

# Rights of the Child

## What are the governing principles in relation to the child?

Every decision relating to the child is to be made consistently with the objects, provisions and principles provided for in the Children Youth and Families Act 2005 (Vic) (CYFA), and where appropriate, the United Nations Convention on the Rights of the Child 1989 (CROC). The principle of the 'best interests of the child' is one of the fundamental principles of the CYFA and CROC.

As such, the Permanent Care Order (PCO) may include conditions that the Court considers to be in the best interests of the child concerning contact with the child's parents, siblings and other persons significant to the child unless this is contrary to the child's best interests.

In summary the objects and principles of the above legislation are as follows:

- Children have a right and a need to know their background so ongoing contact with one or both parents and extended family is important.
- If the child is an Aboriginal child, arrangements should be made to ensure that the child remains connected with their cultural family and backgrounds. If the child is an Aboriginal child and has a placement with a non-Aboriginal family, the child is entitled to a detailed Cultural Plan (as a part of the current case plan and/or placement plan) containing information around ensuring that the child maintains and strengthens his or her links with their Aboriginal family, extended family and community.
- The child's safety, welfare and wellbeing is the paramount consideration, this means that it is the most important thing the Court must consider.
- Where appropriate, assistance should be given to the carers to promote a safe and nurturing environment for the child.
- Consideration to be given to the child's views and wishes, if they can be reasonably ascertained, and they should be given such weight as is appropriate in the circumstances and according to the level of the child's maturity.
- The child must be given the opportunity, information and assistance necessary to help them participate in decisions that would affect their lives taking into account their level of maturity.
- The child's culture, language, religion, disability and sexuality must be taken into account in any proceedings.
- The child is at all times entitled to have an environment free of violence and exploitation, one which fosters their health, development needs, spirituality, dignity, self respect and self esteem.
- If action is necessary to protect the child from harm or risk, the action taken must be appropriate with options that are least intrusive to the child's life and the carer family.
- The child's name, identity, language, culture and religion should be maintained as far as possible.