Supervision – A Proposal for Reform

A Paper by Children's Magistrate Crawford

This paper examines shortcomings in the law and administration of orders for supervision made pursuant to section 76 of the Children and Young Persons (Care and Protection) Act 1998. Proposals for reform of the law are made together with draft legislation.

The proposal can be summarised as follows: –

a) To alter the nature of a supervision order to one that is more collaborative between the Department of Community Services ("DoCS") and family while at the same time retaining (and enhancing) such order as an effective child protection measure.

b) To better link supervision with necessary guidance, supports and services for the family and so to prepare the family to carry out their caring role.

c) To provide the Court with a more viable alternative to placing children in out of home care (on either an interim or long term basis).

d) To extend the maximum duration of a supervision order so as to recognise the vulnerability and special need for the protection of young children.

e) To better define and enhance the role of those having the responsibility to administer a supervision order.

f) To provide for the court to order parents to engage in specific programs of rehabilitation so as to acquire or improve upon their parenting skills.

Background and limitations with Supervision Orders

Historically, a formal system of State supervision of children arose in the context of concerns for the welfare of children boarded out rather than for children being cared for by their families. Under legislation of this State dating back at least to the 1920's, a child the subject of a probation order (for either care or criminal concerns) was supervised and as part of that supervision his/her place of residence could be inspected. The focus of State intervention in care matters was then, to a much greater extent than now, on the behaviour and welfare of young adolescents. This focus has shifted to issues concerned with the protection of younger children. Yet, the present legislative model follows that of earlier times and is outdated and otherwise seriously deficient.

Supervision by public authority of children remains a common (if not universal) feature of child protection systems. The legislation in some States has been developed beyond that in NSW but the approaches taken are divergent. [1]

Under the Children (Care and Protection) Act 1987 a supervision order could be made as a "care order" in its own right, rather than formerly, as a condition of probation. In common with other care orders, the subject child had first to be found by the court to be in need of care and protection (s.72(1)(c)). Additionally, undertakings could be received from the child or parent. A supervision order was not limited in its duration (but could not extend beyond the child turning l8 years of age).

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[1] The comparative legislation examined is – Child Protection Act 1999 (Queensland), Children and Young Persons Act 1989 (Victoria), Children's Protection Act 1993 (South Australia), Children Services Act 1986 and Children and Young People Act 1999 (ACT) Children, Young Persons and their Families Act 1997 (Tasmania) Children, Young Persons, and their Families 1989 (New Zealand) and The Children Act 1989 (UK).

Under the current Children and Young Persons (Care and Protection) 1998 Act, the provision for a supervision order is similar to the 1987 Act except that its duration is limited to 12 months (with provision for extension).

While the 1998 legislation did substantially carry into effect the recommendations of the 1997 Legislation Review Report there were notable and significant omissions.

A supervision order must be considered at best as a "weak" form of protective intervention. It neither involves an assumption of care responsibility for the child by the State nor does it necessarily offer to the parents the assistance, guidance and support that they need to meet their obligation as carers. The process of enforcement of breaches of an order is slow and cumbersome. Feedback to the Court suggests that administration of supervision orders in terms of active supervision and frequency of visits to the home by officers is patchy.

In summary, a "supervision order" needs to be brought forward from the 1920's and redefined in terms of a contemporary legislative model that offer an effective child protection response.

Supervision--- a collaborative approach

The key proposal of this paper is that a supervision order should be developed to a greater extent as a collaborative model and one that engages the family and not just the child. While in practice officers may well meet and discuss with the family issues concerning the child's welfare, the legislation does not facilitate this. It does not ensure that any needs of the child and family for assistance are methodically assessed. The order is not linked to providing the support, guidance and direction the family may need. Instead, the order continues to follow an authoritarian model strongly associated in the past with the probation of juvenile offenders.

What is proposed is a model that alters the relationship between the officers and family to one where each has rights, obligations and responsibilities with these directed towards achieving a common goal of protection for the child and enhancement of the child's quality of life. These rights and obligations would be outlined (and documented) and include that parents receive clear information about orders and their administration.

DoCS and the family would be obliged to meet and discuss ways in which parents can be encouraged and assisted to better perform their role. This collaborative approach will better ensure effective administration of the order. Compliance may be greater if families see that all obligations are not being imposed on them and that they too have an important contribution to make towards in this common goal of achieving protection for the child.

At the same time, it must also be recognised that collaboration can only go so far and that the present model has significant deficiencies when officers are faced with obstruction or where the child remains at risk despite intervention. The court needs additional powers to engage in a process of rehabilitation or to assist them to acquire adequate parenting skills. Officers need additional powers to enable them to respond adequately to obstructive conduct by parents. It is only with these additional powers that the public and court can have confidence in a system of state supervision of children at risk. There must always be retained a "sharp edge" to the law when parents obstruct or act in defiance of the Court's orders.

Duty and Responsibility of Parents

The obligations of parents (as proposed) under a supervision order will extend to-

- receiving necessary information concerning the order and its terms;
- being prepared to collaborate with officers administering the order by meeting with and discussing matters and concerns respecting the child's welfare and care;
- co-operating with any assessment or evaluation of any supports that the child may need (or the parents may need to assist them to carry out their role);
- keeping such officers informed of the whereabouts of the child;
- making the child available to be seen and spoken to by officers;
- making the child's residence available for inspection;

- being prepared to receive guidance in the performance of their parenting role and comply with (the more formal) directions.

Parents to receive adequate information

The parent should receive a copy of the court order. In addition to this, the Director-General should provide additional written information concerning the administration of the order and what is expected of parents by way of co-operation and compliance. The information should set out the role of DoCS. This information should be made available to parents in their own language if they are not fluent in English.

A Duty to meet and collaborate with officers

A parent should be required to meet with officers (along with the child if of sufficient age and maturity to participate) and collaborate concerning the administration of the order, to receive guidance and direction and co-operate with an assessment of necessary need for support and services. The ACT 1986 legislation (s.83(4)) provided that a supervision order may contain a provision that a parent or child (or both) is to "take part in discussions with the supervisor with respect to the welfare of the child, in particular whether the child should receive some form of education, vocational or recreational activity or activity having as its object the welfare of the child". This model could be suitably adapted.

Parents to keep officers informed of child's residence

It is proposed that there be a statutory obligation on a parent to keep the officer informed of the place of residence of the child. This is provided for elsewhere. (**Qld**. s.77(1) The child's parents or other person with whom the child is living must – (a) keep the chief executive informed about where the child is living – **NZ** s.95(c) "Every person – with whom the child or young person is residing – shall ensure that the Social Worker or person or organisation knows at all times of the address at which the child or young person is residing for the time being".

The obligation of a parent to comply with directions

This is enlarged upon later in this paper.

Role, Powers and Responsibilities of DoCS

The legislation does not outline the Director-General's role other than in terms of a right to inspect premises and the child. There is an inference only that these limited functions will be carried out. It is suggested that the legislation should go beyond this by better defining the role of the Director-General in relation to a supervision order.

In Queensland where a protection order is made (other than for long term guardianship, this includes a supervision order) there is a statutory duty on the chief executive to *"take steps that are reasonable and practical to help the child's family meet the child's protection needs (s.73(1)"* and *"must have regular contact with the child and the child's parents or other appropriate members of the child's family"*. (73(2)).

In New Zealand there is not a direct parallel to a supervision order but that a person or organisation that provides support to a child pursuant to an order is required to (s.93) -*"To monitor the standard of care, protection and control being provided to, or exercised over, the child or young person".*

The proposed powers and responsibilities of DoCS largely complement those of parents. They include –

- to provide parents with information concerning the administration of the order;
- to allocate an officer to conduct and administer the supervision order;
- to meet with parents (and child if of sufficient age) and discuss matters and concerns relating to all aspects of the child's care;
- to conduct an assessment or otherwise evaluate the need for any supports for the child (or the parents to assist them to carry out their role);

- to see the child (and if of sufficient age speak to the child) and inspect the premises where the child resides; and
- to offer guidance to the parents in respect of their parenting role and give directions to parents (and child of sufficient age).

Allocating an officer

This proposal should ensure that there are no unallocated cases involving a supervision order. This is an essential first step towards collaboration with the family.

The New Zealand Act (s.94) provides that *"where....the Director General is directed to provide support to a child...the Director-General shall from time to time appoint a Social Worker to provide support to the child ...on behalf of the Director General"*. The term "*support*" under that legislation would include monitoring the child's welfare and is comparable to (though wider in scope then) supervision.

A better link between supervision, support and services – an assessment

There is at present no specific link made between a supervision order and an assessment of what the child and family need by way of support. The 1997 Legislation Review Report recognised this need (p.86) -

> *"Throughout the consultation there was strong support for the idea that supervision orders should be more specific and should include details relating to the reasons for the order and the expected outcomes* ***and should also detail the services to be provided to the child and family."***

A proper assessment is a first step and a proper evaluation of the need (if any) for support services by the family in no more than good case management. Without an assessment, a supervision order is unlikely in itself to avoid a deterioration in the child's care in the home and eventual removal into care.

It should be made clear that when reference is made to support or services in these proposals, this is not directed exclusively or even principally to fee for service arrangements on referral by DoCS. The reference embraces all manner of supports of both a formal and informal kind.

Families who come to the attention of welfare authorities frequently do so despite services available in the community that they are not able to use to advantage. This may be due to social isolation or other factors.

> "*The socially isolated parent or family is deprived of naturally occurring opportunities to learn from others, to give and receive support, recognition and feedback on how they are doing...Although in child protection this impact is largely discussed in terms of the impact on parents' ability adequately to parent their children, such separation and alienation can also take its toll on broader aspects of a child's development as families remain poorly linked and integrated with key services and institutions eg., education, health..*"[2]

In many instance the need of the family may not be so much a matter of DoCS providing services but rather in using its experience and advocacy resources to co-ordinate already available resources both formal and informal –

> "*Agencies providing formal support services often have a key role in facilitating and nurturing such developments in informal networks, not least of all because these are best placed to provide naturally occurring, acceptable, esteem boosting and long-term sources of support.*"[3]

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[2] Review of the Children (Care and Protection) Act 1987, Recommendations For Law Reform, Report of Legislation Review Unit, 1997 ("the Legislation Review Report".)

[3] Effective Interventions for Child Abuse and Neglect, An Evidence-based approach to Planning and Evaluating Interventions, G. Macdonald (2001) p.124.

The obligation to conduct an assessment raises no assumption that services will necessarily be able to be made available. The engagement of services (referrals to other agencies or directly) would continue to remain exclusively the province of the Director-General.

It is not proposed that the assessment be conducted before a supervision order is made. To do so is likely to protract the litigation. If children are not then in the care of parents, services may only be able to be properly assessed if and as restoration proceeds and may change over time.

One would anticipate that in many assessments, no special need for the provision of services over and above those ordinarily available in the community (such as schooling, mental health care) would be identified. Recent research shows that children in foster care have a high level of unaddressed health needs. It would be expected that an examination of children (the subject of supervision orders) remaining with the their families, would produce similar results.

A flow-on benefit of a standardised assessment may be that support and services can be delivered more consistently across different geographical areas and this in turn may assist in identifying common factors that lead to placement breakdown.

The power to inspect premises and meet and talk with the child (s.77(1))

These are very important protective measures. The evaluation of an experienced officer in seeing how the child presents in his/her own family environment will invariably be of enormous importance. Officers should be immediately on alert if parents attempt to "put off" officers from seeing the child or entering the premises.

Section 77(1) provides that the premises "are subject to inspection". The position is unclear if entry is refused. Section 251 creates an offence of "obstruction" of officers but this does not of itself provide a satisfactory solution.

It is proposed that the existing powers to inspect should be enhanced (or at least clarified) along the lines of the Queensland legislation (s.77(2), by providing an officer with specific right of entry to premises "*with the help, and using the force, that is reasonable in the circumstances*", the existing right of inspection would be retained. By way of further clarification of the term "*help*", it is proposed that an officer exercising a power of entry, inquiry and inspection have specific authority to call upon the assistance of a police officer.

Enhanced power for officers to give directions

The Legislation Review Report proposed that officers have authority to give direction to parents concerning the welfare of their child (at p.86)

The present requirement (s.77(1)(c)) that a child accept supervision and obey all reasonable directions of an officer, is meaningless if the child is young or the direction is one that the child cannot comply with. If the child's circumstance is to be improved, invariably it is the parent who must be given the guidance and direction and the parent who must accept and comply with it. This is an essential reform if supervision orders are to be an effective child protection measure.

The proposal of the Legislation Review Report may not have been adopted at the time because it was considered that the giving of undertakings would suffice. The provision for the giving of undertakings (s.73) does have significant limitations. For example, new concerns that arise since the undertakings were given. Further, the enforcement process may not be sufficiently responsive to cases of urgency.

The notion of giving directions to parents will be somewhat foreign to officers. Other jurisdictions have taken this course. It is time for this State to follow suit. Parents should welcome appropriate guidance and support.

In the United Kingdom a supervision order has provision to ensure that parents comply with directions in specific matters and in particular the child complies with directions to attend psychiatric/medical examinations, treatment and associated activities (Schedule 3 cl.(3)).

In Victoria, a supervision order may impose conditions that the court considers in the interest of a child on a parent (s.92). The Secretary may, by notice, give a parent (and a person with whom the child is living) any direction that the Secretary considers to be in the interests or for the welfare of the child that is both reasonable and lawful (s.93).

In Queensland, the chief executive may, by written notice, direct a parent to do or refrain from doing something specifically relating to the supervision matters stated in the order (s.78). Information from an officer in the Department of Child Safety confirms that the provision is used very much as a last response. Officers tend in practice to prefer seeking a court order under s.61(a) (an order comparable to the NSW s.47 but in wider terms).

The proposals seek to make a clear distinction between "guidance" and "support" on the one hand and "directions" on the other. It is expected that in most cases officers will be providing guidance and support and (where followed or accepted) this will suffice to protect the child. The giving of "directions" would be reserved in practice, to cases where the former are not acted upon. The giving of "directions" would follow a more formal process procedurally as non-compliance would have potential consequences.

Directions would be given in writing and issued by an officer of a relatively senior level (not the case worker involved in the matter). The notice would set out the direction clearly in its terms of what is directed to be done or refrained from being done and with reasons for the direction. It is not considered desirable to attempt to confine the scope of the subject matter of a direction to matters specified in the supervision order. The effect of doing so would be that as new concerns arose it would be then necessary to have the terms of the order varied. This would introduce additional delay and otherwise be unsatisfactory.

Officers need flexibility to respond to the changing factual circumstances of the individual case as they arise. Appropriate discretion must be left to the good sense of experienced officers. Ultimately, the arbiter of unreasonable or inappropriate directions will be the court.

In summary therefore on this point, even within a proposed model that fosters collaboration between officers and parents, supervision will remain a limited protective measure unless directions can be given to persons who have the day-to-day responsibility for ensuring the welfare of the child.

Duration of Orders – Greater Protection for Young Children

The Legislation Review Report recommended that the maximum duration of a supervision order be restricted to 12 months with provision for extension *"for such further length of time as it (the court) considers appropriate"*. While the general thrust of this reform is still supported, my own experience is that in particular instances this period is too short and this deficiency is clearly apparent at the time the order is made. In some situations, the uncertainty of whether an application to extend an order will be made (and if made, granted) can act against effective longer term case planning.

The cases that often call for an order of a longer duration than 12 months often concern the welfare of young children because of their dependence and vulnerability, and similarly, cases involving children with special needs (e.g. children at high risk because of their ongoing medical needs).

A related area of concern is where the parent is engaged in a program of rehabilitation that extends beyond the 12 months and where a supervision order is a component of overall monitoring of the parent and case planning for the child.

In the United Kingdom the duration of an order is for a maximum of 12 months (with provision for extension of up to 3 years in total (Sch 3,Pt2 c16). In South Australia it is 12 months (s.38(1). In the ACT (1999) there is no maximum duration of a order but if in force for more than 6 months, must be reported on (including as to the Chief Executive's performance of his or her obligations under the order (s.267(3)(b)); In Queensland the term is 12 months subject to extension (sections 61 and 64). In

Victoria the duration of a supervision order is a maximum period of 12 months OR not exceeding 2 years if the Court is satisfied that there are special circumstances which warrant the making of an order of such a period (s.91(2)). The order must be reviewed and reported on within the first 12 months. In Tasmania there is not a supervision order as such. The court may make a care and protection order not exceeding 12 months and include conditions to be observed, including by the Secretary. Presumably a condition could be made that the Secretary supervise a child (s.42).

It is proposed that the present maximum duration of a supervision order should remain at 12 months except where –

- a child of the family is under the age of 3 years; or
- the court is otherwise satisfied that there are special circumstances justifying the making of an order of greater duration,
- and in either case for up to 2 years.

Special circumstances would not be defined in the legislation and depend upon the individual factual situation. It may be expected to deal with situations such as a child with a disability or serious medical conditions requiring ongoing monitoring by an authority.

Clause (a) has been deliberately drafted in the singular in order to meet the situation of a family of children of different ages and so that a supervision order may be made of like duration for all children (even if some are older than 3 years of age). If this were not so, parents may concentrate their efforts and attention on meeting the needs of the children subject current orders and to the potential detriment of the other children. The provision of guidance and support services may be more complicated where supervision orders expire at different times.

It is important to emphasise that the proposal sets the MAXIMUM duration of orders. Courts are not likely to make orders at the maximum duration unless the circumstances justify this course.

The Victorian model that makes it mandatory for the court to direct, before the l2 months period of an order longer than this duration, the Director-General to review and report on the operation of the order, is not supported. The existing s.76 provision enabling the court to request a report (with the option of a court review) and extension provisions should continue to apply.

More than one extension?

There appears to be some uncertainty as to whether an order can be extended pursuant to s.76(6) more than once. The matter appears to require clarification. Good arguments can be advanced both for and against such a proposal. On balance I would favour that an order may be extended more than once. To do otherwise may encourage courts to act on the side of caution and make orders of the longest duration possible being mindful that only one extension is possible. In any event it would seem that this same result is achievable as a supervision order can itself be varied under s.90 if the preconditions are satisfied.

PARENTING PROGRAM ORDERS

A new form of order is proposed that for want of greater imagination I have termed a "parenting program order". In the context of this paper this is proposed as being made as a condition of a supervision order, however it is possible that it could be considered in a wider context (such as a stand alone order).

It is proposed that the court could order as a condition of the supervision order, that the parent engage either in a specific program or rehabilitation or training or programs to address a specific parenting issue. An example, could be that a parent suffering with a mental illness is ordered comply with his/her existing community treatment order. Other programs could relate to anger management or domestic violence. The program would not necessarily have to be of a formal nature, as in the case of the parent with a mental illness it could involve taking medication and otherwise following the recommendations of the parent's treating psychiatrist.

Ordinarily before making such an order the court would have information concerning the nature of the program, its objectives and duration, its availability to the parent and the willingness of the parent to

participate. Participation would not be voluntary but the parent must have the opportunity of first addressing the court before an order could be made.

The duration of an order would not exceed the duration of the supervision order to which it relates. There would be provision for the court to require reports (as in s.76) but additionally "progress reports" from both DoCS and the parent concerned. The reports could be in writing or oral reports. The proposal is not intended to mirror the "Youth Drug and Alcohol Court". The children of parents in the intake and early stages of drug rehabilitation are unlikely to be the subject of supervision orders but it may be possible to adapt some aspects of that program to dependent parents who are the latter stages of drug rehabilitations programs. Because of the concept of "progress reports" by the parent directly to the court, the court itself would be involved to a greater extent in the supervision process than in the "ordinary" case.

Because of the intensity of involvement of parents with the court, it would not be expected that ordinarily such an order would require reporting "in person" by the parent to the court.

It may be asked what is the difference between such a proposal and the proposal for officers to give directions to parents in the interests or for the welfare of a child? The answer is that there are differences but they are essentially ones of focus and degree.

The "directions" proposal is intended for situations where there are immediate and observable deficiencies in the child's care that are readily capable of being redressed such as matters dealing with school attendance, attending to medical needs of the child, hygiene, adequate food, instances of domestic violence. "Parenting program orders" on the other hand have a focus on specific issue or concern that has or may have an adverse impact of the parent's capacity to care for his/her child across a whole range of the child's needs (such as illicit drug use, alcohol dependence or mental illness). In the latter circumstances the giving of directions will not likely bring about a change in the standard of care for the child unless the underlying cause or concern is addressed.

Definition of "Parent"

The definition of a "parent" under the 1987 Act was an inclusive one whereas under the present Act it is exclusive and confined to a person having parental responsibility. Similarly to the situation with the giving of undertakings (s.73) in practice may operate in a way that is too restrictive. Under a restoration plan for example, a parent may be taking up considerable parental duties while technically the child remains under the parental responsibility of the Minister. At least for the purpose of these proposals consideration should be given to extending the definition of "parent" at least to the situation of a parent exercising some level of care for the child although not having parental responsibility (and some aspects of my draft of legislation operates more broadly that this again).

Compliance Issues

Compliance is presently dealt with in s.77. The Director-General may "notify" the court of an alleged breach. The court must give the parties an opportunity to be heard, determine if the order has been breached and if so, make such orders as it considers appropriate. No specific alteration is proposed to this structure although there would be some clarification that a "breach" would include a failure to make the child or premises available for inspection, a failure to notify a change of residence, a failure to comply with a direction or failure to comply with a parenting program order.

Section 48 (removal of a child pursuant to an order of the court) is conditioned "on the making of a care application". Does this provision also extend to cases that are being considered by the court otherwise? (For example, s.77 by notification, s.76(5) and 82(2) after a "report").

Given that "breaches" of a supervision order may vary in their seriousness and impact upon the child's welfare it may be desirable to provide the Director-General with other options than notification. With some hesitation it is proposed that if the Director-General is satisfied that having regard to the nature of the breach that the child is not placed at immediate risk of harm, instead of notifying the Court pursuant to s.77(2), he may meet with and discuss the breach with the parent. In some cases there could be a referral to mediation. In other cases the making of a, so called, "stand alone" assessment application may be an appropriate response.

The effect of s.77 is that only the Director-General can institute the action that brings the matter before the court and this is ordinarily as it should be because the Director-General has the primary responsibility of supervision under a supervision order.

It is raised (without a decided view on the matter) whether reg.6 that enlarges upon a "significant change" of relevant circumstances (for the purpose of a variation application under s.90) may be extended to include a failure to comply with a direction of an officer and a failure to comply with a parenting program order.

Older Children

Supervision orders would still extend, as they presently do, to older children who will continue to be the subject of directions. There would additionally benefit from other reforms such as the better provision of information, collaboration and having their support needs assessed.

Better Supervision – Fewer Children in Out of Home Care?

No claim is made that the adoption of these proposals will necessarily have the effect of reducing the number of children entering or remaining in out of home care. A supervision order is however the most intrusive order available to the court to protect a child in the care of his/her parents. Any legal impediment to the effective administration of supervision orders must necessarily place those children at added risk of harm and render them more vulnerable to removal into care for their own protection.

The main aim of these proposals is to enhance the effectiveness of supervision orders in cases of children where they are now appropriately made. It is intended to add to their safety. It is possible that these proposals may avoid some children coming into care. It is possible also that a restoration time-table may be brought forward if an added level of safety present due to these proposed reforms. A supervision order (no matter how stringent its term or how professionally it is monitored and administered) will, however, never be an adequate response to protect children in a home that is too unsafe for them to be in.

Draft Provision

For the purpose of furthering debate on these proposals a *preliminary* legislative draft follows.

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(1) The Children's Court may, after inquiry, make an order placing a child or young person in relation to whom a care application has been made under the supervision of the Director-General if it is satisfied that the child or young person is in need of care and protection.

(2) In making an order under this section, the Children's Court must specify:
- *a) the reason for the order, and*
- *b) the purpose of the order, and*
- *c) the length of the order.*

(3)The maximum period of supervision under (such) an order is
- *a) where the child or young person has attained the age of three years as at the date of the making of such order – I2 months;*
- *b) where the child has not attained the age of three years as at the date of the date of the making of such an order – 2 years*

(4) Notwithstanding sub-section (3)(a), if the Court finds that there are special circumstances relating to welfare of the child that justify the making of such order, the maximum period is 2 years.

(5) Without limiting the meaning, the Court may finds "special circumstances" for the purposes of ss (4) because of –

a) *the child's special medical needs, disability, where another child in the same household is subject to an order the duration of which is greater than l2 months;*
b) *the health, addiction or rehabilitations programs in which the parent is engaged.*

s.A The purpose of a supervision order is to enable the Director-General to monitor the standard of care, protection and control being provided to, or exercised over the child or young person.

s.B Following the making of a supervision order, the Director-General is to:
a) *allocate the order to an officer to be administered;*
b) *provide to the parent (and child if of sufficient maturity) information as provided for in the regulation;*
c) *cause an assessment to be of such services and resources whether from the community or otherwise as will ensure that appropriate care, protection and control are provided to, or exercised over, the child or young person;*
d) *take such steps by way of guidance or otherwise that are reasonable and practical to help the child and his/her parent meet the child's protection needs.*

s.C
(1) While a child or young person is subject to a supervision order:
a) *the premises in which the child or young person resides shall be subject to inspection by the Director-General;*
b) *the Director-General may meet and talk with the child or young person, and*
c) *the child or young person must:*
d) *accept the supervision of the Director-General, and*
e) *obey all reasonable directions of the Director-General .*

(2) An officer exercising authority under subsection (1) may use such force as is reasonable in the circumstances and may be assisted by a police officer.

s.D A parent of a child or young person the subject of a supervision order shall notify in writing the Director-General of any change of residence of the child or young person.

s.E Unless the Court otherwise directs, a supervision order shall include conditions –
a) *that the parent shall co-operate with such supervision and meet with the supervising officer and discuss the welfare of the child or young person and the means of assisting such parent to meet the child or young person's protection needs;*
b) *that the parent comply with all directions of the Director-General that are lawful and reasonable respecting the safety, welfare and well-being of the child or young person.*

s.F (1) For the purposes of section E, the Director-General may, by notice, give to –
a) *the child (if of sufficient maturity and understanding) or young person in respect of whom a supervision order is made;*
b) *a person (other than a child or young person) to whom a condition has been made pursuant to section E(b) –*
c) *a direction that the Director-General considers to be for the safety, welfare and well-being of the child.*

(2) A notice for the purposes of subsection (1)shall be in writing and set out clearly the terms of the direction, the reasons for the direction and the time period in which the direction is to be complied with.

s.77(2),(3) and (4) remain

Parenting Program Orders

s.F (1) Where the Court makes an order under section 76(1), the court may when making or at any time during the currency of the order, order that the parent participate in a parenting program.
(2) An order shall not be of longer duration than the supervision order.

s. G(1) A parenting program is one specified by the court that is intended to address a particular deficiency in the parent's capacity to parent the subject child.
(2) An order may be made in respect of more than one related program.
(3)Before making such order the court must-
a) receive a report or reports outlining details of the program
b) give the parent the opportunity to make representations to the Court and the court have regard to those representations; and
c) be satisfied that the program is appropriate to address the child's or young person's need for safety, welfare and well-being;
(4) The Court may require the Director-General or parent (or both) to provide progress reports (orally or in writing) to the Court as to the parent's participation in such program

There would be a consequential amendment to the definition of "parent" extending the term to include a parent who has the care of a child but does not have parental responsibility (and also possibly a person who has the care of a child with whom the child is living). The latter situation would cover then a grandparent or partner of a parent. In Victoria, directions can be given to such persons (s.93(2).

Amendment to the Regulation would be necessary to provide for the manner and content of the information to be given to parents concerning the administration of the order (and in an appropriate language). Further it is proposed that reg.6 ("significant change" for the purpose of s.90) include failures to permit entry for the purpose of inspection, failure to permit inspection of the child being seen, failure to notify a change of whereabouts of the child and a failure to comply with a direction.