

# Section 90 Evidence Checklist: Restoration

## *The Role of the PSP Service Provider in Restoration*

This checklist gives you information about working with the Department of Communities and Justice (DCJ) for the restoration of a child or young person (child) from long-term care. The checklist outlines the documentation needed to support restoration decision making.

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No substantial steps can be taken towards restoration until after the Section 90 application (s90) has been filed and the Children's Court has agreed that restoration is a realistic plan for the child.

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## Section 90 Applications

If a child is in long-term care, [s90 application](#) needs to be filed before restoration can happen.

A number of people can bring a s90 application. They include:

- a Manager Casework of DCJ (as a delegate of the Secretary of DCJ)
- the child's parents
- the child's carer
- the child.
- A person who considers themselves to have sufficient interest in the child's welfare (but this not a function delegated to the PSP Service Provider as part of case management).

When restoration is being considered by the Children's Court (the Court), it is the Magistrate's role to determine what is best for the child. To make this judgement, the Court needs impartial, clear, and comprehensive evidence. This includes:

- the views of the child, the family network, and the carer

- the child's current needs in terms of their education, culture, and identity, emotional and physical health, and relationships
- any information that shows how the parent/s have made positive progress in addressing the risks and safety concerns that led to the child coming into care
- the stability and attachments the child has formed with their carer
- the quality of family time
- the parent/'s current circumstances, including their parenting capacity, health, housing arrangements and ability to provide for their child.

When considering restoration, you need to consider the reasons why the child entered care and the child's views. It is unlikely that DCJ will make or support a s90 application to pursue restoration if:

- the Court has previously made a long-term care order, and
- the child's relationship with the carer is stable, secure, and loving, and their permanency needs are being met.

If you decide that restoration is likely to best meet the needs of the child, your service provider will need to request that DCJ initiate s90 court proceedings.

## Before DCJ will Initiate s90 Court Proceedings

Arrange a group supervision or meeting with DCJ to discuss next steps for the child. Include DCJ secondary case management staff, DCJ Permanency Coordinator, and all other relevant parties. Provide a rationale and evidence supporting the significant change/s in the relevant circumstances of the child and/or parent/s. An example could be an evidence-based restoration assessment (which may be the Restoration Assessment Tool or something else). For more information about restoration assessments, see: [Formal Restoration Assessments](#) and [Restoration Legal Process from Long-Term Care \(PRM-18\)](#).

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Only when the casework is thorough and the documentation is excellent, will the Court have the evidence it needs to make the best decisions for a child.

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## Active Efforts

Section 9A of the *Children and Young Persons (Care and Protection) Act 1998* (the Care Act), refers to active efforts. Active efforts should be taken when undertaking any function under the Care Act. Active efforts are the proactive actions taken by casework staff take to support children and families. They include:

- **Engaging Family and Support Networks:** Actively seeking and involving extended family and support networks from the outset and maintaining this engagement throughout our involvement.
- **Family-led Decision Making:** Using family-led decision-making to guide assessments, case planning and decisions regarding care and restoration.
- **Referrals and Support Services:** Referring families to relevant services, assisting with their engagement, and monitoring their progress.
- **Alternative Options to Removal:** Exploring alternative options to removal, such as Parent Responsibility Contracts, Parent Capacity Orders, Temporary Care Arrangements, and Alternative Dispute Resolution, whenever safe and appropriate.
- **Timely Restoration Support:** Providing timely restoration casework to assist children, parents, and families in safely reuniting children with their families.
- **Case and Family Action Plan Development:** Developing, supporting, and monitoring comprehensive case plans and Family Action Plans.
- **Supporting Family Time:** Facilitating regular family time where caseworkers support parents in enhancing parenting skills, fostering positive interactions with their children, and rebuilding and strengthening family relationships.

For more information about active efforts, see: [Information for non-government providers](#).

## PSP Service Provider Evidence Checklist to Support or Respond to a s90 Application and Affidavit

It's your service provider's responsibility to gather and provide high quality evidence to enable the court to decide whether restoration is in the best interests of a child. Below is a checklist table to help you gather and document the evidence the court needs.

Document	Tips for PSP service provider
<b>Birth Certificate</b>	<ul style="list-style-type: none"> <li>• Ensure correct spelling and details of the child.</li> <li>• If the birth certificate is not correct, it must be amended.</li> </ul>
<b>Copy of Final Court Orders</b>	<ul style="list-style-type: none"> <li>• Include Final Orders for the subject child and details of any siblings in care.</li> </ul>
<b>Parenting Capacity Assessment/Restoration Assessment</b>	<ul style="list-style-type: none"> <li>• There are a number of different restoration assessments. They can be completed by a caseworker or an independent assessor. Whoever completes the assessment must ensure that it is thorough, and evidence based.</li> <li>• Discuss with your Permanency Coordinator to determine which type of assessment is needed. The SDM Restoration Assessment Tool (SDM RAT) is DCJ's preferred restoration assessment, however a service provider may prefer to use another evidence-based assessment tool.</li> <li>• In some exceptional circumstances (for instance, a particularly complex family arrangement) it might be appropriate for the service provider to pay for an external clinician to conduct a restoration assessment or parenting capacity assessment.</li> </ul>
<b>Questions to help you gather information for restoration planning</b>	<ul style="list-style-type: none"> <li>• Who initiated the conversation about restoration?</li> <li>• What are the views and wishes of the child?</li> <li>• How long has it been since court orders were made?</li> </ul>

	<ul style="list-style-type: none"> <li>• Has there been a significant change in circumstances for the child, parents and/or carer?</li> <li>• Have the issues that led to the child being removed been addressed?</li> <li>• What are the parent/s' strengths that would help support restoration of their child?</li> <li>• Did the child self-place with their parent/s?</li> <li>• What is the nature and quality of the child's relationships and attachments to people important to them?</li> <li>• Will there be any anticipated psychological harm to the child if they are moved from their current placement?</li> </ul>
<b>Evidence demonstrating change</b>	<ul style="list-style-type: none"> <li>• Evidence of the changes made by the parent/s to create safety for the child. The factors for the parent that lead to safety issues for the child could include problematic drug and alcohol use, mental health issues, domestic and family violence or lack of effective parenting skills.</li> <li>• Evidence of the changes parent/s have made include: <ul style="list-style-type: none"> <li>• urinalysis results</li> <li>• reports from professionals and services that are helping the parent/s address challenges</li> <li>• information from the parent's support network</li> <li>• relevant changes in engagement with the child in family time.</li> </ul> </li> </ul>
<b>Home visit records (visits to the parent's home, 3-6 months' worth)</b>	<ul style="list-style-type: none"> <li>• Give a description of the parent's accommodation and who they are living with. Include proposed accommodation for the child and the stability of the housing.</li> <li>• It is beneficial to have a detailed chronological report so that the court knows</li> </ul>

	<p>that the home has been suitable for a sustained period.</p> <ul style="list-style-type: none"> <li>• Home visit reports may include photos of the children's bedrooms that have been set up.</li> </ul>
<b>Placement information/view of child and carers</b>	<ul style="list-style-type: none"> <li>• Detail the child's placement history.</li> <li>• Detail the child's current placement including the most recent placement review.</li> <li>• Document if the child is with long-term carers or if there is likely to be a change in carer.</li> <li>• Detail the carer's views about restoration, including how the carer's can assist DCJ/your service provider, the child and parent/s with progressing a restoration plan.</li> </ul>
<b>Parent/s' view</b>	<ul style="list-style-type: none"> <li>• What does the parent/s think about restoration?</li> <li>• Include the views of any parents not involved in the restoration application.</li> </ul>
<b>The role and view of the parent and child's support network</b>	<ul style="list-style-type: none"> <li>• Details and outcomes of Family Finding, Family Group Conference and Family-Led Decision-Making processes.</li> <li>• Who is in the network and why?</li> <li>• How has the network supported the parent and child in the past and how do they plan to in the future, should the child be restored?</li> </ul>
<b>Education reports if child is school age or any other reports relevant to their social well-being</b>	<ul style="list-style-type: none"> <li>• If a child is below school age, provide pre-school/day care reports.</li> <li>• If the child is school age, this could include school reports, meeting records, or therapeutic reports.</li> <li>• Consider including case notes on the parent's engagement with the school (i.e. attending parent teacher or re-entry meetings).</li> <li>• Information about the parent's plans for school, preschool, day care.</li> </ul>

<b>Any medical reports/annual checks for the child/specific needs</b>	<ul style="list-style-type: none"> <li>• If a child has a diagnosis or is medicated, all health reports must be supplied.</li> <li>• Information about how the parent/s can meet their child's health needs is needed. This may be detailed within the restoration assessment, case plan or in a separate report.</li> </ul>
<b>Details of employment and accommodation</b>	<ul style="list-style-type: none"> <li>• If the parent/s is working, details of where they are working, hours they are working and how they will manage the child's routine (e.g. picking up the child from school).</li> <li>• If the parent/s is not working, details of how they are financially supporting the child and themselves.</li> <li>• Describe whether the housing is a long or short-term arrangement.</li> <li>• Information may be detailed within the restoration assessment, case plan or in a separate report.</li> </ul>
<b>Reports from services, support letters from services or support network</b>	<ul style="list-style-type: none"> <li>• Provide any reports prepared where parent/s have engaged with a service or completed a program.</li> <li>• This is to reflect that the parent/s has a good relationship with their support network and how these people are going to assist the parent/s and child if they need support.</li> </ul>
<b>Family time Reports</b>	<ul style="list-style-type: none"> <li>• 3-6 months' worth – to ensure DCJ have a history of the significant changes made by the parent/s and the development of the relationship with the child.</li> </ul>
<b>Summary of service provider's views</b>	<ul style="list-style-type: none"> <li>• This confirms the service providers views regarding significant changes made by the parent/s. This may include parent/s changes working with PSP service providers. It may also outline the parent/s dedication to</li> </ul>

	change outside of PSP service provider support.
<b>Managing family time going forward</b>	<ul style="list-style-type: none"> <li>• What does the child want their family time to look like?</li> <li>• If the child's parents are not together, give the court information on how the parent is going to manage and maintain family time with the other parent (if appropriate).</li> <li>• Plan for family time with any siblings living with other parents or outside the home (if appropriate).</li> <li>• This information should be detailed in the restoration assessment.</li> </ul>
<b>Plan for restoration</b>	<ul style="list-style-type: none"> <li>• A plan for restoration will be required for the Court after the matter is granted Leave. The plan for restoration is detailed in a Care Plan.</li> <li>• Plans for restoration should include specific details on when and how the restoration will take place, what agencies and individuals will support the plan and how long the restoration process is expected to take.</li> <li>• DCJ will work with service providers to develop the restoration plan.</li> </ul>
<b>Psychological Reports</b>	<ul style="list-style-type: none"> <li>• Specialist psychological reports may be required, subject to the specific needs of the child or parents.</li> </ul>