# Aboriginal Child Placement Principle (ACCP) in child protection – checklist

Client’s name:

Client’s date of birth:  / /

Role of client: child/mother/father/other

Aboriginal?

Child’s name (if not the client):

Child’s date of birth:  / /

Aboriginal?

## Is the child Aboriginal?

### Definition in s. 3 *Children Youth and Families Act* (CYFA)

| **Criteria – all three are required. The child is:**  | **Details** |
| --- | --- |
| Descended from an Aboriginal or Torres Strait Island person |       |
| Identifies as an Aboriginal or Torres Strait Island person |       |
| Accepted as an Aboriginal or Torres Strait Island person by an Aboriginal or Torres Strait Islander Community |       |

## Principles to be applied

### Section 12 CYFA additional decision-making principles

| **Criteria**  | **Date/details** |
| --- | --- |
| Was an opportunity given to members of the Aboriginal community to which the child belongs and other respected Aboriginal persons to contribute their views? (ss. (1)(a)) |       |
| Was a decision made in relation to placement or another significant decision? (see Department of Health and Human Services (DHHS) Child Protection Manual (CPM) [Additional requirements for Aboriginal children](http://www.cpmanual.vic.gov.au/policies-and-procedures/aboriginal-children/additional-requirements-aboriginal-children) for the range of matters considered to be ‘significant’) (ss. (1)(b)) |       |
| Was there a meeting convened by an approved Aboriginal convenor and the Secretary? (ss. (1)(b)) |       |
| Was the meeting attended, if possible, by: |  |
| * The child
 |       |
| * The child’s parent
 |       |
| * Members of the child’s extended family
 |       |
| * Appropriate members of the Aboriginal community as determined by the child’s parent
 |       |
| (ss. (1)(b)) |  |
| If placing in out of home care, was there consultation with an Aboriginal agency? (ss. (1)(c) – but not applicable to voluntary agreements ss. (2)) |       |
| If placing in out of home care, was the Aboriginal Child Placement Principle applied? (ss. (1)(c)) (see next part of checklist) |       |

### Aboriginal Child Placement Principle – child in out of home care (Section 13)

| **Criteria**  | **Date/details** |
| --- | --- |
| Was advice obtained from the relevant Aboriginal agency? (ss. 1(a)) (Note: not applicable to voluntary agreements: ss. (3)) |       |
| Priority: has the child been placed within the Aboriginal extended family or, where not possible, other extended family? (ss. 2(a)) |       |
| If this priority is not possible, has there been consultation with the Aboriginal agency about placement with: |       |
| * An Aboriginal family from the local community and within close geographical proximity to the child’s natural family?
 |       |
| * An Aboriginal family from another Aboriginal community?
 |       |
| * Last resort: a non-Aboriginal family living in close proximity to the child’s natural family
 |       |
| (ss. (2)(b)) (Note: this order of priority applies to voluntary agreements but without the need to consult an Aboriginal agency – ss. (3)) |  |
| Have the decision-making principles in s. 14 been applied? (ss. 1 (c)) (see next part of checklist) |       |

### Section 14 further principles for the placement of an Aboriginal child

| **Criteria**  | **Date/details** |
| --- | --- |
| Has account been taken of whether the child identifies as Aboriginal? (ss. (1)) |       |
| Have the expressed wishes of the child been taken into account? (ss. (1)) |       |
| *If the child’s parents are from different Aboriginal communities:* has the child’s own sense of belonging been considered? (ss. (2)) |       |
| *If the child’s parents are from different Aboriginal communities:* have arrangements been made for continuing contact with the other parent’s family, community and culture? (ss. (3)) |       |
| *If the child has one Aboriginal and one non-Aboriginal parent:* If placed with a parent, is this placement in the best interests of the child? (ie. General best interests principles apply – ss. (4)) |       |
| *If the child is placed with non-Aboriginal family or community:* Have arrangements been made to ensure that the child has the opportunity for continuing contact with Aboriginal family, community and culture? (ss. (5)) |       |

## Cultural support

### Section 176

| **Criteria**  | **details** |
| --- | --- |
| Is the child in out of home care on an interim accommodation order, protection order or therapeutic treatment order? (s. 166 (3)(b)) If so, the case plan must include cultural support needs under s. 176 (see following criteria) |       |
| Does the case plan address the cultural support needs of the child? (ss. (1)) |       |
| Is there a cultural plan that is aligned with the child’s case plan? (ss. (2)) |       |
| Does the plan reflect the child’s cultural support needs to: |  |
| * Maintain and develop Aboriginal identity (ss. (3)(a), and
 |       |
| * Encourage the child’s connection to their Aboriginal community and culture (ss. (3)(b))?
 |       |
| *Note that ss. (4) provides that the child’s cultural support needs may vary depending on:* |  |
| * *The length of time the child has been in out of home care*
 |       |
| * *The age of the child*
 |       |
| * *The length of time the child is expected to remain in out of home care*
 |       |
| * *The extent of the child’s contact with Aboriginal family members*
 |       |
| * *Whether the child is placed with their own Aboriginal community\*, another Aboriginal community or with non-Aboriginal carers*
 |       |
| \*Has the child’s Aboriginal community been able to be ascertained by the Secretary? (ss. (5)(a)) – provide the details |       |
| If not, the Aboriginal community is that which the child has primarily lived (ss. 5(b)) – provide the details |       |
| If neither (a) nor (b) apply the Aboriginal community is that of the child’s parent or grandparent (ss. (5)(c) – provide the details |       |

## Permanent care order in respect of an Aboriginal child

### Section 323

| **Criteria**  | **details** |
| --- | --- |
| Is the child to be placed with a non-Aboriginal person? |       |
| Does the disposition report state that: |  |
| * No suitable placement can be found with an Aboriginal person (ss. (1)(a))
 |       |
| * There has been consultation with the child, where appropriate, about the decision to seek the permanent care order (ss. (1)(b))
 |       |
| * The Secretary is satisfied that the order will accord with the ACCP (ss. (1)(c))
 |       |
| Does the court have: |  |
| * A report from an Aboriginal agency that recommends the making of the order (ss. (2)(a))
 |       |
| * A cultural plan prepared for the child (ss. (2)(b))
 |       |