

From First Report to Permanency

The Child Protection Process

This factsheet provides an overview of the child protection continuum to assist casework staff to understand the process beginning with an initial report of harm to a child protection assessment, case planning, referral and support services, court applications, final court orders, and permanency.

The child protection system is complex. It involves multiple agencies, service providers, the Children's Court, the child or young person and their family and community networks working together in challenging situations. Because of this, it can be difficult for casework staff to understand their role within the system to help meet the needs of children, families and carers. While reading this factsheet, it may be useful to refer to the factsheet [General Court Terms and Definitions](#) for further information.



Report and Screening Phase

The Department of Communities and Justice (DCJ) is the lead agency in the NSW child protection system. DCJ has statutory responsibility for receiving and assessing risk of significant harm reports for children and young people. Reports can come from family members, the general community or mandatory reporters.

All reports are screened by the Child Protection Helpline who assess whether the information received meets the legislative threshold for a child protection report requiring further investigation and assessment. These are classified as either a 'risk of significant harm report' (ROSH) or a 'non-risk of significant harm' (non-ROSH).

- If the information received meet the threshold of risk of significant harm (ROSH) the Child Protection Helpline will forward the report to the local DCJ Community Service Centre (CSC) for investigation and assessment.

- Information that does not meet the threshold is referred to as a non-ROSH report. These reports are noted on the DCJ ChildStory system and the report is usually closed. Sometimes DCJ may make referrals to support services such as the Family Connect and Support (formerly Family Referral Service (FRS)).

If a ROSH report raises possible allegations of a crime against a child, it is reviewed by a joint assessment team comprised of DCJ, Police and Health managers at the Joint Response Unit. If the report meets the threshold for a forensic investigation, the report is sent to the Joint Child Protection Response Team (JCPR previously known as JIRT) for investigation.

Investigation and Assessment Phase

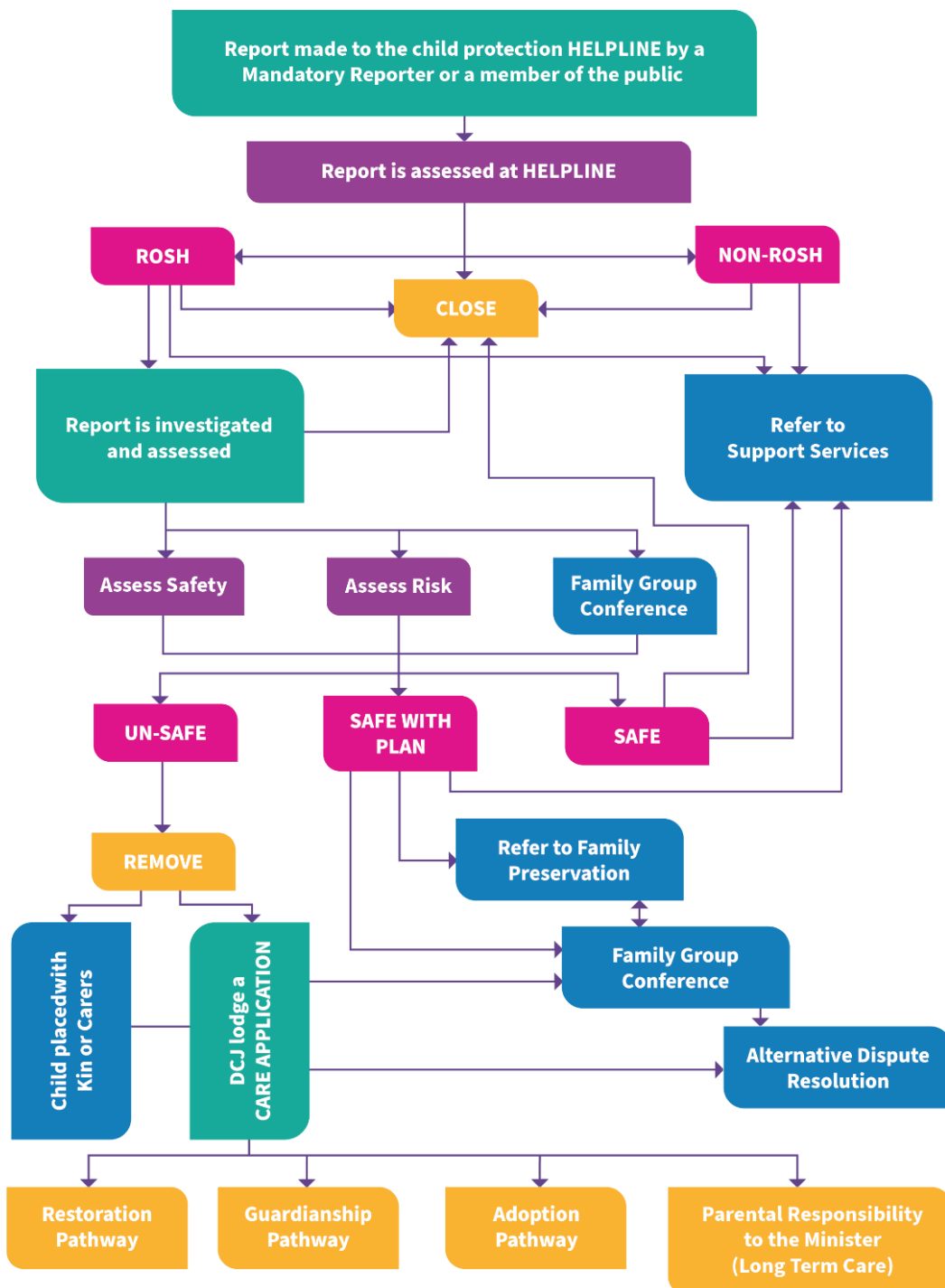
It is the responsibility of the CSC to process the ROSH report by undertaking one or more of the following actions:

1. investigate the report and conduct an assessment of the child or young person's safety and risk of future harm
2. refer the family for a Family Group Conference (FGC)
3. refer the family to an early intervention family preservation service such as a Brighter Futures
4. refer the family to another service provider
5. conduct an Interagency Case Discussion with a service the family is already involved with before closing the case.
6. close the case and no further action taken.

If DCJ investigates a report, the outcome of the SARA determines what action is taken next. If the CSC refers a case for early intervention or family preservation services, the PSP Service Provider becomes the lead agency for that family.

The diagram below provides a flow chart of the common stages in the Child Protection process

FIRST REPORT TO PERMANENCY



Working to Keep Families Together

If there are concerns about a child's safety or a risk of future harm occurring, DCJ will always, where it is safe to do so, work to keep the child with their family, often with the help of a provider of preservation services. The family will develop a case plan (Family Action Plan) with DCJ or a provider that sets out their goals and the actions they need to take to keep their child safe and remain in the family home.

Family Group Conferencing and referrals to other services such as health, education and parenting programs are all part of the way we work with families to help them keep their child safe.

Bringing a Child into Care

If DCJ determines that dangers exist that cannot be sufficiently mitigated by alternative action, the child may be removed or assumed into the Secretary's care because they are 'unsafe'. If this occurs, then the following actions will be required:

- The child or young person will be placed with family or foster carers. If the carers are authorised by a PSP Service Provider, primary case responsibility of the child or young person will be transferred to that provider.
- DCJ will lodge an application for an Emergency Care and Protection Order (s46) or an application for a Care Order (s61) with the NSW Children's Court within 3 business days of the removal or assumption into care.
- At the first court mention, the magistrate will (depending on the type of application) consider the filed application and make a determination about what if any order is required. This could include an Interim Order allocating Parental Responsibility to the Minister (PRM) or to another person if the magistrate is satisfied that is not in the best interests of the child to remain with their family.

Court Process

The purpose of a court application is to ensure the immediate and long-term safety and permanency for a child. DCJ is responsible for the court process even in cases when the child or young person is case managed by a PSP Service Provider. The Children's Court can take between 4-12 months to finalise a matter.

DCJ makes recommendations to the court in the form of a Summary or Proposed Plan (SOPP) and a Care Plan. These plans are filed at the court at different stages in the proceedings and are guided by the permanent placement principles (section 10A of the Act) and the Aboriginal and Torres Strait Islander placement principles (section 13 of the Act). The parties involved will file information with the Court and experts may provide evidence.

Ultimately, the magistrate will decide whether there is a realistic possibility of restoring the child back to the care of a parent or whether another option is required to achieve permanency for the child.

If the court does not accept that there is a realistic possibility of restoration, and there is not already evidence before the Court about another permanent care option, such as a Guardianship, the Court might make a short-term care order (STCO) of two years, to enable further work towards a more permanent option, such as Adoption or Guardianship. The Court should only make a long term care order to the Minister in special circumstances.

Throughout the complex child protection process, PSP Service Provider casework staff juggle competing demands. The most important of these is to forge a trusting relationship with the child, to help their voice be heard and support their need for safety and relational, cultural, physical and legal permanency

Permanency Planning, Assessment and Case Planning During the Court Process

In PSP, DCJ and PSP service providers have complementary roles in Permanency Planning, case planning and assessment.

It is important to keep track of what needs to be done, who needs to do it and by when. The requirements are different depending on the child's permanency pathway (goal). The following table provides an overview of:

- timeframes for the review of case plans
- timeframes for assessments required under the PSP
- who is responsible for conducting the reviews or assessments

Case planning and assessment responsibilities					
	Risk re-assessment	Review of Family Action Plan	Restoration Assessment (RAT or similar)	Review of OOHC Case Plan (placement review)	Permanency Goal Review
Preservation	Every 90 days	Every 90 days	n/a	n/a	Every 3 months
Restoration	Every 90 days after the child returns home	Every 90 days	Every 90 days from the first FAP (until Restoration is finalised or goal changed)	Every 12 months or when there is a significant change in the child's circumstances*.	Every 6 months
Guardianship	n/a	n/a	n/a		Every 6 months
Adoption	n/a	n/a	n/a		Every 6 months
Long Term Care	n/a	n/a	n/a		Every 12 months
Agency Responsible	DCJ	PSP Service Provider to review with family	PSP Service Provider	PSP Service Provider to complete with child and people important to them	PSP Service Provider and DCJ Permanency Coordinator

* A review of the OOHC Case Plan occurs:

- Within 4 months of the date of the interim order
- If the child is under 2 years old, within 2 months of a final order
- If the child is over 2 years old, within 4 months of a final order
- After the death of a parent or authorised carer

- Before a planned change in where the child lives
- Within 21 days after an unplanned change in where the child lives.