

# Charter of Rights for Children and Young People in Out-of-Home Care

Foster carers play a vital role in promoting and protecting the rights of children and young people in out-of-home care. The Charter of Rights outlines the general rights and responsibilities of every child and young person in out-of-home care. These rights reflect those of any child or young person. *The Children and Young Persons (Care and Protection) Act 1998* requires that these rights are supported by carers and caseworkers.

## THE PURPOSE OF THE CHARTER OF RIGHTS IS TO:

- provide children and young people in out-of-home care with a clear statement of their rights and responsibilities
- provide a guide for carers and workers who have responsibility for ensuring children and young people in out-of-home care know about their rights and responsibilities
- help children and young people in out-of-home care assert their rights

Two comic-style Charter of Rights booklets are available for children and young people. One is for children aged 7 to 12. The other is for young people aged 13 to 18.

## WHAT DOES THE CHARTER OF RIGHTS MEAN FOR ME AS A CARER?

Under Section 162 of the Act, you must uphold the rights outlined in the Charter.

If you are an authorised carer, you can help the children or young people placed with you by explaining the Charter to them in a way that they can understand and by helping them with any questions they may have.

## HOW DO I GO ABOUT EXPLAINING COMPLEX TERMS?

A child or young person may have difficulty understanding some of the terms used in the Charter. While the pictures in the booklets help explain some of the meaning, it is important to check that children understand.

Information to help you to explain different terms to the children or young people in your care is provided below. If you find it hard to explain the terms after you have read this information, you can contact a caseworker for more help.

**Caseworker:** Some children or young people may know caseworkers by name or by a title other than 'caseworker'. Carers can help children who are not aware of the term 'caseworker' by letting them know what a caseworker does and how they can contact a caseworker.

**Records:** Some children and young people are not aware that out-of-home care organisations keep records on the children and young people with whom they have contact. Children and young people may not know how to look for this information. Carers can help children and young people to understand that there is an official record kept of their time in care and that they are able to access it.

**Leaving care:** In the Charter, leaving care refers to young people 15 years or over and their right to have a leaving care plan developed for them by their out-of-home care organisation. The leaving care plan should identify any assistance they might require after they have left care. To children and young people in out-of-home care, particularly younger children, 'leaving care' could be interpreted to mean different things, such as returning home to their birth families. Children and young people in out-of-home care may benefit from talking about this right and how it may relate to them at present or in the future.

**Out-of-home care organisation:** Some children or young people may not know the name of the organisation which has arranged their out-of-home care placement, whether it's DoCS or another out-of-home care provider. It would be helpful to let them know which organisation is involved in their care so that they know which organisation to contact if they need to.

## HOW CAN I GET EXTRA COPIES?

There are two different versions of the Charter. One booklet is for children aged 7 to 12 years and the other is for young people aged 13 to 18 years. The booklet for 13 to 18 year olds includes some additional explanation about each of the rights in the Charter.

A copy of the Charter is given to a child or young person at the time they enter out-of-home care. The caseworker who arranges the placement will discuss the Charter with the carer/s and the child or young person as they develop the child's case plan. Children already in out-of-home care will be provided with a copy of the booklet when they turn seven.

If a child or young person in your care, does not have a copy of the Charter of Rights, please contact your local DoCS' Community Services Centre or the agency responsible for the placement to request a copy.

Copies of both booklets are also available at [www.community.nsw.gov.au/charter](http://www.community.nsw.gov.au/charter).

## THE CHILD OR YOUNG PERSON I AM LOOKING AFTER IS RELATED TO ME. WHY HAS THE CHARTER OF RIGHTS BEEN SENT TO THEM?

If your relative is the subject of an order made by the Children's Court, he or she is considered to be in out-of-home care and so will be sent a copy of the Charter automatically. As an 'authorised carer' you will also receive information about the Charter.

## WE HAVE CHILDREN OF OUR OWN AND ARE ALSO FOSTER CARERS. HOW DO WE USE THE CHARTER OF RIGHTS?

Most of the rights in the Charter are things we all take for granted within our families, including maintaining culture and religion, participating in decisions, and getting information and help when it's needed.

You might want to have a family discussion about the rights in the Charter.

You might decide to have a number of talks over a period of time, particularly if the children are younger. You can then talk about a few of the rights each time.

Based on your knowledge of the individual children, you may decide to take a different approach. For example, it might be better to talk to the child or young person individually about the Charter. If you are unsure about how to approach the discussion, or would like some more information about a particular right, contact a caseworker and discuss it with them.

## THE CHILD I AM CARING FOR IS VERY YOUNG AND WON'T UNDERSTAND WHAT A 'CHARTER' OR A 'RIGHT' IS

The Charter of Rights is being distributed to children and young people in out-of-home care who are over six years of age. This is because very young children won't understand the ideas in the Charter. They will best learn from what they experience. As a carer you can help them understand about rights by making sure that you understand and apply the rights in the Charter.

As the child matures, his or her understanding of the rights included in the Charter will change. As with most things, it is important that you take the child or young person's stage of development into account when deciding how to explain ideas in the Charter.

## WHERE CAN I FIND MORE INFORMATION ABOUT THE CHARTER OF RIGHTS?

- You can speak to a caseworker at your local DoCS' Community Services Centre (phone numbers are listed on the DoCS website or in the White Pages. Look under 'Community Services, Department of')
- You can find more information on the DoCS' website at [www.community.nsw.gov.au](http://www.community.nsw.gov.au)
- You can speak to a caseworker at the non-government organisation that supervises the placement.