

Permanent Care Orders

Policy

Document title	Permanent Care Orders	Version 3.0
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Approved by	Executive Leadership Board	
Date approved	27/04/2022	
Document review	24 months from date of approval	
TRM number	61:F2022/1343	

Version	Active from	Author	Changes made
1.0	1/07/2015	Operational Policy	Ensure PCOs are considered in permanency Planning for children in long term out of home care
1.1	4/10/2016	Operational Policy	Rebrand and update caseworker to Case Manager
1.12	25/07/2017	Operational Policy	Outlines why a Permanent Care Order is pursued as a part of permanency planning
1.13	25/07/2017	Operational Policy	Minor amendments
2.0	1/07/2019	Operational Policy	Streamlining policy
2.1	30/09/2021	Operational Policy	Amended information on recording a Permanent Care Order on the Client Management System and updated information to align with current departmental structures.
3.0	27/04/2022	Operational Policy	Parent's views to be documented when making application for a Permanent Care Order. Removed guidance in relation to parental consent. Added information relating to customary parents.

Acronyms and Terminology	
Act	Care and Protection of Children Act 2007
CEO	Chief Executive Officer
Customary parent	Refers to a person who is regarded as a parent of an Aboriginal child under Aboriginal customary law or Aboriginal tradition (refer to s17 of the Act).
Department	Department of Territory Families, Housing and Communities

1. Policy Purpose

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

2. Policy Statement

Permanency planning must be a priority for all children in care and should commence from the moment they enter care, concurrent with planning for alternative care goals

2.1. Eligibility criteria

An application can only be made for a Permanent Care Order if:

- A Protection Order with a long term parental responsibility direction to the CEO, or another specified person (or both), is in force for the child until age 18;
- A person has been assessed by the Department as appropriate to be granted parental responsibility as the child's Permanent Carer, and they consent to the application being made; and
- A Permanent Care Order is considered to be the best means to safeguard the wellbeing of the child and to be in their best interests.

2.2. Consideration given to application for a Permanent Care Order

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

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

Planning for a Permanent Care Order must involve the child and their parents, customary parents, family, naturally connected network and the proposed permanent carer, in three phases:

1. **Consideration** of a Permanent Care Order;
2. **Assessments** to support an application for a Permanent Care Order; and
3. **Application** for a Permanent Care Order

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

Permanent care arrangements for Aboriginal children must fully comply with the Aboriginal Child Placement Principle stated in s12 of the [Act](#) and the five (5) core elements of the [Secretariat of National Aboriginal and Islander Child Care's \(SNAICC\), Aboriginal Child Placement Principle](#). The Department must demonstrate that active efforts have been made to find family members who are willing and suitable to become the child's permanent carer. Information about the purpose, effect and potential benefits of a Permanent Care Order must be provided to the child's parents, the child's customary parents or other persons significant in the child's life. Views of the child's parents, customary parents or persons significant in the child's life regarding the Permanent Care Order must be clearly documented in the child's *My Care Plan* and CMS file and provided to the Court in any subsequent application for a Permanent Care Order.

Proposed Permanent Carers must consent to the making of a Permanent Care Order and the child's views must be documented, where age and developmentally appropriate. If a carer does not consent to a Permanent Care Order application being made for a child currently placed with them, the placement is to be maintained unless it is the child's best interests to transition to a Permanent Care Order with another adult who has been assessed as suitable to become the child's permanent carer.

To support the Permanent Carer to provide for the child's needs, the Permanent Carer may opt to receive a fortnightly Permanent Carer Financial Support payment from the Department. The payment is limited to the rate equivalent to the standard kinship or foster carer payment, inclusive of remote allowance and/or complexity loading already in place at time the Order was made.

- The remote allowance is only paid if the Permanent Carer and child are living in a remote or very remote location, and is therefore reassessed if the family change address.
- The child's complexity level may be reviewed if their needs change over time. Refer *Procedure: Permanent Care Orders* for more information.
- The Permanent Carer is entitled to seek support from the Department at any time, on the same basis as any other family within the Northern Territory.

Under a Permanent Care Order the child is no longer in the care of the CEO, therefore the Department has no statutory obligation or authority to continue case management of the child. Provision of financial support to the carer does not place an obligation on the Department to provide any additional services or supports to the Permanent Carer. Any case management involvement with the child's parents, in relation to the child who is subject to the Permanent Care Order, will also cease after the Permanent Care Order has been granted by the Court. The Department has no involvement with decision making in relation to the child once a PCO is made.

The child's Substitute Care General (SC/GEN) case is closed on the day the Permanent Care Order is granted and a Substitute Care Permanent Care (SC/PC) is created. The authority start date will be the day the Permanent Care Order is granted and authority expiry date will be the day the child turns 18 years of age.

3. Legislative Basis and related resources

[Care and Protection of Children Act 2007](#) s137A-M

Permanent Care Orders Procedure

Permanent Care Orders Information for Parents and Carers Factsheet