



# Aboriginal and Torres Strait Islander Child Placement Principle Practice Paper

## 1. Introduction

The Department for Child Protection (DCP) recognises the detrimental and lasting effects of past government policies and practices on the lives of Aboriginal<sup>1</sup> families and communities. It is acknowledged that outcomes for Aboriginal children<sup>2</sup>, their families and communities have been historically poor because of these policies and practices<sup>3</sup>. The intergenerational trauma experienced by Aboriginal peoples (including forced child removal), low socio-economic status, systemic racism, cultural differences in child-rearing practices and limited accessibility to culturally appropriate early intervention and support services have all contributed to the over-representation of Aboriginal children and young people in care.

The Aboriginal and Torres Strait Islander Child Placement Principle (ACPP) was developed to reduce this over-representation by recognising the importance of keeping Aboriginal children and young people connected to their families, communities and culture. The ACPP was designed to create systemic change in child protection systems by promoting the participation of Aboriginal families, Aboriginal Community Controlled Organisations (ACCOs) and communities in decision making processes about the safety and wellbeing of their children. The ACPP seeks to enhance and preserve an Aboriginal child or young person's connection to their family, community, culture and sense of identity by promoting self-determination and Aboriginal Family Led Decision Making, and recognising that Aboriginal families and communities have the knowledge and experience to make the best decisions about the safety and wellbeing of their children and young peoples.

Further to this, the ACPP aims to:

- ensure an understanding that culture underpins and is integral to the safety and wellbeing of Aboriginal children and is embedded in policy and practice;
- recognise and protect the rights of Aboriginal children, families and communities in child protection matters; and
- increase the level of self-determination of Aboriginal peoples in child welfare matters; and reduce the over-representation of Aboriginal children and young people in child protection and out of home care systems"<sup>4</sup>.

<sup>1</sup> When the term Aboriginal is used in this document, it should be read as inclusive of Torres Strait Islander peoples; acknowledging that Torres Strait Islander peoples have a separate and distinct culture, identity and country to that of mainland Aboriginal peoples.

<sup>2</sup> When the term Aboriginal children is used in this document it should be read as inclusive of young peoples; acknowledging and respecting young people's age and maturity.

<sup>3</sup> Section 4: Parliamentary Declaration, *Children and Young Peoples (Safety) Act, 2017*.

<sup>4</sup> SNAICC. The Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation. p.2.



To achieve these aims, the ACPP requires commitment to and action related to the five core elements - Prevention, Partnership, Placement, Participation and Connection. This commitment is acknowledged in the [DCP Aboriginal Action Plan](#) that also recognises the importance of the precursor to the elements – Identification. Embedding these elements in DCP’s practice is critical to achieving meaningful change and improved outcomes for Aboriginal children, young people, their families and communities.

Section 12 of the *Children and Young People (Safety) Act 2017* (CYPS Act) outlines the actions and decisions that are required be taken into account in relation to the ACPP when working with Aboriginal children and their families. DCP operationalises these obligations through the DCP Practice Approach (as outlined in the [DCP Practice Approach Summary Guide](#)) that strives to ensure the safety of Aboriginal children and young people, keep families and communities safely together and support healing from the impacts of colonisation, dispossession, loss of culture, and the Stolen Generations. Cultural safety as a DCP Practice Principle recognises the strength of Aboriginal culture in helping children and young people develop a positive identity, and safeguard their health, wellbeing, self-esteem and development. It acknowledges the strengths of Aboriginal approaches to parenting and values Aboriginal family-led decision making to ensure Aboriginal children and young people have strong positive identity and maintain connections to their culture. The Practice Approach also incorporates the ACPP in the ‘Foundational theories and knowledge’ element of the approach.

## 1.1 Context

In 1997, the *Bringing Them Home Report* estimated that between 10 to 33 per cent of all Aboriginal children were separated from their families in the years spanning 1910 to 1970. In 2019, the Productivity Commission’s Report<sup>5</sup> reported that 33 per cent of children in care were Aboriginal (despite Aboriginal peoples comprising less than five per cent of the population). The 2019 Family Matters<sup>6</sup> report stated that the rate of Aboriginal children and young people in care was 10.2 times that of other children, and this disproportionate representation continues to grow at an alarming rate.

It is important to note that the DCP has a legislated responsibility under section 12 of the CYPS Act to ensure that all Aboriginal children and young people are placed in accordance with the ACPP.

### 1.1.1 The ACPP and Intergenerational Trauma

The ACPP was developed thirty years ago due to the devastating effects of the Stolen Generations. In 1997, the *Bringing Them Home Report* detailed the devastation experienced by Aboriginal children who were forcefully removed from family, community and culture. The sense of grief and loss that Aboriginal peoples still experience today because of the breaking down of family structures, obligations, connections to their community, family, culture and country. The profound grief and loss experienced by Aboriginal peoples has been transmitted through the generations via post-traumatic stress disorders, racism and loss of cultural knowledge, storytelling and kinship relationships due to forced removals and colonising government policies and practices.

<sup>5</sup> [The Productivity Commission’s Report on Government Services 2019](#)

<sup>6</sup> [The Family Matters Report 2019, page 5.](#)



## 1.1.2 The ACPP's application in practice

### Active efforts

The term 'active efforts' was developed in the United States (U.S.) as a result of the U.S. Government's requirements to make all 'active efforts' under the *Indian Child Welfare Act of 1978* (ICW Act) to reduce the over-representation of Aboriginal children in care.

In the South Australian context, active efforts are the efforts taken by workers to apply the ACPP in their practice with Aboriginal children and families, in accordance with their legislative responsibilities, to address the over-representation of Aboriginal children in care.

### Significant decisions

A significant decision is a decision made about the care and protection of a child or young person that is likely to have an enduring and significant impact on their lives. Aboriginal children, parents and family members have a right to participate in the significant decisions affecting them as the expert in their own families and communities. Whether a decision is likely to have a significant impact on a child's life will depend on the specific circumstances but the following decisions are to be considered significant for all children and young people:

- approach taken to keep a child safe (such as safety planning during an investigation, scoping possible placement options and ensuring ongoing consultation);
- the type of ongoing intervention to undertake with an Aboriginal family;
- seeking a child protection order for a child; and
- where or with whom a child will live.

## 2. Aboriginal Child Placement Principle

### 2.1 Precursor: Identification

Identifying Aboriginal children and young people who are involved with child protection in South Australia is required to fulfilling legislative, policy and practice requirements. The CYPs Act, must be observed by practitioners and in particular focus should be on, Section 8 (1)(a), Section 10 (1)(b) and Section 16 (1)(a)(b) as it applies to the precursor and Aboriginal people's self-identification

The application of the identification precursor is essential for all children involved with the DCP (and particularly those entering care) to ensure their cultural status is identified correctly and documented on their C3MS record. Active efforts to identify Aboriginal children from the earliest point of intervention are vital. Identification of all family members (including siblings) should be explored and updated accordingly for each person on C3MS under life domains/identity.

An Aboriginal child's sense of connectedness is paramount to the development of their individual cultural identity and their social and emotional wellbeing. It is important for DCP staff to ask children or young people and families if they identify as Aboriginal. As Aboriginal identity can mean different things to different Aboriginal peoples, there is no one *right* way to ask. Seeking the advice



of a Principal Aboriginal Consultant (PAC) can be useful in developing strategies to ask peoples about their identity in a respectful and culturally safe way.

Once a child or young person is identified as Aboriginal, the five elements of the ACPP apply. Application of the ACPP ensures that Aboriginal children or young people are provided with culturally safe supports, case planning and decisions to protect the cultural rights of children, young people and their families.

### **What to do if a child identifies as Aboriginal but the parent and/or family do not?**

If a family chooses not to identify as Aboriginal, it is important to document this advice on the child's C3MS record and include the family's reasons. While respecting the family's view, it is important to recognise a child's right to be connected to their culture which exists independently of the family's identification in accordance with Section 10 and 16 of the CYPS Act.

All Aboriginal children in care have the right to know about their cultural and spiritual identities. This is reiterated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>7</sup>, which recognises that Aboriginal peoples have a right to their culture and traditions, including the development of their individual cultural identities.

It is important that workers seek to explore each case individually with the family and child their cultural identity and document actions undertaken with the family in the child's case plan on C3MS. Workers should consult with PAC and adhere to Section 16 of CYPS Act. It is critical that workers do not determine who is Aboriginal.

*SNAICC<sup>8</sup> states, "It is important to remember that a child's right to culture persists and workers have a responsibility to support it. Determining whether a child is old enough to make their own decisions about how they identify can be a difficult task. It will depend on a subjective assessment of their age and level of maturity. In line with the evidence on the importance of connection to cultural identity to children's wellbeing, workers should always aim, where there is any doubt, to support a child's opportunity to learn about and connect with their culture so that they can make informed decisions about their choice to identify."*

If a child is developmentally able and mature enough to self-identify as Aboriginal and they choose to identify as Aboriginal, then they are to be identified as Aboriginal irrespective of the parents' views and the elements of the ACPP apply. If a child or young person is not in a position to self-identify, and it is known that they are Aboriginal, it is important to ensure their Aboriginal identity is documented on C3MS and careful consideration is required to be given to how the child or young person can be connected to their culture.

If a child or young person chooses **not** to identify as Aboriginal, that is also their right in accordance with section 10 of the CYPS Act. It is important to document the child or young person's views on C3MS and continue to regularly reflect on how the child or young person could be supported to develop their Aboriginal identity and cultural connections as they age. It should be noted that while

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<sup>8</sup> SNAICC. The Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation.





the child or young person may not choose to identify as Aboriginal at the present time, their view may change in the future and it is therefore critical that DCP staff regularly reflect on ways to support the child or young person's identification as Aboriginal and their connections to culture.

It is important to understand that an Aboriginal child or young person or their family may choose not to identify as Aboriginal for a number of reasons. Many Aboriginal peoples became disconnected from their families, communities, culture and Country as a result of forced removals and relocation to other parts of Australia away from their Country. Additionally, some Aboriginal peoples find it difficult or overwhelming to acknowledge their identity as an Aboriginal person because of racism that Aboriginal peoples continue to experience in mainstream society. Some Aboriginal peoples may experience feelings of shame because they do not know their song lines or stories leading them to deny their Aboriginal identity. (Song lines are handed down in families and are related to country and often these stories are about social lore, and as well as being integral to Aboriginal spirituality, song lines are deeply tied to the Australian landscape and convey important knowledge, cultural values and wisdom to Aboriginal peoples.)

There may be instances where a child or young person may choose to identify as Aboriginal when they are known to not be Aboriginal. It is critical that workers explore through the development of genograms, family group meetings, PAC consultations and family mapping/scoping to ensure the child or young person's identity is documented correctly and recorded on C3MS.

**Identification: Active efforts** include but are not limited to:

- develop a detailed genogram with the family. Remain curious and ask questions about extended family members and other people who maybe significant to the child and family
- not asking a child or family for proof of their Aboriginality
- asking the parents if they identify as Aboriginal
- asking the parents if there are people in their family who identify as Aboriginal and what their relationship is to those relatives
- asking significant family members if they identify as Aboriginal
- asking the child or young person whether they identify as Aboriginal
- asking the parent, family members or child or young person if they identify with a particular Nation or language group
- if someone declines to answer questions about their identity, informing them that they can provide this information at a later date if they choose to
- consulting with the PAC on how to approach the family in culturally respectful manner to ensure the family remain culturally safe regarding any questions about their identity
- reviewing DCP or other agency records regarding the child or young person or family's cultural identity.

## 2.2 Element 1: Prevention

The Prevention element of the ACPP is critically important for minimising the DCP's involvement with families and reducing the over-representation of Aboriginal children and young people in care.



The Prevention element asserts that Aboriginal children and young people have a right to be brought up within their own family, community and culture.

Workers have a responsibility to develop their own cultural competencies, which includes understanding and reflecting on their own cultural biases that may influence their practice when working with Aboriginal peoples. It is critical that the strengths that exist within Aboriginal families and communities are considered and recognised. Workers should acknowledge the cultural differences in child-rearing practices between Aboriginal and non-Aboriginal families and understand how these differences can provide an Aboriginal child or young person with a safe and nurturing environment to grow up strong in culture.

Refer to [Working with Aboriginal and Torres Strait Islander Families](#).

When concerns arise regarding Aboriginal children and young people's safety and well-being, it is imperative that all options are considered in line with the ACPP and Aboriginal Family Led Decision Making to ensure Aboriginal children and young people remain connected to their family, community and culture. Workers should consider referring families to culturally safe services as well as family preservation strategies such as Family Group Conferences and safety planning. Refer to the [Manual of Practice – Consider a Family Group Conference](#) for further information.

**Prevention: Active efforts** *include but are not limited to:*

- building respectful and equal relationships with Aboriginal families
- undertaking culturally safe, comprehensive assessments of an Aboriginal child and family's needs and circumstances with a focus on preserving families wherever possible
- ensuring that all active efforts have been made (and documented) to preserve Aboriginal children with family
- ensuring that all alternative and less intrusive interventions have been exhausted prior to removing Aboriginal children from their families
- recognising the differences in Aboriginal and non-Aboriginal child-rearing practices
- acknowledging that connection to culture is a significant strength for Aboriginal families
- providing integrated, culturally safe supports that address the full range of Aboriginal children, young person or family's needs
- utilising appropriate referral pathways to divert Aboriginal children and families from further child protection involvement.

## 2.3 Element 2: Partnership

The Partnership element of the ACPP is focused on supporting the rights of Aboriginal peoples and communities to self-determination. Partnership includes building genuine and respectful relationships to enable full participation of Aboriginal peoples to be included in significant decision making processes. This recognises that Aboriginal peoples have the best knowledge and strengths to make decisions regarding the safety and wellbeing of their children, families and communities.

Section 12 of the CYPS Act 2017 outlines that DCP is required to consult with and have regard to any submission of a recognised Aboriginal organisation before (where possible) the placement of an



Aboriginal child or young person in care. If consultation cannot occur before placement it must occur within 24 hours after placement has commenced or the next working day. Further to this, Section 23 CYPS Act 2017 makes provision for Aboriginal organisations to be included in Family Group Conferencing.

Partnership with Aboriginal families and organisations develops effective and culturally safe service provision for Aboriginal children and young people across all levels of interventions. These partnerships need to be developed through active efforts and a shared commitment from workers to build meaningful relationships with Aboriginal peoples with a strong focus on Aboriginal self-determination.

### Self-determination

Genuine partnerships promote safe environments where Aboriginal peoples and communities can achieve self-determination. The right to self-determination is the right of Aboriginal peoples to freely determine their political and economic status and their social and cultural destinies. Meaningful self-determination involves recognising that Aboriginal families have a right to make decisions about issues affecting them, their families and their children.

**Partnership: Active efforts** include but are not limited to:

- providing Aboriginal children and young people and their families with active assistance to access Family Group Conferencing
- ensuring partnerships between DCP and Aboriginal children, young people and their families are genuine and encourage self-determination
- consulting with and having regard to the advice provided by PACs on all significant decisions relating to Aboriginal children
- consulting with and having regard to the advice provided by the recognised Aboriginal organisation prior to the placement of Aboriginal children in care
- developing inter-agency partnerships with Aboriginal organisations.

## 2.4 Element 3: Placement

The Placement element recognises the right of Aboriginal children and young people placed in care to be placed with a member of their family or community. The placement hierarchy for Aboriginal children and young people who require placement in care ensures the highest level of connection possible to their Aboriginal family, community, culture and country. As per section 12 of the CYPS Act 2017, the placement of Aboriginal children and young people should be prioritised (if reasonably practicable) in the following order:

- i) a member of the child or young person's family;
- ii) a member of the child or young person's community who has a relationship of responsibility for the child or young person;
- iii) a member of the child or young person's community;
- iv) a person of Aboriginal or Torres Strait Islander cultural background (as the case requires); or as a last resort
- v) any other available carer, including a non-Aboriginal carer.



Scoping for and identifying kinship placements for Aboriginal children and young people should commence as soon as it is assessed that a removal of an Aboriginal child may be required to ensure safety. It is imperative that DCP exhaust all possible placement options at each level of the hierarchy before considering a lower hierarchy placement for a child or young person. Securing a kinship placement for a child and young person as early as possible after they are placed in care is critical for long term stability that ensures Aboriginal children and young people remain connected to their family, community and culture.

Any delays in identifying a kinship placement in a timely manner can lead to complex scenarios where Aboriginal children and young people form relationships with carers who cannot sufficiently meet their cultural needs and connections to family, community, culture, identity and country. Where a kinship placement has been identified after an Aboriginal child or young person has been placed with a carer who is unable to meet their cultural needs, and where there exists a secure attachment relationship, extensive assessment and consultation with PACs, Principal Social Workers and departmental psychologists is required.

### **Identifying kinship placements for Aboriginal children and young peoples**

Genograms and/or family mapping are critical tools in exploring possible placements for Aboriginal children and young people. Genograms detail family structures and relationships and can be utilised to identify key family members and assist with placement or connections to culture. Genograms should be developed in partnership with children and young people, and their families.

Genogram development is a critical case management task and regular review of a child or young person's genogram (with the child and their family) is important. This will ensure information remains accurate and up to date and will ensure an Aboriginal child or young person is supported to stay connected to their family, community and culture.

Refer to the [Genogram Fact sheet](#) and the Aboriginal [Family Scoping Team referral form](#) for further guidance.

### **Assessing kinship carers**

Once a kinship carer has been identified, their capacity to provide safe care and nurture cultural connections is assessed. The [Winangay Assessment tool](#) is used in the assessment of Kinship carers, and is utilised by workers when assessing:

1. Non-Aboriginal carers who have the care of an Aboriginal child
2. Aboriginal carers

Refer to the [Manual of Practice – Temporary Placement](#) for further information.

### **Placement consultation**

Consultation with a PAC and with the recognised Aboriginal organisation (Aboriginal Family Support Services) is best practice and should occur prior to any placement decisions (or where this is not reasonably practicable within 24 hours of the placement commencing). The role of consultation is to provide cultural advice regarding kinship placement options for an Aboriginal child or young person.





To consult with AFSS, the DCP worker will complete a [Recognised organisation consultation form](#).

**Placement: Active efforts** include, but are not limited to:

- actively exhausting all placement options at the higher levels of the ACPH hierarchy before considering lower hierarchy placements
- ensuring placement scoping commences as a matter of urgency when removal of an Aboriginal child or young person becomes a possibility
- ensuring timely decision-making regarding placements
- placement decision-making in line with the ACPH hierarchy must consider the individual needs of Aboriginal children and young people and their requirement for stability and wellbeing
- placing sibling groups together, where it is safe and in the children's best interests
- identifying and locating kin as soon as possible and pursuing timely and culturally safe assessments of identified kinship carers.

## 2.5 Element 4: Participation

Aboriginal children, parents and family members must participate in all significant decisions affecting them. Participation relates to the inclusion of Aboriginal peoples in decision making processes, where this is underpinned by partnerships between the DCP, the child, the family and community. Involving family members in decision-making processes assists to identify culturally safe supports and identify kinship placement options.

It is important to understand that participation extends beyond consultation and requires an approach that genuinely includes Aboriginal families in significant decision making about their children at all stages of the DCP intervention.

### The views of the child

Section 10 of the CYPS Act 2017 states that if a child or young person is able to form their views on a matter concerning their care, they should be given an opportunity to express those views and have those views considered in the decision making process across all levels of child protection interventions. For Aboriginal children, this means creating opportunities for the child to express their views about:

- Identity
- Connection to family, culture and community
- Feelings about their siblings
- Who they would like to live with
- Their safety.

### Aboriginal Family-Led Decision Making

Aboriginal Family-Led Decision Making is an Aboriginal community-led process that draws on traditional consultative methods to create spaces where 'families feel supported to make culturally-



based, family-driven decisions in the best interest of Aboriginal children<sup>9</sup>. It provides an opportunity for families to lead decision making in partnership with workers and recognises that Aboriginal children and families have the best knowledge of their family, community and culture, including their strengths and needs. Family Group Conferencing is underpinned by the principles of Aboriginal Family-Led Decision Making. Refer to [Family Group Conferencing](#) for further information.

**Participation: Active efforts** include but are not limited to:

- engaging the child, parents, community advocates and extended family members in decision making and case planning
- ensuring Aboriginal peoples are given the opportunity to provide input on the importance of culture in decisions affecting them and their children
- ensuring Aboriginal peoples are given the opportunity to contribute to processes that maintain a connection for themselves and their children to family, community and culture
- providing Aboriginal children with an opportunity to participate in decisions that affect them in line with their capacity, age and maturity while receiving culturally appropriate support to do so.

## 2.6 Element 5: Connection

The Connection element seeks to ensure that all Aboriginal children and young people maintain connections to their family, community, culture, traditions and language. For Aboriginal children and young people, keeping their connections to their family and community is critical to develop their cultural identities, which starts by knowing where they came from, and where they fit within their family and community structures. In accordance with Section 28 of the CYPS Act 2017, the development of an Aboriginal Cultural Identity Support Tool (ACIST) is critical to supporting Aboriginal children's connections to their family, community and culture.

### Aboriginal Cultural Identity Support Tool

The ACIST is required for every Aboriginal child and young person in care to promote their connections to family, community and culture. Once an ACIST has been developed for an Aboriginal child or young person, it needs to be regularly reviewed and updated. The ACIST is a key component of an Aboriginal child's case planning process and is mandatory for every Aboriginal child or young person in care.

### Aboriginal Life Story Book

Life story books play a critical role in maintaining connections to culture for Aboriginal children and young people. An Aboriginal Life Story Book is tailored to the child's own Aboriginal Nation and should be developed as the child grows. Workers have a responsibility for ensuring Aboriginal children and young people have an Aboriginal Life Story Book, it is critical that the child, their family and community is involved in the development and maintenance of the life story book. Refer to [Life story work for children in care](#) for further guidance.

<sup>9</sup> Tangentyere Council 2017. [Children Safe, Family Together](#)



**Connection: Active efforts** include but are not limited to:

- ensuring every Aboriginal child or young person in care has a ACIST developed within 60 days of entering care and that this is reviewed regularly as part of the case plan
- involving the child, family, PACs and ACCO's in the development and review of the child's ACIST
- ensuring actions in the ACIST are appropriately resourced and carers are supported to understand their obligations in supporting the child to maintain cultural connections
- making all active efforts to place Aboriginal sibling groups together where it is safe and in the best interests of all children to do so
- workers consider reunification early where it is identified as possible.



### 3. Reflective Practice Questions

Practitioners improve their practice when they engage in reflective practice. Practitioners are encouraged to seek feedback about their understanding and application of the ACPP to all areas of their work. The following Reflective Practice Bubble is offered to encourage reflective practice among practitioners.

#### *Reflective Practice bubble*

*What do you know about Aboriginal cultural, customs, history and language?  
What are you learning gaps?*

*What do you understand about the role of Aboriginal Community Controlled Organisations (ACCOs) and how would you include them in case management, consultation and decision-making processes?*

*How do you apply the elements of the ACPP in decision making?*

*How do you ensure families are provided with opportunities to participate in placement decisions through Aboriginal family led decision making?*

*How do you demonstrate a commitment to building relationships based on equity and shared decision making?*

*How could you find out more about an Aboriginal child's cultural needs? Who could you ask to get more information? What kinds of questions could you ask them?*

*What do you think are some dilemmas faced by child protection workers delegated with the responsibilities of child protection in the Aboriginal community?*





## Document control

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