



Attorney General
& Justice

NSW CARE CIRCLES

PROCEDURE GUIDE

Version 1

August 2011

TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	LEGISLATION	5
3.	RELATIONSHIP WITH OTHER STAKEHOLDERS	5
4.	ESTABLISHING CARE CIRCLE PANELS	6
5.	ROLE OF CARE CIRCLE PARTICIPANTS	9
5.1	PROJECT OFFICER.....	9
5.2	COMMUNITY PANEL MEMBERS.....	9
5.3	COMMUNITY SERVICES.....	9
5.4	LEGAL REPRESENTATIVES	10
5.5	FAMILY MEMBERS/CARERS.....	10
5.6	COMMUNITY SERVICE PROVIDERS.....	10
5.7	CHILDREN’S COURT MAGISTRATES.....	10
6.	SELECTION OF A MATTER FOR CARE CIRCLES	11
7.	CARE CIRCLES PROCESS	14
8.	POST CARE CIRCLE	15
9.	RELEVANT FORMS	15

1. INTRODUCTION

The Aboriginal Care Circles program was developed in response to the NSW Government's commitment to improving the well being of Aboriginal families.

The Aboriginal Care Circles model uses an Alternative Dispute Resolution (ADR) process to engage Aboriginal people in care proceedings before the Children's Court. It is an alternative avenue for care matters involving Aboriginal children and young people incorporating the participation of respected Elders and community members.

The purpose of a Care Circle is to implement an enhanced court process for care matters involving Aboriginal children in the New South Wales Children's Court. Care Circles does not establish if a child or young person is at risk, this has already been established through earlier court processes, rather it encourages culturally appropriate decision making and care plans for Aboriginal children and young people.

Care Circles aim to:

- Improve outcomes for Aboriginal children in care proceedings.
- Empower Aboriginal families and communities by reducing any barriers that may currently exist between courts and Aboriginal people.
- Contribute to self-determination of Aboriginal people in care proceedings.
- Increase participation in decision-making about Aboriginal children by Aboriginal families and communities.
- Improve availability of information as to placement options within the child's family, kinship group and Aboriginal community.
- Enhance the viability and effectiveness of undertakings to be agreed to by a parent in placement proceedings.
- Improve support provided to parents or people with parental responsibility.
- Increase confidence in the care process.
- Improve reporting of situations in which children or young people may be at risk.
- Ensure that all parties adhere to and address the Aboriginal and Torres Strait Islander principles in the Children and Young Persons (Care and Protection) Act 1998 (the Act).
- Strengthen relationships between the Department of Attorney General and Justice (DAG&J), Department of Family and Community Services, Community Services (CS), Children's Court, families and communities.

Care Circles benefits include:

- Decisions about out of home care will be better informed by the input of a Care Circle and this will improve outcomes for Aboriginal children and young people affected by the process.
- The Care Circle process may enhance the viability and effectiveness of undertakings agreed to by a party.
- Respected community members and/or Elders may be more effective in suggesting and reporting appropriate behaviour in line with undertakings. Aboriginal parents may be encouraged and empowered not to breach undertakings given the involvement of Elders. Care Circles may inform orders for undertakings.
- In cases where the Children's Court accepts (pursuant to section 83) that restoration is a realistic possibility, restoration plans (including interim placement and services) may be better informed by the input of a Care Circle.
- Care Circles facilitate participation by all parties by increasing accessibility to information and decreasing legal jargon and hierarchical legal structures thereby breaking down barriers between Aboriginal people and the Court. This increases participation and empowerment in the proceedings and is consistent with the principle of the Act concerning commitment to self-determination for Aboriginal people.
- Empowerment of communities by the participation of respected community members and/or Elders in the court process.
- Legitimising the Care Circles process may lead to an increased incidence of reporting of children at-risk of abuse or neglect within Aboriginal communities.
- More significant recognition of kinship relations and care of children by members of the extended family in a way that is consistent with section 13 of the Act.

2. LEGISLATION

Children and Young Person's (Care and Protection) Act 1998, the Act.

<http://www.legislation.nsw.gov.au/viewtop/inforce/act+157+1998+FIRST+0+N>

3. RELATIONSHIP WITH OTHER STAKEHOLDERS

This guide aims to assist the Project Officer to develop good working relationships with various people involved in Care Circles. They can include but are not limited to:

- Children's Court Magistrates
- Aboriginal Elders & Respected People
- Aboriginal Services Division (Staff)
- Aboriginal Community Justice Groups (ACJG)
- Local Court Registries
- Department of Family and Community Services, Community Services (CS)
- Local community service providers
- Victims Services
- Legal Aid
- Aboriginal Legal Services
- Other Legal Practitioners
- Other Community Service Providers

4. ESTABLISHING OF A CARE CIRCLE PANEL OF COMMUNITY REPRESENTATIVES

- 4.1 An expression of interest to be a community representative, on a Care Circle will be called by the Director-General, DAG&J. Once initially called anyone, at any time thereafter, may express an interest in participating as part of a panel.
- 4.2 Where there are less than 12 people on the panel at any one time the Director-General, DAG&J will seek expressions of interest by circulating Expression of Interest forms amongst identified Aboriginal organisations in consultation with CS.
- 4.3 A person will express interest by completing an Expression of Interest form, agreeing to undertake probity checks and completing a confidentiality agreement.
- 4.4 The Department of Attorney General and Justice upon receiving an expression of Interest (EOI) form will:
 1. Request confirmation from the local Aboriginal community that the person is a member of the local Aboriginal community, through the Aboriginal Community Justice Group then will,
 2. Forward a copy of the form to Community Services Information Exchange Unit at Pre-EmploymentKiDSScreening@fac.s.nsw.gov.au so that Family and Community Services can complete a history check based on records held on KiDS, then will,
 3. Obtain a Criminal History from Police unless DAG&J has obtained a Criminal History from Police within the last 3 years.
- 4.5 Upon receipt of a request for a history check (appendix C), the Community Services Information Exchange Unit will:
 1. Identify whether any information concerning the suitability of prospective panel members is held on KiDS. If a need arises where information with the applicant needs to be clarified contact with the applicant will occur through DAG&J's Care Circle Project Officer.
 2. Identify whether any information so held, indicates that the individual might present a risk to the safety, welfare and well being of children or young people. *(A risk could be the individual may have a child in out-of-home care or has otherwise been removed from their care and not restored. A risk will not be identified unless at least one of the reports upon which this identification has been based, has been confirmed or substantiated).*
 3. Prepare and forward a report containing the outcome of the KiDS check to the relevant Director Child and Family or Regional Director.

4.6 Upon receipt of the report, the Director Child and Family or the Regional Director will reach a view as to the suitability of the prospective panel member. In reaching this view with consideration to the role of a community panel member in the Care Circles, the Director Child and Family or the Regional Director will assess whether:

1. The prospective panel member poses an unacceptable risk to the safety, welfare and wellbeing of children or young people or
2. May not be able to participate in Care Circles impartially due to previous involvement with Community Services

Prior involvement with Community Services will not necessarily be a reason in itself to find the applicant unsuitable.

4.7 Following the KiDS history check Community Services will advise DAG&J whether the person is suitable for inclusion on a panel using the agreed template (**appendix D**). The letter will be sent to DAG&J within 10 working days of receipt of all information required for the KiDS history check.

4.8 If a person's expression of interest for the Care Circle community panel was unsuccessful, the DAG&J will advise them of this outcome using the agreed letter (appendix F). A person can be assessed as unsuitable if one or more of the following applies:

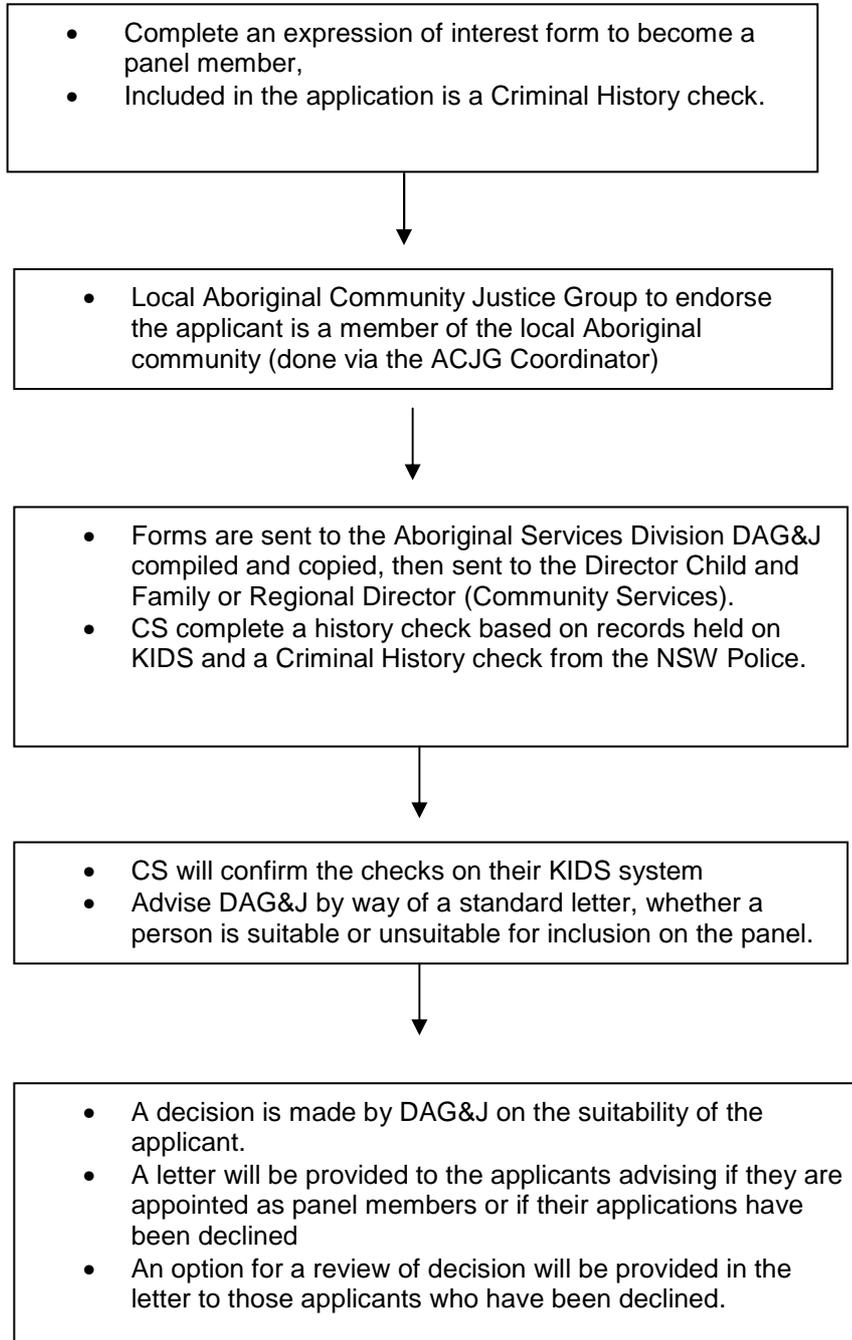
1. The local Aboriginal community states that the applicant is not a member of the local Aboriginal community
2. Community Services advises that the person is unsuitable for inclusion on a panel based on the results of the KiDS history check.
3. The Criminal History check establishes that the person has been convicted of a serious criminal offence that can include, but not limited to sexual assault, domestic violence or crimes involving children.

Unless one or more of the circumstances set out in 4.8 exists, DAG&J will write to the person and advise that the person's expression of interest was successful and advise as to the induction process.

4.9 DAG&J in conjunction with the Children's Court, Legal Aid, Aboriginal Legal Services and CS will conduct the induction process, which will comprise:

- Principles applicable to care proceedings including the impact of abuse and neglect on children
- Description of court processes for care proceedings (including the role of Magistrates, lawyers, CS and court staff)
- Operation of Care Circles
- Role of the Care Circles Project Officer (CCPO)
- Role of a community representative on a care circle panel
- Support mechanisms for panel members.

Flow chart of Care Circles application for panel members.



5. Role of Care Circle Participants

5.1 Project Officer

An employee of the Department of Attorney General and Justice, the Project Officer acts as a liaison between the Aboriginal community, Community Panel Members, the Court and Community Services.

The Project Officer recruits Aboriginal community representatives as Community Panel Members. Induction, training and relevant resources are then arranged for the Community Panel Members by the Project Officer, in partnership with the Regional Coordinator and Aboriginal Services Division (DAG&J).

The Project Officer plays a crucial role in establishing and supporting the Community Panel and in providing ongoing consultation with the local Aboriginal community about the Care Circle program.

The Project Officer also engages and discusses relevant issues with other stakeholders including families, Case Workers, Magistrates, Legal representatives, community support workers etc.

Project Officers arranges suitable informal and culturally appropriate venues for Care Circles, as well as catering and transport for Community Panel Members.

The Project Officer enquires and if required provides post care circle support to panel members by way of access to the Employee Assistance Program (EAPs) which is a confidential counselling service offered by the Department of Attorney General and Justice to all of its employees and their immediate family.

5.2 Community Panel Members

Community Panel Members are Aboriginal community representatives who have undergone the relevant criminal history and KIDS system check and are deemed as suitable to be members of the Care Circle panel and participate in the Care Circle process.

Community Panel Members, assist family members to recognise the issues around parenting, during and following the Care Circle process. They will also understand the rationale behind the options identified by Community Services and will validate care plans.

Three Community Panel Members will be selected to sit for each Care Circle. Community Panel Members will be undergo training both in relation to care and protection issues and the Care Circle process.

5.3 **Community Services (including lawyers and Case Managers)**

Representatives of the Department of Human Services, Community Services, gather information and develop a care plan by engaging with participants during the initial Care Circle. At a second Care Circle, the Community Services representatives present an appropriate care plan to the Circle based on discussions and agreements from the initial Care Circle.

5.4 **Legal Representatives**

- a) Provides legal representation to the Child's parents.
- b) Provides legal representation to the Child.

5.5 **Family Members/Carers**

Family members and carers are either the parent or persons who have care of the child or young person. They are encouraged to participate in the Care Circle process and explain their circumstances in a culturally comfortable and supported environment. The Care Circle process allows parents/carers to speak and be heard, ask questions and get a better understanding of the care process.

Family members/carers who are participating in the Care Circles are encouraged to engage with community services and other stakeholders present.

Family members/carers participate in decisions about what is in the best interest of their child/children.

5.6 **Community Service Providers**

Community Service Providers may provide a personal advocacy role by providing personal encouragement and support to family members. They may also identify ways in which family members can be assisted to develop their parenting skills and meet the needs of the child.

Relevant service providers may report on the progress of family members in this regard which proves valuable in the development of restoration plans, and may also provide continued support to ensure access to programs and services.

5.7 **Children's Court Magistrate**

A Children's Court Magistrate will oversee the Care Circle. After the first and second Care Circles are complete, the Magistrate will close the Care Circle and open proceedings in the Children's Court. The Magistrate will then determine whether to make orders by consent or, where issues remain outstanding, to make directions as necessary and list the matter to be heard before the Children's Court.

The same Children's Court Magistrate oversees both of the Care Circles, but is different from the Children's Court Magistrate who presides over a hearing for any matters not resolved as part of the Care Circle.

Magistrates, who support the process, are culturally aware and are willing to adopt a non-judicial approach when participating in Care Circles.

6. Selection of a matter for a Care Circle

- 6.1 As soon as possible in a care matter which involves an Aboriginal family (or a family in which one or more of the mother, father or child identifies as Aboriginal), the Department of Family and Community Services, Community Services lawyer (or any other legal representative) will advise the Magistrate or Registrar and other legal representatives of the parties to this fact and the possibility that this is a matter which may be suitable to proceed to a Care Circle.
- 6.2 Where an Aboriginal child has a sibling child involved in care proceedings at the same time - then all siblings should be subject to the same care circle – even where the sibling child may not be Aboriginal.
- 6.3 Once a determination has been made that a child or young person is in need of care and protection and prior to the matter being listed for final orders any party may apply, or the Magistrate may upon the Magistrates own decision, determine that the matter is suitable to refer to a Care Circle. The Magistrate will hear submissions as to why such a decision should, or should not, be made. These submissions may include information on the willingness of the parents of the child or of the child or young person to participate.
- 6.4 In making a determination that the matter is suitable to refer to a Care Circle the Magistrate will consider whether a Care Circle would provide valuable input into the following:
1. what interim arrangements there should be for the care of the child
 2. what services/supports can be made available to the family
 3. where the child should live
 4. what contact arrangement should be in place
 5. alternative family placements, or
 6. such other matters as appear relevant.
- 6.5 Once a determination has been made that a matter is suitable to refer to a Care Circle, an agreed summary of matters for consideration by the Care Circle will be emailed or faxed to the Care Circle Project Officer (CCPO) by the Independent Children's Legal Representative 7 days prior to the Care Circle date. The agreed completed summary of matters is to be signed by persons contributing to the information contained in the summary in accordance with the requirements of the template.
- 6.6 Once a determination has been made that the matter is suitable to refer to a Care Circle then the Magistrate will complete a bench sheet and based upon that, the Registrar of the Children's Court will notify the Care Circles Project Officer (CCPO) within AGD and supply a copy of the agreed summary.

- 6.7 The CCPO will consult with the Magistrate and agree upon a date and a venue for the Care Circle. The CCPO will book the venue. The Magistrate will be asked to give consent under section 105(3)(b)(i) for the release of names and identifying information where such consent is not asked to be given under section 105(3)(iii) by DoCS as delegate of the Children's Guardian. Parties will advise these matters within 24 hours of the referral of the matter to a Care Circle.
- 6.8 The CCPO will select on a rotation basis either two or three panel members within 72 hours of the Magistrate's determination. The CCPO will identify the child and the child's family and then ask each of the selected panel members whether:
1. each person agrees that the child is Aboriginal
 2. he or she agrees to serve on a panel for this child
 3. any potential conflicts of interest are perceived from their participation on the particular panel.
- 6.9 If there are not 2 or 3 panel members within 5 business days of the Magistrates determination who:
1. agree that the child is Aboriginal, and
 2. accept that the child and the parents connection to the local Aboriginal community is sufficient to render the care matter suitable for reference to a care circle then the CCPO will advise the parties and arrange for the matter to be mentioned on the next list day. No reasons will be given.
 3. The matter will proceed without a Care Circle.
- 6.10 Unless 6.9 applies then the CCPO will, within 5 days of the Magistrates decision, advise the parties (including the child representative) of the names of each family member who has given notice of intent to attend and each panel member prepared to participate. The CCPO will also advise each party what, if any, relationship the panel member has to the particular child or either of the child's parents. A party can have the matter re-listed and make submissions to the Magistrate to exclude one or more family or panel members from the Circle. The party must seek to have the matter re-listed with 48 hours of being advised and a failure to seek to have the matter re-listed within that time will result in the members advised being included on the panel. The Magistrate decides who can be included on a particular panel. If this leaves less than 2 people on a panel then the CCPO will re-commence the process from 3.6.
- 6.11 At least 24 hours before a Care Circle panel meets the CCPO will advise each party to the care proceedings the final composition of the panel after having completed the process set out in clause 3.10.

- 6.12 The Community Representatives of the Care Circle will meet at the chosen venue 1 hour prior to commencement of the Care Circle. The CCPO will distribute a copy of the Agreed Summary, and a copy of a Statement as to Confidentiality to each of the Community Representatives. The Community Representatives may formulate any questions to be put to the Care Circle arising from the Agreed Summary in order to clarify the information contained in that document.
- 6.13 Care Circle will normally proceed by:
1. Acknowledgement of traditional custodians
 2. Magistrate opens circle conference
 3. CCPO will collect confidentiality statements for each participant
 4. Magistrate comments on the joint summary prepared by the legal representatives/parties
 5. Discussion
 6. Magistrate summarises discussion
 7. Each party present and each Care Circle member signs a list of agreed recommendations.
 8. Magistrate closes conference
 9. Community representatives and care circle project officer debrief.
- 6.14 The CCPO issues employer letters for each participating panel member who requests one.
- 6.15 No Sheriff's Officer will be in attendance at a Care Circle unless requested by one of the parties and agreed by the Magistrate. A request for attendance of a Sheriff's Officer, with reasons supplied, should be made to the CCPO.

7. The Care Circle

- 7.1 The Magistrate will chair the Care Circle.
- 7.2 A Care Circle is a form of independent alternative dispute resolution and as such the Care Circle is not recorded and the provisions for the protection of information contained in Clause 11, *Children and Young Persons (Care and Protection) Regulation 2000* apply.
- 7.3 At the end of each Care Circle a decision needs to be made as to whether another Care Circle is required for the purpose of commenting on any care plan prior to it being tabled in court.
- 7.4 Following the first Care Circle, Department of Family and Community Services caseworkers will hold a care plan meeting, to be attended by the parents and anyone else DoCS invites to attend. A draft care plan will be finalised. This draft care plan must set out all matters raised for consideration as part of a Care Circle. This will include the reasons why DoCS have not adopted any recommendations of the Care Circle in the care plan. This may include reasons arising as a result of interviewing family members and conducting assessments of potential carers.
- 7.5 A second Care Circle may take place. At this Care Circle Department of Family and Community Services representatives will explain why any matters discussed at the first Care Circle have been, and have not been, included in the care plan or why the care plan differs in any way from what was discussed/agreed at the first Care Circle.
- 7.6 Where a second Care Circle is to be held then the CCPO will repeat the steps at 3.10, 3.11 and 3.12.
- 7.7 A list of agreed recommendations is to be signed by each Care Circle member and each party present (or their legal representative) at the end of the Care Circle.
- 7.8 At the end of the final Care Circle the Magistrate will close the Care Circle and, open proceedings in the Children's Court. The Magistrate will then determine whether to make orders by consent or, where issues remain outstanding, to make directions as necessary and list the matter to be heard before the Children's Court.
- 7.9 The Magistrate will provide to the CCPO a copy of the completed bench sheet outlining the outcomes of the Care Circle.
- 7.10 The CCPO will arrange for a copy of the outcomes to be sent to each participant, including the child representative.
- 7.11 The CCPO will keep such data as agreed between the Department of Attorney General and Justice, Department of Family and Community Services and the Children's Court for the purposes of monitoring and evaluating the program.
- 7.12 Where a care matter is listed before the Children's Court because there remain matters still to be dealt with by the Court then the care matter will be listed before a different Children's Magistrate to the one who presided at the Care Circle.

8. Post Care Circle

- 8.1 The CCPO enquires and, if need be arranges, support for each participating panel member who requests it. This support will be provided by the Employee Assistance Program which is a confidential counselling service offered by the Department of Attorney General and Justice to all of its employees and their immediate family. Care Circle panel members may have access to this service in cases where they are affected by information disclosed during the Circle process. The provider of the program is *IPS Worldwide*. The provider's services include 24-hour telephone counselling and face-to-face counselling.
- 8.2 The CCPO to seek information from each participant in a Circle as to the processes involved in conducting a Care Circle. This information will be de-identified and summarized and supplied to whichever party may request it. This will be a way of seeking to improve future circles.

9. Relevant Forms

Documents:

- (A) Expression of Interest Document
- (B) Privacy and Confidentiality Declaration – Care Circle Member
- (C) Request for History Check
- (D) Advice as to History Check
- (E) Letter of Successful Community Panel Member Applicant
- (F) Letter of Unsuccessful Community Panel Member Applicant
- (G) Agreed Summary of Matters
- (H) Letter of Advice on Date, Venue, and Consent (Community Panel Member)
- (I) Letter of Advice on Date, Venue, and Consent (General)
- (J) Letter Seeking Participation on Panel
- (K) Letter Advising Care Circle not proceeding
- (L) Letter Advising of Community Representatives
- (M) Employers Letter
- (N) Request for Assistance



**COMMUNITY REPRESENTATIVES:
CARE CIRCLES EXPRESSIONS OF INTEREST SOUGHT**

The Department of Attorney General and Justice is seeking respected community members to volunteer as Community Panel Members in the Care Circle Program. You do not need to be considered an Elder within your community to participate in this Program. If this will assist, letters of support can be provided for handing to employers.

Care Circles involve Aboriginal children and young persons from your community who are involved with the Department of Community Services and the Children's Court. Further detail about Care Circles is contained in an information sheet.

The following selection criteria applies:

- Aboriginality,
- A criminal records check. Minor offences may not exclude a person from being involved in the Care Circles,
- A history check with The Department of Family and Community Services, Community Services.

By supplying my contact details and signing this document I:

1. consent to a criminal records check being made on me. I understand that prior offences may exclude me from participating on the Circle and that this decision will be made by an Aboriginal staff member from the Department of Attorney General and Justice's Aboriginal Services Division located in Sydney.
2. consent to a KIDS check being made on me. I understand that information held by Human Services, Community Services, which shows that I might present a serious risk to the safety, welfare and well-being of children or young persons will be taken into consideration, and a decision made by a small internal Human Services, Community Services Working Party.

Name	
Address	
Contact Number	

I have read and understood this document and give my consent for a criminal records check and KIDS check to be made on me.

I _____ (name) formally request to be considered as a representative of my community in Care Circles involving children and young persons from my community.

Signed: _____

Date: _____

Please return completed form to the Care Circle Project Officer, (Location) Court.



**PRIVACY AND CONFIDENTIALITY DECLARATION -
CARE CIRCLE MEMBER**

It is extremely important that all information pertaining in the Care Circle Program is treated with strict confidentiality and that privacy of all participants is maintained.

I _____ hereby undertake that I shall keep strictly confidential, all information which I access through my involvement with the Care Circle.

I agree not to discuss information I receive through my involvement with the Care Circle outside the convened Care Circle.

I agree not to take any documentation (including notes, photographs or other records) that I receive during a convened Care Circle outside of the Court precinct of Care Circle conference room.

I agree not to distribute outside the convened Care Circle, any documentation (including notes, photographs or other records) I receive during a convened Care Circle outside of the Court precinct or Care Circle conference room.

I understand it is an offence under section 105 *Children and Young Persons (Care and Protection) Act NSW 1998*, to publish or broadcast any information, picture or other material that identifies or may lead to the identification of the child or young person subject to the Care Circle.

Signature of Member: _____

Name of Witness: _____

Witness Signature: _____ Date: ____/____/____

Copy to: Aboriginal Services Division, Department of Attorney General and Justice
Original to: Care Circle Project Officer, (*insert Local Court*)



REQUEST FOR HISTORY CHECK

re: CARE CIRCLE PROGRAM: request for a Department of Family and Community Services history check for appointment as a Community Panel Member.

Dear Community Services Manager

I am writing to request a criminal history and Community Services KIDS system audit for the purpose of screening a potential Community Panel Member to participate in the Care Circles Program.

Please advise in writing to the Aboriginal Services Division of the Department of Attorney General and Justice, whether the person(s) listed below undergoing the relevant checks, are suitable to be considered and appointed as Community Panel Member as per the Care Circle Procedure Guidelines (section 4. Establishing of a Care Circle Panel of Community Representatives).

The outcome of the history checks should be returned to:

Director
Aboriginal Services Division
Department of Attorney General and Justice
Locked Bag 5111 Parramatta NSW 2124

Enclosed is a registry of the applicant's details.

(Name)
(Title)
(Date)

REGISTRY: APPLICANTS FOR CARE CIRCLES
COMMUNITY PANEL MEMBER

APPLICANT 1: PERSONAL DETAILS			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	ADDRESS:
CHILD 1:			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	
CHILD 2:			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	
CHILD 3:			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	
CHILD 4:			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	
CHILD 5:			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	
CHILD 6:			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	
CHILD 7:			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	
CHILD 8:			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	
CHILD 9:			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	
CHILD 10:			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	



ADVICE AS TO HISTORY CHECK

CARE CIRCLE PROGRAM – (INSERT LOCAL COURT)

Notice from Department of Family and Community Services advising as to whether a person should be appointed as a Care Circles Community Panel Member.

APPLICANT: PERSONAL DETAILS			
FAMILY NAME:	GIVEN NAMES:	DATE OF BIRTH:	ADDRESS:

Tick the appropriate box

- A history check has been undertaken of The Department of Family Community Services’ files and database in relation to this person.
 Based on this information, Community Services recommendation is that (NAME OF PERSON) ***is*** appointed as a Community Panel Member with the Care Circle Program at Lismore Children’s Court.
- A history check has been undertaken of Community Services’ files and database in relation to this person.
 Based on this information, Community Services recommendation is that (NAME OF PERSON) ***is not*** appointed as a Community Panel Member with the Care Circle Program at Lismore Children’s Court.

The reason for this recommendation is.....



Department of Attorney General & Justice
Aboriginal Services Division
Care Circle Program
Locked Bag 5111
Parramatta NSW 2150

Dear (name)

Thank you for expressing interest in becoming a Community Panel Member in the Care Circle Program. Your interest and commitment to the Program is greatly valued.

It is with pleasure that I advise your expression of interest to become a Community Panel Member has been accepted. The necessary checks have been carried out to certify your expression of interest and as a result this decision was made.

The Care Circle Program has been developed to include participation from selected Aboriginal community representatives who have undergone relevant checks to meet the requirements and regulations in regard to care and protection matters.

I welcome your participation and trust that the induction program will prove useful and you will be encouraged to participate through the Care Circle Program in helping our children.

Yours sincerely

(Name)
Care Circle Project Officer
(Location) Children's Court
(Date)



Department of Attorney General & Justice
Aboriginal Services Division
Care Circle Program
Locked Bag 5111
Parramatta NSW 2150

Dear (name)

Thank you for expressing interest in becoming a Community Panel Member for the Care Circle Program. Your interest and commitment to the Program is valued.

The necessary checks have been carried out to certify your expression of interest and as a result a decision has been made and you have been unsuccessful at being appointed as a Community Panel Member.

The Care Circle Program has been developed to include participation from selected Aboriginal community representatives who have undergone relevant checks to meet requirements and regulations in regard to assessing care and protection matters.

If you do not agree with this decision you are able to lodge a request for a review of the decision.

If you choose to pursue a review of the decision, please put your request in writing and send it to the address listed at the top of this letter.

Yours sincerely

(Name)
Care Circle Project Officer
(Location) Children's Court
(Date)

**IN THE CHILDREN'S COURT
OF NEW SOUTH WALES
AT**

FILE NO.

IN THE MATTER OF:
(Name of child/young person and D.O.B.)

AGREED SUMMARY OF MATTERS
Children and Young Persons (Care and Protection) Act 1998

CHILD/YOUNG PERSON

Name of child/ young person:	
Date of birth:	

Summary of relevant family relationships:

Summary of factors alleged by Community Services, which are relevant to the child needing care and protection:

Interim Care Orders:

Possible needs of the child to be identified in any care plan:

.....
Lawyer for C.S.

.....
Lawyer for Child

.....
Lawyer for parent

.....
Dated

.....
Dated

.....
Dated

Appendix (H) Letter of advice on date, venue, and consent (Community Panel Member)



Department of Attorney General & Justice
Aboriginal Services Division
Care Circle Program
Locked Bag 5111
Parramatta NSW 2150

Dear (name)

Care Circle – (Name of Child/ren)

Arrangements have now been made for the first Care Circle in relation to the above child/ren. Details are as follows:

Date:

Time:

Venue:

It is anticipated that the Care Circle will take no longer than 3 hours, although it would be appreciated that you be available to stay longer if necessary.

Prior to the Care Circle, I will provide you with a copy of the agreed summary of the case, which will list the relevant issues and a copy of the privacy and confidentiality statement.

On request, I am also able to provide Community Panel Members with a letter to give their employers stating that the NSW Department of Attorney General and Justice considers that participation on the Care Circle is essential and as such, attendance should be considered by an employer as part of working hours. Please let me know if this letter is required.

You should be aware that during the Care Circle, Community Panel Members will receive information that may raise emotional issues, and so may need professional assistance and support. If such assistance is required, please contact me immediately and I will arrange for you to be linked with a professionally qualified counsellor. These arrangements will be confidential.

At the end of the first Care Circle, there will be a discussion as to whether a second Care Circle is necessary. If it is decided that a second Care Circle be convened, I will contact you again to notify you of the date, time and venue.

Thank you for your participation in the Care Circle Program. Please do not hesitate to contact me if you require any further information.

Yours sincerely

(Name)

Care Circle Project Officer

(Location)

(Date)



Department of Attorney General & Justice
Aboriginal Services Division
Care Circle Program
Locked Bag 5111
Parramatta NSW 2150

Dear Care Circle Participant

As you will be aware, care proceedings for (name of child) have been determined by the Children's Court as suitable for a Care Circle.

While it is now necessary to recruit Community Panel Members, and to obtain confirmation of that Community Panel, preliminary arrangements have been made with the anticipation that this Care Circle will proceed.

To assist with your planning, I advise that the first meeting of this Care Circle will occur on:

Date:
Time:
Venue:

I also advise that the Children's Court has given consent under section 105(3)(b)(i) *Children and Young Persons (Care and Protection) Act 1998* to release to you the name and identifying information of the child/ren involved in this Care Circle.

If the Care Circle does not proceed, I will advise you accordingly. If the Care Circle does proceed, then closer to the event, I will forward you the following information:

- names of each community representative,
- an agreed summary of the care proceedings,
- a statement of confidentiality.

Thank you for your participation and co-operation.

Yours sincerely

(Name)
Care Circle Project Officer
(Location)
(Date)



Department of Attorney General & Justice
Aboriginal Services Division
Care Circle Program
Locked Bag 5111
Parramatta NSW 2150

Care Circle Nomination

I refer to your appointment as a Community Panel Member in the Care Circle Program conducted by (Location) Children's Court.

I advise that a care matter currently before (Location) Children's Court is a suitable matter to proceed to the Care Circle Program. You have been selected to be a Community Panel Member on this Care Circle. The details of the child and the child's parents have been supplied to you.

The panel will meet on (date) and meet at (venue).

When deciding whether it is appropriate for you to sit on this Care Circle, you should consider:

- your relationship (if any) to the child and to the parents,
- whether you have any conflict of interest.

Can you please confirm the following with me:

- that you agree this child is Aboriginal,
- that you agree to be a Community Panel Member for this Care Circle and let me know what relationship (if any) you may have to the child or either of the the childs' parents.

You can confirm this information by telephoning me on (phone number) as soon as possible, and then signing and returning the attached confidentiality document.

As you are aware, Children's Court proceedings take place in a closed Court to protect the identity of the parties. Please ensure that confidentiality is maintained and do not discuss the names of the family, or their details to anyone who is not participating in the Care Circle.

Yours sincerely

(Name)
Care Circles Project Officer
(Location)
(Date)



Department of Attorney General & Justice
Aboriginal Services Division
Care Circle Program
Locked Bag 5111
Parramatta NSW 2150

Care Circle Participant

Further to earlier communications, I advise that a decision has been made not to proceed with a Care Circle in the care proceedings of (name of child).

In accordance with the general policy of the Care Circle Program, no reasons justifying this decision will be provided. This is not intended to lessen the value of your participation and co-operation, but recognises our need to focus on the children.

It is the children who must be the focus of all aspects of the Care Circle Program.

Thank you for participating in the Program to date.

Yours sincerely

(Name)
Care Circles Project Officer
(Location)
(Date)



Department of Attorney General & Justice
Aboriginal Services Division
Care Circle Program
Locked Bag 5111
Parramatta NSW 2150

Dear Care Circle Participant

Please be advised that the Children's Court care proceedings involving (name of child) is to proceed to the Care Circle Program.

As you may be aware, up to 3 Aboriginal community representatives appointed as Community Panel Members will sit on the Circle and participate in a discussion of your matter. The discussion will include such issues as:

- where the child should live during the court case if they are not able to stay with their parents
- where the child should live if final orders are made which require them to live with someone other than their parents
- what changes need to be made by the parents if their child is to be returned to their care
- what assistance parents may need to be able to make those changes.

A panel of people from local communities has already been appointed. Their names are: (insert names of Community Panel Members).

They advise that their relationships to the child and parents are: (insert details).

If a child or parent (or their legal representatives) objects to one of these people being a Community Panel Member, then they should contact the Care Circle Project Officer to have the care matter heard on the next Children's Court list day. At that time the Court will hear submissions as to why one or more of the Community Panel Members should not sit on this particular Care Circle. It will then be a matter for decision by the Court, after considering the submissions made, as to who will sit on the Care Circle.

Contact me on (phone number) and I will arrange for the matter to be listed before a Magistrate to hear your objection.

Yours sincerely

(Name)
Care Circles Project Officer
(Location)
(Date)



Department of Attorney General & Justice
Aboriginal Services Division
Care Circle Program
Locked Bag 5111
Parramatta NSW 2150

Care Circle –(Location) Children’s Court

Your employee, (Name), is a respected member of the local Aboriginal community, and as such has been selected to participate in a Care Circle at (*location*) Children’s Court on (date) as a Community Panel Member. To enable her/him to participate in this valuable Program, he/she will need to be released from his/her regular duties on that day. My Department considers this Program is critical to the well-being of Aboriginal children in the (*insert location*) area, and as such is reliant on your co-operation in supporting your employee’s participation in the Care Circle Program being considered as part of his/her working hours.

The Care Circle Program is run by the NSW Department of Attorney General and Justice at (*Location*) Children’s Court. This is a new initiative addressing care matters involving Aboriginal children that the Magistrate has determined are in need of care and protection. In most cases these children have been removed from their families because of issues such as neglect or physical or psychological abuse.

The Care Circle Program has been incorporated into the court process to enable members of the local Aboriginal community to participate in the process. These Community Panel Members assist the Court by participating in a discussion with the Magistrate, DoCS caseworkers, the parents and the legal representatives about what needs to be done to care for the children in the future. The community representatives’ contribution is a significant one, as they bring with them local knowledge, understanding and knowledge of the family’s kinship connections and knowledge of culture and tradition.

It is likely that a second Care Circle will be convened in this matter at a later date, (about 6 weeks after the first Care Circle), in which case (name)’s attendance may be required again on that day. It is stressed again that your support in recognising his/her working hours would be greatly appreciated. A decision will be made at the end of the first Care Circle as to whether a second one is required in this matter.

Each Care Circle should take no more than 1 day. It is unlikely that your employee will be called upon more once per quarter.

If you require any further information about the Care Circle Program, please contact (name), the Care Circle Project Officer on (phone number).

Yours faithfully,

**L Glanfield
Director General**

Appendix (N) Request for assistance



COMMUNITY PANEL MEMBER: REQUEST FOR ASSISTANCE

To: Care Circle Project Officer
(*Location*) Children's Court
(address)

On, _____(date), I _____(name),
participated in a Care Circle as a Community Panel Member.

As a consequence of my participation in that Care Circle, I request counselling support.

My contact details are:

Address	
Contact Number	

Signature: _____

Date: _____