

**This guide is intended to assist Foster and Kinship carers (carers) to understand the process of the Reunification Court and identify how carers can be part of the process.**

#### **What is Reunification?**

Reunification in the context of child protection, is when a child or young person under guardianship of the Chief Executive is (or has been) reunited with a primary care giver, which is usually the birth parent/s.

#### **Why Reunification?**

The first objective of the child protection system when children and young people enter care is for them to be restored safely to the care of their birth families. Many children and young people who enter care are returned to their birth parents within a short space of time. There are instances when children and young people who return to the care of their birth families unfortunately re-enter the child protection system. It is widely understood then there is careful planning and support, reunification is more likely to succeed.

#### **What is the Reunification Court?**

The Reunification Court is effectively a diversion Court, where hearings are conducted within the Youth Court about how the reunification goals in the case plan are being met.

A matter before the Youth Court can be referred to the Reunification Court on application by the Department for Child Protection (DCP). If the DCP identifies reunification as the goal of the case plan, and all parties (including birth parents) consent to the referral, the granting of an interim short-term Care and Protection order may then occur to pursue reunification.

The Judicial Officer must agree that the interim order should be made and that the matter should be adjourned to the Reunification Court.

Reunification Court works with birth parent/s or caregiver/s in a culturally appropriate way, to make decisions quickly in relation to children and young people where reunification may be viable. Reunification hearings are less formal than regular Care and Protection hearings, with the parents being invited to sit and speak directly to the judicial officer to discuss how the reunification goals in the case plan are being met.

The Reunification Court is a supportive and encouraging process where clear expectations are set. It is focused on what is being done by the parent/s or caregiver/s to address the child protection concerns and meet the case plan goals.

#### **The Reunification Court Process**

Hearings are held approximately every 6 to 8 weeks for approximately 15 to 30 minutes. No legal matters are considered. It is a closed Court which means that only the people involved in the matter are allowed to attend. The birth parent/s or

caregiver/s may request to have a support person attend and it is up to the Court to decide whether this is appropriate.

The purpose of the initial Reunification hearing is for parties to agree on the case plan goals, and any progress and updates discussed at subsequent hearings. Whilst the Judge and Child Representative may discuss the progress of the case and provide recommendations and feedback, case direction is a decision vested with the DCP pursuant to the *Children and Young People (Safety) Act 2017*.

Before each Reunification hearing the DCP case worker must provide a Reunification Court Addendum report and case plan. They must provide updates on the case direction, any progress made towards the case goals, feedback from service providers working with the family, and any other significant or relevant information regarding the child or young person and the parent/s or caregiver/s.

The DCP case worker should meet regularly with the birth parent/s or caregiver/s considered for reunification to discuss the case plan goals and progress. It is expected the DCP collaborates and communicates regularly with carers about the progress of reunification.

If a matter is not viable for reunification the matter is referred out of the Reunification Court and back into the general Care and Protection list.

If the reunification application to the Reunification Court is successful, interim orders can be revoked by the Youth Court or allowed to lapse upon expiry.

If reunification is considered viable by the DCP, a transition plan is developed to support the child or young person to return to their birth parent/s full time care.

### **Who can attend a hearing at the Reunification Court?**

The only parties involved in the Reunification hearings are the parent/s or caregiver/s being considered for reunification, support people if requested and allowed by the Court, the child or young person's lawyer, the DCP and the Judicial Officer.

The child or young person may attend if they want, but traditionally do not present. If they wish to say something to the Judge privately, a separate time can be arranged. They may also write a letter to the Court.

### **What is the role of the child or young person's lawyer?**

The role of the child or young person's lawyer is to clearly state the child or young person's views and wishes. If the child or young person is not capable of properly instructing the lawyer, then the lawyer must act, and make representations to the court, according to her or his own view of the best interests of the child or young person.

#### **Carers roles in the reunification hearings**

Carers have a right to make representations to the Court in any relevant proceedings. Representations can be made in the form of a written statement to the Court.

Carers can provide a statement from their unique perspective of caring for the child or young person. This statement should be child focused and provide an insight into their needs and current emotional and physical well-being.

A statement could include, but is not limited to, aspects of the child or young person's life such as their routines, activities and therapies. You can reflect on their strengths and weaknesses and how they are developing. This should reflect the many aspects to caring for the child or young person and how the carer supports their young person to ensure their needs are met. Ultimately this will supply the Court and DCP a clear indication of what is required to care for the child or young person.

It is important to remember the Reunification Court does not determine case direction or issues relating to placement. These decisions are made by the DCP who make the final determination whether to proceed with reunification or not.

#### **Can a carer appear in person at the Reunification Court?**

Carers can ask to appear at a hearing to give their statement. Permission must be granted by the Judge. Alternatively, carers can make a written submission in lieu of appearing in person.

If a carer is granted permission to appear at the hearing in person to provide a statement, the birth parent/s will be absent.

Carers can request to be heard in person or by written submission by emailing [youthcourt@courts.sa.gov.au](mailto:youthcourt@courts.sa.gov.au). In the email it is recommended a carer clearly identifies who they are and their role as the Carer for their child or young person, identify the child or young person in question, and any other relevant information (e.g. the length of time the child or young person has been in their care).

#### **Who will have access to your statement?**

All parties involved in the Reunification Court will receive a copy of your statement. This includes the Judicial Officer, the DCP, the birth parent/s or caregiver/s, and child or young person's lawyer.

#### **Carer support**

For more information, or to discuss your personal circumstances, please contact CF&KC-SA to speak with our team:

Email: [support@cfc-sa.org.au](mailto:support@cfc-sa.org.au)

Freecall: 1800 732 272

Further resources about the Reunification Court can be found on the Youth Court website.