
INDIGENOUS YOUNG PEOPLE LEAVING OUT

OF HOME CARE IN VICTORIA:

A LITERATURE REVIEW

by Susan Baidawi, Philip Mendes and Bernadette Saunders

OVER-REPRESENTATION OF INDIGENOUS CHILDREN AND YOUNG PEOPLE IN THE CHILD WELFARE SYSTEM

Indigenous children and young people are over-represented at all stages of the child protection system. While this trend is paralleled in many developed countries with Indigenous populations, including New Zealand, Canada and the US, the disproportionality among Indigenous Australians is considerably higher.¹ Furthermore, the rate of Indigenous children on care and protection orders has been steadily increasing over the past five years.² At 30 June 2012, Indigenous children and young people comprised one third of the 39 621 children and young people in care nationwide.³ Overall, the national rate of Indigenous young people in out of home care is 10 times that of non-Indigenous young people.⁴ These figures are likely to be an underestimate of the actual number of Indigenous young people in state care, given that some Australian jurisdictions report high proportions of clients whose Indigenous status is unknown.⁵ While there are national guidelines pertaining to the collection of Indigenous status information, data information systems and forms in some jurisdictions do not always require users to specify this information.

Various underlying factors have been cited as drivers of the ongoing over-representation of Indigenous children in the Australian child welfare system, including consequences of past policies of forced removal of Indigenous children from culture and community, intergenerational trauma arising from these practices and resulting lower socioeconomic status.⁶

AGE OF ENTERING CARE AND TYPES OF MALTREATMENT

National data is unavailable regarding the average age of entering care for Indigenous children and young people. In Victoria, compared to non-Indigenous young people in out of home care, Indigenous children entering care were more likely to be aged under 10 years.⁷

Compared to non-Indigenous children and young people, their Indigenous counterparts are more likely to enter the child welfare system as a result of neglect; conversely, non-Indigenous children and young people were more likely to enter care as a result of physical, sexual or emotional abuse.⁸ According to the (then) Human Rights and Equal Opportunities Commission,⁹ the prevalence of neglect among the type of maltreatment experienced by Indigenous children in care is reflective of 'what we know about the socio-economic conditions of many Indigenous communities', and it is the disadvantage associated with these conditions which 'breeds neglect'.

ABORIGINAL CHILD PLACEMENT PRINCIPLE AND PLACEMENT TYPE

In accordance with Division 4 of the *Children, Youth and Families Act 2005* (Vic) ('CYAF Act'), Indigenous children and young people are allocated out of home care placements in accordance with the Aboriginal Child Placement Principle ('ACPP'), which outlines a preference for placement with other Aboriginal and Torres Strait Islander people.¹⁰ This principle aims to protect Indigenous children's right to be raised within their own culture, and acknowledges the importance of family and kinship networks in raising Indigenous young people.¹¹ All Australian jurisdictions have adopted the ACPP in child protection legislation and policy.¹²

In 2012, 69 per cent of Indigenous children in out of home care were placed with relatives/kin, other Indigenous caregivers or in Indigenous residential care.¹³ One of the issues in relation to the placement of Indigenous children is a shortage of sufficient numbers of Indigenous carers to meet the placement needs of the growing Indigenous out of home care population;¹⁴ this issue is compounded for Indigenous young people with complex issues, such as physical or intellectual disabilities.¹⁵ Additionally, each Indigenous child placed in care is required to have a cultural plan setting out how he or she is to remain connected to his or her Indigenous community and culture.¹⁶

LEAVING CARE PROVISIONS IN VICTORIA

Leaving care is defined as the cessation of the state's legal responsibility for young people living in out of home care.¹⁷ Victoria legislated via the *CYAF Act* for the provision of leaving care and after-care services for young people up to 21 years of age.¹⁸ The annual Victorian leaving care budget is approximately \$4 million, which includes funding for both service delivery, and brokerage support for individual care leavers to cover accommodation, education, training and employment, and access to health and community services.¹⁹ Leaving care and post-care services in Victoria are accessible to care leavers aged 16 to 21 years who were the subject of a Guardianship or Custody order, on or after their 16th birthday.²⁰

The *CYAF Act* appears to oblige the Government to assist care leavers with finances, housing, education and training, employment, legal advice, access to health and community services, and counselling and support depending on the assessed level of need, and to consider the specific needs of Aboriginal young people. However, section 16(2) of the *CYAF Act* emphasises that these responsibilities 'do not create any right or entitlement enforceable at law',²¹ which suggests that leaving care programs are in fact discretionary, and care leavers do not actually have any legal right to seek or demand support services from government.

Leaving care schemes in Victoria are technically able to be accessed by young people outside of the primary target group, this includes:

exceptional circumstances where Aboriginal young people require support to transition from kinship care arrangements and they are not subject to custody, guardianship or long-term guardianship orders.²²

At the same time, access under these conditions optimistically assumes that young people are aware of their right to seek these services, and that sufficient resources are available to assist their target group, let alone young people outside this population.

INDIGENOUS CARE LEAVERS IN VICTORIA

In 2011–12 an estimated 3 034 young people aged 15 to 17 years exited state care across Australia; 857 of these were in Victoria.²³ National data is not available concerning the number of Indigenous care leavers. In Victoria, 13 per cent of the 590 young people aged 15 years and older who left care in 2009–10 were Indigenous (ie around 77 young people across the state).²⁴ Other information from the Victorian Department of Human Services ('DHS') indicates that there were 58 Indigenous young people aged 16 to 17 years on Guardianship or Custody

orders in Victoria in June 2011, and it was concluded that approximately 29 Indigenous young people were annually exiting care in Victoria.²⁵ While this data was derived from the DHS electronic information system and is not Australian Institute of Health and Welfare ('AIHW') publishable data, it is concerning that this number so significantly deviates from the annual figure of Indigenous care leavers in Victoria which would be estimated from AIHW data (eg 13 per cent of 857 care leavers) or that published in the 'Report of the Protecting Victoria's Vulnerable Children Inquiry' (ie an estimation of 77 to 111 Indigenous care leavers per year).²⁶

AGE OF LEAVING CARE

National information concerning the average age of leaving care for Indigenous care leavers is unavailable. Victorian research found only a slight difference between the proportion of Indigenous and non-Indigenous care leavers who were discharged from care before the age of 18 years (42 per cent Indigenous versus 38 per cent non-Indigenous).²⁷ Anecdotal evidence from peak Indigenous bodies suggests that 'many Indigenous children leave out of home care to live independently from an earlier age than non-Indigenous children, many for example from the age of 14'.²⁸ Such young people may have difficulties accessing leaving care assistance if they were not subject to a statutory order (ie living under voluntary kinship arrangements).

TIME SPENT IN CARE AND PLACEMENT STABILITY

There is a lack of consensus regarding the relative amount of time Indigenous and non-Indigenous young people spend in care. Some reports have found no significant difference in the time spent in care.²⁹ In contrast, others determined that Indigenous young people were in out of home care for longer periods, reflecting the greater use of kinship care with this population, which tends to be associated with longer and more stable placements.³⁰

A recent report found that Indigenous young people in and leaving care experienced more placements and a shorter time in their current placement than non-Indigenous young people, and that placement stability was associated with entering care at a younger age.³¹ This was not consistent with another Australian study,³² again pointing to a need for further investigations into Indigenous young people's experiences in care.

OUTCOMES IN INDIGENOUS CARE LEAVERS

To date, there has also been limited research on the needs and outcomes of Indigenous Australian care leavers, but the available information outlines some of the challenges

faced by this group.³³ Indigenous care leavers are more likely to report poorer educational experiences compared to non-Indigenous young people in care (eg less likely to have completed Year 12, and more likely to experience school exclusion).³⁴ Indigenous young people in care are also significantly over-represented in Australian youth justice systems, even more so than non-Indigenous young people in care.³⁵

Despite policies attempting to maintain links to culture and community, approximately 30 per cent of Indigenous children and young people leaving care report having a poor connection to their cultural heritage.³⁶ Indigenous young people whose carer is of the same cultural background are more likely to report feeling in touch with their community compared to those with a carer of a different cultural background.³⁷ Indigenous young people in care experience significantly more contact with siblings and grandparents than non-Indigenous people in care.³⁸ This is likely to be attributable to the greater use of kinship care within the Indigenous care population. At the same time, other reports have highlighted the ongoing need for services for parents given that Indigenous care leavers are likely to return to their biological families after leaving care.³⁹

Understanding one's personal history and having a positive sense of identity is understood as an important component of facilitating transitions from care.⁴⁰ Compared to young people from Anglo-Australian and other cultural backgrounds, Indigenous young people knew less about why they were in care, and reported receiving less information about what they could expect would happen during their time in care.⁴¹

SERVICES AND POLICY INITIATIVES FOR INDIGENOUS CARE LEAVERS

The significant over-representation of Indigenous people in the out of home care system indicates the need for an Indigenous specific response to leaving care; specialist leaving care services based on partnerships with Indigenous agencies are required to address the particular needs of Indigenous care leavers in a culturally appropriate manner.⁴² Some initiatives have been established which specifically provide services to Indigenous care leavers.⁴³

In Victoria, the Aboriginal Leaving Care initiative aims to ensure culturally appropriate support for Aboriginal care leavers aged 16 to 21 years by providing transition support and post-care assistance.⁴⁴ It appears that the initiative comprises the provision of support from Aboriginal Community Controlled Organisations ('ACCOS')—for

example the Victorian Aboriginal Child Care Agency—to mainstream leaving care and post-care services, or direct provision of these services in a particular region.⁴⁵ It is unclear what proportion of Indigenous care leavers access these supports.

The Leaving Care Housing and Support Initiative is another Victorian program targeting care leavers aged 16 years and older who are at risk of homelessness.⁴⁶ The program couples the provision of housing support with case management services; specific resources target Indigenous young people leaving care in two Victorian regions.⁴⁷ A 2008 evaluation of the program found that the proportion of Indigenous young people accessing the program over a three year period (8 per cent) was less than the 12 per cent anticipated.⁴⁸ Other Indigenous-specific leaving care initiatives exist in various states and territories (eg the Assisting Aboriginal Young People Leaving Care Project in NSW) which aim to assist Indigenous care leavers to reconnect with family, culture and community.⁴⁹ There appears to be minimal evaluation of the uptake or efficacy of these targeted schemes.

CONCLUSION

There is a dearth of research concerning Indigenous children and young people in and leaving out of home care in Australia.⁵⁰ This is alarming given the current and historical significant over-representation, as well as the recent increases in the rate of Indigenous young people within the child welfare system. A lack of understanding of the needs and outcomes of Indigenous care leavers can diminish the chances of achieving the most positive outcomes, and further increases the possibility of perpetuating a cycle of disadvantage for current and future Indigenous peoples.

Susan Baidawi, Philip Mendes and Bernadette Saunders work in the Social Inclusion and Social Policy Research Unit at Monash University.

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