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# Restoring Children From Out-of-Home Care: Insights From an Aboriginal-Led Community Forum

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## ABSTRACT

Restoring children from out-of-home care (OOHC) to their families is the preferred outcome for all children removed by child protection services, yet little is known about how restoration processes are experienced by families and services supporting them. This paper provides important insights about Aboriginal child restoration from 40 practitioners and stakeholders at a community forum led by Aboriginal Community Controlled Organisations in regional New South Wales (NSW), Australia. This is one component of larger Aboriginal-led research, which investigates child protection experiences and pathways to successful restoration in NSW and the data source for this paper. The community forum explored the issues for families navigating family preservation, OOHC and restoration within child protection and legal systems. Findings include the need for a continuum of support for families throughout their engagement with child protection systems and crucially following the removal of their children. Barriers to effective restoration practice included a lack of access to meaningful and ongoing preservation services, insufficient cultural care planning and family finding efforts that are often too late, the pressure on services to support families without adequate capabilities or enough resourcing, the lack of transparency and the complexities in navigating the restoration process, and the lack of culturally informed support for children and their families while children are in care. Implications for policy and practice are discussed. This paper contributes to understanding practice, processes and barriers for restoration, particularly focused on the perspectives of Aboriginal families and communities, with potential insights for practice within Australia and internationally.

## 1 | Introduction

Restoration (also called reunification in many jurisdictions) is the complex process of developing and implementing plans and actions to safely return children from out-of-home care (OOHC) to their birth parents. Like all Australian jurisdictions, in New South Wales (NSW) (where this study is situated), restoration is the preferred permanency outcome for children according to a hierarchy of outcome preferences, as indicated by section 10A of the NSW *Children and Young Persons (Care and Protection) Act 1998*. However, if children have not returned home within the recommended policy and legislative timeframe, alternative permanent care arrangements will be imposed until they reach adulthood (see Hermeston 2023, for a comprehensive discussion on permanency legislation in NSW).

National statistics show that there were 45 393 children in OOHC across Australia at 30 June 2022 (AIHW 2023). Aboriginal or Torres Strait Islander[1] children make up 42.8% ($n = 22\,328$) of all children in OOHC, despite representing only 5.98% of all children in Australia (SNAICC 2023). NSW has the highest number of children in care, at 15 223 children, of which nearly 44% ($n = 6661$) are Aboriginal (AIHW 2023).

Despite legislation that preferences restoration above other permanency outcomes, child protection data show that restoration is not prioritised in practice, with restoration recorded for 7.6% of the Aboriginal and Torres Strait Islander children in OOHC nationally in 2020–2021 (SNAICC 2023, 31). NSW has the lowest restoration rate in Australia (SNAICC 2023, 15). Recent analysis of the Pathways of Care Longitudinal Study data revealed a restoration rate of only 15.2% for the 1018 Aboriginal children removed for the first time between 2010 and 2011 and placed on final care and protection court orders by 30 April 2013 in NSW (Newton et al. 2024).

Responsibility for restoration practice rests with child protection authorities, both in their statutory role responding to reports of harm, and as stewards of a service system intended to strengthen and support families and promote safety for children. While governments have increasingly contracted nongovernment organisations to deliver such services, including Aboriginal Community Controlled Organisations (ACCOs), there has not been equitable investment directed in family support, preservation or restoration, towards Aboriginal children and families through ACCOs (SNAICC 2021, 12).

ACCOs and Peak Bodies are tirelessly advocating for Aboriginal community-led approaches for supporting Aboriginal families interfacing with child protection systems. The basis for this advocacy comes from an expression of our individual and collective rights, including particularly the rights of our children, and their rights to culture (United Nations Convention of the Rights of the Child 1990; United Nations Declaration in the Rights of Indigenous Peoples 2007). This has been positioned in terms of the ongoing resistance of Aboriginal and Torres Strait Islander peoples to state violence. Aboriginal children in OOHC in Australia are routinely severed from family and community (Davis 2019), despite such connections underpinning social and emotional wellbeing (Gee et al. 2014). Aboriginal and Torres Strait Islander scholars have described the harms associated with such disconnection, and the ongoing resistance of Aboriginal communities through political advocacy to safeguard the rights of Aboriginal children to culture, kin and identity (Krakouer et al. 2023).

This advocacy is increasingly gaining traction and is reflected in recent policy directions. For instance, under SNAICC, the national Peak Body for Aboriginal and Torres Strait Islander children and families, the national *Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023–2026*, 'commits governments to meaningful transformation in the way they operate, to ensure that policy design and service delivery is culturally safe and appropriate for Aboriginal and Torres Strait Islander children' (Commonwealth of Australia 2022, VIII). This is aimed to address ongoing under-resourcing of child and family services directed to Aboriginal families, and transfer authority for Aboriginal children to Aboriginal communities. Some jurisdictions, namely Victoria and Queensland, have begun a process of 'delegated authority', whereby the statutory decision-making powers for Aboriginal children in child protection and OOHC systems are transferred to Aboriginal Community Controlled organisations (SNAICC 2023, 109). However, overall progress is very slow (SNAICC 2023).

To inform and support the aspirational vision of system transformation that genuinely prioritises more Aboriginal children restored to their families, it is essential to understand the current practices and experiences of those working on the frontline to support Aboriginal families in preservation and restoration. Likewise, it is critical to understand the systemic and cultural factors that contribute to the over-representation of Aboriginal children in OOHC and their low restoration rates, as well as the range and complexity of barriers that delay and prevent restoration for Aboriginal children in OOHC.

Very little is known about the experiences of supporting Aboriginal families through restoration processes, or the experience for Aboriginal families, both in Australia and internationally (Newton et al. 2024). Drawing on the expertise of 40 Aboriginal and non-Aboriginal practitioners, professionals and community stakeholders at a community forum, this research aims to fill this gap through exploring the challenges, barriers, and opportunities for improved restoration practices. The paper also offers key insights and lessons to better understand how to best support Aboriginal families interfacing with child protection systems with the goal of achieving restoration.

This paper describes the themes from the community forum discussion, which was led by Aboriginal researchers and partner organisations. It provides new and key insights into the needs and experiences of Aboriginal families and communities interfacing with child protection systems, particularly focused on restoration from OOHC for Aboriginal children. This paper is authored by the Aboriginal and non-Aboriginal research team and representatives from Aboriginal partner organisations.

## 2 | Method

### 2.1 | Research Context

This paper focuses on one component of a larger mixed-methods Aboriginal-led research project aimed to better understand successful and sustainable pathways for Aboriginal children and families going through restoration. The *Bring them home, keep them home* research is a collaboration between Aboriginal and non-Aboriginal academics, the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec), and three ACCOs delivering out-of-home care services in the Illawarra Shoalhaven district in New South Wales (NSW) (henceforth referred to as 'partner organisations'). This locally focused, single-site approach was selected to enable a clear, Aboriginal community-led research method, and was based in a geographical region with established service and practice leadership from ACCOs that were interested in partnering in this project. These ACCOs are funded by DCJ to deliver family preservation, restoration and out-of-home care services.

## 2.2 | State and Regional Context

In Australia, statutory child protection systems are overseen by government departments at the state government level. In NSW, the Department of Communities and Justice is structured into 15 districts across the state. Within each district are a range of DCJ Community Service Centres delivering child and family investigations, interventions and OOHC services. Additionally, child and family services and OOHC services are also contracted to nongovernment organisations and ACCOs.

The Illawarra Shoalhaven is a coastal region between 1 and 3 h south of Sydney, NSW, from its most northern reach, on the lands of the Dharawal and Yuin Nations. The population of the region is 426 602 (ABS 2022) and Aboriginal people make up 3.5% of the population (NSW Department of Communities and Justice (DCJ) 2022a, 2022b, 2022c).

Across the Illawarra Shoalhaven district, there are four DCJ Community Service Centres delivering statutory child protection and family intervention services, three ACCOs delivering OOHC, family preservation and restoration services to Aboriginal families, and a range of small and more established nongovernment organisations. Some Aboriginal families are case managed by non-Aboriginal nongovernment services, while other Aboriginal families remain under the case management of DCJ. Aboriginal families are usually (but not always) referred to Aboriginal services, and the process of allocating particular children and families to which services is not clear to researchers or participants. All three ACCOs delivering Aboriginal children and family services in the regions are partners in this research and co-led the community forum.

## 2.3 | Research Method

Community forums are used to bring stakeholders together in a public setting to discuss a particular issue, exchange ideas, and have a two-way dialogue (QLD Health 2007). Sometimes, community forums are used for research purposes (e.g., Potestio et al. 2015; Teteh et al. 2019; Becker et al. 2003). Newton (2017) used the community forum method to learn about the views from participants about perceptions and experiences related to child neglect within an Aboriginal Australian community context in New South Wales. Newton's approach to the community forum method has been adapted for this research.

The terminology of 'community' when referring to Aboriginal communities can be contentious (Peters-Little 2000). We have referred to the gathering as a community forum as it was led by local ACCOs, and most of the participants live and work in the area and are recognised/consider themselves as members of the local and regional communities.

The purpose of this community forum was to introduce stakeholders in the district to the research, to identify what restoration from OOHC means and looks like in practice and to prepare for conducting interviews with families by learning about the local child protection and family services context, and local cultural protocols and considerations.

The community forum method was agreed by local community organisations. It allows Aboriginal community presence and leadership in the data generation phase, through transparent discussion of the issues, and with strong participation from all three partner ACCOs. This is the first of three planned community forums throughout the project.

## 2.4 | Recruitment and Participation

On the advice of our partner organisations and Aboriginal Advisory Panel, we invited all child and family support services and key stakeholders in the district to attend the community forum. Forty participants attended from OOHC and family support services, NSW DCJ, NSW Health, the NSW Office of the Children's Guardian, and the NSW Aboriginal Legal Service. Participants included Aboriginal Elders and community leaders, case workers, managers, policy makers and ex-DCJ workers. While many of the participants identified as Aboriginal or represented an Aboriginal organisation as an employee ($n = 26/40$), this did not apply to all, so we refer to this as an Aboriginal-led community forum, rather than an Aboriginal community forum. All discussions were Aboriginal led, and Aboriginal voices were privileged in the forum by the facilitators, other participants and in the analysis of the data.

## 2.5 | Format

The community forum was a half-day event comprising presentations from the research team, large and small group discussions, and group activities to generate thinking and discussion about the experiences and needs of Aboriginal families in the context of restoration within the district.

First, in table groups participants were asked to map from their professional and/or community perspective and experiences the ideal, typical and most challenging scenarios for Aboriginal families following a child's removal through their path to restoration, and the key factors that determine these pathways.

Second, participants attended three 'bus stops' and discussed an assigned topic of importance to understanding Aboriginal child restoration. The topics were pre-planned and set by our Aboriginal Advisory Panel and research partners. All activities were led and facilitated by representatives from our partner organisations ($n = 7$) and the research team[2] ($n = 7$).

## 2.6 | Recording and Analysis of Data

In accordance with NSW Aboriginal Health & Medical Research Council (AH&MRC) (1863/21) and the University of NSW research ethics, all participants signed consent forms and discussions during the community forum were voice recorded and later transcribed and de-identified by the research team. A thematic analysis was applied, whereby we firstly grouped data into categories according to the activity (mapping activity or bus stop). From here, further analysis focused

on grouping data across activities by topic area (as set out in the findings section) to identify key themes, common insights and experiences.

Themes expressed by Aboriginal participants (regardless of organisation) were prioritised. Our approach to data analysis ensured that participant's contributions were equally valued; that is, we recognise the importance of all discussion topics being interrelated, and the significance of approaching analysis in this way reflects the holistic lived experience of participants as professionals and community members.

This paper prioritises the voices of Aboriginal participants, through illustrative quotes in this paper, and reflects the findings specifically focused on restoration, although there were other discussions and data captured on related topics (see Appendix A).

## 3 | Findings

Overall, participants in the community forum agreed that the most challenging experiences for Aboriginal families following a child's removal through their path to restoration were also the most typical (and indeed, inconsistent with the goal of restoration). The following sections present the key findings from the mapping activity, the bus stop activity, and larger group discussions throughout the day.

Firstly, we explore the key issues within child protection policy and practice within the family preservation and OOHC setting, that are necessary to effectively support Aboriginal children and families to achieve restoration. This is followed by a discussion on the meaning of restoration from Aboriginal perspectives, and factors that impact on successful and culturally responsive restoration processes and outcomes. Finally, we report on the current experiences of restoration for Aboriginal families and practitioners supporting parents, and how this can be improved.

### 3.1 | Quality of Support for Families

#### 3.1.1 | Family Preservation and Restoration

Restoration is at the 'back end' of families' interactions with the child protection system, and community forum participants insisted that before getting to this point, there are substantial improvements needed to support families at the 'front end' of the system. Participants asserted that quality and consistent family preservation services are key to effective restoration for Aboriginal families. Ideally, statutory departments would not separate Aboriginal children from their families at all, and rather, families would have access to adequate supports and services to prevent child removal. Participants noted the rigid constraints within different funded programs that limits the engagement and preservation work with families. Constraints include strict referral pathways whereby only DCJ can refer families, long waiting lists and short time frames for working with clients. Many referrals for families are made to services too late, when intensive supports beyond preservation services are needed.

> There are a large number of referrals that do come to preservation that are at that point where there are so many concerns where preservation actually isn't the right fit, and actually they are on the cusp of removal.
>
> (Aboriginal participant/Aboriginal organisation)

These referral barriers conspire to prevent access to preservation and restoration supports, and many parents are then labelled as not engaging with services and not cooperating with service attempts to address early child protection concerns. Families' struggles and needs then escalate beyond the preservation level, yet referrals to preservation services persist despite this being an inadequate service type for families at this level of need.

These service models also exclude funded preservation services from working with parents and families if their children are removed. Participants commented that families should continue to access the same services once their children are removed, as part of a practice frame genuinely committed to achieving restoration. This ongoing support could provide consistency for the family, assist parents through the complex and highly distressing process of court and restoration, and facilitate parents' progress to enable restoration, as one case example illustrates:

> You can have your services that are supporting the families but once that child is removed from that family the parents are left with no services to help them. So, we've got a matter up north where she had four of her kids come into care she was working with us while she had the kids to build her parenting skills. The moment [her children were removed] she's left on her own. She doesn't know who she needs to contact, she doesn't understand the jargon. So, it is set up or designed to fail and it's not setting our parents up to create the change they need to get better.
>
> (Aboriginal participant/Aboriginal organisation)

#### 3.1.2 | Meaningful Cultural Care Planning and Family Finding

The NSW DCJ policy requires all Aboriginal children in care to have cultural care plans. Cultural planning has become a key mechanism for supporting the cultural connections of Aboriginal children living in OOHC. However, they are often not implemented in a way that promotes and safeguards the cultural rights and identity of Aboriginal children (Krakouer et al. 2023, 346). When cultural care plans are inadequate, this highlights the lack of family involvement regarding important decisions made about the child's welfare, including where they will live, and their ongoing contact and connections with their family and culture. These issues demonstrate the importance of ACCOs providing these critical child and family support services (SNAICC 2020, 29; SNAICC 2021, 122; Arney et al. 2015).

Community forum participants emphasised that meaningful cultural care plans were essential to family preservation and restoration, and the failure of DCJ and other agencies to reliably develop and implement them presented a significant risk to Aboriginal children, including languishing in long-term OOHC. The *Family is Culture* review found cultural care plans to be significantly underutilised (Davis 2019, 337). Since the release of the review, DCJ has reaffirmed their commitment to cultural care plans in line with the Aboriginal Child Placement Principle (NSW DCJ 2021). Yet despite this commitment, participants in the community forum indicated that cultural plans are still failing to deliver on their stated objective and purpose, particularly as a resource for children and young people to connect to their family and kinship networks. Further, the quality of cultural care plans heavily depends on the knowledge and competency of workers to engage in processes of meaningful family finding and knowledge of the child's ancestry and traditional country. Participants insisted that effective cultural plans should be developed and overseen by appropriate Aboriginal professionals. One non-Aboriginal participant praised the value of out-sourcing cultural care plans to qualified Aboriginal consultants and the positive impact that meaningful cultural care plans can have for a child:

> ... she sent me one the other day that dead set made me tear up and hairs on my arm stood up, it was the most phenomenal cultural plan I had seen in my career, it had like local language words used for body parts, pictures of great, great, great, great, great, great grandparents and they've storied this is where they came from ... It's the most beautiful gift for this kid that's actually transitioning to another agency, I can't recommend it highly enough.
>
> (Non-Aboriginal participant/non-Aboriginal organisation)

Participants also commented on the important link between cultural care plans and 'family finding', emphasising that meaningful cultural plans must include extended family members who are responsible for fostering children's connections to their culture and heritage.

However, care must be taken in understanding what is meant by the language of 'family finding'. NSW has engaged with and promoted the Family Finding model developed by Kevin Campbell, which is focused on a belief that 'every child has a family; they can be found if we try', with disconnection and loneliness representing a significant risk to the wellbeing of children and young people (see https://www.familyfinding.org/).[3]

While the Family Finding model is intended to recognise and support mobilisation of family and community networks of support, it is unclear if these principles have been adopted in practice, or if only the language of family finding has been adopted. Practice to effectively engage families and extended families are often inconsistent, to the detriment of the child and the stability and continuity of their relationships and connections that the Family Finding model is intended to honour and value. Participants from OOHC agencies commented they often receive case management of a child where the only family information provided are the names of parents, indicating little meaningful engagement with broader family networks to drive solutions, ongoing connection and a sense of belonging for the child. Approaches focused on meaningful family and community engagement, like Family Finding, rely on early and ongoing engagement, commencing before the need for child removal wherever possible, so you are '*getting a natural network around the family at that point you are not even thinking about placement*' (Aboriginal participant/Aboriginal organisation). If the need for removal does arise, these networks of support can urgently mobilise so that children can remain safely within these networks.

Participants also emphasised the importance of approaching family finding though a cultural lens, commenting that greater attention should be given to a model of support which is based on natural connections and kinship structures and that, in some instances, an Aboriginal understanding of family is not just about blood connections.

## 3.2 | Restoration and Postrestoration Support

### 3.2.1 | Restoration Is Both a Process 'Going Home' and an Outcome 'Staying Home'

Participants commented that the language of restoration was not reflective of how Aboriginal communities perceived and experienced the process, suggesting that restoration should be referred to as '*going home*' (multiple Aboriginal participants/Aboriginal organisation), which is about culture, belonging and knowing who you are. As an outcome restoration ideally means children returning and remaining with their family, country, culture and community, it does not necessarily mean restoration to birth parents because in Aboriginal families where cultural connections are strong, children belong to relatives as much as they do their parents.

Another key element of restoration is about the sustainability of restoration, not just 'going home', but also '*staying home*',

> And it's about staying home, it's not just about restoring and then popping out and there's nothing, it's that, providing a platform for success so families can ... do what they need to do with their children.
>
> (Aboriginal participant/non-Aboriginal organisation)

Participants discussed the problem that the level of support provided to parents seeking to achieve sustainable restoration is inconsistent; in some instances, families receive too much service intervention which is overwhelming and intrusive, and in other instances, very little. To overcome this, there needs to be greater collaboration between parents, DCJ and service providers to determine what assistance parents do and do not need following restoration.

### 3.2.2 | Restoration Outcomes Are Significantly Shaped by Caseworkers and Carers

Participants commented that the deep mistrust that many Aboriginal families have of child protection services makes

it difficult to build trusting and productive relationships between parents and agencies. Aboriginal families know the system well and understand the harm caused by previous and current child protection policies, practices and decision-making. Many families are cautious of case workers, agencies and carers, and child protection services find it difficult to build relationships in the face of this fear. Thus, individual workers need to overcome these systemic barriers to family engagement, with participants noting that positive outcomes are more likely for parents when caseworkers are motivated to genuinely support the family:

> Workforce development is something that is huge because so often the outcomes hinge upon the individual. If you've got a dynamic case worker that's proactive, genuine about work with the family, goes a step further with the family finding, makes all the difference.
>
> (Aboriginal participant/government)

This means that, despite the stated focus on prioritising restoration as a permanency goal, systems fail to adequately support practitioners in achieving this goal, as reflected by the low rate of successful restorations. Therefore, achieving positive outcomes is highly dependent on individual practitioners to compensate and rise above the shortcomings of the system to adequately support families, which is neither equitable nor sustainable long-term.

Participants also reported that carers can significantly shape how a child views their parents, and in turn a child's relationship (and willingness to have a relationship) with their parents. These points are importantly interrelated, and participants stated that caseworkers need the skills to have difficult conversations with carers to advocate for the needs of the child and their family to support children to have continued and consistent relationships with their parents. Participants however empathised that addressing carer conduct is a difficult task, particularly as caseworkers are trying to retain safe and stable placements for children because carers are scarce.

#### 3.2.3 | The Impact of Child Removal and the Restoration Process on Families

Restoration is a long and gruelling process for parents. After restoration is granted at court, it may take 12 months for a child to transition home full-time, usually followed by a minimum 12-month supervision period. However, participants noted that this period of ongoing oversight, while important may not always be in families' best interests and rather than providing genuine support, '*we over scrutinise and report back*' (non-Aboriginal participant/non-Aboriginal organisation). Thus, for many families, restoration is an overwhelming process of surveillance and compliance in the guise of supportive casework.

Informed by the experience of removal and restoration processes, when children are restored, parents are often burdened with the fear of their children being taken again. In the following excerpt, a manager of an Aboriginal service explains the depth of emotions for parents when their children return home, and how services can support them:

> We're here to be able to walk alongside and support you through that because it's not going to be easy but it is happy and really emotional because it's also that fear of when are [DCJ] going to come back in, and just that fear of judgement and all the eyes are on me because I cannot stuff up, because if I stuff up well then that's it, my kids are gone again. So, there's such huge amount of pressure on the parents.
>
> (Aboriginal participant/Aboriginal organisation)

As a result of this fear, families change how they live to minimise the risk of another removal, for example, participants reported that they have known parents who will not leave the house or go out and socialise to reduce the chance of their behaviours being misrepresented or perceived as bad parenting. This fear of subsequent removal is not unfounded as participants reported that the threshold for removal is lower for a child who has already been in care, with participants commenting that seemingly trivial events such as a child coming to school without lunch would not be enough to commence an initial removal, but post restoration this event will be reported to the courts.[4]

### 3.3 | Improving the Pathway to Restoration

#### 3.3.1 | Current Pathways to Restoration

Participants reported that parents are not being given a fair opportunity to achieve restoration as they are navigating a restoration process where they must contend with a child protection system underpinned by a deficit approach. According to participants, a deficit-focused system experienced by families is illustrated in the way DCJ assesses capacity for parental change. For instance, the system is more concerned with finding reasons to justify intervention and removal rather than for exploring parents' ability to care for their children, or the support needed to safely restore their children. For many, practice disproportionally focuses on what parents do not do well rather than their parenting qualities.

This was also illustrated where DCJ has used parents' historical risk behaviours to underpin judgements that they cannot care for their children, which will impact on their likelihood for achieving restoration:

> I find that they'll cling more to the history than actually give you a go. I've worked in [DCJ] and to me, this really bugs me, the history could be 10 years back as you know, could be 20 years back but they seem hell bent on bringing it up at every turn to discourage this family.
>
> (Aboriginal participant/Aboriginal organisation)

Policies guiding restoration processes were considered to be developed from non-Aboriginal perspectives and are not conducive

to parents achieving restoration. Restoration goals and case plan decisions are DCJ-led within the present 'logics' of child protection systems, usually by non-Aboriginal caseworkers without genuine family participation, and cultural and personal contexts are not taken into consideration:

> Well, the decision-making the majority of the time, is not led with the family. It is non-Aboriginal people making the decisions about Aboriginal people without including them into the process.
>
> (Aboriginal participant/Aboriginal organisation)

Generally, decisions are made that do not prioritise or support the maintenance of the child's relationships with their family. This includes a lack of quality family time due to factors such as strict surveillance of contact visits, children being removed and placed off country, extreme distances between children and their family that impacts frequency of contact, siblings being split up, and contact being arranged at inappropriate times. These factors coupled with a focus on promoting and solidifying the relationship between children and their carers, can significantly impact on the likelihood of restoration, as explained by one participant summarising a group discussion:

> We spoke about how the children, when sibling groups are split, it's harder to get the children brought back to the same household. And children being placed with non-Aboriginal carers can lead to a reduction in the chances for restoration because often a white assessment tool is used to assess carers over parents or over kin ... attachment theory is used as a way to justify the children staying with the carers.
>
> (Non-Aboriginal participant/Aboriginal organisation)

Compounding these challenges, parents are expected to meet their restoration goals within timeframes that are often unrealistic. In NSW, under recent legislative changes, parents have approximately 2 years following their child's removal to demonstrate they are meeting the requirements of their restoration plans (NSW DCJ 2020). If they do not appear to be making progress, parallel planning is taking place to source other permanency options for the child such as guardianship and long-term foster care.

Participants commented that parents are often unsupported as they are thrust into the current of child protection systems, driven by these short timeframes. Nevertheless, parents seeking the restoration of their children are expected to understand the complex legal system and restoration processes, without any supports provided by DCJ following their child's removal. Participants noted examples where parents were not informed about their court dates and did not receive their documentation relating to their case plan and restoration goals.

Additionally, legal systems and child protection process are difficult to understand and navigate for most people and the responsibility of this is overseen by services that do not have internal legal resource capabilities or the capacity to support families in these processes. Further, inconsistent knowledge and practice among service providers working within the sector about restoration approaches and processes adds confusion and further dilutes the possibility of a wholistic approach to supporting families to achieve restoration.

### 3.3.2 | Characteristics of an Ideal Pathway to Restoration

Community forum participants did not have examples of ideal pathways to provide. Given the high priority ostensibly placed on achieving restoration, this is a significant issue in itself – among an audience of 40 regional practitioners across organisations, not one could identify a single time that the child protection system 'worked' with respect to achieving timely restoration that participants would describe as 'best practice'. However, their experiences of the characteristics of the most challenging case scenarios, and typical practice, informed what could contribute to more supportive pathways to restoration. That is, their numerous experiences of what restoration practice should not be like inspired the discussion of characteristics of improved pathways.

To improve the pathway to restoration for Aboriginal families, participants stated that the Aboriginal Child Placement Principle should be followed in all decision-making and every course of action. The genuine implementation of the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle—prevention, partnership, participation, placement and connection—will support the family to achieve restoration as defined by that child's family and community (SNAICC 2019).

Participants stressed there must be recognition that having a child removed is a deeply painful experience for parents, particularly for Aboriginal families who continue to suffer from past and ongoing systemic child removal practices. The importance of empathising with the grief and loss parents experience when their children are removed was discussed at length. Embedding a trauma-informed approach in restoration work will support families to take the time and space to process the situation and gather the strength needed to prepare and sustain them for committing to the restoration process. Indeed, the *Family is Culture* report emphasised that, 'as a matter of priority, service delivery should take into account trauma-informed principles' (Davis 2019, 24). Additionally, restoration processes, timeframes and expected outcomes for parents must be flexible and realistic, take into consideration their strengths and challenges, within the context of their lived reality to support this wholistic approach.

Conversely, the sector and system barriers beyond parents' control that impede and impact their progress must be considered, for example, service waiting lists, turnover of staff and the time it takes to build relationships with new caseworkers or agencies.

Participants also suggested the need for a greater alignment between restoration and preservation models for supporting families. This would help to address inconsistency in restoration approaches across the sector, while also alleviate the resource

and capacity limitations prevalent in restoration-specific work, including the ability to work with services that provide early intervention. This would both bolster collaborative practice in local service sectors and provide additional support for families going through restoration, promoting the longer-term sustainability of restoration practice.

Further, the rigidity of strict and bureaucratic-led restoration practices would have greater flexibility under the family-led nature of preservation. An increased collaborative approach between preservation and restoration is also more conducive to wholistic strengths-based approach to support the healing, and recognise the abilities of parents, while also supporting a parent's readiness for the restoration journey.

The continuum of care offered by a wholistic approach of preservation and restoration also supports the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle; it will enable the foundational work that must be done at the early intervention stage, such as identifying kinship structures, which will help safeguard children's connection to family, community and culture post removal, in order to support a smooth transition to restoration. This approach also promotes the agency and strengths of the family throughout the process, enabling them to have genuine input into decisions surrounding their child's placement and restoration goals.

## 4 | Discussion

The contributions of 40 Aboriginal and non-Indigenous practitioners, Aboriginal community members, and other key stakeholders, has revealed the ongoing complexities of a pervasive child protection system that has been established and maintained for the purposes of removing children, disconnecting them from their families and communities, and keeping them in OOHC. Working within this system is not conducive to restoring children from care, despite political claims to the contrary (Newton et al. 2024).

### 4.1 | Policy and Practice Implications From the Research

The community forum highlighted the range of structural and systemic challenges faced by Aboriginal families interfacing child protection systems and those supporting them, and shared insights to enhance support for parents throughout the restoration processes, such as configuring family preservation models to align with the Aboriginal Child Placement Principle. Aboriginal families and communities must have the opportunity to participate in the decision-making regarding their children at all stages of child protection intervention, beginning from the earliest statutory concerns about a family. This will ensure the freedom to exercise family and community expertise for managing crises or concerns for the safety of a child in a way that aligns with cultural values and protocols. Aboriginal organisations have a key role in supporting and advocating for families to partake in continued family-led decision-making when dealing with child protection systems, and holding systems accountable to ensure Aboriginal families are treated fair and just. AbSec argues for the importance of 'local Aboriginal communities to design and deliver their own models to meet the needs and achieve the aspirations of their families and communities' (AbSec 2020, 4). This has been articulated here, with preservation service models identified as the most conducive to successfully achieving child restoration in the region. Services need to be flexible enough to provide social and emotional support before, during and after removal as well as advocacy and support in navigating the restoration process to increase the chance of a safe and successful return home. Most preservation services are not permitted to work with parents when children are removed. If family preservation services could continue work with families post removal, then parents may benefit from working with a service that understands their circumstances, knows how to support them to build upon their strengths, and the knowledge of what impeded the preservation leading to removal. The service could continue to see the children and promote meaningful familial connections. This continuum of service would be especially valuable in assisting parents through the complex and highly distressing process of child removal, challenging court process and potentially increase the chances of achieving restoration. Approaching family support in this way requires a conceptual shift in understanding preservation and restoration, whereby children are temporarily placed with carers that have been predetermined by the family (through a process of Aboriginal family-led decision-making), to be restored when the crisis or safety risk has abated. In this way, temporary child removal, and indeed restoration, might be positioned as tools within a broader system of promoting safety and family preservation.

Finally, the community forum identified the importance of recognising parents' grief, anguish and overwhelming circumstances when their children are removed. Services must resist the persistent colonial legacy of approaching parents from a deficit lens, and recognise the strengths and resilience of parents in the face of adversity (Lonne et al. 2021, 401; Bulloch 2018, 1). A deficits-based framework aligns with and reinforces paternalistic and system-centric practices, which pathologise and problematise parents when their children have been removed, rather than appreciating the complexities of inter-personal and environmental factors, and structural inequities that persist and contribute to the causes underlying their child's removal.

### 4.2 | Study Limitations

The community forum represents only one district in NSW. While all organisations working in OOHC and family support in the district were invited to attend, a very small number could not participate. Parents, young people, and carers, were not invited to attend, so we have not captured the direct perspectives of those most impacted by OOHC and restoration processes in this paper.

## 5 | Conclusion

Community forum participants spotlighted Aboriginal families' experiences of abandonment in the preservation and

restoration of their children. They described the deficit based, non-Aboriginal, practices of disconnecting Aboriginal children from their families and culture, as well as concerns regarding lack of support in navigating the legal and departmental systems that continue to set families up for failure. Thus, current approaches to restoration are largely rhetorical and do not meaningfully and realistically promote the likelihood of bringing and keeping Aboriginal children home from OOHC. The current child protection system is designed to remove children when safety concerns are raised, but not to return them at the earliest possible opportunity when families have been supported to address the safety risks. Thus, the current system is driven by the fear of what happens when a child is not separated from their families, as opposed to consideration for the disastrous and traumatic consequences of removing children and keeping them from their families and communities.

This detailed critique of the system, led by Aboriginal Community Controlled Organisations in the Illawarra Shoalhaven region of NSW, offers considerations for how to improve restoration processes and practices for Aboriginal children and families. Participants provided practical suggestions that align with the Aboriginal Child Placement Principle such as adapting a wholistic strengths-based, systems informed, trauma-informed and culturally led and community-based restoration approaches that are accessible and designed to work flexibly and long-term with families wanting to bring their children home.

This paper has also demonstrated the value and power of the community forum as a research method for engaging with a wide range of stakeholders, facilitating important discussions about local policy and practice and providing insight for the research team. Importantly, the community forum created the space and platform for Aboriginal partners and researchers to lead discussions to explore issues, and offer the regional service sector the unique opportunity to engage with and support Aboriginal-led research.


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### Consent

Informed consent was obtained in accordance with ethics requirements.

### Conflicts of Interest

The authors declare no conflicts of interest.

### Data Availability Statement

This is qualitative data, protected in accordance with ethics requirements.

### Endnotes

[1] A note on terminology: We respectfully use the term Aboriginal most frequently throughout this paper as it is situated in New South Wales. Aboriginal and Torres Strait Islander peoples are the two distinct First Nations groups Indigenous to Australia. Statistics for Australia as a whole therefore refer to Aboriginal and Torres Strait Islander children.

[2] See Appendix A at the end of this paper for the activity guides.

[3] Factsheets for caseworkers through the Permanency Support Program describes Family Finding as follows: '*Family finding deliberately delinks your role in finding family from finding a placement. These people can still place a significant role as part of the child's connection and be part of their lifelong network. And for some children, the network will ultimately help you to identify a permanent, loving home with extended family members.*' (see https://www.psplearninghub.com.au/wp-content/uploads/Family-Connections-and-Networks-Practice-Tips.pdf).

[4] And supported in the NSW *Children and Young Persons (Care and Protection) Act 1998*, where Section 106A states '(1) The Children's Court must admit in proceedings before it any evidence adduced that a parent or primary care-giver of a child or young person the subject of a care application—

(a) is a person—

(i) from whose care and protection a child or young person was previously removed by a court under this Act or the Children (Care and Protection) Act 1987, or by a court of another jurisdiction under an Act of that jurisdiction'.

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## Appendix A

### Activity: Mapping pathways to restoration

One of the key objectives of *Bring them home keep them home* is to provide clear pathways to restoration for Aboriginal families and their supporters when a child is removed. To do this, we need to understand what pathways to restoration looks like from different stakeholder perspectives, and in different scenarios and contexts in the Illawarra Shoalhaven.

At your table, please map from your perspective and experiences what the (TYPICAL/IDEAL/MOST CHALLENGING) scenario looks like for Aboriginal families following a child's removal through their path to restoration.

Think about the following questions to help you:

- Following a child's removal, what does the (TYPICAL/IDEAL/MOST CHALLENGING) pathway to restoration look like for Aboriginal families?

Please highlight the common or general experiences of families as they work to achieve restoration.

- What are the key factors that impact a TYPICAL trajectory from child removal to restoration?

You might want to consider in a general sense, for example:

  - Placement type and location
  - Biases of decision-makers
  - Family situation and dynamics
  - Service/caseworker allocation
  - Child-specific factors

### Bus stop session

- This is where we draw out the priority areas we identified in the planning session- all partner organisations and research team members have a role in this session
- Joint facilitation by partner organisations and research team- ACCO facilitators to lead the discussion and, and research team member to scribe/take notes, voice record and support as needed

- Two tables will spend 15 minutes at each bus stop discussing the assigned topic, using the below questions as prompts
- Each bus stop will be split into two groups to allow for more discussion
- You may not get through all questions, so you might want to focus on only a few, or ask different groups different questions

**Bus stop 1:** High-level questions about the regional context and restoration

- What does restoration mean from an Aboriginal perspective and/or from a local/regional perspective?
- What do we need to know about Aboriginal families and communities in the region?
  - Particular cultural protocols or considerations?
  - Factors that impact (for good or not) on trauma and healing, family connections, restoration, reentries into care?
  - What are the biggest challenges regarding the timeframes expecting families to address issues before permanency orders?
- What are some of the key things we need to highlight about the local/regional context in the research? (Examples from Planning group meeting- Huge public housing populations, inequity of services, resources, transport)

**Bus stop 2:** Supporting families prior to removal and while children are in care

- What work is done with families prior to removal?
- What are the experiences of children in care- what are children being told and what impact does this have on restoration?
- What does family finding look like? What are the challenges? When is it successful?
- What does family contact look like? Challenges for services and families
- What does cultural care planning look like?
- What does therapeutic life story work look like?

**Bus stop 3:** Restoration process and postrestoration

- What does life look like for families after restoration?
- What is the role of Temporary Care Arrangements (TCAs) in supporting family preservation and restoration? What are the challenges with TCAs?
- What does the decision-making regarding assessing capacity for change look like? What supports are provided to families to meet these requirements?
- What does the experience of child removals from mothers, and then restoration to fathers look like in the context of domestic violence?