

Temporary Care Arrangements

Supported out-of-home care

A Temporary Care Arrangement (known as a TCA) is an arrangement made between the Department of Communities and Justice (DCJ) and a child or young person's (child) parent or parents. TCAs can be a less intrusive option than care orders for a child or young person who is in need of care and protection. In the case of a child DCJ must not enter into a TCA with a parent unless the parent of the child consents and a permanency plan involving restoration is in place.

A TCA provides for the temporary transfer of care responsibility of the child or young person to DCJ for a period of up to three months. A TCA can be extended up to a further three months but can't exceed six months in any 12-month period.

This arrangement allows DCJ to:

- decide where the child will live (other than with his or her parents), which might be with another member of the child's family, in foster care, or in other accommodation
- make decisions about the day-to-day care of the child.

Under a TCA, the parents retain parental responsibility. A TCA is not a court order or a long-term plan for a child. It is a temporary arrangement to allow parents to address safety concerns.

When does DCJ make a Temporary Care Arrangement?

DCJ will make a TCA if they believe that the child or young person is in need of care and protection and cannot live safely live at home in the short term.

TCAs for children are made with the consent of a parent, the only exception being if DCJ believes the parent is incapable of consenting and under these circumstances DCJ can make the arrangement without consent.

Examples of when DCJ might want to make a TCA include:

- A parent asking DCJ to put their child in temporary care because the parent needs to go into hospital and there is no one else to take care of the child.
- A parent asking DCJ to put their child into temporary care because the parent is struggling to manage their mental health and has a plan in place to address this.

- DCJ asking a parent to put their child into temporary care because DCJ has assessed that they are in need of care and protection and DCJ wants to make sure the child is safe while the parent tries to address the concerns that led to the child being in need of care and protection. DCJ needs to be of the opinion that the parent will be able to make the change during the period of the TCA.

If DCJ believe a child needs care and protection and the parents refuse to consent to a TCA, DCJ may take other measures, including holding a Family Group Conference to involve family, kin and community in safety planning or formally removing the child to place them in out-of-home care (OOHC).

Parents' Rights and Temporary Care Arrangements

- A parent must consent to a TCA for it to take effect. They also have the right to end it at any time.
- Parents are entitled to a copy of the TCA and to be updated about where their child is living, how they are going at school, activities they are involved in and their health and wellbeing.
- Parents have a right to have their views about what should happen with their child considered in planning. If parents do not believe this is happening, they have a right to apply to the Children's Court for a review of the TCA.
- Parents retain parental responsibility throughout a TCA and continue to make decisions on issues that affect children in the long term, such as what religion they will be brought up in.
- Parents are entitled to be fully aware of DCJ's concerns and what they are expected to achieve to reduce those concerns.
- Parents are entitled to see their child regularly during a TCA.

A Temporary Care Arrangement can be ended before the negotiated end date if:

- the parent who consented to the arrangement asks for the arrangement to end
- DCJ determines the child or young person is no longer in need of care and protection and ends the TCA
- DCJ files a care application
- the young person who is the subject of the TCA turns 18 years of age.

The Legal Framework of a Temporary Care Arrangement

Temporary Care Arrangements are mandated under [sections 151](#) and [152](#) of the *Children and Young Persons (Care and Protection) Act 1998*. A child or young person subject to a TCA is in supported OOHC, which is different from statutory OOHC (when there are orders allocating Parental Responsibility). The main differences are explained in the table below.

Supported OOHC in relation to a TCA	Statutory OOHC
Is an arrangement made voluntarily between DCJ and a parent except in cases where DCJ has determined the parent is incapable of providing consent	Is mandated by the court and does not require the parent/s consent
An arrangement for up to three months, with a possibility to be extended for up to an additional three months	Orders can be made for one year, two years or until a child reaches 18 years
Involves a transfer of care responsibility not parental responsibility and does not include long-term decision-making	Usually revokes parental responsibility of the parent/s and transfers it to the Minister or other person
The permanency goal for the subject child is always restoration	The permanency goal for the child or young person could be restoration, guardianship, adoption or long-term OOHC
The parent who consented to the arrangement can end the arrangement at any time	A Section 90 application to the Children's Court is required for these orders to be changed.

PSP Service Providers and Temporary Care Arrangements

Children who are the subject of a Temporary Care Arrangement are not in statutory OOHC, however Permanency Support Program (PSP) Service Providers may be asked to provide a general foster care placement and then support the placement.

During a TCA, DCJ retains case management responsibility for the child or young person in a PSP Service Provider placement. This is different to all other placement types where case management responsibility transfers to the PSP Service Providers from the date of placement.

During a TCA, the PSP Service Providers supports the placement although they do not have case management responsibility. The PSP Service Providers casework staff will support DCJ to create a case plan and review the case plan if the placement extends beyond three months. The full range of PSP Service Providers case management tasks are not required such as parent risk assessments ([s149b-k](#)), restoration assessment, [family action plan](#) reviews, [cultural plans](#), [family finding](#) and comprehensive health assessments, although these may be requested by DCJ beyond three months.

A TCA placement is not included in a PSP Service Provider's contracted OOHC volume under PSP contracts (for statutory placements). It is provided on a fee-for-service basis, invoiced directly to the Community Services Centre (CSC). For more information on TCA fee-for-service rules see the [Permanency Case Management Policy](#).