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Response to Green Paper Kinship Care Policy in Victoria

1. Introduction

The Department of Human Services, by releasing its Green Paper on Kinship Care Policy in Victoria, has provided the welcome opportunity for others to add to the wide ranging research and consultation that has taken place already. International Social Service (ISS) Australia, through its work with children and families across borders, is well placed to contribute an expert perspective on kinship care where the kinship carers are overseas.

Commitment by DHS to a 'coordinated approach with other departmental initiatives to longer term issues of resourcing and implementation' is most welcome. Alternative services not yet fully explored include those offered by ISS Australia. Although ISS Australia is a partner of DHS through the Memorandum of Understanding signed in 2006, there is much more that can be done from an inter-country perspective.

Indeed, the report overlooks the inter-country aspect of kinship care altogether. Demographics alone indicate that children with one or both parents born overseas comprise a significant number. Statistics from the ABS 2006 Census indicate that approximately 200,000 children in Victoria, aged 17 years and under, were born to overseas parents. The figure is markedly higher if the number of children with one parent born overseas is added. Given the large numbers of Victorian children born to overseas parents, there is great scope for ISS Australia, with its extensive international expertise and access to a broad international network, to greatly enhance the work done by DHS across international borders with children and families. To this end, this paper sets out some of the opportunities for greater collaboration between DHS and ISS Australia.

Our response to the Green Paper focuses on kinship care across international borders and covers:

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2. International Social Service

2.1 History and mission

International Social Service (ISS) is an international non-profit, non-government, social welfare organisation without political or religious affiliation. The casework of ISS focuses on the care, protection and support of children and families across two or more countries and is underpinned by the 1989 United Nations Convention on the Rights of the Child and the Hague Conventions relating to children.

The International Reference Centre run by ISS in Geneva undertakes and publishes research on foster care, adoption and related topics from around the world. Twice monthly ISS branches such as ISS Australia receive the latest fact sheets from them, though the information is also available to others on their website www.iss-ssi.org. Central authorities from subscribing countries can also access other valuable information from the ISS International Reference Centre.

ISS has branches and correspondent services in more than 150 countries. ISS Australia has a national office in Melbourne and a state office in New South Wales. The Department of Community Services NSW fully funds the NSW Office for its services including kinship placement work. The national office provides services to all other states and territories on a fee for service basis.

ISS Australia currently delivers services in 5 main areas:

1. Child welfare services
 - Assessments for placement of children currently in out of home care in Australia with overseas relatives, via the ISS network
 - Assessment of kinship carers in Australia for children in care overseas
 - Welfare assessments of children/families usually resident in Australia while they're overseas
 - Facilitating contact arrangements for children with a parent or other family members abroad
 - International background checks (police and child protection)
 - Comprehensive case management service (in NSW only)
2. Family counselling and mediation
 - Facilitating contact between children and parents where a parent is overseas
 - Counselling and mediation where there is a cross-border dispute about parenting arrangements
 - Psychosocial assessments and reports for children involved in cross-border family disputes
3. Tracing and reunification
 - Tracing direct family members either post-adoption or for other reasons via the ISS network
 - Facilitating reunification and associated counselling and support
4. International Parental Child Abduction (IPCA) Service
 - Telephone advice and support service to parents and children affected by abduction
 - Telephone advice for other professionals working with affected families
 - Community education on IPCA issues

5. Training program
 - Training on child rights and the Hague Conventions
 - Professional skills training on child-centred practice

2.2 ISS Australia's kinship care work

ISS Australia already undertakes inter-country casework relating to kinship care although referral levels are lower in Victoria than in NSW and Queensland. Using the ISS international network we are able to trace immediate family members, provide home assessments for possible overseas kinship carers for children in Victoria requiring kinship care and, ultimately, arrange follow up support for placements.

Conversely, ISS Australia receives referrals from overseas ISS units for children in other countries with child protection needs whose kinship carers are in Australia. Through our mediation-based approach (one parent or family member in Australia is assisted by ISS Australia and the other parent or family member overseas is assisted by the ISS unit there), ISS Australia is able contribute to the work DHS does locally in family decision making meetings.

Below are three example cases illustrating the work done by ISS Australia. Some identifying details have been changed to protect the privacy of ISS Australia clients.

Case Study 1

DHS Victoria referred Juan, a 5-year-old boy, to ISS Australia because his mother, due to drug use and mental health issues, could not look after him. Juan was in foster care and had an attachment disorder.

Although Juan's father returned to South East Asia before his son's birth, he expressed interest in caring for his son overseas. At the request of DHS, ISS Australia contacted the ISS branch in the country concerned and they made a home assessment. Since the father had a history of drug abuse, drug tests were undertaken and found to be negative. Because some concerns remained about Juan's father and alcohol abuse, Juan's paternal grandparents who live with Juan's father, were to be assessed as the main carers. The assessment went well. A Best Interest Planning (BIP) meeting/teleconference (to South East Asia) about Juan's situation was held, where all the involved workers and family members participated. Family included Juan's father and paternal grandparents in South East Asia and a relative in Australia. Juan's mother was reportedly invited in Australia but did not attend. It was decided that it would be best for Juan to move overseas to live with his grandparents and father.

ISS Australia then contacted the relevant Consulate to enquire about visas and Juan obtaining dual citizenship. Juan's grandmother agreed to come to Australia and take Juan home with her. Support letters, both from DHS and ISS Australia, which were sent overseas were influential in assisting the grandmother obtain an extended visa to establish a relationship with Juan, and also to arrange his dual citizenship, prior to returning overseas.

Case Study 2

A rural DHS regional office referred Clare, an 8-year-old girl, after she had been placed in foster care, even though Clare and her mother were not Australian citizens, having come to Australia on visitors' visas. The case was referred to ISS Australia to:

- Liaise with relevant child protection departments in their country of origin regarding past involvement of the family with child protection overseas;
- Assess family members in their country of origin as potential carers; and
- Assist in planning for Clare's return home.

Much work was involved in achieving all of the above. Through the ISS branch overseas, ISS Australia obtained detailed reports of previous child protection involvement and forwarded these reports to the referring DHS office. A number of potential carers came forward. The overseas ISS branch liaised with the relevant child protection agencies and identified that an aunty was the most suitable carer. They also provided very helpful information about how child protection services are organised in that country and the legal implications for Clare's care. ISS in the other country was able

to advocate that Clare be returned to the state in which her would be carer resided and not the state to which his mother opted to return. Finally, ISS Australia linked the regional DHS office with the relevant child protection agency overseas, enabling Clare's return home.

Case Study 3

The case of Ken was originally referred to ISS Australia by one of our European branches. Ken, a 13-year-old youth and middle child in a family of 5 boys and was acting out aggressively in a way his parents couldn't manage. A foster family in mother's country of origin wanted to continue to provide foster care for Ken but this arrangement had to be approved by the local courts. Ken and foster parents were in favour of Ken staying to mother's country of origin to be with foster parents where his behaviour was more settled.

His parents reported mixed feelings about the move. However, despite intensive input from local services e.g. Anglicare, MacKillop Family Services, Royal Children's Hospital Child and Adolescent Mental Health Service amongst others, neither Ken's nor his family's needs were able to be met. A psychiatric assessment recommended foster care. During a return stay with his parents in Australia, Ken's brother was referred to DHS protective services after being assaulted by Ken.

The ISS branch in the European country concerned referred Ken and his family to ISS Australia. They explained the legal requirements for foster care and asked that ISS Australia also evaluate whether the family in Australia could manage Ken's care with adequate support.

ISS Australia:

- Conducted a home assessment
- Liaised with all involved agencies
- Arranged a case conference of all agencies
- Obtained reports from involved professionals/agencies
- Liaised with the ISS branch overseas
- Checked that the agreed outcome was acceptable to all parties

After the legal requirements were fulfilled, Ken was placed with the foster parents overseas.

2.3 Memorandum of Understanding

The Department of Human Services and ISS Australia have a Memorandum of Understanding (MOU), signed in 2006 by Gill Callister, then Executive Director of the Office for Children, under which some aspects of kinship care work are undertaken by ISS Australia on a fee-for-service basis. The purpose of the MOU is to improve the delivery of services to children where there are international child protection issues. The MOU documents the statutory responsibilities of Child Protection and the roles and responsibilities of ISS Australia and how the two parties work together.

Since the signing of the MOU, there has been little change in the relationship between DHS and ISS Australia; the anticipated increase in referrals for inter-country matters has not occurred and there has been no measurable increase in inter-country kinship placements either into or out of Victoria. This is certainly a missed opportunity as ISS Australia could contribute a great deal more to the well being of more children whose main carers are overseas. To reverse this situation, ISS sees itself having a bigger role to play in the proposed service design outlined in the Green Paper.

2.4 Victorian Kinship Placement Project

In January 2008, ISS Australia commenced work on our Victorian Kinship Placement Project, funded by the Fred Archer Trust. The project seeks to achieve better outcomes for Victorian children who are placed in alternative care by exploring the capacity of family members overseas to be potential carers for these children.

The first phase of the project is to liaise with DHS about the project, to develop our working partnership, and to identify any children in the 'child protection system' who may benefit from overseas kinship care. In the second phase, children in the Victorian 'child protection system' are

referred to ISS Australia for assistance. This involves tracing family members overseas, undertaking assessments and, if appropriate and possible, undertaking the inter-country casework required to facilitate the placement.

A definition of kinship care is provided in the Green Paper:

“Kinship care is the care provided by relatives of a member of a child's social network when a child cannot live with their parents. Statutory kinship care are those care arrangements where Child Protection intervention has occurred and a decision has been made to place a child in a kinship placement, and an order of the Children's Court may be in place.”¹

However, based on our experience at ISS Australia, we would include in the definition of kinship care situations where a child is placed with a parent with whom the child has had little or no contact previously and that parent's new partner or kin. ISS Australia's Kinship Placement Project therefore adopts this broader definition of kinship care.

It is anticipated that the Victorian Kinship Placement Project will enable ISS Australia to engage more closely with DHS in order to promote inter-country kinship care as an option with potential to improve outcomes for Victorian children.

3. Response to the Green Paper

3.1 Data and Population Profile

The Green Paper reports statistics showing increasing numbers of children in Victoria entering kinship care in recent years. However, other data kept by the Department of Human Services is not easily accessed by a service like ISS Australia. It would be useful to know more about carers, for instance their ethnic background and the numbers of kinship carers who are based overseas.

Neither has it been possible for ISS Australia to learn DHS statistics regarding the ethnicity of children being notified to child protection. If the percentage of notified children from overseas backgrounds is lower than their percentage in the general population, there is cause to ponder. It may mean there are certain protective factors aiding resilience in these children or it may mean they do not have the same access to child protection services as children from the mainstream.

Alternatively is the ethnic background of children in statutory care simply under-recorded? If it is known that children were born overseas or of parents from overseas, are primary workers either in child protection or community service organisations considering relatives overseas as a potentially vital part of the child's support network? Or is the overseas family network being overlooked?

As noted in the introduction, a significantly large number of Victorian children have one or both parents born overseas. Based on the ABS 2006 Census, approximately 200,000 children 17 years and under in Victoria were born to overseas parents. The figure is considerably higher if the number of children with one parent born overseas is added.

At a meeting with DHS, Home Based Care senior staff in February, this year, ISS Australia was advised that it would be very helpful for DHS to know numbers of children of different ethnic groups in Victoria. From the 2006 census figures for Victoria, in the age group '0-4' there are 25,957 children who are from other countries than Australia, and in the age group '5-14' there are 75,739. The major groups of children in Victoria, aged 14 years and under, born overseas are:

“New Zealand (7751), United Kingdom (6745), India (3622), the Philippines (2290), USA (2214), South Africa (2068), China (1909), Sri Lanka (1685), Singapore (1350), and Malaysia (1343).”²

¹ Department of Human Services, 2008, Kinship Care Policy in Victoria Green Paper, p.6.

² Australian Bureau of Statistics website.

ISS has branches, affiliated bureaux or correspondents in all the above countries. With the exception of New Zealand whose government has an agreement to work directly with child protection services in Australia, ISS Australia could provide an inter-country service with all the countries mentioned above. Although there is no correspondent based in mainland China, Hong Kong, a large ISS branch, is increasingly involved in providing inter-country services there.

3.2 Principles

ISS Australia works from a foundation of principles similar to those outlined in the Green Paper. In addition, at the state level, ISS Australia's practice is governed by relevant legislation such as *The Children, Youth and Families Act 2005* while methods of operation for general casework are outlined in the International Social Service Casework Manual, 2000. As it is a social work organisation, ISS Australia's ethics are consistent with that of the Australian Association of Social Workers Code of Ethics.

"Best Interests" Principles

The "best interests" principles³ fundamental to DHS practice in kinship care are consistent with the ISS approach whose foundation principles are based on the United Nations 1989 Convention on the Rights of the Child, Article 3, which states that:

"All actions concerning the child shall take full account of his or her best interests. The State shall provide the child with adequate care when parents, or others charged with that responsibility, fail to do so."

The work of ISS is also underpinned by the international Hague Conventions relating to children:

- 1980 Hague Convention on International Child Abduction;
- 1993 Hague Convention on Inter-country Adoption;
- 1996 Hague Convention on Child Protection.

Kinship Principles

The "kinship principles"⁴ mentioned in the Green Paper are also consistent with the ISS approach. ISS uses a mediation-based approach with one parent or family member being assisted by ISS Australia and the other parent or family member overseas being assisted by the ISS unit in that country. ISS Australia is thereby able to contribute to work DHS does locally in family decision-making meetings by extending it to the international arena.

An example is case study 1 above, the case of Juan, where the best interests and family teleconference meeting took place in the regional DHS office with relevant stakeholders including ISS Australia being present. In the overseas ISS branch office at the other end of the telephone were Juan's father, paternal grandparents and the local ISS social worker.

From our international experience, ISS Australia has found the local social workers at the ISS offices overseas are well placed to assess family members and advise on cultural factors and legal requirements, for example, in relation to the child protection and social service systems. In case study 2 above, the ISS branch was able to discern the unsuitability of some of the potential carers. They were also able to give very helpful advice about child protection procedures in that country that facilitated planning. Finally, they advocated for the child to receive a service in the locality to which he returned. This level of service wouldn't be possible without referring the case to our ISS partner overseas.

3.3 The Service Design as a Whole

Basic Planning

As a stakeholder, ISS Australia could be involved from the 'basic planning' stage initially, in a consultancy role, or to commence concurrent planning when there is still hope that the parent/s with primary responsibility in Australia will resume full-time care of the child. Should the Australian option

³ DHS, p. 12.

⁴ DHS, p. 12.

not work out, however, the overseas kinship carer could have been assessed through the ISS network in preparation for the possibility of assuming responsibility for the child. An example, is case study 3 listed above. Earlier referrals could avoid 'drift in out of home care.'⁵ Currently, ISS Australia's role is usually limited to obtaining and overseas assessment and our expertise tends not to be utilized for all elements of the service system.

Work in consultation with families

The philosophy of kinship planning is to involve family before outside services. However, for children whose kin are overseas, outside foster care services are utilised, sometimes for lengthy periods, before a referral is made to ISS Australia. It seems that the good practice of creating opportunities for the family to exercise shared responsibility is generally not extended to overseas kin and family members overseas therefore may not be aware of the seriousness of the child protection issues their young relative in Victoria is facing. If they are not involved early in the process as Victorian based families can be, overseas relatives' contributions can be lost.

Currently, when DHS refers a case to ISS Australia, it is at the final 'individualised services'⁶stage, meaning kin overseas are only considered as a last resort, thereby wasting valuable time for the child. When overseas kin are considered only as a last resort, there is also less preparation and support available to them to help the child and parent cope with kinship care.

A Set of Basic Resources

ISS branches are well placed to assist in the process of kinship carers adjusting to 'normal' daily life.⁷ This is consistent with the literature and research from the ISS International Reference Centre which has found that ongoing support for kinship placements is essential to minimise the risk of breakdown.⁸

As a national organisation, ISS Australia has the opportunity to learn about research and best practice in other states. ISS Australia is therefore uniquely placed to benefit from interstate experience that can enrich the service offered by us to DHS and clients alike. In particular, ISS Australia's National Office in Melbourne benefits from the experience of our NSW Office. Because it is fully funded by the Department of Community Services, the NSW Office is able to provide a more comprehensive service in the area of inter-country kinship care.

Access to basic resources is also important for carers receiving children from overseas. ISS Australia is able to provide supportive counselling to the kinship carers of children from overseas and these carers would also benefit from access to the services recommended in the Green Paper including information, caregiver reimbursement, relative peer networks, individual assistance to the child and respite activities for the child and carer.⁹

3.4 Three Phases in a Response

ISS Australia agrees with the three phases approach and we propose involvement of ISS Australia at all three phases in inter-country matters.

Widespread use of internet and mobile phones means child protection workers sometimes communicate directly with overseas family members or colleagues. However, the experience of ISS Australia, both in Victoria and interstate, is that when child protection workers take on the inter-country liaison role, the work often is not followed up. This can be due to a number of factors such as time differences between here and overseas, heavy workload and high staff turnover.

It appears that child protection workers simply do not have the time to research the correct people to contact and to navigate overseas systems. This means there is important legal and cultural knowledge relevant to the other country of which they may be unaware. ISS has a system in place to provide such a service using the expertise of the ISS international network. Case study 2 above

⁵ For a discussion of 'drift in out of home care' see Clare B, Family Reunification, Rhetoric and Risks, Children Australia, Vol. 27, No. 3, 2002.

⁶ DHS p.14

⁷ DHS p.15

⁸ International Reference Centre, 'Provisional Protective Measures: Family Placement', Fact Sheet 17, July 2006

⁹ DHS p.16

illustrates this point. The local DHS worker developed a co-operative working relationship with a colleague overseas. However, the whole process was in danger of stalling when it became apparent that the child would be returning to another state in the country of origin. The local expertise of ISS in the other country proved to be crucial as they were able to advise on child protection regulations in the other state and advocate for a service to be provided there.

Indeed, the Green Paper makes the point that while the valuable role of the child protection service is acknowledged, it is recognised that child protection workers face competing demands. A child considered at risk in his/her own home will understandably be prioritised over a child in foster care who is considered 'safe.' ISS Australia can maintain focus on the child concerned and contact Child Protection and ISS units overseas at least weekly to facilitate an outcome as quickly as possible.¹⁰

Placement Commencement Phase¹¹

Kin overseas need to be involved at this stage so that they can offer support to the family members overseas and begin preparation should they be required to care for the child. Currently, ISS Australia does not receive referrals from DHS until after the child is placed in foster care.

Harnessing extended family support earlier through an early referral to ISS Australia may prevent the need for out of home care. Alternatively, should the parent not be able to address the protective concerns, plans are underway for kinship care to proceed thereby minimising lengthy stays in foster care. In other words, ISS Australia would welcome the opportunity to contribute to a concurrent planning process.¹²

Child and Family Stabilisation Phase¹³

In this phase, there is the potential for ISS Australia to make a greater contribution at all 3 Levels of Care.

At Level 1 (minimum support), it is proposed that responsibility remains principally within DHS, although ISS Australia can provide a consultation service and an inter-country link through the ISS network if required. ISS Australia employs social workers skilled in the areas of cross-cultural child welfare and assessment who could be consulted about child welfare cases where the main carers are overseas. Concurrent planning could commence if this is in the best interests of the child.

At Level 2 (episodes of support), there is again a potential role for ISS Australia, otherwise children, parents and extended family would miss out on the benefits of this service available to children whose relatives all live in Australia. Already ISS units around the world provide or organise assessments, support, and/or monitoring services for children who have been the subject of protective concerns when visiting family overseas. Through our mediation-based approach, we also facilitate access for children with both parents unless this goes against the child's best interests.

At Level 3¹⁴ (case management) ISS Australia would need to have access to more resources to make an effective contribution and ensure that families in inter-country matters can access a comprehensive case management service. In domestic cases, case management services may be contracted out to community organisations but where the kinship placement crosses international borders, such a service is either not available or is only available in a very limited way. By contrast, in NSW, ISS Australia receives funding from the NSW Department of Community Services to provide a comprehensive case management service in inter-country matters.

Stability phase¹⁵

Research from the ISS International Reference Centre¹⁶ validates the importance of support post placement for children, kinship carers and parents and ISS Australia could provide the required support through our international network where a Victorian child is placed overseas. It is also crucial

¹⁰ DHS p. 23

¹¹ DHS p. 17

¹² For a discussion of concurrent planning, see Brydon K, Barriers to permanency planning: What the literature suggests, Children Australia, Vol. 29, No. 3, 2004.

¹³ DHS p.19

¹⁴ DHS p.21

¹⁵ DHS, p.22

¹⁶ International Reference Centre, Ibid.

that Australian-based families providing kinship care to children from overseas have access to the supports suggested such as peer group support. The alternative could be that placements break down leading to higher costs in both monetary and human terms.

Again, there is potential for ISS Australia to make a contribution once a stability plan is in place but the resources required would need to be considered. Currently, with funding we receive in NSW, ISS Australia is able to support the ongoing stability of inter-country kinship placements, when required, for the matters we case manage in NSW.

3.5 Basic Services¹⁷

ISS Australia supports the proposed basic services in the areas of information, caregiver reimbursement, relative peer networks, individual assistance to children placed and respite activities for the children and carers. It would be important for ISS Australia staff to be aware of the basic services outlined so that Australian kinship carers of children placed from overseas could access them. Providing services in a timely fashion to kinship carers who are ISS Australia clients could prevent the placement breaking down. Children who came from overseas with protective concerns having to go into care a second time in a new country would experience added trauma. Indeed the Green Paper refers to crisis theory confirming 'that targeted input in the early period can mobilise strengths.'¹⁸

3.6 Regional DHS Kinship Units¹⁹

ISS Australia could develop better relations with these units to facilitate the kinship placement process at every phase in the care response where children are known to have potential kinship carers overseas. Services for such children would also be enhanced if ISS Australia were to be included in discussions around whether, in specific inter-country cases, they would be better to be managed by the regional kinship care unit or by ISS Australia.

3.7 Steps and Considerations in Implementation

ISS Australia agrees that there should be a systematic response²⁰ to the need to address service gaps and deficits.

- Skill development – Staff at ISS are skilled in inter-country casework, cross cultural counselling and working with extended families across borders. We also have extensive experience as a training provider in the areas of child rights, international conventions relating to children and child-centred practice. ISS Australia is ready and able to share its skills and extend the training and advisory service we already provide.
- Interface – ISS would welcome the opportunity to develop relationships with the central DHS Kinship Unit and regional Kinship Care Units as well as Inter-country Liaison staff.
- Guidelines and protocols – The 2006 MOU provides a protocol for child welfare referrals but it is acknowledged by senior DHS staff and ISS Australia alike to be outdated. Although the MOU allows for a fee for services, few DHS staff know of its existence and referral levels are very low. Difficulties then arise when negotiating fees and charges over individual cases.
- Resources – This is a major issue for ISS Australia. Current fee for service arrangements under the MOU do not provide adequately for kinship support and do not enable ISS Australia to provide an effective responsive service for children whose kin are in another country. With recurrent funding ISS Australia could have a higher profile, attracting more referrals thereby providing a better service to children. It would also make it possible to deliver services more systematically and provide a more comprehensive case management service for inter-country matters.

¹⁷ DHS, p.25

¹⁸ DHS, p.15

¹⁹ DHS, p.27

²⁰ DHS, p.32

4. Conclusion

Demographics obtained from ABS data indicate the high numbers of children with parents born overseas and this suggests there is potential to improve outcomes for children in care in Victoria where their kin live mostly overseas.

ISS Australia supports the service design outlined and proposes a greater level of involvement for ISS Australia in the 3 phase response. For kinship care in the future, DHS has presented a service design for comment. One of the alternative services not yet explored is ISS Australia and the services we provide relating to inter-country kinship care placements.

In Victoria, ISS Australia already provides a kinship care service by providing assessments of and support to carers in inter-country matters. ISS Australia's NSW Office provides a much more comprehensive service like that described in the Green Paper under all 3 levels of care in the 'Child and Family Stabilisation Phase' and also the ongoing support required under the 'Stability Phase'. With adequate funding, ISS Australia could provide this more comprehensive service in Victoria.

By developing a closer working relationship between ISS Australia and DHS Kinship Units, not only children in out of home care but kin who accept children from overseas might benefit from the support described as a set of basic resources, for example respite. Such timely support could prevent placement breakdown and children going into care again.

Internationally, ISS Australia draws on the expertise of the ISS International Reference Centre and of colleagues in the ISS international network. Because ISS Australia also provides a nationwide service, there is much to be learned from working closely with interstate child protection services.

ISS Australia has something to offer in the area of skill development and much to gain in the area of resources. It could put the reported underused resources from OOHC for kinship care to good use to benefit children in Victoria who might otherwise be left drifting in foster care.

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