

## Considering Guardianship

Guardianship is one of the options that supports a child or young person (child) to be in a stable and caring home. It is important for you to consider if guardianship meets the needs of the child and the effect it will have on them and their carer family. It is also important for you to consider the views of other important people in the child's life, such as birth parents and other members of their birth family.

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Remember that just because a child and carer are not ready for guardianship right now, or do not meet all the criteria, it does not mean they will not be in the future. You can help them become ready with your casework support.

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### When to Consider Guardianship

You can consider guardianship during an annual review or case plan meeting, a permanency consultation, because of a request from a carer, child, or family member or throughout the Children's Court proceedings. The first step in the guardianship process is for you to carefully consider if guardianship is likely to be the right decision for the child and their families.

For more information see: [Permanency Planning Overview](#), [Foundations of Guardianship](#), and [The Guardianship Process](#).

### Planning for Permanency

When a guardianship order may be appropriate for a child, the next step is to discuss it with the prospective guardian/s. Be open about the purpose and process of guardianship, the suitability requirements, the assessment process, and provide them with written information.

The Guardian Pre-Assessment Criteria will help you and the carer decide whether they are ready to. It includes:

- if the child is Aboriginal, the Children’s Court (the Court) will need to be satisfied that the Aboriginal and Torres Strait Islander Placement Principles have been followed in placing the child with their current carer. For more information see: [Foundations of Guardianship](#) and [Guardianship and Aboriginal Children](#)
- if the child is 12 years or over, that they have said they would like the carer to become their guardian
- restoration is not part of the court ordered Care Plan.

## Consultation With a Permanency Coordinator

Department of Communities and Justice (DCJ) Permanency Coordinators (PC) work with you to help achieve a permanent home for children. A permanency consultation with a PC will help you in deciding if guardianship is the best permanency option for a child, and what you need to do achieve guardianship.

For more information and to find your nearest PC see: [Who Are the Permanency Coordinators](#) factsheet.

## Suitability Checklist

A prospective guardian must also:

- have a strong relationship with the child
- show an interest in becoming a guardian
- understand they will not receive casework support
- understand they will not receive payments other than the guardianship allowance and financial support agreed to in the Guardianship Financial Plan
- understand the child will not have access to leaving or after care support
- if they are the current carer, have a good track record of meeting the child’s needs independently; for example, taking unprompted action when dealing with medical, education, social and cultural needs and challenges, or have the capability to do so
- understand the importance of, and be committed to keeping a child connected to their birth family and culture

- if they are the current carer, have a good track record of arranging and maintaining family time (contact) with the child's family and the ability to work through challenges if they arise, or the capability to do so
- be aware that as part of the guardianship process requires, you, or an independent assessor will need to collect a lot of information about the prospective guardian and their family, including conducting background checks
- understand that guardians, parents and DCJ have the right to make an application to the Court to have the guardianship order changed
- understand that the guardianship order can be changed by the Court if there is a significant change in circumstances since the order was made and a request is made to the Court under a section 90 (s90) application.

## Views of the Child, Parents and Carers

The guardianship process can be difficult for children, parents and carers. They will each have their own feelings and opinions about what is best for the child. It is important that you continue to listen to the child throughout the process and explain to them what is happening in simple terms. Listening to parents, other birth family, and carers, and supporting them to express their views and feelings is another important part of your role during the guardianship process.

## Planning for Cultural Connection

If a child is Aboriginal or from a different cultural background to their carer, consider how the potential guardian will help ensure the child's cultural needs will be met. Children have a right to maintain connections to their culture, community and country. Their guardians will need to have the right attitude, knowledge and skills to help them do this. As part of the guardianship process, you, or the independent assessor you work with, will need to develop a cultural plan for a child who is from a culture different to their potential guardian.

For more information see: [Cultural Planning in Guardianship](#).

## Supporting Carers to Work Towards Meeting the Guardianship Criteria

Ensuring the child enjoys ongoing connection and relationships with their birth family is one of the criteria the prospective guardian needs to demonstrate in order to meet the requirements of guardianship. In some cases, a prospective guardian may not initially meet one or two of the criteria to become a guardian but are otherwise suitable. In these situations, you can often help the carer to meet these criteria.

### **Example – Building Skill and Confidence in Family Time**

A carer may have difficulty managing family time (contact) with a child's family. You can support the carer by discussing how they can manage the challenges around family time (contact) and creating a plan about how they will do this in the future.

To help a carer build skill and confidence in managing family time:

- Speak with the child, carer and parents about the increasing role of the carer in family time. Explore their worries, hopes and views about how family time can work.
- Have the carer attend family time and watch how you support the child and family to have meaningful, positive time together.
- Gradually allow the carer to support visits by increasing the amount of time you are absent until the carer is supporting visits on their own.
- After each visit, talk with everyone about what is working, what is not, and strategies to improve the quality of the visit.
- Discuss ways children can keep in contact with birth family, in-between face-to-face visits.
- Support the carer and the birth family to build a relationship. Help the carer reflect on what the parents are feeling and experiencing and how that may affect their behaviour.
- Help the carer think about the logistics and how this might affect family time in the future. For example, do parents/grandparents have the money to travel. Is it far from where they can easily get to?