



Western Australia

## **Foster Care Reform Bill 2017**

## **Explanatory Memorandum**

There are a series of increasingly prevalent issues within the foster care system in the state of Western Australia. Each year the number of children in care grows exponentially and it was estimated that from 30 June 2009 to 30 June 2015 the number of children in care increased by forty percent. This is a prevalent issue within modern society as more and more children leave home and foster care. Currently there are more than forty thousand children in foster care and this number is on an incline. There is an urgent need for foster carers to love and provide a home for these troubled children, however currently there are many foster carers who are dissatisfied with the support that the Western Australian State government is providing them with.

To keep up with the increase in children in care it is vital that legislation be introduced to encourage more people to take up foster caring. However, a recent study found that forty-one percent of foster carers felt the support they were provided with was 'just enough to scrape by' and a further thirty-five percent felt that the support was of very poor quality. This indicates that foster carers are dissatisfied with the support that the government is providing them with and as a result they are unable to provide the children with the adequate living environment that is essential to the children thriving. The objective of foster care is to provide children with security, however this is not the case for many who experience neglect due to increased pressure on foster carers to parent excess numbers of children.

This bill will establish and amend current committees so that they can carefully regulate the happenings within the foster care system. These committees will have the power to review cases according to circumstance so they can determine how to make the most of the situation for the children and carers alike, determine eligibility, and hold the other foster care committees accountable for their decisions. This act will also bring about the creation of a benefits card for children in care, which may be used by both the carer and the child to help improve the child's standard of living. The benefits card shall be created to include a number of stores so the child can access basic necessities. A cap on the number of children a foster carer can care for will be established so that each child receives the attention they require.



Western Australia

## Foster Care Reform Bill 2017

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Western Australia

## Foster Care Reform Bill

A Bill for —

**An Act to strengthen support for foster children, caseworkers and carers, and to implement new strategies to protect the children of Western Australia, and for related matters.**

### Part 1 — Preliminary

**1. Short title**

This Bill may be cited as the *Foster Care Reform Bill 2017*.

**2. Commencement**

This Bill commences on the day on which this Act receives Royal Assent.

**3. Interpretation**

In this Bill, unless the contrary intention appears —

**“*Basiccard*”** means a PIN protected card that allows you to access your income managed money through EFTPOS facilities at approved stores and businesses

**“*Extraordinary Matters*”** means circumstances deemed unusual by the Adoptions and Application to Foster Care Committee.

**“Region”** means the regional electorates of the Western Australian Legislative Council

**4. Legislative Supremacy**

In any instance where this Bill comes into conflict with the provisions of another piece of State legislation, this Bill shall prevail over the contravening Act to the extent of the inconsistency, unless it is explicitly stated otherwise.

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## **Part 2 — Oversight**

### **Division 1 — Establishing The Community Based Case Review Councils (CBCRC)**

#### **5. Establishment of the Community Based Case Review Council**

- (1) The Community Sector Roundtable and Case Review Panel will be combined to form the Community Based Case Review Council (CBCRC).
- (2) The CBCRC will review all foster cases in their region and decide how to go about determining the most appropriate fostering process for the children and young people in question.

#### **6. Composition of the Community Based Case Review Council**

The council will consist of a –

- (a) one (1) registered child psychologist;
- (b) one (1) previous foster parent;
- (c) one (1) Primary school teacher;
- (d) one (1) Secondary school teacher; and
- (e) one (1) Indigenous representative with a background in education.

#### **7. Council Meetings**

- (1) The Community Based Case Review Council shall sit monthly.
- (2) The Community Based Case Review Council have the power to call emergency sittings outside of the set schedule whenever they deem appropriate.
- (3) Each member of this Council has equal voting power.
- (4) For a decision to pass 4 out of 5 Council members must vote in the affirmative.

#### **8. Quorum**

A minimum of two thirds of this committee must be present in order to constitute a full meeting of the board.

**9. Placement of Committees**

Each region of the Legislative Council will possess one:

- (a) Child Safety Director's Group; and
- (b) Community Based Case Review Panel.

**Division 2 — Amending previously established committees**

**10. Amendments to the Adoptions Applications Committee**

The Adoptions Applications Committee will be named the Adoptions and Foster Care Applications Committee (AFCAC).

**11. Amendments to the Ministerial Advisory Council on Child Protection (MACCP)**

The Ministerial Advisory Council on Child Protection will act as a overarching committee that oversees the activities of all other committees and councils.

**Division 3 — Roles and Powers of the Committees**

**12. Roles of Community Based Case Review Council**

- (1) The Community Based Case Review Council (CBCRC) will review all cases within their allocated region.
- (2) The CBCRC will adapt the cards to include appropriate local and national businesses to personalise each benefits card.
- (3) The CBCRC will consider that siblings in the foster system may wish to stay together, and can make an exception to the cap on the amount of foster children per carer.
- (4) Carers may appeal to their local CBCRC if they have any queries or concerns about their foster child.



**13. Roles of the Adoptions and Foster Care Applications Committee**

- (1) The Adoptions and Foster Care Applications Committee (AFCAC) determines if an applicant is suitable for a career position.
- (2) The committee can determine suitability with consideration as to:
  - (a) criminal history
  - (b) present family size
  - (c) socioeconomic profile; and
  - (d) the applicant's health.

**14. Roles of the Ministerial Advisory Council on Child Protection**

- (1) The Ministerial Advisory Council on Child Protection (MACCP) holds all other committees accountable by conducting fair monthly checkups on each regional CBCRC, and AFCAC committee.
- (2) The MACCP will hold the other committees accountable by looking out for corruption or malpractice, and to keep check on fairness within each committee.
- (3) The MACCP is responsible for resolving committee disputes.

## **Part 3 — Incentives for the Carers and Children**

### **15. Financial Remunerations and Incentives**

- (1) Foster carers will be financially remunerated for a proportion of the costs and time spent raising children in their care.
- (2) Foster carers will receive a Basics Card which will cover the basic needs of the child in their care. The items available for purchase on this card will be assessed by the CBCRC on a bi-annual basis.
- (3) Foster carers can apply to the CBCRC for additional funding in the exceptional circumstances, which include but are not limited to -
  - (a) medical expenses;
  - (b) school expenses; and
  - (c) household expenditures.

### **16. Establishing the Basics Card**

- (1) There will be one basics card awarded to the foster family for each child under their care.
- (2) The items available on this card will be reviewed by the CBCRC annually.
- (3) The amount available on this card will be determined on a bi-annual basis by The Ministerial Advisory Council on Child Protection.
- (4) The items available for purchase on this card will include those in stores and shops that will be determined by the CBCRC.

## **Part 4 — Provisions for Foster Care in WA**

### **Division 1 — Cap on Quantity of Children Per Carer Household**

#### **17. Maximum Number of Children in Foster Care Homes**

- (1) The maximum number of children in each foster care home will be determined by the Committee and will be based upon the foster carer's socio-economic profile.
- (2) The maximum number of children in each foster care home will be limited to:
  - (a) five (5) children in a home licensed by two (2) caregivers; and
  - (b) three (3) children in a home licensed by one (1) caregiver.
- (3) Siblings will be placed with the same caregiver as far as practicable.

### **Division 2 — Establishment of Surveys**

#### **18. Survey to Improve the Foster Parent Training Program**

- (1) A survey will be undertaken that will question the foster parents on possible improvements to the training program.
- (2) This survey will include a series of questions that shall be outlined by the MACCP.

#### **19. Survey to Determine a Foster Child's Satisfaction**

- (1) The foster child must complete a survey every two months, independent of their carer, that determines their satisfaction in their foster home.
- (2) The survey will assess mental health and the practices of the carer as observed by the child.
- (3) The CBCRC is responsible for creating and administering the survey.

**20. Survey to Determine a Foster Carer's Satisfaction**

- (1) The foster carer must complete a survey every two months, independent of their child, that determines their satisfaction in their foster home.
- (2) The survey will assess mental health and the habits of the child as observed by the carer
- (3) The CBCRC will be responsible for creating and administering the survey.

**21. Foster Care Helpline**

- (1) The Foster Care Helpline will be run and administered by the Department of Child Protection.
- (2) The Department of Child Protection is responsible for ensuring that the Helpline is accessible and technologically up-to-date.