



Charter of rights for a child in care



Children and young people in out-of-home care have particular needs that must be addressed in order to ensure their safety and improve their emotional, physical and psychological well-being.

The charter of rights under the Child Protection Act 1999 (<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010>), section 74, and Schedule 1 describes the core rights that apply to every child and young person who is subject to the custody or guardianship of the Department of Children, Youth Justice and Multicultural Affairs (the Department).

The Act establishes the following rights for children and young people in care:

- 1 to be provided with a safe and stable living environment
 - 2 to be placed in care that best meets the child's needs and is most culturally appropriate
 - 3 to maintain relationships with the child's family and community
 - 4 to be consulted about, and to take part in making decisions affecting the child's life (having regard to the child's age or ability to understand), particularly decisions about where the child is living, contact with the child's family, and the child's health and schooling
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 - 5 to be given information about the decisions and plans concerning the child's future and personal history, having regard to the child's age or ability to understand
 - 6 to privacy, including, for example, in relation to the child's personal information
 - 7 to the child is under the long-term guardianship of the Chief Executive, to regular review of the child's care arrangements.
 - 8 to have access to dental, medical and therapeutic services, necessary to meet the child's needs
 - 9 to have access to education appropriate to the child's age and development
 - 10 to have access to job training opportunities and help in finding appropriate employment
 - 11 to receive appropriate help with the transition from being a child in care to independence, including, for example, help about housing, access to income support and training and education.
- A person has a right to a fair hearing. This means the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing. (Section 31)
 - A child charged with committing a crime or who has been detained without charge must not be held with adults. They must be brought to trial as quickly as possible and treated in a way that is appropriate for their age. Children are entitled to opportunities for education and rehabilitation in detention. (Section 33)
 - Every child has the right to primary and secondary schooling. Every person has the right to have access to future vocational education, based on their ability. (Section 36)
 - Everyone has the right to access health services without discrimination. This right also states that nobody can be refused and magical me emergency medical treatment. (Section 37)
 - The department, carers and other non-government agencies can limit a child or young person's rights in their decision-making where it is reasonable and justified.
 - More information about human rights and when they can be limited is available on the Queensland Human Rights Commission (<https://qhrc.qld.gov.au>) website.