

Temporary Care Arrangements

- ▶ What is a Temporary Care Arrangement?
- ▶ When can Community Services make a Temporary Care Arrangement?
- ▶ How does Community Services make a Temporary Care Arrangement?
- ▶ How long does a Temporary Care Arrangement last?
- ▶ What are my rights?
- ▶ What will happen if I don't agree to a Temporary Care Arrangement?

What is a Temporary Care Arrangement?

A Temporary Care Arrangement is an arrangement made by Community Services that provides a temporary place for a child or young person to live other than with his or her parents. This might be with another member of the child's family, in foster care, or in other accommodation.

A Temporary Care Arrangement gives Community Services the right to decide where the child or young person should live and to make decisions about the day to day care of the child, including:

- Consenting to medical and dental treatment (except surgery or medical treatment that might have long term effects);
- Consenting to emergency surgery if a doctor or dentist certifies that the child really needs it;
- Correcting and managing the child's behaviour, giving permission to participate in activities, such as school excursions and sports.

Community Services usually allows the person that the child is actually placed with to make these decisions on behalf of Community Services.

When can Community Services make a Temporary Care Arrangement?

Before Community Services can make a Temporary Care Arrangement Community Services must believe that the child is in need of 'care and protection' (in other words Community Services must think that action is required to protect the child from a risk of harm if he or she lives at home) and:

- A parent or both parents consent to the arrangement and there is a plan to restore the child to the parent or to both parents at the end of the agreement, or
- Community Services believe that the parents are incapable of consenting to the arrangement.

Examples of when Community Services might want to make a Temporary Care Arrangement include:

- A parent asking Community Services to put their child in temporary care because the parent has to go into hospital and there is no one else to take care of the child.
- A parent asking Community Services to put their child in temporary care because the parent is having trouble managing the child's behaviour.
- Community Services asking a parent to put their child in temporary care because it has received a report that the child is at risk of significant harm and Community Services wants to make sure the child is safe, either while Community Services investigates the report or while the parent tries to fix the problems that led to the report.

How does Community Services make a Temporary Care Arrangement

If Community Services want to make a Temporary Care Arrangement for a child, they must get the consent from one of the parents. Community Services would normally seek the consent of the parent who has parental responsibility for the child. The parent shows their consent by signing the Temporary Care Arrangement.

How long does a Temporary Care Arrangement last?

A Temporary Care Arrangement lasts up to three months. If Community Services thinks the child is still in need of care and protection and the parent consents, the Temporary Care Arrangement can be extended for a further three months.

A Temporary Care Arrangement can be ended before the three months expires by:

- The parent who consented to the arrangement asking that the arrangement end; and/or
- Community Services deciding to end it; and/or
- The young person who is the subject of the Temporary Care Arrangement turns 18 years.

I have signed a Temporary Care Arrangement with Community Services – what are my rights?

The Temporary Care Arrangement must include a permanency plan involving your child being restored to you. This is a written plan setting out how and when your child will return to live with you. You have a right to have a copy of this plan and to know what you are required to do for your child to return to your care.

While your child is under a Temporary Care Arrangement, you have a right to know where your child is living unless Community Services thinks that telling you would affect your child's safety, welfare and wellbeing. If Community Services does not tell you where your child is living, you can apply to the Children's Court for a review of the Temporary Care Arrangement and for an order that Community Services tell you where your child is.

While your child is under a Temporary Care Arrangement, you have a right to be told what is happening with your child (for example how he or she is doing at school, what activities he or she are involved in and what medical treatment he or she might need). You also have a right to have your views about what should happen with your child taken into account. If this does not happen, you can apply to the Children's Court for a review of the Temporary Care Arrangements and for an order that Community Services take your views into account.

You have a right to continue to make decisions about the long term care of your child, such as what religion he or she should be brought up in and whether he or she should have medical treatment or surgery that might have long term effects.

You have a right to end the Temporary Care Arrangement. You can do this by telling Community Services that you want your child back. As proof that you have ended the arrangement, you should give Community Services a letter with a date on it, saying when you want the arrangement to end. You should keep a copy of that letter for your records.

If you end the arrangement and Community Services is worried that your child's safety, welfare and wellbeing will be at risk if your child is returned to you, Community Services will have to find another way to protect your child. Community Services might do this by refusing to return your child to you. If this happens, Community Services must apply to the Court, within three working days, for Care Orders to keep your child in care. Community Services must prove to the Court that there is a good reason for your child to live away from you. You will have the chance to tell the Court your side and a solicitor will be appointed to represent your child.

[See Fact Sheet – Care Applications for more information.](#)

What will happen if I don't agree to a Temporary Care Arrangement?

If you do not agree to a Temporary Care Arrangement, the Arrangement cannot be made.

IMPORTANT: If Community Services is worried about the safety, welfare or wellbeing of your child in your care and you have not agreed to enter into a Temporary Care Arrangement, Community Services will have to find another way to protect your child. Community Services might do this by removing your child from you without your consent. If this happens Community Services must apply to the Court within three working days for a Care Order to keep your child in Community Services care. Community Services must prove to the Court that there is a good reason for your child to live away from you. You will have a chance to tell the Court your side and a solicitor will be appointed to represent the child.

Care Applications are explained in a separate Fact Sheet.

PLEASE READ CAREFULLY

By making a Temporary Care Arrangement you are temporarily giving up the day to day care of your child. Only you can decide whether you should do this. To help you decide, you may want to get advice from a lawyer, before you sign the Temporary Care Arrangement.

Places where you might be able to get legal advice include:

- Any private solicitor (you may have to pay a fee for this)
- The Legal Aid Commission of NSW
- Community Legal Centres
- Aboriginal Legal Centres

Make sure that the person you get advice from knows about and understands the *Children and Young Persons (Care and Protection) Act 1998*.