

Assessing kinship care for Aboriginal children

A practice guide for child protection practitioners

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Title: Kinship Connection

Description: This painting represents the importance of kinship family within the Aboriginal community. It depicts the role that kinship carers play in their family when looking after their kids and raising them to be strong in their culture.

The middle red area represents family and children. The yellow areas with the brown lines represent the inside of a tree which depicts a family tree. The pink area represents our kinship carers homes which create places of cultural safety and the dots on top of the homes represents the culturally sensitive assessments that are undertaken. The blue areas represent family and community relationships which are important for children's development, wellbeing and the white dots represents community connectedness. The purple areas represent our cultural and spiritual development which we get from our ancestors and creator spirits to guide families' journey through life.

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1. Introduction

This practice guide - *Assessing Kinship Care for Aboriginal Children*- has been written by the Victorian Aboriginal Child Care Agency (VACCA) to inform and support child protection practitioners assess kinship care placements for Aboriginal children¹ in a culturally competent way. The guide applies to Aboriginal and non Aboriginal kinship carers as carer assessments are driven by what a child needs to protect and promote their healthy development - it is the best interests of the child, not the Aboriginality of the carer, which is the central consideration. This practice guide sits alongside the existing child protection best interest practice and assessment guides, the Looking After Children records and *the Child protection kinship carer assessment template*.

For Aboriginal people, kinship care is a longstanding and integral part of Aboriginal cultures and communities. Despite the sustained trauma and loss experienced by Aboriginal people, Aboriginal families and communities continue to take care of each other in time-honoured ways. Kinship care is a culturally appropriate and traditional way of caring for an Aboriginal child, just the normal part of child rearing.

The responsibility Aboriginal people hold for their children and their unwillingness for Aboriginal children to be raised outside their culture and community are powerful motivators for Aboriginal people to provide kinship care. For some Aboriginal people, the trauma sustained through the Stolen Generations, their own negative experiences of care and the violence they have experienced may mean that, despite their strong commitment, they cannot provide safe care for the child.

Culturally competent carer assessments provide a foundation for strong, sustained kinship care placements for Aboriginal children. However, assessing kinship carers and making placement decisions is complex. Assessing the carer's ability to promote safety, security and development for an Aboriginal child must include the child's **cultural safety**, their **family and community relationships** and their **cultural and spiritual development**. The child's culture is not separate from but is integral to their development – their physical and emotional health, their education and their relationships must be assessed with a cultural lens. Assessment must ensure that the child is safe immediately, and their long term safety and well being must include consideration of the strength and resilience that comes from being culturally strong and connected to their family and community.

While assessing kinship carers is isolated for this guide, such assessments are part of the ongoing cycle of good child protection practice. Described in the *Best Interests case practice model*, child protection practice comprises:

- What we do – information gathering, analysis and planning, action, and review.
- How we do it - relationship building, engagement, partnership, empowerment.

Good practice in assessment will not be effective in protecting the child and promoting their development unless there is good planning, intervention and review in the context of strong partnerships with family, community and colleagues.

2. The *Child protection kinship carer assessment template*

The *Child protection kinship carer assessment template* was developed by the department to identify the information child protection practitioners must know about the child and the kinship carers to make an assessment. This guide – *Assessing Kinship Care for Aboriginal Children* - refers to the Assessment Template and aims to reflect culturally competent kinship carer assessment by discussing:

- the knowledge and understandings about Aboriginal children, families and communities that provide the basis for assessing information
- the skills and abilities that will help you to gather information
- the partnership approach that will assist you to build relationships and better understand Aboriginal children, families and carers.

This practice guide uses the concepts developed in the *Aboriginal Cultural Competence Framework* to describe culturally competent practice:

- Cross Cultural Practice and Care: Using the lens of culture.
- Commitment to Aboriginal self-determination and respectful partnerships.
- Cultural Awareness: knowledge with understanding.
- Cultural Respect: attitude and values.
- Cultural Responsiveness: ability and skills.
- Cultural Safety: environment and client experience.

Appendix 1 refers to the *Child protection kinship carer assessment template*. It identifies areas of this practice guide which may assist child protection practitioners to frame specific questions or consider particular information from the Assessment Template. For example, if the child protection practitioner is thinking about how to raise the criminal record check of a kinship carer, appendix 1 would refer them to section 8.4; this information may assist to frame the question in an informed and respectful way.

Kinship care for an Aboriginal child is complex and relies on Aboriginal understandings of family, community and culture.

3. Defining Aboriginal kinship care

The Department of Human Services defines kinship care as *the care provided by relatives or a member of a child's social network when a child cannot live with their parents.*² However, the concept of kinship care for an Aboriginal child is complex and relies on Aboriginal understandings of family, community and culture.

The Aboriginal way of bringing up children has always involved more than immediate family. Aboriginal children are born into a broad community of care that consists of immediate family, extended family and the community. An integral part of Aboriginal child rearing is that this community of kin raises the child. Responsibility for nurture and care, education and culture are often shared responsibilities.

*Within Aboriginal communities, kinship networks are based on relationships of blood, marriage, association, and spiritual significance. An Aboriginal person has brothers, sisters, mother, fathers, uncles, and aunts that are additional to relationships by blood or marriage. Within Aboriginal cultures, the rights and duties associated with relationships of association and spirituality are as binding as those of blood and marriage.*³

In October 2009, the Aboriginal Child and Family organisations across Victoria endorsed this definition of Aboriginal Kinship Care:

Aboriginal kinship care is care provided by relatives or friends to an Aboriginal child who cannot live with their parents, where Aboriginal family and community and Aboriginal cultures are valued as central to the child's safety, stability and development.

Family, friends or those from the Aboriginal child's community can provide Aboriginal kinship care. Carers can be Aboriginal people or may be non-Aboriginal family or friends. Aboriginal carers may be closely connected to their Aboriginal community and culture.

Sometimes Aboriginal people will not be connected to culture and community. This could be because of dislocation experienced as a result of the Stolen Generations or individual or family trauma. Non Aboriginal kinship carers may not have close connections to the child's Aboriginal community. If there is little or no connection to the child's Aboriginal culture or community, carers must be committed to strong partnerships with the child's Aboriginal family and with local Aboriginal child and family service organisations. Making sure the child is provided with opportunities to know and be connected to their culture and community is an essential part of kinship care assessments.

For child protection practitioners assessing kinship care for an Aboriginal child

Whether you are assessing Aboriginal or non Aboriginal family and friends, whether the child has been with the kinship carer for some time or is about to move, child protection practitioners should assess the kinship care placement for an Aboriginal child in terms of the carer's ability to protect and promote:

- the child's safety, including their protection from cultural abuse and promotion of their cultural safety
- the child's stability, including the continuity of their relationships with Aboriginal family and community and their connectedness and sense of belonging to their land, culture and community
- the child's development, including
 - ~ their understanding of cultural norms and practices
 - ~ their development of a positive cultural identity
 - ~ their understanding of the history and aspirations of Aboriginal people
 - ~ their relationships with Aboriginal Elders to support their development in accordance with Aboriginal cultural norms
 - ~ their relationship with strong and positive Aboriginal role models
 - ~ their friendships with Aboriginal children and families
 - ~ their participation in Aboriginal cultural and community events
- the carer's willingness to build strong partnerships with the child's Aboriginal family and with local Aboriginal child and family service organisations to make sure the child is provided with opportunities to know and be connected to their culture and community should also be assessed.

4. Legal foundations of Aboriginal kinship care

The *Children, Youth and Families Act 2005* outlines a range of principles designed to uphold the best interests of the child and inform decision making about the child. Child protection practitioners must apply these principles to all children, including Aboriginal children.

The Children, Youth and Families Act highlights the importance of an Aboriginal child's connections to their Aboriginal family and their community.

There are additional principles that must be applied to practice and decision making regarding an Aboriginal child, who is to be removed from their family home and may be placed in kinship care (Appendix 2). In the context of kinship care being the preferred placement option for all children who require out of home care, these additional principles should also be considered:

- seek to avoid placement of Aboriginal children away from their family
- highlight the importance of an Aboriginal child's connections to their Aboriginal family and community and their cultural and spiritual identity
- require that decisions about an Aboriginal child can be made only after discussion with an Aboriginal agency.

For child protection practitioners assessing kinship care for an Aboriginal child

When you assess a kinship care placement for an Aboriginal child you must comply with the legislation. You should understand and consider both the spirit and letter of the legislation.

For example, if legislation requires you to consult with an Aboriginal organisation⁴, then the purpose is for meaningful involvement of the Aboriginal child's community in decisions about that child's life. You are responsible for making sure that ACSASS has adequate time and appropriate knowledge about the child so they can be meaningfully involved in discussion, and that you accept advice in a respectful way.

The legislative preference is for an Aboriginal child to be placed with Aboriginal family or community, with a strong and often stated emphasis on connection to community and cultural and spiritual identity. This also guides your assessment and decision making. You must give the same weight to the child's family and community connections and cultural identity as the legislation does. You must be sure that any kinship placement is culturally safe.

5. Cross cultural practice and care: using the lens of culture

*The lens of culture is the tool through which the child's safety, stability and development are best interpreted and assessed.*⁵

The lens of culture is vital to good practice with Aboriginal children and families. It is more than including the child's culture as part of your assessment.

The Best Interests Framework for vulnerable children and youth - fundamental to all child protection practice, understands the child's safety, security and development through the lens of the age and stage of the child, their culture and their gender. The lens of culture is vital to good practice with Aboriginal children and families. It is more than including the child's culture as part of your assessment. Using the lens of culture means:

Understanding culture

*Culture is central to identity. Culture defines who we are, how we think, how we communicate, what we value and what is important to us.*⁶ For an Aboriginal child culture is not separate from but is integral to their development – their physical and emotional health, their education and their relationships must be assessed with a cultural lens.

Understanding your culture

We all have a culture. Our culture provides the lens through which we live, guiding our perceptions and decisions. If you are part of the dominant culture, then your culture is everywhere—in the media, politics and underpinning the health and education systems you access. It offers power and privileges that are taken for granted and generally invisible. It can make it difficult for you to appreciate the daily challenges that are part of being from another culture.

Understanding the culture of child protection

Child protection exists within the dominant culture and this powerfully influences your relationships with Aboriginal children, families and communities. Many Aboriginal people have had generations of experience that leads them to be wary and distrustful of child protection. You may think that this distrust comes from past child protection practices but this history has left a legacy of distrust. Today, child protection services continue to hold power, defining both risk and protection for Aboriginal children.

Understanding cultural diversity

There are many Aboriginal cultures and peoples. Aboriginal cultures exist and thrive in a wide range of communities throughout Australia. The Aboriginal people you work with are not all the same—their culture, what they value and hold dear, how they live and make decisions, their relationships are not the same. As in Western and Eastern cultures, Aboriginal cultures have characteristics they share and others that differentiate them.

Understanding Aboriginal cultures

While diversity exists across and within Aboriginal communities, some characteristics are part of all Aboriginal cultures and unite Aboriginal people through shared history and shared experiences - for an Aboriginal child, the value of their connection to their family, community and land are vital.

Understanding that being strong culturally and being involved in cultural life builds resilience and provides protection.

For an Aboriginal child, their long term safety and well being must include consideration of the strength and resilience that comes from being culturally strong and connected to family and community.

For child protection practitioners assessing kinship care for an Aboriginal child

Using the lens of culture refers to your ability to:

- consider cultural knowledge and understandings as part of your assessments about an Aboriginal child
- be aware of the influence of your culture on your assessments and on your relationships with an Aboriginal child, their family and friends and your Aboriginal colleagues
- build skills that reflect awareness of culture in your relationships with Aboriginal children and families and Aboriginal colleagues.

Some questions to consider include:

- When you visit an Aboriginal family do you make assumptions about Aboriginal people based on your previous experiences of Aboriginal children and families?
- Why may some Aboriginal people be hesitant about engaging with you and reluctant to say what they really think?
- Why do you think some Aboriginal families delay seeking help until there is a crisis?
- Do you think about the impact of your culture on the decisions you make regarding Aboriginal children and their best interests?
- Do you give the same weight to advice given by your Aboriginal colleagues compared to other colleagues?

6. Commitment to Aboriginal self-determination and respectful partnerships

(You) need to demonstrate commitment to Aboriginal self-determination by seeking a partnership approach. Without such commitment the support service cannot become culturally competent⁷.

6.1 Working in partnership with the Aboriginal Child Specialist Advice and Support Service (ACSASS)

When assessing and making a decision about kinship care for an Aboriginal child, child protection practitioners must consult with an Aboriginal organisation because:

Working together is a requirement of the legislation

Child protection practitioners who are making decisions about kinship care for an Aboriginal child must consult with an Aboriginal agency (CYFA, s.12). At this time, ACSASS is the approved agency. The Victorian Aboriginal Child Care Agency (VACCA) delivers the ACSASS service across Victoria through the Lakidjeka Program, with the exception of the Mildura LGA, where the service is run by the Mildura Aboriginal Corporation (MAC). Even when you have been working in partnership with other Aboriginal professionals and services, including other ACCOs, VACCA or MAC services, ACSASS must be consulted when making decisions about kinship care.

You may also consult with other Aboriginal professionals who know the child, family and carers to inform your assessment. The following discussion also applies to these professionals.

Working together can increase your understanding of the child, family & carers

The Aboriginal professionals who work at ACSASS understand the complexity of Aboriginal families and communities. They may be part of the local Aboriginal community and provide knowledge and understanding of the child, their potential carer and the informal support available in the community. ACSASS caseworkers will quickly establish the family's social networks and identify the key people who need to be part of the assessment. They understand Aboriginal history and Aboriginal cultures and include these understandings in their practice.

When assessing Aboriginal carers, ACSASS caseworkers appreciate the strength of Aboriginal carers who openly display their pride in their Aboriginal culture, who can be strong role models, who understand the connections between Aboriginal people, who are able to introduce the child to their community, and who have relationships with Aboriginal community Elders.

When assessing non Aboriginal carers, ACSASS caseworkers understand the critical importance of cultural safety and the impact on the health and well being of the child if their connection to family and community is lost. Sometimes, ACSASS caseworkers can be the first link between non Aboriginal carers and Aboriginal services.

Even when you have been working in partnership with other Aboriginal professionals and services, including other ACCOs, VACCA or MAC services, ACSASS must be consulted when making decisions about kinship care for an Aboriginal child.

Working together can increase your understanding of Aboriginal ways

*We are not threatened by silence. Our Aboriginal way has taught us to be still and wait. We do not try to hurry things up.*⁸

Some examples of Aboriginal ways are:

- Social obligations and responsibilities are an integral part of life and this may be the motivation for the carers you are assessing.
- Respect comes from relationships, rather than the position you hold or the information you provide.
- Each person is seen in relation to their family, community and land. You might think that time limited assessment will not allow you to talk about these relationships in the way your Aboriginal colleagues or Aboriginal carers do. Understanding relationships and where the child and the carer are from is the basis of a well informed assessment.

Sometimes child protection practitioners may fear causing offence to Aboriginal people. This influences the effectiveness of their casework practice, and may mean that these children do not get the service they need. Working with ACSASS can help when you do not know or understand something; this is important for effective assessments.

Working together can help bridge the divide between child protection and Aboriginal people

The profile of child protection among Aboriginal people is poor. Past policies and practices like the Stolen Generations and the abuse of Aboriginal children in care have resulted in suspicion and aversion to child protection services. These are powerful deterrents for Aboriginal people to speak openly and work with you.

For Aboriginal children, families and carers talking with an ACSASS caseworker means they do not have to explain some things; the complexity of Aboriginal communities and cultures is understood, practice is built on understanding the role of Elders, relationships and kinship ties, and silence and humour are part of communication. ACSASS caseworkers genuinely understand the family's issues and dilemmas and this comes from being part of the same community.

A range of complex factors will influence your relationships with an Aboriginal child, their family and carers. Regardless of the training and supervision you have experienced, making sure that contact is productive and effective can be challenging but is essential for good assessments. Working with ACSASS and other Aboriginal organisations, asking for help and, where possible, undertaking joint visits with ACSASS staff, are all important in engaging and building relationships.

Making sure that contact with Aboriginal children, families and carers is productive and effective can be challenging but is essential for good assessments

Working together will lead to better assessments and decisions

Like you, Aboriginal caseworkers believe that the child's safety is of paramount importance and would not place any child at risk. Working with ACSASS can help you to:

- understand Aboriginal cultures and communities and Aboriginal ways
- understand where the child comes from—their family, kinship circles and community, their land and the meaning of these relationships to the child
- assist to develop an holistic approach to your assessment, including culture in all aspects of information gathering and using the lens of culture to inform assessment
- plan the first contact with the potential carers to make sure that questions and approaches do not inadvertently cause offence
- understand how better to respond to the child and the carers, and what kinds of approaches might be most effective
- respond appropriately to the child's family so that you can encourage their positive involvement with the child's placement
- understand the family's and the community's strengths and tap into the informal supports for child and carer
- form links with other Aboriginal organisations
- form links with the local Aboriginal community, harness community knowledge about the carers and understand when certain topics will not be discussed with you.

6.2 Family requests to exclude Aboriginal services

Sometimes, Aboriginal people say that they do not want the involvement of Aboriginal services, including ACSASS and do not want you to discuss their family with these services. This request to exclude Aboriginal services could come from the child's family or from the potential kinship carers. In determining how to respond, you should consider the reasons behind the request and avoid assumptions—there may be several complex reasons. For example, the family may know someone who works at ACSASS and be concerned about confidentiality. Reassure the family of the commitment to confidentiality and professionalism held by ACSASS.

If the family has had previous involvement with ACSASS, they may be concerned about what they will say. Involving the family in discussions with ACSASS may reassure them.

Child protection practitioners must prioritise the importance of knowing as much as possible about the child and the potential carers to ensure the child's safety and development, even when this is against family's views. Talk with ACSASS about how to best manage requests to exclude them. While the child and family can refuse the direct involvement of ACSASS (for example at meetings or home visits) child protection practitioners must consult with ACSASS when making decisions.⁹ This includes decisions about kinship care.

6.3 Aboriginal organisations and their resources

In working with ACSASS, be mindful of the limited resources they may operate with, and the competing demands for their involvement and advice. Understand that if ACSASS caseworkers are unable to respond, this is not because they are unwilling but because they have a dearth of resources to do so. Some ACSASS case workers have talked about not being invited to case discussions because the child protection practitioner knows they are so busy. It is vital that Aboriginal staff make their own decisions about priorities and that you always include ACSASS staff in case discussions and meetings.

For child protection practitioners assessing kinship care for an Aboriginal child

Making best use of cultural advice

At times, consultations with ACSASS have been characterised by last-minute phone calls and invitations to meetings and hurried discussions to meet the requirements of legislation and protocols. To avoid tokenistic consultation and make best use of cultural consultations with ACSASS:

Take time to talk together

Child and family services case workers, whether they work in child protection or Aboriginal organisations have many competing demands. Taking time to talk together and understand each other away from the crises of casework will lead to greater understanding, better partnerships and more effective practice. For child protection practitioners, understand that Aboriginal professionals can come from the same community as the child, family or carers and share the joy and pain of that community.

Understand the impact of power and cultural differences between Aboriginal and Non-Aboriginal People

For example, Aboriginal professionals may be less likely to dispute your assessment. Begin by asking the Aboriginal professional what they think as this is more likely to lead to effective consultation.

Begin with respect for the Aboriginal professional

They bring experience, knowledge, understanding and skills in working with Aboriginal children and families to their role. Treat the ACSASS caseworker professionally and respectfully. For example, inviting an Aboriginal professional to a meeting with little notice or little information about the purpose of the meeting may mean it is not prioritised in the way you want.

Understand the importance of listening

Effective consultation will only occur if you allow the ACSASS caseworker to speak, and tell the whole story, without interruption and questioning.

Understand that the ACSASS caseworker may not belong to the same community as the child, family or potential carers

While they will provide consultation and expertise in child protection for Aboriginal children, they will also advise you to seek contact with the Aboriginal Community Controlled Organisation in the child's community, and may be able to facilitate this. Understanding the child's community is vitally important to providing effective services. When asked where the Aboriginal child is from, this does not refer to their last known address, but rather, to their mob, their community.

7. Cultural awareness: knowledge with understanding

(You need) knowledge of another culture... and awareness that cultural differences may necessitate a different approach to people of that other culture.¹⁰

You will not be able to assess the safety of an Aboriginal child without considering cultural abuse and cultural safety, Aboriginal ways of child rearing and Aboriginal kinship relationships, the trauma and grief for those who are removed and the resilience that can come from being part of their Aboriginal community.

7.1 Aboriginal children and safety

The safety of the child is paramount. No child should live in fear. No child should starve. No child should live in situations of neglect. No child should be abused.¹¹

Assessing the safety of a kinship care placement involves weighing up information and coming to an understanding about any risk to the child. Key questions are how can we minimise risk to the child and can we do enough so that the child can safely remain with their family and within their community?

Fundamental to Aboriginal cultures and Aboriginal services is the safety of Aboriginal children. Assessing safety in Aboriginal kinship care includes all those things that guide perceptions of safety across all communities. It also involves some different things. You will not be able to assess the safety of a kinship placement for an Aboriginal child without considering:

- the child's culture -cultural abuse and cultural safety
- Aboriginal ways of child rearing
- Aboriginal kinship and community relationships
- the long term trauma and grief for those who are removed
- the resilience that can come from being part of their Aboriginal community.

The Aboriginal way does not restrict or compromise the child's safety. By considering all aspects of safety and integrating these into assessments, safety for an Aboriginal child is enhanced.

For child protection practitioners assessing kinship care for an Aboriginal child

Assessing the safety of a kinship care placement is complex and you will need to consider many factors. The safety of the child is of paramount importance - their immediate and long term safety and the protection and promotion of their healthy development, including their cultural and spiritual identity

You may decide that moving an Aboriginal child away from their community can provide immediate safety for the child. Yet you are required to do more than this. You must consider the long term and harmful effects of removing an Aboriginal child from their family, community and culture. The impact of such dislocation has been well documented and includes poor self esteem, relationship difficulties, isolation, self harming behaviours and substance abuse.

Aboriginal kinship carers may be strongly motivated by their sense of responsibility for the child, their memories of the Stolen Generations and their unwillingness for the child to be raised outside their Aboriginal family and community. They may advocate powerfully for the child to be placed with them. For some Aboriginal people, the trauma sustained through the Stolen Generations, their own negative experiences of care and the violence they have experienced may mean that, despite their strong commitment, they cannot provide safe care for the child.

7.2 Aboriginal children, their families and community

Aboriginal cultures view children holistically; the child's physical, emotional, social, spiritual and cultural needs and well-being are seen as intrinsically linked. Culture is not separated out but is fundamental to every aspect of the child's life – their physical and emotional health, their education, their relationships, and their development.

*Children are seen as 'little people' ...the child is viewed as 'capable, autonomous, and an active contributor. She/he is charged with responsibility for regulating his/her own behaviour, filling his/her own needs and building and reciprocating relatedness to others.'*¹²

Aboriginal childrearing practices emphasize a parenting style which is guiding rather than shaping. The responsibility for raising a child is shared.

Such values and beliefs are reflected in Aboriginal childrearing practices that emphasize a parenting style which is guiding rather than shaping, where the emphasis is on nurturing the child to be who they are meant to be and where 'to parent' means to help the spirit of the child emerge. Aboriginal child rearing practices encourage independence, self-regulation and self-reliance of children, and imbue children with a sense of responsibility towards other members of the family, particularly younger siblings.¹³

Relationships define a child's identity by defining how they are connected to everything in life. Aboriginal child rearing practices aim to let the child know who they are in relationship to their family, their kin, their people, their environment and the living spirits of their land and ancestors. An Aboriginal perspective will see the child's relationship to:

- their whole family not just to their mum and dad
- their community, not just their family
- to the land and the spirit beings which determine law and meaning.

The responsibility for raising a child is shared among family and community, meaning that 'circles of care' surround a child and each member takes their part in protecting, nurturing and educating that child. In essence, the child is seen as belonging to the whole community and not just a 'nuclear' family.

Such strong attachments to a number of adults in their community can be viewed as a problem when seen through the lens of the dominant culture with its preference for the nuclear family. Only recently has mainstream recognition of the strength of these connections been explored. In a presentation regarding human brain development, internationally renowned trauma specialist Dr. Bruce Perry, reflecting on the concept of the 'nuclear family', states:

*We humans have not always lived the way we do now...We lived in a far richer relational environment in the natural world. For each child under the age of 6, there were four developmentally more mature persons who could protect, educate, enrich and nurture the developing child... The relationally enriched, developmentally heterogeneous environment of our past is what the human brain "prefers".*¹⁴

For child protection practitioners assessing kinship care for an Aboriginal child

While children have many common needs, the concept of “good parenting” is influenced by cultural beliefs. In the past, child protection practitioners have sometimes taken a negative view of Aboriginal child rearing practices, interpreting them through the lens of the dominant culture. Aboriginal children need culturally competent perspectives on child development and desirable parenting practices.

For example, different sleeping arrangements such as co sleeping, carers sharing a bedroom with younger children, and siblings and cousins sharing beds and mattresses can be concerns for child protection practitioners; they can also be positive parenting techniques which help to establish attachments between the child and family. For some Aboriginal children, sleeping by themselves can be unsettling and disturbing.

Similarly, overcrowding and levels of responsibility for older children are common child protection concerns, but can actually be important tools for the child’s socialisation with kin and community and development of social and family responsibilities.

The traditional practice of extended family care may be viewed as promoting poor attachment between carer and child and be seen as unsettling for the child. But shared care arrangements can fit well with the way Aboriginal families function and can mean that the child benefits from a “richer relational environment” and carers are supported in their role.

The danger lies in making assumptions rather than assessments about child development and desirable parenting practices. We need to assess if the behaviour is in the child’s best interests. For example, the 14 year old who has been nurtured into her role and responsibility to care for her younger siblings and the 14 year old who has been forced to take on a parenting role due to her parent’s inability to parent.

Aboriginal Family Circles

The Children's Guardian of New South Wales recommends the use of **Aboriginal Family Circles** to identify the significant people within an Aboriginal child's life (Appendix 3). An Aboriginal Family Circle allows us to see the different relationships that surround an Aboriginal child and may open placement and relationship possibilities for the child. This pattern of social organisation is not confined to traditional areas and exists today in Melbourne and across Victoria.

In Aboriginal communities, the distinction between close and distant relatives is not as important – *your cousin is your cousin*. Those on the same generation line and of the same gender share responsibilities and positions. For example, the sister's of a child's mother are seen as mothers not aunts. The children of such mothers will be brothers and sisters not cousins. Such description reflects both the closeness of relationships and the extent of responsibility between Aboriginal family members.

As stated earlier, within Aboriginal communities, kinship networks are also based on relationships of association and spirituality. For example, an Aboriginal child will refer to uncles and aunts and use this as a term of respect and to represent a spiritual relationship.

Aboriginal Family Circles may be large and include each person in a language/country group; for an Aboriginal child, this could be up to 500 people. An Aboriginal child may not have a "close relationship" with all members of their family circle within the mainstream definition of kinship care. Yet the child's relationships through association, responsibility and spirituality are significant.

For child protection practitioners assessing kinship care for an Aboriginal child

The *Child protection kinship carer assessment template* (and the Cultural Support Plan) recommends the use of genograms or “family trees”. While useful tools, you may miss significant people in an Aboriginal child’s family circle if your focus is family relationships.

Aboriginal children may have many people in their family circle. Each provides a placement and relationship possibility that needs to be identified and may need to be assessed. The Aboriginal way of sharing responsibility should be supported in kinship care assessments.

Assessment and planning should move beyond decisions about placement and build a circle of care around the child that includes placement but also looks at encouraging, involving and supporting others from the child’s family circle. This should occur even when an Aboriginal child is placed with non-Aboriginal family or friends.

Early links with the Aboriginal Family Decision Making Program are critical in identifying and involving those who are part of an Aboriginal child’s family circle.

Because the relationship between the child and some members of their family circle may not have involved a close connection or regular contact, these family members may not know the child well. This does not preclude placement; it means that knowledge and understandings about the child, their history, including the history that preceded their removal from their parents’ care, should be freely given. Placement preparation and support, even over very short time frames, support plans, early identification and anticipation of support needs are all critical to the ongoing safety and stability of Aboriginal kinship care placements.

Family relationships and kinship care

In the context of strong family and community relationships, kinship care allows an Aboriginal child to preserve their relationships with their family and community and to understand their place. While an Aboriginal child moves away from their parents and into kinship care, relationships with aunts, uncles, grandparents and cousins continue. Staying within the family circle increases a child's sense of belonging and provides them with a sense of continuity. Being with family and friends who care about them, being told family stories, being part of family traditions and celebrations and making references to other family members creates ties for the child, can reduce trauma associated with separation and can help give the child a strong and positive identity.

In Aboriginal culture, the system of relationships in which the child is embedded is as significant as the provision of care¹⁵. Maintaining family relationships and community connection mean that Aboriginal children experience kinship care positively because everything is as it should be. From an Aboriginal perspective then, it is unsurprising that children remain in kinship care for longer and reunite with birth families at slower rates than other forms of out of home care.

Kinship care can allow children to maintain their relationships with their siblings, with stronger potential for siblings to be placed with each other. Aboriginal carers particularly are more likely to care for larger sibling groups or for groups of "family children" - siblings and cousins and friends. In fact, one of the difficulties carers face is that they do not make a distinction between children who are placed by child protection into their care and those who are placed informally.

Kinship care can also allow children to preserve their relationships with their parents. While kinship care is often preferred by parents as they know their child is not placed with strangers, some parents can experience shame about what has occurred and this may be seen in their limited contact with the child. Aboriginal children in out of home care are less likely than non-Aboriginal children to have contact with their families, particularly in the first few months after being placed into care,¹⁶ and contact with family occurs in an ad hoc, unplanned and uncoordinated way.¹⁷

Managing parental contact

Managing parental contact has been identified as a major challenge by Aboriginal kinship carers. The conflict between protecting the child from further abuse and following traditional protocols, particularly when the perpetrator of the abuse or neglect may be the kinship carer's child, can be difficult.

Saying ‘No’ to the perpetrator coming to the house is really hard because of traditions and protocols and emotional connections. Because this is a forever family. These aren’t carers they’re relatives.¹⁸

This statement reflects the dilemmas some carers face. It is important for child protection practitioners to be aware of such dilemmas and support carers to protect the child; the child’s safety is paramount and the carers must be able to protect the child, even when this leads to conflict with the carer’s own child.

For child protection practitioners assessing kinship care for an Aboriginal child

Child protection practitioners should assess the strength and nature of the family and community relationships that surround the placement. For Aboriginal carers, their home environment may be different to other families you have worked with. There may be other family and friends staying or visiting. Mostly, this will be a positive and familiar environment for an Aboriginal child, strengthening relationships and allowing close and frequent contact with siblings and cousins.

Assessment should also include discussing how parental contact is to be managed and the difficulties that may arise for carers. Be clear about your expectations of parental contact with the parents and appreciate the difficulties inherent in monitoring or supervising this contact for some carers.

7.3 Kinship carers

Both Australian and international research describe consistent kinship carer characteristics. Kinship carers are most likely to be single and female. They are likely to be poor, with low incomes, largely reliant on government pensions; they are likely to be older, experiencing more physical and mental health problems. Compared to foster carers, they are less well educated, live in poorer financial circumstances, in poorer health, are less likely to receive support and services and more likely to live in homes that are more crowded.

Aboriginal carers are more likely to live in public or Aboriginal housing, more likely to live with their own extended family, to foster sibling groups and to have more children in their care than non-Indigenous carers.¹⁹ Aboriginal carers often lack material resources and find it difficult to access appropriate housing, health services and transport.²⁰ *It is apparent that large and often struggling indigenous families take on children; both related and unrelated*²¹

Research regarding Aboriginal health is also significant. If kinship carers generally experience more physical and mental health problems, this is likely to be a greater problem for Aboriginal carers. Aboriginal people have lower life expectancy (19 years lower), poorer health and develop chronic diseases like diabetes, cardiovascular and respiratory disease at a much earlier age.²²

The serious risk of overloading Aboriginal carers has been repeatedly identified.

*There are a limited number of people on which to draw...the result is a large number of kids going through one household. There is a risk of overloading some excellent Indigenous carers.*²³

*The foster care worker might be a kinship carer and might also be running the foster care program... The risks are...that the individuals concerned...get burnt out and feel overloaded. But they are intrinsic parts of the community and strong functioning people and they get called on for multiple responsibilities...Not to mention the fact that they also sit on the Board of the local medical service, the legal service and the land council*²⁴.

Even the best support programs cannot overpower poverty in shaping a child's developmental outcomes.

Recently, the importance of the child's economic context has been emphasised. Poverty can lead to poor outcomes for children in terms of health, education and employment. Even the best support programs cannot overpower poverty in shaping a child's developmental outcomes. We should not interpret poverty as lack of safety for the child but rather that poor carers require adequate material and financial support to care for the child.

For child protection practitioners assessing kinship care for an Aboriginal child

*All workers (must) engage with families from a position of deep respect and work in an empowering way **facilitating practical and financial support if required.*** (The Best Interest Principles: a conceptual overview.p.13-14).

- Be clear that material disadvantage alone is not an indicator of child maltreatment risk or lack of capacity to provide care and protection.
- Understand the extent of poverty and disadvantage that exists for kinship carers and the importance of quickly facilitating material and financial support. This includes helping carers to apply for Caregiver Reimbursement.
- Appreciate what poverty means for the carer on a daily basis and make sure that you support carers so they have enough food, appropriate housing, safe and adequate transport arrangements, effective washing machine and dryer and so on.
- Appreciate what poverty means for the child and make sure that you support carers so they have appropriate bedding and clothing for the child from Day 1 of the placement.
- Consider the impact for kinship carers of a group of siblings, perhaps in addition to their own children. For example, will all children fit safely into the car or will the carer need to make two trips to go out?
- Be mindful of the extent of demand and risk of overloading the carer.
- Be creative and open to other ways of supporting carers; for example, look at how other family or community members could provide respite or babysitting.
- With the ACSASS caseworker, decide who and how to raise these issues; some carers may feel shame and will not ask for help; some carers may think if they ask for help they will not be approved as carers; some carers may not know about the practical and financial support available.
- Understand that the carers intention to provide a safe physical environment for the child (as described in the *Child Protection Kinship Care Assessment Template: Home and Environment Check*) may be restricted by inadequate finances.

7.4 Aboriginal children and culture

Culture is central to identity. Culture defines who we are, how we think, how we communicate, what we value and what is important to us.Every area of human development which defines the child's best interest has a cultural component. Your culture helps define HOW you attach, HOW you express emotion, HOW you learn and HOW you stay healthy.²⁵

For an Aboriginal child, the passing down of culture is central to their development and identity. Children are not born with culture. Very young children may not be culturally strong or culturally inquisitive. This should not be interpreted to mean they are uninterested in their culture; children rely on others, including their family and carers, to develop their cultural understandings through their experiences. As they get older, and develop their own unique identity, children become more curious about their culture; they learn about culture and begin to make judgments based on their experiences with their own culture.

Many factors influence an Aboriginal child's understanding of their culture; The portrayal of Aboriginal people and communities in Australian history, by the media and by politicians and disrespectful and racist community attitudes towards Aboriginal people will all have an impact on an Aboriginal child's view of their culture. Without being exposed to positive images and role models, an Aboriginal child is likely to have a negative view of their culture which can lead to a negative self image, a reluctance to acknowledge their Aboriginal culture and be part of their Aboriginal community.

Connection to community is the most powerful way for an Aboriginal child to build their cultural identity.

Our children need to not only know who they are but WHOSE they are: their connection to country and their connection to community tells them who they belong to as well as their identity. Belonging and identity are critical for Aboriginal children to achieve (long term well being).²⁶

Culture and resilience

Aboriginal people know that culture and connection to community builds resilience and provides protection.²⁷ Indigenous Child and Adolescent psychiatrist, Dr Helen Milroy has made the following observation arising from her research work with Aboriginal children in Western Australia:

I observe many psychological strengths even in some of the most traumatised children. These include children's sense of autonomy early in their life, their ability to understand psychological issues, their capacity for humour and their general creativity and playfulness evident in their love of drama acting and imagery. They have a strong sense of commitment to their siblings and family. The very fact that Aboriginal peoples are the oldest

living culture and have survived the impact of colonisation is testimony to their resilience and the elders must have passed this on to the children of today.²⁸

Culture and kinship care

An Aboriginal child placed with Aboriginal carers who are connected to their community is likely to be learning about their culture from a very young age.

An Aboriginal child placed with Aboriginal carers who are connected to their community is likely to be learning about their culture from a very young age. They will know about Aboriginal history and will know how they are connected to their family and their community. They will be aware of the strength that exists among their Elders and have positive Aboriginal role models. They will know where they are from and what meaning this land has for their community. There will be opportunities to make strong friendships and to share in community events and celebrations.

Aboriginal carers who are strong in their culture will be able to pass on a sense of responsibility to community, culture and land to the child. An Aboriginal child coming into kinship care may have experienced child rearing that has been adversely affected by grief and loss. Aboriginal carers can expose the child to different and culturally based child rearing practices. An Aboriginal child who is connected to their culture and community can build a confident and resilient identity, providing protection against the racism and discrimination that exists in Australian communities today.

When an Aboriginal child is placed with non-Aboriginal family or friends or Aboriginal carers who are not connected to their Aboriginal community, the need to focus on culture and connection to community is particularly acute.

When an Aboriginal child is placed with non-Aboriginal family or friends or Aboriginal carers who are not connected to their Aboriginal community, the need to focus on culture and connection to community is particularly acute. For if culture is learned, who will be their teacher? What will they learn if their Aboriginal culture is absent from their placement? How will this protect them in their future?

The Aboriginal child's learning about their culture may have been interrupted by their placement, so critical information that will allow them to comfortably return to their community is lost. The child may have been abused or neglected by their Aboriginal parent and be fearful of Aboriginal people. Their carers may not be in a position to provide positive Aboriginal role models or knowledge about culture to counter this. It is important that carers are helped to:

- encourage and support an Aboriginal child to develop and maintain their connection to their community
- demonstrate respect for and interest in Aboriginal culture
- help the child to settle into the placement and build a strong identity.

For child protection practitioners assessing kinship care for an Aboriginal child

Assessing the carer's understanding of the importance of culture to an Aboriginal child's well being is critical to the safety and stability of the kinship placement. This is so for both Aboriginal and non Aboriginal carers as sometimes Aboriginal people are not connected to culture and community.

Assessing the carer should include:

- asking the carer to talk about the cultural care they will provide, how they feel about providing care to an Aboriginal child, and the challenges that might arise for them and the child
- asking the carer about racism in the community and how they would respond if the child was subject to racism at home, at school or in the community
- assessing the carer's involvement in the Aboriginal community, their understanding of Aboriginal kinship systems and their understanding of the impact of past welfare practices for Aboriginal people
- assessing the carer's knowledge of services for Aboriginal children and their willingness to use Aboriginal services, for example the Aboriginal health service.

The *Child protection kinship carer assessment template* requires information about an Aboriginal child's cultural connectedness and identity. Child protection practitioners should consider culture as part of every aspect of the child's life. For example, information about the child's education should include how enriching the school environment is for the child in terms of teaching Aboriginal history and culture in a positive way, promoting positive Aboriginal role models, celebrating Aboriginal cultural events and being a culturally safe environment. Helping the child attend school with other Aboriginal children can provide opportunities to participate in cultural and community events.

7.5 Aboriginal children and trauma

*Long lasting, all consuming, emotionally, psychologically, physically, spiritually, it rocks your world, your sense of who you are, where you fit in and your expectations of life can be altered.*²⁹

Judy Atkinson defines trauma as *an event or process which overwhelms the individual family or community and the ability to cope in mind body spirit and soul.*³⁰ In so doing, Atkinson presents a holistic view of trauma. While trauma at an individual level has been researched and discussed,³¹ Aboriginal understandings of trauma also focus attention on the trauma passed down through generations of Aboriginal families and the trauma that exists across Aboriginal communities.

For Aboriginal children, their experiences of the trauma of abuse and neglect are wrapped in other trauma. These complex strands of trauma require careful unravelling to understand & respond appropriately.

For Aboriginal children, their experiences of the trauma of abuse and neglect are wrapped in other trauma – the trauma of history, of ongoing racism and discrimination, the trauma experienced by carers, by their family and within their community. These complex strands of trauma require careful unravelling to understand and respond appropriately.

Trauma passed down through generations

*I want to write about my children because people think the suffering stops with me. But I have passed these feelings, teachings on to my children not realising what I was doing.*³²

Individual trauma reverberates across communities and across generations. *The devastating trauma of genocide, loss of culture, and forcible removal from family and communities are all unresolved and become a sort of 'psychological baggage... continuously being acted out and recreated in contemporary Aboriginal culture'.*³³

Since colonisation, Aboriginal people and communities have suffered disconnection from their land, language, culture, family and community. Their losses have created unresolved trauma, affecting the wellbeing of generations of Aboriginal people. Aboriginal children who were removed from their family and community grew up in often-abusive institutional settings where there were few parental role models. Culture was lost as families lost the capacity to pass traditions and practices on to successive generations. The connections between these unresolved traumas and the challenges facing Aboriginal communities today have been strongly demonstrated.³⁴

The extent of loss and grief within Aboriginal communities creates an environment where a high degree of trauma is normal. This is so for Aboriginal children, their families and Aboriginal carers.

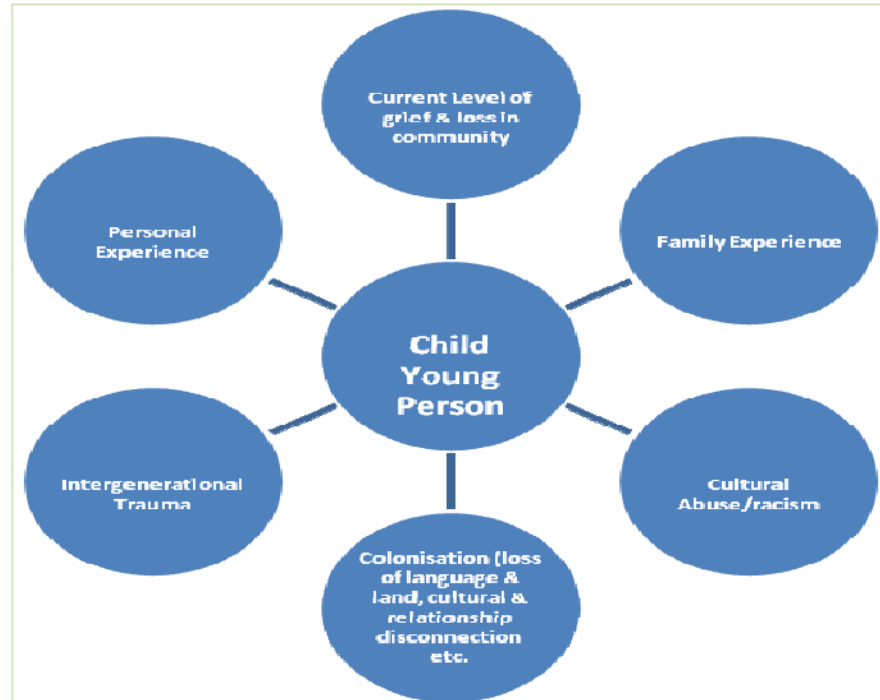


Figure 1: The Sources of Trauma for an Aboriginal Child

Trauma and kinship care

For an Aboriginal child in kinship care with an Aboriginal carer, trauma can have a profound impact on their relationship with their carer. Carers may have experienced the trauma of removal from their family and community; they may have grown up in abusive institutional settings where there were few role models upon which to base their own parenting.

Carers may not have had the opportunity to learn how to bring up children in a positive, culturally relevant way and may not know what healthy child development looks like. They may face difficulties in forming attachment relationships and may be unable to undertake the healing work a child needs – being close, hugging, being consistent and available, being calm and thoughtful.

Hearing disclosures of abuse that occurred to the child may remind them of their own abuse. Their removal may mean they are disconnected from their extended family and community and have not experienced the strength and support this connection can bring.

In addition to providing Aboriginal kinship care, the carer may take a role in caring for other family or community members who have experienced trauma. Their strong connections to family and community means they are likely to experience the ongoing pain of their community, in terms of suicide, incarceration, low life expectancy, physical and emotional ill health.

Children, aware of the past traumas of their carers, may want to protect them from further pain and may not feel able to tell bad things. This was recently and poignantly described in relation to the trauma of the Holocaust. *The second generation ... learned to be aware of hurt, to anticipate injury, to sidestep trouble and to hide their own problems.*³⁵ Aboriginal children may live in communities surrounded by high levels of death, ill health, substance abuse and violence; these children experience the pain of their community.

Finally, Aboriginal children and their carers must contend with the continued racism, bullying and stereotyping that are prevalent in the general community. In the face of racism, Aboriginal people reported *feeling ashamed, humiliated, fearful, powerless and hopeless.*³⁶

For child protection practitioners assessing kinship care for an Aboriginal child

The prevalence of trauma across Aboriginal communities will have touched the Aboriginal children, families and carers you are working with. These experiences of trauma must be part of your assessment. You need to work closely with ACSASS and other Aboriginal professionals involved to decide how to talk about these issues to avoid further pain for the child and carer. At the same time, you will need to understand the child's experiences of trauma to target interventions.

Sometimes, because of their experiences of trauma, carers cannot provide a safe place for an Aboriginal child. Mainly, these experiences of trauma will need to be addressed through support for carers.

Part of healing for an Aboriginal child will involve them understanding their experiences of removal in the context of their family's history and experiences, thereby avoiding the self-blame experienced by many children in out of home care. Kinship Care can help a child to better understand their situation in relation to past experiences of family members.

8. Cultural responsiveness: ability and skills

(You need) the necessary abilities and skills to work across cultures and provide a service that meets the needs of the Aboriginal person³⁷.

Many Aboriginal people involved in child protection have had generations of experience that leads them to be wary of child welfare.³⁸

8.1 Through the eyes of the family

The child, family and potential carers will form an immediate impression of you and this will influence their confidence to engage with you, their willingness to share information with you and their future relationship with you. Where you come from, your presentation and the language you use—all these immediately influence your relationships.

Your relationships with the child, the family and the carers will also be influenced by their perceptions of:

- how genuine you are in your relationship with them and in your commitment to help
- how open you are to new ways and different ideas
- how understanding you are of the family's history
- how accepting you are of the child's community
- how respectful you are to community Elders
- how insightful you are regarding the complexity of the family's current circumstances
- how aware you are of the long-term and ongoing trauma experienced in Aboriginal communities.

8.2 The Assessment Template

The *Child Protection Kinship Care Assessment Template* has been developed by the department to guide your practice rather than constrain it. While it clearly identifies the information you must know to make an assessment, it does not tell you how to gather this information. Having conversations rather than following the list of questions is more likely to lead to carers who are engaged and prepared to give more detailed information on which to base an assessment. A good starting point is to be clear about what information you need to make a decision about whether the potential carer can care for an Aboriginal child; then decide how to have a conversation about that.

8.3 Aboriginal ways of communicating

Using Aboriginal ways of communicating like those discussed below, can help carers to be more comfortable with you and engage in the assessment process:

- Use a narrative, story telling approach to collect information rather than lists of direct questions; direct questions can encourage closed answers and limit your ability to draw out information. Open questions are considered more polite, especially to start with. Let the carer tell the story in their words.

Listen to the story respectfully, without interrupting. While this may take time in the beginning, the outcome will be better assessment. For example – *Can you tell me your story about how you fit with this little one?*

- Be aware of sensitive topics. The carer may have been part of the Stolen Generations or may have been abused themselves. They are unlikely to discuss this with you until trust has been established and this may take some time.
- The *Child protection kinship carer assessment template* raises many questions about family history and relationships and child protection practitioners should carefully plan how they will raise these questions.
- Use genograms and family circles with the carer to talk about family and friend relationships, significant family members, family values and characteristics, major events and celebrations. This may also give you a sense of any worrying people and any relationships to look out for. Ask the carer: *Tell me about your family?*
- Use appropriate language and avoid jargon.
- Include culturally relevant examples when asking the carer how they would respond to a certain situation. For example asking how they would respond if the child denied their Aboriginal culture or if the child was experiencing racism or cultural abuse at school?
- Don't ask the carers questions when the information has been gathered from them elsewhere. If you want to check information from somewhere else, say that.
- Draw on community knowledge about the carer.
- Understand when Aboriginal carers have community business that means they cannot make their appointment with you. See this as an indication of the strength of their community connections rather than an inconvenience for you.

8.4 Checking criminal records and prior contact with child protection

The *Child protection kinship carer assessment template* has specific requirements to check criminal records and prior contact with child protection of potential carers and other household members before placing a child³⁹. The following information sits alongside current practice advice for child protection practitioners. Child protection practitioners will need to refer to Practice Advice No: 1405, *Placement decisions where a criminal records check reveals a disclosable record*.

The Australian Institute of Family Studies identifies the need to undergo a police check as one of the most significant deterrents in recruiting Aboriginal carers. A disproportionate number of Aboriginal people have police records. Aboriginal people are significantly over-represented in the juvenile justice and prison populations and are much more likely to be arrested than cautioned or summonsed. Aboriginal people are over-represented across the range of offence

types and significantly over-represented in particular offences such as ‘offences against good order’ (breaches of court orders).⁴⁰ In some cases these charges may be a reflection of discrimination.

How do you put a police check on Elders? It needs to be mandatory, but it is how you approach it that matters. We’ve spoken to the Elders here, and they don’t have a problem with it. It’s how you say it. I have to have a police check as well.⁴¹

Understand how sensitive and upsetting these checks could be for Aboriginal people. Family and friends who have cared for a child informally for some years do not understand the need for a formal assessment or criminal or child protection records checks. Some suggestions for approaching these checks of kinship carers are:

- Explain what you need to know and why you need to know it; reassure carers that your concern is the safety of the child and you will be looking at offences that could impact on the safety of the child.
- Explain to the carer that child protection practitioners must have criminal records checks too.
- Give carers the opportunity to explain the circumstances of any offence from their perspective.
- In making a decision, consider the time since the last offence (this is different from the time of the last court appearance), type of offence, underlying causes of offence and the risk the offending presents for the future safety of the child. For Aboriginal people, be mindful of the apparent bias in the criminal justice system.
- Be clear – the safety of the child is paramount.

8.5 Partnerships with carers

What we need to do is...acknowledge that they are indeed the strong people in their families and that’s who the family members turn to in terms of the family issues that they are asked to help with.⁴²

Kinship carers are part of the child’s family; their relationships with the child, the child’s parents and the child’s family and community are different from other carers. Their motivation and understanding of their role is different. Child protection practitioners are in a position of power about where the child will live; carers will be acutely aware of this. How well you can work with carers as a team working for the safety and best interest of the child will depend on your ability, skills and values. Some suggestions for working in partnership with carers are:

Share the information you know with the carers

The assessment guide asks questions regarding child’s health. Rather than direct questions, you could say let’s build a picture of the child’s health – we’ll share what we both know and then each have a picture of what the issues are and what we need to arrange. Other information is particularly critical for carers to know,

for example, knowing if the child has been abusive towards other children and knowing where the child slept previously.

Talk with the carers about Child Protection

Explain the way you work, what you are required to do and what you can offer in terms of practical, financial and emotional support; what they can expect, who they can contact with questions. Explain if you are no longer going to be involved, why this happens and what they can expect next.

Understand when carers may be shocked by the abuse of the child but do not confuse shock and disbelief by carers who have been unaware of the abuse with denial.

8.6 Involving Elders

In Aboriginal communities, Elders take a vital leadership role. Through your partnership with ACSASS you should involve Elders in your assessment of the kinship care placement.

Leadership is earned after a life journey and knowledge and power is demonstrated in capability. One Elder emerges and is acknowledged by all... Everyone knows who this leader is. The Elder carries his authority in his sacred wisdom and this is displayed in his or her conduct and words...⁴³

8.7 Talking with the child

While every child will have their own ways of communicating, there are some common features of Aboriginal children's communication:

- An Aboriginal child may touch an adult to communicate a need rather than talk about what they need.
- Children are likely to be more prepared to co-operate or undertake a task to please you rather than because of your role.
- Formal situations are likely to cause stress to the child and not allow them to express their views or indicate their capacities. If meeting a child, try a private home or park.
- An Aboriginal child may not make direct eye contact. In some Aboriginal cultures this is a sign of respect for the adult.
- The word yes does not always mean yes as a direct answer to a question. It can be used to mean that the question was understood.
- Shyness is very common among Aboriginal children and adults. "Big noting" oneself is not common.
- Humour plays a large part in Aboriginal culture. Teasing and playful conversation are valued aspects of communication.

To put Aboriginal children at ease, consider:

- providing a physical environment for your interview that is culturally friendly
- accessing Aboriginal learning materials, including story books and puzzles
- using culturally appropriate toys with younger children

- talking about Aboriginal role models with children like sports people, artists, musicians and leaders.

9. Cultural safety: environment and client experiences

*When the client feels safe to be themselves and when the environment is welcoming for Aboriginal people.*⁴⁴

Checking how the carer is experiencing the assessment process can let you know what to do to put them at ease, increase their confidence in you and their ability to participate fully in the assessment.

The carer's experiences of the assessment will be influenced by the understandings and skills discussed above. The physical environment can also influence the carer's openness and confidence in the assessment. Checking how the carer is experiencing the assessment process can let you know what to do to put them at ease, increase their confidence in you and their ability to participate fully in the assessment. This will impact on the effectiveness of assessment and future planning.

Be aware of the impact of the physical environment

If you are meeting outside the carer's home, remember the physical environment is likely to be outside where Aboriginal people feel most comfortable and this can impact on carers expressing their views and wishes.

Large government offices can be intimidating and remind carers of past experiences of child welfare. If your office displays positive images of Aboriginal people and cultures, displays local artwork and the Aboriginal and Torres Strait Islander Flags, provides information about local Aboriginal services and events and is welcoming to Aboriginal people this can all make a difference to the carer's experience.

Be thoughtful about first contact

Where possible, it can be less confronting for a carer to receive a phone call by way of initial contact before a face-to-face visit. Ask carers where they would like to meet, and where they would feel most comfortable talking to you.

Understand that even if you have developed a good relationship with the carers through home visits, asking an Aboriginal person to come to your organisation can be daunting. Non-attendance should not be interpreted negatively.

When you visit the carer's home

The carer may be concerned that you are there to see what is in the house in terms of material goods. As discussed in section 7.3, you can expect that for many carers, their level of material disadvantage means their home has few material possessions. Reassure the carer that what is important is the child's current and future safety and development, being with carers who love them and take good care of them and who can help them be connected to their Aboriginal family and community.

Check in with the carer

The assessment process is likely to be stressful for carers. Sometimes, carers may be tired, particularly when a child is first in their care or if they have a number of children in their care. The things they may have to organise can be difficult for

them – for example medical checks, school enrolments, contact with Centrelink, supporting access. Caring for children who have experienced trauma can be stressful and physically demanding – for example the child’s interrupted sleep, hyperactive behaviour, bedwetting. All of this can contribute to their stress as can your assessment of them.

The questions that you must ask can be painful, particularly when these questions require them to understand the abuse or neglect the child has experienced, or accept their own child’s abusive behaviour.

For Aboriginal carers particularly, their past experiences of child welfare services may have been negative and may have resulted in them being removed from their family and community.

It is important to be aware of the level of stress and pain for the carer throughout the assessment. Check with carers about how they are going, and whether they need a break. Ask carers how they found the assessment process and use this to inform future practice.

Seeing carers and other family and friends separately

Sometimes carers will ask you to see them with other family or friends present. This can be supportive for carers and increase their comfort and confidence. It can also help with understanding family dynamics and relationships.

However, it is important to see carers and other members of the household separately. This is particularly so for the child but is also important for partners and other children in the family, especially where there is a history of family violence. This can be disturbing for the carers but you must make sure you get all the information you need to make a thorough assessment. Choosing when and how you will do this and explaining why you need to see people separately and that it is a normal part of all kinship assessments can help carers.

Provide accessible and respectful information

Kinship carers need information about social, emotional, financial and material support that can assist them to care for the child. They need information about court processes, your assessment process and the way child protection operates. They need to know who they can call for help. Making sure that the information you give is clear, easy to understand and avoids using jargon will help carers.

10. Cultural respect: attitude and values

Mutual respect and a positive attitude towards each other

Your values influence the way you work and what you see as desirable outcomes for the children and families you work with. Your values inform your decision making, cause you to defend what you believe in and determine your behaviour at work.

Social work is committed to five basic values, as set out in the Australian Association of Social Workers *AASW Code of Ethics*; ⁴⁵they are human dignity and worth, social justice, service to humanity, integrity and competence. Professionals from other disciplines involved in child protection are likely to have similar values.

The Department of Human Services has organisational values like treating all people with dignity and respect, work towards improving client well being, and collaborative working relationships.

Aboriginal children and families, community members and Aboriginal case workers have their own values. There may be times when there are disagreements based on different values. It is important for disagreements to be resolved in a respectful way, with consideration of different ways and different views.

Your attitudes and values will underpin your assessment of kinship care for an Aboriginal child. Culturally competent assessment is more likely if it stems from attitudes and values that:

- appreciate and respect the importance of culture and connection to community for an Aboriginal child's immediate and long term well-being
- understand abuse and neglect of Aboriginal children in the context of colonisation and its devastating and ongoing consequences for Aboriginal children, families and communities
- see that social relationships and social responsibilities are fundamental to Aboriginal community life
- support self determination for Aboriginal people and understand that passing on Aboriginal cultural practices to Aboriginal children is the responsibility of the Aboriginal community
- value difference – different cultures, different ways of doing things, different approaches to child rearing
- take a social justice approach, recognising that treating everyone the same does not mean equality.

Appendix 1: Using the guide to complete the *Child protection kinship carer assessment template*

Child Protection Kinship Carer Assessment Template: Part A	Child Protection Kinship Care Assessment Template: Part B	Assessing Kinship Care for Aboriginal Children
1. Identifying information		
2. Criminal Records Check		8.4
3. Consulting Existing Records		8.4
4.1 Interview with child	12. Child's view of placement	8.7
4.2 Interview with birth parents	19. Genogram 2. Family's view of placement	7.2, 8.1
4.3 Interview with carers	11. Carer's ability to work as part of a team 21. Carer's relationship to parents, family dynamics and access 22. Carer's children 23. Carer's family history 24. Carer's marital/partner relationship 25. Carer's parenting style 26. Carer's stress and support	7, 8, 9
4.4 Interview with household members		
5. Carers and household members health		
6. Home and environment		
7. Child's health needs	13. Health	7.3
7.1 Carers capacity to meet health needs		
8. Child's school	16. Education	
9. Cultural Identity	15. Cultural connectedness and identity	7.4
10 Finance	27. Finance	7.3
	14. Emotional and behavioural development	
	14.1 Carers capacity to meet emotional and behavioural development needs	
	17. Sport, music and recreation	
	18 Internet access	7.3

Appendix 2: Additional principles for an Aboriginal child

The CYFA highlights the importance of an Aboriginal child's connections to their Aboriginal family and community and their cultural and spiritual identity.

S.10 Best Interests Principles

- the need to protect and promote the child's Aboriginal cultural and spiritual identity and development
- the need to maintain and build their connections to their Aboriginal family and community.

S.13 Aboriginal Child Placement Principle

You must determine, as a priority if the child can be placed with their Aboriginal extended family. If this is not possible, then placement with other extended Family. If this is not possible, then placement with:

1. An Aboriginal family from the local community and within close geographical proximity to the child's natural family.
2. An Aboriginal family from another Aboriginal community.
3. **As a last resort**, a non-Aboriginal family living in **close proximity** to the child's natural family.

S.12 Additional decision making principles for Aboriginal Children

Before you decide to place an Aboriginal child in out of home care, you must consult with an Aboriginal agency⁴⁶ and you must apply the Aboriginal Child Placement Principle.

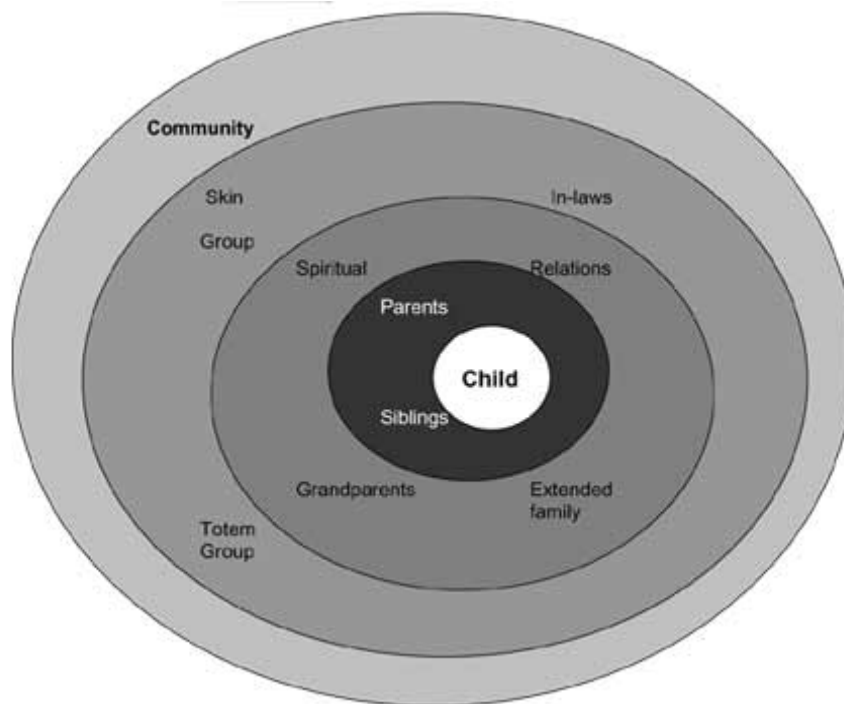
S.14 Further principles for Placement of Aboriginal child

If an Aboriginal child is placed with non-Aboriginal family members, you must arrange for the child to have continuing contact with their Aboriginal family, community and culture.

S.176 Cultural Plan for Aboriginal child

If an Aboriginal child is placed in out of home care, you must prepare a cultural plan that sets out how the child is to remain connected to their Aboriginal community and culture.

Appendix 3: Aboriginal Family Circles⁴⁷



Relationships explained

Parents and siblings

Birth mother, birth father, spiritual mother and father, brothers and sisters, including the children of one's sister (if female). Half brothers and sisters hold the same importance as full brothers and sisters.

Extended family

Aunts, uncles, great uncles and aunts and first, second, third, fourth and fifth cousins (and their children).

Grandparents

Paternal and maternal grandparents, spiritual grandparents.

Spiritual relations

People not necessarily related by blood, people given to a child to act as a parent, grandparent, or an Elder of one's tribe and community.

Skin group/totem and in-laws

Sharing the same skin name or totem indicates a relationship, (men and women do not share skin names, a totem could be an animal or plant and must be respected), partners of relations, i.e.; a cousin's wife or husband.

Community

Includes each person's tribal group and the community in which they live and/or belong.

Endnotes

- ¹ This document has been developed for Aboriginal children. There are many common issues for children from the Torres Strait Islands and much of the document will apply to them. There are also some differences for Torres Strait Island children and families, particularly about kinship care.
- ² Department of Human Services, December 2008, *A new kinship care program model for Victoria*, Melbourne, 2
- ³ Valentine, B & Gray, M, 2006, *Keeping Them Home: Aboriginal Out of Home Care in Australia*, Families in Society, 87(4), 537-545.
- ⁴ ACSASS is the declared agency under the CYFA
- ⁵ State Government of Victoria, Department of Human Services (Victorian Aboriginal Child Care Agency), November 2008, *Aboriginal Cultural Competence Framework*, Melbourne, 36.
- ⁶ Bamblett, M., 2006, *Speaking up not talking down: doing the "rights" thing by strengthening culture as resilience for indigenous children*, Melbourne: VACCA.
- ⁷ State Government of Victoria, Department of Human Services (Victorian Aboriginal Child Care Agency), November 2008, *Aboriginal Cultural Competence Framework*, Melbourne, 26.
- ⁸ Atkinson, J., November 2006, *Building the Future—Healing Tracks across the Nation*, Child Safety Research Conference, Queensland, at: <http://www.childsafety.qld.gov.au/research/conference/2006/documents/sub-keynote-5-judy-atkinson-1.pdf>
- ⁹ Department of Human Services, *Responding to Aboriginal Children Advice No. 1059*
- ¹⁰ State Government of Victoria, Department of Human Services (Victorian Aboriginal Child Care Agency), November 2008, *Aboriginal Cultural Competence Framework*, Melbourne, 25.
- ¹¹ Bamblett, M. (2004) *A Vision for Koorie Children and Families: Embedding rights, Embedding culture*, VACCA
- ¹² SNAICC, (Secretariat of Aboriginal and Islander Child Care), 2005, *Stable and Culturally Strong Out of Home Care for Aboriginal and Torres Strait Islander Children*, SNAICC, Melbourne. 37.
- ¹³ Malin, M., Campbell, K. and Agius, L., 1996, *Raising children in the Nunga Aboriginal way* Family Matters no.43 Autumn 1996, Australian Institute of Family Studies, Melbourne.
- ¹⁴ Perry, B., 2006, 'Applying Principles of Neurodevelopment to Clinical Work with Maltreated and traumatised children: The Neurosequential Model of Therapeutics' in Boyd, N., (ed) *Working with Traumatised Youth in Child Welfare*, Guilford Publications Inc., New York.
- ¹⁵ Valentine, B & Gray, M, 2006, *Keeping Them Home: Aboriginal Out of Home Care in Australia*, Families in Society, 87(4), 537-545.
- ¹⁶ Bromfield, L., Higgins, J., Osborn, A., Panozzo, S., & Richardson, N., 2005 *Out-Of-Home, Care in Australia: Messages from Research*, National Child Protection Clearinghouse, Melbourne, 21.
- ¹⁷ Bromfield, L., Higgins, J., Osborn, A., Panozzo, S., & Richardson, N., 2005 *Out-Of-Home, Care in Australia: Messages from Research*, National Child Protection Clearinghouse, Melbourne, 24.
- ¹⁸ Higgins, J.R. & Butler, N. 2007, *Assessing, training and recruiting Indigenous carers, Promising Practices in Out of Home Care for Aboriginal and Torres Strait Islander Carers, Children and Young people.* (Booklet 2) Melbourne: Australian Institute of Family Studies. Discussion of Training Program for Aboriginal Kinship Carers – *Growing Up Our Kids Safe and Strong* by Susan Von Leonhardi, 29.
- ¹⁹ McHugh, M., 2002, *The costs of caring: A study of appropriate foster care payments for stable and adequate out of home care in Australia*. Haymarket, NSW: Association of Children's Welfare Agencies.
- ²⁰ Smyth, C. & Eardley, T., 2008, *Out of Home Care for Children in Australia: A Review of Literature and Policy*, SPRC Report No. 3/08, prepared for the Department of Families, Housing, Community Services and Indigenous Affairs, Social Policy Research Centre, University of New South Wales, Sydney. Brandon found that Aboriginal carers had the second lowest gross income after lone mother households, has proportionately much higher rates of poor dwelling conditions than other household types and had generally higher levels of socio-economic disadvantage.
- ²¹ Bromfield, L., Higgins, D., Osborn, A., Panozzo, S., & Richardson, N., June, 2005, *Out-Of-Home Care in Australia: Messages from Research*. Melbourne, National Child Protection Clearinghouse, A report to the Community Services Ministers Advisory Council commissioned by the Australian Government Department of Families, Community Services and Indigenous Affairs.
- ²² Department of Human Services, May 2008, *Aboriginal Services Plan Key Indicators 2006/07*.
- ²³ Bromfield, L., Higgins, J., Higgins, D., Richardson, N., 2007, *Why is there a shortage of Aboriginal and Torres Strait Islander Carers? Promising Practices in Out of Home Care for Aboriginal and Torres Strait Islander Carers, Children and Young People.* (Booklet1) Melbourne:

Australian Institute of Family Studies, Clearinghouse and Secretariat for National Aboriginal and Islander Child Care. 6.

²⁴Higgins, D., Bromfield, L. & Richardson, N., October 2005, *Enhancing out of home care for Aboriginal and Torres Strait Islander young people*, Melbourne, National Child Protection Clearing House, 17.

²⁵Bamblett, M., 2006, *Speaking Up Not Talking down: Doing the 'Rights' Thing by Strengthening Culture as Resilience for Indigenous Children*. VACCA, Melbourne.

²⁶ Bamblett, M., *Giving Aboriginal Children Every Chance: Self-determination, partnerships and cultural competency*, VACCA, Melbourne.

²⁷ International Resilience Project (2008) www.resilienceproject.org identifies culture and a meaningful sense of community as key aspects in building resilience. Chandler, M., & T.Prouix, T., *Changing Selves in Changing Worlds: Youth Suicide on the Fault lines of Colliding Cultures*. Archives of Suicide Research, 2006:10:125-140 found that the more Nation or tribal groups have control over and cultural input into governance, health, education, policing, resources and seeking title to land, the lower the incidence of youth suicide.

²⁸ De Maio, J.A., Zubrick, S.R., Silburn, S.R., Lawrence, D.M., Mitrou, F.G., Dalby, R.B., Blair, E.M., Griffin, J., Milroy, H., Cox, A. 2005, *The Western Australian Aboriginal Child Health Survey: Measuring the social and emotional wellbeing of Aboriginal children and the intergenerational effects of forced separation*, Curtin University of Technology and Telethon Institute for Child Health Research, Perth.

²⁹ Morseau – Diep, August 2001, *You say you hear us but are you really listening or are we just noise in the distance*. Paper presented at Australian Institute of Criminology Conference, Queensland, cites Indigenous social worker Noeleen Porter.

³⁰ Atkinson, J., 2002, *Trauma Trails, Recreating Songlines: The Transgenerational Effects of Trauma in Indigenous Australia*, Melbourne, Spinifex Press, xi.

³¹ Department of Human Services *Child Development and Trauma Guide* at <http://www.cyf.vic.gov.au/every-child-every-chance/library/publications>

³² Peters, L., 1953, *It doesn't stop here: Transgenerational Effects of the Forced Removal of Children*, Australasian Psychiatry, 3 (3) Lorraine Peters was removed from her family and spent most of her childhood at the Cootamundra Training Home for Aboriginal Girls. She has developed a model of healing for Stolen Generations.

³³ Social Justice Report, 2008 Chapter 4: *Beyond the Apology - an agenda for healing* The Australian Human Rights Commission, Commissioner for Aboriginal and Torres Strait Islander Social Justice, Canberra. Cites C Wesley-Esquimaux, C., & Smolewski, M., *Historic Trauma and Aboriginal Health*, Aboriginal Health Foundation (2004)

³⁴ Two recent studies show the link between the Stolen Generations and the current generations of Aboriginal children who enter the child protection and alternative care systems:

- The *Western Australian Aboriginal Child Health Survey* found that 12% of Aboriginal children surveyed were looked after by a carer who had themselves been forcibly removed. These children were 2.3 times more likely to be at high risk of clinically significant emotional or behavioural difficulties. *Western Australian Aboriginal Child Health Survey, Research Themes, 2005* at www.ichr.uwa.edu.au/waach
- In SA study, 48% of children had an Aboriginal parent or close relative who had been removed as a child and placed into non-Aboriginal care.

³⁵ The Age, *Children of the Holocaust*, Good Weekend 22 August 2009.

³⁶ Gallaher G, Ziersch A, Baum F, Bentley M, Palmer C, Edmondson W & Winslow L, 2009, *In Our Own Backyard: Urban Health Inequities and Aboriginal Experiences of Neighbourhood Life, Social Capital and Racism*. Flinders University, Adelaide.

³⁷ State Government of Victoria, Department of Human Services (Victorian Aboriginal Child Care Agency), November 2008, *Aboriginal Cultural Competence Framework*, Melbourne, 27.

³⁸ Victorian Aboriginal Child Care Agency, September 2006, *Working with Aboriginal Children and Families: A Guide for Child Protection and Child and Family Welfare Workers*, Melbourne, 42.

³⁹ Child Protection Practice Manual Advice No. 1524 *Criminal records check* and Practice Manual Advice No. 1405 *Placement decisions where a criminal records check reveals a disclosable record*

⁴⁰ For further information, refer to the Royal Commission into Aboriginal Deaths in Custody, 1991, at: <http://www.austlii.edu.au/au/other/IndigLRes/rciadic/national/vol1/12.html>, and the Justice under scrutiny: report of the inquiry into implementation by Governments of the recommendations of the Royal Commission into Aboriginal Deaths in Custody / House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, 1994.

⁴¹ Bromfield, L., Higgins, J., Higgins, D., Richardson, N., 2007, *Why standard assessment processes are culturally inappropriate* Melbourne: Australian Institute of Family Studies

⁴² Higgins, J.R. & Butler, N., 2007, *Assessing, training and recruiting Indigenous Carers. 'Promising Practices in Out of Home Care for Aboriginal and Torres Strait Islander Carers, Children and Young People'* (Booklet 2). Melbourne: Australian Institute of Family Studies, 29.

⁴³ Botsman, P., 2008, *Change Robed in Justice—Australia's Indigenous National Leader Emerges*, at www.workingpapers.com.au/publishedpapers/2684.html

⁴⁴ State Government of Victoria, Department of Human Services (Victorian Aboriginal Child Care Agency), November 2008, *Aboriginal Cultural Competence Framework*, Melbourne, 27.

⁴⁵ Australian Association of Social Workers, 1999, *AASW Code of Ethics*, Canberra, 4, at: http://www.latrobe.edu.au/socialwork/field_education/code%20of%20ethics.pdf

⁴⁶ Aboriginal agency is defined in s.6, CYFA; at present ACSASS is the Aboriginal agency for consultation.

⁴⁷ NSW Children's Guardian, [www.kidsguardian.nsw.gov.au/accreditation/benchmark-policies/Section%201.5b/?searchterm=Kinship care for Aboriginal children](http://www.kidsguardian.nsw.gov.au/accreditation/benchmark-policies/Section%201.5b/?searchterm=Kinship%20care%20for%20Aboriginal%20children)

Tip Sheet

Assessing kinship care for Aboriginal children

Getting the most from your assessment – advice for child protection practitioners

This advice accompanies *Assessing kinship care for Aboriginal children: A practice guide for child protection practitioners*, December 2010. It does not replace the guide but is a reminder of key points.

Assessing a carer's ability to promote safety, stability and development for an Aboriginal child must include those things that guide assessments for all children; and also include the child's cultural safety, their family and community relationships and their cultural and spiritual development. This applies to Aboriginal and non Aboriginal kinship carers as it is the best interests of the child, not the Aboriginality of the carer, which is the central consideration. In assessing kinship care for an Aboriginal child:

Know

- There are many Aboriginal cultures and peoples; the Aboriginal people you work with are not all the same—their culture, what they value, how they live and make decisions, their relationships are not the same.
- Kinship care is a longstanding and integral part of Aboriginal cultures and communities.
- An Aboriginal child is likely to have close relationships that are additional to family relationships.
- The responsibility Aboriginal people hold for their children and their unwillingness for Aboriginal children to be raised outside their culture and community are powerful motivators to provide kinship care.
- There are long term and harmful effects of moving an Aboriginal child away from family and community.
- Culturally competent perspectives on child development and desirable parenting practices reflect Aboriginal ways of child rearing and kinship and community relationships.
- The layers of trauma for an Aboriginal child, parents and carers include individual trauma, trauma passed down through generations and trauma existing in Aboriginal communities today.
- For some Aboriginal people, the trauma sustained through the Stolen Generations, their own negative experiences of care and the violence they have experienced may mean that, despite their strong commitment, they cannot provide safe care for the child.
- Many kinship carers are seriously disadvantaged and may need immediate practical and financial support to care for a child.

Do

- Work with ACSASS. This can increase your understanding and help bridge the divide between Child Protection and Aboriginal people.
- Work with Aboriginal agency supporting the kinship placement. This can increase your understanding of Aboriginal kinship care.
- Plan ahead; think about how you will raise sensitive issues and who is the best person to raise these.
- Be aware of the impact of your child protection role and your culture on the Aboriginal people you are talking with.
- Plan where you will meet; consider the impact of the environment on the carers, the parents, other family members and the child.
- Use ways of communicating that are most comfortable for Aboriginal people – for example, story telling, avoiding jargon, culturally specific case examples.
- Always talk to significant others; remember the significant role of Aboriginal Elders in Aboriginal communities.
- Plan how and who will engage and talk with the child.
- Check how the child, carer and family members are experiencing your interviews – plan how to put them at ease, increase their confidence in you and their ability to participate in the assessment.
- Work out how the carer will be supported from Day 1 of the placement.
- Give carers timely, accessible and respectful information about social, emotional, financial and material support available to them.
- Be prepared for more than one visit to the carer and allow for trust to be developed. You are talking about issues that are painful and distressing.
- Take time to listen and always be respectful and genuine.