the illustrations within this publication and produced the artwork used for the cover.

INTRODUCTION

This is an approach to out of home care for Aboriginal and Torres Strait Islander children that:

1. Is culturally strong and provides security and stability without adoptions and without the need for strict 'permanency planning' rules and time limits;
2. Includes a central role for foster carers in supporting children in out of home care to maintain and strengthen their connections with their Aboriginal or Torres Strait Islander family and community and their cultural and spiritual heritage;
3. Recognises the strengths of Aboriginal and Torres Strait Islander family and kinship systems.

The recommendations made here are primarily directed to state and territory governments but should also inform the policies of the Australian Government.

SNAICC will pursue opportunities to work with state and territory governments, and the Australian Government where appropriate, to incorporate this approach into child protection, out of home care and family support legislation, policies and practices.

SNAICC also wants non-government organisations providing out of home care and other child and family welfare services for Aboriginal and Torres Strait Islander people to seriously consider these recommendations and to adapt their policies and actions where relevant.

PRELIMINARY COMMENT

At the outset, it is important to clearly state that keeping children free from physical and psychological harm is paramount – equally as important for Aboriginal and Torres Strait Islander children as it is for other children. This paper focuses in large part on the need to maintain an Aboriginal or Torres Strait Islander child's involvement with their family and community. This involvement, however, *should never be seen as more important than the child's safety*. Maintaining connections to family and community is not a justification for leaving a child at risk of harm or making a placement that puts them at risk of harm.

METHODOLOGY

This paper represents the views of the National Executive of the Secretariat of National Aboriginal and Islander Child Care (SNAICC). SNAICC is the national peak body in Australia representing the interests of Aboriginal and Torres Strait Islander children and families. The paper has been written on the basis of a series of interviews with the child and family welfare representatives on the Executive, all of whom are Aboriginal people running Aboriginal and Torres Strait Islander child welfare and foster care agencies. *The quotes within the document are all from interviewed members of the National Executive.*



The entire 2005 SNAICC National Executive discussed and fed their views into the draft and then a final paper was prepared and endorsed by the National Executive. Some background information about SNAICC and the composition of the SNAICC National Executive is provided in the Appendix.

OVERVIEW

This paper presents an approach to out of home care for Aboriginal and Torres Strait Islander children in Australia. Out of home care is defined as alternative accommodation and care for children who need to be removed from their homes due to child protection concerns. The paper focuses on foster care but also covers the whole out of home care 'journey', which includes:

- time when pressures are building within a family that may lead to abuse or neglect;
- time during which child protection concerns have been notified to the statutory authorities and removal is being considered;
- time spent in foster care, kinship care or other out of home care.

The individual circumstances of the child and his or her family should govern the duration of time spent in out of home care placements, not pre-imposed time frames or strict permanency planning rules.

The paper's underlying premise is that, for cultural and spiritual reasons, maintaining contact or involvement with family or returning to family will always be in the Aboriginal or Torres Strait Islander child's best interests if safety issues can be addressed. Therefore, as well as focusing on the needs of the Aboriginal or Torres Strait Islander child in foster care, the paper also focuses on the need to strengthen and support the child's family of origin after the child has been removed so that the child can maintain connection to their family and hopefully be reunited with them. Family and community are the source of an Aboriginal or Torres Strait Islander child's culture – remove them from family and you deny them their culture.

The SNAICC approach is expressed figuratively in the illustration on page 5. This is contrasted with the model (see illustration on page 7) that does not allow connections between a child and his or her family and culture to flourish.

In summary, the SNAICC approach to achieving stable and culturally strong out of home care for Aboriginal and Torres Strait Islander children includes the following elements:

1. Moving towards total Aboriginal and Torres Strait Islander control of child and family welfare services for Aboriginal and Torres Strait Islander people including child protection services and out of home care service delivery and case management.
2. Properly implementing the Aboriginal Child Placement Principle and more effectively recruiting, training and supporting Aboriginal and Torres Strait Islander foster carers and kinship carers.
3. Developing national out of home care standards for Aboriginal and Torres Strait Islander children that reflect cultural and spiritual needs.

“Maintaining contact or involvement with family or returning to family will always be in the Aboriginal or Torres Strait Islander child's best interests.”

4. Enabling Aboriginal and Torres Strait Islander children in out of home care to maintain and build family connections.
5. Developing healing and family support services for Aboriginal and Torres Strait Islander families to prevent child abuse, neglect and removal and to bring removed children home.

Each of these elements is discussed within this paper.

BACKGROUND

Statistics

Aboriginal and Torres Strait Islander children are grossly over-represented in child protection and out of home care statistics in Australia. At 30 June 2004, there were 5,059 Aboriginal and Torres Strait Islander children in out of home care, an increase of 309 since 30 June 2003. The rate of Aboriginal and Torres Strait Islander children in out of home care at 30 June 2004 was 23.7 per 1,000 aged 0–17 years – ranging from 6.7 per 1,000 in Tasmania to 41.4 per 1,000 in Victoria.¹

In all states and territories, there are higher rates of Aboriginal and Torres Strait Islander children in out of home care than other children. In Victoria the rate of Aboriginal and Torres Strait Islander children in out of home care was nearly 13 times the rate for other children, and in New South Wales it was nearly nine times the rate.²

As well as being more likely to be placed into out of home care, Aboriginal and Torres Strait Islander children are likely to remain in care longer. In Victoria for example, an Aboriginal child or young person stays four times longer in out of home care than a non-Aboriginal child. The average length of stay is 239 days compared with 62 days.

Historical Context

The situation of large numbers of Aboriginal or Torres Strait Islander children in out of home care has arisen because of the damage that has been done to Aboriginal and Torres Strait Islander individuals, families and communities since colonisation. The history of the last two hundred years, during which Aboriginal and Torres Strait Islander people were dispossessed of their land, livelihoods, families, communities, language and culture, and the way this has devastated people economically, psychologically and spiritually, forms the background to this paper.

The systematic removal of Aboriginal children (the Stolen Generations) from their families, communities, land and heritage is of special relevance. No family was unaffected by these policies and many were totally destroyed. The grief, dislocation and despair experienced by the stolen children and the grief and loss of their families remains unhealed and has had terrible effects on children and families that have passed from one generation to the next.³

The urgent problem that all Australian governments must face is that Aboriginal and Torres Strait Islander children are suffering today because of the problems being faced by their families. Children are suffering abuse and neglect



SNAICC's Culturally Safe Model

SNAICC's model of out of home care works to keep children connected to their family, community and culture. This model has been artistically expressed by Indigenous artist Ikanbala (Richard McLean).

A New Journey

The top left hand corner of the picture shows concentric circles, which represent the mountains and the land; beside that is the symbol for water and along side the water symbol are kangaroo tracks. These are the basic things we need for survival – land, food and water.

To the right of those symbols is a campsite with people sitting, this is a family; above are symbols representing men's business and below are the symbols that represent women's business. A member from this family starts a journey of their own and a family of their own. Sometimes things don't work within families and children are neglected or abused, as shown by the spears being thrown.

The snake represents the child and the circles around him/her are the organisations that protect the child. The double lines beside the snake and the larger spear being broken show the protection. The head of the snake leads to the foster family that cares for the child; to the left of them are organisations that support the child, the foster family and the child's original family.

The mountains in the centre of the picture represent difficult times, but with help from the organisation put in place to assist the child, both the child and the foster families are able to start a new journey together, which may lead to other members of the child's extended family who could possibly assist in the continual connection or re-connection of the child to their family and culture (provided the child is safe).

The small seed at the bottom of the picture is the child before their new journey. The plant is also the child, but growing and developing into a blossoming plant with a firm root structure, which shows they are safe and secure. The lines and dots in the top right hand corner represent both heavy and soft rain. Throughout their journey they may come across difficult times but with the right nurturing they will survive, and stay connected to their family, community, culture and spirituality.

Ikanbala



© SNAICC 2005

Culturally Damaging Model

This model of out of home care totally removes children from their birth families – disconnecting children from their culture. This model has been artistically expressed by Indigenous artist Ikanbala (Richard McLean).

Trapped in Care

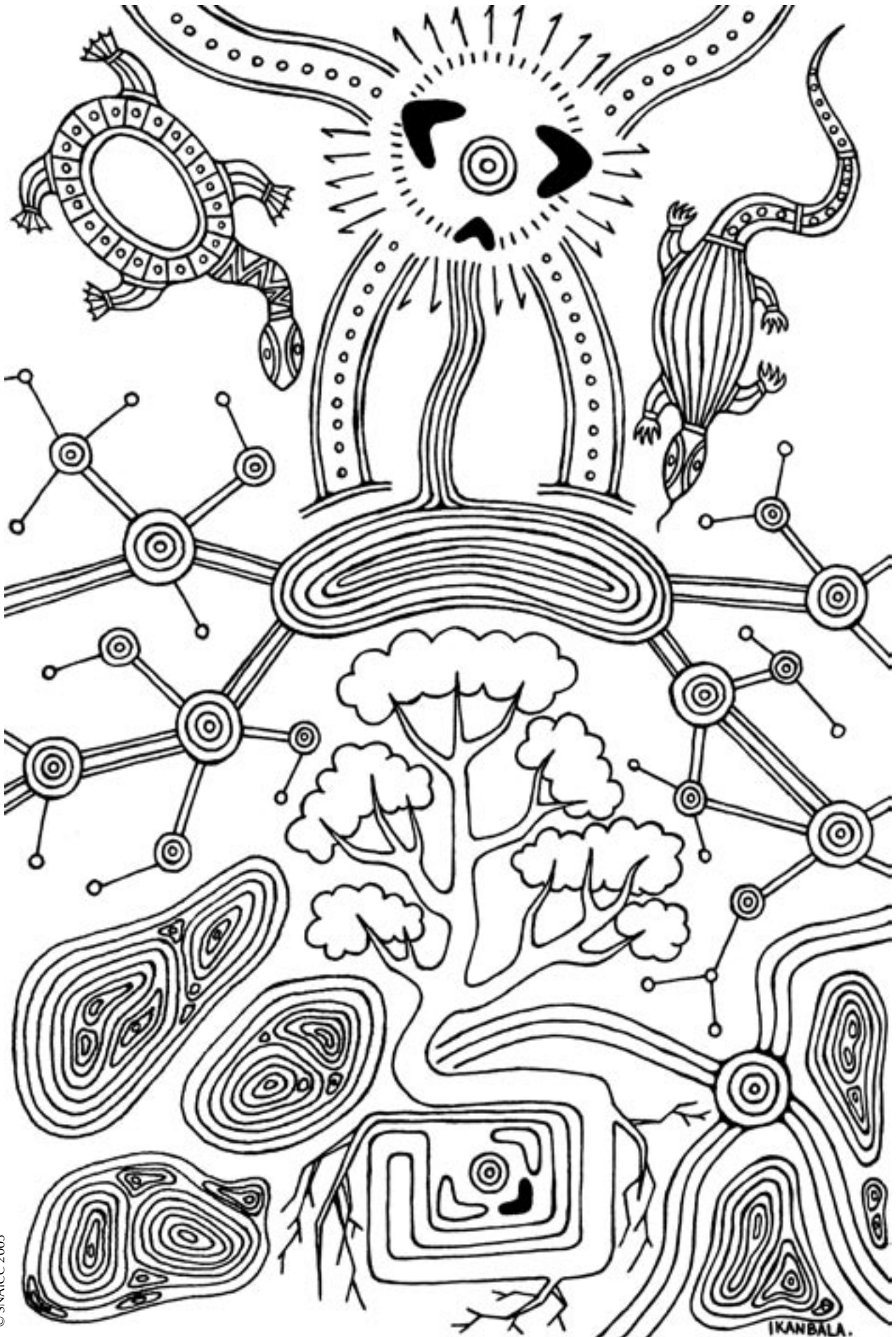
The three 'U' shape figures at the top of the picture represent the Indigenous family, mother, father and child. The arrows surrounding the family represent the abuse and neglect (disruption) within the family. The two animals either side of the family represent both parents and their families. The child is facing away from the family, showing the child being taken into care. Both parents try to make contact but are blocked.

The large oval shape in the centre of the picture represents the government which umbrellas and 'protects' the child. Either side of the government symbol are concentric circles that are joined by lines these represent all the organisations that work for and make up the government system.

Below are three more 'U' shaped figures – two are white, they represent the non-Indigenous family in which the child has been put into. The tree represents the way in which non-Indigenous families sometimes view family – many see it as a smaller nuclear family structure, with families that branch-off from each other. The roots of the tree are surrounding the child as if to protect but in doing so the child may be suffocated and completely cut off from their family and culture.

The concentric lines and circles on the bottom right represent water, which helps in the growth of the child and their relationship with their new family; it also represents the child's own journey in life. The concentric lines on the bottom left represent hills and mountains, which represent life itself, you have your ups and downs. Sometimes things are hard to get around but if you persist you can find a way through. Sometimes the mountains are too high and you can't find your way through.

Ikanbala



© SNAICC 2005

Trapped in Care

within families that are racked by grief and loss, stress, poor physical and mental health, substance abuse and violence.

Without urgent and appropriate government action, they will carry their suffering into adulthood with consequences for themselves, their families and communities, and the nation as a whole.

Aboriginal and Torres Strait Islander Culture and Spirituality

The appalling child protection statistics for Aboriginal and Torres Strait Islander children are doubly tragic because Aboriginal and Torres Strait Islander culture has enormous strengths and the potential to provide children with a wonderfully rich childhood, family life and cultural and spiritual life that many in white society would envy.

Aboriginal and Torres Strait Islander spirituality involves a sixth sense and a deeply embedded intuition and inner strength.

‘Spirituality is a sense of knowing you have connections and bonds with people and being welcomed.’

An Aboriginal or Torres Strait Islander child who has the opportunity to allow their spirituality to develop and emerge during childhood has a sense of strength, confidence, pride, belonging, peace and security that has the potential to guide and protect them through adolescence and adulthood.

‘The best way to allow spirituality to emerge in Aboriginal children is to allow them to experience it – to feel connection with people and places – and feel proud.’

If the Aboriginal or Torres Strait Islander child does not have the opportunity to allow this to develop as part of them as they grow, then they will be greatly disadvantaged throughout their lives.

Family is the cornerstone of Aboriginal and Torres Strait Islander culture and spirituality. The maintenance of connections to family and community forms the basis of the development of the Aboriginal or Torres Strait Islander child’s identity as an Aboriginal or Torres Strait Islander person, their cultural connectedness, and the emergence of their spirituality.

Aboriginal and Torres Strait Islander families are strong and powerful. Family provides valuable social capital for Aboriginal and Torres Strait Islander people. Family is often more broadly defined within Aboriginal and Torres Strait Islander culture than within white culture. Family members involved in children’s lives, and helping to raise them, commonly include grandparents, aunts, uncles, cousins, nieces and nephews and members of the community who are considered to be family. Aboriginal and Torres Strait Islander families are often larger than white families and provide connections that are a great strength for children and other family members.

Aboriginal and Torres Strait Islander children who are part of happy and culturally strong families are very fortunate children.



Aboriginal and Torres Strait Islander children in out of home care placements that cut them off from their family, culture and spirituality are at great risk of psychological, health, development and educational problems. They suffer as children and later as adults from the grief and loneliness of not belonging. They are also being denied their rights as Aboriginal and Torres Strait Islander people.

‘If you don’t know your family, you don’t know your culture and where you belong.’

‘Children need to know who they are and where they fit in with their families and communities. Even though a child may never live with their community, they should know how they fit in there, what their totem is, where their land is, who their family is. Children need to know that they are part of a journey that began 40,000 years ago; they need to know what the journey tracks were and where they fit into that journey. We are part of the rocks and the river; no Aboriginal child should have that taken away from them.’

‘Kids need to know their culture, otherwise all the things they have inside them don’t mean anything.’

Keeping children connected to family and culture can, however, be a complex and difficult undertaking. Family members may live far apart from each other. This may be because some members were relocated within Australia as part of the Stolen Generations or as part of forced removals to missions, or it may be that people have moved for work or educational reasons.

Aboriginal and Torres Strait Islander families have also become complex due to trends apparent within Australian society as a whole, such as increasing levels of single parenthood, divorce and separations, blended families and inter-racial relationships. Any agency aiming to keep children connected to family needs a good knowledge of the complex and fluid networks of families within communities. This knowledge rests with community based Aboriginal and Torres Strait Islander agencies.

CURRENT POLICY ENVIRONMENT

The policy context for this paper is that the international trend towards developing earlier plans to find long term or permanent placements (including adoptions) for children in out of home care is gaining momentum within Australia. This paper is timely in that it can assist state and territory governments to ensure that the distinct cultural and spiritual needs of Aboriginal and Torres Strait Islander children are not overlooked in efforts to improve stability for children in out of home care via permanency planning.

There is a danger that if earlier and faster permanent care plans are made for Aboriginal and Torres Strait Islander children, this will result in more Aboriginal

“Aboriginal and Torres Strait Islander children in out of home care placements that cut them off from their family, culture and spirituality are at great risk of psychological, health, development and educational problems.”

and Torres Strait Islander children being permanently removed from their families and communities and denied the opportunities that they need to develop a strong and proud Aboriginal or Torres Strait Islander cultural and spiritual identity and inner life.

SNAICC recognises, however, that the permanency planning movement is a response to gathering consensus around the world, based on early childhood development research, that security and stability are vital parts of childhood development. Governments are understandably concerned about children experiencing multiple placement breakdowns while in foster care and want to improve stability and security for children.

It is SNAICC's view, however, that strengthening permanency planning policies is not an appropriate or adequate way to improve stability and security in foster care for Aboriginal and Torres Strait Islander children. SNAICC is instead proposing an alternative approach.

THE SNAICC APPROACH

Aboriginal and Torres Strait Islander people have a long way to travel to rebuild their pride, their health, their culture and traditions and their economic strength. Government child protection policies – the cause of so much damage in the past due to the child removals that led to the Stolen Generations – can now, with the right will and adequate resources, play an important role in rebuilding the lives of Aboriginal and Torres Strait Islander children who are suffering abuse and neglect, and also assist in strengthening families and preventing future problems.

The five elements of the SNAICC approach to achieving stable and culturally strong out of home care for Aboriginal and Torres Strait Islander children are discussed below. A series of recommendations follows each section.

1. Moving towards total Aboriginal and Torres Strait Islander control of child and family welfare services for Aboriginal and Torres Strait Islander people including child protection services and out of home care service delivery and case management

Community based Aboriginal and Torres Strait Islander agencies are part of the fabric of Aboriginal and Torres Strait Islander communities. They know families within the community well and can quickly access accurate information about Aboriginal and Torres Strait Islander family networks and capacity to care for children. This expert knowledge and ability is the key determinant to good practice in placement decision-making, achieving placement stability and good outcomes for children in care and complying with the Aboriginal Child Placement Principle.

Aboriginal and Torres Strait Islander agencies are also best placed to understand and protect the true best interests of Aboriginal and Torres Strait Islander children who need to live in out of home care, including their spiritual and cultural needs.

“Self determination and self management by Aboriginal and Torres Strait Islander people must extend to total management of the welfare of our children and families.”

For effective services to be provided, and the best interests of children protected, it is essential that self determination and self management by Aboriginal and Torres Strait Islander people extend to total management of the welfare of Aboriginal and Torres Strait Islander children and families, including children needing child protection services and out of home care. Child and family welfare services provided by Aboriginal and Torres Strait Islander agencies should include preventative and therapeutic family support services for which Aboriginal and Torres Strait Islander agencies are, without exception, either under-funded or not funded at all. Additional funds must urgently be provided for this vitally important work.

Across the country and within states and territories, agencies are at different points in their growth towards being able to fully take on an expanded role, but there is much that governments can do to facilitate the growth and development of agencies and to make the best use of their current capacity.

As a first step, state and territory governments must agree in principle to Aboriginal or Torres Strait Islander agencies taking control of out of home care services and related family support services for all Aboriginal and Torres Strait Islander children who need them.

Governments must then commit to immediately putting in place systems to consult with and seek the agreement of a specialised Aboriginal or Torres Strait Islander child and family welfare organisation about all stages of the out of home care journey for each Aboriginal or Torres Strait Islander child that is removed or is under threat of removal from home. Aboriginal and Torres Strait Islander organisations in each state and territory must be immediately funded and supported to adequately undertake at least this consultative task.

Work-plans must then be developed to provide adequate funding and capacity building support to enable agencies to take on an expanded role over a period of time.

One early task for each state and territory government should be to closely document the many examples of excellent Aboriginal and Torres Strait Islander child and family welfare organisations that are currently operating to provide role models for other Aboriginal or Torres Strait Islander organisations who want to start up or expand.

Lakidjeka Aboriginal Child Specialist Advice and Support Service, run by the Victorian Aboriginal Child Care Agency (VACCA), is one example of a model that could be developed and built on elsewhere. Lakidjeka responds to notifications to Protective Services regarding Aboriginal and Torres Strait Islander children on a state-wide basis. A funded protocol between VACCA and the Victorian Department of Human Services (DHS) clearly outlines the need for DHS to contact VACCA when they receive notification in relation to an Aboriginal or Torres Strait Islander child.

Governments should also immediately establish properly resourced, high level government–community consultative forums focussed exclusively on Aboriginal and Torres Strait Islander child and family welfare with terms of reference that include exploring how to move towards total Aboriginal and Torres Strait Islander control of the management of child and family welfare. These forums should consult widely within Aboriginal and Torres Strait Islander communities and develop, monitor and report back on work-plans.



The Northern Territory's Family and Community Services Advisory Council, established by the Territory government to provide independent advice on the progress of its child protection reform agenda, is a step in the right direction.

In Queensland, the Aboriginal and Torres Strait Islander Child Protection Partnership is also in line with SNAICC's model.

RECOMMENDATIONS

That governments:

1. Recognise that timely and accurate information about Aboriginal and Torres Strait Islander family networks and capacity to care for children is the key determinant to good practice in placement decision-making, achieving placement stability and good outcomes for children in care, and complying with the Aboriginal Child Placement Principle.
2. Agree in principle to facilitate and support Aboriginal or Torres Strait Islander agencies taking control of all out of home care services (and ultimately all child protection decision making and service delivery) for Aboriginal and Torres Strait Islander children in each state and territory.
3. Commit to immediately developing systems to seek advice and agreement from a specialised Aboriginal or Torres Strait Islander child and family welfare organisation about all stages of the out of home care journey for each Aboriginal and Torres Strait Islander child that is removed from home, or is under threat of removal, and to immediately providing adequate funding and support to enable this to happen.
4. Provide additional or new funding and support to build the capacity of Aboriginal and Torres Strait Islander child and family welfare recognised agencies/Aboriginal and Islander Child Care Agencies (AICCAs) to move beyond the provision of tertiary services and provide adequate preventative and therapeutic family support services for those families where:
 - there are family problems that have the potential to turn into child protection issues;
 - a child protection notification has been made; or
 - children have been removed.
5. Document the many examples of excellent Aboriginal and Torres Strait Islander child and family welfare organisations in Australia to provide role models for other Aboriginal or Torres Strait Islander organisations who want to start up or expand.
6. Establish in each state and territory a properly resourced high level government–community consultative forum focussed exclusively on Aboriginal and Torres Strait Islander child and family welfare with terms of reference to include how to move towards total Aboriginal or Torres Strait Islander control



of the management of child and family welfare including:

- children needing child protection services and out of home care;
- preventative and therapeutic family support services;

and to develop, monitor and report back on work plans to achieve this aim.

2. Properly implementing the Aboriginal Child Placement Principle and more effectively recruiting, training and supporting Aboriginal and Torres Strait Islander foster carers and kinship carers

The Aboriginal Child Placement Principle has been in place for over twenty years now but its implementation is inadequate and inconsistent across the country. The Principle was designed to ensure that Aboriginal or Torres Strait Islander children that needed to be removed from home were kept connected to their family, community and culture to the maximum extent possible, but compliance with the Principle is very poor in most states and territories.

Placement within the child's extended family (that is in accordance with the first priority of the Principle) is achieved in only 49 per cent of cases in Western Australia, 34 per cent of cases in Queensland and 20 per cent of cases in Victoria. Total placements in accordance with any of the priorities of the Principle was achieved in 81 per cent of cases in Western Australia, 63 per cent of cases in Queensland and 62 per cent of cases in Victoria. In Tasmania, only 12 per cent of the 47 children in out of home care were living with an Aboriginal or Torres Strait Islander relative or care giver.⁴

To improve compliance with the Principle and provide stable, secure and culturally strong placements, Aboriginal and Torres Strait Islander agencies need to be provided with additional resources and support to more effectively recruit, assess, register, train and support Aboriginal and Torres Strait Islander foster carers. Kinship carers should be eligible for the same funding, support and training as non-kinship carers.

Non-Aboriginal or Torres Strait Islander agencies that are providing foster care for Aboriginal or Torres Strait Islander children may also require additional resources and support. Governments must ensure that mainstream agencies have culturally appropriate policies, procedures and practices in place if they work with Aboriginal or Torres Strait Islander children and families.

The following elements must be part of service delivery to Aboriginal or Torres Strait Islander children and carers:

2.1 Careful matching of children and carers before placements are made

The first step in placing a child should be to develop a detailed profile of the child with information such as his or her extended family, health, education and language group. The next step should be to work systematically through the hierarchy of placement options of the Aboriginal Child Placement Principle to find an appropriate carer.

“Compliance with the Aboriginal Child Placement Principle is very poor in most states and territories.”

Serious and sustained effort should be made to place the child according to the first option under the principle; that is, with a member of the child's extended family or kinship group as recognised by the Aboriginal or Torres Strait Islander community to which the child belongs. Kinship placements more easily enable the maintenance of connections to family and community (and are more stable and successful because relatives have a vested interest in making them work). Cultural strength and stability will be optimised if the child is placed with relatives, therefore every effort to do this should be made and relatives should be reassured that they will be provided with adequate funding and support.

Where the child's family is from interstate and it is apparent that the child will require a longer term stay in out of home care, then the option of placing the child with family in their home state should be explored. The lack of family in the state where the child resides should not be used as a reason for not placing the child with relatives when a longer-term placement looks likely. State to state protocols for placing Aboriginal and Torres Strait Islander children with family inter-state should be developed.

Where it is unsafe or for some other reason impossible to place the child with their extended family or community, agencies need a pool of Aboriginal and Torres Strait Islander carers with whom to place children. Agencies must have the time and resources to get to know and develop close relationships with carers and potential carers so that appropriate matches can be made. Carers and children must be given the opportunity to meet prior to the placement.

Evidence from Aboriginal and Islander foster care agencies shows that well matched placements of Aboriginal children with Aboriginal families are almost always successful, with placement breakdowns being extremely rare.

Stability is about making good choices early on.

2.2 Adequate training, resources and systems support for carers

Foster carers, including kinship carers, should not be required to look after Aboriginal or Torres Strait Islander children without training and support. The message given to carers should be that the role they have taken on is highly skilled and highly valued and that all the support and assistance they need will be available to them. In this way, the quality and stability of placements will be enhanced and the best interests of children served.

Support for Aboriginal and Torres Strait Islander foster carers should cover the following elements:

i) Training

Training for foster carers should, if practical, take place before the placement is made. Training should also be part of the ongoing experience of being a foster carer. It is beyond the scope of this paper to outline all the areas that training should cover; but for Aboriginal and Torres Strait Islander children, the following areas should always be covered:

- The need for carers to realise that theirs is a long-term commitment but that, depending on circumstances, the child may in fact stay for only a short time.



Carers (and caseworkers) should be open to the placement being short-term or long-term according to the needs of the child.

- The importance of the child maintaining connection to family and strategies to facilitate and manage this.
- The importance of the child returning to their family if this is possible.
- The desirability of the carer continuing to have involvement in the child's life once the child returns home (something that is natural and more easily facilitated if the child has been placed with an extended family member).

ii) Resources

Resources for foster carers should include everything that's needed to properly care for the child. The financial and other types of resources provided should be determined by the cost of caring and the needs of the carer, not by the type of carer with which the child has been placed. Kinship carers should be eligible for the same resources as non-kinship carers.

Resources should also include a life storybook and cultural support plan for each child. Life story books should provide the child with background knowledge about the history of Aboriginal and Torres Strait Islander people in this country, the history of their mother's and father's tribe and language group and a history of their own life's journey so far.

Books and plans of various kinds are in use in some parts of the country but it is now time for the Australian Government to fund SNAICC or another organisation to develop a generic life story book and cultural plan pro formas so that all foster carers with Aboriginal or Torres Strait Islander children have access to the same high quality resources.

iii) Systems support

Foster carers and kinship carers should feel they are part of a supportive system that highly values what they do. Foster carers should not have a direct relationship with relevant government departments but should have ready access to a foster care agency that manages the relationship with departments for them. Agencies should liaise with departments on behalf of carers and provide training, support and resources as required.

Carer support groups and events such as picnics and Christmas parties that show appreciation for the work carers do are very valuable.

Recruitment and retention of carers need not be a problem when the right support is provided. In a social climate where most agencies decry a shortage of suitable Aboriginal carers, Yorganop Child Care Aboriginal Corporation in Perth, for example, has found that new carers self-refer and usually come recommended from other carers.

“Well matched placements of Aboriginal children with Aboriginal families are almost always successful.”

Yorganop – a case study

The success of the Yorganop model is built around its core focus on providing high-level training and support for their carers. Formal training is provided prior to carers being registered, with ongoing training mandatory for all Yorganop carers. Support includes managing their relationship with relevant government departments, advocating for carers where necessary and ensuring carers understand their role.

The role of Yorganop carers is focussed on supporting a child's development for what might be a short time or for many years. This life course approach recognises that all children need to know their families, learn to live with their family dynamics (if not physically with their family) and come to terms with their family background in order to become a healthy mature adult.

Carers are recruited on the basis that their role includes assisting the child to develop an improved relationship with their family. For some children, this may mean some supervised contact, for others it may eventually mean a return home. Aboriginal children in care with Yorganop carers enjoy the placement stability that permanency planning arrangements are aiming to achieve but without the loss of family and cultural connection. Yorganop has had a 95 per cent retention rate for carers over the past five years.

RECOMMENDATIONS

That governments:

7. Acknowledge that placing an Aboriginal or Torres Strait Islander child in accordance with the requirements of the Aboriginal Child Placement Principle is always in their best interests.
8. Agree to identify and redress the barriers to compliance with the first priority of the Aboriginal Child Placement Principle that is, placing a child with a member of their extended family.
9. Agree to develop state to state protocols to enable an Aboriginal or Torres Strait Islander child to be placed with family inter-state when this is in their best interests.
10. Acknowledge that to provide stable, secure and culturally strong placements Aboriginal and Torres Strait Islander agencies need to be adequately resourced to properly recruit, assess, register, train and support Aboriginal and Torres Strait Islander kinship carers and foster carers.
11. Acknowledge that Aboriginal and Torres Strait Islander kinship carers require the same funding, resources, support and training as non-kinship carers.

“Keeping children free from physical and psychological harm is paramount.”

12. Acknowledge that best practice service delivery by Aboriginal and Torres Strait Islander out of home care agencies and mainstream agencies working with Aboriginal or Torres Strait Islander children and families should include training, resources and systems support as outlined in this paper.
13. Agree to fund a national audit of mainstream out of home care service providers to ensure that they have culturally appropriate policies, procedures and practices in place when they are working with Aboriginal or Torres Strait Islander children and families.
14. Agree to fund a national Aboriginal and Torres Strait Islander organisation such as SNAICC to develop generic life story books and cultural plan proformas as high quality resources available to all foster carers with Aboriginal or Torres Strait Islander children.

3. Developing national out of home care standards for Aboriginal and Torres Strait Islander children that reflect cultural and spiritual needs

National Standards for Aboriginal and Torres Strait Islander children covering child protection and out of home care must be developed and put in place to ensure that all Aboriginal and Torres Strait Islander children, including those in out of home care, are provided with community belonging and involvement, stability, security and cultural and spiritual development as Aboriginals or Torres Strait Islanders.

Standards should be developed in consultation with SNAICC and the state based Aboriginal and Torres Strait Islander child and family welfare consultative forums recommended above. Standards must include resources and training to effectively implement them.

A comprehensive and detailed list of standards is beyond the scope of this paper but the following six principles are provided to guide detailed standards development.

Principle 1. Safety is paramount

As stated at the beginning of this paper, it is important to clearly remind child welfare authorities and decision makers that keeping children free from physical and psychological harm is paramount – equally as important for Aboriginal and Torres Strait Islander children as it is for other children. An Aboriginal or Torres Strait Islander child's involvement with their family and community is highly important, *but never more important than the child's safety*. Maintaining connections to family and community is not a justification for leaving a child at risk of harm or making a placement that puts them at risk of harm.



Principle 2. Case planning for Aboriginal and Torres Strait Islander children should focus on the maintenance of connections to family and community and the development of cultural and spiritual identity

As outlined in the Background section of this paper, Aboriginal and Torres Strait Islander children have an inherent relationship with their land, their family and their community that is the foundation of their identity, culture and spirituality. A central responsibility of anyone caring for an Aboriginal or Torres Strait Islander child should be to nurture this relationship to the greatest extent possible.

Children in out of home care must be given opportunities to have a relationship with their family, including extended family members, and maintain their place in the interconnected network of people that forms their community. This should be a non-negotiable requirement of all out of home care placements, unless safety issues take precedence. Genealogical work needs to be done for children who aren't with their family and this needs to be recorded and kept for them.

'Let family come and visit, tell them stories and bring them things.'

Principle 3. Case planning for Aboriginal and Torres Strait Islander children should take a life course approach and focus on the needs of the child, both now and later as an older child, an adolescent and an adult

Aboriginal and Torres Strait Islander family and community connections and spirituality are a source of inner strength and resilience that, as well as being an Aboriginal or Torres Strait Islander child's birthright and valuable in themselves, can potentially be something protective for the Aboriginal or Torres Strait Islander person over the course of their whole life. The Aboriginal or Torres Strait Islander child, and later the adolescent and the adult they become, who is able to see their self as part of an inter-connected network of people and a journey, will have greater capacity to deal with life's difficulties as they arise.

Principle 4. Participation of children in decision making

Children who have not had the opportunity to discuss their views about placements or who do not understand why they can't live at home with their family may cause the breakdown of placements to force a change. Out of home care workers should sit down and listen to children individually both before the placement is made and during the placement. Children need to be regularly kept up to date about what is happening so they don't feel alone, unwanted and unloved by their families. Children need to feel comfortable about all stages of their out of home care journey.



Principle 5. Plans for the child’s cultural and spiritual development should be developed and the implementation of these plans must be adequately resourced

Case plans for Aboriginal and Torres Strait Islander children in out of home care must include the cultural aspects of what’s going to happen for the child. Children in out of home care must have planned opportunities to learn about and experience traditional culture and spirituality. These opportunities must include being involved with their family if possible and with their broader Aboriginal or Torres Strait Islander community. Participation in community and cultural events should be seen as an important part of properly caring for an Aboriginal or Torres Strait Islander child.

Children should be taken to visit their family and country and provided with life storybooks about who they are and where they come from. Regional differences in cultural and spiritual beliefs and practices must be recognised and respected. Special efforts to connect children with their particular cultural and family background need to be made for children living in big cities where people don’t ‘live’ their culture in the same way as in remote communities and where the Aboriginal or Torres Strait Islander community may be comprised of people from a range of cultures and language groups.

Principle 6. Adequate caseworker, medical and educational support for all placements

The child and the carer family need adequate caseworker support for the duration of the out of home care placement. All placements, including those with kinship carers, must have an allocated Aboriginal or Torres Strait Islander caseworker to carefully monitor the health, growth, development, educational progress and general well-being of the child and continually support the placement and deal with issues as they arise.

Multi-disciplinary health checks and comprehensive educational assessments should be undertaken for all Aboriginal and Torres Strait Islander children soon after they enter out of home care to assist caseworkers to identify what assistance both the child and the carer need.

An excellent model is operated by Kari Aboriginal Resources Inc, an organisation that co-ordinates an out of home care program for Aboriginal children in South West Sydney. Kari partners with the South West Sydney Area Health Service and Department of Community Services NSW to provide a clinic that identifies and prioritises the health needs of Aboriginal children entering foster care. The clinic provides hearing assessments, vision screening, dental checks and immunisation checks and refers children to other services as required.

Specialist medical support services should be available as needed. Children coming into care are very often psychologically disturbed or traumatised due to their experiences before entering care. Often these difficulties manifest themselves at a later date, perhaps when the child senses it is safe to ‘let go’. For this reason, help must be at hand for the carer when troubles surface.

Specialist educational assessments should also be provided for Aboriginal and

“Family and community connections and spirituality are a source of inner strength and resilience that can be something protective for the Aboriginal or Torres Strait Islander person over their whole life.”

Torres Strait Islander children entering care, and strategies developed to address educational needs.

Caseworkers should also have the role of assisting the carer to develop cultural and spiritual development plans for the child and facilitating the child's involvement with their birth family, extended family and community.

RECOMMENDATIONS

That governments:

15. Agree to start work, in consultation with SNAICC, to develop National Out of Home Care Standards for Aboriginal and Torres Strait Islander children to ensure that all Aboriginal and Torres Strait Islander children in out of home care are provided with community belonging and involvement, stability, security and cultural and spiritual development as an Aboriginal or Torres Strait Islander.
16. Agree to consider the need for resources and training to effectively implement the standards as part of the standards development process.
17. Agree to incorporate the principles listed above into the national standards.

4. Enabling Aboriginal and Torres Strait Islander children in out of home care to maintain and build family connections

The fourth element of the SNAICC approach is explicit recognition of the importance to Aboriginal and Torres Strait Islander children of ongoing connection with family. Aboriginal and Torres Strait Islander parents should be encouraged and supported to feel ongoing responsibility for their children and work towards building a healthy, stable and supportive relationship with them. Ultimately this may extend to reunification. Intensive support must be provided to parents to help them address the problems that led to their children being removed.

Aboriginal and Torres Strait Islander children need to develop relationships with extended family members. This needs to happen while they are still children because it will be much more difficult for them, sometimes impossible, if they seek to forge new relationships with their extended family as adults, having been estranged during childhood. Relationships must be encouraged and nurtured and difficulties (such as extended family members being too ashamed to seek contact with the child because of the child protection issues) must be overcome.

Extended family members may include all those who are related to the child. The distinction between close relatives and distant relatives is not as important in Aboriginal and Torres Strait Islander culture as it is in some other cultures – 'your cousin is your cousin', even second or third cousins. This means that there is potentially a large group of people who are able to provide support and family contact for the child through their whole life.



Contact with family should not be avoided because it is seen as disruptive and unsettling; instead it must be seen as a positive and necessary part of the child's experience of out of home care – unless safety issues prevent it. Contact with family should include contact with the child's extended family.

Adoption

The cultural and spiritual importance of connection to family means that SNAICC does not support adoption for Aboriginal or Torres Strait Islander children, other than customary Torres Strait Islander adoptions within extended families. Adoption is not part of Aboriginal culture. Aboriginal children need to remain connected to their family and community and the possibility of restoration to family should be kept open. The Stolen Generations and their families are to this day dealing with the trauma of past adoption policies and their suffering has taught that for many, adoption created pain that could not be healed and problems that could not be fixed.

‘Our history shows that adoption doesn’t work.’

Customary adoptions within families are part of Torres Strait Islander culture. In Torres Strait Islander communities, adoptions within family networks take place for several reasons including strengthening alliances between families or providing a child to an infertile couple.⁵ An adoption may take place within the extended family for child welfare reasons, but not adoptions outside the family that result in the child's connections to the family being lost.

Where an Aboriginal mother wants to relinquish a baby for adoption, or a Torres Strait Islander mother wants her child to be adopted outside the family, she must be provided with support and therapeutic counselling so that she is aware of all her options and able to make an informed decision. Where possible, the child's father should be involved in this decision.

SNAICC acknowledges that in some circumstances adoption may be initiated by the child's family and may be in the best interests of the child. This should only ever occur when the child's family has initiated the adoption, when therapeutic counselling has been offered and the adoption should always be by another Aboriginal or Torres Strait Islander family.

A young Aboriginal or Torres Strait Islander mother may feel unable to cope with caring for a child and seek to relinquish the baby for this reason. In such cases, the option of finding a placement with a carer who can care for both the mother and the child should be explored.

“The Stolen Generations and their families are to this day dealing with the trauma of past adoption policies.”

RECOMMENDATIONS

That governments:

18. Acknowledge the importance to Aboriginal and Torres Strait Islander children of ongoing connection with family.
19. Note that adoption is not part of Aboriginal culture and that SNAICC does not support adoption for Aboriginal children or adoptions other than customary adoptions for Torres Strait Islander children.
20. Agree that adoptions of an Aboriginal child, or a Torres Strait Islander child outside the family, will only be approved where the adoption has been initiated by the child's family, therapeutic counselling has been offered, efforts have been made to involve the child's father and the adoption will be by another Aboriginal or Torres Strait Islander family.

5. Developing healing and family support services for Aboriginal and Torres Strait Islander families to prevent child abuse, neglect and removal and to bring removed children home

Governments must explicitly recognise that there are very real injuries and inequities that stem from being Aboriginal or Torres Strait Islander and from a dispossessed, disempowered and often oppressed minority group. Aboriginal or Torres Strait Islander parents who are struggling to provide safe and proper care for their children or from whom children are taken have serious problems with which they need assistance.

Aboriginal and Torres Strait Islander families are under represented in family support and family strengthening services but over represented in short episodic service responses such as food vouchers.

Governments must recognise that families seeking short term help such as food or families where there appear to be child protection issues are likely to need healing services and longer term assistance with accommodation, income, physical and mental health problems and alcohol or other substance abuse problems. Governments must develop and support culturally appropriate ways of providing families with the services they need. In addition, as well as improving their health and functioning, families must be assisted to build their cultural strengths.

Governments should fund health and healing services for men, women and children of all ages. Models of healing centres that have been developed for first nations people in Canada provide a good starting point for thinking about what is needed in Australia.

The Government of Canada in 1998, through the Statement of Reconciliation, expressed regret for the many past policies and actions that had eroded the political, economic and social systems of Aboriginal peoples and nations. The Government also apologised to victims who suffered physical and sexual abuse in the residential school system. Accompanying the Statement of Reconciliation

“Once a child has been removed, grieving for the loss of the child can only add to the problems parents might be experiencing.”

was the announcement of a commitment of CA\$350 million in new funding to develop a community-based healing strategy to assist Aboriginal people – Inuit, Métis and First Nations, on and off reserve – who have been affected by the legacy of physical and sexual abuse in residential schools.⁶

The Anglican church of Canada also gives grants to community groups for projects of collective healing and restoration of language and culture. In Canada there are also successful Aboriginal healing and treatment centres such as the Poundmaker Lodge in Alberta, established over thirty years ago to provide a holistic high-quality treatment experience that is based on Aboriginal concepts and spirituality.⁷

The need for assistance with parenting skills should also be assessed. Many Aboriginal parents have had no role models of good parenting due to they, or their parents, being brought up in institutions as members of the Stolen Generations and sometimes subject to severe abuse and maltreatment at the hands of their carers.

Once a child has been removed, it is self-evident that grieving for the loss of the child can only add to the problems parents might be experiencing, including dependency on drugs or alcohol. Plans for assisting parents to resolve their problems and work towards building a close and healthy relationship with their children should be developed without delay following removal.

In the past children forcibly removed from home never came back, despite the best efforts of their parents. This has meant that today, once a child is taken, parents may quickly feel deeply pessimistic about the chances of them being returned. These parents may see their problems as insurmountable and lose the incentive to address the problems that led to the child being removed. This must not be allowed to happen.

Aboriginal and Torres Strait Islander parents should be encouraged to feel ongoing responsibility for their children, overcome any feelings of shame and work towards building a healthy, stable and supportive relationship with them that may ultimately lead to reunification. The threat of permanent removal of children can only get in the way of this.

Pessimism and despondency are likely to take hold much more quickly if a permanency planning process is underway and permanent placement of the child is being considered. Permanency planning processes that are implemented too quickly can potentially ‘rob’ parents of the opportunity to work towards having their children returned to them.

RECOMMENDATIONS

That governments:

21. Acknowledge that Aboriginal or Torres Strait Islander families who are struggling to provide safe and proper care for their children or from whom children are taken have serious problems with which they need assistance.
22. Commit to funding culturally appropriate preventative, early intervention and therapeutic family support services as an integral part of the work of



Aboriginal and Torres Strait Islander child welfare agencies/Aboriginal and Islander Child Care Agencies (AICCAs).

23. Agree that once an Aboriginal or Torres Strait Islander child has been removed from home this should trigger increased support and assistance for the family to help them solve their problems, create opportunities for healthy contact, develop plans towards reunification and prevent the removal of other children.

CONCLUSION

The birthright that each Aboriginal or Torres Strait Islander child is privileged to inherit is a unique cultural and spiritual heritage that stretches back over 40,000 years. The Aboriginal or Torres Strait Islander child can only inherit their culture and allow their spirituality to emerge through the lived experience of culture, and through their connection to family, community and place. Their ongoing spiritual awareness evolves from these experiences and connections.

All levels of government and non-government child and family welfare organisations working with Aboriginal and Torres Strait Islander children and families share the responsibility with SNAICC of making sure that, whatever their family circumstances, no Aboriginal or Torres Strait Islander child is denied this birthright.

ENDNOTES

- 1 Australian Institute of Health and Welfare (AIHW), *Child Protection Australia 2003–04*, AIHW cat. no. CWS 24. AIHW (Child Welfare Series no. 36), Canberra, 2005, p. 49.
- 2 *ibid.*
- 3 HREOC, *Bringing Them Home: Report of the National Inquiry into the Forced Separation of Aboriginal and Torres Strait Islander Children from their Families*, Human Rights and Equal Opportunity Commission (HREOC), Sydney, 1997.
- 4 Australian Institute of Health and Welfare (AIHW), *Child Protection Australia 2003–04*, AIHW cat. no. CWS 24. AIHW (Child Welfare Series no. 36), Canberra, 2005, p. 51.
- 5 Paul Ban, ‘Torres Strait Islander Customary Adoption’, *Family Matters* No. 35, Australian Institute of Family Studies, Melbourne, 1993.
- 6 United Nations Commission on Human Rights, *Report of the Working Group on Indigenous Populations on its sixteenth session* (Geneva, 27–31 July 1998), United Nations Commission on Human Rights, Geneva, 1998, Part E Paragraph 28.
- 7 From the Poundmaker Lodge Treatment Centre, Alberta, Canada, ‘Mission Statement’, <www.poundmaker.org/mission>

SUMMARY OF RECOMMENDATIONS

SNAICC recommends that governments:

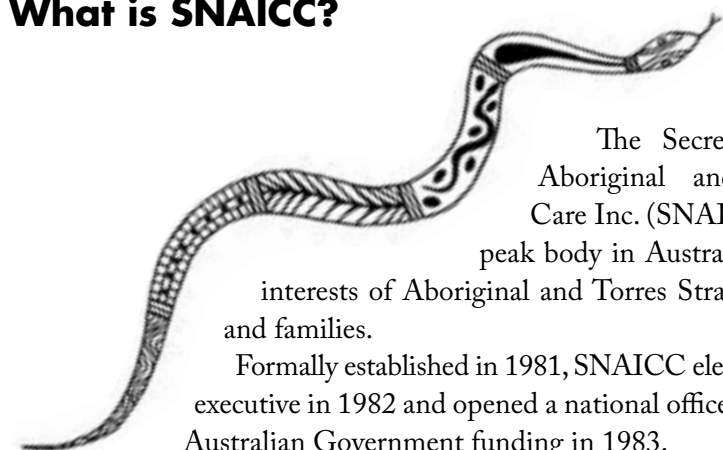
1. Recognise that timely and accurate information about Aboriginal and Torres Strait Islander family networks and capacity to care for children is the key determinant to good practice in placement decision-making, achieving placement stability and good outcomes for children in care, and complying with the Aboriginal Child Placement Principle.
2. Agree in principle to facilitate and support Aboriginal or Torres Strait Islander agencies taking control of all out of home care services (and ultimately all child protection decision making and service delivery) for Aboriginal and Torres Strait Islander children in each state and territory.
3. Commit to immediately developing systems to seek advice and agreement from a specialised Aboriginal or Torres Strait Islander child and family welfare organisation about all stages of the out of home care journey for each Aboriginal and Torres Strait Islander child that is removed from home, or is under threat of removal, and to immediately providing adequate funding and support to enable this to happen.
4. Provide additional or new funding and support to build the capacity of Aboriginal and Torres Strait Islander child and family welfare recognised agencies/Aboriginal and Islander Child Care Agencies (AICCAs) to move beyond the provision of tertiary services and provide adequate preventative and therapeutic family support services for those families where:
 - there are family problems that have the potential to turn into child protection issues;
 - a child protection notification has been made; or
 - children have been removed.
5. Document the many examples of excellent Aboriginal and Torres Strait Islander child and family welfare organisations in Australia to provide role models for other Aboriginal or Torres Strait Islander organisations who want to start up or expand.
6. Establish in each state and territory a properly resourced high level government–community consultative forum focussed exclusively on Aboriginal and Torres Strait Islander child and family welfare with terms of reference to include how to move towards total Aboriginal or Torres Strait Islander control of the management of child and family welfare including:
 - children needing child protection services and out of home care; and
 - preventative and therapeutic family support services;and to develop, monitor and report back on work plans to achieve this aim.

7. Acknowledge that placing an Aboriginal or Torres Strait Islander child in accordance with the requirements of the Aboriginal Child Placement Principle is always in their best interests.
8. Agree to identify and redress the barriers to compliance with the first priority of the Aboriginal Child Placement Principle that is, placing a child with a member of their extended family.
9. Agree to develop state to state protocols to enable an Aboriginal or Torres Strait Islander child to be placed with family inter-state when this is in their best interests.
10. Acknowledge that to provide stable, secure and culturally strong placements Aboriginal and Torres Strait Islander agencies need to be adequately resourced to properly recruit, assess, register, train and support Aboriginal and Torres Strait Islander kinship carers and foster carers.
11. Acknowledge that Aboriginal and Torres Strait Islander kinship carers require the same funding, resources, support and training as non-kinship carers.
12. Acknowledge that best practice service delivery by Aboriginal and Torres Strait Islander out of home care agencies and mainstream agencies working with Aboriginal or Torres Strait Islander children and families should include training, resources and systems support as outlined in this paper.
13. Agree to fund a national audit of mainstream out of home care service providers to ensure that they have culturally appropriate policies, procedures and practices in place when they are working with Aboriginal or Torres Strait Islander children and families.
14. Agree to fund a national Aboriginal and Torres Strait Islander organisation such as SNAICC to develop generic life story books and cultural plan proformas as high quality resources available to all foster carers with Aboriginal or Torres Strait Islander children.
15. Agree to start work, in consultation with SNAICC, to develop National Out of Home Care Standards for Aboriginal and Torres Strait Islander children to ensure that all Aboriginal and Torres Strait Islander children in out of home care are provided with community belonging and involvement, stability, security and cultural and spiritual development as an Aboriginal or Torres Strait Islander.
16. Agree to consider the need for resources and training to effectively implement the standards as part of the standards development process.
17. Agree to incorporate the principles listed here into the national standards.

18. Acknowledge the importance to Aboriginal and Torres Strait Islander children of ongoing connection with family.
19. Note that adoption is not part of Aboriginal culture and that SNAICC does not support adoption for Aboriginal children or adoptions other than customary adoptions for Torres Strait Islander children.
20. Agree that adoptions of an Aboriginal child, or a Torres Strait Islander child outside the family, will only be approved where the adoption has been initiated by the child's family, therapeutic counselling has been offered, efforts have been made to involve the child's father and the adoption will be by another Aboriginal or Torres Strait Islander family.
21. Acknowledge that Aboriginal or Torres Strait Islander families who are struggling to provide safe and proper care for their children or from whom children are taken have serious problems with which they need assistance.
22. Commit to funding culturally appropriate preventative, early intervention and therapeutic family support services as an integral part of the work of Aboriginal and Torres Strait Islander child welfare agencies/Aboriginal and Islander Child Care Agencies (AICCAs).
23. Agree that once an Aboriginal or Torres Strait Islander child has been removed from home this should trigger increased support and assistance for the family to help them solve their problems, create opportunities for healthy contact, develop plans towards reunification and prevent the removal of other children.

APPENDIX

What is SNAICC?



The Secretariat of National Aboriginal and Islander Child Care Inc. (SNAICC) is the national peak body in Australia representing the interests of Aboriginal and Torres Strait Islander children and families.

Formally established in 1981, SNAICC elected its first national executive in 1982 and opened a national office after first receiving Australian Government funding in 1983.

SNAICC operates from a diverse membership base of Aboriginal and Torres Strait Islander community based family and children's services. These include child and family welfare services, Multi-functional Aboriginal Children's Services (MACS), JET crèches, playgroups and mobile services, women's services, family support services, foster care agencies, link-up and family reunification services, family group homes, Aboriginal and Torres Strait Islander child care centres, preschools, parenting programs, early childhood education services, family and domestic violence services and services for young people at risk.

With a network and subscriber list of over 1400 community groups – mostly Aboriginal and Torres Strait Islander, but also significant numbers of non-Indigenous community based services and individuals with an interest in Aboriginal and Torres Strait Islander families and children – SNAICC keeps regularly contact with its community through newsletters, publications and briefing papers.

SNAICC is governed by a national executive of Aboriginal and Torres Strait Islander people drawn from our members and operates from an office located in Melbourne with funding provided by the Australian Government Department of Family and Community Services.

REFERENCES

- Australian Institute of Health and Welfare (AIHW) 2005, *Child Protection Australia 2003–04*, AIHW cat. no. CWS 24. AIHW (Child Welfare Series no. 36), Canberra.
- Ban, Paul 1993, 'Torres Strait Islander Customary Adoption', *Family Matters* No. 35, Australian Institute of Family Studies, Melbourne.
- HREOC 1997, *Bringing Them Home: Report of the National Inquiry into the Forced Separation of Aboriginal and Torres Strait Islander Children from their Families*, Human Rights and Equal Opportunity Commission (HREOC), Sydney.
- Poundmaker Lodge Treatment Centre, Alberta, Canada, 'Mission Statement', <www.poundmaker.org/mission>.
- United Nations Commission on Human Rights 1998, *Report of the Working Group on Indigenous Populations on its sixteenth session* (Geneva, 27–31 July 1998), United Nations Commission on Human Rights, Geneva.