

Enacting the Aboriginal and Torres Strait Island Child Placement Principle

The Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) was developed to uphold the rights of Aboriginal and Torres Strait Islander children to be connected to their family, community, and culture. These elements are critical to their sense of identity, health, and wellbeing. Following the devastating and long-term impacts of policies of forced separation and assimilation, the ATSICPP seeks to keep Aboriginal and Torres Strait Islander (Aboriginal) children with their families, involve Aboriginal families and communities in decisions about their children, and preserve their connections to culture.

Purpose

Secretariat of National Aboriginal and Islander Child Care (SNAICC) outlines that the Aboriginal and Torres Strait Islander Placement Principle was established to address systemic racism inherent in child protection systems. Their resource, [Understanding and Applying the Aboriginal and Torres Strait Islander Placement Principles](#) notes that the ATSICPP aims to:

1. “ensure an understanding that culture underpins and is integral to safety and wellbeing for Aboriginal and Torres Strait Islander children is embedded in policy and practice
2. recognise and protect the rights of Aboriginal and Torres Strait Islander children, family members and communities in child welfare matters
3. increase the level of self-determination of Aboriginal and Torres Strait Islander people in child welfare matters
4. reduce the over-representation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care systems.”

The ATSICPP is more than just the preferred hierarchy if an Aboriginal child is placed in out-of-home care (OOHC). The ATSICPP is made of 5 key elements: prevention, partnership, placement, participation, and connection.



The five core elements of the Aboriginal and Torres Strait Islander Child Placement Principle from SNAICC (2017) [Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle](#)

ATSICPP in New South Wales

The [Children and Young Persons \(Care and Protection Act\)](#) (the Act) includes several sections related to the ATSICPP, including:

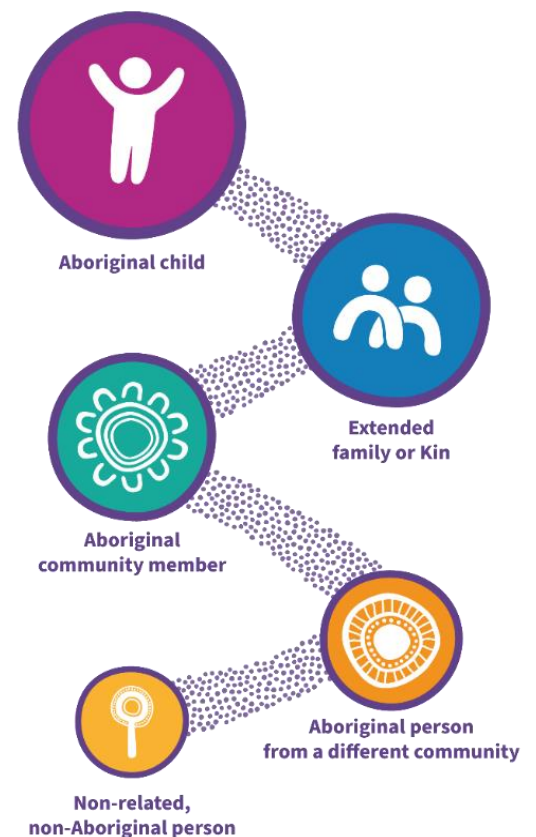
- [Section 9\(2\)\(c\)](#) – requires that actions taken to protect a child be the least intrusive intervention to the child and their family that also protects them from harm

- [Section 10A](#) - prioritises restoration to a child’s parents where practical and in the child’s best interests
- Sections [11-12](#) – outlines key elements of the ATSICPP like the principle of self-determination, the opportunity for a child’s family, kin and community to participate in decisions, and the placement hierarchy, that prioritises placement with family, kin and culture
- [Section 63](#) – requires that alternatives to a care order were considered before the application was made, including reasoning why those alternatives were rejected
- [Section 13](#) – outlines the order of placement for Aboriginal children, as seen below. Additionally, section 13(6) states that “a fundamental objective is to be the reunion of the child or young person with his or her family or Aboriginal or Torres Strait Islander community.”

Implementation

The misconception that the ATSICPP is only comprised of the placement hierarchy, has meant that it has been poorly implemented. A 2015 paper found that the ATSICPP were fully applied in as few as 13% of child protection cases (Arney et. al., 2015). Further to this, in 2019 a [review of the Family is Culture report](#) found a decrease in Aboriginal children being placed with Aboriginal relatives. The review went on to suggest the reasons for poor compliance, including:

- A lack of accountability from individual case workers and the broader child protection system
- An absence of penalty for non-compliance
- A lack of clear guidance about the scope of the ATSICPP
- Poor cultural awareness
- A broader institutional culture that does not value genuine partnership with Aboriginal communities.

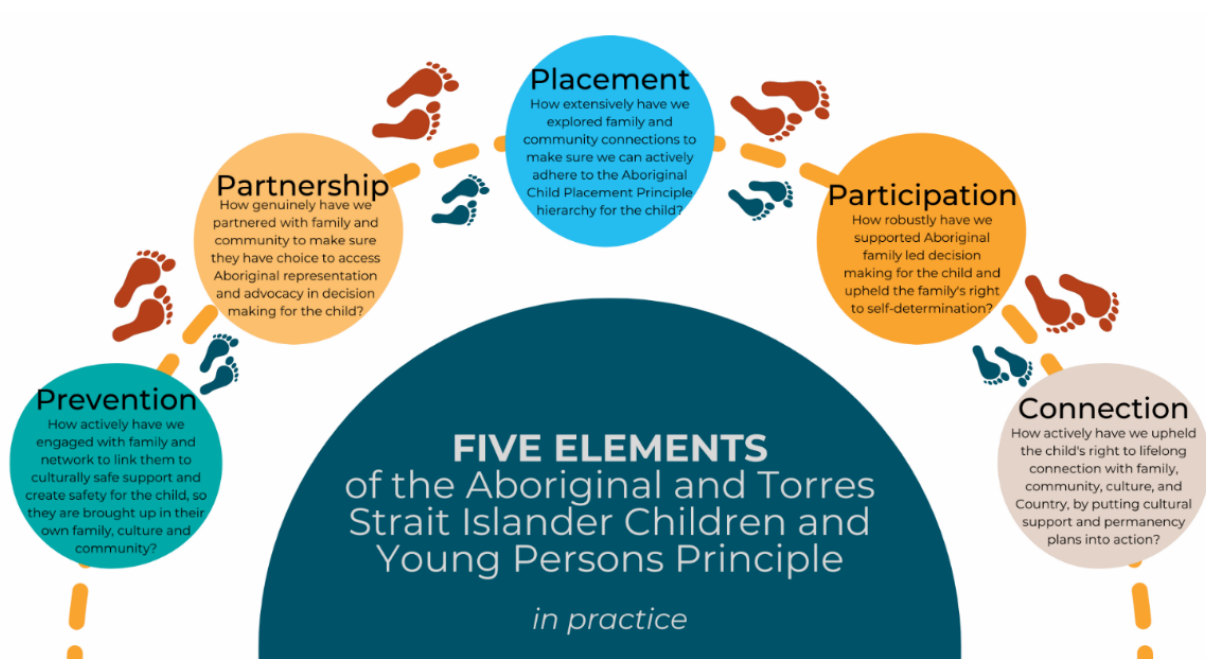


Your Practice

There are resources to support PSP casework staff to understand and effectively implement the ATSICPP. SNAICC have developed resources like the:

- [Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle](#), and the
- [Aboriginal and Torres Strait Islander Child Placement Principle: a guide to support implementation](#).

[AbSec](#), in collaboration with the Department of Communities and Justice (DCJ), has developed the [Aboriginal Case Management Policy](#) and the [Rules and Practice Guidance](#). This framework aims to provide specialised guidance on achieving safety, stability and cultural continuity for Aboriginal children and young people.



Active Efforts

As of November 2022, amendments to the Act have been made in response to the [Family is Culture \(FiC\)](#) report. One of the biggest changes was the addition of section 9A regarding Active Efforts. Active Efforts are more than simply making a referral or involving a family member in safety and family action planning. Active Efforts are about taking every possible action to partner with families, bring together a network,

and influence long term change for a child. Active Efforts must be applied to all elements of the ATSI CPP.

Taking Active Efforts to implement the ATSI CPP includes:

- Understanding the purpose of ATSI CPP and its 5 elements of prevention, partnership, placement, participation, connection
- Undertaking Active Efforts to keep Aboriginal children at home with family
- Completing thorough family finding and supporting the child's Aboriginal family and community to participate in making decisions about the child. This may include family group conferencing (FGC)
- Conducting meaningful consultations and engagement with the Aboriginal community that the child belongs to. Ensuring family and community led decision making is at the forefront and that individuals understand what will happen to the information they provide
- Exploring and documenting all opinions
- Establishing respectful relationships with the child's Aboriginal family, including knowing who they are, where they're from, where their connection is and how it can be maintained
- Working collaboratively with the child's Aboriginal family and community, including community organisations, to safeguard the child's best interests, including cultural rights, through meaningful connection to family, community, culture, and Country.

For more information about the FiC report and Active Efforts, see: Family is Culture factsheet and Practice Stories (not yet available).

References

Arney, F., Iannos, M., Chong, A., McDougall, S., & Parkinson, S. (2015). *Enhancing the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle: Policy and practice considerations* (CFCA Paper No. 34). Melbourne: Child Family Community Australia information exchange. Available: https://aifs.gov.au/sites/default/files/cfca34_0.pdf