



New South Wales

# **Children and Young Persons (Care and Protection) Amendment (Parental Responsibility) Bill 2010**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

## **Overview of Bill**

The object of this Bill is to amend the *Children and Young Persons (Care and Protection) Act 1998* so as to ensure that care plans and parent responsibility contracts under the Act become a mandatory step in the process of dealing with children and young persons who are in need of care and protection. As a result of the proposed Act, the Director-General of the Department of Human Services will be required to make all reasonable efforts to develop a care plan or parent responsibility contract with the parents (or primary care-givers) of a child or young person who is in need of care or protection before the Director-General can proceed to make a care application before the Children's Court in relation to the child or young person. The parents or primary care-givers will also be required to attend the first meeting arranged by the Director-General for the purposes of developing the care plan or parent responsibility contract.

The Bill also makes it clear that care plans and parent responsibility contracts may be made in relation to unborn children who may be at risk of harm subsequent to their birth.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Schedule 1** amends the *Children and Young Persons (Care and Protection) Act 1998* in the manner described in the above overview.



New South Wales

# Children and Young Persons (Care and Protection) Amendment (Parental Responsibility) Bill 2010

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New South Wales

# Children and Young Persons (Care and Protection) Amendment (Parental Responsibility) Bill 2010

No. , 2010

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## A Bill for

An Act to amend the *Children and Young Persons (Care and Protection) Act 1998* to make care plans and parent responsibility contracts mandatory when dealing with children or young persons who are in need of care and protection.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Children and Young Persons (Care and Protection) Amendment (Parental Responsibility) Act 2010</i> .	3
	4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6

<b>Schedule 1</b>	<b>Amendment of Children and Young Persons (Care and Protection) Act 1998 No 157</b>	1 2 3
<b>[1] Section 34 Taking of action by Director-General</b>		4
Omit section 34 (2) (including the note). Insert instead:		5
(2) Unless the Director-General is satisfied that the child or young person is at immediate risk of serious harm, the Director-General must make all reasonable efforts to develop, in consultation with the parents or primary care-givers (as the case requires) of the child or young person, a care plan or parent responsibility contract before making any care application in respect of the child or young person.		6 7 8 9 10 11 12
(3) Attendance at the first meeting arranged by the Director-General for the purposes of subsection (2) is mandatory.		13 14
(4) Subsection (2) does not prevent the Director-General from taking additional action in response to a report, such as providing, or arranging for the provision of, support services for the child or young person and his or her family.		15 16 17 18
<b>[2] Section 38 Development and enforcement of care plans</b>		19
Insert “or otherwise” after “resolution” in section 38 (1).		20
<b>[3] Section 38 (1A)</b>		21
Insert after section 38 (1):		22
(1A) A care plan may, without limiting any other provision of this Act, relate to an unborn child who is the subject of a pre-natal report under section 25.		23 24 25
<b>[4] Section 38A Parent responsibility contracts</b>		26
Insert after section 38A (1):		27
(1A) A parent responsibility contract may, without limiting any other provision of this Act, be made in relation to an unborn child who is the subject of a pre-natal report under section 25.		28 29 30

Children and Young Persons (Care and Protection) Amendment (Parental Responsibility) Bill 2010

Schedule 1      Amendment of Children and Young Persons (Care and Protection) Act 1998  
No 157

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**[5] Section 61 Applications for care orders**

Omit “consider a variety of alternative means to provide for the safety, welfare and well-being of the child or young person” from the note at the end of the section.

Insert instead “develop a care plan or a parent responsibility contract”.

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