

Interstate Child Protection Protocol Australia and New Zealand

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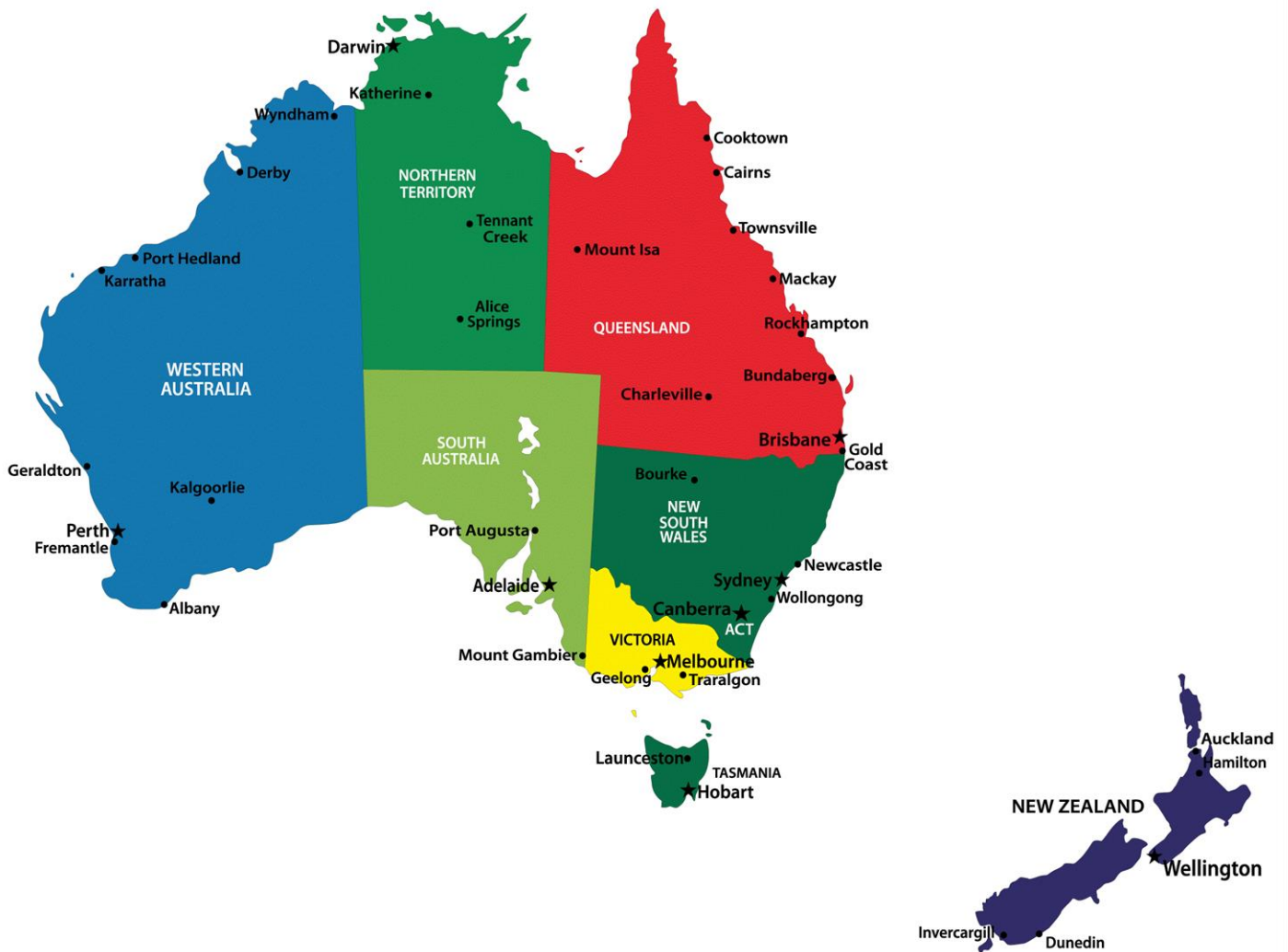


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Acknowledgement

In the making of this Protocol, we acknowledge the Traditional Owners of Country throughout Australia and New Zealand (NZ) and recognise their continuing connection to land, waters and culture. We pay our respects to Elders, past, present and emerging.

Preamble

The Interstate Child Protection Protocol (the Protocol) is an agreement between the States and Territories of Australia and NZ and provides a framework within which the Child Protection Departments in the States and Territories of Australia and NZ will work together in order to promote the best interests and well-being of children. The States will work collaboratively, cooperatively and respectfully within their individual legislation and policy frameworks to achieve this. The Protocol is designed to assist cooperation, clarify procedures and improve decision-making.

The principles of the Protocol reflect the tenets of the United Nations Convention on the Rights of the Child (UNCRC), 1989. The UNCRC has four guiding principles that are core requirements for realising the rights of children:

- 1) Non-Discrimination: the articles in the UNCRC relate to the rights of EVERY child.
- 2) The best interests of the child: any decision that is made, or action taken, that may affect children must prioritise the best interests of the child.
- 3) Ensuring the child's survival and development: children should be given every opportunity to develop and reach their full potential.
- 4) Participation: children are experts in their own lives and experiences and should be consulted on decisions that affect them.

States acknowledge their obligations to Article 12 of the UNCRC, which establishes the right of every child to express their views in all matters that affect them and for those views to be given due consideration.

1 Introduction

1.1 Definitions

For the purposes of this Protocol:

- a) “**Appendix**” means the appendix attached to the Protocol that provides guidance to Interstate Liaison Officers (ILOs) on the information and documentation requirements of requests, to ensure that the sending State provides sufficient material to the receiving State for the request to be considered.
- b) An “**appropriately qualified private practitioner**” means a person undertaking a carer assessment who is approved to do so by the State in which they practice and:
 - i. holds a relevant qualification consistent with the requirements of Departmental and Non-Government Organisations (NGOs);
 - ii. satisfies relevant State's screening tests; and
 - iii. has relevant child protection experience.
- c) “**Appropriate Delegate**” means the recognised position within a Child Protection Department or agency, however described, that exercises decision-making responsibility for accepting and allocating an interstate request. For example, a regional director, local office manager or a regional unit co-ordinator.
- d) “**Care and Protection Order**” means a child protection, guardianship or custody order where the Chief Executive of the State Department exercises parental responsibility/guardianship or custody of a child. “Order” has the corresponding meaning.

- e) **“Carer”** means a person authorised to provide statutory out-of-home care (OOHC) to a child, who has met, and continues to meet, the assessment and screening requirements of a State’s child protection legislation.
- f) **“Chief Executive”** (or equivalent) means the recognised position within a Child Protection Department that exercises parental responsibility/guardianship or custody of a child.
- g) **“Child”** means children and young people under the age of 18 years or as prescribed in specific child protection legislation.
- h) **“Child Welfare Law”** means State Child Protection Legislation.
- i) **“Child Protection Department”** means a State Department, Ministry or agency, however described which has responsibility for administering the Child Protection Legislation of the State or has officers with such responsibility.
- j) **“Children and Families Secretaries (CAFS)”** means the group of Chief Executives and Senior Officers from Child Protection Departments around Australia, who meet to collaborate and drive national reform and who are responsible for endorsing the Protocol and the Appendix.
- k) **“Children who are subject to child protection intervention or involvement”** mean children subject to a child protection assessment or an open plan or case or subject to a care and protection order with a State Child Protection Department.
- l) **“Connect for Safety (C4S)”** means the national child protection data matching solution designed to enable biographical information to be shared more efficiently between jurisdictions to protect children and families. C4S allows authorised users to identify a potential match based on a person’s biographical information in another jurisdiction. As at 2021, the solution is currently only available for use by authorised staff in Australian jurisdictions and not NZ.
- m) **“Co-ordinating State”** and **“National Interstate Liaison Co-ordinator (NILC)”** has the meaning given to it in paragraph 2.2 below.
- n) **“Costs”** include:
 - i. cost of the placement;
 - ii. carer allowance;
 - iii. assessment costs as outlined in section 5; and
 - iv. ancillary costs, including, but not limited to medical, clothing, family contact, education and child support services.
- o) **“Extraordinary costs”** are costs incurred because of the placement requirements and level of care needed to meet the high needs of the child.
- p) **“The Hague Convention on the Civil Aspects of International Child Abduction (Hague Abduction Convention) 1980”** is a multilateral agreement to which Australia and NZ are both parties. It provides a lawful process through which a parent can seek to have their child who has been abducted or wrongfully removed or retained without their consent returned to their home country.
- q) **“Interstate Liaison Officer (ILO)”** has the meaning given to it in paragraph 2.1 below.
- r) **“Interstate Liaison Co-ordinator”** has the meaning given to it in paragraph 2.1 below.
- s) **“Interstate Child Protection Warrants Protocol (Interstate Warrants Protocol)”** means the Protocol endorsed by representatives of all State Child Protection and Police Departments in 2002. This is not applicable in NZ.
- t) **“Non-Government Organisation (NGO)”** means a government-funded private organisation that is contracted to undertake child protection tasks of varying degrees of responsibility for a State Child Protection Department or that shares case management responsibility with a State Child Protection Department. “Service provider”, “Community Service Organisation” and “Aboriginal Community Controlled Organisation/Agency” has the corresponding meaning.
- u) **“Non-Resident State”** means a State where a child is temporarily visiting.

- v) **“Norfolk Island”** means an external territory of Australia that has contracted an NGO to provide child protection services on Norfolk Island under a Commonwealth contract, in accordance with the Child Welfare Act 2009 (NI). A statutory Child Welfare Officer, appointed by the Commonwealth Minister, has a range of delegated functions, duties and powers under Section 24 of the Child Welfare Act in relation to the provision of care and protection services to children on Norfolk Island.
- w) **“Placement”** means the placement of a child subject to a child protection order or involvement, in a statutory OOHC placement with an authorised carer or other place of care, such as with a parent/guardian, boarding school, custody or independent living, whether or not the placement is located in the State in which the order was made. Conversely, an un-approved placement is where a child is self-placing with a person who is an un-authorised carer.
- x) **“Residential Care Service staff”** means a person employed or authorised as a residential carer/care worker by a Non-Government Organisation or by the department to deliver residential care services for children in Statutory Out of Home Care accommodated in a residential care/group home or secure care facility.
- y) **“Resident State”** means the State where the child/family habitually lives.
- z) **“Receiving State”** means the State Child Protection Department that receives an interstate alert or notification from the sending State or a request for:
 - i. information;
 - ii. an assessment;
 - iii. casework assistance;
 - iv. a placement; and
 - v. a transfer of a care and protection order or child protection proceeding.
- aa) **“Reunification or Restoration”** of a child in OOHC means the planned and timely process of safely returning a child to the care of their parents or to the family member who had been exercising parental responsibility prior to the child coming into care.
- bb) **“Sending State”** means the State Child Protection Department that sends an interstate alert or notification to the receiving State or a request for the matters referred to in y) i-v above.
- cc) **“Senior Officer”** means a senior officer nominated by each State’s Chief Executive Officer (or equivalent) as the Senior Officer responsible for the Interstate Liaison portfolio, including compliance with this Protocol and interstate dispute resolution.
- dd) **“Services Australia”** means an executive agency in the Australian Government’s Social Services portfolio that delivers Medicare, Centrelink and Child Support payments and services.
- ee) **“State”** means NZ or any State or Territory of Australia and “interstate” and “jurisdiction” has the corresponding meaning.
- ff) **“Statutory Out of Home Care (OOHC)”** means the placement of children subject to statutory child protection intervention, in a foster care, kinship care, permanent care, residential care arrangement or other care arrangement and “Statutory Care” has the corresponding meaning in NZ.

1.2 Purpose of the Interstate Child Protection Protocol

The purpose of this Protocol is to:

- a) support the provision of care and protection services to children who are subject to child protection intervention or involvement in Australia and NZ;
- b) promote the exchange of information and cooperation between jurisdictions to enable Child Protection Departments to perform their functions and provide services relating to child safety and well-being; and

- c) provide guidance to enhance the co-ordination and cooperation of Child Protection Departments to facilitate:
 - i. the protection of children in need of care;
 - ii. the promotion of the best interests and rights of such children; and
 - iii. service delivery that achieves positive outcomes for these children.

The protocol should be read in conjunction with the Appendix, which supports the ILOs in implementing the Protocol.

1.3 Guiding Principles and Responsibilities

- a) Any decision that is made, or action taken, that may affect a child must have safety and well-being as the paramount consideration and prioritise the best interests of the child.
- b) Where age appropriate, children's participation in decision-making that may impact them must be supported and their views taken into account.
- c) Delay is contrary to the interests of a child and should be minimised where possible.
- d) Jurisdictions will respond to requests promptly to facilitate timely and quality information sharing to ensure the best possible outcomes for a child. It is the responsibility of all ILOs to follow up on the progress of requests.
- e) On receipt of a request, excluding requests for information, the receiving State should acknowledge the request via email and, if possible at that point, give an indication of whether the request timeframe is achievable.
- f) Jurisdictions should make all reasonable attempts to meet the timeframes outlined in the Protocol. On occasion, States may experience a natural disaster, an adverse weather event or a pandemic, which may affect the State's ability to meet timeframes. If it appears unlikely to the receiving State that they can meet the timeframe, they should communicate this to the sending State as soon as possible.
- g) Interstate work is completed in an environment of cooperation and consultation between the jurisdictions.
- h) All requests are initiated on a State-to-State Child Protection Department basis through the ILOs.
- i) Best practice requires the following chronological sequence of events relating to the movement of children between jurisdictions:
 - i. Assessment, including screening, of carers prior to endorsing an interstate placement;
 - ii. timely notice of placement to the receiving State;
 - iii. prompt request for ongoing casework assistance; and
 - iv. confirmation that the child is in an approved placement that is stable prior to the transfer of an order.
- j) Until the order or proceedings transfer to a receiving State, the sending State is responsible for all case management decisions and financial support of the placement.
- k) The Child Placement Principle is legislated or mandated in each jurisdiction and the placement of Aboriginal, Torres Strait Islander and Māori children should adhere to the principle to ensure that a child's connection to their family, community and cultural identity can be maintained. Where possible, Aboriginal and Torres Strait Islander and Māori children, family members and community members should participate in decision-making with all key stakeholders regarding the placement, as well as participate in the development of the child's cultural plan in the event that the interstate placement is approved.

- l) The placement of children from culturally and linguistically diverse backgrounds should consider how their cultural needs and their connection to family and cultural identity can be maintained and a cultural plan completed outlining how this will be achieved.
- m) Ensuring that children in interstate placements have appropriate family contact arrangements in place and maintain contact with their family is critical to achieving positive outcomes for children in OOHC.

1.4 Legislative Basis

This Protocol is enabled by the relevant provisions in each State's child welfare legislation and must be applied lawfully. The effect of this Protocol does not supersede or limit the application of State legislation, even if this conflicts with the Protocol.

States will advise each other and the NILC accordingly if they amend provisions relating to child protection orders and interstate matters.

2 Interstate Liaison Structure

2.1 Interstate Liaison Officers

Each State must appoint one or more officers to the position of ILO. If there are several ILOs in a State, one must have the role of Interstate Liaison Co-ordinator.

The core functions of the ILO vary between the States and can include, but are not limited to, coordinating the following:

- a) interstate alerts and notifications;
- b) information requests, e.g. child protection checks and Services Australia requests;
- c) assessment requests;
- d) casework assistance requests;
- e) placement requests;
- f) order transfer requests;
- g) transfer of proceedings requests; and
- h) interstate warrants.

The Interstate Liaison Co-ordinator or ILOs are responsible for:

- a) promoting knowledge of and compliance with this Protocol;
- b) engaging in mediation through teleconferencing with the other jurisdiction's ILOs and field staff in order to resolve complex matters;
- c) facilitating timely processes;
- d) discussing the efficacy of the Appendix and operational requirements of the Protocol at the annual Interstate Liaison Conference;
- e) providing information to the NILC when requested to do so; and
- f) informing the NILC if the provisions relating to child protection orders and interstate matters in their State are amended. This should occur as soon as the legislation has come into force.

The information provided to the NILC is as follows:

- a) the contact details of the ILOs, and, if applicable, Interstate Liaison Co-ordinator for the ILO contact register;
- b) details of the Senior Officer or officers in each State;
- c) departmental terminology and acronyms;

- d) the consents required for Administrative order transfers;
- e) details of appeal periods;
- f) subpoena information and contacts;
- g) carer payment rates; and
- h) any other information that may be deemed to be of assistance.

Each State must provide details of any changes to the above, as soon as practicable.

2.2 Coordinating State & National Interstate Liaison Co-ordinator

The role of Co-ordinating State is rotated amongst the States, Territories and NZ and is held by a State for two years. States can choose to opt out of the rotation. The Co-ordinating State nominates an ILO within the State to the role of NILC during the two-year rotation cycle.

The annual work plan for the National Co-ordinator role is distributed and approved by the States at the annual Interstate Liaison Conference.

The NILC is responsible for compiling, maintaining and distributing the following information to all States:

- a) the ILO contact register;
- b) the Register of Senior Officers;
- c) departmental terminology and acronyms;
- d) the consents required for Administrative order transfers;
- e) table of appeal periods;
- f) table of subpoena information and contacts;
- g) carer payment rates;
- h) advice when a State has made amendments to its Child Protection Legislation relating to child protection orders and Interstate matters; and
- i) any other information that may be of assistance to ILOs and Managers.

The NILC also has the following responsibilities:

- a) maintaining a Register of all interstate issues raised by other ILOs, to facilitate analysis, discussion and resolution at the annual Interstate Liaison Conference and the annual Interstate Liaison teleconference;
- b) organising and chairing Interstate Liaison teleconferences;
- c) serving as a single access and distribution point for information on national initiatives and working groups that are taking place, which could impact on Interstate Liaison operations; and
- d) preparing an annual report incorporating relevant themes and issues identified by ILOs and including updates regarding national initiatives.

2.3 Annual Interstate Liaison Conference

An Interstate Liaison Conference is held annually and is hosted by each State on a rotational basis. The host State is responsible for chairing the conference.

The ILO, or ILO Co-ordinator, or appropriate operational delegate in each jurisdiction is encouraged to attend so that there is a representative from every jurisdiction present.

Each jurisdiction is required to write a report for presentation at the conference, which addresses the following areas:

- 1) information on the roles, function and structure of Interstate Liaison in their jurisdiction;

- 2) relevant departmental changes that have occurred over the preceding year; and
- 3) interstate data to capture the work undertaken by ILOs in their jurisdiction.

The conference provides an opportunity for States to discuss the operation and implementation of the Protocol and the efficacy of the Appendix, including issues experienced in the preceding 12 months and to propose possible solutions. The conference enhances collaboration and strengthens professional relationships between ILOs, which in turn support the provision of services to children subject to child protection intervention across jurisdictions.

3 Child Protection Reports

3.1 Guiding Principles and Responsibilities

- a) States should be mindful that the types of interstate child protection reports accepted, as well as how States process and respond to those reports, differ between the jurisdictions. States will respond to child protection reports in accordance with their own legislation and policy.
- b) If a sending State receives a child protection report for a child who has moved interstate, the sending State should provide an outline of these child protection concerns, along with any other relevant information, to the State where the child is now located. The receiving State will take action in accordance with its own legislation and policy.
- c) If a child's exact interstate address is known, the sending State should submit the report as an Interstate Notification. If a child's exact location interstate is not known the sending State should submit the report as an Interstate Alert.
- d) Where a child's exact whereabouts interstate is unknown, an interstate alert should evidence the efforts made to locate the child prior to sending the alert.
- e) States will send Interstate Alerts and Notifications to the designated departmental mailbox in each State.
- f) All jurisdictions agree to have appropriate arrangements in place to ensure the timely processing of interstate alerts and notifications during both business hours and after-hours.

3.2 Interstate Alerts

- a) An interstate alert regarding current child protection concerns can be made when the sending State holds concerns for the safety and welfare of a child who is suspected to be interstate, but whose exact location is unknown despite efforts to determine their whereabouts.
- b) If appropriate, or possible, the sending State should undertake enquiries through Services Australia (Centrelink or Medicare) in an attempt to identify an interstate address for the child prior to submitting an interstate alert.
 - i. The alert should be raised through the established Interstate systems.
 - ii. If the alert relates to urgent concerns, the sending State should send the alert immediately and advise the receiving State that the response from Centrelink, if sought, will be forwarded as soon as it is received.
 - iii. The receiving State will create an alert in their respective electronic child protection systems and will notify its Police Department if the concerns deem it appropriate.

3.3 Interstate Notifications

- a) An interstate notification of current child protection concerns should be sent when the sending State holds current concerns for the safety and welfare of a child who has relocated interstate to a known address and they want the receiving State to be aware of those concerns and act on them accordingly.

- b) An interstate notification can be made when the sending State becomes aware that a child subject to a child protection order in their State has moved interstate without approval and is self-placing in the receiving State and the child's immediate safety needs to be assessed.
- c) An interstate notification can be made when a child protection report of alleged harm or care concerns has been received for a child in OOHC placed interstate; either by the State in which the order was made to the resident State or vice versa.
 - i. Both States are obliged to assess the child protection report of alleged harm or care concerns in accordance with its own legislation and policy requirements, to determine the most suitable response and the required actions of its jurisdiction.
 - ii. The States should consult with each other as soon as possible to coordinate their responses, as the immediate safety of the child is the first priority.
 - iii. If a child protection report regarding allegations of abuse/harm meets the threshold for assessment in the sending State, the State in which the order was made may request one-off casework assistance from the resident State to undertake specific assessment tasks to ensure they can meet its own legislation and policy requirements.
 - iv. If the report relates to care concerns for a child in OOHC, due to the standard/quality of care provided by the carer, the State in which the order was made may address the concerns through their internal case management and/or carer review processes. If ongoing casework assistance is already in place, the States should consult in a timely manner to determine if an additional one-off casework assistance request is required for specific child protection assessment tasks to be undertaken to address the care concerns.
 - v. If allegations of abuse and/or neglect against a carer are being assessed, the States should consult on whether any open request for a carer assessment or order transfer should be placed on hold until the child protection assessment is complete and both jurisdictions are satisfied the placement is assessed as safe and stable.
- d) An interstate notification may be sent when a sending State no longer considers a child to be at risk, but wishes to advise the receiving State of the presence of the child/family in that State and their prior involvement with the child/family for information purposes. It should be noted that not all States are able to register interstate notifications for information purposes only.

4 Information Sharing

4.1 Guiding Principles and Responsibilities

- a) States agree to share information in a timely manner, which will be limited to the purposes of the Protocol identified in section 1.2, in accordance with its own legislation, to assist interstate departments to perform its functions and undertake its statutory responsibilities.
- b) Upon request, to the extent permitted by its legislation, a receiving State should provide a sending State with a summary of information held relevant to the safety, welfare and well-being of a child or information relevant to a prospective carer or adult household member.
- c) States should be mindful that the role of ILOs in relation to information sharing differs between the States. Some States have separate information exchange/release teams that manage requests for information and its interstate liaison team is not responsible for this function.
- d) The intention of child protection requests made under the terms of the Protocol is to provide States with a response in a short timeframe to assist with making an assessment. States will provide a summary of information, which may include an email summary and/or limited documents. Such requests are not for providing a full and extensive child protection history.
- e) If a State requires additional, more detailed, information in relation to a child for the purposes of Court Proceedings, that State should apply to subpoena the information they require.

- f) If required by a State's legislation, the applicant's written consent must accompany a request for information regarding a prospective carer, an adult household member and a parent or other adult or family member for reunification purposes.
- g) If the information requested pertains to an adult for holiday or contact purposes or to Residential Care Service staff, written consent from the applicant will be required.
- h) States can share information relating to caseworker contact details and the local service centre details for children in care to assist with facilitating sibling/family contact.
- i) A department will provide relevant information within the parameters of the request to assist other jurisdictions to assess the suitability of carers for children in out of home care. This may include:
 - i. child protection/care concern history relating to carer applicants and adult household members when reportable allegations or substantiations of harm or risk of harm have been made against them;
 - ii. carer approval history, if available; and
 - iii. contact details for any government organisation or NGO that has previously authorised the carer applicant, if available.
- j) After-hours requests for urgent information relating to the immediate safety of a child should be made to the respective State's after-hours services helpline.
- k) Jurisdictions can exchange information with the Norfolk Island Child Welfare Officer, where permitted by its legislation.
- l) These arrangements should not require any State to initiate or provide any child protection checks on behalf of any third party that is not a Child Protection Department, except for those circumstances where the Child Protection Department has delegated functions to the NGO.

4.2 Confidentiality of Information Received by a State

- a) Under the provisions of section 4.1 above and subject to each States legislation and policies governing information release, States will treat any information received from another State as confidential.
- b) States will only use the information received for the purposes of performing a function or duty in accordance with their legislation.
- c) The disclosing State is responsible for redacting the information in accordance with its own legislation and policy requirements prior to its release.
- d) If a State intends to use the information received from another State for the purposes of Court proceedings, as well as informing the disclosing State of their intention, it is responsible for ensuring that it does not breach confidentiality provisions and should determine whether any further redaction is required in accordance with its legislation and policy requirements.

4.3 Connect for Safety (C4S)

- a) All States with access to C4S agree to share child protection data with each other for C4S, according to the C4S Governance Manual specifications, to achieve the intent of C4S as defined in 1.1.
- b) The authorised users in those States with access to C4S must agree to comply with the terms and conditions of C4S access and must complete a C4S search, in accordance with the policies determined by their State, prior to submitting a request.
- c) A State may request to have their data removed from C4S in accordance with the process detailed in the C4S Governance Manual.
- d) If a C4S search identifies a possible record match with a person/s known in another jurisdiction, the sending State should include in the child protection request the relevant client ID numbers for the

primary subject/s of the information request, and other biographical information that may assist with matching.

- e) If a C4S search does not yield a possible record match in another jurisdiction, but there is reason to believe a person is known in a specific State, an interstate request for child protection history should be sent to that State. The request should indicate that the result of the C4S search was NIL ID, to make the receiving State aware of the search outcome.

5 Assessments

5.1 Guiding Principles and Responsibilities

- a) If a child subject to a child protection order is to be placed interstate, the sending State should make a request (through the respective ILOs) to the receiving State to undertake the required assessment/s to assist its decision-making. Such assessment requests include:
 - i. a carer assessment, prior to the child's placement;
 - ii. a holiday or contact assessment; and
 - iii. a household safety assessment
- b) The sending State is responsible for completing child protection and criminal history checks in relation to a proposed carer, parent or family member located in the receiving State.
- c) Unless there are exceptional circumstances, or it is otherwise agreed, the sending State should undertake such checks prior to forwarding the assessment request to the receiving State, and include a summary of the check results with the request. The person undertaking the assessment might be asked by the sending State to discuss and clarify with the proposed carer, parent or family member any issues raised by the results.
- d) Whilst it is acknowledged that there are variations between the States with regards to assessment types, assessment processes and guidelines and carer authorisation requirements, including the outsourcing of assessments to NGOs, all States should make every effort to adhere to the timeframes stipulated for each assessment request type.
- e) The sending State must clearly state if an assessment requires the assistance of an interpreter. Financial responsibility for the interpreter rests with the sending State, however, the receiving State can advise on an appropriate local interpreting service.
- f) Should the sending State request an urgent assessment to be completed in less than the stated timeframe for that request type, the ILO in the receiving State will consider the request in consultation with their appropriate delegate to determine if the assessment can be completed within the requested timeframe. If this is not possible, the ILOs from both States will determine whether an appropriately qualified private practitioner can be contracted, with responsibility for organising the assessment and the costs to be borne by the sending State.
- g) Any requests for assessments in regional, remote and/or isolated regions, including Aboriginal and Torres Strait Islander and Māori communities when cultural considerations must be made, need to be discussed directly with the ILO at the time of making the request and timeframes agreed with the State on a case-by-case basis. In negotiating a timeframe, the availability of NGOs or private practitioners to contract to in those regional, remote and rural isolated areas should be taken into account.
- h) The relevant Team Leader or Manager in the receiving State should endorse the assessment report and its recommendation prior to it being forwarded by the ILO to the sending State. The relevant Team Leader or Manager in the sending State should review the quality and content of the assessment before submitting to their appropriate delegate for approval.
- i) If the sending State is not satisfied with the quality of the assessment, it should raise this with the receiving State in accordance with the dispute resolution process within five working days.

5.2 Carer Assessments

- a) A carer assessment or carer re-approval/review assessment can be for a primary/full-time or ongoing respite/short-break or emergency placement and for a kin/relative carer or a specific carer for a named child. The assessment areas on the request form must be amended to reflect the care type.
- b) A sending State may request a receiving State to complete a carer assessment on its behalf or choose to complete the carer assessment itself. If a sending State is considering completing the carer assessment itself, or contracting a private practitioner to undertake it, the sending State may consult with the receiving State to obtain essential local cultural knowledge and information on appropriate services and supports, to ensure that the care environment meets the assessed needs of the child.
- c) When a private practitioner is contracted to undertake the assessment, they should outline their qualifications and experience as part of the assessment report.
- d) Provided the receiving State is satisfied that the material provided by the sending State is sufficient to undertake the carer assessment, the receiving State should complete the assessment within eight weeks of receipt of the request by the ILO.
- e) If the receiving State is unable to complete the assessment within the eight-week timeframe, the States should make every effort to agree an extension.
- f) An urgent carer assessment may be requested, in accordance with points f) and g) of the general principles outlined above, for the following reasons:
 - i. for a carer assessment for an emergency placement;
 - ii. when a child self-places with a person who is not an authorised carer interstate and that person has agreed to go through the carer authorisation process;
 - iii. when an interstate placement breakdown has occurred and an alternative interstate placement is identified; and
 - iv. an exceptional circumstance, where the need arises for an urgent carer assessment.
- g) The assessment report writer must make a recommendation regarding the suitability of the proposed placement. However, as each State has their own carer authorisation requirements, the decision to authorise the carer and proceed with the placement rests solely with the sending State.
- h) A receiving State may decline to undertake a carer assessment if the proposed carer is known to the receiving State and is assessed as unsuitable to care for the child, or has previously been assessed as unsuitable to care for another child. Reasons for declining may include:
 - i. Extensive child protection or criminal history for the proposed carer or a household member.
 - ii. Indicators that the proposed carer, home environment or location would not meet the assessed needs of the child.
- i) If the sending State does not agree with the decision to decline, the matter can be referred in accordance with the dispute resolution process.
- j) If a carer already authorised by one State is being considered as a potential carer by a second State, the views of the State that authorised the carer must be sought prior to the placement of another child with that carer. This is to ensure that there is no risk of harm to either child, the carer has capacity to care for an additional child/ren within their current approval type and to ensure that dual authorisation is possible, given that some States do not permit dual authorisation.

5.3 Holiday and Contact Assessments

- a) States should be mindful that assessment types and requirements differ between States. Not all States utilise holiday or contact assessments and some States do not have the mandate to undertake holiday or contact assessments. Prior to submitting this type of request, the sending State should check with the receiving State as to whether they can accept these types of assessment requests.

- b) A State may request a holiday assessment when it is planning for a child to travel interstate or overseas (if from NZ) to visit a family member or other significant person and it requires an assessment on the suitability of that person to provide care for the specific purpose of that holiday.
- c) A holiday assessment does not require the same level of assessment as a respite care assessment, which is for ongoing or reoccurring respite, because the authorisation is specific to the one-off period of the holiday. If the intention were for a child to have regular holidays with a specific person then a respite care assessment may be more appropriate.
- d) A State may request a contact assessment to inform its decision-making in relation to a child recommencing contact with a parent or having contact with a family member or other significant person to re-establish family relationships and cultural connection.
- e) Provided the receiving State is satisfied that the material provided by the sending State is sufficient to undertake the holiday or contact assessment, the receiving State should complete the assessment report within six weeks of receipt of the request by the ILO. If this is not achievable, discussion should take place between the States.
- f) The person undertaking the assessment may make a recommendation regarding the suitability of contact or the holiday, but the decision to proceed with the holiday or contact rests solely with the sending State.
- g) Holiday and contact assessment requests should be submitted no less than eight weeks before the proposed holiday/contact. If, due to exceptional circumstances, a need arises for an urgent holiday or contact assessment, the request should be discussed directly with the receiving State prior to submitting the request.

5.4 Household Safety Assessments

- a) A State may request a household safety assessment to determine if the home is a safe and suitable environment for a child. The timeframe for this request is four weeks. A household safety assessment may be requested for the following reasons:
 - i. as part of a primary or respite/short-break carer assessment or carer re-approval assessment;
 - ii. as part of a holiday or contact assessment;
 - iii. as part of a parent/s interview to explore readiness for reunification;
 - iv. when a child and authorised carer relocate from one State to another; and
 - v. when a child and authorised carer relocate within their resident State.
- b) An urgent household safety assessment may be requested for the following reasons:
 - i. to inform the sending State's carer assessment for an emergency placement;
 - ii. when a child self-places with a person that is not an authorised carer interstate and that person has agreed to go through the carer authorisation process;
 - iii. when a placement break down or critical incident has occurred and an alternative placement is identified as an interim measure; and
 - iv. any exceptional circumstance where the need arises for an urgent assessment.

6 Casework Assistance

6.1 Guiding Principles and Responsibilities

- a) The sending State maintains case management and financial responsibility until the order is transferred or the child returns to the sending State.
- b) It is expected that the sending State will maintain contact with the carer and child to provide as much support as is reasonably practicable.

- c) The sending State should handle those aspects of case management that can be undertaken remotely via phone, email and video conferencing.
- d) The receiving State's role is primarily to provide general support and monitoring of the placement, casework tasks such as face-to-face contact that are not practical for the sending State to provide due to distance and information on appropriate local services. As such, the tasks requested should be realistic in nature.
- e) It is the responsibility of the sending State to provide as much information as possible regarding the child and the placement. This should include a case plan and any other relevant documentation as outlined in the Appendix.
- f) As far as is reasonably practicable, the receiving State should ensure that an appropriately qualified professional or an appropriately supervised practitioner within the Child Protection Department carries out casework.
- g) If the receiving State does not have the capacity to provide casework assistance, but is able to contract one of its funded NGOs to provide the casework assistance on its behalf, at its own expense, this should be discussed with the sending State prior to accepting or declining the request.
- h) The receiving State will co-operate with the sending State to the best of its ability to provide assistance reasonably requested by the sending State.
- i) Once the receiving State has accepted casework assistance, it is the responsibility of the sending State to initiate and maintain regular communication with the relevant office via phone, email, teleconferencing and videoconferencing to establish an effective working relationship and ensure the ongoing provision of casework assistance.
- j) Where casework has been accepted for a child on an interim order, it is the responsibility of the sending State to provide updates on the status of the proceedings and the order.
- k) The sending and receiving State should communicate any changes in case management and/or allocated caseworker contact details as soon as possible.
- l) The sending State is responsible for providing the receiving State with the child's updated case plan after each case plan review.
- m) If the child returns to the sending State, it is the responsibility of the sending State to inform the receiving State that casework is no longer required and the request can be closed.
- n) Where Guardianship/Parental Responsibility has been conferred solely upon a third party and the guardian is located in the receiving State, the general understanding is that the receiving state would not be involved in providing casework assistance.
- o) In the spirit of co-operation agreed to under this Protocol, a State may at any time request another State to provide specific and/or one-off assistance concerning a child protection intervention and the other State may consider such a request on a case-by-case basis. This may include specific one-off tasks prior to a child being placed in the receiving State. Upon completion, if further specific assistance is needed, a new request will be required.

6.2 Requests for Casework Assistance

- a) When a child subject to child protection intervention is residing in a placement interstate, the sending State may request, as soon as possible after the commencement of the placement, the receiving State to provide ongoing casework assistance. If a sending State has a clear rationale for doing so, casework assistance may be requested prior to a child's relocation to an interstate placement and will be considered on a case-by-case basis.
- b) Excluding requests for urgent casework, or when a child has self-placed with a person who is not an authorised carer, a carer assessment is required to have been completed prior to submitting the request for ongoing casework assistance.

- c) When a child in OOHC has moved interstate without approval and has self-placed with a person who is not an authorised carer, including a parent, the sending State may request the receiving State to provide time-limited casework assistance to the child, as negotiated on a case-by-case basis by the two States. Initially, if agreed by the receiving State, casework will be limited to six months, to assess the child's safety and enable support for the child whilst a carer assessment occurs or alternative options are explored and appropriate services put in place. The long-term plans for the child and the need for a further request for casework assistance should be reviewed collaboratively between the States at the end of the casework assistance period.
- d) If a child has self-placed, the sending State is responsible for ensuring that an assessment of the child's immediate safety and their circumstances occurs in a timely manner and for taking appropriate action when the child is assessed as being at immediate risk of harm in the un-authorised placement. If the receiving State has received a child protection report for that child, it will assess the reported concerns in accordance with its own legislation and policy and in consultation with the sending State.
- e) A request for casework assistance must contain a clear contingency plan, which the sending State is responsible for enacting, in the event the placement breaks down.
- f) The receiving State should accept the request for casework assistance in writing as soon as possible, but within four weeks of receipt from the ILO. It is the responsibility of the office accepting the casework to ensure that every effort is made to undertake the first home visit as soon as practicable after the date of acceptance.
- g) If there has been no response within four weeks from receipt of the request, the ILOs of the sending and receiving States will attempt to resolve the issue(s) causing the delay. If the issue(s) remains unresolved after a further two weeks, the sending State may also refer the matter in accordance with the dispute resolution process.
- h) Declining a request should only occur in exceptional circumstances. If, following discussion, the sending State disagrees that the rationale for declining qualifies as an exceptional circumstance, the sending State may refer the matter to dispute resolution.
- i) If an order transfer is not being considered or has not yet been requested, the capacity of the receiving State to continue to provide ongoing casework assistance should be reviewed as and when identified as appropriate by the two Departmental offices involved, but annually at a minimum. The sending State is responsible for arranging the case review with the receiving State to determine if an updated casework assistance request is required or if the updated case plan will suffice. Casework assistance should not cease unless agreed to by both States.
- j) If the child's circumstances or the agreed tasks have changed substantially in that year or there have been care concerns, the sending State should submit an updated casework assistance request. If the receiving State has not been providing active casework for some time, discussion should occur between the States as to whether an updated casework assistance request is required.
- k) If, after casework assistance has been accepted, the child moves to a different area within the State, which is covered by a different departmental office, it is the responsibility of the sending State to submit an updated casework assistance request, if required by the receiving State, for consideration by the relevant departmental office in the area the child now resides.

6.3 Requests for Urgent Casework Assistance

- a) Requests for urgent casework assistance will be considered on a case-by-case basis. The ILO will consider the request in consultation with the appropriate delegate to determine their capacity to undertake the task/s and identify in what timeframe they can undertake the task/s.
- b) Requests for urgent casework assistance in regional, remote and/or isolated regions, including Aboriginal and Torres Strait Islander and Māori communities and for culturally and linguistically diverse children should be discussed with the receiving State at the time of making the request and timeframes agreed on a case-by-case basis. This is to ensure that cultural needs, protocols and practices are given due consideration.

- c) In situations when urgent casework assistance is required for the purposes of undertaking an assessment of alleged immediate risk of harm to a child, this will be prioritised. In such circumstances, an interstate notification may be submitted prior to sending the urgent casework request as the receiving State will assess the alleged harm in accordance with its own legislation and policy.
- d) If a child subject to an order in the sending State self-places or is located in the receiving State and there is immediate risk of harm requiring action to ensure the child's safety, the sending State may, where legislation permits, apply for a warrant to retrieve the child and request assistance under the Interstate Warrants Protocol. The sending State should also make immediate arrangements to travel to the receiving State to collect the child and return them to their resident State.
- e) The sending State may request the receiving State to provide assistance to the child during the execution of a warrant by Police, as outlined in the Interstate Warrants Protocol. This may include, but is not limited to:
 - i. attending with Police to remove the child from a place or premises;
 - ii. attending Court with the child;
 - iii. locating an emergency placement for a child and transporting them to it; and
 - iv. assistance with transporting a child to an agreed pick up point to return the child to the care of the sending State.
- f) If a child has been abducted or wrongfully removed or retained without consent from Australia and taken to NZ, or vice versa, casework assistance may be sought by the sending State or by the relevant Central Authority on its behalf. This will be to ascertain a child's safety and well-being and provide ongoing assistance to the child whilst the separate legal process to return the child to their resident country occurs under the Hague Convention on the Civil Aspects of International Child Abduction.

6.4 Requests for Parent/s Interview to explore Readiness for Reunification

- a) Decisions about reunification are subject to legislation and policy in each State and there are differences between the States in relation to reunification requirements, policy, practice and the outsourcing of casework tasks and assessments associated with reunification. Prior to submitting the request, the sending State should check with the receiving State as to whether or not they can accept these types of requests.
- b) Decisions about reunification require thorough preparation and case planning, as well as comprehensive and ongoing assessment and review; therefore, responsibility for the overall reunification process, including the decision to progress to a reunification plan, rests solely with the sending State.
- c) The sending State is responsible for completing child protection and criminal history checks in relation to the parent/s' located in the receiving State and, unless otherwise agreed, should undertake such checks prior to forwarding the request for a home visit.
- d) As part of decision making regarding whether to begin the reunification process, a State may request another State to undertake a home visit to interview the parent/s and conduct a home safety assessment that is not practical for the sending State to undertake.
- e) The role of the receiving State is limited to providing general observations of the home environment, the parent/s' presentation and obtaining the parent/s' self-reported information. The information gathered will inform the sending State's development of a reunification plan; it is not intended as a replacement for a comprehensive parenting capacity or reunification assessment.
- f) Provided the receiving State is satisfied that the material provided by the sending State is sufficient to undertake the interview, the receiving State should complete it within eight weeks of receipt of the request by the ILO. If this is not achievable, the States should make every effort to agree an extension of the timeframe.

- g) If a sending State requires the completion of a specialist parenting capacity assessment by a clinical psychologist or a comprehensive reunification assessment, then the sending State can request the details of appropriately qualified private practitioners who could be contracted, with the costs to be borne by the sending State.

7 Placements

7.1 Guiding Principles and Responsibilities

- a) The types of placement that may be sought include:
- i a long-term non-relative placement with a carer or in residential care; and/or
 - ii a respite/short-break placement.
- b) The sending State must provide comprehensive information to the receiving State to enable it to locate a suitable placement. This is of particular relevance where a child requires extensive support and/or therapeutic assistance and needs a specific type of placement.
- c) It is acknowledged that locating a suitable placement for a child may be exceptionally difficult; however, the receiving State should treat such requests with the same priority as requests for a placement made within its own State. As such, reasonable and active efforts should be made to locate a placement.
- d) The receiving State offering the placement will make all costs clear and transparent to the sending State, which will bear financial responsibility for all relevant placement costs. States must ensure that arrangements are in place to pay authorised departmental or agency carers for providing care to the child.
- e) If a placement has not been located after six weeks (for a long-term placement) or four weeks (for a respite placement) from receipt of request, the sending State should seek confirmation from the receiving State in writing that no placement has been located. The receiving State should outline its attempts to locate a suitable placement.
- f) If a sending State is required to authorise the receiving State's authorised Departmental carer under its own legislation before the interstate placement can proceed, it will make this clear in the request to locate a placement, given that some States do not permit dual authorisation. Where dual authorisation is permitted, the sending State will provide information about the carer authorisation process.
- g) States should be mindful that a receiving State may be unwilling to accept a request for a carer assessment on one of its own authorised carers and will consider such requests on a case-by-case basis only. The receiving State may be willing to provide the sending State with a copy of the carer assessment report, with written consent from the carer, for purposes of carer authorisation in the sending State, if required.

7.2 Requesting a Long-term Interstate Placement

- a) A sending State may request assistance in locating a suitable long-term non-relative placement for a child who is subject to an Order, when the sending State considers that placing the child in the receiving State is in the best interests of the child. Such requests may occur when:
- i the child has been normally residing in the receiving State and their residence in the sending State was only due to the transience of their family; or
 - ii the parents/significant relatives are located in the receiving State; or
 - iii the child is an Aboriginal or Torres Strait Islander and the location of the placement requested in the receiving State is on Country that is considered to be their Country by the child and their community; or

- iv. the child is an Aboriginal or Torres Strait Islander and the location of the placement requested in the receiving State, although not on Country, is considered to be their community of belonging by the child and their family.
 - v. the child is Māori and the location of the placement requested in the receiving State will enable the child to maintain and strengthen links to whakapapa and relationships with whānau, hapū and iwi.
 - vi. the child's usual placement in the receiving State has broken down but the sending State considers that maintaining the child in the receiving State is in the child's best interests.
- b) If no long-term placement has been identified by the end of the six-week timeframe, the request will be closed. Following closure, the sending State may choose to submit a further request to locate a long-term placement at any point.
 - c) The appropriate delegate in the receiving State may decline a request to locate a non-relative placement for the child, and will notify the sending State in writing of this decision and the rationale for it. If the sending State disagrees with the rationale for declining, the sending State may refer the matter to dispute resolution.

7.3 Requesting an Interstate Respite/Short-Break Placement

- a) If a child resides in a placement interstate, the sending State may request the receiving State to locate a one-off or ongoing respite/short-break placement for that child.
- b) The sending State should approve all decisions about the nature of the respite placement in accordance with its legislation and policy requirements and financial delegations. In situations involving placement breakdown and other sudden and unexpected situations, this should occur in consultation with the receiving State.
- c) If no respite/short-break placement has been identified by the end of the four-week timeframe, the sending State may seek an extension of the placement request for a further four weeks.

7.4 Requesting an Emergency Placement

- a) If a child resides in a placement interstate, the sending State may request the receiving State to locate an emergency placement when:
 - i. the long-term placement of a child in the receiving State has broken down; or
 - ii. when a child has travelled to the receiving State without approval; or
 - iii. when a child has self-placed with an unauthorised carer in the receiving State and the child is assessed as unsafe and/or at risk; or
 - iv. when a sudden or unexpected situation arises requiring an immediate placement for a child.
- b) All requests for an emergency care placement in the receiving State shall be the responsibility of the State in which the order was made.
- c) The State in which the order was made will be responsible for all costs associated with the emergency placement, if one is located, and any costs associated with the return of the child to their resident State, if such return is required, whether organised informally between the States or under the Interstate Warrants Protocol or the Hague Convention on the Civil Aspects of International Child Abduction. Arrangements for the payments of any financial costs should be confirmed in writing.
- d) If the receiving State receives a child protection report for the child concerned, it is obligated to assess the concerns and take any action considered appropriate in accordance with its own legislation and policy requirements.
- e) Decisions regarding whether to return the child to the sending State permanently or temporarily, until a planned placement in the best interests of the child can be secured (either in the receiving or sending State), should be made on a case-by-case basis in consultation between the two States.

- f) Negotiation as to the duration of the emergency placement should occur between the two States and should consider the following:
 - i. the child's needs, circumstances and wishes;
 - ii. placement availability in the receiving State;
 - iii. the time needed by the sending State to plan for the child and seek the necessary approvals;
 - iv. the time needed to make the appropriate travel arrangements if required; and
 - v. the time needed by the sending State to explore alternative long-term placement options for the child in the receiving or sending State.
- g) If the receiving State, in collaboration with the sending State, cannot locate a suitable placement, the State in which the order was made is responsible for making alternative immediate arrangements to accommodate the child or retrieve them.
- h) If, following a case consultation between the two States, the recommendation of the receiving State is that the sending State should retrieve the child and no such action is taken by the sending State, or an agreement cannot be reached on next steps for the child, the receiving State may refer the matter in accordance with the dispute resolution process.

8 Transfer of Care and Protection Orders

8.1 Guiding Principles and Responsibilities

Decisions regarding the interstate transfer of care and protection orders will be made in accordance with each State's legislation and policy requirements.

- a) Order transfers may be Administrative or Judicial:
 - i. Administrative transfers of orders occur when all relevant parties, whose consent is required under a State's child welfare legislation, has consented to the transfer, or when such consent is not required under a State's child welfare legislation.
 - ii. Judicial transfers of orders occur when relevant parties, whose consent is required under a State's child welfare legislation, do not consent to the transfer, or when consent could not be obtained, or when the Chief Executive considers it is appropriate for the Court to decide whether to transfer the order.
 - iii. Judicial transfers occur in accordance with each State's child welfare legislation and require a State to apply to its local Court for an order to transfer a care and protection order interstate. Prior to submitting an application to the Court, consent to the order transfer is required from the receiving State. The Court will consider the views of the child, parents and other stakeholders and decide whether to grant an order of transfer.
- b) Excluding exceptional cases, the sending State is required to provide evidence that the placement is stable and not deemed at risk of imminent breakdown at the time of requesting an order transfer and this must be agreed by both States. Any doubt as to the stability of the placement may delay the request until concerns have been addressed or pending a review of the circumstances of the individual exceptional case.
- c) When evidencing placement stability, the following factors should be considered:
 - i. if the child has stable living arrangements;
 - ii. if the child has positive, caring and stable relationships;
 - iii. if the child has a sense of identity, belonging and connection to their culture;
 - iv. if the child reports feeling safe and secure in their current placement;

- v. if the carer/care provider meets the child's physical, emotional, psychological and social needs;
 - vi. if the carer/care provider manages the child's behaviour and engages with support services as appropriate; and
 - vii. if the carer/care provider encourages and supports the child to maintain family, cultural and community connections as appropriate
- d) When making a decision about a transfer of an order, the following should be considered:
- i. States must respect the nature and duration of another State's care and protection orders, and recognise that such orders are made in accordance with the legislation and policy requirements of that State;
 - ii. prior to submitting a request for an order transfer, the sending State should, where appropriate, seek confirmation of order compatibility in the receiving State;
 - iii. when the order is not transferrable because there is no compatible order in the receiving State, the sending State should act in the best interests of the child and, where possible, vary the order such that it can be transferred;
 - iv. a child must be resident in the receiving State and the child's whereabouts known, before a request for the transfer of an order may be made;
 - v. how a child will be supported to maintain contact with their parents, siblings and extended family members.
 - vi. how a child will be supported to maintain connection to their Aboriginal, Torres Strait Islander or Māori family, community, culture, language and Country;
 - vii. in exceptional cases, which will be negotiated on a case-by-case basis, a transfer of an order may occur without delay when agreed to be in the best interests of the child by both the sending and receiving States;
 - viii. unless otherwise agreed by both States, the child should have been in the care of the current carer(s) or in their current placement for a minimum of six months and the receiving State providing casework assistance on behalf of the sending State for a minimum of three months, prior to the sending State requesting a transfer of the order;
 - ix. it is the responsibility of the sending State to ensure that it has complied with its legislation and policy requirements necessary for the transfer of the order, including required consents and compatibility of the order;
 - x. when requesting the transfer of an order, the sending State must provide to the receiving State all material as per its order transfer template and as outlined in the Appendix;
 - xi. at the time of the receipt of the request and all relevant material, the order to be transferred should have not less than six months remaining before its expiry, unless otherwise agreed by both States. Special circumstances relevant to State legislation limiting the duration of care orders and the specified timeframe for lodging a new care and protection application must however be respected;
 - xii. if applicable, it is the responsibility of the sending State to provide the receiving State with the date that the appeal period will lapse, or has lapsed, and the receiving State is responsible for ensuring that the registration of the transfer does not proceed until the legislated appeal period has lapsed;
 - xiii. the receiving and sending States will consult to confirm that the interstate placement has remained stable at the point of transfer registration, excluding those cases the receiving and sending State have agreed to treat as exceptional; and
 - xiv. upon receipt of the notice of registration of the transfer, the receiving and sending States will communicate within three working days, to coordinate the starting and ceasing dates for carer payments. Both States are responsible for informing all relevant parties accordingly.

8.2 Costs

- a) The sending State is responsible for all costs until the transfer of the order is finalised.
- b) Order transfer requests should include details regarding the base carer payment, the child's complexity level and any carer payment loading to enable the receiving State to provide an indication of the likely carer payment upon transfer. If it is not possible for the receiving State to give such an indication, negotiations regarding costs will be on the basis that the carer will receive the base carer payment at the time of transfer.
- c) Extraordinary costs must be negotiated and agreed in writing prior to acceptance of the transfer of the order. Extraordinary costs can include, but are not limited to, the following:
 - i. private school fees;
 - ii. carer payment loading for children with high needs and complexity levels;
 - iii. ongoing high cost respite care for children with exceptionally high needs;
 - iv. interstate funded travel for family contact (air fares, accommodation and car hire);
 - v. extensive medical, dental and orthodontic costs; and
 - vi. purchase of a specialised vehicle or a vehicle requiring specialised modification for a child with disabilities.
- d) Cost should not in and of itself be a factor for declining a transfer of an order. Extraordinary costs can only be accepted as a reason to decline the request if the matter has been escalated for decision to the Senior Officers in the dispute resolution process.

8.3 Obtaining Consent to a Transfer from a Receiving State

- a) When considering an interstate transfer of an order, the ILOs will communicate as required, including:
 - i. discussing what further information or documentation (if any) is required;
 - ii. the ILO in the receiving State informing the sending State that the request has been forwarded to the appropriate delegate for consideration;
 - iii. the ILO in the receiving State informing the sending State when the appropriate delegate has agreed to progress the carer approval process, where this is required;
 - iv. the ILO in the receiving State informing the sending State in writing that the appropriate delegate has consented to, or declined, the transfer of the order, as soon as practicable after the carer has been assessed and authorised; and
 - v. the ILO in the receiving State notifying the sending State as soon as practicable after the Court in the receiving State registers a transferred order.
- b) Unless there are exceptional circumstances, the receiving State will provide written advice on whether or not it consents to a transfer of an order within 12 weeks of receipt of the request for transfer and all required request documentation. Unless otherwise negotiated between the States, if the receiving State is required to authorise the carer prior to providing the sending State with written consent to the order transfer, this should occur simultaneously within the 12-week timeframe. The receiving State will make every effort to expedite this process to minimise delays to the order transfer. If the sending State does not receive the decision within the timeframe, it can refer the matter for dispute resolution.
- c) The receiving State should endeavour to file the application to register the transfer of the order as a matter of priority and within two weeks following consent from the appropriate delegate and/or, if applicable, within two weeks of the sending State confirming the expiry of the appeal period. If, due to the inaction of the Department, the Department does not file the application to register the transfer within the two-week timeframe, the sending State can refer the matter to the dispute resolution process.

- d) If unavoidable delays occur in the transfer of an order, the receiving State should continue to provide ongoing casework assistance until the transfer occurs.
- e) If an order is transferred, the sending State must provide a copy of the child's Departmental file, including a copy of any electronic and paper files, to the receiving State within 28 working days of receipt of advice of finalisation of the transfer.
- f) Until the order is transferred to a receiving State, the sending State is responsible for all case management decisions and financial support of the placement.

8.4 Declining a Transfer of an Order

- a) The receiving State should agree to the transfer of the order in writing, unless it:
 - i. would not be in the child's best interests; or
 - ii. is an exceptional case where it is clearly impracticable to accept the transfer, e.g. the proximity to the child to exiting care by virtue of age or the carer does not meet authorisation requirements; or
 - iii. is not legally possible.
- b) As soon as the receiving State has made the decision to decline the transfer of an order, it will provide a written statement outlining in detail the rationale for declining the transfer.
- c) If the receiving State declines a proposed transfer, the sending State can refer the matter to the dispute resolution process.
- d) If the receiving State declines a proposed transfer, the receiving State should continue to provide ongoing casework assistance on behalf of the sending State.

9 Transfer of Child Protection Court Proceedings

9.1 Guiding Principles and Responsibilities

Decisions regarding the interstate transfer of child protection Court proceedings are dependent on each State's legislation and policy requirements.

- a) If a child subject to child protection Court proceedings in the sending State moves to a receiving State, those proceedings will continue, until:
 - i. a final order has been made in the State where the Court proceedings were initiated; or
 - ii. the proceedings are transferred to the receiving State; or
 - iii. the proceedings are no longer considered to be necessary and are withdrawn; or
 - iv. the proceedings are dismissed.
- b) Initial consultation between the States with regard to transfer of Court proceedings is to include the decision maker and ILOs.
- c) The circumstances in which a Department might consider it appropriate to request a transfer of Court proceedings may include:
 - i. The family was temporarily in a non-resident State when the child entered out of home care, but the parents have since returned to their resident State.
 - ii. Two States have applications for orders for siblings from the same family. It may be appropriate for proceedings to be transferred to the parent/s' resident State, so that the applications for the siblings can be heard together in one Court and the parent/s are more likely to be able to appear in person.
 - iii. A child has been placed interstate with a kinship carer, with no plan to return the child to their resident State as members of the child's family are also residing interstate. In these

circumstances, it will be a requirement of some States that the carer be authorised, at least provisionally, as a carer in the receiving State before accepting the request.

- d) If a request for transfer of Court proceedings is not considered appropriate or is declined, the sending State may consider:
- i. withdrawing their application for an order; and/or
 - ii. submitting an interstate notification to the State the child has moved to.
- e) If a transfer of Court proceedings is not considered appropriate or the request is declined and the sending State proceeds with its application for an order, the sending State will make a request for casework assistance, where casework assistance is not already in place and where considered appropriate, as soon as possible.
- f) When a State is making a decision about whether to request a transfer of Court proceedings or whether to consent to a transfer of Court proceedings, the following should be considered:
- i. How the transfer might affect the well-being of the child and their best interests.
 - ii. A child must be resident in the receiving State and their whereabouts known, before a request for the transfer of proceedings may be made.
 - iii. The intended plan for the child should be to reside in the receiving State long-term.
 - iv. Where the child has spent the majority of their life to date, where their cultural connections are and where the child's parents and family currently reside.
 - v. Any information available relevant to the culture of a child.
 - vi. Whether the child has any child protection history in the receiving State.
 - vii. The views and wishes of the child (where age appropriate) and the respondents to the proceedings.
 - viii. Any other pending proceedings or previous proceedings heard and determined under the child welfare law of the sending State and receiving State.
 - ix. The status of proceedings in the sending State, noting that a transfer of proceedings could delay determination of the application, which is not in a child's best interests.
 - x. It is the responsibility of the sending State to ensure compliance with all legislation and policy requirements necessary for the transfer of proceedings.
 - xi. The appropriate delegate in the receiving State makes decisions in relation to accepting or declining a request to transfer proceedings. It is a matter for the Court in the sending State to decide whether to grant an order transferring the proceedings to the receiving state.
 - xii. Transfer of Court proceedings should not place an unfair burden on the receiving State to prove that a child is in need of care and protection or to undertake child protection work that should sit with the sending State.
 - xiii. The material provided by the sending State should be sufficient to secure an interim order in the receiving State, without the need for a lengthy adjournment to secure additional evidence to support the application.
- g) In considering the above points in their decision, prior to requesting a transfer of Court proceedings, the sending State should consider whether it is more appropriate for the sending State to finalise proceedings and obtain a final order.
- h) When requesting the transfer of Court proceedings, the sending State must provide to the receiving State all material as outlined in the Appendix.
- i) If the application in the sending State is withdrawn or dismissed before the receiving State has formally declined or accepted the transfer of the Court proceedings, the sending State will undertake the following:

- i. advise the receiving State immediately that the proceedings are withdrawn or dismissed and provide an outline of the reasons for the withdrawal or dismissal; and
 - ii. provide the receiving State, if considered appropriate, with an interstate notification/alert and propose a case discussion to provide any further relevant information.
- j) Each State's legislation and policy framework outlines the conditions that must be taken into consideration before the Judge/Magistrate makes an order to transfer Court proceedings.

9.2 Obtaining Consent to a Transfer of Court Proceedings from a Receiving State

- a) When considering an interstate transfer of Court proceedings, the ILOs will communicate as required, including:
- i. discussing what further information, if any, is required;
 - ii. the ILO in the receiving State informing the sending State in writing that the appropriate delegate has consented to the transfer of proceedings, as soon as practicable; and
 - iii. the ILO in the receiving State notifying the sending State as soon as practicable after the Court in the receiving State registers the proceedings.
- b) Unless there are exceptional circumstances, the receiving State will provide written advice on whether it consents to a transfer of Court proceedings within eight weeks of receipt of the request documentation.
- c) If a decision to accept (consent) or decline a transfer of Court proceedings has still not been made within ten weeks of the receipt of the request for transfer, the sending State can refer the matter to the dispute resolution process.
- d) If possible, the sending State will keep progressing its application for an order, concurrently with the request to transfer Court proceedings, to avoid any delay in the proceedings being finalised.
- e) Whilst the receiving State considers the formal response to the request to transfer Court proceedings, the sending State will maintain contact with the receiving State to provide any relevant updates. At a minimum, the sending State will provide a copy of any material filed and orders made in their court, to the receiving State, within three working days of each court appearance.

9.3 Accepting a Transfer of Court Proceedings

- a) Once the transfer of Court proceedings is accepted, the receiving State will assess the most appropriate order to be sought and will not be bound by the assessment of the sending State.
- b) Where applicable, upon receipt of acceptance from the receiving State, the sending State will contact the Court within five working days to request a hearing date for making an order transferring the Court proceedings to the receiving State. If the Court makes an order transferring a Court proceeding, the Court may also make an interim order. The Children's Court in the receiving State may vary, or revoke, or extend the period of an interim order.
- c) The sending State will confirm in writing that the relevant appeal period has lapsed and if no appeal has been filed, the sending State will provide the order transferring Court proceedings and an interim order to the receiving State as soon as possible. The receiving State will file the order within the time the interim order is in force and will advise the sending State when the order has been registered in Court.
- d) Upon notice of registration of the order in the receiving State and, where the subject child is placed with an authorised carer, the States will coordinate the starting and ceasing dates of carer payments within two working days. Both States are responsible for informing all relevant parties accordingly.
- e) If an appeal is lodged, no further action will be taken until the appeal is determined.
- f) If a proceeding is transferred, the sending State must provide a copy of the Departmental file, including a copy of any electronic files, to the receiving State within 28 working days of receipt of advice of finalisation of the transfer.

9.4 Declining a Transfer of Court Proceedings

- a) If the receiving State declines the transfer of Court proceedings, the receiving State will provide a written statement outlining the reasons why the transfer cannot be accepted.
- b) The written statement should include the following:
 - i. the name, position and contact details of the appropriate delegate who made the decision to decline the request; and
 - ii. the date the delegate declined the request and their reasons for declining, with reference to the relevant provisions of legislation relied upon, if applicable, to make that decision.
- c) If the receiving State declines a proposed transfer, the sending State can refer the matter to dispute resolution.

10 Involvement of Non-Government Organisations

10.1 Guiding Principles

A State may legislate to contract an NGO to undertake part or all of its child protection casework/management and carer assessment in relation to a specific child. In such circumstances, the following principles apply:

- a) Interstate requests for information, assessment and casework assistance may be generated by NGOs, but they can only be requested through the ILOs of the Child Protection Department on an ILO-to-ILO basis.
- b) Excluding agencies authorised under a State's legislation to undertake such functions, responsibility for the transfer of orders and proceedings remains with the two State Government Child Protection Departments.
- c) If an NGO is contracted to provide case-management for a child, and until the order is transferred, financial support of the placement by payment of carer allowance remains the responsibility of the NGO in the sending State.

11 Dispute Resolution

11.1 Dispute Resolution Process

- a) Any dispute should be dealt with at the local level, in the first instance, between the Team Leaders/Supervisors and Managers of the respective offices from the States involved. The offices concerned may seek input from their ILOs and may require their participation in a teleconference to provide an interstate protocol perspective.
- b) If the dispute is still unresolved the following process should be adopted:
 - i. the ILOs involved will refer the matter to their respective Line Managers and Directors for resolution in consultation with the Managers and Directors of the respective local offices; and
 - ii. if resolution cannot be achieved at this level, the matter will be referred to the Senior Officers from the respective Departments.
 - iii. If resolution cannot be achieved at Senior Officer level, the Senior Officers will refer the matter to their respective Deputy Chief Executive Officers for resolution.
- c) Disputes should be dealt with in a timely manner and in good faith.

12 Review and Withdrawal

12.1 Review of the Protocol

The Protocol will be reviewed within five years of the date of the last endorsed Protocol. A review of the entire Protocol, or parts of it, may occur before the five-year review date with the consent of all States. ILOs will be responsible for initiating the review.

The terms of the Protocol may be varied and amendments made at any time to address issues with the consent of all States. The terms are reviewed as a standing item at the interstate liaison conference.

One or more States will take responsibility for coordinating and facilitating the review. Alternatively, States may agree to the review of the Protocol being coordinated by a private sector service provider. The review should include multi-jurisdictional meetings with Senior Officers from relevant policy and legal areas from each State.

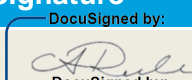
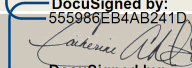
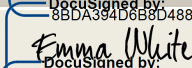
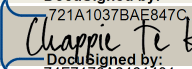
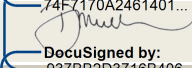
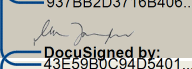
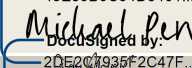
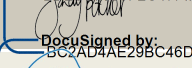
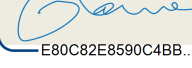
The Children and Families Secretaries (CAFS) group (or equivalent) will provide oversight and endorsement of the Protocol and the Appendix.

12.2 Withdrawal

A party to this Protocol may withdraw from the Protocol with six months' notice in writing to CAFS. If a party withdraws from the Protocol, the Protocol continues to apply to all other parties.

13 Official Endorsement Process

The Department Heads listed in the table below individually signed and endorsed the Protocol.

Amendment (October) 2021			
Jurisdiction	Signed off and Endorsed by (Name)	Signature	Date
ACT	Catherine Rule	 DocuSigned by: 555986EB4AB241D...	17/12/2021
NSW	Catherine D'Elia	 DocuSigned by: 8BDA394D6B8D488...	8/11/2021
NT	Emma White	 DocuSigned by: 721A1037BAE847C...	23/12/2021
NZ	Chappie Te kani	 DocuSigned by: 74F7170A2461401...	20/1/2022
QLD	Deidre Mulkerin	 DocuSigned by: 937BB2D3716B406...	31/12/2021
SA	Cathy Taylor	 DocuSigned by: 43E59B0C94D5401...	6/1/2022
TAS	Michael Pervan	 DocuSigned by: 2052C1935F2C47F...	6/1/2022
VIC	Sandy Pitcher	 DocuSigned by: BC2AD4AE29BC46D...	11/1/2022
WA	Mike Rowe	 E80C82E8590C4BB...	18/1/2022

Appendix to the Interstate Child Protection Protocol

Preamble

The purpose of the Appendix to the Protocol is to support the ILOs in implementing the Protocol. They set out the requirements for the information and documentation to be included in, or attached to, specific types of requests. The receiving State may seek additional information, which the sending State should provide in accordance with its own legislation and policy. States should provide all relevant and requested information as expeditiously as possible.

Section 5 of the Protocol – Assessment

- a) When requesting an interstate assessment in accordance with section 5 of the Protocol, to ensure a holistic assessment is undertaken, the sending State will provide as much relevant information as possible with the request. This may include, but is not limited to, the following:
 - i. the formal request;
 - ii. a current case plan/leaving care plan/cultural plan;
 - iii. results of child protection and criminal history checks or a summary of any history;
 - iv. National Disability Insurance Scheme (NDIS) Plan;
 - v. relevant education/medical/psychological reports and/or plans or a detailed summary;
 - vi. previous carer assessments; and
 - vii. the assessment report template to be used (where the sending State requires the assessment to be completed on its own departmental template).

Section 6 of the Protocol - Casework Assistance

- a) When requesting interstate Casework Assistance in accordance with section 6 of the Protocol, the sending State will provide as much relevant information as possible with the request. This may include, but is not limited to the following:
 - i. the formal request;
 - ii. a current case plan/leaving care plan;
 - iii. NDIS plan;
 - iv. relevant education/medical/psychological reports and/or plans or a detailed summary;
 - v. copy of current Care and Protection Order;
 - vi. copy of any other relevant orders, e.g. family law and/or intervention orders;
 - vii. contingency plan in the event of a placement breakdown;
 - viii. a cultural plan for an Aboriginal/ Māori child or other culturally and linguistically diverse child, if applicable; and
 - ix. copy of the carer assessment if available.
- b) When requesting a Parent/s Interview to explore readiness to work towards reunification in accordance with section 6 of the Protocol, the sending State will provide as much relevant information as possible with the request. This may include, but is not limited to the following:
 - i. information on the child protection issues that led to the child's removal from the parent/s' care and what the parents have done to address those issues to date;
 - ii. the amount and type of contact between the child and the parent/s since the child was brought into care; and

- iii. additional evidence of the parent/s' demonstrated behavioural change from other sources, such as reports from other service providers.
- c) Additionally, the sending State must list the areas to be explored during the interview/home visit, which may include the following:
 - i. behavioural observations of the parent/s' presentation during the visit;
 - ii. the parent/s' views regarding reunification and their willingness to engage in the reunification process;
 - iii. current living arrangements, including a home safety assessment;
 - iv. willingness to address the child protection issues that led to the child's removal from their care;
 - v. the parent/s' views on what future contact will look like if a reunification plan is developed;
 - vi. the level of personal and community supports the parent/s' currently have; and
 - vii. the additional services and supports the parent/s' feel they need to help them work towards reunification.

Section 7 of the Protocol – Placements

- a) When requesting an interstate placement in accordance with section 7 of the Protocol, to ensure effective placement matching and the identification of an appropriate placement the same or similar to that in the sending State, the request should include information regarding the child's care plan needs, complex behaviours and placement requirements.
- b) When requesting a long-term non-relative placement interstate, the request should include the attempts already made by the sending State to explore alternative placement options for the child, as well as what ongoing enquiries they are making to locate a family placement.
- c) Additional documentation regarding the child's development, emotional-well-being and behaviour may also be attached to the request, including, but not limited to the following:
 - i. a current case plan/leaving care plan/cultural plan;
 - ii. NDIS plan; and
 - iii. relevant education/medical/psychological reports and/or plans or a detailed summary.
- d) The receiving State may require the sending State to complete an additional placement request or referral form, to enable the referral to be processed internally and forwarded to NGO service providers for consideration.

Section 8 of the Protocol - Transfer of Care and Protection Orders

- a) When requesting the transfer of an order, in accordance with section 8 of the Protocol, the ILO of the sending State must ensure that the request includes the following information:
 - i. rationale for the proposed transfer of the order;
 - ii. the views of the child (if age appropriate) to the transfer of order to the receiving State;
 - iii. summary of child protection history, placement history and departmental involvement;
 - iv. details of the child's attendance at school;
 - v. details of child's Medicare and Health Care Cards (including number and expiry date);
 - vi. arrangements, if any, for the child to maintain contact with family;
 - vii. details of any current youth justice intervention or criminal proceedings;
 - viii. details of eligibility for any criminal injuries/victim assist claims or civil claims;

- ix. details of current carer payments, including any high support needs/complexity level payments; and
 - x. confirmation that the sending State has advised the carer of the receiving State's carer rates and the carer understands there may be differences in carer payment.
- b) Additionally, the ILO of the sending State must provide to the ILO of the receiving State the following material:
- i. a sealed, signed copy of the current order. A certified copy is required in certain jurisdictions. (NZ requires two certified copies of the order);
 - ii. a copy of the birth certificate. (A certified copy is required in certain jurisdictions);
 - iii. all necessary consents as required by the sending State's legislation;
 - iv. appropriate delegate's letter of transfer (instrument of transfer/transfer certificate);
 - v. a copy of the order of transfer for judicial order transfers, once obtained;
 - vi. genogram of the child's family, including significant people in the child's life;
 - vii. relevant education/school/medical/psychological reports and/or plans;
 - viii. copy of the current case/care plan and leaving care plan if relevant;
 - ix. copy of the current cultural plan for an Aboriginal/ Māori child or other culturally and linguistically diverse child, if applicable;
 - x. copy of current NDIS plan if applicable;
 - xi. a copy of Affidavits and/or other Court reports;
 - xii. details of the appeal period in the sending State and date the appeal period expires or a letter advising that the appeal period has lapsed;
 - xiii. a copy of the initial carer assessment report and the most recent carer re-approval report for the current approval period; and
 - xiv. a breakdown of all financial arrangements, including non-day to day expenses for the child. This may include, but is not limited to, the following:
 - 1) school fees;
 - 2) child care/after-school care/vacation care;
 - 3) extra-curricular activities, such as sport and music, including costs associated with fees, membership, lessons and equipment;
 - 4) respite care;
 - 5) dental/orthodontic treatment;
 - 6) medical/health/psychological/therapeutic services and intervention, including those funded by NDIS and those over and above NDIS funding;
 - 7) interstate travel for family contact; and
 - 8) any other financial expenditure not covered by the carer payment.

Section 9 of the Protocol - Transfer of Child Protection Court Proceedings

- a) When requesting the transfer of proceedings, in accordance with section 9 of the Protocol, the ILO of the sending State must ensure that the request includes the following information:
 - i. rationale for the request to transfer proceedings and the name of the appropriate delegate for the request in the sending State;

- ii. the views of the child (if age appropriate) and the respondents to the proceedings, to the transfer of proceedings to the receiving State;
 - iii. summary of child protection history, placement history and departmental involvement;
 - iv. details of the child's attendance at school;
 - v. details of child's Medicare and Health Care Cards (including number and expiry date);
 - vi. details of the contact the child has with members of their family and other person(s) of significance to the child; and
 - vii. details of any historical or current criminal charges or convictions for the child and/or parents.
- b) Additionally, the ILO of the sending State must provide to the ILO of the receiving State the following material:
- i. a copy of the application for a transfer of proceedings order, interim or otherwise and related material, such as Affidavits;
 - ii. a copy of the order of transfer of proceedings, once obtained;
 - iii. the date of the next Court mention and copies of all orders and adjournment notices granted at the point the request is made;
 - iv. where legally possible, material filed by all parties in previous proceedings;
 - v. a genogram of the child's family, including significant people in the child's life;
 - vi. relevant education/school/medical/psychological reports and/or plans;
 - vii. a copy of the child's care/case plan;
 - viii. copy of the current cultural plan for an Aboriginal/ Māori child or other culturally and linguistically diverse child, if applicable
 - ix. If relevant, and/or available, a copy of the initial carer assessment report and the most recent carer re-approval report for the current approval period;
 - x. where possible, a copy of the child's birth certificate;
 - xi. any consents required by the sending States' legislation; and
 - xii. details of the appeal period in the sending State, timeframe for the appeal period and when this commences or a letter advising that the appeal period has lapsed.

Conclusion

It should be highlighted that the above lists are a practice guide only and not meant as an exhaustive or prescriptive list. There are exceptional cases where States will need to consult on a case-by-case basis if additional documentation is required. Such decisions should be made in accordance with the principle that the safety and well-being of the child, as well as their best interests, are paramount.

Receiving States may not be in a position to action requests until all necessary documentation has been received from the sending State. The response timeframes for requests, as outlined in the Protocol, only commence upon receipt of all necessary documentation. If a State is not legally able to provide some of the required material, this should not delay the receiving State's actioning of the request.

The Appendix and the Protocol will be reviewed concurrently to ensure that the best interests of the child continue to be prioritised by Child Protection Departments.

Tables

STATE CHILD PROTECTION LEGISLATION	
ACT	Children and Young People Act 2008
NSW	Children and Young Persons (Care and Protection) Act 1998
NT	Care and Protection of Children Act 2007
NZ	Oranga Tamariki Act 1989 (Children's and Young People's Well-being Act 1989)
QLD	Child Protection Act 1999
SA	Children and Young People (Safety) Act 2017
TAS	Children, Young Persons and Their Families Act 1997
VIC	Children Youth and Families Act 2005
WA	Children and Community Services Act 2004

STATE HOLIDAY AND CONTACT ASSESSMENT REQUESTS	
ACT	Does not send these types of requests, but will consider them when received
NSW	Sends these types of requests and will consider them when received
NT	Does not generally send these types of requests, but will consider them when received
NZ	Sends these types of requests and will consider them when received
QLD	Sends these types of requests and will consider them when received
SA	Sends these types of requests and will consider them when received
TAS	Sends these types of requests and will consider them when received
VIC	Sends these types of requests and will consider them when received
WA	Does not send these types of requests and will consider undertaking the household safety assessment component of these requests when received.

GLOSSARY OF FREQUENTLY USED MĀORI TERMS AND PHRASES	
Iwi	Tribal nations of NZ (Aotearoa)
Hapū	Sub tribes
Whānau	Nuclear, extended family and significant others
Tamariki	Children
Oranga	Wellbeing
Whakapapa	In relation to a person, means the multi-generational kinship relationships that help to describe who the person is in terms of their matua (parents) and tūpuna (ancestors), from whom they descend.
Whanaungatanga	In relation to a person, means the purposeful carrying out of responsibilities based on obligations to whakapapa. The kinship that provides the foundations for reciprocal obligations and responsibilities to be met. The wider kinship ties that need to be protected and maintained to ensure the maintenance and protection of their sense of belonging, identity and connection.