



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: IIC/EEvk:1633552

6 February 2019

Michael Coutts-Trotter
Secretary
Department of Family and Community Services
Locked Bag 10
STRAWBERRY HILLS NSW 2012

Dear Mr Coutts-Trotter,

Guardianship taskforce

The Law Society of NSW refers to the attached media release dated 2 November 2018 announcing the establishment of a Guardianship Taskforce, which is reviewing the cases of more than 7500 children in out-of-home care to determine which children might benefit from guardianship. This correspondence is informed by the Law Society's Indigenous Issues Committee and is supported by its Children's Legal Issues Committee.

Given the recent amendments to the *Children and Young Persons (Care and Protection) Act 1998* (NSW) and the *Adoption Act 2000* (NSW) removing certain safeguards in respect of the adoption of children on guardianship orders, we would be grateful for more information about this Taskforce and its work, including in respect of the following:

1. composition of the Taskforce, including whether any Aboriginal people are involved in the decision making and assessment processes;
2. criteria used by the Taskforce to assess suitability for guardianship;
3. how many children so far assessed as suitable for guardianship are Aboriginal, and the process undertaken to identify Aboriginality;
4. the process that follows once children are assessed as suitable for guardianship,
5. what particular protocols apply in relation to Aboriginal children throughout this process;
6. whether proposed guardians and family members are being directed to legal advice;
7. whether children are being directed to legal advice;
8. whether children will lose their entitlements (in particular medical and dental entitlements, scholarships and access to free TAFE courses); and
9. whether the Taskforce is open to receiving submissions from interested stakeholders.

Thank you in advance. If your office has any questions, at first instance please contact Vicky Kuek, Principal Policy Lawyer, on victoria.kuek@lawsociety.com.au or 9926 0354.

Yours sincerely,

Elizabeth Espinosa
President

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