

# Changing legislation to improve the child protection system

Ensuring families are supported to care for their children and making the system more equitable, transparent and accountable

The ACT Government is reforming child, youth and family services to ensure we strengthen families and keep children and young people safe and connected. Legislative change is a foundational element of this plan for reform. Proposed changes to the *Children and Young People Act 2008* will deliver significant, tangible, positive change for children, young people, families, carers and workers who intersect with the child protection system. Key to a fairer and more accountable child protection system is ensuring families are provided opportunities to keep their children safe at home before statutory intervention is taken, giving families more of a voice and strengthening oversight of decisions. This will lead to better outcomes for the children, young people and families involved.

## Creating a modern system that safeguards children and empowers families

Our modern child protection system should be designed not only to safeguard children and young people but also to empower them and their families to actively shape their own futures.

We know there is a power imbalance between child protection workers and the families that become involved with the statutory system. The proposed changes to the *Children and Young People Act 2008* aim to:

- > ensure earlier support is provided to families
- > increase the voices of children, young people, families and their advocates
- > ensure better oversight of child protection decisions.

The new approach will ensure work is done respectfully and in partnership with families to achieve better life outcomes for their children and young people.

## Early support

Before any child or young person comes into care, families will be provided opportunities to access early supports to help them keep their children safe at home. Only when there is unacceptable risk will immediate action be taken to remove a child.

If child protection decides a child should be removed, they will need to prove to the ACT Childrens Court that early support opportunities were given – we call this ‘active efforts’.

The Court will need to be satisfied the active efforts were enough and the family is unable at that time to protect their child for the Court to decide the child is to go into care.

With access to genuine early supports, many families will not need to be involved with the statutory system, and for those that do become involved, active efforts will continue with the aim to reunite them with their children whenever possible.

Crucially, child protection will also need to provide clearer communication to children and their families, ensuring the reason behind statutory involvement is fully understood. Families should know all options were considered to keep their kids safe at home.

### Children, young people and families will have more say

The voices of children, young people and families are important in making decisions and creating solutions for their own lives and circumstances.

The new approach to child protection will see key principles enshrined in legislation to ensure their meaningful and direct participation.

The [Charter for Parents and Families involved with ACT child protection services](#) is another safeguard for ensuring these important voices are heard and responded to.

### A stronger court system and better oversight

The ACT Childrens Court plays a key role in child protection and this role will be strengthened under the proposed changes.

The Court will have greater oversight of child protection decisions and arrangements, including oversight of active efforts to prevent a child or young person from entering care, active efforts to restore them to their parents and the suitability of their care arrangements.

The Court will also oversee the quality of care plans to ensure they are clear and meet the specific needs of the child or young person.

A new suite of court orders will be used by the Court with a strong focus on family preservation, reunification and stable care arrangements.

The proposed changes will also empower significant people in a child or young person's life to actively participate in the court process. The aim is to ensure their views are not only acknowledged but also thoughtfully weighed and considered by the Court in its decision-making.

### External review of decisions

While oversight by the ACT Childrens Court will be stronger and provide improved outcomes for families, we know it is important for families to also have access to external options if they are unhappy with a decision made by child protection.

A new option will be created where families can have certain decisions reviewed by the ACT Civil and Administrative Tribunal (ACAT). This will add another layer of fairness to the system to ensure more equitable, transparent and accountable decision-making processes.

### Working together

Our commitment is to keep or reunite children with their families whenever possible.

By creating a fairer, more accountable system and a robust support network that fosters collaboration, stability and resilience, we intend to make what we know is a stressful time for families better.

Delivering a fairer system, more effective at improving the life outcomes of children, young people and families, is a priority.

See the diagrams at the end for the intended shift the proposed legislative changes will make to our child protection system.

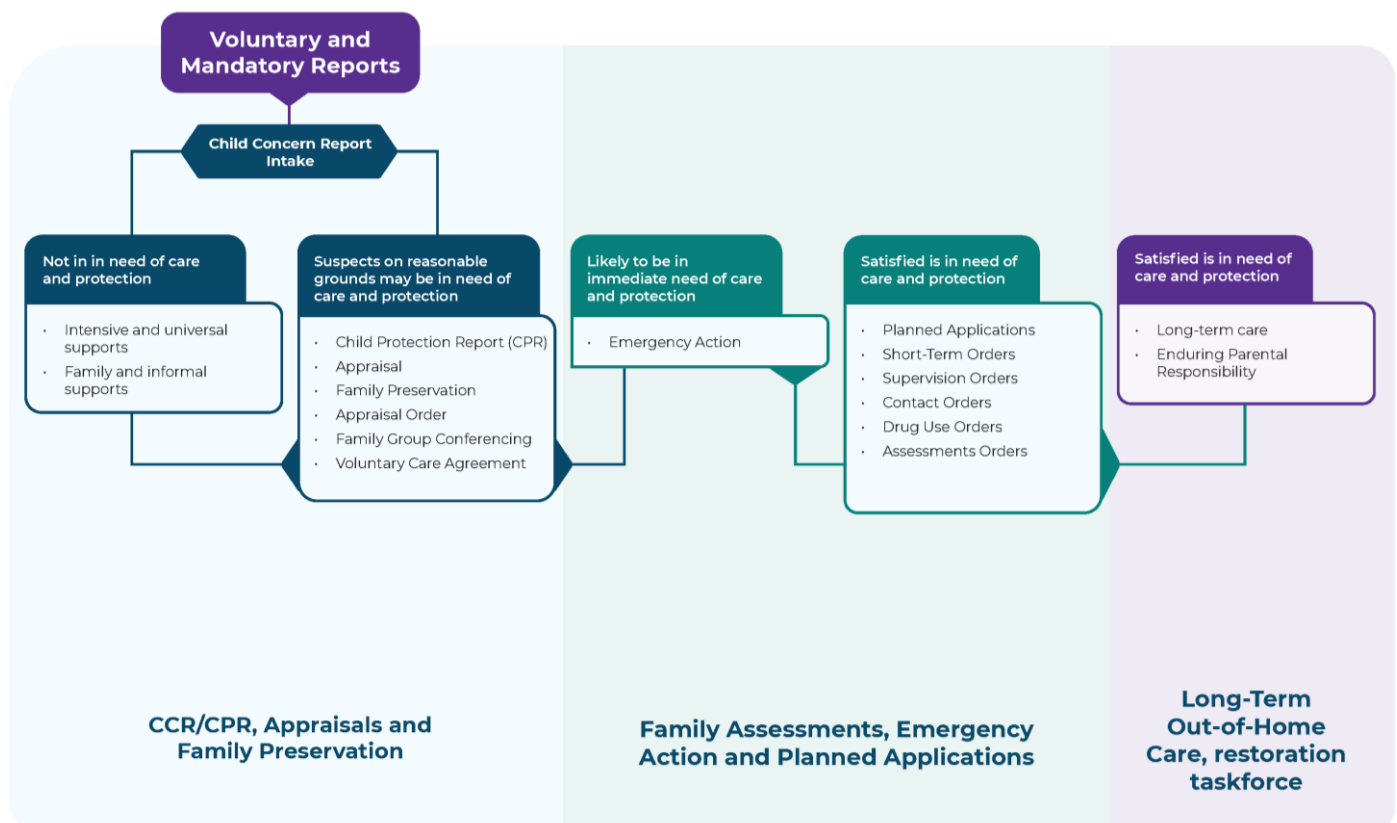
### Next steps

Learn more about the changes the ACT Government wants to make to the ACT's child protection system and join the conversation. Our information paper has all the details about the proposed changes.

Visit [YourSay Conversations: Changing the Children and Young People Act 2008](#).

## Current state:

repeated use of 'In Need of Care and Protection' threshold



## Proposed future state

