



Why do children need Foster Care?

The Department of Health and Community Services Family and Children's Services (FACS) program is responsible for administering the *Community Welfare Act 1983*. The purpose of this Act is to provide for the protection and care of children and the promotion of family welfare.

FACS maintains that the best care for a child is within his or her own family. Yet there are times when a child's natural family are unable to provide the care and protection a child or young person needs.

One way FACS provides for the care and protection of children and young people is to conduct an investigation when we receive a Child Protection notification that suggests a child has suffered maltreatment or is at risk of suffering from maltreatment. Sometimes, an investigation reveals that the child's needs for care and protection can not be met if they stay in the family home. If absolutely necessary, FACS can remove a child and place him/her in a place of safety.

Foster care is a service for children and young people from 0 – 17 years inclusive, who need a stable and secure family environment until they can be safely returned home. Children may need foster care for a few days, several weeks, several months or longer.

Once a child is placed in foster care, FACS aims to reunite the child or young person with their parents or a member of their extended family as soon as possible. Most children and young people are eventually able to return to live with their birth parents, or a member of their extended family. In some cases and despite every effort, it is not possible for the child to return to live with their family. These children and young people will stay in foster care, and require long-term or permanent placements.

Responsibility for Children and Young People in Need of Care

Children and young people are taken into care once FACS has a legal authority to care for the child. Generally, a Magistrate sitting in the Family Matters Court will grant FACS an order.

Once a child is placed in care, the Minister legally assumes the same rights, powers, duties, obligations and liabilities as the parent of the child. This is known as the Minister's duty of care responsibilities.



These responsibilities include:

- the right to the custody of the child
- the obligation to provide for the child the necessities of life including accommodation, maintenance, education and recreation
- the right to exercise discipline over the child, and
- the obligation to provide medical and dental health care for the child.

As the Minister does not directly care for children placed in his/her care, FACS works in partnership with foster carers to meet these duty of care responsibilities.

While a child is in care, FACS will continue to consult with the child or young person's birth parents wherever possible, so they can continue to make decisions about the child. These decisions can include where the child should live, what school she/he should attend, and taking their wishes into account regarding the day-to-day care of the child.