

## ORIGINAL ARTICLE OPEN ACCESS

# Realising Aboriginal Community Controlled Approaches to Child Reunification

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## ABSTRACT

Reunification rates for Aboriginal and Torres Strait Islander children in out-of-home care (OOHC) in Australia are critically low, even though reunification is the preferred permanency outcome for children following removal, and despite a range of mechanisms and strategies ostensibly to support effective reunification. To better understand the barriers to reunification of Aboriginal children, from the perspective of practitioners, nine practitioner forums were conducted online with 84 participants (46 who identified as Aboriginal) working in OOHC and reunification from across NSW between February and June 2023. Participants represented government, non-government, and Aboriginal organisations delivering reunification programmes to Aboriginal families through the NSW Permanency Support Programme. The study found that distinct service responses are required for Aboriginal children on different statutory orders, and that perceiving reunification from Aboriginal community approaches that focus on ongoing family and cultural connections and holistic family support is critical for successful and sustainable reunification. The paper suggested implications from the research, including a conceptual reimagining of permanency and reunification for Aboriginal children and families.

## 1 | Introduction

The disproportionately high rate of Aboriginal and Torres Strait Islander children living in out-of-home care (OOHC) is a national crisis. Federal and state jurisdictions seek to resolve this crisis through a range of strategies and initiatives (National Indigenous Australians Agency 2022; Department of Social Services 2023) including a national target to reduce the rate of over-representation by 45% by 2031, relative to the 2019 baseline (National Indigenous Australians Agency 2022). This goal is not on track (National Indigenous Australians Agency 2022; SNAICC 2022). Nationally, Aboriginal and Torres Strait Islander children are 10.8 times more likely to be in OOHC than non-Indigenous children, representing

41% of all children in OOHC, despite making up only 6% of the Australian child population (SNAICC 2024, 16, 19). The reunification<sup>1</sup> of children to birth families is a stated system priority, yet reunification is uncommon, particularly after children move to long-term child protection orders. Nationally, just 16.4% of Aboriginal and Torres Strait children in OOHC were restored to their family in 2020/21, with the proportion much lower in NSW at just 8.3% (SNAICC 2022, 31). Addressing this requires the urgent transformation of child protection systems for Aboriginal children and families (Davis 2019; Department of Social Services 2023), whereby the foundational logics underpinning child protection systems are re-envisioned from the perspectives of Indigenous peoples (Fitzmaurice-Brown 2022; Turnbull-Roberts et al. 2022).

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Aboriginal and Torres Strait Islander scholars argue that the overrepresentation of Aboriginal and Torres Strait Islander children in OOH is 'not accidental' (Krakouer 2023), but a product of colonial logics that have intervened in the lives of Aboriginal and Torres Strait Islander families and communities in various guises to erase Aboriginal and Torres Strait Islander peoples, and in doing so, reinforce the legitimacy of the settler-colonial nation (Libesman et al. 2022; HREOC 1997). This legacy pervades contemporary child protection systems through continued systemic racism and entrenched Western ideologies (Krakouer et al. 2018).

In the face of ongoing resistance and advocacy from Aboriginal and Torres Strait Islander communities, and growing recognition that current systems are ineffective, discriminatory and unsustainable (Davis 2019; Tune 2018), contemporary child protection systems have sought to distance themselves from overtly discriminatory practices of their predecessors, including legislative and policy changes such as the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP). The ATSICPP emphasises five elements intended to improve outcomes for Aboriginal and Torres Strait Islander children: focusing on preventing the circumstances for removal, partnering with Aboriginal communities, adhering to a placement hierarchy, ensuring the participation of Aboriginal and Torres Strait Islander families and communities in decisions about their children, and ensuring the preservation of critical connections to family, community, culture and Country (SNAICC 2024; Davis 2019). Further, the New South Wales (NSW) Aboriginal out-of-home care Transition project aims to transition the case management of all Aboriginal children in foster or kinship OOH to the case management of Aboriginal Community-Controlled Organisations (ACCOs) (NSW Audit Office 2024, 15). This is a significant and complex undertaking that seeks to improve service delivery and accountability, the social and emotional health and wellbeing of Aboriginal and Torres Strait Islander children in OOH, and to provide them with greater opportunities to be immersed in their culture and community. Likewise, the NSW Government has committed to the implementation of the Aboriginal Case Management Policy, a comprehensive policy developed by Aboriginal peak organisation AbSec that emphasises both structural and practice change to better integrate safeguards into practice and strengthen decision making processes and accountability.

However, these initiatives are not well implemented, and Indigenous scholars have contended that such efforts present a façade of reform while continuing to devalue and marginalise Indigenous worldviews and legal frameworks (Libesman et al. 2024). Reviews have found that the ATSICPP is not reliably implemented and lacks mechanisms for accountability or remedy in cases of non-compliance (Davis 2019; SNAICC 2022, 2024). Additionally, while it appears that the ATSICPP is being honoured, with 63.2% of children being placed with Aboriginal or non-Aboriginal family members, Aboriginal families in their communities, or in Aboriginal foster care, only 32.2% of Aboriginal and Torres Strait Islander children in OOH reside with their Aboriginal and Torres Strait Islander family (SNAICC 2024, 35). Further, this national data is limited, with many indicators still under development, and some elements lacking national indicators entirely (Australian

Institute of Health and Welfare (AIHW) 2022). Regardless of the rates, OOH placements are controlled by a statutory context, whereby they undermine and take precedence over extended family child rearing for Aboriginal and Torres Strait Islander children.

Progress for the OOH Transition project in NSW also remains slow. Originally intended as a 10-year project from 2012, a recent report by the NSW Audit Office revealed that 80% of Aboriginal children in OOH continue to be case managed by non-Indigenous organisations, and that 'in July 2023, DCJ estimated that at the current pace it will take 57 years to transition the case management of Aboriginal children to ACCOs' (NSW Audit Office 2024, 15). Finally, elements of the Aboriginal Case Management Policy are beginning to be rolled out state-wide, almost 5 years after the policy was endorsed (NSW Department of Communities and Justice 2023a, 2023b).

At the same time, child protection systems continue to impose settler-colonial frameworks and assessment tools that are not appropriate for Aboriginal families, perpetuating colonial harms (Wright et al. 2025; Fitzmaurice-Brown 2022). For instance, Australian scholars have demonstrated that Structured Decision Making tools used to assess the risk of harm for children were racially biased against Aboriginal and Torres Strait Islander families (Jenkins and Tilbury 2024), potentially contributing to over-representation through discriminatory assessments that unjustly assessed Aboriginal and Torres Strait Islander families as unsafe, leading to unnecessary statutory removals and preventing their timely reunification.<sup>2</sup> Such findings are deeply concerning, particularly in the context of recent so-called permanency reforms (Conley-Wright et al. 2022). These reforms include strict timeframes for achieving restoration and impose long-term legal orders that significantly limit the opportunity for children to be returned to their family, leading one recent report to observe that 'the majority of Aboriginal and Torres Strait Islander children in OOH are on orders that do not prioritise reunification' (SNAICC 2024, 37).

While governments claim such reforms are intended to promote stability for children, they have been strongly criticised for conflating legal and relational aspects of permanency, and compromising children's enduring connections with their parents and family, community and culture that underpin lifelong wellbeing and identity formation for Aboriginal and Torres Strait Islander children, with reduced transparency and accountability (Turnbull-Roberts et al. 2022). Despite these initiatives, settler-governments still ultimately exercise control and final decision-making power over Aboriginal and Torres Strait Islander children and families, whether or not such actions align with the perspectives, aspirations, or expectations that communities hold for their children.

The realisation of self-determination continues to be regarded as a key principle to addressing this persistent over-representation (HREOC 1997; Davis 2019). While communities advocate for this structural transformation, it is also important to highlight the ways that Aboriginal and Torres Strait Islander communities and organisations operate within existing systems to elevate the voices of families and communities and move towards more equitable and accountable child protection systems. Drawing

on the experiences and views of research participants who have expertise working with Aboriginal families in an OOHc and reunification context, this paper aims to:

1. Explore the systemic barriers to reunifying Aboriginal children from OOHc.
2. Identify how practitioners and Aboriginal organisations perceive and implement Aboriginal community-controlled approaches to reunification.
3. Utilise these findings as a launching point to conceptualise a reimagining of permanency and reunification for Aboriginal children and families.

The literature in this area is limited. Very few studies have explored the experience of reunification for families and professionals and approaches to reunification, specifically from Indigenous perspectives (Hermeston 2021; Newton et al. 2025; Newton et al. 2024; Toombs et al. 2018). There is slightly more literature examining reunification experiences more broadly (Collings et al. 2024; Davies et al. 2023; Jedwab et al. 2018; Farmer 2014). This literature, however, has limited application for Indigenous reunification, and many of these studies are themselves racist, viewing Indigeneity itself as a risk factor for failed restoration, rather than identifying inappropriate services and racist policies as the risk factors (Tucker et al. 2025). This paper seeks to contribute important evidence regarding how Aboriginal community organisations conceptualise and approach reunification, and how service providers work within, and often around, child protection systems when attempting to support reunification for Aboriginal families, identifying barriers and opportunities for improvement. Finally, we propose alternative ways to conceptualise the child protection system, permanency and reunification, as part of shifting child protection logics towards family support and effective reunification.

## 2 | Methods

### 2.1 | Research Design and Approach

Bring Them Home Keep Them Home is an Aboriginal-led, mixed-methods study based in NSW that aims to investigate the experiences, rates, and pathways to sustainable reunification for Aboriginal children in OOHc. Three of the five researchers leading this research are Aboriginal. Author 1 and Author 2 are Wiradjuri, and Author 5 is Palawa. Author 4 is of South African Jewish background and Author 3 is Australian born with British heritage. We have partnered with four Aboriginal organisations, AbSec, the NSW child, family, and community peak Aboriginal corporation, and three ACCOs in the Illawarra Shoalhaven region south of Sydney: Waminda, South Coast Medical Service Aboriginal Corporation, and Illawarra Aboriginal Corporation. This is a 4-year project funded by the Australian Research Council due to finish in September 2025, with ethics approval from the NSW Aboriginal Health & Medical Research Council (AH&MRC) (1863/21) and UNSW Human Research Ethics Committees.

The research was conceptualised in partnership with two of the four Aboriginal partner organisations, Waminda and AbSec,

and is led by Aboriginal stakeholders and communities at every stage. The research is overseen by an Aboriginal advisory panel, comprising members from our partner organisations (who are also local Aboriginal community members), and a representative nominated by AbSec from the NSW Department of Communities and Justice (DCJ). In keeping with the principles of Indigenous and community-based participatory research, we work closely and consistently with our partners, and all key decisions about the research methods and process have been made with our advisory panel. All decisions regarding impact and dissemination strategies have been guided by our partners, community members, and families participating in the research (Tobias et al. 2013; Ninomiya and Pollock 2017).

This research involves three core components:

1. Community-based participatory action research in the Illawarra Shoalhaven with professionals, practitioners, community members and Aboriginal families through community forums and interviews.
2. Population-level linked data analysis of child protection contact and intervention across the lifecourse for the > 125,000 NSW Aboriginal children born 2004–2022.
3. State-wide reunification practitioner forums with government, non-government, and Aboriginal community-controlled OOHc service providers.

The latter component (3) is the focus of this paper.

### 2.2 | Practitioner Forums Recruitment and Sample

In February and March 2023, we held a series of eight online practitioner forums with OOHc service providers from across NSW. In June 2023, we held one additional practitioner forum with the NSW DCJ State Aboriginal Reference Group, with Aboriginal child protection caseworkers across NSW.

The online state-wide practitioner forums became an important component for our research organically. The research initially intended multiple community-based sites; however, restrictions associated with the COVID-19 pandemic limited community capacity. To meet our intentions of understanding reunification at the broader level across NSW, and with the support of our advisory panel, we pivoted to online practitioner forums, divided according to the NSW DCJ Districts across NSW. This was an accessible, safe alternative to promote research participation.

NSW DCJ supported participant recruitment by providing lists of key contacts for non-government (NGO) and Aboriginal community-controlled organisations (ACCOs) who provide family preservation and restoration services through the NSW 'Permanency Support Program'. We emailed these contacts inviting nominations of OOHc practitioners (including particularly Aboriginal practitioners) who work with Aboriginal families to attend regional practitioner forum assigned to their region. We also directly contacted DCJ District Directors to nominate participants and approached the DCJ State Aboriginal Reference Group secretary for a session on their agenda at an upcoming

meeting. Interested participants were sent the participant information and consent form and agenda with key discussion points to support preparation.

Author 1 attended and led the facilitation of all practitioner forums, with two research team members supporting each session to co-facilitate and take notes. The forums ran for 2-h via Microsoft Teams. The sessions began with Author 1 introducing participants to the research, its aims and consent protocols, before presenting an overview of the OOHC and reunification statistics in the region. This was followed by a lengthy open discussion about the needs and experiences of Aboriginal families in the region when their children are removed, going through the reunification process, and post-reunification process. A discussion guide similar to the preparation questions was used to frame the discussion (Appendix A).

Across all practitioner forums 84 practitioners participated, with the number of attendees at each forum varying from 4 to 17 (see Table 1 below). Nearly half ( $n=40$ ) of participants across all forums were represented by NGOs, while 23 were from DCJ and 21 participants were from ACCOs. Over half of the participants ( $n=46$ ) identified as Aboriginal across all forums, and each forum included Aboriginal participants.

## 2.3 | Data Analysis

All practitioner forums were recorded and transcribed using Microsoft Teams functions with the consent of participants. Transcripts were cleaned to correct any errors and to de-identify participants. Discussion points in the transcripts were grouped according to the discussion guide (Appendix A), and then further thematically coded using inductive grounded theory to support the social justice inquiry lens underpinning the advocacy motivations of the research team to undertake

the study (Charmaz 2011). The analysis was led by Author 1 and a research assistant, with the contributions and support of the broader research team and advisory panel. These findings were presented and tested at a session of the June 2023 AbSec conference, where many of the participants were in attendance, and with the second Community Forum in July 2023, as part of the sense making of the findings.

## 2.4 | Limitations of the Study

The practitioner forums do not include NGOs or ACCOs from the Illawarra Shoalhaven, hence one region of NSW is not represented in this paper. This region is our community-based site, with more intensive processes reported elsewhere (Newton et al. 2025). However, many of the issues discussed in the practitioner forums were also discussed by participants in the community forums, suggesting that many of the broader systemic issues apply across the state, and therefore the findings can be considered representative across NSW.

Unlike the community forums, the practitioner forums were one-off sessions to provide regional context across NSW, rather than an intensive longitudinal approach. Additionally, the practitioner forums only included practitioners working in organisations delivering the Permanency Support Program (and Aboriginal DCJ caseworkers across different programs), so did not have the opportunity to capture the view of practitioners in other child and family or public health roles that do reunification work as part of their family support and casework. Additionally, the online format could be both a barrier and an enabler of participation, with both spoken and written features for engagement.

## 3 | Findings

### 3.1 | Distinct Responses Are Needed for Children on Different Statutory Orders

An important distinction that quickly emerged through the forums was that different legal orders required different considerations. Participants indicated that the experiences, service accessibility and response, expectations of parents, and engagement with DCJ and family support caseworkers differed significantly depending on whether children were on interim or long-term care orders.

#### 3.1.1 | Children on Interim or Short-Term Orders

Most children are placed on short-term or interim care orders when first removed from their parents.<sup>4</sup> Within 2 years of their child's removal, the NSW Children's Court expects parents to meet a series of goals from their 'Family Action Plan for Change'<sup>5</sup> to demonstrate they are capable of caring safely for their children, or other permanent care arrangements will be pursued<sup>6</sup> (Hermeston 2023).

Participants indicated that Family Action Plans can include unreasonable demands and do not sufficiently consider the impact of child protection involvement and removal on parents

TABLE 1 | Practitioner forum participants by NSW region.

NSW region	ACCO	DCJ	NGO	Total
Mid North Coast	4	—	2	6
Sydney/Nepean/Blue Mountains 1	—	—	7	7
Hunter/Central Coast 1	1	—	3	4
Northern/New England	6	1	7	14
Southern NSW/Murrumbidgee	4	1	4	9
Western NSW/Far West NSW	3	1	6	10
Hunter Central Coast 2	1	—	4	5
Sydney/Nepean/Blue Mountains 2	2	3	7	12
DCJ State Aboriginal Reference Group	N/A	17	N/A	17
	21	23	40	84



and families, who are expected to achieve these plans often with limited support:

*In terms of the Family Action Plan, there are really some unrealistic expectations that mum and dad both need to achieve, and I think there is this idea that mum and dad should be the best versions of themselves at the worst possible time of their lives*

(non-Aboriginal participant/NGO).

Participants acknowledged the plethora of policies and practice approaches that practitioners can utilise to support parents to timely reunification during these 2 years. Despite this, and despite legislation that prioritises restoration to parents as the preferred permanency outcome, participants commented that it is very unlikely that children will be restored within that 2-year interim order period, and the likely impact of this system orientation for families.

*I think it is awful for families. If I were to have my children come into care now knowing the system, I would be petrified because it is a system that does not support kids going home*

(Aboriginal participant/DCJ).

Participants expressed that child protection and legal systems do not adequately consider the unique needs of children and families during this critical time, and felt that responses were driven by arbitrary, system-focused requirements.

*You have to tick all of these really extensive boxes and the court does not care if you are going through sorry business or if you just had a massive family breakdown or something happened or if you are about to lose housing*

(non-Aboriginal participant/DCJ).

This is to the detriment of children and families. Rather than being supportive and responsive to their circumstances, if families cannot meet these requirements, their children will move to final long-term orders.

*The Family Action Plan simply says that she must address her history of trauma, loss, and grief in this amount of time. How would she do that? People can go their entire lives, never actually being able to do that, much less than [a] 19-year-old woman who's been in care and whose child has been removed from her. So, it is just outrageously unrealistic, and it is not fair for our parents in that space. And the courts need to do better. And I do think that we need to have a more individualised approach that we can't put everybody into the same bucket*

(Aboriginal participant/NGO).

Alongside arbitrary requirements, participants also identified that external factors beyond parents' control, such as access to services, administrative delays, and caseworker availability to

complete their responsibilities, impede families' ability to meet their restoration goals. The inflexibility of the restoration process and the inability of the Children's Court and DCJ managers to consider these challenges present as a barrier to reunification and increase the likelihood that children might be permanently separated from their parents and family.

### 3.1.2 | Children on Long-Term Custody Orders or Guardianship Orders Until 18 Years of Age

Children who are not reunified with their parents in the first 2 years will transition to long-term custody orders, also called final orders, except in 'special circumstances'.<sup>7</sup> Through these orders, parental responsibility will either be invested in a carer (through guardianship via third-party orders), or will be retained by the state, until the age of 18 or beyond.

Such orders will include a case plan and cultural care plan specifying how their needs will be met, including retention of important connections to their parents, siblings, extended family and community, as well how they will be supported to enjoy their culture. With the exception of guardianship and adoption orders, which are not meaningfully reviewed following the orders being finalised, case plans are expected to be reviewed periodically, ideally each year, and this is when caseworkers can review the case plan, including exploring the possibility of reunifying children with their parents. Participants commented that this rarely happens in practice, particularly following recent (2018) legislative changes in NSW that require the Court to consider primarily the length of time a child has been in care, the apparent stability of those arrangements, and the least intrusive option, before granting leave for a party to apply to vary or rescind the orders under Section 90. One Aboriginal caseworker commented that these barriers to reunification are so great that they do not bother promoting this option to families.

*I won't even advocate a section 90 to a parent now because they don't get it. Like even though we're told to say, 'look, continue to work with us as soon as final orders are done'—it's done because the clinical assessment is the first thing that's asked for and that says no, we're gonna damage this kid more if we remove them [from their carer] now. It'll be a second removal. We need to leave them, so I actually blatantly refused to advocate for a section 90*

(Aboriginal participant/DCJ).

Participants noted that placement stability is not well understood, with many longstanding placements breaking down unexpectedly, particularly in adolescence. Participants noted that it is not uncommon for young people to self-place (i.e., return to their parents or family without the department's agreement), which they understood in terms of the enduring importance of children's relationships with their parents and family and desire to connect with where they come from, whether or not such connections were enabled during their time in OOHC. The concern for practitioners is that young people often self-place with no supports for them or their parents, creating circumstances of significant stress and instability as

they adjust to reuniting as a family. In some cases, this can lead to a failed restoration, which has damaging implications for that young person.

*If you're looking through the child's lens, like that's just a re-trauma, another kick in the guts to say I'm not good enough. I'm not loved. I'm all of these things. I've got nowhere to belong. And then they're the ones that have to carry it for the rest of their life*

(Aboriginal participant/ACCO).

### 3.2 | Perspectives on Changing the System

#### 3.2.1 | Conceptualising Reunification From Aboriginal Perspectives

Participants discussed the importance of reunification being conceptualised from an Aboriginal perspective rather than as a narrow settler-colonial legal process facilitated by child protection practitioners. Participants viewed reunification as a holistic and inclusive child and family response that values the preservation of family and community networks and that is oriented towards healing. As described by one participant, this differs from present systems that often exclude family, including isolating parents from broader social supports:

*Family should be involved right there and usually they are not. You know, they are not usually involved at the beginning and it should not just be mum and dad that we talked to. It should be everyone, because as Aboriginal people, that is how we support each other, and it takes a community to raise a child*

(Aboriginal participant/ACCO).

Further, participants emphasised that reunification needs to be understood as connecting children to their Country and kin, recognising these connections as a fundamental right for all children.

*It's a process of getting the family unit back together, but it's also as a minimum to have the child back on Country...That's a right. It's not a privilege. It's a right to play with your cousins on Country*

(Aboriginal participant/ACCO).

Thus, participants contextualised reunification within a rights-based and healing-oriented framework that goes beyond just being restored to the full-time care of their parents, but also recognises the importance of returning to their community and kinship networks. Delivering on this change in perspective requires strengthening the opportunity for Aboriginal families and communities to lead decisions about their children.

#### 3.2.2 | Insights for System Improvement Through Aboriginal Community-Led Approaches

A main tool used for Aboriginal family-led decision making is the Family Group Conference (FGC). Participants reported that

FGCs can be a useful mechanism for supporting family preservation and reunification when they are available and accessible, and properly facilitated. However, FGCs can often be poorly timed and implemented, particularly if considered primarily as an administrative task to be completed rather than a tool for family engagement and planning.

*Families need to be at the table. We need to ask the family who's important for them, who's their networks, who's their supports and who does what and what support, it could be financial supports, might be cultural learnings, could be housing. It could be where they go, but they're the specialists in their own lives. They're going to tell you who they want at the table and then you know what? Invite them along and have the family group conference*

(Aboriginal participant/ACCO).

*We need to be having the family group conferences early, very early to identify, not just you know what everyone can do towards restoration, but who can be putting their hand up for an emergency provisional authorisation. That's completely and utterly one of the most important things to be done very early on. I would say that the optimal time would be before there's even been a decision to assume into care*

(non-Aboriginal participant/ACCO).

Participants identified that Aboriginal family-led decision making and FGCs can prove very challenging when families are case-managed by DCJ or NGOs (the majority of Aboriginal children in OOHC), particularly those that have few Aboriginal staff or community connections that can culturally support families and prioritise family and community relationships. Participants recognised that this was a big gap in the sector currently.

*When we're talking successful restorations...how many of the families have either a family-led decision-making plan or actually an FGC that's been done to support that process? We do cultural training within our organisation. I've done it when I was at DCJ and other places and more and more family-led decision-making doesn't appear to be something that people are aware of, that there's actually a process where you can actually follow*

(Aboriginal participant/NGO).

As a consequence of poor implementation of Aboriginal family-led decision making, children may remain in care unnecessarily and be deprived of connections to their cultural identity and extended kin networks, as is their birthright. Thus, reunification at any age, and particularly when children 'age-out' of care, is disrupted.

Participants were confident that genuine Aboriginal family-led decision making within the sector will prevent removals and promote reunification, with family and community rallying

around families where there are child safety concerns, so that children do not need to be removed at all, or can be safely restored in a timely fashion. As expressed in this example, where family and community were not consulted when a large sibling group was removed,

*They are highly respected people in the community and they said they were horrified that these eight children were removed into care without them being consulted. If they had been consulted, they would have rallied around and stopped... they were confident they could have stopped the assumption into care*

(non-Aboriginal participant/ACCO).

Too often, Aboriginal children are removed without community consultation and collaborative work to ensure that if children are removed, the family can make the decision about who is the best person to care for the children.

*There are a lot of children that are in care that shouldn't be in care. There are a lot of children who have got big, huge families that if they are only notified, they could go to*

(Aboriginal participant/NGO).

Participants expressed that part of the value of Aboriginal families being supported by ACCOs is that they value and prioritise connecting children and families closely with their communities, including both their kinship systems and communities on their traditional Country, or in the community where the family lives if off-Country.

*Well, restoration means that they should get back into their community and be embraced by the community and embraced by their elders. What is happening is they are just placing them with any member of the family who they think can look after them...The true representation of restoration and making these children back into their culture is not being realised*

(Aboriginal participant/ACCO).

This comment also demonstrates how decisions are critical for Aboriginal children to maintain or re-establish their sense of identity and belonging to their community. Such decisions must go beyond simply finding a placement with any carer who is available and deemed appropriate by the department, but should apply a broader relational model of care, grounded in connections. This requires engaging the parents and key family members, such as grandparents, siblings, aunts and uncles, in decisions regarding how best to meet the child's immediate and longer-term care needs.

### 3.2.3 | Sustainable Reunification

Participants emphasised the importance of ongoing, intensive supports for families both prior to and following reunification

in promoting sustainability. However, despite being widely recognised, participants identified that it is not well supported structurally, with limited funding models often not enabling this support.

*It's not just the issues that are in terms of supporting the parents, but it's as a sector as a whole. The resources that are not available to the agencies to successfully support restorations*

(non-Aboriginal participant/NGO).

Participants reported that intensive support post-reunification included spending time in the family home at least weekly and out-of-business hours when they require extra support, engaging with community members to facilitate networks for longer-term family support, being consistent and not reducing contact when the family seems to be doing well, and asking hard questions for preventative casework so families are not set up to fail, particularly with teenagers engaging in risk behaviours.

The level of support required may increase or decrease at different times depending on the families' needs. Participants noted the struggle for NGOs and ACCOs to stretch their resources to provide this critical support to families, particularly post-reunification, noting that, like all families, families post-reunification are going to experience times when they will need extra support from services as their children age or as circumstances change.

*But if you are truly wanting to keep children home post restoration, you are working intensively with mum and dad because it never runs smoothly. No parent wins all the time and...we become less available when they need us the most*

(non-Aboriginal participant/NGO).

One ACCO manager shared how they support children and families in their reunification by wrapping the entire community and kinship network around the family.

*Especially when you've been off Country, what we do is with the restoration, we actually have lots of meetings with elders from that community and introduce them and do family association. So when the child is restored back to wherever, they are well aware of who they are and how they fit in the community and the community embraces them. Because I know who they are*

(Aboriginal participant/ACCO).

## 4 | Discussion

In the context of staggeringly low rates of reunification of Aboriginal children in NSW, and nationally, this research engaged with restoration practitioners in ACCOs, government, and NGOs to better understand the barriers to reunification, and how these barriers are navigated. Overall, there was



consensus and collective frustration that despite legislative provisions, policies, and mechanisms to enable practitioners to broker timely and successful reunification, the system remains stacked against children and families being restored and healed. Consistent with related research and recent inquiries, this research reinforces the critical need to address the range and extent of barriers within child protection and legal systems that prevent practitioners from supporting families to safely bring their children home (Collings et al. 2024; Newton et al. 2025, 2024; NSW Audit Office 2024; Rose et al. 2023; Davis 2019).

The findings from this study have identified multiple barriers to sustainable reunification, including unreasonable, time-bound, and arbitrary demands on families, long-term orders being imposed inappropriately, challenges for parents to seek reunification through Section 90, as well as a lack of post-reunification supports. Importantly, we found that different approaches are required for children on different court orders. The study also highlights the importance of understanding reunification specifically for Aboriginal children and families, in particular, moving away from the nuclear family model of reunification and understanding that sustained reunification of Aboriginal children requires working with the extended Aboriginal family and the community. Reunification is therefore not just about ensuring that a child is physically cared for, but must include ensuring their ongoing cultural and relational connection to kin and Country, belonging, sense of identity, and providing adequate supports not just for their immediate care, but throughout their development and spanning to the family and community. This highlights the critical role of ACCOs, who already work with the whole family and community (often without the associated funding) in the reunification space. Thus, the findings demonstrate that sustained reunification for Aboriginal children requires a fundamental re-think of reunification processes, and indeed the broader child protection and OOHC system.

Our study shows that the functioning and ritualism within child protection and Children's Court systems, such as indiscriminately imposing inflexible demands on parents, hinder the ability of Aboriginal families and communities to be self-determining in caring for their children, which is consistent with previous system reviews (Davis 2019). The views of practitioners challenge the narratives produced by governments, system stewards, legislation, and policy, that contend prioritising preservation and reunification, and indeed, Aboriginal family-led decision making. In reality, practice is misaligned, arbitrary, and compliance-focused, and shows little compassion and understanding of families' experiences, and the need for intensive family support to address structural and systemic barriers that undermine family functioning. This is compounded by the way concepts of permanency are operationalised in legislation and practice, including limited timeframes to meet Children's Court requirements, the significant risk of disconnection in OOHC, and prioritising relationships in the OOHC placement above that of parents and birth family (Wright et al. 2025). In doing so, participants emphasised that the challenges contributing to the low rates of restoration are not merely practical, but also conceptual, implicating the logics of contemporary child protection systems, and how these

logics permeate systems and practice. This is particularly the case for Aboriginal and Torres Strait Islander children, where they include the contemporary manifestation of colonial logics that presume the legitimacy and superiority of decision making by settler-colonial systems rather than by Aboriginal families and communities.

Our findings suggest that achieving a system that genuinely enables restoration as the highest priority outcome, and enables Aboriginal community led approaches and valuing the wellbeing of Aboriginal children, requires significant changes in conceived and accepted notions of care, protection, permanency, and reunification. An example of this is the way the court perceives the assumed stability and permanence of children in OOHC. Participants in this research noted that apparent stability can be fleeting, with instability emerging without warning, including placement breakdown and children returning to family by their own initiative. However, their construction in legislation, and the emphasis on not disrupting previously established orders, was seen by practitioners as an impediment to providing children and families with the supports they need to promote success in these circumstances, with negative consequences for children and young people as well as families. This is consistent with research emphasising the misapplication of attachment theory within child protection settings in ways that privilege relationships created through child protection interventions while simultaneously diminishing their pre-existing parent and family connections<sup>8</sup> (White et al. 2019). Instead of positioning the network of attachment relationships, including parents, family, carers and kin, as an asset for the child's relational permanency, a carer's relationship with the child is considered to be a 'primary consideration' which must be protected from the apparent 'intrusion'<sup>9</sup> of the child's relationship and sense of belonging with their parents, family and community (Wright et al. 2025). These connections are thereby construed as being in conflict, increasing the likelihood of isolation from family, community and culture for Aboriginal children in OOHC, particularly when placed outside their Aboriginal family and community. This approach is detrimental to children's wellbeing and identity development, and a missed opportunity for facilitating sustainable reunification.

This paper complements studies that conceptualise reunification at its core as the valuing of children's connections to their family, culture, and Aboriginal communities (Newton et al. 2025). In this spirit, we encourage child protection systems to reimagine preservation and reunification as one and the same for Aboriginal children. This approach is grounded in Indigenous constructions of permanency and wellbeing which centre enduring, lifelong connections to family, community, culture, and Country, rather than narrow constructions of legal parental responsibility and nuclear families which in many cases fail to adequately focus on the retention and enjoyment of these connections. Recognising the essential role of family and community, we argue that permanency should only ever be considered within a family and kinship network and applied through Aboriginal family and community decision making structures. This includes the re-assertion of Indigenous legal frameworks, which tend to position children within larger, enduring networks of responsibility (Libesman et al. 2024). We are beginning to see the building blocks of these approaches in NSW



through the establishment of Aboriginal Community Controlled Mechanisms via the Aboriginal Case Management Policy (NSW Department of Communities and Justice 2023a, 2023b), which if implemented as intended, will enable Aboriginal community decision making regarding the care and protection of Aboriginal children and be integral in planning and making critical decisions about how best to support children and their parents in families where there are safety concerns.

Like previous Indigenous-specific research, participants also challenged the longstanding notion of removal as a solution to child safety risk (Toombs et al. 2018), emphasising the need to ensure family connections are actively preserved and promoted, with immediate and ongoing efforts to reunify children, as well as preserving connections to community and culture, as imperative to lifelong wellbeing. This imperative never expires, and thus we argue that existing long-term care orders should not apply for Aboriginal children, but must be reimagined. This will require amendment to child protection legislation to remove those barriers, recognising and preserving the view that removal and disconnection, including permanency in OOHC, always represents the most intrusive intervention possible. This also emphasises the need for greater participation of Aboriginal communities in court processes to ensure that the Court understands and applies these differences in perspective.

This requires moving away from a child protection mentality that focuses on family surveillance, risk, and investigation, to a focus on a child and family well-being system oriented towards prevention, with multi-disciplinary teams who can understand and support children's health and developmental needs, as well as parental health and wellbeing (Scott 2006). Participants identified that this extends to recognising that holistic support not only includes a variety of supports, but also that the engagement with and intensity of supports will change over time depending on the current family circumstances and developmental stages of children and young people. Such support is just as important to prevent child removals, as it is in preventing re-entry to OOHC. Practitioners must be able to work with families in varying levels of intensity long-term following reunification, adapting models of healthcare commonly used to support people living with chronic disease. This approach necessitates increasing the authority and investment in Aboriginal communities to provide all levels of care and support, from primary care to crisis support, as a policy priority. These changes implore government decision makers to be bold, to embrace the innovative changes that Aboriginal advocates have been demanding for many years, and sitting in the discomfort of relinquishing colonial power and paternalism over Aboriginal families and communities.

Enabling children to safely return home to parents, family and community might take longer than the 2 years currently offered, but recognising this time is a long-term investment in better outcomes for Aboriginal children and young people is vital. This conceptualisation of permanency also recognises and values a broad perception of connectedness including family and kin, community, Country, and culture, consistent with models of Aboriginal social and emotional wellbeing (Gee et al. 2014). Indigenous peoples have emphasised expanded understandings of permanency that include continuity of culture (Burge 2022), conceptualising 'processes of culturally connecting' as

critical to the individual and collective rights and interests of Aboriginal children and to resisting ongoing harms of family intervention and assimilation that have characterised intervention in Aboriginal families spanning generations (Krakouer et al. 2023). These ideas are not particularly novel or revolutionary. Rather, this model aligns with the principles and approaches as advocated for by Aboriginal communities (SNAICC 2022). Aboriginal community-led reunification approaches such as this require additional time and resources that are absorbed by ACCOs working tirelessly to support children and families with successful and sustainable reunification.

Realising an Aboriginal child reunification approach also calls for significant transformation to the current way child protection systems operate and their perceived role as protectors of Aboriginal children. This requires a more significant shift in thinking than those outlined above, away from the colonial logics that underpin the imposition of contemporary child protection systems regarding Aboriginal and Torres Strait Islander families, predicated on surveillance and control of Indigenous families (Libesman et al. 2022; Dettlaff 2023), and beyond initiatives to implement safeguards or transfer service delivery to ACCOs within these non-Indigenous systems. Building on participant's observations of the ways that these logics are operationalised throughout child protection systems, including legislation, policy and practice, and their mismatch with Indigenous conceptual frameworks, this transformation should be oriented towards achieving Aboriginal and Torres Strait Islander child protection systems constituted 'by, for and of' Indigenous peoples themselves (Fitzmaurice-Brown 2022).

## 5 | Conclusion

Drawing on the wisdom of Aboriginal and non-Aboriginal practitioners working with Aboriginal families in out-of-home care and towards child reunification in NSW, this paper provides insight into Aboriginal community-led reunification approaches and how to address systemic barriers to improve reunification effectiveness and outcomes for Aboriginal children and families. Participants discussed how systemic functions and barriers have created unnecessary and unjust barriers for Aboriginal parents trying to bring their children home and provided clear directions for transforming child protection systems to realise Aboriginal self-determination. This includes iterative system and practice changes to promote better implementation of current principles and safeguards, and more significant structural transformation to reimagine the conceptual logics of child protection systems and the institutions, policies and practices by which they are operationalised to enable Aboriginal and Torres Strait Islander approaches and properly safeguard Aboriginal and Torres Strait Islander children's futures. This requires effective Aboriginal family-led decision making processes and adequately resourced ACCOs to provide holistic family supports.

## Author Contributions

**B. J. Newton:** conceptualization, writing – original draft, writing – review and editing, funding acquisition, investigation, methodology, formal analysis, project administration, validation, data curation,

software. **Paul Gray:** conceptualization, investigation, funding acquisition, writing – original draft, methodology, writing – review and editing, formal analysis, validation. **Kathleen Falster:** investigation, funding acquisition, writing – original draft, writing – review and editing, conceptualization, validation, methodology. **Ilan Katz:** supervision, conceptualization, investigation, funding acquisition, writing – original draft, validation, methodology, writing – review and editing. **Kyllie Cripps:** conceptualization, investigation, funding acquisition, writing – review and editing, validation, methodology.

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## Disclosure

*Disclaimer:* While NSW DCJ staff have participated in the research forums, the statements, views, and recommendations do not necessarily reflect the views of the Department.

## Ethics Statement

Aboriginal Health and Medical Research Council (AH&MRC)—1863/21 and UNSW Sydney—RG194187.

## Consent

Obtained in accordance with ethics requirements.

## Conflicts of Interest

Ilan Katz is on the Editorial Board of *AJSI*.

## Endnotes

<sup>1</sup> A note on terminology-reunification and restoration will be used interchangeably throughout to align with the NSW context and to acknowledge broader terminology conventions. Aboriginal, respectfully, will be used to refer to the First Peoples of Australia.

<sup>2</sup> NSW ceased to use Structured Decision Making tools as of September 2024. An assessment approach based on professional judgement has been implemented in the interim of a new permanent approach. <https://dcj.nsw.gov.au/service-providers/deliver-services-to-children-and-families/family-preservation/changes-to-assessing-risk-in-child-protection-and-program-referrals.html>.

<sup>4</sup> Section 69 of the NSW *Children and Young Persons (Care and Protection) Act 1998* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157#sec.62>.

<sup>5</sup> The Family Action Plan for change is a tool that caseworkers use to structure and measure the expected goals and changes parents are expected to make during child protection investigations or when parents are seeking reunification <https://dcj.nsw.gov.au/children-and-families/nsw-child-protection-guide-for-families/restoration---bringing-your-child-home.html>.

<sup>6</sup> Since practitioner forums, Active Efforts legislative changes that require additional permanency planning in attempts to safeguard Aboriginal family-led decision making and compliance with the Aboriginal Child Placement Principle. See section 83A of the NSW

*Children and Young Persons (Care and Protection) Act 1998*. <https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157#sec.83A>.

<sup>7</sup> Section 79 (10) of the NSW *Children and Young Persons (Care and Protection) Act 1998* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157#sec.79>.

<sup>8</sup> This was witnessed publicly when a non-Aboriginal foster carer moved the Aboriginal children they were caring for to the UK without family permission at the height of the COVID-19 pandemic. <https://www.theguardian.com/australia-news/2024/feb/01/aboriginal-children-stranded-uk-without-passports>.

<sup>9</sup> Section 90 (2B) (c) of the NSW *Children and Young Persons (Care and Protection) Act 1998* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157#sec.90>.

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## Appendix A

### Practitioner Forum Discussion Questions (Approved by AH&MRC and Advisory Panel)

#### Key questions

1. What are some of the key support needs for Aboriginal families and communities in your region?
2. To get a bit of an understanding of the local and regional service sector, what are some of the most pressing issues that need addressing to enhance your support to families?
3. What restoration programmes or practices are available in your region to support restoration for Aboriginal families?
4. What are some of the main barriers for Aboriginal families trying to achieve restoration in your region?

5. How do services engage with Aboriginal families to ensure successful and sustainable restoration?
6. When children are removed, what generally happens with supporting the parents immediately after, and in the weeks and months following removal?

*If time questions*

1. Specific to your region, what is the typical experience for Aboriginal children when they are removed? Where do they go? OOHC arrangements? Key OOHC services? How likely are they to return home?
2. How has COVID and the lockdown impacted Aboriginal families in the region, and particularly those with children in care or newly restored?
3. Can you share some good practice examples and good outcome stories of restoration for Aboriginal families?