



Government of Western Australia
Department for Child Protection

LEAVING CARE POLICY

Department for Child Protection
September 2011

POLICY ON LEAVING CARE

POLICY STATEMENT

The Department for Child Protection (the Department) is committed to supporting young people who leave the care of the CEO¹ to make a successful transition from care to independence. The Department will undertake planning and provide support and assistance as required under the *Children and Community Services Act 2004* (the Act).

PURPOSE OF THE POLICY

The purpose of this policy is to improve the life chances of young people leaving the Department's care. This policy aims to: improve the preparation and planning for leaving care; ensure young people's transition from care is well organised and gradual; and provide appropriate support for young people after leaving care.

BACKGROUND

The Act requires that leaving care is a planned process and children and young people are supported in their transition to independent living.

Young people leaving care and moving to independent living face barriers in accessing housing, education and employment, and experience other developmental and transitional challenges. The Department recognises a need to provide the same kinds of supports that most young people receive when leaving their families, if necessary until they reach the age of 25.

Planning for leaving care begins when a young person reaches 15 years of age. For a young person who enters care after the age of 15 years, it will begin immediately. The early focus of planning will include a thorough assessment of the young person's needs and independent living skills and strategies to further develop these skills.

It is important that young people are adequately informed and prepared for the transition from care and have access to aftercare support. Young people undertaking the transition from care do so from a range of backgrounds and circumstances and with varying levels of support available to them from family and friends. This highlights the need for flexibility as a key component in meeting such a wide range of potentially differing experiences and needs. The quality of preparation for leaving care, and of the aftercare subsequently provided, may profoundly affect the rest of a young person's life.

LEGISLATION

The Leaving Care policy is guided by the objectives, principles and requirements of the Act. It is one of a number of policies that sits under the Department's priorities for better services for children and young people in the CEO's care.

The Act gives the Department the statutory responsibility to protect, support and promote the wellbeing of children and young people who are, or have been, in the CEO's care. This includes providing appropriate leaving and after care services to children and young people who are transitioning or have left the CEO's care to independent living (Part 4, Division 6). Planning must demonstrate, at a minimum, the young person's identified needs, and actions to assist in meeting these.

¹ Categories of young people eligible to receive leaving care services are outlined under sections 1 and 2 on the next page.

The Department's responsibilities under the Act differ according to the status of the individual child or young person leaving care. The differing responsibilities are summarised below, with full details in the Casework Practice Manual.

1 All children and young people leaving care

- The Department must modify a child's Care Plan when the child is about to leave care to ensure the plan identifies the child's leaving care needs and outlines the steps or measures to assist in meeting those needs (s.89(5)).
- Young people leaving care are entitled to the return of any personal material held by the Department or other people during their time in care (s.97).
- The Department must ensure that young people are provided with social services appropriate to their Care Plan, except where the child was in provisional protection and care (s.98).

2 Young people leaving care who qualify for assistance under s.96 of the Act^{2 3} until 25 years of age

In addition to the above, s.96 of the Act enables a child or young person to qualify for assistance under sections 99 and 100 if:

- a) the person has left the CEO's care;
- b) the person is under 25 years old; and
- c) at any time the person was aged 15 or older:
 - the person was the subject of a Protection Order (time limited) or Protection Order (until 18);
 - was the subject of a negotiated placement agreement for at least 6 months; or
 - no longer lives in placement services as provided by the CEO under section 32(1)(a).

For this group of children, the Department:

- must provide information and advisory services (s.99); and
- may provide financial assistance (s.100).

The process of leaving care is complete when:

- the CEO assesses that the identified goals set out in the leaving care plan have been achieved and the young person's long-term living arrangement is likely to be sustained; or
- the young person turns 25 years of age (whichever comes first).

AFTER CARE

The Department provides assistance and advocacy for young people who have left care to ensure they receive support in:

² A person who was in a Transitional Consented Placement and has left the CEO's care should be accorded the same assistance provided he/she also meets the age and duration of placement criteria under s.96.

³ Children who:

- are/were in the CEO's care under a protection order (until 18) or a protection order (time-limited) at aged 15 years or older; and
 - who are/were subsequently adopted or made the subject of a protection order (special guardianship);
- also fall under s.96 as qualifying for assistance under ss.99 and 100.

- accessing social services including health, housing, education, employment, legal, financial management and counselling services; and
- accessing their personal records.

Young people who seek support from the Department and who qualify for assistance under s.96 of the Act will be given priority in relation to accessing after care support.

PRINCIPLES

Planning for and responding to the needs of children and young people leaving the CEO's care is underpinned by the general principle in the Act that the best interests of the child or young person are paramount (s.7). This principle ensures that a child or young person's needs and interests will at all times be the central focus of all parties involved in making decisions about, or providing, leaving and after care services.

Other principles which must be taken into account include:

- the *principle of child participation* (s.10)
- the *principle of self-determination* (s.13)
- the *principle of community participation* (s.14).

The Charter of Rights for Children and Young People in Care must also be observed.

This policy builds upon a number of related initiatives including the National Framework for Protecting Australia's Children 2009-2020, the National Standards for Out of Home Care and the CREATE Foundation National Report Cards.

RELATED POLICIES AND DOCUMENTS

As young people leave care in many different circumstances, this policy must be read and implemented in accordance with other Acts and policies including:

- *Policy for Children and Young People in the CEO's care.*
- *Policy for Reunification.*
- Memorandum of Understanding between the Department for Child Protection and the Disability Services Commission: *Joint Roles and Responsibilities for Supporting Children and Parents with Disabilities.2009.*
- *Reciprocal Policies and Procedures between the Department for Child Protection and the Department of Corrective Services (Juvenile Justice) - revised December 2005.(under revision 2011)*
- Memorandum of Understanding between the Department for Child Protection and the Public Advocate January 2011.
- *Adoption Act 1994 and Policy for the Adoption of Children*
- The Charter of Rights for Children and Young People in Care
- The CREATE Leaving Care website : www.createyourfuture.org.au and the WA-specific leaving care site : www.ignitionwa.com
- Better Care Better Standards

EFFECTIVE DATE

2011

REVIEW DATE

2014

OWNER

Executive Director Policy and Learning