



## ISS Australia Position Statement

### *International Kinship Care*

#### Core Position

1. ISS Australia supports the position that first and foremost, any alternative care placements must be made in the best interests and rights of the child, and ensure it meets their individual needs. Furthermore, kinship care must be the first alternative care option explored when a child cannot live with their parents.
2. ISS Australia promotes international kinship care to statutory child protection authorities as a viable placement option for children in out-of-home care to be placed and raised by family members, where this is deemed to be in their best interests.
3. ISS Australia promotes international kinship care as it respects the child's right to family life and maintaining family links overseas.
4. ISS Australia promotes effective international kinship care principles and operates from a model of best practice that complies with international laws and conventions, including the United Nations Convention on the Rights of the Child and the 1996 Hague Convention on Parental Responsibility and Protection of Children.

#### Background

5. Kinship care should always be the first care option to be explored among the various alternative care placements within the statutory child protection out-of-home care system for children and young people who are unable to reside with their parents due to child protection concerns.
6. Kinship care has occurred on an informal basis throughout history, especially among indigenous cultures.
7. In Aboriginal and Torres Strait Islander cultures, members of the extended family may have particular roles in child rearing prescribed under their kinship system<sup>1</sup>. Extended family members other than the child's parents will and are expected to have an important role in raising the child<sup>2</sup>.

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<sup>1</sup> In Aboriginal and Torres Strait Islander cultures they have a broader definition of kinship, it may be a relative of the child or someone who shares a cultural or community connection.

<sup>2</sup> <https://www.alrc.gov.au/publication/recognition-of-aboriginal-customary-laws-alrc-report-31/12-aboriginal-marriages-and-family-structures/aboriginal-family-and-child-care-arrangements/>

8. In New Zealand's Maori culture and common throughout Pacific Island cultures, informal kinship placements are practiced. Maori practice *matua whangai*, which is a customary Maori practice where a child is brought up by someone other than their birth parents, usually another relative. The practice ensures there are no secrets and the child always knows both its birth parents and whangai parents.
9. As enshrined within Article 3, 8 and 20 of the Convention on the Rights of the Child and in the UN Guidelines for Alternative Care of Children is the child's right to live in a safe and stable home, for all decisions made to be underpinned by the best interests of the child and importantly, for the child to be afforded the opportunity to maintain their identity. In applying these principles, statutory child protection authorities should explore all possible placement options that allow a child to remain with their extended family, including any potential family placement options overseas.
10. Kinship care placements have greatly increased across all Australian states and territories and are the fastest growing form of out-of-home care in Australia<sup>3</sup>. Despite this and the fact that Australia is a very multicultural society with nearly half of its population either born overseas or having a parent born overseas, international kinship care placements are rarely explored by statutory child protection authorities.
11. ISS Australia views it is important to promote and prioritise international kinship care as a viable form of alternate care (where it has been assessed as a safe and appropriate care option as well as being in the child's best interests).
12. Kinship care affords a child the opportunity to be raised within their extended family and cultural family unit as well as the ability to maintain their sense of their identity.
13. ISS Australia believes some of the barriers to exploring international kinship care placements for children in out-of-home care are that many caseworkers simply don't know how to arrange an assessment of a family member overseas and are hesitant to venture into *unknown territory*. Furthermore, ISS Australia has observed a reluctance amongst decision makers to transition a child overseas, which may stem from decision makers being unfamiliar or concerned by the cultural and systemic differences of the other country which are typically very different to that of Australia. There is also a concern that family time between a child and its parents and other family may not be supported appropriately.
14. There are over 46,000 children in out-of-home care in Australia and more than half of these children would be in placements with carers that they are not related to. Moreover, some of these children in care could potentially have been placed with suitable extended family members overseas.

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<sup>3</sup> <https://aifs.gov.au/publications/family-matters/issue-85/kinship-care>

15. ISS Australia promotes effective international kinship care principles, including:

- Assessments should be conducted by social workers in the country where the prospective kinship carers reside.
- Reports should include information and analysis of all aspects of the prospective kinship carer's family and environmental factors, plus their parenting capacity and how they will meet the child's long term developmental needs, including how they will stay connected to their parents, any siblings or other family.
- Assessment reports should include statutory checks, such as child protection and police clearance checks of the prospective kinship carers.
- The development of a transition plan and post placement support to occur to ensure the child's transition and carers are well supported from the outset.
- The referring statutory child protection authority should obtain specialised legal and immigration advice to ensure the child is able to safely travel and legally remain in their prospective new country.

*Approved by ISS Australia Board December 2021*