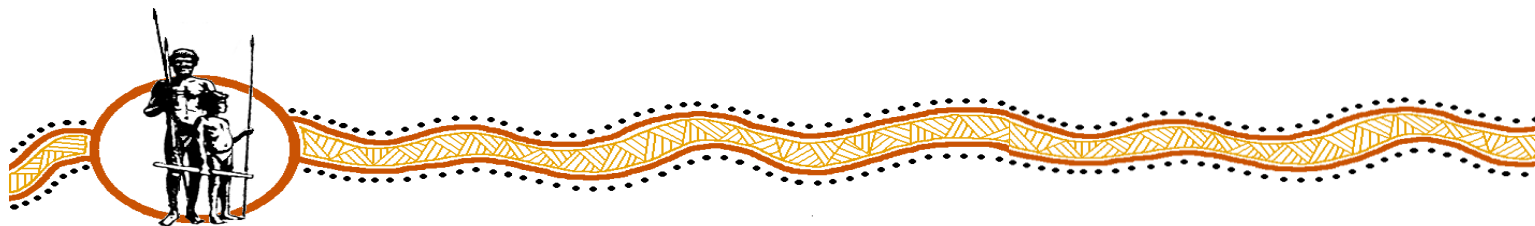


Standard 5 Family and Significant Others

Objective: Children and young people remain connected to significant people and places in their lives



Title: Family and Significant Other Policy and Procedures		
Policy Area: Out of Home Care – Permanency Support Program		
Policy Number:	Version: 4	Page 1 of 12 (with Annexures)
Final Author: Colleen Murray		
Approved by: Management Committee		
Date: March 2021	For Review: March 2024	

Introduction

Woomera Aboriginal Corporation (WAC) strongly believes that children and young people who cannot remain in the care of their families are entitled to ongoing relationships with family, people of significance, friends and community, and to participate in decision-making about facilitating and maintaining these relationships.

Aboriginal and Torres Strait Islander people are also entitled to participate in decision-making about the care and protection of their children and young people with as much self-determination as possible.

The safety and welfare of children and young people are the paramount considerations in all decision-making about care arrangements, including contact with family and significant others.

Purpose

This policy outlines how WAC will:

- Support and facilitate children and young people maintaining and developing relationships with family and significant others.
- Provide opportunities for children and young people, family, and significant others to participate in placement decisions.
- Base decision-making about children and young people's contact with family and significant others on a risk assessment.
- Appropriately manage the control and disclosure of placement information, including the provision of information to parents about the development and progress of their child.

Scope

All PSP staff who work with and care for children and young people are expected to support opportunities for the development and maintenance of positive relationships between them and their families and significant others.

The Team Leader, case workers and carers have responsibilities which are outlined in this policy.

The policy should be read alongside the:

- Initial Assessment and Permanency Planning Policy and Procedures
- Case Planning and Review Policy and Procedures
- Identity Policy and Procedures
- Complaints Management Policy

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Key Responsibilities

The caseworker will:

- Seek to place the child or young person within reasonable proximity to their family and community.
- With the support and supervision of their Team Leader and the Manager, ensure that children and young people and their families' needs are assessed, identified, and responded to
- Identify, support, and facilitate the placements of children and young people so that the child or young person has the opportunity (where it is assessed as safe and appropriate) for ongoing involvement with their families, significant others, communities and country.
- Ensure families have the opportunity to contribute to decision-making processes that concern their child.
- Provide families with an appropriate level of information about their child's placement and care arrangements, following a risk assessment and in accordance with legislative requirements.
- Provide families with ongoing information about the progress of their child.
- Identify and support contact arrangements that provide for meaningful relationship building with the child or young person and the parent(s) with whom restoration is being considered.
- Ensure that contact arrangements are appropriately supervised and reports about visits are made and reviewed.
- When restoration and/or guardianship is being considered, ensure that discussions are held with families and their views are recorded and considered.
- Where restoration has been assessed as a realistic option, develop, in consultation with the parent(s), family or significant other person, a restoration plan that articulates the goals of the plan, i.e. what needs to be different before it would be safe for the child or young person to return home
- Ensure carers are informed of their responsibilities (see below).

The Team Leader will:

- Inform carers of their responsibilities to ensure that a child or young person has the opportunity for ongoing involvement with their families, significant others, communities, country, and culture.
- When relevant and appropriate, provide parents and significant others with supports to facilitate restoration of the child or young person to their family.
- Review contact arrangements to ensure parent(s), families and significant others are being provided with opportunities to demonstrate ongoing protective behaviours; ensure appropriate supervision of visits; monitor the outcomes of contact visits; and if required and within budget constraints, financially support contact visits.
- Review the restoration plan to ensure that goals are being met and evidence is available to demonstrate a clear rationale for any decision to proceed with the restoration process.
- Ensure birth parents are notified when an application for guardianship is made to the court.
- Ensure children or young people considering consenting to guardianship or adoption orders are provided with information, support, and counselling in accordance with their age and capacity to make informed decisions.
- Ensure any consent given by a child or young person over the age of twelve (12) years, includes written consent to a guardianship order where they are capable of doing so.
- Where guardianship orders are under consideration, provide families with appropriate information, counselling, and support to enable them to participate in decision making processes.

Carers will:

- Support the child or young person to meaningfully participate in a manner of their choosing in decisions that relate to them, including decisions about contact with family and significant others.
- Support the child or young person to develop and maintain relationships and connections with family and significant others, community, country and culture where it has been

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identified in the case plan as being in the best interests of the child or young person.

- Support the child or young person to understand decisions that affect them and to raise any issues, questions, concerns or complaints.
- Advocate on the child or young person's behalf, via the case worker, for the resolution of any issues, questions, concerns or complaints.

Contact with Family and Significant Others

WAC will support children and young people to develop and maintain relationships with family members and significant others by:

- Encouraging the child or young person to express who they would like to have contact with, the nature of the contact and how often; and facilitating their wishes where it is safe and appropriate to do so.
- Making every effort to ensure that all contact meets the child or young person's needs, promotes their psychological and social development, and supports existing attachments.
- Supervising contact (if required) in a comfortable and relaxed environment.
- Developing an individual case plan that includes strategies to assist the child or young person to maintain meaningful cultural connections through regular contact with people they can identify with and relate to.
- Informing the carer/s of their responsibility to support the child or young people to have relationships with family members and significant others.
- Providing family members and significant others with relevant supports to facilitate restoration of the child or young person to their family, where appropriate.
- Reviewing contact arrangements as part of case plan reviews and whenever there are significant changes in a child or young person's circumstances, or a review is otherwise required.

Locating and or Re-engaging Parents

A critical part of initial case planning is identifying family and building a family tree for each child and young person. In seeking to identify and facilitate contact with family, or identify kin carers, WAC abides by the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles contained in the Care Act.

In addition, WAC observes the Guiding Principles for strengthening participation of Aboriginal community in child protection decision making – one of which is developing pathways for family restoration for Aboriginal children currently in out-of-home care – see <https://www.facs.nsw.gov.au/about/reforms/aboriginal-outcomes/guiding-principles>.

Where it is assessed as being in the best interests of a child or young person, WAC will make all reasonable efforts to locate or attempt to re-engage a parent/s who is not in contact with their child or with WAC. This will include requesting relevant information from and/or provision of relevant services by other prescribed bodies, using Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* and referral, where appropriate, to family tracing services. WAC primarily uses the services of Link-Up Aboriginal Corporation to assist it with finding family and facilitating potential family contact – see <https://www.linkupnsw.org.au/>

In all decision-making about contact with family and significant others, the reasons for a child being in care and the nature of any court orders will be the first considerations. All decisions about contact will be informed by a current risk and safety assessment.

Supervising and Arranging Contact

Once a decision has been made to establish contact with family/significant others, a WAC caseworkers will make the necessary practical arrangements with the relevant individual(s) and supervise the contact as required. In circumstances where WAC staff are unable to supervise the contact directly, the relevant caseworker will engage the services of an approved agency for delivering non-placement support services (e.g. Mission Australia), such as supervised transport

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and/or contact arrangements; or one of the contractors engaged by WAC to deliver this service with experience in providing NPSS.

Whether the supervision is provided by WAC staff or a contractor, the contact arrangements made, including each individual the child is to have contact with, must be aligned with the orders of the court. In order to properly supervise contact visits, the individual responsible for supervision must be given adequate information about the child/ren involved and the family members and significant others they can and cannot have contact with, to ensure that non-approved individuals do not participate in any visit without prior approval.

A **Contact Information Sheet** must be completed ahead of every contact visit by the caseworker for use by the person supervising the contact.

A **Contact Visit Report Form** must be completed by the person supervising the contact visit. This form should include observations about the way the child/ren responded during the visit to all individuals present, including both positive and/or concerning reactions or interactions of any kind, and the child's general mood throughout the visit as well as any marked changes and the reasons for these. For example, a child may remain quite despondent during a visit, however, this may not necessarily be in response to anything that occurred but is nonetheless an important thing to note and monitor in terms of future visits, and whether they may be having a negative impact on a child.

Any concerns raised during a contact visit must be immediately reported by the caseworker to the Team leader to assess whether any changes need to be made to contact arrangements.

The Team leader should conduct a six monthly review of all Contact Reports to ensure that all relevant issues are being identified by caseworkers and actioned appropriately.

Disclosure of Placement Information

Sections 149B-K of the *Children and Young People (Care and Protection) Act 1998* outline specific requirements relating to the disclosure of information to parents and other significant people about the placement of a child or young person in out-of-home care.

A 'parent' is:

- a person who had parental responsibility for the child or young person immediately before the child or young person was placed in out-of-home care, and
- if the person had parental responsibility for the child or young person by an order of the Children's Court—the person who had parental responsibility for the child or young person immediately before the court order was made.

A 'significant person' may include siblings, extended family, peers, family friends and community. The caseworker is responsible for determining who is a 'significant person' having regard to information about and the wishes of the child or young person.

As soon as practicable after the placement of the child or young person, WAC must disclose information concerning the placement of a child or young person to their parent/s, as well as to any other person who is significant to the child or young person and who requests information in writing.

WAC will determine, on a case by case basis, the appropriate type of information to be disclosed to any individual, in relation to a particular child or young person. The disclosure of information should only occur following the completion of the risk assessment process outlined below and must also be consistent with any order by a court or tribunal.

The type and amount of placement information that should be provided depends on factors including any relevant court orders, the wishes of the child or young person, the wishes of their carer/s, and consideration of any risk to the safety of the child or young person, their carer/s or other members of the household. See *Appendix 1: Type and amount of placement information to*

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be disclosed and the [Statutory Guidelines for Designated Agencies in Relation to the Disclosure of Placement Information to Parents and Other Significant People](#).

Placement information should be initially disclosed to parents (and to significant others who request it in writing) as soon as practicable after the placement commences. Further provision of placement information to parents and/or significant others should then be considered on an ongoing basis. Changes in a child or young person's needs and wishes over time will influence the type of placement information provided and who it is provided to. For example, people significant to the child may change or the level of risk may also change. The disclosure of placement information will be reviewed by the caseworker during formal case plan reviews and as required.

Risk Assessment Process

The caseworker must have regard to s149B-K of the *Children and Young People (Care and Protection) Act 1998* and the [Statutory Guidelines for Designated Agencies in Relation to the Disclosure of Placement Information to Parents and Other Significant People](#) when conducting the assessment. A separate risk assessment must be undertaken for each person to whom information will be disclosed. A copy of the risk assessment must be placed on the child or young person's case file.

The caseworker must consult with the child or young person to establish their views in relation to the disclosure of placement information to any individual and take these views into account alongside the risk assessment. Where required, a support person will be engaged to help the child or young person to understand the implications of placement information being provided and to have their say.

Seeking consent for the disclosure from the authorised carer

The caseworker must also consult the carer and have regard to the carer/s' views about the provision of placement information. High level identification information about the placement of a child or young person must not be disclosed unless WAC has contacted the authorised carer and requested their consent to the disclosure.

If the carer refuses to consent to the disclosure or has not consented within 28 days after being requested to do, the information can still be disclosed if WAC believes on reasonable grounds that the disclosure will not pose any risk to the safety, welfare or well-being of the child or young person, the authorised carer or any member of the family or household of the authorised carer.

Before disclosing information about the placement without the consent of the authorised carer, the Team Leader must:

- Provide written reasons to the carer as to why WAC believes that the disclosure of the information will not pose any risk to the safety, welfare or well-being of the child or young person, the carer or any member of the carer's family or household.
- If the child or young person is 12 years of age or older, provide them with a copy of the written reasons (unless WAC considers that it is not in the child or young person's best interests to do so).
- If the child is less than 12 years of age, provide a copy of the written reasons to any person nominated by the child (unless WAC considers that it is not in the child's best interests to do so or that the child is too young to nominate a person)
- Ensure that a copy of the written reasons is retained on the child's case file for the purpose of disclosing them to the child after he or she reaches the age of 12 (unless WAC considers that it is not in the child's best interests to do so).
- Give the authorised carer a written notice stating that the information will not be disclosed within the period of 21 days after the date of the notice, and that the decision to disclose the information may be administratively reviewed by NCAT, and the process for requesting such a review.

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The safety and welfare of children and young people are the paramount considerations and the Team Leader in consultation with the Manager will have the final authority for decisions about the disclosure of placement information.

Following the assessment, a disclosure of placement information determination will be reached and approved by the Team Leader in consultation with the Manager. The determination will guide the way that placement and progress information is provided to families and how contact and casework with families is undertaken.

All disclosures of placement information must be approved by the Team Leader. Staff must not disclose placement information without the approval of the Team Leader.

Information disclosed to parents and significant others will be provided in writing. A copy of the information provided will be placed on the child or young person's case file together with details about **when it was disclosed, why it was disclosed and who it was disclosed to.**

Decision Not to Disclose Placement Information

Where the outcome of the risk assessment is a decision not to disclose placement information to parent/s or significant other people, the Team Leader must inform them in writing of the decision in accordance with s.149I of the Care Act.

A decision of a designated agency to refuse to disclose information concerning the placement of a child or young person is a decision that is administratively reviewable by the NCAT in accordance with s.245(1)(k). At the time of giving notice of the decision not to disclose information, information about appeal rights should also be provided.

Disclosure of Information about the Progress and Development of a Child / Young Person

S.163 of the Care Act makes clear the right of parents to information concerning progress and development of their children.

The caseworker will ensure parent/s are provided, at a minimum, with a progress report every six months and that information is shared with parents following case reviews. See Case Planning and Review Policy and Procedures for further guidance.

Permanency Placement Decisions

WAC is committed to ensuring children and young people, parents and significant others are given opportunities to participate in permanency placement decisions.

Children and young people will be supported to understand and participate in permanency placement planning and decision making. To the extent that it is possible, children and young people's preferences will be reflected in permanency placement decisions. Families will also be provided with opportunities to contribute to permanency placement decisions for their child. The views and wishes expressed by children and their families will be accurately recorded on the case file and appropriately considered as part of the decision-making process.

Children, young people, and their families will be provided with information in a manner they can understand and the processes for making a complaint if they are not satisfied with a decision or the decision-making process will be explained.

All placement decisions will be made in compliance with the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles.

WAC will strive to provide children and young people with nurturing and protective placements where there is trust, respect, empathy, understanding, security, and a positive emphasis on maintaining and developing their family and community ties and meeting their cultural needs.

Wherever possible and appropriate, children and young people will be placed within reasonable proximity to their family and community. All children and young people will be encouraged and supported to participate in activities and experiences to explore and develop their cultural, kinship and community ties in nurturing environments that provide them with a positive sense of identity. Events of significance to the child or young person and their family will be celebrated within the placement.

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WAC does not support the adoption of Aboriginal and Torres Strait Islander children and young people.

Restoration

WAC will prioritise family preservation and family restoration as a goal for Aboriginal children and young people.

When it is assessed that there is a realistic possibility of the child or young person being restored to his or her parents, the caseworker will:

- Identify and support contact arrangements that provide for meaningful relationship building with the child or young person and the parent(s) with whom restoration is being considered.
- In consultation with the parent(s), family or significant other person, develop a restoration plan that articulates the goals of the plan, i.e. what needs to be different before it would be safe for the child or young person to return home.
- Identify and facilitate appropriate supports for the parent(s) with whom restoration is being considered.

See *Annexure 2 – Key factors to consider in supporting birth families* – for practical advice on this issue.

Guardianship Orders

Section 79A of the *Children and Young Persons (Care and Protection) Act 1998* sets out the requirements for application for guardianship orders.

As part of the case planning process the caseworker will discuss with the current carer or prospective guardian, the child or young person and their parents:

- the long-term needs of the child or young person
- the different care options
- the most appropriate order to meet the long term needs of the child or young person.

If it is agreed that guardianship should be considered, the caseworker will organise a case plan meeting involving the child or young person (where developmentally appropriate), their parent/s and/or other significant people in their life, and the carer and prospective guardian. If it is agreed that guardianship is the most appropriate way to meet the child or young person's needs, the suitability of the prospective guardian will be assessed.

Consent to guardianship orders must be sought from a child or young person. Children and young people who are considering consenting to guardianship orders will be provided with information (including resources provided by DCJ)¹, support and counselling, according to their age and capacity to make informed decisions.

Families will also be provided with appropriate information, counselling, and support to participate in decision-making processes when guardianship orders are under consideration.

Where necessary, an appropriate, independent support person/advocate will be engaged to ensure that the child/young person or family understands the implications of guardianship orders.

The views of the child or young person and their parent/s will be considered prior to any application for guardianship orders and will be recorded on the child or young person's case file.

WAC will make all reasonable efforts to notify each parent of the child or young person of the making of an application for a guardianship order. WAC will provide each parent with a reasonable opportunity to obtain independent legal advice about the application. Parents are entitled to be heard at the hearing of the matter.

Further guidance about permanency planning is provided in the Initial Assessment and Permanency Planning Policy and Procedures.

1. Relevant Policies and Procedures:

¹ <https://www.facs.nsw.gov.au/families/guardianship/what-are-guardianship-orders>

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- Initial Assessment and Permanency Planning Policy and Procedures
- Case Planning and Review Policy and Procedures
- Identity Policy and Procedures
- Complaint Management Policy and Procedures

2. Staff Resources in O Drive – PSP Documents - GUIDES

- Guardianship Brochure – Under 12 years
- Guardianship Brochure – Over Under 12 years
- Becoming a Guardian – What is the Assessment Process
- Guardianship Orders – information for Parents
- Three Permanency Orders Compared

3. Relevant Legislation and Guidelines:

Children and Young Persons (Care and Protection) Act 1998 Sections: 8–14, 21, 79, 84–86, 140, 142, 164, 149B–K, 150, 160, 163, 245, Chapter 16A, 248

Children and Young Persons (Care and Protection) Regulation 2012 Clauses: 8, 14, 34, 36, 39, 42, 48(3), 65, Schedule 3 – Clauses 3, 4

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Annexure 1: Disclosure of Placement Information Risk Assessment Template²

Note: A separate risk assessment must be undertaken for each person to whom information will be disclosed.

See also WAC form outlining the type of information to be provided which notes Carer consent.

Name of child or young person	
Authorised carer (if applicable) and relationship to child	
Person who will receive the information and relationship to child	
What is the child or young person's view?	
What is the carer's view?	
What are the risk factors? (e.g. history of violence, domestic violence, history of threats being made, drug and/or alcohol issues)	
What information is available about the person's current engagement with the agency?	
Level of risk posed	
What type of information has carer approved for release (attach copy of carer advice)	
Tasks and timeframes for disclosure	
Next review date	
Caseworker signature and date	
Team Leader signature and date	

² Adapted from Appendix 2, Office of the Children's Guardian, *Statutory Guidelines for Designated Agencies in Relation to the Disclosure of Placement Information to Parents and Other Significant People*

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Annexure 2: Key Factors to Consider in Supporting Birth Families

1. Engagement with Birth Families

Quality family engagement starts at the practice level. Effective, collaborative case planning relies on the caseworker's transparent efforts to continuously engage family members and others as appropriate, including:

- Gathering and assessing information in order to visualize the family system
- Identifying behaviours and conditions that need to change
- Matching strengths and needs with solutions and services
- Reviewing, tracking, and acknowledging progress regularly
- Determining readiness for key case transition points, such as restoration
- Coordinating supports that encourage restoration or ongoing connections as needed, including facilitating access to support in order to take part in court proceedings
- Supporting families to understand and navigate complex systems

2. Using Supportive Behaviours with Birth Families

Activities that are supportive for birth families include:

- Providing culturally responsive services to children and young people and their families
- Balancing discussions of challenges and concerns with the identification of strengths and resources
- Listening to and addressing issues that concern the family
- Helping families meet concrete needs, e.g., housing, food, utilities, childcare
- Setting goals that are mutually agreed upon and may be generated primarily by the family
- Focusing on improving family members' skills rather than providing insights
- Providing family members with choices whenever possible
- Obtaining commitment from the family that they will engage in mutually identified tasks
- Sharing openly with family members about what to expect regarding timelines, and, when applicable, court issues
- Conducting frequent and substantive caseworker visits with the parents, caregivers, and children
- Using effective and agency approved Internet, social media, and smart phone technologies to engage families
- Recognizing and praising progress
- Clarifying expectations, roles, responsibilities, and goals
- Communicating regularly with family members to minimize the possibility of unanticipated issues being raised during a meeting
- Considering family members' other obligations, such as employment, when scheduling meetings
- Assisting family members with practical issues that may prevent them from attending meetings, such as childcare and transportation
- Providing a welcoming physical environment for the meeting (e.g. enough space for all members or accessibility for individuals with disabilities)
- Incorporating the child or young person in the meeting through an alternative means if s/he is unable to participate or be present.

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3. Ways to Demonstrate Respect for Birth Families

Ways to demonstrate respect to members of birth families include:

- Expressing genuine concern
- Being honest and transparent with birth parents
- Letting the family know that your goal is to help them get their children back
- Understanding their fears and responding to their concerns
- Referring to birth parents using parental terms such as “Mum” or “Dad” when with their children
- Understanding that the families often have different life experience than you
- Looking for ways to break down barriers
- See family members as individuals, and respond to their individual needs (in addition to responding to the needs as a family as a whole)
- Identifying strengths in addition to challenges.

4. Practices that Encourage Regular and Meaningful Contact with Birth Families

- Advocating for increased contact whenever safe (giving consideration to the wishes of the child or young person and any legal orders).
- Encouraging the child or young person to have phone calls with family, especially during the week and multiple times per week.
- Helping the child or young person video chat with their birth parents and family members.
- Inviting families to community events for contact where the birth parents and children can act like a family and do activities when it is safe to do so.
- Ensuring children and young people have with them the things they might need during contact such as games, snacks, and activities they can do with their family – consider strategies that support families to provide these.

5. Ways to Ensure there is Regular Communication with Birth Families

- Ask parents about life before and the history of the child or young person
- Involve parents or other family members in school functions/meetings
- Stay in constant contact; provide them methods to contact relevant staff as needed; and provide regular updates (in line with what information has been assessed as safe to provide)
- Send pictures, photos, art projects, grades, etc. with the child or young person to visits
- Have as many early conversations with parents as possible
- Transport children and young people to visits rather than using transporters if you are able
- Show an interest, not just in the child or young person, but in the family as a whole
- Include birth parents in decisions.

6. Engaging Fathers

A high proportion of children and young people who have been removed from the care of their birth families have little or no contact with their birth fathers. This can have negatives consequences, including the potential for opportunities for meaningful relationship and permanency options to be overlooked.

Some of the barriers associated with engaging fathers include:

- Ongoing relationship difficulties with their child’s mother
- Substance use problems

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- Lack of a valid address or working phone number for contact purposes
- Distrust of agency and/or caseworker

Whilst it is recognised that fathers can at times be challenging to engage, there are approaches that can encourage fathers to engage, including:

- The use of diligent efforts to identify, find, communicate with, and engage fathers
- Offering fathers, the same services and supports that mothers receive
- Addressing father-specific needs (community services, father support groups, counselling, housing, and employment services, etc.)
- Ensuring a constructive caseworker-father relationship

7. Factors and Characteristics Impacting on Engagement of Families

There are a number of factors and characteristics relating to the ways professionals work with families that can impact on successful family engagement. These include workers:

- Experience, knowledge, and level of professional development
- Attitudes towards clients
- Capacity to hold and demonstrate respect for families
- Ability to communicate clearly and transparently
- Theoretical and practical understanding of challenges faced
- Capacity to conduct honest and straight forward conversation
- Timely provision of relevant information (which is provided in ways that respond to any communication and / or cultural needs)
- Active listening skills
- Ability to hold and demonstrate empathy
- Ability to work in flexible yet consistent ways
- Ability to focus and identify client strengths, whilst responding to challenges and concerns
- Ability to provide, or facilitate access to, concrete services
- Capacity to consistently fulfil promises and follow up on tasks
- Ability to support families to understand the purpose of Child Protection involvement
- Ability to provide timely responses to questions and concerns (e.g. returning calls within appropriate time frames)

8. Type of Supports/Services that can be Provided where Restoration is the Goal

Where a child or young person's permanency goal is restoration, funding can be applied for services to be provided that could include:

- Family contact
- Intensive family support
- Case review
- Restoration assessment
- Genealogy/family and community connection
- In home support (parenting programs and wraparound services)
- Relationship counselling
- Brokerage services
- Stepping down of services.