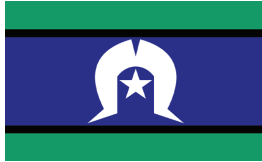


AN ONLINE GUIDE TO LEGAL MATTERS & RIGHTS RESOURCES FOR KINSHIP CARERS AVAILABLE ON THE KCV WEBSITE

**Many of these resources are also of
interest to permanent, foster and
informal carers**

2024
August





GPV/KCV acknowledges the peoples of the Kulin nation as the traditional owners of our great land and offers respect to Elders, past and present.

GPV/KCV acknowledges that the Aboriginal culture existed in Australia before European settlement and consisted of many community groups. Further, we acknowledge the Indigenous peoples of this land as the oldest continuing cultures in human history.

GPV/KCV acknowledges that laws and policies of the past have inflicted grief and suffering on our fellow Australians and regrets the removal of Aboriginal and Torres Strait Islander children from their families.

GPV/KCV believes that a society that is inclusive of all is crucial to individual and community wellbeing and will behave with respect towards all irrespective of their race, religion, sexuality, gender or socio-economic background.

GPV/KCV acknowledges 13th of February as National Apology Day, the anniversary of then Prime Minister, Kevin Rudd, delivering the National Apology to Australia's Indigenous Peoples in 2008. GPV/KCV will take steps that promote a happier and healthier future for Indigenous Australians, particularly the children and young people.

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Kinship Carers Victoria
acknowledges the support of the
Victorian government.



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How to use this guide

There are easy ways to access these resources:

1. View the contents presented in this guide, and much more, on the KCV website at

- <https://kinshipcarersvictoria.org/resource-booklets/>
- <https://kinshipcarersvictoria.org/podcasts-videos>
- <https://kinshipcarersvictoria.org/fact-sheets/>

or by doing a web search for Kinship Carers Victoria

- <https://kinshipcarersvictoria.org/>

2. Use the QR codes below to access the Resource Booklets, Podcasts/Videos and Factsheets pages on the KCV website





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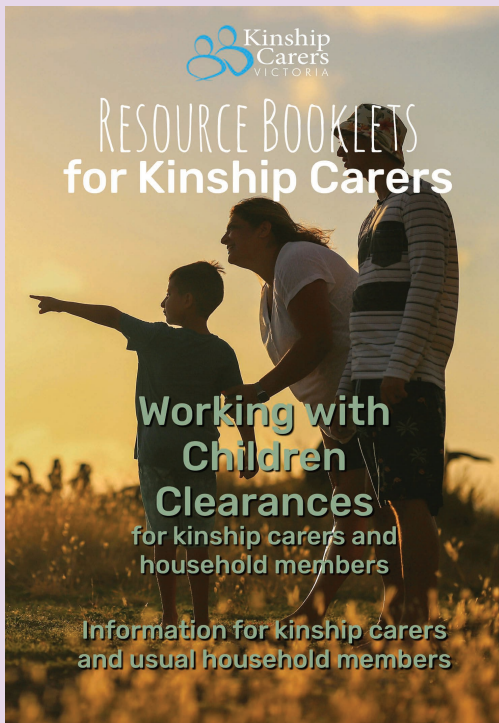
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Legal matters



Working with Children Clearances - for kinship carers & household members

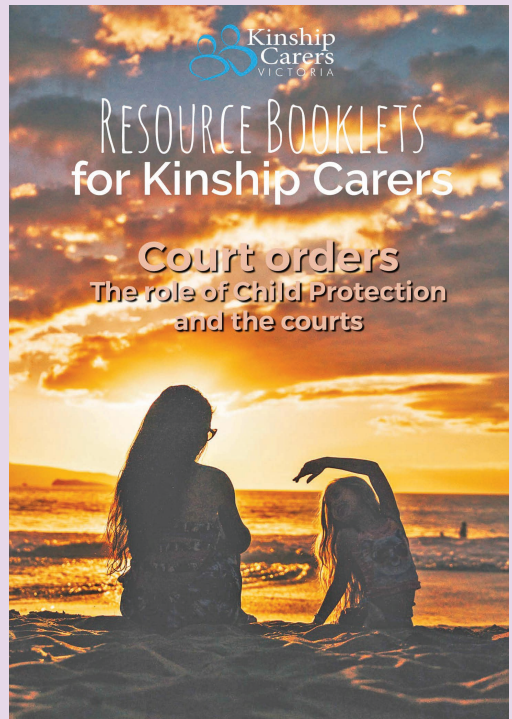
A Working with Children Clearance (WWCC) (formerly Working with Children Check) is an ongoing screening process that provides greater protection for children, including children in kinship care, by monitoring a person's suitability to engage in child-related work (which includes carers).

This booklet includes information such as when and how you should apply for a WWCC, what a 'usual household member' is, and what documents are required.

Court orders – the role of Child Protection and the courts

Includes a summary of the roles of Victorian Child Protection Service, the Victorian Children's Court, and the Family Court of Australia, plus information on the types of Child Protection orders in Victoria, Family Court orders and agreements.

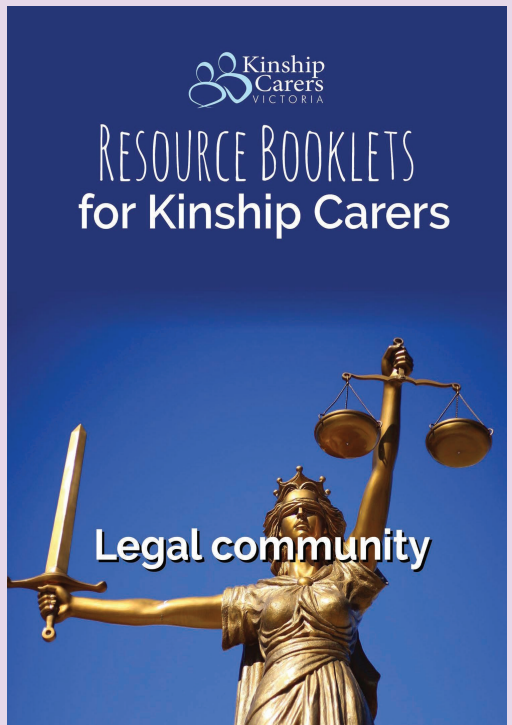
Listed also is information on where to get legal advice and support from organisations such as the Law Institute of Victoria Legal Referral Service, the Court Network Children's Court Program, the Victorian Aboriginal Legal Service Co-operative and more.



Legal community

Contains details of government and private organisations and networks providing free and/or paid-for legal advice and services.

Includes such bodies as Victoria Legal Aid, the Victorian Ombudsman, Seniors Rights Victoria, Court Network Children's Court Volunteers, Women's Legal Service Victoria, the Victorian Aboriginal Legal Service Co-operative, the Commission for Children and Young People, the Law Institute of Victoria's lawyer referral service and more, plus contact details for over 50 Community Legal Centres statewide.



Privacy and photographs



eSafety
Commissioner

Keeping up to date with the law and regulations around privacy, especially with respect to online publication or use of photographs, is challenging.

It can also be difficult to find the right balance between joyful sharing of images and potentially exposing children or young people to risk. This factsheet provides answers and advice to some commonly asked questions by parents and carers.

Can photos of the child or young person in your care be put on the fridge? Can you put photos of the children and young people in your care on your Facebook page? Can photos of children or young people be published in a school newsletter? Can their photos be published in newspapers? And are there protocols for displaying photographs of family members of Aboriginal children and young people?

Also included are some links to useful resources, such as that of the eSafety Commissioner.

Types of out-of-home care



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This factsheet covers in detail the different kinds of out-of-home care (OOHC), including kinship care, foster care, permanent care, residential care, semi-

independent accommodation options with a Lead Tenant, and voluntary out-of-home care.

Included are definitions of the types of care, differences between the various OOHC arrangements, how each of them come to be, the legal frameworks governing the differing arrangements and what part, if any, is played in them by Child Protection Services.

Also included is a flow chart outlining the processes involved in informal, statutory and voluntary kinship care arrangements, and in assessments for permanent care, with information provided on eligibility for the care allowance and other forms of state and federal government funding programs.

Responding to a disclosure of abuse

If a child or young person has been abused, they are more likely to disclose this when they start feeling safe. As a carer, it is important to think about the possibility of a disclosure and how you would respond, before such a situation arises.



This will help you be prepared and respond as well as possible, because when a child or young person discloses to you, they will be very aware of your immediate reaction. If you respond with shock, they will feel this.

This factsheet contains a list of what to do, or NOT do, if a child or young person discloses to you that they have been abused.

Also contained are links and contact details for numerous useful resources, such as various Centres Against Sexual Assault (CASAs), the Orange Door, the Reportable Conduct Scheme and a guide written by the Australian Institute of Family Studies.

Podcast #32 – Family reunification and the law (May 2024)

In this video/podcast Director of Kinship Carers Victoria, Anne McLeish, and lawyer Fleur Ward talk about the complex and vexed issue of family reunification for carer families.

They speak in detail about the reunification provisions in the *Children, Youth and Families Act (Vic)* and how the current one-size-fits-all foundation of these provisions could mean that they are not serving their intended purpose. The rights of carers to access information contained in children's court orders is also clarified.



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E V E R

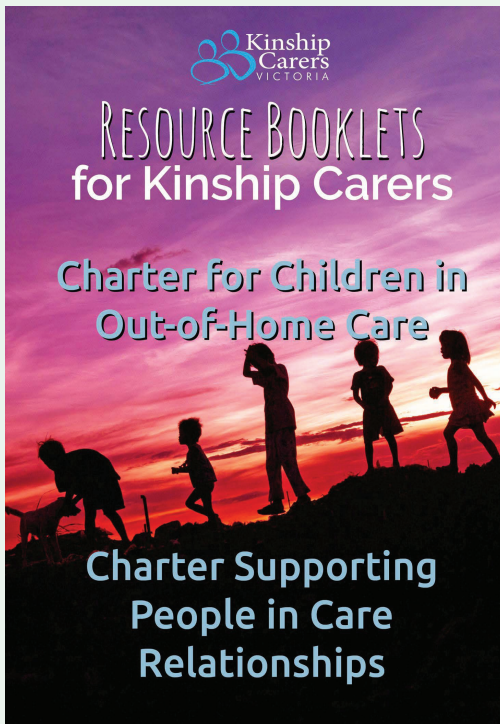
HUMAN

H A

RIGHTS



Rights



Charters – for children in OOHC & people in care relationships

The Charter for Children in Out-of-home Care is for children and young people who cannot live with their parents and are in OOHC. It lists what they should expect from people who look after and work with them while they are in care. This is also a guide for workers and carers on things they need to ensure happen.

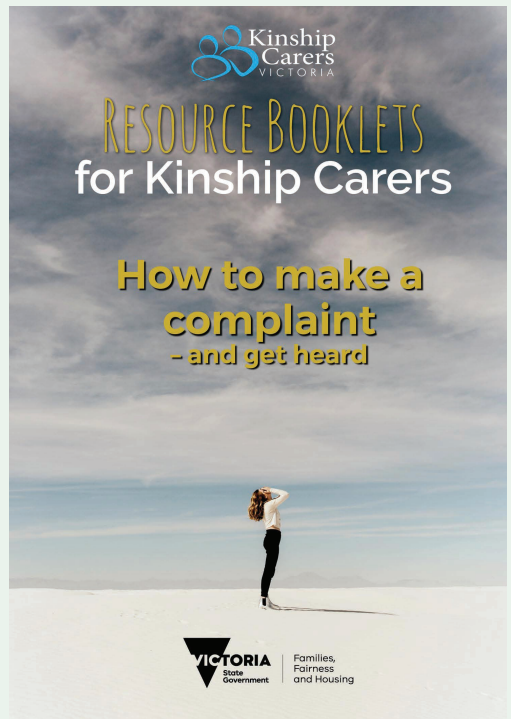
The *Carers Recognition Act 2012* is supported by the Victorian charter supporting people in care relationships and includes situations where someone is being cared for under the Act in a kinship care arrangement.

How to make a complaint – and get heard

You have the right to provide feedback, make a complaint or give a compliment about a decision or a situation relating to the care of a child or young person.

This booklet contains information on how to provide feedback or make a complaint with the DFFH or the Victorian Ombudsman, how to request reviews of Child Protection decisions, register a complaint with your agency and more.

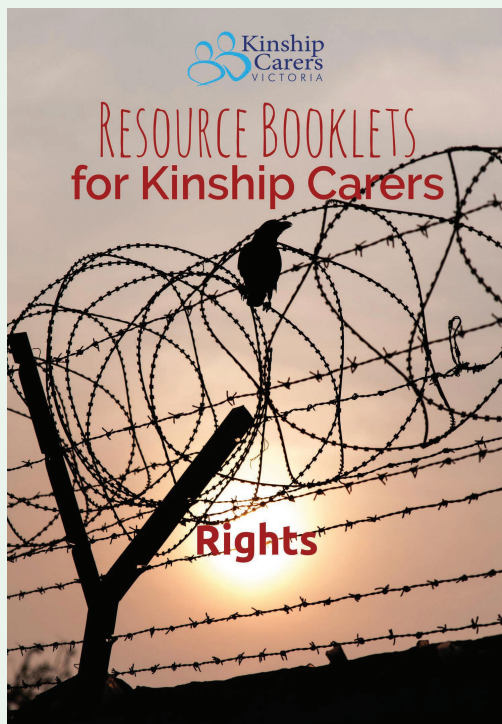
Also included is useful information for kinship carers on advocacy and support.



Rights

Contained in this booklet are federal and state government bodies plus other organisations, both local and international, which advocate for the rights of children and young people, such as the Victorian Equal Opportunity and Human Rights Commission. Includes a listing of all state Commissioners for Children and Young People and Children's Advocate Commissioners.

Also contains the Charter of Children's Rights, the Carers Recognition Act, the Universal Declaration of Human Rights plus a summary of the UN Convention on the Rights of the Child.



Questions to ask when a child or young person is placed in your care

When a child or young person comes into your care, there are a number of questions you should ask Child Protection or the authorised Aboriginal agency. While these questions are designed to help you understand the needs of the child or young person, and the potential impact on your home, family life and routines, Child Protection or the authorised Aboriginal agency may not be able to provide all the information you request.

General questions to ask include such things as: What is the expected length of the care arrangement? Why does this child or young person need a kinship care arrangement? Does the child or young person have any allergies or illnesses? Does the child or young person have any particular dietary requirements? Are there any sensitive key issues to be aware of? What is their emotional or physical state?

The factsheet also includes suggestions for questions to ask about court and protection orders and about contact arrangements.



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