

## 23 Children in need of protection

Much emphasis is now being given to enhancing parenting, and to child and youth wellbeing (Child, Adolescent and Family Health Service 1992). Child protection is the responsibility of the community services department in each State and Territory. There are national data on children who come into contact with the community service departments because they have been the subject of a notification of abuse and neglect, or are on a care and protection order or are in out-of-home care (Broadbent & Bentley 1997a).

### Child abuse and neglect

Child abuse and neglect is of concern to health professionals because of the profound negative impact it has on the children and families concerned. These include both physical and emotional impacts.

This subsection provides information on children who were the subject of substantiated notification of child abuse and neglect. Child abuse and neglect is substantiated on the basis of information gathered by the community service departments in each State or Territory. The national data on child abuse and neglect substantiations include only those incidences notified to community service departments and subsequently substantiated by the department. The data do not include reports made to other agencies and not referred to the community service departments, or unreported incidents. The data include reports of each notification rather than each incident of suspected abuse or neglect.

An incident of child abuse and neglect will be substantiated if, in the professional opinion of the officers concerned, there is reasonable cause to believe that the child has been, is being, or is likely to be abused or neglected (Broadbent & Bentley 1997a). The level of information or evidence required for a substantiation is less than that required for a criminal prosecution. The definition as to what constitutes child abuse and neglect is open to interpretation, and different judgements may be made on whether or not a child needs protection.

Substantiated abuse and neglect may be divided into the following four categories:

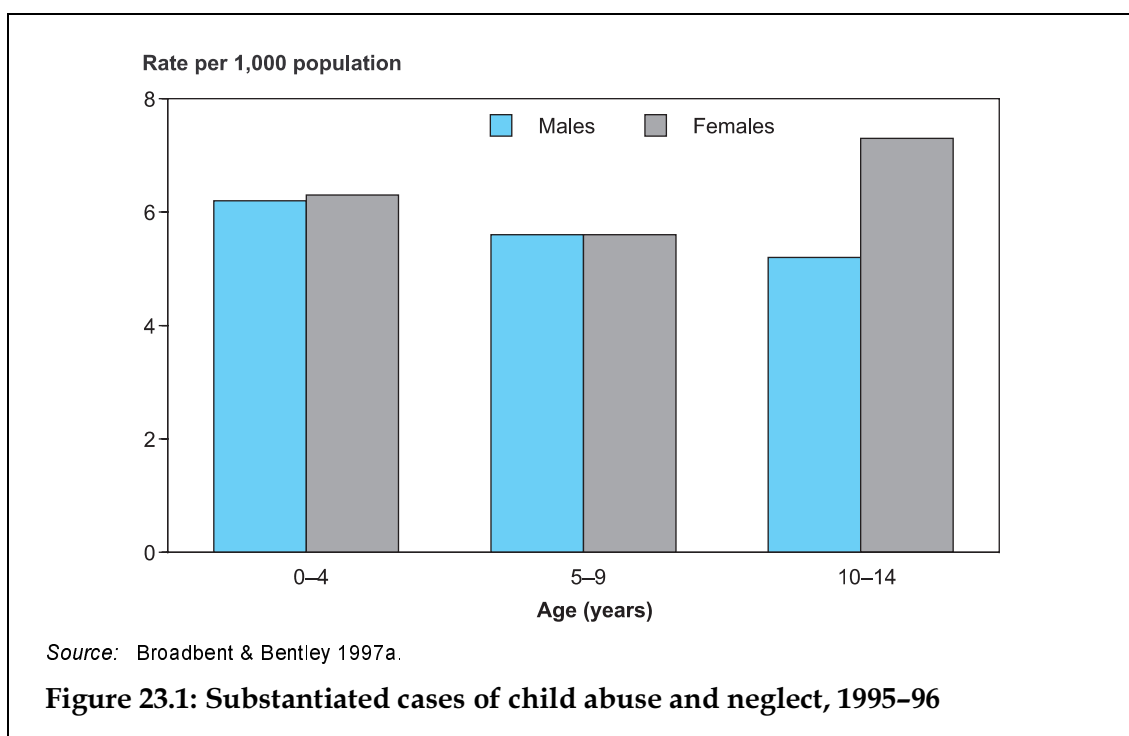
- physical abuse – a non-accidental physical injury inflicted on the child
- emotional abuse – an act which results in the child suffering any kind of significant emotional deprivation or trauma
- sexual abuse – an act which exposes a child to, or involves a child in, a sexual process beyond his or her understanding and contrary to accepted community standards
- neglect – serious omissions or commissions which, within the boundaries of cultural tradition, constitute a failure to provide conditions that are essential for the physical and emotional development of the child. This includes failure to thrive.

Many children suffer more than one type of abuse or neglect and it is not always easily categorised, particularly when more than one type has occurred. As a result, categorisation according to these four types is somewhat subjective. The type of abuse or

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neglect that is recorded is the one most likely to be the most severe in the short term, or most likely to place the child at risk in the short term, or the most obvious (Broadbent & Bentley 1997a).

In 1995–96, about 6 children per 1,000 aged 0–14 years were the subject of a substantiation of child abuse and neglect in Australia. Figure 23.1 shows these rates by age group.



- The rate of substantiations was slightly higher for children aged 0–4 years and 10–14 years (6.2 per 1,000) compared with those aged 5–9 years (5.6 per 1,000).
- The rate of children who were the subject of a substantiated notifications of abuse and neglect was higher for girls than for boys (6.4 and 5.7 per 1,000 respectively).
- Girls aged 10–14 years had the highest rate of substantiations, and boys aged 10–14 years had the lowest.

There were 23,404 children who were the subject of a substantiated notification of child abuse and neglect in 1995–96. In respect of these children, 30% related to emotional abuse, 29% physical abuse, 17% sexual abuse and 24% neglect. Girls were more likely to be the subject of emotional and sexual abuse, and boys were more likely to be classified as the subject of physical abuse and neglect.

The types of abuse and neglect that were substantiated also varied by the age of the child. Table 23.1 shows the different types of substantiated abuse and neglect.

**Table 23.1: Type of abuse and neglect, 0–14 year olds, 1995–96 (rate per 1,000 population)**

Sex	Age (years)	Physical	Emotional	Sexual	Neglect
Males	0–4	1.6	2.2	0.4	2.0
	5–9	1.9	1.7	0.8	1.3
	10–14	2.0	1.6	0.5	1.1
Females	0–4	1.3	2.3	0.8	1.9
	5–9	1.3	1.6	1.4	1.2
	10–14	2.2	1.8	2.3	0.9

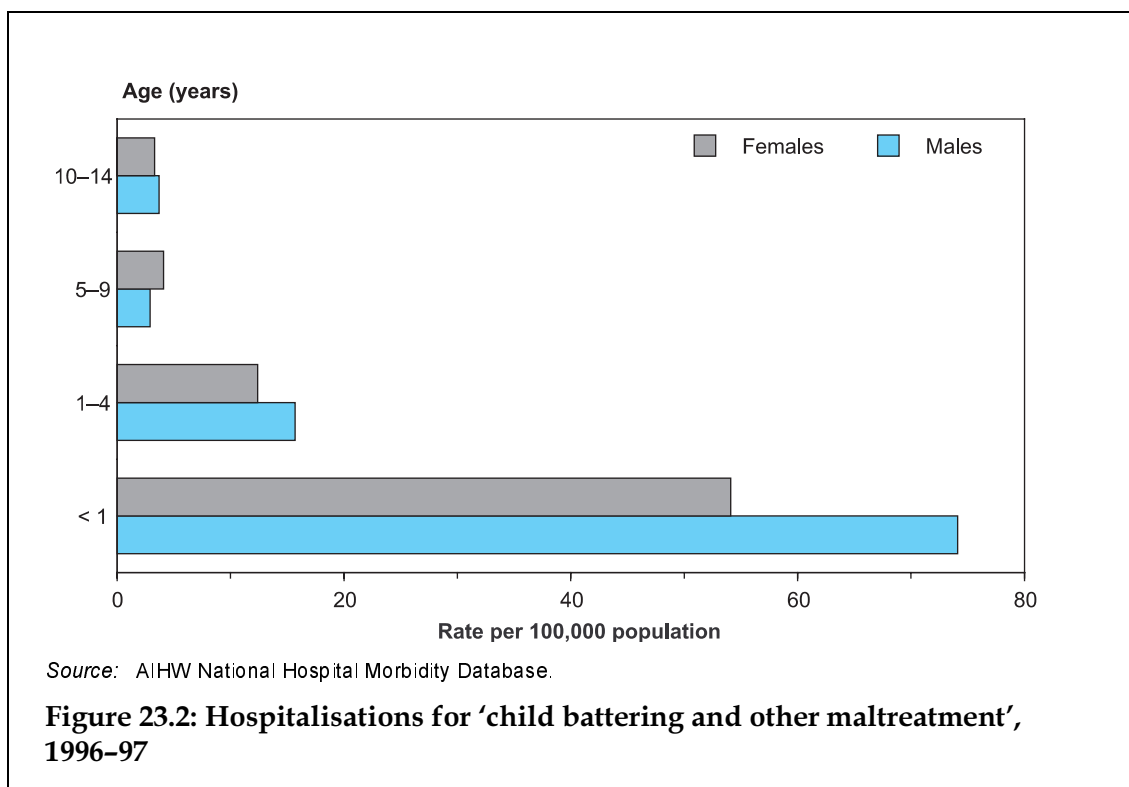
Source: Broadbent and Bentley 1997a.

- Girls aged 10–14 years had relatively high rates of substantiated physical and sexual abuse.
- Boys and girls aged 0–4 years had relatively high rates of substantiated emotional abuse.

## Hospitalisation

In some cases abuse may lead to hospitalisation. In the International Classification of Diseases 9th Revision, Clinical Modification (ICD-9-CM) hospitalisations relating to ‘child battering and other maltreatment’ can be identified using the code for external cause of injury or poisoning of E967. The information presented below is derived from the AIHW National Hospital Morbidity Database. In 1996–97 for children under 15 years, 10.4 hospitalisations per 100,000 had an external cause of child battering or other maltreatment reported. This includes situations where children may have more than one hospitalisation for the same reason. Figure 23.2 shows the hospitalisation rates for 0–14 year old children with an injury caused by child battering or other maltreatment.

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- For the age groups examined, the highest hospitalisation rates in 1996-97 were for children under the age of 1 year.
- Boys had higher rates of hospitalisations than girls in all the groups, with the exception of the 5-9 year olds.

## Children on care and protection orders

Each State and Territory has its own legislation regarding when a child is 'in need of care and protection'. For the purposes of the national data collection, a child may be deemed to be 'in need of care and protection' (Broadbent & Bentley 1997b) if:

- the child is being or is likely to be abused or neglected and other ways of working with the family have been exhausted
- the child has been abandoned
- adequate provision is not being made for the child's care
- there is an irretrievable breakdown in the relationship between the child and his or her parent(s)
- there are other particular child-related factors, such as physical or behavioural difficulties or psychiatrically diagnosed emotional problems.

If a child is found to be in need of care and protection, the community services department has the authority to intervene and to apply to the relevant court to place the child on a care and protection order. There are a number of different types of care and protection orders and the types of orders vary across jurisdictions.

In 1995-96, the national data collected on children on care and protection orders were grouped into two categories – those on guardianship orders and those on non-guardianship orders. Guardianship orders involve the transfer of legal guardianship of a child to an authorised department, with the head of the community services

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department usually becoming the guardian of the child. Non-guardianship orders give the community service department some responsibility for a child's care or for protection of the child, but do not involve the transfer of guardianship.

At 30 June 1996 there were 2.7 children aged 0–14 years per 1,000 on care and protection orders in Australia. Children were more likely to be on guardianship orders than non-guardianship orders (Table 23.1).

**Table 23.2: Children on care and protection orders, 30 June 1996 (rate per 1,000 population)**

Type of order and age of child	Males	Females	Persons
<b>Guardianship</b>			
0–4 years	1.1	1.0	1.0
5–9 years	1.6	1.7	1.7
10–14 years	2.5	2.4	2.4
<i>Total guardianship</i>	1.7	1.7	1.7
<b>Non-guardianship</b>			
0–4 years	1.0	0.9	0.9
5–9 years	1.0	1.0	1.0
10–14 years	1.0	1.0	1.0
<i>Total non-guardianship</i>	1.0	1.0	1.0
<b>Total care and protection orders</b>	<b>2.7</b>	<b>2.7</b>	<b>2.7</b>

Source: Broadbent & Bentley 1997b.

- There were 1.7 children per 1,000 on guardianship orders and 1.0 child per 1,000 on non-guardianship orders.
- The rates of children on guardianship orders increased with age from 1.0 per 1,000 for children aged 0–4 years to 2.4 per 1,000 for children aged 10–14 years.