

# Permanent Care Orders Information for Parents and Carers

## What is a Permanent Care Order?

The Local Court may make a Permanent Care Order (PCO) for a child who is in the care of the Chief Executive Officer (CEO) under a Protection Order that includes a long-term parental responsibility direction to the CEO or another specified person (or both) until 18 years of age.

A PCO gives parental responsibility for the child to an adult who has been assessed by the Department of Territory Families, Housing and Communities (the Department) as suitable to have that responsibility. The Order is in force until the child reaches 18 years of age, unless it has been revoked by the Court following an application by the CEO.

Most importantly when a PCO is made the child is no longer 'in care'.

## Is a PCO the same as Adoption?

A PCO is different to Adoption in several ways—for example the child maintains their birth rights, their inheritance rights, and keeps the name shown on their birth certificate. A PCO ceases when the child turns 18, whereas Adoption is for life, and cannot be revoked.

## What does 'parental responsibility' mean?

A Permanent Carer has the same rights and responsibilities that a parent has for the child in their care. The Permanent Carer makes all the decisions needed to raise and care for the child, including where they will live, health care, religion, education, and providing for their day-to-day needs.

## Who can apply for a PCO?

Only the CEO of the Department can apply to the Court for a PCO. Anyone interested in becoming a Permanent Carer can express an interest and be assessed for suitability, however only the Department can make an application for a PCO.

## Can a PCO be made without the parent's support?

The Court can make a PCO for the child if the Court is satisfied that a PCO is the best means of safeguarding the child's wellbeing. A parent's consent is not required, but their wishes will be considered by the Court.

The Department is required to make reasonable efforts to inform the parents when a PCO is being considered before making an application. If the parents cannot be located, the Court can still make the order. The Court can also exclude a parent (or anyone else) from the proceedings.

## What must the Court consider before making a PCO?

- The Court must be satisfied that the child would be in need of care and protection if not for the fact that the child is in the care of the CEO;
- The Court will take into account the wishes of the child and their parents, the proposed Permanent Carer, and any other person considered by the Court to have a direct and significant interest in the wellbeing of the child;
- The Court must be satisfied that a PCO is the best way to safeguard the child's wellbeing;
- The proposed Permanent Carer must have been assessed as suitable to be given parental responsibility **and must consent to the PCO being made**;
- If the child is Aboriginal, it is essential to show that the child's family, and their culturally connected network and community have been consulted and engaged in the decisions about the child's permanent care.

## Can a PCO be appealed?

Yes, any party to the proceedings can appeal against the Order by filing a notice of appeal to the Supreme Court within 28 days of the original decision. The Supreme Court may stay the original decision until the outcome of the appeal has been decided.

## Can a PCO be revoked?

Only the CEO of the Department can apply to the Court to revoke the Order, or to have the Order revoked and replaced by a protection order. The Court must be satisfied that this is the best way to safeguard the wellbeing of the child.

## Does the Department remain involved after a PCO is made?

No. When a PCO is made the child is no longer in care. The Department will have no further involvement regarding the child. The child in care workflow is closed on the day the PCO is granted.

## Will the Permanent Carer receive financial support?

Yes. Permanent Carers will receive a PCO Financial Support payment from the Department unless they decide that they don't want this support. The payment is equivalent to the standard Kinship or Foster Care allowance for the child, including remote allowance and complexity loadings, at the time the Order was made. The rate of payment is reviewed annually by the Department, so it remains equivalent to the current Kinship or Foster Care payment. Payments are deposited fortnightly into the Carer's bank account.

To receive financial support the Permanent Carer will sign the Permanent Care Financial Support agreement. The agreement outlines that the Department does not provide ongoing case management and that the Carer must immediately inform the Department if the child is no longer living with them (for example at age 16 the child may decide to leave home). An annual Statutory Declaration must be provided by the Carer to confirm that the child is still living with them.

Like any parent, Permanent Carers are also eligible to receive a range of Australian Government parenting allowances, benefits, and subsidies.

## Will the child continue to see their birth family?

A Permanent Carer is expected to ensure that the child maintains a connection with their family and culture. A demonstrated commitment to maintaining these connections is an important part of planning for a PCO application, and the assessment of a person's suitability to be a Permanent Carer.

## What about travel interstate or overseas?

After the Court has made the PCO, the child can travel interstate with the Permanent Carer and their family. There is no need to obtain permission from anyone.

To facilitate overseas travel, the PCO can include a direction authorising the child to travel outside of Australia without the parent's consent. The CEO will apply for this direction. If this direction has not been included in the Order the parent's consent will be required. To travel overseas the child must also have their own passport.

## Can a Permanent Carer move interstate or overseas with the child?

The Permanent Carer can move interstate or overseas with the child.

There are steps that can be taken to have the Order recognised across the country:

- Once the PCO has been granted, the Permanent Carer may register the Order with the Federal Circuit Court of Australia. By doing so the Order will be recognised interstate.
- The Practitioner is required to complete an affidavit confirming that the child's PCO is current.
- The Permanent Carer is responsible for filing the affidavit and a sealed copy of the PCO with the Federal Circuit Court. When the PCO is registered, the permanent carer will be provided a Notice of Registration which is recognised across all Australian jurisdictions.

## Do you have more questions?

If you are a Kinship or Foster Carer who is enquiring about becoming a Permanent Carer for a child who is currently placed with you, it is best to discuss your interest with the child's Child Protection Practitioner. They will be able to answer any questions you have about the assessment process.

If you would like additional information about becoming a Permanent Carer, but you are not currently an Authorised Kinship or Foster Carer, please contact the Department's child protection office nearest you.

## Are you worried about a planned application for a PCO?

The child's parents, customary parents, Kinship Carer, Foster Carer, proposed Permanent Carer, the child, or any other person with a significant interest in the child, can make a complaint if they are concerned about the assessment process or planning for a PCO.

If you feel that your questions or concerns are not being addressed by the Child Protection Practitioner or the regional child protection office, please contact the Department of Territory Families, Housing and Communities Complaints Resolution team. You can also contact the Office of the Children's Commissioner.

<p><b>Complaints Resolution</b> <a href="mailto:TFHC.complaints@nt.gov.au">TFHC.complaints@nt.gov.au</a> <b>Department of Territory Families, Housing and Communities</b> Complaints Resolution PO Box 37037 Winnellie NT 0820 Phone: 1800 750 167</p>	<p><b>Office of the Children's Commissioner</b> <a href="mailto:childrenscommissioner@nt.gov.au">childrenscommissioner@nt.gov.au</a> Phone: 1800 559 256</p>
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