ACT Government
Community Services

Sensitive: Personal

This report contains both protected and sensitive information as defined in the *Children and Young People Act 2008* ('the Act'). The information secrecy and sharing provisions of the Act must be applied as well as any other relevant Territory legislation.

Child and Youth Protection Services
Decision-Making Statement

Note: All decision-making statements completed by CYPS staff **must** be linked to a Decision or Significant Action (DoSA) record on CYRIS.

Child/ren or young person/people:	**DOB:**	**Date of decision:**
Is the child of Aboriginal and/or Torres Strait Islander descent?	☐ Aboriginal ☐ Torres Strait Islander ☐ Aboriginal and Torres Strait Islander ☐ Neither	
Decision made eg: • *Contact frequency* • *Placement* • *Restoration plan* • *Suitability*	*For example, contact visits to be changed from fortnightly to monthly.* Please specify decision:	
Who made the decision?	*Insert name and position title*	
Background Information:	*Why was this decision required?* *What were the current arrangements or situation at the time of the decision?* *See the **guide below** for the relevant information that **must** be included in this section for certain decisions.*	
What factors impacted this decision?	*Factors may include:* > *Best interests test (s349)* > *Any relevant Orders in place* > *The child or young person's Case Plan* > *The child or young person's Cultural Plan* > *Care team meeting records* > *A case conference action plan* > *A Family Group Conference Family Plan* > *Any relevant assessments* > *Supports available to implement the decision* > *Recommendations of relevant panels (Application Review Committee, Family Preservation Panel)* *See the **guide below** for information on the relevant principles that should be considered.*	
Consultation ***Who was consulted to make this decision?***	*Please complete:* ☐ The child or young person ☐ Their parent/s ☐ Their carer/s	

<table>
<tr><td>Provide details of the consultation which occurred. *All people affected by this decision should be consulted.</td><td>☐ Aboriginal or Torres Strait Islander person/organisation working with the child or family
☐ Other members of the care team, including external services and professionals. Please specify:

<table><tr><th>Name</th><th>Relationship to the child/org</th></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table>
☐ Relevant staff from CYPS and ACT Together. Please specify:
<table><tr><th>Name</th><th>Role</th></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table></td></tr>
<tr><td>For Aboriginal or Torres Strait Islander children and young people:
How does this decision uphold the Aboriginal and/or Torres Strait Islander Placement Principle and children and young people principles (section 10)?</td><td>The five inter-related elements of the Aboriginal and/or Torres Strait Islander Child Placement Principle are:
> Prevention
> Partnership
> Placement
> Participation
> Connection</td></tr>
<tr><td>Who has been told about the decision?
How were they informed?</td><td>All people affected by this decision should be informed.</td></tr>
<tr><td>Signature of decision maker and date:</td><td></td></tr>
</table>

Guide for Decision Making Statement

Background Information **Where a decision relates to:**	
Family Preservation:	*Detail the work undertaken and identify any support services that are in place or are required.* *Are the parents willing to engage voluntarily with CYPS?* *What are the bottom-lines?* *If Family Preservation has not yet commenced, how will risks be addressed? How will family led decision-making be supported?* *If Family Preservation is active, is there evidence of risks being addressed*
Restoration:	*Detail attempts of restoration (and the supports provided) or what would need to change for restoration to be considered.*
Contact	*Is contact supervised? – why / what are the risks & evidence to support this/ is there a plan to reduce to unsupervised?* *Is it unsupervised?* *What is the regularity – where changes to regularity are made please outline reason and evidence to support the change.*
Placement	*Has Family Finding occurred? Outline active efforts to explore all kinship placement options. Kinship is the preferred placement type.* *For Aboriginal and/or Torres Strait Islander children, a placement decision must be consistent with the priorities for placement outlined in section 513. The priorities are:* *1. A kinship carer* *2. A foster carer who is a member of the Aboriginal and/or Torres Strait Islander community in a relationship of responsibility for the child, according to local custom and practice* *3. A foster carer who is part of the child's community* *4. An Aboriginal or Torres Strait Islander foster carer* *5. A non-Aboriginal or Torres Strait Islander foster carer who:* *a. Is sensitive to the child's needs; AND* *b. Will promote ongoing contact with the child's Aboriginal or Torres Strait Islander family; AND* *c. Lives near the child's Aboriginal and/or Torres Strait Islander* *Is this a change of placement? If so, the Executive Branch Manager, CYPS must be briefed. What information will be used to develop the brief? This must include relevant assessments, the recommendations of the CYPS Linking Panel, etc.*
Principles in the CYP Act	
Best interests principle considerations (section 349)	*Best interests decisions may relate to any of the following best interests principles:* > *Any abuse or neglect of the child or young person or a family member, and ensuring they are not at risk of abuse and neglect* > *Any views expressed by the child or young person* > *The child or young person's relationship with each parent and anyone else* > *The effect on the child or young person due to changes to their circumstances, including separation from a parent or anyone else the child has been living with* > *The effect of the child maintaining contact with each parent, anyone else with parental responsibility, anyone who they have lived with or anyone who they had significant contact with* > *The parents (or anyone with parental responsibility) capacity to meet the child or young person's needs*

	> *For Aboriginal or Torres Strait Islander children or young people, the priority to protect and promote their cultural and spiritual identity and maintain their connection to family, community and culture* > *The importance of settled, stable and permanent living arrangements* > *If the child or young person requires a placement, ensuring decisions about a safe, supportive and stable placement are made as soon as possible* > *The parent's (or anyone with parental responsibility) attitude to parental responsibility and towards the child or young person* > *Any relevant court orders which apply to the child or a family member.*
Principles applying to the Act (section 9)	*A decision-maker must consider the following:* > *A child or young person's sense of racial, ethnic, religious, individual or cultural identity should be preserved and enhanced.* > *A child or young person's education, training or lawful employment should be encouraged and continued without unnecessary interruption.* > *A child's or young person's age, maturity, developmental capacity, sex, background and other relevant characteristics should be considered,* > *Delays in decision-making processes should be avoided as they are likely to impact the child's or young person's wellbeing.*
The Aboriginal and Torres Strait Islander children and young people principle (section 10)	*All decision about Aboriginal and/or Torres Strait Islander children and young people must consider:* > *The need for the child or young person to maintain connections to the lifestyle, culture and traditions of their community* > *Submissions made by any Aboriginal or Torres Strait Islander person or organisation identified as providing ongoing support to the child or young person and their family* > *the traditions and cultural values of the child or young person's family, kin and community.*
Care and protection principle considerations (section 350)	*A decision maker must apply the following principles:* > *A child or young person's parents or family members have the primary responsibility for the child or young person's care and protection* > *Priority must be given to supporting a child or young person's parents and family members to provide for the wellbeing, care and protection of a child or young person* > *If the child or young people does not live with their family encouraging contact with their family and significant people (if practicable and appropriate)* > *If the parent is unwilling or unable to provide for the child or young person's care and protection, CYPS or ACT Together will share or take over this responsibility* > *For a child or young person in Out of Home Care, their safety and wellbeing is more important than the interest of their parents* > *A Court should make an order for a child or young person only if the court considers that making an order is better than making no order at all.*