

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 required to support restoration decision making.

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.

Section 90 Applications

If a child is in long-term care, a section 90 application needs to be filed before restoration can happen.

A number of people can bring a section 90 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.

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 child's current needs in terms of their education, culture and identity, emotional and physical health, and relationships

- that the parents have made changes that address the reasons their child entered care
- financial, living arrangements and motivation to care for the child
- the views of the child, the family network and the carer
- the stability and attachments they have formed with their carer
- the quality of family time (contact)
- the parent's current circumstances, including their capacity, health.

When considering restoration, PSP casework staff 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 Section 90 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.

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

For more information see [Restoration Legal Process from Long-Term Care \(PRM-18\)](#)

PSP Service Provider Evidence Checklist to Support a Section 90 Application and Affidavit

PSP casework staff must provide high quality evidence for restoration. Below is a checklist table to help you gather and document the evidence the court needs.

Document	Tips for PSP service provider
Birth Certificate	<ul style="list-style-type: none"> • Ensure correct spelling and details of the child. • If the birth certificate is not correct, it must be amended.

Copy of Final Court Orders	<ul style="list-style-type: none"> • Include Final Orders for the subject child and details of any siblings in care.
Parenting Capacity Assessment/Restoration Assessment	<ul style="list-style-type: none"> • 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. • 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. • 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. For more information see Restoration Assessments
Questions to help you gather information for restoration planning	<ul style="list-style-type: none"> • Who initiated the conversation about restoration? • What are the wishes of the child? • How long has it been since orders were made? • Has there been a significant change in circumstances? • Have the issues that led to the child being removed been addressed? • Did the child self-place with their parent? • What are the child's relationship and attachments to people important to them? • Will there be any anticipated psychological harm to the child if they are moved from their current placement?

Evidence demonstrating change	<ul style="list-style-type: none"> • If drug dependence was a factor in the child's removal, current urinalysis results or hair follicle testing will be required. Consider providing a summary note detailing whether it was random or planned urinalysis, and compliance to testing schedule. • If unmanaged mental health was a factor in a child's removal, evidence of ongoing psychological support will be required. • If a lack of parenting skills was a factor in a child's removal, evidence of skills regained through completion of parenting programs will be required.
Home visit records (visits to the parent's home, 3-6 Months' worth)	<ul style="list-style-type: none"> • 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. • It is beneficial to have a detailed chronological report so that the court knows that the home has been suitable for a sustained period. • Home visit reports may include photos of the children's bedrooms that have been set up.
Placement information/view of child and carers	<ul style="list-style-type: none"> • Detail the child's current placement including the most recent placement review. • Document if the child is with long-term carers or if there is likely to be a change in carer. • Detail if the the carers support restoration. Are the carers able to assist DCJ/PSP Service Provider and parents with restoring the child/ren?
Parents' view	<ul style="list-style-type: none"> • What do the parents think about restoration? • Include the views of any parents not involved in the restoration application.
Education reports if child is school age or any other reports relevant to	<ul style="list-style-type: none"> • If a child is below school age, please provide pre-school/day care reports (if relevant).

Their social well-being	<ul style="list-style-type: none"> • If the child is school age, this could include school reports, meeting records, or therapeutic reports. • Consider including case notes on the parent's engagement with the school (i.e. attending parent teacher or re-entry meetings). • Information about the parents' plans for school, preschool, day care.
Any medical reports/annual checks for the child/specific needs	<ul style="list-style-type: none"> • If a child has a diagnosis or is medicated, all health reports must be supplied. • Information about how the parents can meet their child's health needs is required. This may be detailed within the restoration assessment, case plan or in a separate report.
Details of employment / accommodation	<ul style="list-style-type: none"> • If the parents are working, details of where they are working, hours they are working and how they will manage with the child's routine (e.g picking up the child from school). • If the parents are not working, details of how they are financially supporting the child & themselves. • Describe whether the housing is a long or short-term arrangement. • Information may be detailed within the restoration assessment, case plan or in a separate report.
Reports from services, support letters from services or support network	<ul style="list-style-type: none"> • Annex any reports prepared where parents have engaged with a service or completed a program. • This is to reflect that the parent/s have a good relationship with their support network and how these people are going to assist the parent/s and child/ren if they need support.
Contact / family time Reports	<ul style="list-style-type: none"> • (3-6 Months' worth) To ensure DCJ have a history of the significant changes made by

	the parent and the development of the relationship with the child.
Placement information	<ul style="list-style-type: none"> • Detail where the child will live while they transition toward restoration. • Are the carers able to assist DCJ/PSP service providers and parents with restoring the child. • This may be detailed within the restoration assessment, case plan or in a separate report.
Summary of service provider's views	<ul style="list-style-type: none"> • This confirms that the parents have made significant changes in line with what the PSP Service Provider has recommended, the parent's attitude and dedication to the child being restored etc.
Managing family time (family time is often called 'contact')	<ul style="list-style-type: none"> • What does the child want their family time to look like? • 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). • Plan for family time with any siblings living with other parents or outside the home (if appropriate). • This information should be detailed in the restoration assessment.
Plan for restoration	<ul style="list-style-type: none"> • 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. • 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. • DCJ will work with service providers to develop the restoration plan.

Psychological Reports	<ul style="list-style-type: none">• Specialist psychological reports may be required, subject to the specific needs of the child or parents.
Attachment and Bonding Reports	<ul style="list-style-type: none">• Specialist psychological reports may be required, subject to the specific needs of the child, parents or carer.

Please see other documents in the restoration section for more information.