Child Safety
POLICY

Title: Obligations, actions and responsibilities upon the death of a child in care
Policy No: 421-2

Policy Statement:

Upon the death of a child placed in care who is subject to a care agreement, assessment order, temporary custody order, or child protection order granting custody or guardianship of the child to the Chief Executive or other suitable person, the powers, duties and responsibilities imposed upon the Chief Executive or other suitable person by the Child Protection Act 1999 cease to operate. In all circumstances, parents are responsible for matters relevant to the post death care of the child.

The Department of Child Safety, Youth and Women (Child Safety) will involve parents in end of life planning and decision making as far as practicable. Child Safety will immediately inform the parents of the death of the child, in order that the parents may assume responsibility for practicalities relevant to the handling of the child’s body and subsequent funeral arrangements, should they wish to do so.

Whilst every effort should be made to locate both parents, it is sufficient to locate and inform either of the child’s parents, as either parent can assume responsibility for matters relevant to the child.

The death of a child in care, whatever the cause, or where the death occurred in Queensland, is a reportable death under the Coroner’s Act 2003.

Support and assistance will be offered to parents, siblings, long-term guardians, carers and their family members, and staff affected by the death of a child in care.

Principles:

- The safety, wellbeing and best interests of a child are paramount.
- The views of the child expressed before death, having regard to the child’s age or ability to understand, and the child’s family are considered.
- Child Safety’s actions will aim to maintain family relationships, and be sensitive to individual rights, and ethnic, religious and cultural values, where appropriate.
- Child Safety will help the family receive support from an appropriate Aboriginal or Torres Strait Islander Community agency, and enable them to participate in decisions relevant to the death of an Aboriginal or Torres Strait Islander child, with the family’s agreement.
- Child Safety’s actions on behalf of, and communication with, parties affected by the death of the child, including parents, siblings, long-term guardians, carers and their family members, will be supportive and conducted with sensitivity.
Objectives:

This policy aims to guide decision making for Child Safety staff following the death of a child in out of home care.

Scope:

This policy relates to the death of a child who was placed in out-of-home care and/or was subject to:

- a temporary custody order
- an assessment or child protection care agreement
- an adoption care agreement or adoption consent or dispensation of consent
- an assessment or child protection order granting custody or guardianship to the Chief Executive or other suitable person prior to their death.

The term “carer” within this document is inclusive of foster carers, kinship carers and provisionally approved carers.

Roles and Responsibilities:

Child Safety staff are responsible for ensuring that decision making following the death of a child who was in out of home care is conducted in accordance with the procedures outlined in the Child Safety Practice Manual.

Authority:

Child Protection Act 1999

Delegations:

Director General
Deputy Director-General, Service Delivery
Regional Executive Director
Child and Family Director
Manager, Child Safety Service Centre
Manager, Child Safety After Hours Service Centre
Records File No.: CHS/05233
Date of approval: 15 December 2011
Date of operation: 11 January 2012
Date to be reviewed: December 2014

Office: Operational Support, Child and Family Operations
Help Contact: Operational Support

Links:
Related Legislation
Child Protection Act 1999

Related Departmental Policy
Child death case review policy and procedures (361)
Critical Incident Reporting (391)
Child Related Costs – Client support and family contact (598)

Michael Hogan
Director-General