Title: Interstate transfers of child protection orders and proceedings

Policy No: 401-3

Policy Statement:

The Department of Communities (Child Safety Services) is committed to maintaining the safety and support needs of children as they move between Queensland and other States, Territories, and New Zealand.

The Child Protection Act 1999 (the Act) provides for the transfer of orders and proceedings between Queensland and other States and Territories and between Queensland and New Zealand.

In addition, the Protocol for the Transfer of Care and Protection Orders and Proceedings and Interstate Assistance April 2009 (the Protocol) which has been agreed to by all States, Territories and New Zealand provides guidelines for the transfer of casework and the transfer of orders and proceedings.

For child protection authorities from other States, Territories and New Zealand transferring matters into Queensland, the following applies:

- when a child on an interstate child protection order is placed in Queensland, case management responsibility remains with the sending State until such time as the order is formally transferred to Queensland in accordance with the appropriate sections of the Child Protection Act 1999 and the Protocol
- until an order is transferred or if the order is unable to be transferred, the sending State can formally request the transfer of specific casework tasks to Queensland. Case management and financial responsibility along with the administration and enforcement of the order remain with the sending State and
- when a child on an interstate child protection order moves to Queensland with registered carers from interstate and the sending State is seeking to transfer the child’s order, the carers must apply to become approved kinship carers within the Queensland system. Should the carers wish to be considered for the placement of additional children with them whilst in Queensland, they must apply to become approved foster carers under the Act.

For the department to transfer matters out of Queensland, the following applies:

- when a child on a Queensland child protection order is placed in another State/Territory/New Zealand, case management responsibility remains with Queensland until such time as the order is formally transferred to the other State/Territory/New Zealand in accordance with the appropriate sections of the Child Protection Act 1999 and the Protocol and
- until an order is transferred or if the order is unable to be transferred, Queensland can formally request the transfer of specific casework tasks to another State/Territory/New Zealand. Case management and financial responsibility along with the administration and enforcement of the order remain with Queensland.
In all matters concerning interstate transfers, departmental officers are to contact the Interstate Liaison Officers, located at Court Services Child Safety.

**Principles:**

- The safety, wellbeing and best interests of a child are paramount.
- Decisions about case management and case work responsibility should be made in a timely manner, having regard to the best interests of the child and to ensure coordinated decision-making and service delivery.
- The child has a right to be placed in a care environment that best meets their needs, is most culturally appropriate and maintains relationships with their family and community.
- The child has a right to be consulted about, and to take part in making decisions affecting their life (having regard to the child’s age or ability to understand), particularly decisions about where the child is living and contact with the child’s family.
- Decisions about an Aboriginal or Torres Strait Islander child are made only after consultation with a recognised entity.
- It is desirable that an order relating to the protection of a child is to have effect and to be enforced in the State in which the child resides.

**Objectives:**

This policy aims to ensure the appropriate safety and support is provided to children and young people as they move between Queensland and other States, Territories, and New Zealand.

**Scope:**

This policy relates to a child or young person subject to either a Queensland child protection order or an interstate child protection order and/or related child protection proceedings.

**Roles and Responsibilities:**

The procedures which give effect to this policy are contained in the Protocol. Further procedures are contained in the Child Safety Practice Manual, chapter 3.

**Authority:**

*Child Protection Act 1999*

**Delegations:**

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Regional Executive Director
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Office: Communities, Child Safety, Youth and Families
Help Contact: Child Protection Development – 3235 9411

Links:

Related Legislation or Standards
Child Protection Act 1999

Related Government Guidelines
Child Safety Practice Manual, chapter 3

Related Policy and Procedure
Case planning (263)

Rescinded Policy
401-2 Interstate transfers of child protection orders and proceedings

Linda A Apelt
Director-General