

This guide is intended to assist Foster and Kinship carers (Carers) understand the function of the Contact Arrangements Review Panel (CARP) and identify how Carers can be part of the process.

CARP is established in accordance with section 94 of the *Children and Young People (Safety) Act 2017 (CYP SA)* and regulation 25 of the *Children and Young People (Safety) Regulations 2017*. The Panel consists of at least 3 people, at least one of whom must not be part of the Department and at least one who must be qualified in matters related to the protection of children and young people. CARP's main function is to review contact arrangements between a child or young person and anyone who they may or may not have contact with.

Step 1: DCP CE decides who can have contact with a child

The DCP Chief Executive (CE) or delegate can make a 'determination' about who can and cannot have contact with a child or young person in care. For example: the CE might determine that a biological parent can have contact with a child or young person, under Section 93 of the CYP SA.

CARER INPUT: Section 82 of the CYP SA states 'an approved carer in whose care a child or young person is placed, is entitled to participate in any decision-making process relating to the health, safety, welfare or wellbeing of the child or young person'. You are therefore entitled to participate in decisions about contact.

If a decision on contact **has not yet been** made you need to let your DCP office know your views as soon as possible - ideally in writing so you have a record. In particular, you should tell them what you believe is in the best interests of the child or young person, and why. It is also reasonable to let DCP know how supporting contact visits impacts practically on you and your family. A Connecting Foster and Kinship Carers SA (CF&KC-SA) advocate can help you put your case forward.

If a decision on contact **has been** made, and you believe the decision is not in the best interests of a child or young person, you should let DCP know how the decision is adversely affecting the child, and request a new 'determination'. Again CF&KC-SA advocates can help you with this request.

Step 2: Affected person can appeal to CARP

A person affected by a 'determination' about contact (the child or young person themselves, or a person allowed contact, or person who refused contact) has 14 days to apply for the determination to be reviewed by Contact Arrangements Review Panel CARP (Section 95 CYP SA).

CARER INPUT: Carers do not have a right to appeal to CARP

Step 3: CARP may affirm, vary the determination, substitute their own determination or send it back

CARP may:

1. affirm the original determination
2. vary the original determination
3. set aside the original determination and substitute their own, or
4. set aside original determination and send the matter back to the CE (or delegate) for a new determination with directions or recommendations. This takes the matter back to Step 1 (Section 95 CYP SA).

CARER INPUT: CARP is keen to hear the voice of Carers, as a Carer often knows a child or young person better than anyone. If you want to have direct input into CARP's decision-making you can contact the CARP Executive Officer on 1800 003 305 or by emailing DCPCARP@sa.gov.au

CF&KC-SA advocates can help you with this process.

Step 4: CARP decision cannot be reviewed, but DCP can always make a new determination

The decision of CARP cannot be further reviewed. However DCP always have the power to make a **new** determination, particularly when new circumstances arise. This takes the matter back to Step 1.

CARER INPUT: Carers seeking input after a CARP decision can always ask DCP to make a **new** determination. This is best done by providing information about how circumstances have changed **since** the CARP decision. For example: if CARP has ordered additional contact and a child is distressed, you can contact DCP, give details about the distress and request a new contact determination be made. Again, we suggest this request be made in writing (e.g. by email) so you have a record.

CF&KC-SA advocates can help you with this request.

Carer support

For more information, or to discuss your personal circumstances, please contact us:

Email: support@cfc-sa.org.au

Freecall: 1800 732 272

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