

Short Term Care Orders

A short-term care order (STCO) is an order allocating parental responsibility for a child or young person (child) to the Minister for a maximum period of 24 months. STCOs were introduced to support the priorities of the Permanency Support Program (PSP) which is for children and young people to achieve permanency via restoration, guardianship or adoption in a timeframe that suits the needs of the child.

Historically (prior to PSP) the Department of Communities and Justice (DCJ) primarily sought long-term care orders, allocating parental responsibility for a child to the Minister until they reached adulthood (18 years of age). STCOs require DCJ and PSP Service Providers to work in new ways within new timeframes to achieve permanency for children.

Children and Young Persons (Care and Protection) Act Amendments made in 2019

STCO came into effect in early 2019 with an amendment to the *Children and Young Persons (Care and Protection) Act 1998* (the Care Act). Under section 79(9), where the Court has approved a permanency plan for a child involving restoration, guardianship or adoption, but time is needed to effect this goal, a final order allocating parental responsibility to the Minister (PRM) can be made for a maximum period of 24 months.

The Court retains the power to allocate a longer period of PRM if it is satisfied that there are ‘special circumstances’ that warrant a longer period. The Care Act has not specified what will be considered ‘special circumstances’, however in the matter of *Yarran Taylor* Magistrate Ford indicated:

“Without limiting the matters to which the Children’s Court may have regard in making its decision, the Court may have regard to the following—

- (a) whether support services and other resources that are reasonably required to support the restoration of the child or young person to the child’s or young person’s parents are available to the parents,*

- (b) *if the services and other resources mentioned in paragraph (a) are not available at the time the Court is making its decision—whether a longer period of allocation of parental responsibility to the Minister is needed to facilitate access to the services or other resources,*
- (c) *the active efforts made by the Secretary to restore the child or young person to the child’s or young person’s parents,*
- (d) *any other matters prescribed by the regulations.”*

Two other amendments to the Care Act were introduced at the same time.

1. The amendment to the assessment of ‘realistic possibility of restoration’. The test is whether there is a realistic possibility of restoration to the parent(s) within two years ([section 83](#)).
2. The amendment to when a child can be restored to their parent/s. A child or young person can live with her/his parents at any time in the 12 months prior to the end date of their Court approved restoration plan ([section 136 \(3\)](#)). Before this change, the time frame was only six months.

Even though a child may go home early, the date restoration is legally achieved is when the order expires. If the child returns to their family early DCJ caseworkers will continue to carry out a risk reassessment every 90 days. They should involve you both in their visit to inform the assessment and in providing information to inform the application of the risk reassessment tool.

If the Court has approved a restoration plan, you can return a child full-time to their parents up to 12 months before the order expires if it is safe to do so. You must consult with your Permanency Coordinator first, and DCJ must approve the placement change.

Short Term Care Orders and PSP Service Providers

DCJ (or other parties to the proceedings) can apply for STCOs. However, it is imperative that you understand what a STCO is to guide your work with children, families, and carers. For example: If the Court grants a one-year STCO leading to a

restoration, it is your responsibility to support the parent to achieve the minimum goals set out in the child's care plan and facilitate the restoration within the court-ordered time frame. For more information see this Q&A webinar from DCJ; ["How to satisfy permanency planning to achieve shorter term court orders"](#).