

# **Child protection Australia 2004–05**

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# **Child protection Australia 2004–05**

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These agencies contributed substantially to the content of this report.

# Abbreviations

ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
NCPASS	National Child Protection and Support Services

## Symbols used in the tables

–	nil or rounded to zero
..	not applicable
n.a.	not available

### Notes

1. Percentages in all tables exclude unknowns.
2. Percentages in tables may not add to 100 due to rounding.
3. All tables in this report use data provided by state and territory child protection and support services.
4. Tables with the prefix 'A' in the title are located in Appendix 1.



# Summary

This report is based on the following three national child protection data collections:

- child protection notifications, investigations and substantiations
- children on care and protection orders
- children in out-of-home care.

These data are collected each year by the Australian Institute of Health and Welfare (AIHW) from the relevant departments in each state and territory. Most of the data in this report cover the 2004–05 financial year, although data on trends in child protection are also included.

Each state and territory has its own legislation, policies and practices in relation to child protection, which accounts for some of the differences between jurisdictions in the data provided. Australian totals have not been provided for those data that are not comparable across the states and territories.

## Notifications, investigations and substantiations

- Over the last 6 years the number of child protection notifications in Australia more than doubled from 107,134 in 1999–00 to 252,831 in 2004–05. From 2003–04 to 2004–05 the number of notifications increased in all jurisdictions (Table 2.3). Some of this increase reflects changes in child protection policies and practices in the jurisdictions and could also reflect increased public awareness of child abuse.
- The number of substantiations in most jurisdictions also increased over the last 6 years, the most notable being Tasmania and the Australian Capital Territory (Table 2.4). Again, this increase is affected by changes in policies and practices in the various jurisdictions. It is also an indication of a better awareness of child protection concerns in the wider community and more willingness to report problems to state and territory child protection and support services.
- Rates of children aged 0–16 years who were the subject of a child protection substantiation in 2004–05 ranged from 2.3 per 1,000 in Western Australia to 14.1 per 1,000 in Queensland (Table 2.6).
- Although the quality of the data on Indigenous status varies between states and territories, Aboriginal and Torres Strait Islander children were clearly over-represented in the child protection system.

## Children on care and protection orders

- There were more children on care and protection orders in 2004–05 than 2003–04 in every jurisdiction that provided data (Table 3.5).
- At 30 June 2005 the rates of children aged 0–17 years per 1,000 on care and protection orders ranged from 3.7 in Western Australia to 7.0 in the Northern Territory (Table 3.9).
- Across Australia the rates of Indigenous children on care and protection orders were higher than for non-Indigenous children.

## Children in out-of-home care

- Nationally, the number of children in out-of-home care rose each year from 1996 to 2005, the period for which national data have been collected. The numbers in care increased by 70% from 13,979 at 30 June 1996 to 23,695 at 30 June 2005 (Table 4.3).
- Only 4% of children in care at 30 June 2005 were in residential care, with 54% in foster care and 40% in relative or kinship care (Table 4.4).
- The rates of children in out-of-home care in Australia increased from 3.0 per 1,000 at 30 June 1997 to 4.9 per 1,000 at 30 June 2005 (Table 4.7).
- At 30 June 2005 there were 23,695 children in out-of-home care in Australia (Table 4.3). This compares with 21,795 children who were in out-of-home care at 30 June 2004, an increase of 9%.
- In 2004–05 the rates of children in out-of-home care ranged from 3.8 per 1,000 in Victoria and Western Australia to 5.8 per 1,000 in New South Wales and Queensland (Table 4.7).
- The rate of Indigenous children in out-of-home care was over 6 times the rate of other children (Table 4.8).

# 1 Background

Child protection is the responsibility of state and territory departments in the community services sector. Children who come into contact with these departments for protective reasons include those:

- who are suspected of being, have been or are being abused, neglected or otherwise harmed
- whose parents cannot or are unable to provide adequate care or protection.

The departments with the major responsibility for child protection and associated activities provide assistance to these children and their families through the provision of, or referral to, a wide range of services. Some of these services are targeted specifically at children in need of protection (and their families); others are available to a wider section of the population and attempt to deal with a broad range of issues or problems.

This report provides national data on children who come into contact with state and territory child protection and support services for protective reasons. The three areas of the child protection system for which national data are collected are:

- child protection notifications, investigations and substantiations
- children on care and protection orders
- children in out-of-home care.

A limited amount of data are collected on intensive family support services. However, there are no data at the national level on children who are referred to or who access other services for protective reasons.

## Child protection systems

### Reporting of child protection matters

Currently, all states and territories have some level of legislation requiring the compulsory reporting to state and territory child protection and support services of harm due to child abuse or neglect. The breadth of professionals and organisations mandated to report varies widely across the jurisdictions. For example, in Western Australia only a few professionals are mandated to report (Details of the mandatory reporting requirements in each state or territory are set out in Appendix 4). On the other hand, in the Northern Territory anyone who has reason to believe that a child may be abused or neglected must report this to the appropriate authority.

The types of child protection matters that are reported also vary across jurisdictions. In addition to requirements under state and territory legislation, Family Court staff are also required under the *Family Law Act 1975* to report all suspected cases of child abuse.

Police also have some responsibility for child protection in each state and territory, although the extent of their responsibility varies in each jurisdiction. Generally, they are involved in child abuse or neglect of a criminal nature, that is, where there is significant sexual or

physical abuse, or any abuse that results in the serious injury or death of a child. In some states or territories there are protocols or informal arrangements whereby the police are involved in joint investigations with the relevant state and territory child protection and support services.

Other areas of government also play a role in child protection. Health services support the assessment of child protection matters and deliver therapeutic, counselling and other services. The education sector in many jurisdictions undertakes preventive work with children and families, and also plays an important role in the identification of suspected harm. In some jurisdictions, there are childcare services specifically provided for children in the child protection system.

## **The child protection process**

Although each jurisdiction has its own legislation, policies and practices in relation to child protection, the processes used to protect children are broadly similar (Bromfield & Higgins 2005). A simplified version of the main processes used in child protection systems across Australia is shown in Figure 1.1. These processes are outlined in more detail below.

### **Reports to the department**

Children who are assessed to be in need of protection can come into contact with state and territory child protection and support services through a number of avenues. These include reports of concerns about a child made by someone in the community, by a professional mandated to report suspected abuse and neglect, or by an organisation that has contact with the family or child. The child, his or her parent(s), or another relative may also contact the department either to seek assistance or to report suspected child abuse or harm. These reports may relate to abuse and neglect or to broader family concerns such as economic problems or social isolation. There are no national data on the total number of reports made to state and territory child protection and support services relating to concerns about children.

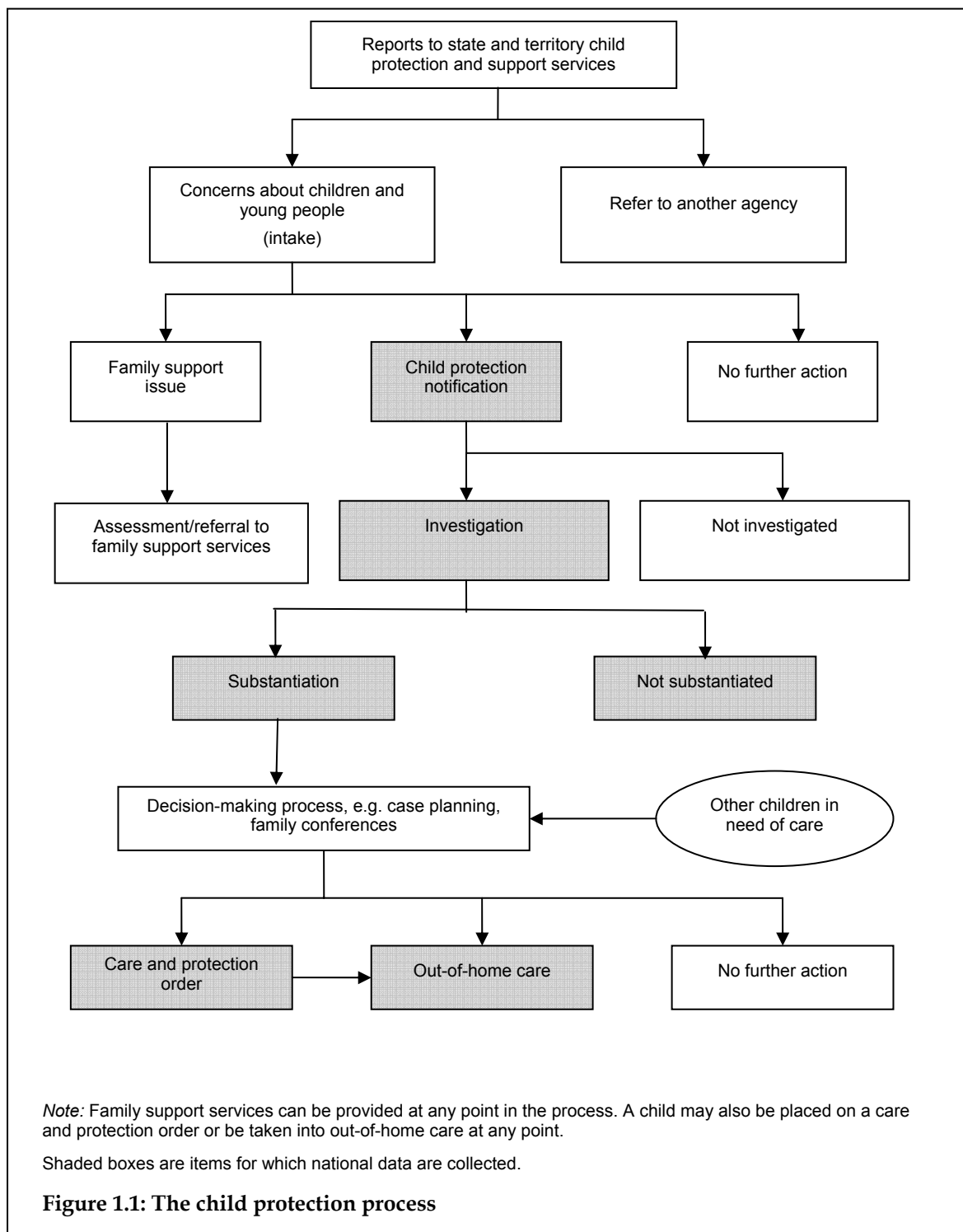
Reports to the department are assessed to determine whether the matter should be dealt with by the child protection and support services department or referred to another agency. Those reports that are appropriate for state and territory child protection and support services are further assessed to determine whether any further action is required.

Reports requiring further action are generally classified as either a family support issue or a child protection notification, although the way reports are classified varies somewhat across jurisdictions. Departmental officers, in deciding whether a report will be classified as a child protection notification, take a range of factors into account. Those reports classified as requiring family support are further assessed and may be referred to family support services. Child protection notifications are dealt with through a separate process.

### **Notifications, investigations and substantiations**

A child protection notification is assessed by the department to determine whether it requires an investigation; whether it should be dealt with by other means, such as referral to other organisations or to family support services; or whether no further protective action is necessary or possible. An investigation is the process whereby the relevant department obtains more detailed information about a child who is the subject of a notification, and the aim of an investigation is to make an assessment of the degree of harm or risk of harm for the child.





After an investigation has been finalised, a notification is classified as ‘substantiated’ or ‘not substantiated’. A notification will be substantiated where it is concluded after investigation that the child has been, is being or is likely to be abused, neglected or otherwise harmed. States and territories differ somewhat in what they actually substantiate. All jurisdictions substantiate situations where children have experienced significant harm from abuse and neglect through the actions of parents. Some jurisdictions also substantiate on the basis of

the occurrence of an incident of abuse or neglect, independent of whether the child was harmed, and others substantiate on the basis of the child being at risk of harm occurring.

### **Care and protection orders and out-of-home care**

At any point in this process the child protection and support services department has the authority to apply to the relevant court to place the child on a care and protection order. Recourse to the court is usually a last resort and is used in situations where supervision and counselling are resisted by the family, where other avenues for the resolution of the situation have been exhausted, or where removal of a child from home into out-of-home care requires legal authorisation. In some jurisdictions, for example, all children who are placed in out-of-home care must be on an order of some kind.

Children can also be placed on a care and protection order and/or in out-of-home care for reasons other than child abuse and neglect; for example, in situations where family conflict is such that 'time out' is needed, or a child is a danger to himself or herself, or where the parents are deceased, ill or otherwise unable to care for the child.

### **Important differences among states and territories**

There are some important differences between jurisdictions in policies and practices in relation to child protection, and these differences affect the data provided. The data from different jurisdictions are therefore not strictly comparable and should not be used to measure the performance of one jurisdiction relative to another.

One of the main differences between jurisdictions is in the policy frameworks used by states and territories in relation to notifications. In Western Australia, reports that express concerns about children are screened by senior staff. Also, a report expressing concern about children may receive the interim assessment classification of 'Child Concern Report' (CCR). This occurs when there is uncertainty at intake as to whether a child has experienced, or is likely to experience, significant maltreatment warranting a statutory child protection response. The CCR assessment provides the basis for the most appropriate response – statutory child protection (i.e. treat as if the contact is a notification), family support or no further action. A significant proportion of reports are therefore not counted as child protection notifications. The rates of children who are the subjects of notifications, and consequently substantiations, are therefore lower than the rates in other jurisdictions.

In Victoria, on the other hand, the definition of a 'notification' is very broad and includes some reports that may not be classified as a notification in other jurisdictions. Other states and territories have policies between these two extremes. For example, South Australia screens reports and may refer some of these to other agencies or provide family support services rather than a child protection response. In 2002, the Australian Capital Territory screened reports similar to South Australia, but in 2003 the definition was changed to incorporate all contacts regarding concerns for children as child protection reports. Tasmania previously had a similar system to Western Australia, but since 2003-04 all reports to the department are recorded as a notification, which is a similar system to Victoria. The screening process used in South Australia, however, does not appear to be as stringent as that used in Western Australia. In New South Wales, all reports classified as 'child protection' reports are categorised and receive a 'risk of harm' assessment to determine the appropriate action. Only reports of harm or risk of harm are included in this report.

Other differences between jurisdictions are also worth noting:

- In some jurisdictions, such as New South Wales, reports to the department relating to abuse by a stranger may be classified as a notification, but in other jurisdictions they are not.
- What is substantiated varies. Some jurisdictions substantiate the harm or risk of harm to the child, and others substantiate actions by parents or incidents that cause harm. In focusing on harm to the child, the focus of the child protection systems in many jurisdictions has shifted away from the actions of parents towards the outcomes for the child (see below).

Although there are differences between states and territories that affect the comparability of the data on children on care and protection orders and children in out-of-home care, the differences between jurisdictions are greatest in relation to child protection notifications, investigations and substantiations. National totals are therefore provided only for a small number of tables in this section.

## **Changes in child protection policies and practices**

Child protection policies and practices are continually changing and evolving. Trends in child protection numbers should be interpreted carefully, as such changes in policies and practices impact on the numbers of children in the child protection systems in different ways. The broad changes in the child protection systems over the last decade are discussed below, followed by more detailed information on changes within states and territories over the last year. Specific definitions of children in need of care and protection for each jurisdiction are provided in Appendix 3.

Over the last decade it has been increasingly recognised that a large number of reports to child protection authorities are about situations in which parents are not coping with their parental responsibilities. The responses of child protection authorities have become more focused on collaborating with and helping parents. As a result more resources have been directed towards family support services in many jurisdictions (AIHW 2001).

There has also been an increasing focus on early intervention services, which are seen to be effective in reducing the need for more intrusive child protection interventions at later stages. Cross-departmental strategies have been introduced in a number of jurisdictions, such as 'Families First' in New South Wales, 'Family Support Innovation Projects' in Victoria and 'Children First Framework' in Western Australia. These strategies attempt to assist families in a more holistic way, by coordinating service delivery and providing better access to different types of children's and family services.

The definition of what constitutes child abuse and neglect has changed and broadened over the last decade (Cashmore 2001). Naturally, any broadening of the definition of child abuse and neglect is likely to result in increasing notifications and substantiations. The focus of child protection in many jurisdictions (New South Wales and the Australian Capital Territory, for example) has shifted away from the identification and investigation of narrowly defined incidents of child abuse and neglect towards a broader assessment of whether a child or young person has suffered harm. This broader approach seeks to assess the child's protective needs.

In addition, many jurisdictions have introduced options for responding to the less serious reports through the provision of family support services, rather than through a formal investigation. These policies have been introduced at different times in different jurisdictions (for example in Western Australia in 1996), but in all cases they have led to substantial decreases in the numbers of investigations and substantiations.

Other significant changes include the introduction of structured risk assessment tools (for example in South Australia and the Northern Territory) to help workers identify children in high-risk circumstances, to determine what services are necessary for the child and the family, and to document the basis for decisions and provide some consistency of response (Cashmore 2001). Centralised intake systems have also been introduced in some jurisdictions (New South Wales, South Australia, Tasmania and the Australian Capital Territory) to increase the consistency of departmental responses.

More recently, state and territory departments responsible for child protection and support services have been concerned about rising rates of renotifications and resubstantiations. The Victorian Department of Human Services undertook detailed research and analysis of children in their child protection system (VDHS 2002). The study found that key underlying features, such as low income, substance abuse, mental health issues and the burdens of sole parenting, which led to some families coming into contact with child protection systems, were complex and chronic. The child protection system often did not effectively deal with these problems and many children were subject to renotifications and resubstantiations. The report noted that helping families to deal with these problems required more sustained and less intrusive support than the services usually provided by child protection authorities. It highlighted the need for strengthened prevention and early intervention services as well as improved service responses for children and young people with longer term involvement in the child protection system.

For children who are placed on care and protection orders, the current policy emphasis is on family preservation, or on keeping children in the family. A range of specialist family preservation services has been established in many jurisdictions that seek to prevent the separation of children from their families as a result of child protection concerns, or to reunify families where separation has already occurred. Victoria in particular has established a number of these services, including those specifically designed for Aboriginal and Torres Strait Islander families.

There has been a push in some jurisdictions to seek greater permanency for children who are unable to live with their parents, through either adoption or long-term parenting orders. This follows moves made in both the United States and the United Kingdom where adoption is increasingly used as an avenue for permanency (Cashmore 2000). In 2001 New South Wales introduced legislation that allows for adoption as a placement option for children in the child protection system. This legislation also introduced a Sole Parental Responsibility Order that provides an intermediate legal status between fostering and adoption. A number of other jurisdictions have similar types of orders, including Victoria where the Permanent Care Order was introduced in 1992.

## **Family support services**

As mentioned above, family support services are used by all jurisdictions in some capacity. They include services that seek to benefit families by improving their ability to care for children and to strengthen family relationships (AIHW 2001). These services are becoming increasingly recognised as an alternative to the more traditional forensic investigation. For example, where notifications to the departments do not involve child maltreatment, children and their families are being referred to family support services rather than being investigated. Also, in Western Australia, these cases are streamed into family support services instead of being recorded as a notification.

There is a broad range of these services across the jurisdictions. These include: information and referral, education/skill development counselling, mediation and therapy, residential

and in-home support, and advocacy (AIHW 2001). Because of this breadth, the level of intensity of these services also varies. For the past few years, the National Child Protection and Support Services (NCPASS) data group has been endeavouring to develop the scope and counting rules to enable data collection for the various levels of family support services. To date, NCPASS has focused on the 'intensive' end, which includes those services which aim to prevent imminent separation of children from their primary caregivers because of child protection concerns, and those services which aim to reunify families where separation has already occurred. At a minimum this service must provide at least 4 hours of support a week and last for up to 6 months.

At present, NCPASS is developing counting rules for the next level of services, which include child protection treatment and support services targeted to at-risk families where there are concerns about the safety and wellbeing of children. These services will include those that strengthen family relationships in response to concerns about the welfare of a child. Services may have either an early intervention orientation or support reunification.

### Intensive family support services data

The AIHW has been collecting data on the intensive family support services (IFSS) since 1999–00. While most of these data are about the children who received the service, there is some limited information about the services. In 2004–05, there were 77 services reported to the AIHW. About half of these services were aimed at preventing the separation of the child from the family; the rest were aimed at both prevention of separation and reunification of the child into the family. Most of these services were located in capital cities or other major urban centres. However, those that were located in rural and remote locations catered predominantly for Indigenous children (unpublished data).

The age of the children who commenced an intensive family support service was broadly similar across the jurisdictions. The majority of the children were aged less than 10 years old, with most of these being under the age of 5 years (Table 1.1).

**Table 1.1: Number of children aged 0–17 years in intensive family support services, by age at commencement of service, 2004–05**

Age (years)	NSW	Vic	Qld	WA <sup>(a)</sup>	SA	Tas	ACT
	<b>Number</b>						
0–4	46	762	80	177	40	15	5
5–9	58	198	95	162	29	18	3
10–14	37	159	93	94	17	10	21
15–17	10	23	22	9	3	2	10
Unknown	—	360	—	4	—	—	89
<b>Total</b>	<b>151</b>	<b>1,502</b>	<b>290</b>	<b>446</b>	<b>89</b>	<b>45</b>	<b>128</b>
	<b>Per cent</b>						
0–4	30	67	28	40	45	33	13
5–9	38	17	33	37	33	40	8
10–14	25	14	32	21	19	22	54
15–17	7	2	8	2	3	4	26
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) In Western Australia, not all services are able to report on the age of the child when the child is over 12 years. These children are included in the 'unknown' category. Therefore the percentages should be interpreted carefully as it cannot be assumed that the 'unknowns' are evenly distributed among the age categories.

Note: The Northern Territory was unable to provide these data.

**Table 1.2: Children in intensive family support services, by living arrangements at commencement of service, by selected states and territories, 2004–05**

Living situation	NSW	Vic	Qld	WA	Tas	ACT
	<b>Number</b>					
Family care						
child living with parent(s)	125	1,160	101	342	28	103
child living with other relatives/kin	17	44	5	17	—	11
Child in out-of-home care	9	291	173	84	12	9
Child in shared care	—	—	—	1	5	4
Other	—	5	1	2	—	1
Not available	—	8	10	—	—	—
<b>Total</b>	<b>151</b>	<b>1,508</b>	<b>290</b>	<b>446</b>	<b>45</b>	<b>128</b>
	<b>Per cent</b>					
Family care						
child living with parent(s)	83	77	36	77	62	80
child living with other relatives/kin	11	3	2	4	—	9
Child in out-of-home care	6	19	62	19	27	7
Child in shared care	—	—	—	—	11	3
Other	—	—	—	—	—	1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Note: South Australia and the Northern Territory were unable to provide these data.

In all states except for Queensland, the majority of children who received a service were living with their parents. On the other hand, in Queensland, a large proportion of children receiving intensive family support were living in out-of-home care (Table 1.2). This may indicate a stronger emphasis on reunification by the services in these jurisdictions, as opposed to prevention in the other jurisdictions.

## Recent policy changes

The following paragraphs, provided by the various authorities in the states and territories, outline the major child protection policy changes that occurred in 2004–05. Legislation relating to specific jurisdictions is listed in Appendix 3.

### New South Wales

In 2004, the Department of Community Services (DoCS) commenced a review of the Interagency Guidelines for Child Protection Intervention under the auspices of a Child Protection Senior Officers Group. The guidelines form a foundation for good cross-agency practice in child protection in New South Wales and are well recognised and embedded in the practitioner community. The new guidelines which are scheduled for completion in mid-2006 will take account of the new focus on prevention and early intervention as well as the significant growth in demand for child protection services.

In 2004–05 DoCS continued its program of research and development and design of improved models of care and support to better address the needs of children and young people in out-of-home care. Enhancements include funding of additional intensive foster and residential care placements for children and young people with high needs; and recruitment of additional caseworkers and psychologists for Intensive Support teams for children and

young people with high needs. Additional funds were allocated this year to expand foster care services for Aboriginal children and young people.

## **Victoria**

The Victorian Government has embarked on a comprehensive program of reform to child, youth and family services. The Government's policy framework for vulnerable children and young people was spelt out in a white paper, *Protecting Children...the next steps*, which was released in August 2005. A key part of the reforms is new legislation. Two bills were recently passed by the Victorian Parliament.

*The Child Well-being and Safety Bill* will commence on 1 January, 2005 and will guide the operation of new administrative structures announced by the Premier in December 2004, in response to the Premier's Children's Advisory Council. These structures include the Child Safety Commissioner, the Victorian Children's Council and a Children's Services Co-ordination Board (of Departmental Secretaries). *The Children, Youth and Families Bill* consolidates and updates the *Children and Young Persons Act 1989* and the *Community Services Act 1970* and will commence on 1 October 2006. The Bill will drive a more child-focused and integrated service system – a system in which families are connected earlier to the services they need and services are adaptable to the changing needs of today's families. The Bill more explicitly places children's best interests at the heart of all decision-making and service delivery – from earlier intervention through to the Children's Court. Legislative changes are also aimed at improving children's stability, strengthening service responses to cumulative harm and better maintaining Aboriginal children's connection to their community and culture. An implementation team has now been established to work with the community service sector and the child protection workforce to operationalise new policy and legislative directions.

To support the overall reform directions, further funding was provided over four years to strengthen child protection and family support services. The budget allocation built on the success of the Family Support Innovation Projects that commenced in 2002–03 and introduced a number of targeted strategies to address areas of particular concern, including 14 Family Support Innovation Projects, a new in-home support service for Aboriginal mothers and a new Aboriginal Family Restoration Program.

## **Queensland**

In March 2004, the Queensland Government committed to the reform of the state's child protection system. As a key component of this reform, the Department of Child Safety was officially launched on 24 September 2004. To date, 85 of the Crime and Misconduct Commission (CMC) recommendations and 14 of the Foster Care Audit recommendations have been fully implemented.

Stage three, the final stage of legislation reform, was passed by Parliament on 24 August with some provisions planned to commence by the end of 2005. The remaining provisions will commence by April 2006. Key areas of the amendments relate to: regulating voluntary placements, regulating all carers, refining the Indigenous child placement principle, and consulting Indigenous agency stakeholders.

Other key achievements to date include, but are not limited to:

- greater access to support for carers and children through the development of enhanced therapeutic and support services for children in care who have complex and extreme needs;

- funding allocated for 140 new or enhanced alternative care places in 2004–05 and a further 220 in 2005–06 for children and young people with complex and extreme needs;
- the establishment of an integrated employee support program for frontline staff, which includes education on self-care and building resilience in induction, training and development programs;
- the introduction of Structured Decision Making (SDM) to improve child safety outcomes in Queensland. The SDM assessment tools are used across the continuum of child protection services;
- the release of Stages One, Two and Three of the *Child Safety Practice Manual* to provide staff with a suite of professional practice and decision-making tools and promote consistency in practice standards; and
- strengthening of the Suspected Child Abuse and Neglect (SCAN) team system. The aim of the SCAN Team is to ensure an effective and coordinated multi-disciplinary response to notifications of suspected child abuse and neglect. SCAN Team membership now includes core representation from the Department of Child Safety (Lead agency), Queensland Police Service, Queensland Health, Department of Education and the Arts and a recognised Aboriginal and Torres Strait Islander agency. Other relevant stakeholders are invited as required. Twenty SCAN Teams are now operational around the state with the interagency training currently being rolled out.

### **Western Australia**

The Department for Community Development is planning for the implementation of the *Children and Community Services Act 2004* and the *Working with Children (Criminal Record Checking) Act 2004* in 2006. The *Children and Community Services Act 2004* supports a research and evidence based model that recognises the capacity of families to care safely for their children if supported to do so and provides a strong framework of intervention for children who are in need of protection.

The department is concerned to ensure its approach to child protection is effective and sustainable. It is promoting a multi-agency, strengths based response to children for whom there are concerns and is exploring with Indigenous communities a capacity building approach to child protection, a central element of which is the valuing of relationship based practice.

The implementation of a Central Carer Register ensures department and not-for-profit agency carers are appropriately screened, assessed and registered. Mandatory preparation training for all general and relative foster carers was introduced.

Independent consultants were engaged to quality assure the systems, processes and practices aimed at protecting children in care. The consultant's report *Quality Assurance of the Department for Community Development's Systems and Processes for Children in Care* highlighted significant strengths in processes as well as areas where improvements were required.

### **South Australia**

The South Australian Government's child protection reform agenda 'Keeping Them Safe' charted a number of reform priorities:

- support to children, young people and families;
- effective, appropriate interventions;
- reforming work practices and culture;



- collaborative relationships; and
- improved accountability.

The progress of the reform agenda during 2004–05 has been achieved through strengthened collaboration and cooperation in policy and practice across government departments. Work commenced on the *Children's Protection (Keeping them Safe) Amendment Bill 2005* which contains new objects and principles that encourage a stronger focus on the safety of the child. The Bill also provides for building community capacity to protect children through child safe environments; extends the interpretation of 'at risk' to more truly reflect the extent of harm to a child and the responsibility of those who care for them, and formalises mechanisms for independent monitoring and review of the care and protection system to help safeguard the interests of children.

The government is committed to strengthening services for children, young people and their families, when and where they need them in the community. Additional funding has been made available for care and protection initiatives across government. In particular, increased staffing levels have been provided to improve service response capacity, to ensure that children under Guardianship of the Minister are well supported, and to improve the range of placement options for children and young people who are in need of alternative care.

A Transitional Linked Care program has been established to provide emergency care for vulnerable children and young people, through the purchase and staffing of 10 houses.

A demonstration project is underway to provide intensive support to high risk infants and their families, with a statewide approach to intervening early when infants at high-risk and their families come to the attention of the statutory child protection agency.

During 2004–05 there has been a concerted focus on strengthening partnerships across government. An Across Government Guardianship Steering Committee has been established to address the needs of children under the Guardianship of the Minister. A coordinated approach to the care of children under the Guardianship of the Minister has been facilitated through the 'Rapid Response' framework which ensures priority access for these young people to health, dental, educational and recreational services and programs. The Department of Education and Children's Services has commenced the development of Individual Education Plans for all children under the Guardianship of the Minister. In addition, improved educational outcomes for children and young people have been facilitated through the provision of increased advocacy and support services. Barriers to appropriate information exchange have been identified and a policy with strategies to overcome these barriers has been developed.

## **Tasmania**

On 1 July 2003, the Department of Health and Human Services changed its method of reporting to include all notifications to care and protection services. Prior to this date, notifications of 'child harm and maltreatment' were counted but notifications classified as 'child and family concern' were not. As a consequence of the change in reporting, the number of notifications recorded subsequent to 2003–04 is significantly higher than in previous years.

The *Family Violence Act 2004* was proclaimed on 31 March 2005. The introduction of the legislation has significantly increased notifications from Tasmania Police as it has amended the definition of a child at risk of abuse and neglect to include a child affected by family violence.

A number of initiatives have been progressed during the financial year. These include; the introduction of 'Step by Step', the NSW assessment framework, and 'Shared Stories, Shared

Lives', a complementary training package for carers, the development of a formal kinship care program, introduction of cottage care, the development of an information kit for young people leaving care, and ongoing implementation of 'Looking After Children'.

These initiatives were informed by a report that was published by the Ombudsman's Office in November 2004 on a review of claims made by adults that they were abused while in state care as children. The purpose of the review was to acknowledge the experiences of claimants in state care. This involved an assessment of claims as well as the provision of support, counselling services, access to personal files and in some instances provision of ex gratia payments.

At a broader level, the Our Kids Bureau within the Department of Health and Human Services is developing prevention and early intervention policies and integrated programs for young children and families in collaboration with government and community organisations. The Our Kids Bureau is the central point within the department for liaison and co-ordination in relation to development of a 'Whole of Government Early Years' framework.

### **Australian Capital Territory**

The 2004–05 period has seen a significant increase in the number of child protection reports received, as well as an increase in the demand for out-of-home care placements. To meet this increased demand, new funding agreements for foster care agencies have been established, and a greater range of residential services for children has been developed.

During the period, the ACT Government continued with implementation of the recommendations and reforms agreed to in the government response to *The Territory as Parent – Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management* (25 May 2004). Some of the achievements of the implementation to date include:

- establishment of a new Office for Children Youth and Family Support (Office) structure (within the Department of Disability, Housing and Community Services) that aligns functions and client groups. This new Office has been centralised into one metropolitan location.
- the Office has recruited a number of experienced, professional child protection workers, more than doubling the number of frontline workers; and
- on 3 January 2005, the department established the Institute for Child Protection Studies – a partnership between the Office and the Australian Catholic University to promote best practice in the care and protection of children and young people in the Australian Capital Territory.

### **Northern Territory**

The Northern Territory Government continued the development of the Family and Children's Services Reform Agenda in 2005. Increased funding commenced in December 2003 with the intent of improving child protection services and systems over a period of 5 years. Parts of the increased funds have been used to build on the child protection workforce and to ensure quality of care for children in out-of-home care. The tailoring of services to some of the highest needs children in out-of-home care by means of a specialist carer model has also commenced.

Other initiatives resulted in the employment of additional Indigenous apprentices and cadets to further strengthen the Indigenous Family and Children's Services workforce.

A new Intensive Family Preservation service commenced in July 2005, providing intensive family support to 30 families annually. It will provide a strengths based model as a strategy to keep families together and prevent admissions to the out-of-home care system.

## **The child protection data**

The data in this report were extracted from the administrative systems of the state and territory departments responsible for child protection and support services according to definitions and counting rules agreed to by the departments and the AIHW. The state and territory departments provide funding to the AIHW to collate, analyse and publish these data annually. The NCPASS data group has responsibility for overseeing the national child protection data and includes representatives from each state and territory and from the AIHW.

There are significant links and overlaps between the three data collections included in this report. For example, children who are the subjects of substantiations may be placed on care and protection orders, and many children on care and protection orders are also in out-of-home care. There are, however, only very limited data at the national level on the movement of children through the child protection system and the overlap between the three separate data collections.

There are also significant gaps in the national data on child protection. Apart from the intensive family support services data, there are no other data at the national level on the support services used by children in need of protection and their families.

Work is currently being undertaken by NCPASS to broaden the scope of the national data collection and to improve comparability. A new national framework has been developed to count responses to calls received by state and territory child protection and support services in relation to the safety and wellbeing of children, including responses that occur outside the formal child protection system. Data elements such as the provision of advice and information, and assessment of needs, as well as general and intensive family support services, are incorporated into the new framework. It is proposed that national reporting will be aligned to this framework over the next few years.

The method of collecting the national child protection data is also in the process of changing. Currently the data are provided to the AIHW in aggregate form on Excel spreadsheets. In the next few years, it is envisaged that these data will be provided in unit record format. This has been agreed to in principle by each jurisdiction. Work on data dictionaries to support this collection, based on the new reporting framework, has progressed after a number of data development workshops were held throughout 2004 and 2005. The data dictionaries are now being assessed through a pilot test of the unit record data.

The practices used to identify and record the Indigenous status of children in the child protection system vary across states and territories. Over the last few years, several jurisdictions have introduced measures to improve the identification of Indigenous clients. In some jurisdictions, however, there is a significant proportion of children whose Indigenous status is unknown and this affects the quality of the data on Indigenous status. Consequently, the data on Aboriginal and Torres Strait Islander children should be interpreted with care.

# 2 Notifications, investigations and substantiations

## Overview

### Scope of the data collection

The notification, investigation and substantiation process is broadly outlined in Chapter 1. The data in this report on child protection notifications, investigations and substantiations relate to those notifications received by departments responsible for child protection and support services between 1 July 2004 and 30 June 2005. Only child protection matters that were notified to state and territory child protection and support services are included in this national collection. Notifications made to other organisations, such as the police or non-government welfare agencies, are included only if these notifications were also referred to state and territory child protection and support services.

This report contains information on the number of, and children subject to, notifications, investigations and substantiations. As a child can be the subject of more than one notification, investigation or substantiation in a year, there are fewer children than there are total notifications, investigations and substantiations.

### Categories used for notifications and investigations

In this report, notifications are classified according to the 'type of action' taken by the child protection department to respond to them. The categories used are:

- *Investigation* – the process whereby the relevant department obtains more detailed information about a child who is the subject of a notification received between 1 July 2004 and 30 June 2005, and makes an assessment about the harm or degree of harm to the child and his or her protective needs. An investigation includes the interviewing or sighting of the subject child where it is practical to do so.
  - *Finalised investigation* – a notification received between 1 July 2004 and 30 June 2005 which was investigated and the investigation was completed and an outcome recorded by 31 August 2005.
  - *Investigation not finalised* – a notification received between 1 July 2004 and 30 June 2005 which was investigated but where the investigation was not completed and an investigation outcome was not recorded by 31 August 2005.
- *Dealt with by other means* – a notification that was responded to by means other than investigation, such as the provision of advice or referral to services.
- *Not investigated/not dealt with by other means* – includes all other notifications, such as those where no investigation or other action was possible.

The 'outcomes of finalised investigations' are classified as follows:

- *Substantiation* – where there was reasonable cause to believe that the child has been, was being or was likely to be abused, neglected or otherwise harmed. Substantiation does not necessarily require sufficient evidence for a successful prosecution and does not imply that treatment or case management was provided.
- *Not substantiated* – where an investigation concluded that there was no reasonable cause to suspect prior, current or future abuse, neglect or harm to the child.

Definitions of other terms used in this report are in the Glossary.

## Data and analysis

This section includes the national data on child protection notifications, investigations and substantiations for the 2004–05 financial year. For most tables, Australian totals have not been provided because the data from the states and territories are not strictly comparable. The legislation, policies and procedures of each state and territory should be taken into account when interpreting these data.

This year, New South Wales has resumed comprehensive reporting for child protection, out-of-home care, and care and protection orders. In October 2003, a new client information system was introduced and only limited information was available for 2003–04 reporting. In conjunction with the new system, an information quality and revised reporting framework was established, resulting in significant improvements to the coverage and quality of information. For this reason, New South Wales information for 2004–05 is not directly comparable to information published in previous years.

In Tasmania, the number of notifications increased substantially from 1 July 2003 because of a change in recording practices due to the introduction of central intake, known as the Child Protection Advice and Referral Service. Now every call made to the department about a particular child is recorded as a notification, whereas, previously, child protection workers made the decision locally as to whether the call was counted as a notification.

Notifications in Western Australia have evidenced a long term upward trend with significant fluctuations in the data for 2002–03 and 2003–04 due to organisational and practice changes. In 2002, the Department reorganised from functional teams with discrete responsibilities into generic teams with responsibility for all matters. In the new structure, the tasks of classification, investigation and support were no longer separated. This change was complemented by new policies that encouraged greater engagement with families. In 2004–05, the long term trend was restored. Data from 2004–05 has been impacted by new Domestic Violence Legislation resulting in an increase in notifications. Over this same period, the substantiation trend line has mirrored the notification trend lines. In 2005–06, new legislation will be introduced that is expected to affect future child protection data.

### Number of notifications, investigations and substantiations

The number of child protection notifications received between 1 July 2004 and 30 June 2005 for each state and territory is shown in Table 2.1. The number of notifications ranged from 133,636 in New South Wales to 2,101 in the Northern Territory.

The proportion of notifications that were investigated ranged from 99% in Western Australia to 17% in Tasmania (Table 2.1). This range reflects differences in the way in which jurisdictions both define and deal with notifications and investigations. In Tasmania, every

call received is recorded as a notification and can be very broad and may include family issues that are responded to without the need for a formal investigation process. Until 2003–04, the process in Tasmania was similar to that in Western Australia, namely reports to the departments were screened before being classified as a notification. Only those reports where maltreatment was indicated were classified as a notification and the majority of these were subsequently investigated.

**Table 2.1: Notifications, by type of action and state and territory, 2004–05**

Type of action	NSW	Vic	Qld	WA	SA	Tas	ACT	NT <sup>(a)</sup>
	<b>Number</b>							
Investigations finalised <sup>(b)</sup>	40,984	11,486	23,401	2,391	6,250	1,333	2,529	1,003
Investigations not finalised <sup>(c)</sup>	17,588	402	11,960	771	29	500	488	177
<i>Total investigations</i>	<i>58,572</i>	<i>11,888</i>	<i>35,361</i>	<i>3,162</i>	<i>6,279</i>	<i>1,833</i>	<i>3,017</i>	<i>1,180</i>
Dealt with by other means <sup>(d)</sup>	75,064	25,635	4,679	—	11,194	6,792	216	—
No investigation possible/no action <sup>(e)</sup>	—	—	789	44	—	2,163	4,042	921
<b>Total notifications</b>	<b>133,636</b>	<b>37,523</b>	<b>40,829</b>	<b>3,206</b>	<b>17,473</b>	<b>10,788</b>	<b>7,275</b>	<b>2,101</b>
	<b>Per cent</b>							
Investigations finalised <sup>(b)</sup>	31	31	57	75	36	12	35	48
Investigations not finalised <sup>(c)</sup>	13	1	29	24	0	5	7	8
<i>Total investigations</i>	<i>44</i>	<i>32</i>	<i>87</i>	<i>99</i>	<i>36</i>	<i>17</i>	<i>41</i>	<i>56</i>
Dealt with by other means <sup>(d)</sup>	56	68	11	—	64	63	3	—
No investigation possible/no action <sup>(e)</sup>	—	—	2	1	—	20	56	44
<b>Total notifications</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) In the Northern Territory, notifications dealt with by other means could not be separately identified and were included in the category 'no investigation possible/no action'.

(b) 'Investigations finalised' are investigations that were completed and outcomes recorded by 31 August 2005.

(c) 'Investigations not finalised' are investigations that were begun but not completed by 31 August 2005.

(d) Includes notifications that were responded to by means other than an investigation, such as referral to police, referral to family services or provision of advice.

(e) 'No investigation possible/no action' includes notifications where there were no grounds for an investigation or insufficient information was available to undertake an investigation. It also includes those cases that could not be undertaken, such as the family has relocated. It may also include some cases that were referred on or where advice was given which cannot be disaggregated from cases with insufficient reason to investigate.

## Outcomes of investigations

Although the outcomes of investigations varied across the states and territories, in all jurisdictions a large proportion of investigations were not substantiated; that is, there was no reasonable cause to believe that the child was being, or was likely to be, abused, neglected or otherwise harmed. For example, 62% of finalised investigations in New South Wales and South Australia and 54% in Western Australia were not substantiated (Table 2.2).

The proportion of investigations that were substantiated ranged from 38% in New South Wales and South Australia to 74% in Queensland.

**Table 2.2: Outcomes of finalised investigations, by state and territory, 2004–05**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Substantiation	15,493	7,398	17,307	1,104	2,384	782	1,213	473
Not substantiated	25,491	4,088	6,094	1,287	3,866	551	1,316	530
<b>Total finalised investigations</b>	<b>40,984</b>	<b>11,486</b>	<b>23,401</b>	<b>2,391</b>	<b>6,250</b>	<b>1,333</b>	<b>2,529</b>	<b>1,003</b>
	<b>Per cent</b>							
Substantiation	38	64	74	46	38	59	48	47
Not substantiated	62	36	26	54	62	41	52	53
<b>Total finalised investigations</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

### Recent trends in notifications and substantiations

In Australia, the number of child protection notifications increased by over 33,000 in the last year, rising from 219,384 in 2003–04 to 252,831 in 2004–05 (Table 2.3). The number of notifications increased in all jurisdictions. The number of substantiations, however, decreased in a number of jurisdictions between 2003–04 and 2004–05. For Tasmania and the Australian Capital Territory the number of substantiations increased noticeably over this period (Table 2.4).

**Table 2.3: Number of notifications, by state and territory, 1999–00 to 2004–05**

Year	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1999–00	30,398	36,805	19,057	2,645	15,181	422	1,189	1,437	107,134
2000–01	40,937	36,966	22,069	2,851	9,988 <sup>(b)</sup>	315	794	1,551	115,471
2001–02	55,208	37,976	27,592	3,045	11,203	508	801	1,605	137,938
2002–03	109,498	37,635	31,068	2,293 <sup>(c)</sup>	13,442	741	2,124 <sup>(d)</sup>	1,554	198,355
2003–04	115,541	36,956	35,023	2,417	14,917	7,248 <sup>(e)</sup>	5,325	1,957	219,384
2004–05	133,636	37,523	40,829	3,206	17,473	10,788	7,275	2,101	252,831

- (a) The data for 2002–03 onwards should not be compared with previous years. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate. New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.
- (b) In 2000–01 the classification of notifications in South Australia was changed to exclude reports that did not meet the criteria of reasonable suspicion of child abuse or neglect.
- (c) The decline in the number of notifications for 2002–03 is associated with organisational and practice changes.
- (d) From 2002–03 the number of notifications increased due to changed arrangements for recording reports of concern about children and young people. Recent publicity from the inquiries conducted by the Commissioner for Public Administration has also increased public awareness of child abuse.
- (e) Data for 2003–04 onwards and previous years should not be compared because of a change in recording practices that has been adopted following centralisation of the intake service, known as the Child Protection Advice and Referral Service. Now every call about a child is recorded as a notification, whereas, previously, workers made the decision locally about whether the call was in fact a notification based on the risk to the child.

Sources: AIHW 2005; Table 2.1.

There are a number of possible reasons for the increase in the numbers of notifications and substantiations. One may be an actual increase in the number of children who require a child protection response. This may be due to an increase in the incidence of child abuse and neglect in the community or inadequate parenting causing harm to a child. However, the increase may be an indication of a better awareness of child protection concerns in the wider community and more willingness to report problems to the child protection services.

In several states and territories, trends in the numbers of notifications and substantiations also reflect policy and practice changes. For example, the rise in notifications in Tasmania from 2003–04 to 2004–05 is in part due to introduction of the Family Violence Act 2004. This

legislation included an amendment to the *Children, Young Persons and Their Families Act 1997* which extended the definition of abuse and neglect to include a child affected by family violence. As a consequence there has been a significant increase in notifications from Tasmania Police about children affected by family violence.

**Table 2.4: Number of substantiations, by state and territory, 1999–00 to 2004–05**

Year	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas <sup>(b)</sup>	ACT	NT	Total
1999–00	6,477	7,359	6,919	1,169	2,085	97	233	393	24,732
2000–01	7,501	7,608	8,395	1,191	1,998	103	222	349	27,367
2001–02	8,606	7,687	10,036	1,187	2,230	158	220	349	30,473
2002–03	16,765	7,287	12,203	888 <sup>(c)</sup>	2,423	213	310	327	40,416
2003–04	n.a.	7,412	17,473	968	2,490	427	630 <sup>(d)</sup>	527	n.a.
2004–05	15,493	7,398	17,307	1,104	2,384	782	1,213	473	46,154

(a) The data for 2002–03 onwards should not be compared with previous years. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate. New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.

(b) The increase in substantiations in Tasmania is considered to be in part due to increased application of the Tasmanian Risk Framework as well as greater adherence to the definition of ‘substantiation’ published by the AIHW.

(c) The decrease in substantiations in 2002–03 reflects the decrease in notifications.

(d) The increase in substantiations in 2003–04 relates to the increase in notifications in the ACT.

Sources: AIHW 2005; Table 2.2.

This increased public awareness may stem from the various inquiries into child protection services that have been conducted in a number of jurisdictions in the past few years. These include:

- *Care and Support: Final Report on Child Protection Services* (Standing Committee on Social Issues 2002) – New South Wales
- *Our Best Investment: A State Plan to Protect and Advance the Interests of Children* (Layton 2003) – South Australia
- *Commission of Inquiry into the Abuse of Children in Queensland Institutions* (Forde et al 1999) and *Protecting Children: An Inquiry into the Abuse of Children in Foster Care* (Crime and Misconduct Commission 2004) – Queensland
- *Putting the Picture Together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities* (Gordon et al. 2002) – Western Australia
- *The Territory as a Parent: A Review of the Safety in Care in the Act and of ACT Child Protection Management* (Commissioner for Public Administration 2004a) and *The Territory’s Children: Ensuring Safety and Quality Care for Children and Young People. Report on the Audit and Case Review* (Commissioner for Public Administration 2004b) – Australian Capital Territory.

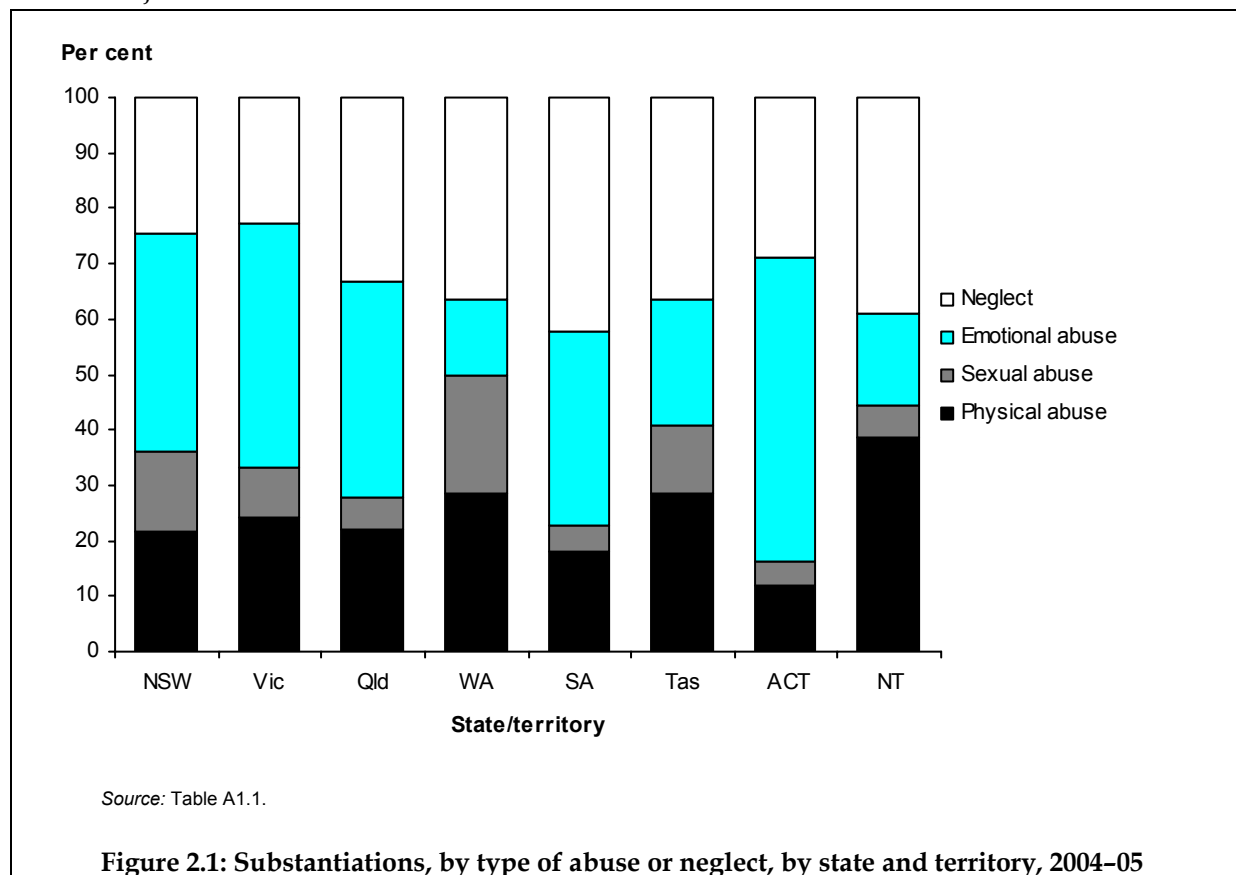
These inquiries generate much media interest, both locally and nationally, which heightens public interest, reinforces the need to protect children, and may in turn impact on the willingness of the general public to report suspected instances of child abuse. They also have the potential of impacting on the reported data, as departments often respond to these inquiries by introducing new, or modifying existing, policies and practices.

For example, in the Australian Capital Territory, prior to 2002–03, child concern reports were not included in the notification count. These reports are now included in this category and this has increased notifications from 801 in 2001–02 to 7,275 in 2004–05. Also, during 2003–04 there were two Inquiries into the effectiveness of the child protection system. The media coverage of these Inquiries helped raise the profile of child protection.



## Substantiations and type of abuse and neglect

Substantiations are classified into one of the following four categories depending on the main type of abuse or neglect that has occurred: physical abuse, sexual abuse, emotional abuse, or neglect. It is not always clear what type of abuse, neglect or harm has occurred, and how a substantiation is classified varies according to the policies and practices of the different jurisdictions.



In Western Australia, South Australia, Tasmania and the Northern Territory, where the notification was substantiated, the most common type of abuse was neglect; and in New South Wales, Victoria, Queensland and the Australian Capital Territory emotional abuse was the most common type (Figure 2.1 and Table A1.1).

These variations in the distribution of types of abuse or neglect across jurisdictions are likely to result from differences in what is classified as a substantiation as well as differences in the types of incidents that are substantiated. In Tasmania and the Northern Territory, a relatively high proportion of substantiations were classified as physical abuse whereas there was a relatively high proportion of emotional abuse in Victoria and the Australian Capital Territory.

The high proportion of substantiations of emotional abuse is a relatively new phenomenon. For example, in 1998-99 physical abuse was the most common form of abuse substantiated in all jurisdictions except Queensland (AIHW 2000). The changing pattern of type of abuse may be due to the changing characteristics of the families notified. For example, a Victorian study in 2002 showed that in 2001-02 at least 73% of the parents of children in substantiated cases in Victoria had at least one issue or problem such as domestic violence, alcohol or substance abuse or a psychiatric disability. This is a large increase from the 41% of parents that experienced these difficulties in 1996-97 (VDHS 2002).

## Characteristics of children

### Number of children

The number of child protection notifications and substantiations is greater than the number of children who were the subject of a notification or substantiation. This is because some children are the subject of more than one notification and/or substantiation in any one year. For example, in 2004–05 in Queensland there were 40,829 notifications compared with 29,633 children who were the subject of a notification, and 17,307 substantiations compared with 12,985 children who were the subject of a substantiation (Table 2.5).

These data indicate that a number of children across Australia were the subject of more than one substantiation during 2004–05. It is not possible to calculate the exact proportion of children who were the subject of more than one notification or substantiation, however, as some children may be the subject of more than two notifications or substantiations in the year. While these data would be available within the jurisdictions, they are not collected nationally.

**Table 2.5: Number of notifications and substantiations and number of children who were the subject of a notification and/or substantiation, by state and territory, 2004–05**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Children in notifications	78,136	28,534	29,633	2,958	11,522	5,802	3,555	1,790
Total notifications	133,636	37,523	40,829	3,206	17,473	10,788	7,275	2,101
Children in substantiations	9,237	7,015	12,985	1,045	1,809	637	865	453
Total substantiations	15,493	7,398	17,307	1,104	2,384	782	1,213	473

*Note:* Includes children aged 0–17 years and children of unknown age.

### Sex and age

In all jurisdictions girls were more likely to be the subject of a substantiation of sexual abuse (Table A1.2). There were about twice as many girls as boys who were the subject of a substantiation of sexual abuse. This is consistent with victimisation studies of sexual assault (Cook et al. 2001; Carmody & Carrington 2000). On the other hand, boys were generally more likely to be the subject of a substantiation of physical abuse.

In relation to age, the number of children who were the subject of a substantiation was larger in the younger age categories and there were fewer children aged 15 years and over (Table A1.3). Rates of children by age are discussed in the following section.

### Rates of children in substantiations

There were significant differences between states and territories in the rates of children who were the subject of a child protection substantiation. In 2004–05, Queensland and the Australian Capital Territory had the highest rates of children who were the subject of a substantiation: 14.1 per 1,000 children in Queensland and 12.0 per 1,000 in the Australian Capital Territory (Table 2.6). The rates were lowest in Western Australia, South Australia and Tasmania: 2.3, 5.5 and 5.8 per 1,000 respectively.

Much of the variation in rates across jurisdictions is likely to be due to differences in policies and approaches to child protection matters. The relatively low rates of children in substantiations in Western Australia are because reports relating to concerns about children

that do not involve maltreatment are screened out of the child protection system and dealt with separately. The high rates in Queensland are in part related to the broader definition of child abuse and neglect or harm used in this jurisdiction.

## Trends in rates of children in substantiations

The trends in rates of children in substantiations also varied across jurisdictions. In the period 1998–99 to 2004–05, in almost all the jurisdictions, the rates of children in substantiations fluctuated. A steady increase in rates occurred only in Queensland, from 5.1 to 14.1 per 1,000 (Table 2.6). Some of the increase across the jurisdictions could be due to a number of factors, including a greater community willingness to report cases of suspected abuse.

**Table 2.6: Rates of children aged 0–16 years who were the subject of a substantiation, per 1,000 children, by state and territory, 1998–99 to 2004–05**

Year	NSW	Vic	Qld	WA	SA	Tas <sup>(a)</sup>	ACT	NT
1998–99	4.4	6.3	5.1	2.5	5.2	1.1	5.2	n.a. <sup>(b)</sup>
1999–00	3.9	6.3	5.6	2.3	5.0	0.7	2.5	6.2
2000–01	4.4	6.6	7.3	2.4	5.0	0.9	2.7	5.8
2001–02	4.8	6.6	8.3	2.4	5.3	1.4	2.7	5.8
2002–03	7.5 <sup>(c)</sup>	6.3	10.1	1.9 <sup>(d)</sup>	5.8	1.8	3.6	5.7
2003–04	n.a. <sup>(e)</sup>	6.4	14.0	2.0	5.9	3.0	6.7	8.7
2004–05	6.1	6.4	14.1	2.3	5.5	5.8	12.0	7.9

(a) The increase in the rate of children who were the subject of a substantiation in Tasmania is considered to be due in part to increased application of the Tasmanian Risk Framework as well as greater adherence to the definition of 'substantiation' published by the AIHW.

(b) Data for the 1998–99 financial year were not available from the Northern Territory.

(c) The data for 2002–03 and previous years should not be compared. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate.

(d) The decline in the number of notifications for 2002–03 is associated with organisational and practice changes.

(e) New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.

Sources: AIHW 2005; Table 2.8.

## Rates by age

Rates of children who were the subjects of substantiations generally decreased with age. In all jurisdictions, children aged under 1 year were the most likely to be the subject of a substantiation and children aged 15–16 years the least likely (Table 2.7). In New South Wales, for instance, the rate for children aged less than 1 year was 13.6 per 1,000 compared with 3.1 per 1,000 for young people aged 15–16 years.

Age is one of the factors that child protection workers take into consideration when determining the time taken to respond to a notification, the type of response and whether a notification will be substantiated, with younger children being regarded as the most vulnerable. The High Risk Infants Service Quality Initiatives Project in Victoria, for example, was developed to better identify and respond to children aged less than 2 years who were regarded as being at high risk of child abuse and neglect (VDHS 1999). Other jurisdictions also have special procedures in place to protect younger children.

**Table 2.7: Children aged 0–16 years in substantiations: rates per 1,000 children, by age and state and territory, 2004–05**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<1 year	13.6	14.1	27.3	5.8	14.2	9.1	17.5	20.0
1–4 years	6.6	7.1	16.6	2.5	7.5	5.5	14.2	9.7
5–9 years	5.8	6.2	14.5	2.3	5.6	4.9	12.4	6.8
10–14 years	5.7	5.8	12.8	2.1	3.9	4.9	10.9	6.6
15–16 years	3.1	3.4	6.0	0.8	1.9	2.0	7.0	3.5

*Notes*

1. Refer to Table A1.3 for numbers for this table.
2. Due to the small numbers involved, children aged 17 years were not included in this table.

## Aboriginal and Torres Strait Islander children

### Rates of children in substantiations

Aboriginal and Torres Strait Islander children are more likely to be the subject of a substantiation than other children. In 2004–05 in all jurisdictions, except Tasmania, the substantiation rate for Indigenous children was higher than the rate for other children (Table 2.8).

**Table 2.8: Children aged 0–16 years who were the subjects of substantiations: number and rates per 1,000 children, by Indigenous status and state and territory, 2004–05**

State/territory	Number of children			Rate per 1,000 children		
	Indigenous	Other	Total	Indigenous	Other	Total
New South Wales	1,642	7,556	9,198	27.1	5.2	6.1
Victoria	770	6,244	7,014	63.0	5.8	6.4
Queensland	1,186	11,700	12,886	20.4	13.7	14.1
Western Australia	353	682	1,035	12.2	1.6	2.3
South Australia	481	1,317	1,798	43.2	4.2	5.5
Tasmania	37	599	636	4.8	5.8	5.8
Australian Capital Territory	99	758	857	56.0	10.9	12.0
Northern Territory	319	128	447	13.7	3.9	7.9

*Notes*

1. Due to the small numbers involved, children aged 17 years were not included in this table.
2. Data from Tasmania should be interpreted carefully due to a lower rate of recording Indigenous status at the time of the substantiation.
3. See Appendix 2 for information on Indigenous identification.

The reasons for the over-representation of Aboriginal and Torres Strait Islander children in child protection substantiations are complex. The report *Bringing Them Home* (National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (HREOC 1997)) examined the effect of child welfare policies on Indigenous people. It noted that some of the underlying causes of the over-representation of Aboriginal and Torres Strait Islander children in the child welfare system include:

- the legacy of past policies of the forced removal of Aboriginal children from their families;
- intergenerational effects of previous separations from family and culture;
- poor socioeconomic status; and
- cultural differences in child-rearing practices.

### Trends in the rates for Aboriginal and Torres Strait Islander children

Since 1998–99 the rate of Aboriginal and Torres Strait Islander children in substantiations has fluctuated across the jurisdictions; however, it has increased substantially in all jurisdictions except in Western Australia (Table 2.9).

Improvements in the quality of the data on Indigenous status are one of the major issues to be considered when analysing trends for Aboriginal and Torres Strait Islander children. Increases in the rates of Aboriginal and Torres Strait Islander children in the child protection system over time may be due to improvements in the quality of the data.

**Table 2.9: Rates of Aboriginal and Torres Strait Islander children aged 0–16 years who were the subject of a substantiation, per 1,000 children, by state and territory, 1998–99 to 2004–05**

Year	NSW	Vic	Qld	WA	SA	Tas <sup>(a)</sup>	ACT <sup>(a)</sup>	NT
1998–99	15.2	n.a. <sup>(b)</sup>	9.3	10.9	25.6	1.1	14.3	n.a. <sup>(c)</sup>
1999–00	13.2	48.5	9.3	11.9	31.6	0.5	3.7	7.7
2000–01	14.9	50.9	12.4	12.6	29.4	0.3	12.1	6.8
2001–02	15.4	48.4	14.3	13.6	31.8	0.3	6.6	9.7
2002–03	31.9 <sup>(d)</sup>	55.3	15.6	9.6 <sup>(e)</sup>	32.0	2.5	19.4	8.6
2003–04	n.a. <sup>(f)</sup>	57.7	20.8	11.2	39.9	1.6	25.3	16.2
2004–05	27.1	63.0	20.4	12.2	43.2	4.8	56.0	13.7

(a) Rates from Tasmania and the Australian Capital Territory should be interpreted with care due to the small numbers. Any fluctuation in the numbers of children has a large impact on the rates.

(b) Indigenous data were not available from Victoria in 1998–99.

(c) Data for the 1998–99 financial year were not available from the Northern Territory.

(d) The data for 2002–03 and previous years should not be compared. New South Wales implemented a modification to the data system to support legislation and practice changes during 2002–03 which would make any comparison inaccurate.

(e) The decline in the number of substantiations is due to the decreased number of notifications.

(f) New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.

Note: Data differ from previous reports due to updated Indigenous population projections.

Source: Table 2.8.

### Types of abuse and neglect

The pattern of substantiated abuse and neglect for Aboriginal and Torres Strait Islander children differs from the pattern for other children. Indigenous children were more likely than other children to be the subject of a substantiation of neglect. For example, in Queensland, 41% of Indigenous children in substantiations were the subject of a substantiation of neglect, compared with 31% of other children. In the Northern Territory, the corresponding percentages were 44% and 26% respectively (Table 2.10).

**Table 2.10: Children who were the subject of a substantiation: type of abuse or neglect, by Indigenous status and state and territory, 2004–05 (per cent)**

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
Physical abuse	18	22	24	28	18	27	13	34
Sexual abuse	11	4	4	20	2	30	3	6
Emotional abuse	37	49	31	13	39	22	44	16
Neglect	34	25	41	39	41	22	41	44
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Other children</b>								
Physical abuse	24	25	23	29	24	31	14	48
Sexual abuse	19	10	6	23	7	13	6	6
Emotional abuse	36	43	39	14	35	21	54	20
Neglect	21	22	31	34	33	35	26	26
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Notes*

1. The number of Indigenous children who were the subject of a substantiation should be interpreted with caution due to small numbers in Tasmania and the Australian Capital Territory.
2. For details on the coding of Indigenous status see Appendix 2.
3. Refer to Table A1.4 for numbers for this table.

## **Additional data on notifications and substantiations**

### **Source of notifications**

Child protection notifications made to state and territory child protection and support services come from a range of different sources. Data on the sources of notifications for finalised investigations show that the most common sources of those notifications in 2004–05 were school personnel, police and parents or guardians (Table 2.11). In New South Wales, for instance, school personnel were the source of the notifications for 16% of finalised investigations, police were the source of 25% and parents/guardians were the source of 8%.

**Table 2.11: Finalised investigations, by source of notification and state and territory, 2004–05 (per cent)**

Source of notification	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Subject child	—	—	2	3	1	0	1	1
Parent/guardian	8	8	12	10	8	7	10	8
Sibling	—	—	—	1	—	—	—	—
Other relative	6	8	9	10	9	8	7	10
Friend/neighbour	4	6	10	5	8	7	8	7
Medical practitioner	1	3	2	1	4	—	1	2
Other health personnel	2	6	1	2	3	2	2	2
Hospital/health centre	17	5	6	11	8	5	10	14
Social worker	1	2	4	0	6	3	1	4
School personnel	16	17	15	13	14	19	12	11
Childcare personnel	1	1	1	1	0	1	1	1
Police	25	21	22	21	19	18	15	21
Departmental officer	1	7	4	13	8	13	10	6
Non-government organisation	7	13	3	4	—	5	13	8
Anonymous	4	—	2	1	4	1	3	1
Other	6	2	5	5	8	11	6	4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Notes*

1. 'Other' category may include the person responsible.
2. Refer to Table A1.5 for numbers for this table.

## Family type

Data on the type of family in which children in substantiations were living were available from most jurisdictions. However, it is important to note that a family member with whom the child was living may not have been the person responsible for the abuse, neglect or harm to the child. It should also be noted that the family type is recorded at different times during the process (see Note 1 under Table 2.12).

Compared with the distribution of family types in the Australian population, a relatively high proportion of substantiations involved children living in female-headed one-parent families and in two-parent step or blended families, whereas a relatively low proportion of substantiations involved children living in two-parent intact families. For example, in South Australia, 41% of substantiations involved children from female one-parent families, 4% involved children living in male one-parent families, 21% involved children from two-parent step or blended families, and 31% involved children from two-parent intact families (Table 2.12). In comparison, in 2003, 17% of all Australian children lived in female one-parent families, 2.5% lived in male-headed one-parent families, 8% lived in two-parent step or blended families and 72% lived in two-parent intact families (ABS 2004a).

Children of female sole parents accounted for a relatively high proportion of children in substantiations. However, the children of male sole parents are also over-represented in relation to their frequency in the general population. This becomes evident when these data are translated into rates of substantiations in relation to the size of the population group. For example, in Victoria the rate of substantiations for children in female sole-parent families

was 17.8 per 1,000, and the rate for children in male-headed one-parent families was 14.3 per 1,000 (Table 2.12; unpublished ABS data).

There are likely to be a number of reasons for the over-representation of one-parent families in substantiations. For instance, sole parents are more likely to:

- have low incomes and be financially stressed;
- suffer from social isolation; and/or
- have less support from their immediate family.

These are all factors that have been associated with child abuse and neglect.

**Table 2.12: Substantiations, by type of family in which the child was residing,<sup>(a)</sup> 2004–05**

Family type	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT
				<b>Number</b>				
Two parent—intact	n.a.	2,104	4,996	343	719	262	331	173
Two parent—step or blended	n.a.	413	3,935	205	501	121	198	43
Single parent—female	n.a.	3,050	6,212	392	970	303	427	156
Single parent—male	n.a.	448	723	44	103	17	68	26
Other relatives/kin	n.a.	353	271	63	39	15	63	57
Foster <sup>(b)</sup>	n.a.	86	—	26	1	51	27	3
Other	n.a.	216	1,156	21	24	13	24	4
Not stated	n.a.	728	14	10	27	—	75	11
<b>Total</b>	<b>n.a.</b>	<b>7,398</b>	<b>17,307</b>	<b>1,104</b>	<b>2,384</b>	<b>782</b>	<b>1,213</b>	<b>473</b>
				<b>Per cent</b>				
Two parent—intact	n.a.	32	29	31	31	34	29	37
Two parent—step or blended	n.a.	6	23	19	21	15	17	9
Single parent—female	n.a.	46	36	36	41	39	38	34
Single parent—male	n.a.	7	4	4	4	2	6	6
Other relatives/kin	n.a.	5	2	6	2	2	6	12
Foster <sup>(b)</sup>	n.a.	1	0	2	0	7	2	1
Other	n.a.	3	7	2	1	2	2	1
<b>Total</b>	<b>n.a.</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) New South Wales could not provide these data.

(b) Queensland does not have a category for 'foster parent'—these have been included in 'Other'.

**Notes**

1. The type of family the child was living in is recorded at different points for each jurisdiction. In Queensland and Tasmania, it is categorised as where the child was living when the abuse, neglect or harm occurred. In Western Australia it is at the time of the notification. In the Northern Territory and the Australian Capital Territory, family type was categorised as where the child was living at the time of investigation. For Victoria, it was at the time of the substantiation.



# 3 Care and protection orders

## Overview

### Children who are in need of care and protection

If a child has been the subject of a child protection substantiation, there is often a need for state and territory child protection and support services to have continued involvement with the family. The relevant department generally attempts to protect the child through the provision of appropriate support services to the child and family. In situations where further intervention is required, the department may apply to the relevant court to place the child on a care and protection order.

Recourse to the court is usually a last resort – for example, where supervision and counselling are resisted by the family or where removal of the child to out-of-home care needs legal authorisation. However, not all applications for an order will be granted. The term ‘care and protection order’ in this publication refers not only to legal orders but also to other legal processes relating to the care and protection of children, including administrative arrangements or care applications.

Fewer children are placed on a care and protection order compared to the number who are the subject of a substantiation. The proportion of children who were the subject of a substantiation in 2003–04, and who were placed on a care and protection order within 12 months, ranged from 11% in the Northern Territory to 29% in Tasmania (Table A1.6). The variations between jurisdictions are likely to reflect the differences in child protection policies and in the types of orders available in each state and territory (see below).

State and territory child protection and support services may also need to assume responsibility for children and place them on a care and protection order for reasons other than a child protection substantiation. This may occur in situations where there is family conflict and ‘time out’ is needed, where there is an irretrievable breakdown in the relationship between the child and his or her parents, or where the parents are unwilling or unable to adequately care for the child.

Each state and territory has its own legislation that provides a definition of ‘in need of care and protection’ (see Appendix 3). In some states and territories the definition in the legislation covers a wide range of factors that may lead to a child being considered in need of care and protection, such as truancy or homelessness. In other states, such as Victoria, the legislation defines the need for care and protection more narrowly to refer to situations where the child has been abandoned or where the child’s parent(s) are unable to protect the child from significant harm. The legislation in each jurisdiction provides for action that can be taken if a child is found to be in need of care and protection.

Although the legislation provides the framework within which the relevant departments must operate in regard to children in need of care and protection, there are a number of factors that are likely to affect the decision of departmental officers to apply for a care and protection order. These include the different policies and practices of the states and territories, the characteristics of the particular child, the characteristics of the family,

previous encounters of the child or family with state and territory child protection and support services, and the availability of alternative options.

## **The Children's Court**

In most jurisdictions, applications for care and protection orders by the relevant department are made to the Children's Court. In South Australia, applications are made to the Youth Court, and in the Northern Territory to the Family Matters Court. A small number of applications may also be brought before the Family Court, or the state or territory Supreme Court, but orders granted by these courts are only included for some jurisdictions.

## **Temporary Protection Visas**

In some jurisdictions, children on Temporary Protection Visas (TPV) are included in the data collection. The Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) issues these visas and then advises the department responsible for child protection. The child is then under the guardianship of the relevant minister until they turn 18 years. These children are counted under guardianship or custody order/administrative arrangements (see below). Data on the exact number of children are not collected by the AIHW.

## **Types of care and protection orders**

There are a number of different types of care and protection orders and these have been grouped into three categories for this report.

### **1. Guardianship or custody orders/administrative arrangements**

Guardianship orders involve the transfer of legal guardianship to an authorised department or to an individual. By their nature, these orders involve considerable intervention in the child's life and that of the child's family, and are sought only as a last resort. Guardianship orders convey to the guardian responsibility for the welfare of the child (for example, regarding the child's education, health, religion, accommodation and financial matters). They do not necessarily grant the right to the daily care and control of the child, or the right to make decisions about the daily care and control of the child, which are granted under custody orders.

In previous years, guardianship orders generally involved the transfer of both guardianship and custody to the department, with the head of the state or territory child protection and support services becoming the guardian of the child. More recently, several jurisdictions have introduced options for transferring guardianship to a third party, for example in Victoria's use of Permanent Care Orders. Under the new legislation introduced in New South Wales, these types of orders relate to 'parental responsibility' rather than 'guardianship' and can be issued to individuals as well as to an officer of the state.

Custody orders generally refer to care and protection orders that place children in the custody of a third party. These orders usually involve child protection staff (or the person who has been granted custody) being responsible for the day-to-day requirements of the child while the parent retains guardianship. Custody alone does not bestow any responsibility regarding the long-term welfare of the child. In New South Wales under the new legislation, the state can hold parental responsibility but the authorised carer has the power to make decisions about the daily care and control of the child or young person.

This category also includes those administrative arrangements with the relevant departments that have the same effect as a court order of transferring custody or guardianship. These are legal arrangements, but not all states and territories have such provisions in their legislation.

## **2. Supervisory orders**

This category includes supervisory and other court orders that give the department some responsibility for the child's welfare. Under these types of orders the department supervises the level of care provided to the child. Such care is generally provided by parents, and the guardianship or custody of the child is not affected. They are therefore less interventionist than guardianship or custody orders.

This category also includes undertakings which are voluntary orders regarding the care or conduct of the child. These orders must be agreed to by the child, and the child's parents or the person with whom the child is living.

## **3. Interim and temporary orders**

Interim and temporary orders generally provide for a limited period of supervision and/or placement of a child. These can include applications to the court for care and protection orders that, in effect, may be very similar to a finalised custody order while proceedings take place. These types of orders vary considerably between states and territories.

## **Scope of the data collection**

The data collection includes data for the 2004–05 financial year on children admitted to and discharged from care and protection orders, orders issued during 2004–05, as well as data on the characteristics of children on orders at 30 June 2005. Children are counted only once, even if they were admitted to or discharged from more than one order or they were on more than one order at 30 June 2005. If a child was on more than one order at 30 June 2005, then the child is counted as being on the order that implies the highest level of intervention by the department (with guardianship or custody orders being the most interventionist, and interim and temporary orders the least).

The data included in this year's report are broadly comparable with the data in the reports from 1998–99 onwards. Prior to 1998–99 there was a separate category for administrative and voluntary arrangements between families and state and territory child protection and support services. These arrangements are now included in the category 'guardianship and custody orders' if they have the same effect as a court order of transferring custody or guardianship.

As in all other years, data for children on juvenile justice orders are not included in this data collection. The AIHW is currently implementing a new national data collection for juvenile justice that will enable national reporting (AIHW 2004).

## **State and territory differences**

There are large variations across states and territories in the types of care and protection orders that can be issued. Some of the major differences between jurisdictions, and recent changes to care and protection orders within jurisdictions, are outlined below:

- Western Australia does not have any orders that fit the category of ‘supervisory orders’. For the purpose of this report, children who are the subject of an application to the court for a care and protection order seeking guardianship are counted in the category ‘interim and temporary orders’. There are no other ‘interim and temporary orders’ in Western Australia.
- Orders that grant permanent guardianship and custody of a child to a third party are issued only in some jurisdictions. In Victoria, the Permanent Care Order was introduced in 1996–97 and is included in this data collection in the category ‘guardianship and custody orders’. South Australia and the Northern Territory also have provisions for the transfer of guardianship to a third party. New South Wales has recently introduced a similar type of order, the Sole Parental Responsibility Order which will also be included in the national data.

## Data and analysis

This section includes data on admissions to and discharges from care and protection orders, and orders issued during 2004–05 as well as data on the characteristics of children who were on care and protection orders at 30 June 2005. The differences between states and territories in legislation, policies and practices in relation to care and protection orders should be taken into account when interpreting the data.

### Admissions, discharges and orders issued

#### Children admitted to orders

The number of children admitted to care and protection orders and arrangements across Australia during 2004–05 is shown in Table 3.1. This ranged from 3,705 in Queensland to 194 in the Australian Capital Territory. There were more children admitted to orders in 2004–05 than in 2003–04 in most jurisdictions (Table 3.1; AIHW 2005). As noted earlier, a child may be admitted to a care and protection order for a range of reasons – for example, where he or she was the subject of a child protection substantiation, where there was an irretrievable breakdown in the relationship between the child and his or her parents, or where parents were unwilling or unable to adequately care for the child.

**Table 3.1: Children admitted to and discharged from care and protection orders, by state and territory, 2004–05**

	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT <sup>(b)</sup>
Children admitted to orders	2,537	3,080	3,705	513	746	361	194	356
Children admitted for the first time	1,718	1,729	2,282	487	379	219	137	234
% of all admissions	68	56	62	95	51	61	71	66
Children discharged from orders	2,225	2,032	2,118	255	884	156	122	301

(a) New South Wales data do not include supervisory orders

(b) Data from the Northern Territory includes all children admitted to care and protection orders for the first time since Oct 1998 (when client information system was commissioned) and excludes those children with a current care and protection order at that time.

Note: Data may include children who were discharged around the age of 18 years.

Some of the children admitted to orders in 2004–05 had been admitted to a care and protection order or arrangement on a prior occasion. Among those jurisdictions where the information was available, the proportion of children admitted to orders who were admitted for the first time ranged from 51% in South Australia to 95% in Western Australia.

Data on the age of children admitted to orders show that the largest proportion of children admitted to orders in 2004–05 were aged under 5 years, ranging from 35% in the Australian Capital Territory to 54% in Western Australia (Table 3.2). There was also a large proportion of children aged 5–9 years in each jurisdiction. The age distribution of children admitted to orders during the year is considerably younger than that for children who were on orders at the end of the year, since those on orders at the end of the year include those admitted during previous years and not yet discharged (Table 3.7).

**Table 3.2: Children admitted to care and protection orders, by age and state and territory, 2004–05**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
<1	403	342	546	98	82	34	6	48
1–4	648	927	1,111	178	260	96	61	116
5–9	653	852	1,026	142	222	122	45	82
10–14	665	768	859	89	153	93	64	94
15–17	168	191	163	6	29	16	18	16
Unknown	—	—	—	—	—	—	—	—
<b>Total</b>	<b>2,537</b>	<b>3,080</b>	<b>3,705</b>	<b>513</b>	<b>746</b>	<b>361</b>	<b>194</b>	<b>356</b>
	<b>Per cent</b>							
<1	16	11	15	19	11	9	3	13
1–4	26	30	30	35	35	27	31	33
5–9	26	28	28	28	30	34	23	23
10–14	26	25	23	17	21	26	33	26
15–17	7	6	4	1	4	4	9	4
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Note: New South Wales data do not include supervisory orders.

### Children discharged from orders

There were fewer children discharged from care and protection orders in all jurisdictions in 2004–05 than admitted to these orders. For example, in the Northern Territory there were 356 children admitted to orders and 301 discharged from orders (Tables 3.1 and 3.3).

The majority of children who were discharged had been on an order for less than 4 years. However, in Western Australia, nearly half the children discharged (47%) had been on an order for 4 years or more (Table 3.3).

**Table 3.3: Children discharged from care and protection orders, by length of time on an order, for selected states and territories, 2004–05**

State/territory	Length of time continually on an order at time of discharge								Total
	Months				Years				
	<1	1 to <3	3 to <6	6 to <12	1 to <2	2 to <4	4 to <8	8 or more	
	<b>Number</b>								
New South Wales	531	251	197	228	253	340	261	164	2,225
Victoria	2	326	413	498	421	247	94	31	2,032
Queensland	697	328	98	156	277	318	132	112	2,118
Western Australia	4	4	9	41	24	54	79	40	255
South Australia	392	29	17	316	14	23	34	59	884
Australian Capital Territory	51	19	11	7	18	10	5	1	122
Northern Territory	91	79	43	66	13	6	—	3	301
	<b>Per cent</b>								
New South Wales	24	11	9	10	11	15	12	7	100
Victoria	—	16	20	25	21	12	5	2	100
Queensland	33	15	5	7	13	15	6	5	100
Western Australia	2	2	4	16	9	21	31	16	100
South Australia	44	3	2	36	2	3	4	7	100
Australian Capital Territory	42	16	9	6	15	8	4	1	100
Northern Territory	30	26	14	22	4	2	—	1	100

Notes:

1. Data not available from Tasmania.
2. New South Wales data do not include supervisory orders.

## Orders issued

There were more orders issued during 2004–05 than children admitted to orders because more than one order can be issued for any one child. For example, a child will often be admitted to a temporary or interim order followed by a guardianship or custody order. The number of orders issued in 2004–05 is presented in Table 3.4.

The types of care and protection orders issued varied across jurisdictions, reflecting both the different types of orders available and the different policies and practices. In Victoria, there were almost as many supervisory orders issued as guardianship/custody orders. In all other jurisdictions, there were more interim and temporary orders issued than other types of orders. In Western Australia, interim orders actually refer to care applications, which will most likely become a guardianship/custody order. Therefore, the number of applications each year is greater than the number of applications granted, due to the time delay between the initial application and the subsequent court hearing, and also the small number of cases where the department withdraws the application before the order is granted.

The ratio of children admitted to orders issued (which indicates the extent to which children are placed on more than one order over the year) also varied considerably across the states and territories. In New South Wales and Victoria there was 1 child admitted to 1.2 orders issued, and in South Australia there was 1 child admitted to 3.3 orders issued (Table 3.4). Tasmania had a relatively high ratio of children to orders because this state has a range of shorter term orders which include assessment orders, examination orders, interim

assessment orders on adjournment, interim care and protection order and requirements for assessment.

**Table 3.4: Care and protection orders issued: type of order and ratio of children admitted to orders issued, by state and territory, 2004–05**

Type of order	NSW	Vic	Qld	WA <sup>(a)</sup>	SA	Tas	ACT	NT
<b>Number</b>								
Guardianship or custody orders/arrangements	1,355	1,408	3,032	284	611	394	155	331
Supervisory orders	n.a.	1,398	422	..	..	19	32	13
Interim and temporary orders	1,682	878	3,309	367	1,847	489	176	555
<b>Total</b>	<b>3,037</b>	<b>3,684</b>	<b>6,763</b>	<b>..</b>	<b>2,458</b>	<b>902</b>	<b>363</b>	<b>899</b>
<b>Per cent</b>								
Guardianship or custody orders/arrangements	45	24	45	..	25	44	43	37
Supervisory orders	..	..	6	..	..	2	9	1
Interim and temporary orders	55	100	49	..	75	54	48	62
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>..</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Ratio of children admitted to orders issued</b>	<b>1.2</b>	<b>1.2</b>	<b>1.8</b>	<b>..</b>	<b>3.3</b>	<b>2.5</b>	<b>1.9</b>	<b>2.5</b>

(a) In Western Australia, the application for a care and protection order to be issued for a child is counted as an interim order for national reporting purposes, but there is, in fact, no order issued during this stage. It is thus not relevant to compare the number of orders by a percentage basis or the ratio of orders issued per child.

Note: New South Wales could not provide data on children on supervisory orders.

## Trends in the number of children on orders

At 30 June 2005 there were more children on care and protection orders than in previous years for all jurisdictions (Table 3.5). The increase in the number of children on orders was greatest in the Australian Capital Territory, rising from 353 in 2003–04 to 464 in 2004–05 (an increase of 31%).

Since 1997 the number of children on care and protection orders across Australia has increased significantly, rising 60% from 15,718 in 1997 to 25,065 in 2005. The increase in the number of children on care and protection orders is attributed to a greater awareness of child abuse and neglect but also to the cumulative effect of the growing number of children who enter the child protection system at a young age and remain on orders until they are 18 years of age. Departmental analyses across the states and territories indicate that children are being admitted to orders for increasingly complex factors associated with parental substance abuse, mental health and family violence.

**Table 3.5: Trends in the number of children on care and protection orders, by state and territory, at 30 June 1997 to 30 June 2005**

At 30 June	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1997	5,764	3,865	3,249	785	1,172	508	264	111	15,718
1998	5,987 <sup>(a)</sup>	4,215	3,433	799	1,102	520	255	138	16,449
1999	6,948	4,358	3,609	1,019 <sup>(b)</sup>	1,024	440	236	177	17,811
2000	7,661	4,752	3,612	1,105	1,210	470	232	220	19,262
2001	8,105	4,782	3,573	1,320	1,260	453	219	205	19,917
2002	8,229	4,975	3,765	1,384	1,286	463	261	194	20,557
2003	8,975	5,038	4,107	1,470	1,378	600	288	274	22,130
2004	n.a. <sup>(c)</sup>	5,251	4,950	1,639 <sup>(d)</sup>	1,455	634	353	345	n.a.
2005	8,620	5,658	5,857	1,783	1,553	716	464	414	25,065

(a) New South Wales data from 1998 onwards do not include children on supervisory orders.

(b) From 1999, care applications were included for the first time and this resulted in an increase in the numbers.

(c) New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.

(d) Data include for the first time children in care applications adjourned at 30 June where no subsequent court appearance had occurred by the end of August. Data from 1999 to 2003 do not include these children.

Sources: AIHW 2005; Table 3.5.

## Characteristics of children on care and protection orders

### Types of orders

Across Australia the majority of children who were on care and protection orders at 30 June 2005 were on guardianship or custody orders (Table 3.6). There was, however, some variation among the jurisdictions in the proportion of children on the other types of care and protection orders. In Victoria, for example, a relatively high proportion of children were on supervisory orders (24%), and in the Australian Capital Territory 17% were on interim or temporary orders.

**Table 3.6: Children on care and protection orders: type of order, by state and territory, at 30 June 2005**

Type of order	NSW	Vic	Qld	WA	SA	Tas	ACT	NT <sup>(a)</sup>
<b>Number</b>								
Guardianship or custody orders/arrangements	7,750	4,097	5,097	1,517	1,446	591	333	273
Supervisory orders	n.a.	1,360	285	..	..	30	51	5
Interim and temporary orders	870	201	475	266	107	95	80	136
<b>Total</b>	<b>8,620</b>	<b>5,658</b>	<b>5,857</b>	<b>1,783</b>	<b>1,553</b>	<b>716</b>	<b>464</b>	<b>414</b>
<b>Per cent</b>								
Guardianship or custody orders/arrangements	90	72	87	85	93	83	72	66
Supervisory orders	n.a.	24	5	..	..	4	11	1
Interim and temporary orders	10	4	8	15	7	13	17	33
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) For the Northern Territory Temporary Custody Agreements and Holding Orders are included in the 'Interim and temporary' category due to the interim and temporary nature of the order/agreement.

Note: New South Wales could not provide data on children on supervisory orders.



## Age and sex

The age profile of children on orders varied considerably across the jurisdictions (Table 3.7). The proportion of children on orders who were aged under 5 years ranged from 21% in New South Wales to 46% in the Northern Territory. Conversely, the proportion of children aged 15–17 ranged from 5% in the Northern Territory to 20% in South Australia.

In all jurisdictions, except the Northern Territory, there were more boys than girls on care and protection orders (Table A1.7).

**Table 3.7: Children on care and protection orders: by age and state and territory, at 30 June 2005**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
<1	200	131	242	50	36	18	7	53
1–4	1,609	1,176	1,313	425	307	132	101	136
5–9	2,908	1,552	1,627	544	414	221	124	103
10–14	2,840	1,735	1,740	542	492	234	161	102
15–17	1,058	1,063	935	222	304	108	71	20
Unknown	5	1	—	—	—	3	—	—
<b>Total</b>	<b>8,620</b>	<b>5,658</b>	<b>5,857</b>	<b>1,783</b>	<b>1,553</b>	<b>716</b>	<b>464</b>	<b>414</b>
	<b>Per cent</b>							
<1	2	2	4	3	2	3	2	13
1–4	19	21	22	24	20	19	22	33
5–9	34	27	28	31	27	31	27	25
10–14	33	31	30	30	32	33	35	25
15–17	12	19	16	12	20	15	15	5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

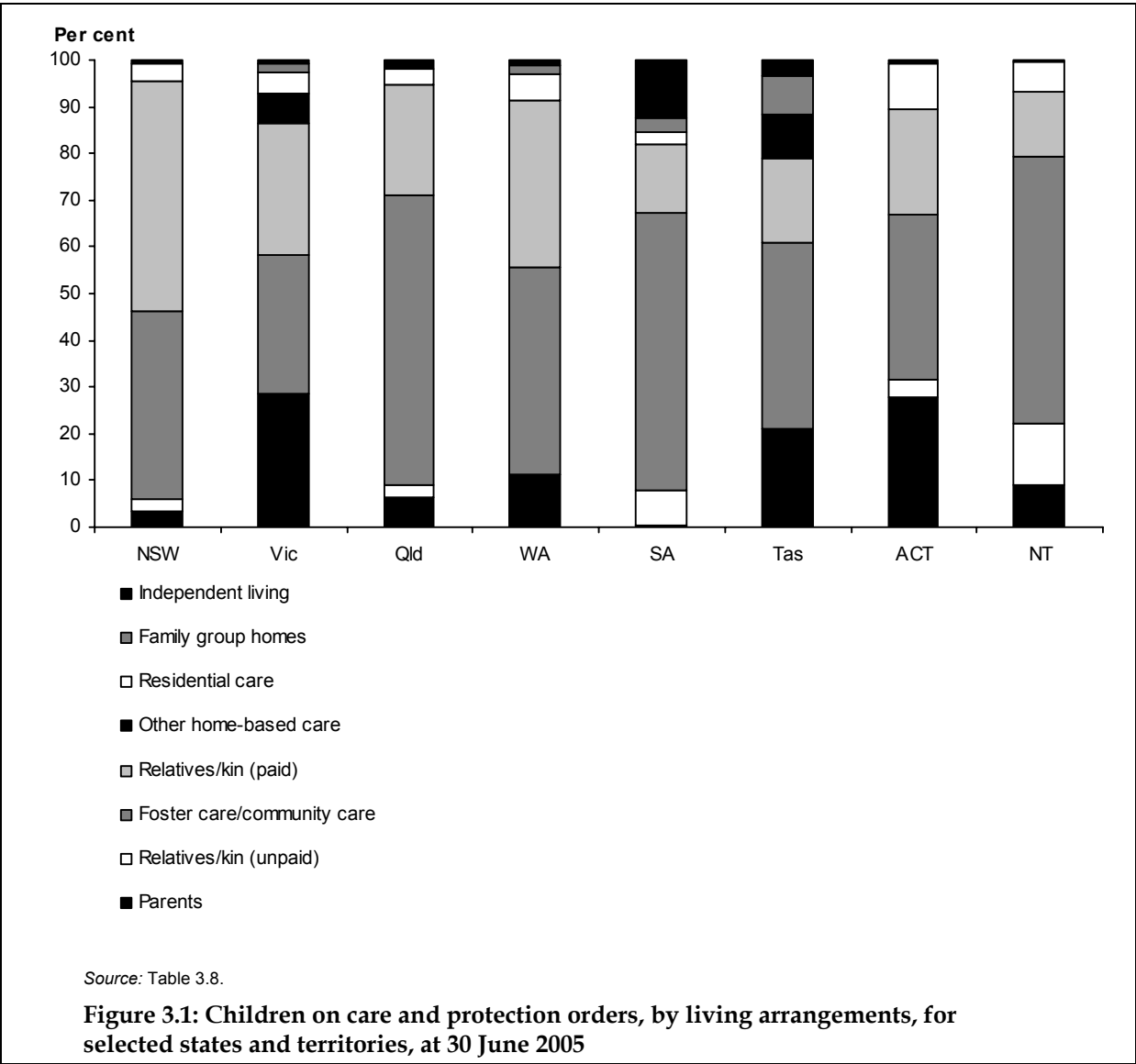
Note: New South Wales data do not include supervisory orders.

### Living arrangements

Most children on care and protection orders live in some type of home-based care – either foster care or living with relatives/kin. A relatively high proportion of these children live with at least one of their parents, such as 29% in Victoria and 28% in the Australian Capital Territory. (See Chapter 4 for more information on children in out-of-home care.)

Living arrangements varied somewhat by state and territory (Figure 3.1). Queensland had a high proportion of children on orders living in foster care (62%) compared to 29% in Victoria. The Australian Capital Territory had the highest proportion of children living in residential care (10%).

Living arrangements varied considerably with the age of the child, with children aged less than 1 year most likely to be either in family care (16%) or in home-based out-of-home care (83%) (Table A1.8). A relatively high proportion of children aged 15–17 years were in residential care (9%) or living independently (4%).



**Table 3.8: Children on care and protection orders: living arrangements by state and territory, at 30 June 2005**

Living arrangements	NSW	Vic <sup>(a)</sup>	Qld	WA <sup>(a)</sup>	SA	Tas	ACT <sup>(b)</sup>	NT
	<b>Number</b>							
Parents	298	1,579	371	200	8	148	128	36
Relatives/kin <sup>(c)</sup>	225	—	143	—	112	—	17	53
<i>Total family care</i>	<i>523</i>	<i>1,579</i>	<i>514</i>	<i>200</i>	<i>120</i>	<i>148</i>	<i>145</i>	<i>89</i>
Foster care/community care	3,463	1,614	3,601	784	914	276	161	230
Relatives/kin <sup>(d)</sup>	4,244	1,565	1,371	630	227	126	104	57
Other	—	339	—	—	—	67	—	—
<i>Total home-based care</i>	<i>7,707</i>	<i>3,518</i>	<i>4,972</i>	<i>1,414</i>	<i>1,141</i>	<i>469</i>	<i>265</i>	<i>287</i>
Residential care	322	254	203	97	36	—	45	26
Family group homes	—	104	—	34 <sup>(e)</sup>	49	58	—	—
Independent living <sup>(f)</sup>	67	36	110	21	190	23	3	1
Other/unknown	1	167	58	17	17	18	6	11
<b>Total</b>	<b>8,620</b>	<b>5,658</b>	<b>5,857</b>	<b>1,783</b>	<b>1,553</b>	<b>716</b>	<b>464</b>	<b>414</b>
	<b>Per cent</b>							
Parents	3	29	6	11	1	21	28	9
Relatives/kin <sup>(c)</sup>	3	—	2	—	7	—	4	13
<i>Total family care</i>	<i>6</i>	<i>29</i>	<i>8</i>	<i>11</i>	<i>8</i>	<i>21</i>	<i>32</i>	<i>22</i>
Foster care/community care	40	29	62	44	60	40	35	57
Relatives/kin <sup>(d)</sup>	49	29	24	36	15	18	23	14
Other	—	6	—	—	—	10	—	—
<i>Total home-based care</i>	<i>89</i>	<i>64</i>	<i>86</i>	<i>80</i>	<i>75</i>	<i>68</i>	<i>58</i>	<i>71</i>
Residential care	4	5	4	5	2	—	10	6
Family group homes	—	2	—	2 <sup>(e)</sup>	3	8	—	—
Independent living <sup>(f)</sup>	1	1	2	1	12	3	1	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) In Victoria and Western Australia, all children on orders who were living with relatives/kin were included in the category of home-based out-of-home care and not in the category of family care.

(b) In the Australian Capital Territory the number of children living with relatives/kin in home-based care is likely to be understated, as this information is not available for placements made by a non-government agency.

(c) This category includes relatives/kin, other than parents, who were not reimbursed.

(d) This category includes relatives/kin, other than parents, who were reimbursed.

(e) Western Australia was able to report the number of children in family group homes for the first time in 2004–05. In previous reports children in family group homes were included in the residential care category.

(f) This category includes private board.

Note: New South Wales data do not include supervisory orders.

## Rates of children on care and protection orders

The rates of children on care and protection orders at 30 June 2005 varied across the states and territories, ranging from 3.7 per 1,000 in Western Australia to 7.0 per 1,000 in the Northern Territory (Table 3.9). Some of the variation is probably due to the different orders available and to variations in policies and practices across jurisdictions.

**Table 3.9: Rates of children aged 0–17 years on care and protection orders, per 1,000 children, by state and territory, 30 June 1997 to 30 June 2005**

At 30 June	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
1997	3.7	3.4	3.6	1.7	3.3	4.0	3.3	1.9	3.3
1998	3.8	3.7	3.8	1.7	3.1	4.2	3.2	2.4	3.5
1999	4.4	3.8	4.0	2.1 <sup>(b)</sup>	2.9	3.6	3.0	3.0	3.8
2000	4.8	4.2	4.0	2.3	3.4	3.9	3.0	3.7	4.1
2001	5.1	4.2	3.9	2.7	3.6	3.8	2.8	3.4	4.2
2002	5.1	4.3	4.0	2.8	3.6	3.9	3.3	3.2	4.3
2003	5.6	4.3	4.3	3.0	3.9	5.1	3.7	4.6	4.6
2004	n.a. <sup>(a)</sup>	4.5	5.2	3.4 <sup>(c)</sup>	4.2	5.4	4.6	5.8	n.a.
2005	5.4	4.9	6.0	3.7	4.5	6.1	6.1	7.0	5.2

(a) New South Wales was able to provide limited data for 2003–04 due to the introduction of a new client information system.

(b) From 1999, care applications were included for the first time and this resulted in an increase in the numbers.

(c) Data include for the first time children in care applications adjourned at 30 June where no subsequent court appearance had occurred by the end of August. Data from 1999 to 2003 do not include these children.

Note: New South Wales data from 1998 onwards do not include children on supervisory orders.

Source: AIHW 2005.

## Trends in rates of children on orders

In the period from 30 June 1997 to 30 June 2005, the rate of children aged 0–17 years on orders in Australia increased from 3.3 per 1,000 to 5.2 per 1,000 (Table 3.9). The increase in rates between 30 June 1997 and 30 June 2005 was particularly large in the Northern Territory: from 1.9 to 7.0 per 1,000.

## Aboriginal and Torres Strait Islander children

### Number and rates

The rates of Aboriginal and Torres Strait Islander children on care and protection orders varied considerably across jurisdictions (Table 3.10). It was highest in Victoria (52.8 per 1,000) and lowest in the Northern Territory (11.4 per 1,000). In all jurisdictions, the rate of Indigenous children on orders was higher than the rate for other children.

**Table 3.10: Children on care and protection orders: number and rate per 1,000 children aged 0–17 years, by Indigenous status and state and territory, at 30 June 2005**

State/territory	Number of children			Rate per 1,000 children		
	Indigenous	Other	Total	Indigenous	Other	Total
New South Wales <sup>(a)</sup>	2,113	6,507	8,620	33.0	4.3	5.4
Victoria	682	4,976	5,658	52.8	4.3	4.9
Queensland	1,342	4,515	5,857	21.9	5.0	6.0
Western Australia	660	1,123	1,783	21.6	2.5	3.7
South Australia	322	1,231	1,553	27.3	3.7	4.5
Tasmania	94	622	716	11.5	5.7	6.1
Australian Capital Territory	70	394	464	37.4	5.3	6.1
Northern Territory	281	133	414	11.4	3.8	7.0

(a) New South Wales data do not include supervisory orders.

Note: For details on coding of Indigenous status, see Appendix 2.

## Types of orders

Most Indigenous children were on guardianship and custody orders or arrangements (Table 3.11). The types of orders that Indigenous children were on compared to other children were very similar.

**Table 3.11: Children on care and protection orders: type of order, by Indigenous status and state and territory, at 30 June 2005**

Type of order	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Indigenous children</b>									
	<b>Number</b>								
Guardianship or custody orders/arrangements	1,914	525	1,188	556	296	82	49	187	1,914
Supervisory orders	n.a.	137	65	..	..	—	2	2	—
Interim and temporary orders	199	20	89	104	26	12	19	92	199
<b>Total</b>	<b>2,113</b>	<b>682</b>	<b>1,342</b>	<b>660</b>	<b>322</b>	<b>94</b>	<b>70</b>	<b>281</b>	<b>2,113</b>
	<b>Per cent</b>								
Guardianship or custody orders/arrangements	91	77	89	84	92	87	70	67	91
Supervisory orders	..	20	5	..	..	—	3	1	—
Interim and temporary orders	9	3	7	16	8	13	27	33	9
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Other children</b>									
	<b>Number</b>								
Guardianship or custody orders/arrangements	5,836	3,572	3,909	961	1,150	509	284	86	5,836
Supervisory orders	n.a.	..	220	..	..	30	49	3	—
Interim and temporary orders	671	181	386	162	81	83	61	44	671
<b>Total</b>	<b>6,507</b>	<b>4,976</b>	<b>4,515</b>	<b>1,123</b>	<b>1,231</b>	<b>622</b>	<b>394</b>	<b>133</b>	<b>6,507</b>
	<b>Per cent</b>								
Guardianship or custody orders/arrangements	90	72	87	86	93	82	72	65	90
Supervisory orders	..	..	5	..	..	5	12	2	—
Interim and temporary orders	10	4	9	14	7	13	15	33	10
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

### Notes

1. New South Wales could not provide data on children on supervisory orders.
2. For Indigenous coding, refer to Appendix 2.

# 4 Out-of-home care

## Overview

### Children who are placed in out-of-home care

Out-of-home care is one of a range of services provided to children who are in need of care and protection. This service provides alternative accommodation to children and young people who are unable to live with their parents. These arrangements include foster care, placements with relatives or kin, and residential care. In most cases, children in out-of-home care are also on a care and protection order of some kind.

Some children are placed in out-of-home care because they were the subject of a child protection substantiation and require a more protective environment. Other situations in which a child may be placed in out-of-home care include those where parents are incapable of providing adequate care for the child, or where alternative accommodation is needed during times of family conflict. There are no national data available, however, on the reasons children are placed in out-of-home care. This will hopefully change with the introduction of the unit record file collection which is currently being developed. More information will be collected on the child and each placement the child has throughout their time in out-of-home care.

The current emphasis in policy and practice is to keep children with their families wherever possible. Where children, for various reasons, need to be placed in out-of-home care, the practice is to attempt to reunite children with their families. There are a range of intensive family support programs across jurisdictions that seek to prevent the separation of children from their families as a result of child protection concerns, or to reunify families where separation has already occurred (see Section 1 for more information).

In Australia, most children who are placed in out-of-home care are eventually reunited with their families (Forwood & Carver 1999:740). If it is necessary to remove a child from his or her family, then placement within the wider family or community is preferred. This is particularly the case with Aboriginal and Torres Strait Islander children in order to be consistent with the Aboriginal Child Placement Principle (see below).

Respite care is a form of out-of-home care that is used to provide short-term accommodation for children whose parents are ill or unable to care for them on a temporary basis. Not all jurisdictions can identify which children in out-of-home care are in respite care. Children may also be placed in respite care while being placed with a foster carer.

As with the majority of child protection services, states and territories are responsible for funding out-of-home care. Non-government organisations are widely used, however, to provide these services.

### Out-of-home care and court orders

Children can be placed in out-of-home care voluntarily or through some type of court order. Such orders include care and protection orders, including formal administrative

arrangements, and other legal orders such as juvenile justice orders (see Chapter 3). There is considerable variety between the jurisdictions:

- In the Northern Territory, all children in out-of-home care were on a court order or some other form of legal authority.
- In New South Wales, Victoria, South Australia, Tasmania and the Australian Capital Territory, children in out-of-home care can be placed on a range of different orders or authorities. (For example, in South Australia, children needing emergency or respite care are often placed in out-of-home care on the authority of their guardians.)

Although a child may be in out-of-home care in conjunction with being on an order, the order does not necessarily specify where the child must reside or that the child be placed in care.

## Scope and coverage of out-of-home care data collection

For the purposes of this collection, 'out-of-home care' is defined as out-of-home overnight care for children and young people under 18 years of age, where the state or territory makes a financial payment. This includes placements with relatives (other than parents) but does not include placements made in disability services, medical or psychiatric services, juvenile justice facilities, overnight childcare services or supported accommodation assistance placements. However, some jurisdictions are not always able to exclude these placements from the data, and so may be included. The data exclude children in unfunded placements and children living with parents where the jurisdiction makes a financial payment.

## Types of placements

Children in out-of-home care can be placed in a variety of living arrangements. In this collection, the following categories have been used:

- *Home-based care* – where placement is in the home of a carer who is reimbursed for expenses incurred in caring for the child. This category includes:
  - relative/kinship care where the caregiver is a family member or a person with a pre-existing relationship to the child
  - foster or community care
  - other home-based arrangements.
- *Family group homes* – where placement is in a residential building which is owned by the jurisdiction and which are typically run like family homes, have a limited number of children and are cared for around-the-clock by resident substitute parents.
- *Residential care* – where placement is in a residential building whose purpose is to provide placements for children and where there are paid staff. This category includes facilities where there are rostered staff and where staff are off-site (for example, a lead tenant or supported residence arrangement), as well as other facility-based arrangements.
- *Independent living* – such as private boarding arrangements.
- *Other* – where the placement type does not fit into the above categories or is unknown.



## State and territory differences

There are some differences between the states and territories in the scope and coverage of out-of-home care data. For example, the data from Victoria include children on permanent care orders, since this state makes an ongoing payment for the care of these children.

## Data and analysis

Some of the data in this section relate to children admitted to out-of-home care during 2004–05. However, most of the data relate to children who were in out-of-home care for the night of 30 June 2005. Australian totals have been provided where possible, although some states and territories were not able to provide data for all tables.

## Admissions and discharges

The number of children admitted to out-of-home care in 2004–05 is shown in Table 4.1. The number ranged from 3,198 children in Queensland to 285 in the Northern Territory. The number of children admitted to out-of-home care was higher than in 2003–04 in all jurisdictions except Victoria, Western Australia and the Australian Capital Territory (Table 4.1; AIHW 2005).

**Table 4.1: Children admitted to out-of-home care during 2004–05, by age group and state and territory**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	439	326	465	147	115	31	15	41	1,579
1–4	762	803	850	218	314	71	75	87	3,180
5–9	819	886	858	194	337	90	80	63	3,327
10–14	866	908	825	191	381	77	90	80	3,418
15–17	211	378	200	45	110	24	37	14	1,019
Unknown	8	—	—	—	—	—	—	—	8
<b>Total</b>	<b>3,105</b>	<b>3,301</b>	<b>3,198</b>	<b>795</b>	<b>1,257</b>	<b>293</b>	<b>297</b>	<b>285</b>	<b>12,531</b>
<b>Per cent</b>									
<1	14	10	15	18	9	11	5	14	13
1–4	25	24	27	27	25	24	25	31	25
5–9	26	27	27	24	27	31	27	22	27
10–14	28	28	26	24	30	26	30	28	27
15–17	7	11	6	6	9	8	13	5	8
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Note:* The table includes all children admitted to out-of-home care for the first time, as well as those children returning to care who had exited care more than 2 months previously. Children admitted to out-of-home care more than once during the year were only counted at the first admission.

Over one-third (38%) of the children admitted to out-of-home care were aged under 5 years, with 13% aged under 1 year. Children aged 15–17 years represented only 8% of all admissions in 2004–05.

Overall, there were fewer children discharged from care than those admitted in all jurisdictions except Victoria (Table 4.2). As would be expected, the age distribution of children discharged from care was considerably older than that of children admitted to out-

of-home care. For example, 39% of those discharged from care were aged 15–17 years in South Australia compared to 9% admitted to out-of-home care.

**Table 4.2: Number of children discharged from out-of-home care, by age group, 2004–05**

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
<1	157	187	122	48	8	12	4	30
1–4	541	801	232	144	34	44	30	71
5–9	625	927	272	164	48	49	27	38
10–14	723	854	346	199	68	55	44	56
15–17	550	643	236	144	103	25	29	10
Unknown	8	—	—	—	—	—	—	—
<b>Total</b>	<b>2,604</b>	<b>3,412</b>	<b>1,208</b>	<b>699</b>	<b>261</b>	<b>185</b>	<b>134</b>	<b>205</b>
	<b>Per cent</b>							
<1	6	5	10	7	3	6	3	15
1–4	21	23	19	21	13	24	22	35
5–9	24	27	23	23	18	26	20	19
10–14	28	25	29	28	26	30	33	27
15–17	21	19	20	21	39	14	22	5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Note:* The data for children exiting care include those who left care and had not returned within 2 months. Where a child exits care more than once during the year, the last discharge is counted.

## Trends in numbers in out-of-home care

At 30 June 2005 there were 23,695 children in out-of-home care in Australia (Table 4.3). This compares with 21,795 children who were in out-of-home care at 30 June 2004, an increase of 9%. The number of children in out-of-home care at 30 June 2005 was higher than at 30 June 2004 in all jurisdictions.

Nationally, the number of children in out-of-home care in Australia at 30 June has increased each year since 1996 when there were 13,979 children in out-of-home care (Table 4.3). Between 1996 and 2005 the number of children in out-of-home care in Australia increased by 70%.

**Table 4.3: Number of children aged 0–17 years in out-of-home care, by state and territory, 30 June 1996 to 30 June 2005**

At 30 June	NSW	Vic	Qld <sup>(a)</sup>	WA	SA	Tas <sup>(b)</sup>	ACT	NT	Total
1996	5,437	3,385	2,110	1,206	1,064	508	181	88	13,979
1997	5,486	3,393	2,211	1,050	1,193	461	173	111	14,078
1998	5,603	3,615	2,346	1,093	1,055	442	179	137	14,470
1999	6,359	3,581	2,613	1,192	1,045	533	174	177	15,674
2000	7,041	3,867	2,634	1,326	1,131	548	200	176	16,923
2001	7,786	3,882	3,011	1,436	1,175	572	215	164	18,241
2002	8,084	3,918	3,257	1,494	1,196	544	224	163	18,880
2003	8,636	4,046	3,787	1,615	1,245	468	277	223	20,297
2004	9,145	4,309	4,413	1,681	1,204	487	298	258	21,795
2005	9,230	4,408	5,657	1,829	1,329	576	342	324	23,695

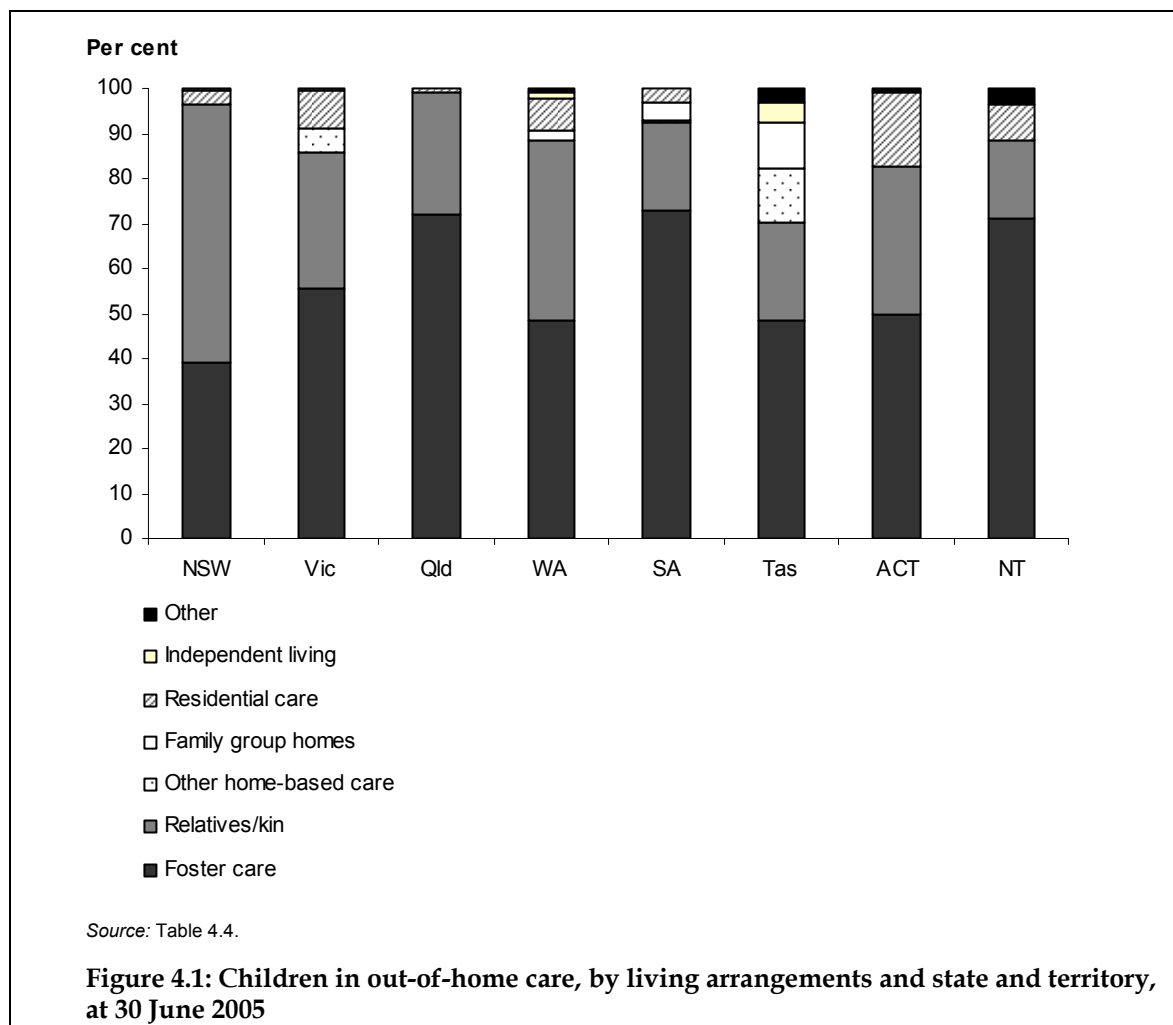
(a) The 1996 data for Queensland include only those children in out-of-home care who were on a care and protection order. The data for the years 1997 to 2000 include only those children who were on a care and protection order or remanded in temporary custody. From 2001, the data include all children in out-of-home care.

(b) The number of children in out-of-home care in Tasmania from 2003 should not be compared with previous years, as a group of children who did not meet the definition of out-of-home care were excluded from this year's collection. These children are not the subject of care and protection orders and out-of-home care services did not arrange their placement with relatives.

Sources: AIHW 2005; Table 4.4.

## Characteristics of children in out-of-home care

Most children (95%) in out-of-home care at 30 June 2005 were in home-based care (Table 4.4). Only 4% were placed in residential care and 1% in independent living and family group homes respectively. Of those in home-based care, 57% were in foster care, 42% in relative/kinship care and 1% in some other type of home-based care. The high proportion of children in home-based care reflects the trends in recent decades of increased use of placements with relatives and kin or foster carers, and decreased use of placements in residential care (Johnstone 2001).



Four per cent of children in out-of-home care were living in residential care Australia-wide. This ranged from 1% in Queensland to 16% in the Australian Capital Territory. In Tasmania, there are no residential care facilities; rather, the children are placed in family group homes. These are somewhat similar to foster care, except the house is owned by the state.

Residential care is mainly used for children who have complex needs. Also, the principle of keeping sibling groups together can result in placements in residential care. In many jurisdictions, priority is given to keeping siblings together, which sometimes results in periods of residential care for larger family groups.

Compared with other jurisdictions, Queensland and South Australia had a relatively high proportion of children in foster care (72% and 73% respectively), and New South Wales had a relatively high proportion of children placed with relatives or kin (57%) (Figure 4.1).

**Table 4.4: Children in out-of-home care: type of placement, by state and territory, at 30 June 2005**

Type of placement	NSW	Vic	Qld	WA <sup>(a)</sup>	SA	Tas	ACT	NT	Total
<b>Number</b>									
Foster care	3,620	2,448	4,085	882	967	278	170	230	12,680
Relatives/kin	5,292	1,335	1,511	737	264	126	113	57	9,435
Other home-based care	—	238	—	—	4	70	—	—	312
<i>Total home-based care</i>	<i>8,912</i>	<i>4,021</i>	<i>5,596</i>	<i>1,619</i>	<i>1,235</i>	<i>474</i>	<i>283</i>	<i>287</i>	<i>22,427</i>
Family group homes	—	—	—	43 <sup>(b)</sup>	54	58	—	—	155
Residential care	268	365	61	124	40	—	56	25	939
Independent living	50	22	—	26	—	25	1	1	125
Other <sup>(c)</sup>	—	—	—	17	—	19	2	11	49
<b>Total</b>	<b>9,230</b>	<b>4,408</b>	<b>5,657</b>	<b>1,829</b>	<b>1,329</b>	<b>576</b>	<b>342</b>	<b>324</b>	<b>23,695</b>
<b>Per cent</b>									
Foster care	39	56	72	48	73	48	50	71	54
Relatives/kin	57	30	27	40	20	22	33	18	40
Other home-based care	—	5	—	—	—	12	—	—	1
<i>Total home-based care</i>	<i>97</i>	<i>91</i>	<i>99</i>	<i>89</i>	<i>93</i>	<i>82</i>	<i>83</i>	<i>89</i>	<i>95</i>
Family group homes	..	..	..	2 <sup>(b)</sup>	4	10	..	..	1
Residential care	3	8	1	7	3	—	16	8	4
Independent living	1	—	—	1	—	4	—	—	1
Other <sup>(c)</sup>	—	—	—	1	—	3	1	3	—
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) Western Australia data include a small number of children who were placed with relatives who were not reimbursed.

(b) Western Australia reported children in family group homes separately to residential care for the first time in 2004–05.

(c) 'Other' includes unknown living arrangements.

## Age and sex

Almost a third (32%) of children in out-of-home care were aged 10–14 years (Table A1.9). A further 31% were aged 5–9 years, 24% were aged less than 5 years and 13% were aged 15–17 years. Just over half (51%) of all children in out-of-home care were boys (Table A1.10).

Children in residential care were considerably older than children in home-based care: 42% of children in residential care were aged 10–14 years and 42% were aged 15–17 years, whereas 32% of children in home-based care were aged 10–14 years and 11% were aged 15–17 years (Table A1.11). Only 3% of children in residential care in Australia were aged less than 5 years compared with 25% of those in home-based care. In Queensland and the Australian Capital Territory there were no children aged less than 5 years in residential care.

## Whether children were on an order

As previously noted, in the Northern Territory all children in out-of-home care are required to be on care and protection orders or authorities. In other jurisdictions, the proportion of children in out-of-home care who were on care and protection orders ranged from 84% in Victoria to almost 100% in Tasmania and the Australian Capital Territory (Table 4.5).

**Table 4.5: Children in out-of-home care: whether the child was on an order, by state and territory, at 30 June 2005**

Whether the child was on an order	NSW	Vic <sup>(a)</sup>	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
On care and protection order	7,937	3,555	5,018	1,576	1,171	566	339	324
On another type of order	—	122	2	—	60	1	1	—
<i>Total children on orders</i>	<i>7,937</i>	<i>3,677</i>	<i>5,020</i>	<i>1,576</i>	<i>1,231</i>	<i>567</i>	<i>340</i>	<i>324</i>
Not on an order	1,293	717	637	253	98	9	2	..
Unknown								
<b>Total</b>	<b>9,230</b>	<b>4,408</b>	<b>5,657</b>	<b>1,829</b>	<b>1,329</b>	<b>576</b>	<b>342</b>	<b>324</b>
	<b>Per cent</b>							
On care and protection order	86	81	89	86	88	98	99	100
On another type of order	—	3	—	—	5	—	—	—
<i>Total children on orders</i>	<i>86</i>	<i>84</i>	<i>89</i>	<i>86</i>	<i>93</i>	<i>98</i>	<i>99</i>	<i>100</i>
Not on an order	14	16	11	14	7	2	1	..
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) The data from Victoria include estimates from some data sources.

Note: For 14 children in Victoria it was unknown whether the child was on an order. These children are included in the total for that state.

## Length of time in placement

In most jurisdictions at 30 June 2005, at least 40% of the children had been in out-of-home care for less than 2 years (Table 4.6). However, the proportion of children who had been in out-of-home care for 5 years or more was relatively high, but this ranged from 5% in the Northern Territory to 35% in New South Wales and Western Australia.

Respite care refers to out-of-home care that is provided on a temporary basis for reasons other than child protection: for example, when parents are ill or unable to care for the child for short periods of time. Not all jurisdictions, however, could identify whether children were in respite care. Where it was known that children were in respite care, they were included in the category 'less than 1 month'.

**Table 4.6: Children in out-of-home care: length of time in continuous placement, by state and territory, at 30 June 2005**

Time in continuous placement	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
<1 month	334	121	1,198	40	55	67	8	36
1 month to <6 months	820	553	1,186	175	220	212	38	85
6 months to <1 year	814	484	787	211	193	112	41	63
1 year to <2 years	1,164	744	892	232	246	94	64	52
2 years to <5 years	2,825	1,162	1,007	535	318	49	106	71
5 years or more	3,224	1,316	587	636	297	39	85	17
Not stated/unknown	49	28	—	—	—	3	—	—
<b>Total</b>	<b>9,230</b>	<b>4,408</b>	<b>5,657</b>	<b>1,829</b>	<b>1,329</b>	<b>576</b>	<b>342</b>	<b>324</b>
	<b>Per cent</b>							
<1 month	4	3	21	2	4	12	2	11
1 month to <6 months	9	13	21	10	17	37	11	26
6 months to <1 year	9	11	14	12	15	20	12	19
1 year to <2 years	13	17	16	13	19	16	19	16
2 years to <5 years	31	27	18	29	24	9	31	22
5 years or more	35	30	10	35	22	7	25	5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Note:* In those jurisdictions where children in out-of-home care for respite reasons could be identified, they were included in the 'less than 1 month' category: New South Wales (180 children), Victoria (14 children) and South Australia (1 child).

## Rates of children in out-of-home care

There were 4.9 children per 1,000 aged 0–17 years in out-of-home care in Australia at 30 June 2005. This represents an increase of 8% from a rate of 4.5 in 2004 (Table 4.7). The rates of children in out-of-home care varied by state and territory and ranged from 3.8 per 1,000 in Western Australia and Victoria to 5.8 per 1,000 in New South Wales and Queensland. The reasons for this variation are likely to include differences in the policies and practices of the relevant departments in relation to out-of-home care, as well as variations in the availability of appropriate care options for children who are regarded as being in need of this service.

**Table 4.7: Rates of children in out-of-home care, per 1,000 children, by state and territory, 30 June 1997 to 30 June 2005**

At 30 June	NSW	Vic	Qld <sup>(a)</sup>	WA	SA	Tas <sup>(b)</sup>	ACT	NT	Total
1997	3.4	3.0	2.5	2.2	3.2	3.7	2.1	1.9	3.0
1998	3.5	3.2	2.6	2.3	2.8	3.6	2.2	2.3	3.1
1999	4.0	3.1	2.9	2.5	2.9	4.4	2.2	3.0	3.3
2000	4.5	3.4	2.9	2.8	3.2	4.6	2.6	3.0	3.6
2001	4.9	3.4	3.3	3.0	3.3	4.8	2.8	2.7	3.9
2002	5.0	3.4	3.5	3.1	3.4	4.6	2.8	2.7	3.9
2003	5.4	3.5	4.0	3.3	3.6	4.0	3.6	3.8	4.2
2004	5.7	3.7	4.6	3.5	3.5	4.1	3.8	4.3	4.5
2005	5.8	3.8	5.8	3.8	3.9	4.9	4.5	5.5	4.9

(a) The data for the years 1997 to 2000 only include those children who were on a care and protection order or remanded in temporary custody. From 2001, the data include all children in out-of-home care.

(b) The number of children in out-of-home care in Tasmania from 2003 should not be compared to previous years as a group of children who did not meet the definition of out-of-home care were excluded from this year's collection. These children are not the subject of a care and protection orders and out of home care services did not arrange their placement with relatives.

Source: AIHW 2005.

## Trends in rates of children in out-of-home care

The rate of children in out-of-home care in Australia increased from 3.0 per 1,000 at 30 June 1997 to 4.9 per 1,000 at 30 June 2005 (Table 4.7). Over this period, the rates of children in out-of-home care increased in all jurisdictions. The largest increases were in Queensland where rates increased from 2.5 to 5.8 per 1,000, and in the Northern Territory where they increased from 1.9 to 5.5.

The overall increase in the number of children in out-of-home care could be related to a number of factors. One explanatory factor reported by several states and territories is the increasingly complex family situations of children associated with parental substance abuse, mental health and family violence. This also impacts on the length of time children remain in care. For example, in Western Australia the percentage of children in care for 5 years and longer increased from 30% at 30 June 2001 to 35% at 30 June 2005 (Table 4.6; AIHW 2002).

## Aboriginal and Torres Strait Islander children

At 30 June 2005 there were 5,678 Aboriginal and Torres Strait Islander children in out-of-home care, an increase of 619 since 30 June 2004 (Table 4.8; AIHW 2005). The rate of Aboriginal and Torres Strait Islander children in out-of-home care at 30 June 2005 was 26.4 per 1,000 aged 0–17 years, ranging from 8.9 per 1,000 in the Northern Territory to 40.7 per 1,000 in Victoria.



**Table 4.8: Children in out-of-home care: number and rate per 1,000 children aged 0–17 years, by Indigenous status and state and territory, at 30 June 2005**

State/territory	Number of children			Rate per 1,000 children		
	Indigenous	Other	Total	Indigenous	Other	Total
New South Wales	2,543	6,687	9,230	39.7	4.4	5.8
Victoria	526	3,882	4,408	40.7	3.4	3.8
Queensland	1,275	4,382	5,657	20.8	4.8	5.8
Western Australia	692	1,137	1,829	22.6	2.5	3.8
South Australia	286	1,043	1,329	24.3	3.1	3.9
Tasmania	78	498	576	9.5	4.6	4.9
Australian Capital Territory	60	282	342	32.0	3.8	4.5
Northern Territory	218	106	324	8.9	3.1	5.5
<b>Australia</b>	<b>5,678</b>	<b>18,017</b>	<b>23,695</b>	<b>26.4</b>	<b>3.9</b>	<b>4.9</b>

Note: For details on the calculation of rates and the coding of Indigenous status, see Appendix 2.

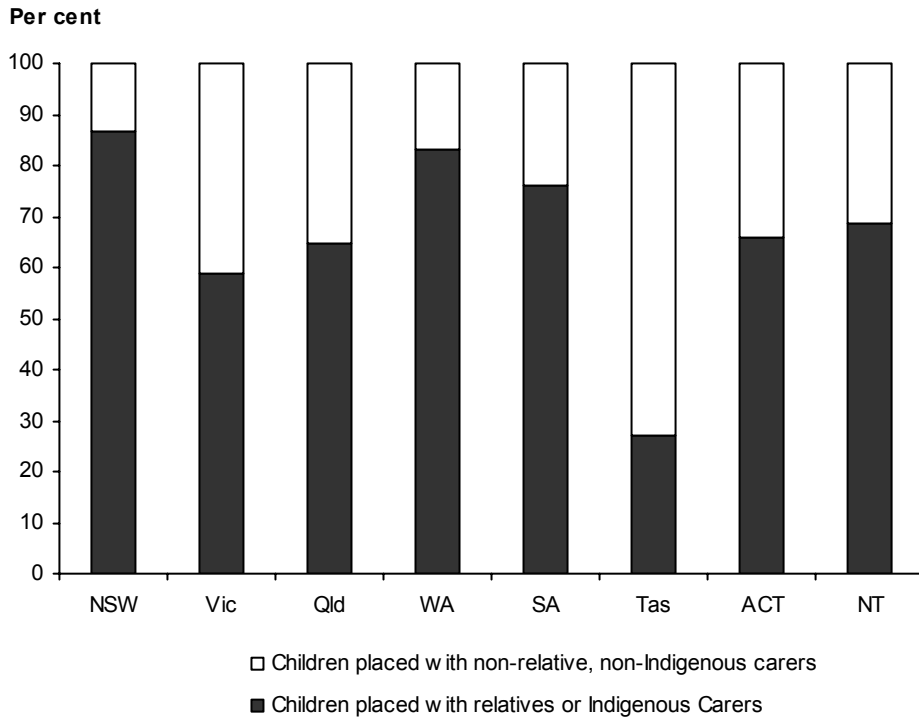
In all jurisdictions there were higher rates of Aboriginal and Torres Strait Islander children in out-of-home care than other children (Table 4.8). The national rate of Indigenous children in out-of-home care was over 6 times the rate for other children.

### Indigenous status of caregivers

The Aboriginal Child Placement Principle outlines a preference for the placement of Aboriginal and Torres Strait Islander children with other Aboriginal and Torres Strait Islander people when they are placed outside their family (Lock 1997:50). The Principle has the following order of preference for the placement of Aboriginal and Torres Strait Islander children:

- with the child’s extended family
- within the child’s Indigenous community
- with other Indigenous people.

All jurisdictions have adopted the Aboriginal Child Placement Principle either in legislation or policy. The impact of the Principle is reflected in the relatively high proportions of Aboriginal and Torres Strait Islander children who were placed either with Indigenous caregivers or with relatives in many jurisdictions (Figure 4.2).



Source: Table 4.9.

**Figure 4.2: Aboriginal and Torres Strait Islander children in out-of-home care, 30 June 2005**

The proportion of Aboriginal and Torres Strait Islander children who were placed with either an Indigenous carer or a relative, for example, was 87% in New South Wales and 83% in Western Australia (Table 4.9).

**Table 4.9: Aboriginal and Torres Strait Islander children in out-of-home care: Indigenous status and relationship of carer, by state and territory, at 30 June 2005**

Relationship	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Indigenous relative/kin	1,485	133	343	345	70	8	19	79
Other Indigenous caregiver	443	77	366	143	136	1	14	71
Other relative/kin	266	71	115	55	12	11	3	n.a. <sup>(a)</sup>
Indigenous residential care	7	11	2	25	—	—	2	—
<i>Total in accordance with the Aboriginal Child Placement Principle</i>	<i>2,201</i>	<i>292</i>	<i>826</i>	<i>568</i>	<i>218</i>	<i>20</i>	<i>38</i>	<i>150</i>
Other caregiver	291	181	444	77	64	54	14	68
Other residential care	42	24	5	38	4	0	6	—
<i>Total not placed in accordance with the Aboriginal Child Placement Principle</i>	<i>333</i>	<i>205</i>	<i>449</i>	<i>115</i>	<i>68</i>	<i>54</i>	<i>20</i>	<i>68</i>
<b>Total</b>	<b>2,534</b>	<b>497</b>	<b>1,275</b>	<b>683</b>	<b>286</b>	<b>74</b>	<b>58</b>	<b>218</b>
	<b>Per cent</b>							
Indigenous relative/kin	59	27	27	51	24	11	33	36
Other Indigenous caregiver	17	15	29	21	48	1	24	33
Other relative/kin	10	14	9	8	4	15	5	n.a. <sup>(a)</sup>
Indigenous residential care	—	2	—	4	—	—	3	—
<i>Total in accordance with the Aboriginal Child Placement Principle</i>	<i>87</i>	<i>59</i>	<i>65</i>	<i>83</i>	<i>76</i>	<i>27</i>	<i>66</i>	<i>69</i>
Other caregiver	11	36	35	11	22	73	24	31
Other residential care	2	5	—	6	1	—	10	—
<i>Total not placed in accordance with the Aboriginal Child Placement Principle</i>	<i>13</i>	<i>41</i>	<i>35</i>	<i>17</i>	<i>24</i>	<i>73</i>	<i>34</i>	<i>31</i>
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

(a) The relationship of the caregiver to children placed with other caregivers was not available and these children were placed in the 'other Indigenous caregiver' category.

**Notes**

1. This table does not include Indigenous children who were living independently or whose living arrangements were unknown.
2. For details on coding of Indigenous status, see Appendix 2.

# Appendix 1: Detailed tables

## Child protection

Table A1.1: Substantiations: type of abuse or neglect, by state and territory, 2004–05

Type of abuse or neglect substantiated	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Physical abuse	3,366	1,794	3,829	314	434	224	145	182
Sexual abuse	2,236	660	965	236	111	96	54	28
Emotional abuse	6,070	3,264	6,753	152	832	176	665	79
Neglect	3,821	1,680	5,760	402	1,007	286	349	184
<b>Total</b>	<b>15,493</b>	<b>7,398</b>	<b>17,307</b>	<b>1,104</b>	<b>2,384</b>	<b>782</b>	<b>1,213</b>	<b>473</b>
	<b>Per cent</b>							
Physical abuse	22	24	22	28	18	29	12	38
Sexual abuse	14	9	6	21	5	12	4	6
Emotional abuse	39	44	39	14	35	23	55	17
Neglect	25	23	33	36	42	37	29	39
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

**Table A1.2: Children in substantiations: type of abuse or neglect, by sex and state and territory, 2004–05**

<b>Sex and type of abuse or neglect</b>	<b>NSW</b>	<b>Vic</b>	<b>Qld</b>	<b>WA</b>	<b>SA</b>	<b>Tas</b>	<b>ACT</b>	<b>NT</b>
<b>Males</b>								
Physical	1,109	834	1,550	157	208	101	57	83
Sexual	444	247	241	46	18	38	10	5
Emotional	1,637	1,580	2,479	72	318	70	240	41
Neglect	1,071	807	2,096	206	347	104	124	104
<i>Total males</i>	<i>4,261</i>	<i>3,468</i>	<i>6,366</i>	<i>481</i>	<i>891</i>	<i>313</i>	<i>431</i>	<i>233</i>
<b>Females</b>								
Physical	1,003	864	1,430	144	195	93	61	89
Sexual	1,182	395	559	182	89	50	37	23
Emotional	1,668	1,448	2,503	69	338	63	214	37
Neglect	1,049	784	2,090	166	288	112	118	71
<i>Total females</i>	<i>4,902</i>	<i>3,491</i>	<i>6,582</i>	<i>561</i>	<i>910</i>	<i>318</i>	<i>430</i>	<i>220</i>
<b>Unknown</b>								
Physical	10	15	11	0	2	0	0	0
Sexual	3	5	0	0	0	0	0	0
Emotional	37	30	15	2	1	4	4	0
Neglect	24	6	11	1	5	2	0	0
<i>Total 'Unknown'</i>	<i>74</i>	<i>56</i>	<i>37</i>	<i>3</i>	<i>8</i>	<i>6</i>	<i>4</i>	<i>0</i>
<b>Persons</b>								
Physical	2,122	1,713	2,991	301	405	194	118	172
Sexual	1,629	647	800	228	107	88	47	28
Emotional	3,342	3,058	4,997	143	657	137	458	78
Neglect	2,144	1,597	4,197	373	640	218	242	175
<b>Total</b>	<b>9,237</b>	<b>7,015</b>	<b>12,985</b>	<b>1,045</b>	<b>1,809</b>	<b>637</b>	<b>865</b>	<b>453</b>

*Note:* If a child was the subject of more than one type of abuse or neglect as part of the same notification, then the abuse and/or neglect is the one considered by the child protection workers to cause the most harm to the child. Where a child is the subject of more than one substantiation during the year, then the type of abuse reported in this table is the type of abuse and/or neglect associated with the first substantiation decision during the year.

**Table A1.3: Children in substantiations, by age, Indigenous status and state and territory, 2004–05**

Age group (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
< 1	268	119	163	65	72	3	10	58
1–4	436	203	288	95	159	18	34	101
5–9	448	231	353	88	142	7	22	75
10–14	412	178	331	97	90	9	27	71
15–17	71	39	58	13	16	—	8	19
Unknown	11	—	—	—	4	—	—	—
<i>Subtotal</i>	<i>1,646</i>	<i>770</i>	<i>1,193</i>	<i>358</i>	<i>483</i>	<i>37</i>	<i>101</i>	<i>324</i>
<b>Other children</b>								
< 1	927	768	1,207	80	173	51	63	12
1–4	1,803	1,545	3,068	154	375	115	193	35
5–9	2,101	1,758	3,540	215	394	149	234	37
10–14	2,197	1,757	3,273	197	307	159	212	37
15–17	528	416	704	41	71	28	62	8
Unknown	35	1	—	—	6	98	—	—
<i>Subtotal</i>	<i>7,591</i>	<i>6,245</i>	<i>11,792</i>	<i>687</i>	<i>1,326</i>	<i>600</i>	<i>764</i>	<i>129</i>
<b>All children</b>								
< 1	1,195	887	1,370	145	245	54	73	70
1–4	2,239	1,748	3,356	249	534	133	227	136
5–9	2,549	1,989	3,893	303	536	156	256	112
10–14	2,609	1,935	3,604	294	397	168	239	108
15–17	599	455	762	54	87	28	70	27
Unknown	46	1	—	—	10	98	—	—
<b>Total</b>	<b>9,237</b>	<b>7,015</b>	<b>12,985</b>	<b>1,045</b>	<b>1,809</b>	<b>637</b>	<b>865</b>	<b>453</b>

*Note:* If a child was the subject of more than one type of abuse or neglect as part of the same notification, then the abuse and/or neglect is the one considered by the child protection workers to cause the most harm to the child. Where a child is the subject of more than one substantiation during the year, then the type of abuse reported in this table is the type of abuse and/or neglect associated with the first substantiation decision during the year.

**Table A1.4: Children aged 0–17 years who were the subject of a substantiation: type of abuse or neglect, by Indigenous status and state and territory, 2004–05**

Type of abuse or neglect	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<b>Indigenous children</b>								
Physical	300	172	286	102	87	10	13	110
Sexual	178	29	49	70	8	11	3	20
Emotional	614	376	367	46	189	8	44	52
Neglect	554	193	491	140	199	8	41	142
<b>Total</b>	<b>1,646</b>	<b>770</b>	<b>1,193</b>	<b>358</b>	<b>483</b>	<b>37</b>	<b>101</b>	<b>324</b>
<b>Other children</b>								
Physical	1,822	1,541	2,705	199	318	184	105	62
Sexual	1,451	618	751	158	99	77	44	8
Emotional	2,728	2,682	4,630	97	468	127	414	26
Neglect	1,590	1,404	3,706	233	441	210	201	33
<b>Total</b>	<b>7,591</b>	<b>6,245</b>	<b>11,792</b>	<b>687</b>	<b>1,326</b>	<b>600</b>	<b>764</b>	<b>129</b>

Note: If a child was the subject of a substantiation for more than one type of abuse or neglect, then type of abuse and/or neglect is assigned to the category nearest the top of the list.

**Table A1.5: Number of finalised investigations: source of notification, by state and territory, 2004–05**

Source of notification	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
Subject child	182	36	452	65	91	2	26	7
Parent/guardian	3,235	906	2,842	243	528	92	262	82
Sibling	44	49	75	13	12	3	9	3
Other relative	2,472	888	2,142	238	567	101	187	100
Friend/neighbour	1,590	640	2,421	118	477	95	204	72
Medical practitioner	303	285	411	26	235	3	19	17
Other health personnel	922	625	118	45	162	29	63	20
Hospital/health centre	6,980	576	1,422	253	493	64	248	145
Social worker	467	246	1,033	—	379	40	18	36
School personnel	6,618	1,909	3,390	301	858	258	311	110
Childcare personnel	574	133	325	25	26	8	21	8
Police	10,066	2,397	5,096	513	1,165	240	370	206
Departmental officer	442	784	991	311	494	177	252	60
Non-government organisation	2,984	1,501	736	84	1	66	319	79
Anonymous	1,469	—	478	28	233	14	67	12
Other	2,518	247	1,180	128	529	141	153	44
Not stated	118	264	289	—	—	—	—	2
<b>Total</b>	<b>40,984</b>	<b>11,486</b>	<b>23,401</b>	<b>2,391</b>	<b>6,250</b>	<b>1,333</b>	<b>2,529</b>	<b>1,003</b>

## Care and protection orders

Table A1.6: Children substantiated in 2003–04 and subsequently placed on care and protection orders within 12 months, for selected states and territories

State/territory	Number subsequently placed on a care and protection order	Percentage of all children substantiated in 2003–04
Victoria	1,988	28
Queensland	1,958	16
Western Australia	268	26
South Australia	265	14
Tasmania	106	29
Australian Capital Territory	106	19
Northern Territory	55	11

Note: New South Wales was unable to provide these data.

Table A1.7: Children on care and protection orders, by sex and state and territory, at 30 June 2005

Sex of child	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
	<b>Number</b>							
Male	4,484	2,911	3,007	902	798	395	243	211
Female	4,132	2,736	2,850	881	747	318	221	203
Unknown	4	11	—	—	8	3	—	—
<b>Persons</b>	<b>8,620</b>	<b>5,658</b>	<b>5,857</b>	<b>1,783</b>	<b>1,553</b>	<b>716</b>	<b>464</b>	<b>414</b>
	<b>Per cent</b>							
Male	52	52	51	51	52	55	52	51
Female	48	48	49	49	48	45	48	49
<b>Persons</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>



**Table A1.8: Children on care and protection orders, by age and living arrangements, at 30 June 2005**

Age (years)	Family care	Home-based out-of-home care	Residential care	Family group homes	Independent living	Other	Total
<b>Number</b>							
< 1	118	610	3	0	2	4	737
1–4	759	4,362	13	20	22	23	5,199
5–9	988	6,309	93	47	26	30	7,493
10–14	974	6,212	389	103	71	97	7,846
15–17	478	2,272	485	75	330	141	3,781
Unknown	1	8	—	—	—	—	9
<b>Total</b>	<b>3,318</b>	<b>19,773</b>	<b>983</b>	<b>245</b>	<b>451</b>	<b>295</b>	<b>25,065</b>
<b>Per cent</b>							
<1	16	83	—	—	—	1	100
1–4	15	84	—	—	—	—	100
5–9	13	84	1	1	—	—	100
10–14	12	79	5	1	1	1	100
15–17	13	60	13	2	9	4	100
<b>Total</b>	<b>13</b>	<b>79</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>100</b>

## Out-of-home care

Table A1.9: Children in out-of-home care, by age and state and territory, at 30 June 2005

Age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	205	119	272	59	41	15	4	40	755
1–4	1,673	827	1,398	439	265	106	61	105	4,874
5–9	3,161	1,165	1,674	546	368	176	89	81	7,260
10–14	3,157	1,399	1,658	544	450	183	135	78	7,604
15–17	1,023	898	655	241	205	96	53	20	3,191
Unknown	11	—	—	—	—	—	—	—	11
<b>Total</b>	<b>9,230</b>	<b>4,408</b>	<b>5,657</b>	<b>1,829</b>	<b>1,329</b>	<b>576</b>	<b>342</b>	<b>324</b>	<b>23,695</b>
<b>Per cent</b>									
<1	2	3	5	3	3	3	1	12	3
1–4	18	19	25	24	20	18	18	32	21
5–9	34	26	30	30	28	31	26	25	31
10–14	34	32	29	30	34	32	39	24	32
15–17	11	20	12	13	15	17	15	6	13
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Table A1.10: Children in out-of-home care, by sex and state and territory, at 30 June 2005

Sex	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Male	4,781	2,226	2,839	898	688	318	178	171	12,099
Female	4,438	2,175	2,818	931	632	255	164	153	11,566
Unknown	11	7	—	—	9	3	—	—	30
<b>Total</b>	<b>9,230</b>	<b>4,408</b>	<b>5,657</b>	<b>1,829</b>	<b>1,329</b>	<b>576</b>	<b>342</b>	<b>324</b>	<b>23,695</b>
<b>Per cent</b>									
Male	52	51	50	49	52	55	52	53	51
Female	48	49	50	51	48	45	48	47	49
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

**Table A1.11: Children in out-of-home care, by age, type of placement and state and territory, at 30 June 2005**

Type of placement/ age (years)	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Home-based</b>	<b>Number</b>								
<1	204	119	272	58	41	15	4	38	751
1-4	1,671	823	1,398	420	264	98	61	102	4,837
5-9	3,144	1,125	1,668	494	361	164	89	77	7,122
10-14	3,040	1,270	1,629	473	403	144	108	59	7,126
15-17	844	684	629	174	166	53	21	11	2,582
Unknown	9	—	—	—	—	—	—	—	9
<b>Total</b>	<b>8,912</b>	<b>4,021</b>	<b>5,596</b>	<b>1,619</b>	<b>1,235</b>	<b>474</b>	<b>283</b>	<b>287</b>	<b>22,427</b>
<b>Residential (including family group homes)</b>	<b>Number</b>								
<1	1	—	—	1	—	—	—	2	4
1-4	2	4	—	17	1	7	—	2	33
5-9	17	40	6	50	7	10	—	2	132
10-14	117	129	29	62	47	34	27	14	459
15-17	129	192	26	37	39	7	29	5	464
Unknown	2	—	—	—	—	—	—	—	2
<b>Total</b>	<b>268</b>	<b>365</b>	<b>61</b>	<b>167</b>	<b>94</b>	<b>58</b>	<b>56</b>	<b>25</b>	<b>1,094</b>
<b>Home-based</b>	<b>Per cent</b>								
<1	2	3	5	4	3	3	1	13	3
1-4	19	20	25	26	21	21	22	36	22
5-9	35	28	30	31	29	35	31	27	32
10-14	34	32	29	29	33	30	38	21	32
15-17	9	17	11	11	13	11	7	4	12
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Residential (including family group homes)</b>	<b>Per cent</b>								
<1	—	—	—	1	—	—	—	8	0
1-4	1	1	—	10	1	12	—	8	3
5-9	6	11	10	30	7	17	—	8	12
10-14	44	35	48	37	50	59	48	56	42
15-17	48	53	43	22	41	12	52	20	42
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

# Appendix 2: Technical notes

## Calculation of rates

The rates of children on care and protection orders and children in out-of-home care were calculated using the Australian Bureau of Statistics' (ABS) most recent population estimates for 31 March 2005 (ABS 2005a).

**Rates of children on care and protection orders** were calculated in the following way:

$$\frac{\text{Number of children aged 0-17 years on care and protection orders at 30 June 2005}}{\text{ABS estimated population of children aged 0-17 years at 31 March 2005}} \times 1,000$$

**Rates of children in out-of-home care** were calculated in the following way:

$$\frac{\text{Number of children aged 0-17 years in out-of-home care at 30 June 2005}}{\text{ABS estimated population of children aged 0-17 years at 31 March 2005}} \times 1,000$$

The rates of children subject to child protection substantiations during 2004-05 were calculated using the ABS population estimates for 31 December 2004 (ABS 2005b). These rates were calculated for children aged 0-16 years rather than for children aged 0-17 years because there were very few children aged 17 years who were the subjects of substantiations.

**Rates of children who were the subjects of child protection substantiations** were calculated in the following way:

$$\frac{\text{Number of children aged 0-16 years who were the subjects of substantiations in 2004-05}}{\text{ABS estimated population aged 0-16 years at 31 December 2004}} \times 1,000$$

## Rates for Aboriginal and Torres Strait Islander children

Rates for Aboriginal and Torres Strait Islander children were calculated by using the same basic method outlined above. Population projections based on the ABS 2001 Census were used for the denominator (ABS 2004b).

Rates for states and territories with small numbers of children in their child protection data and small Aboriginal and Torres Strait Islander populations (notably the Australian Capital Territory and Tasmania) should be interpreted carefully. Small changes in the numbers of Indigenous children in the child protection systems, or in population estimates, can have a major impact on rates.

The rates for Aboriginal and Torres Strait Islander children for 2004-05 should not be compared with the rates for Aboriginal and Torres Strait Islander children prior to this. Rates for Aboriginal and Torres Strait Islander children for 1996-97 to 2000-01 were calculated

using ABS Indigenous population data from the 1996 Census data. These projections of the population are different from the ones based on the 2001 Census data.

## **Rates for other (Australian) children**

The other population used for the calculation of rates was obtained by subtracting the number of Aboriginal and Torres Strait Islander children from the number of children in the total population.

## **Identification of Indigenous status**

### **Children**

The practices used to identify and record the Indigenous status of children vary across states and territories, with some jurisdictions recording large numbers of unknowns. No state or territory can validate the data on Aboriginal and Torres Strait Islander children by other means and the quality of the data is therefore unknown.

In this collection, children are counted as Indigenous if they are identified as such in the state and territory collections. Children whose Indigenous status is recorded as 'unknown' are counted as non-Indigenous and included in the category 'other children'. The counts for Aboriginal and Torres Strait Islander children are therefore likely to be an underestimate of the actual number of Aboriginal and Torres Strait Islander children in the child protection system.

During 1998–99 a new method for counting Indigenous status was implemented in New South Wales, which improved the accuracy of this information. The apparent increase in the rate of Indigenous clients was a reflection of the improved recording of Indigenous status rather than an increase in the number of Indigenous clients. Western Australia also introduced new practices to improve the identification of Indigenous clients in 2001–02.

### **Caregivers**

In the out-of-home care data collection, the Indigenous status of caregivers was collected as well as the Indigenous status of children in out-of-home care. Carers who are identified as Indigenous are included in the Indigenous category. Where the Indigenous children were living in facility-based care specifically for Indigenous children, the caregiver was counted as Indigenous. Where children were living in other types of facility-based care, the caregiver was not counted as Indigenous.

# Appendix 3: Legislation

## Child protection legislation

### Commonwealth

*Family Law Act 1975*

### New South Wales

*Children and Young Persons (Care and Protection) Act 1998*

### Victoria

*Children and Young Persons Act 1989*

### Queensland

*Child Protection Act 1999*

### Western Australia

*Child Welfare Act 1947*

*Community Services Act 1972*

### South Australia

*Family and Community Services Act 1972*

*Children's Protection Act 1993*

### Tasmania

*Children, Young Persons and Their Families Act 1997*

### Australian Capital Territory

*Children and Young People Act 1999*

### Northern Territory

*Community Welfare Act 1983*

## Legislative definition of ‘in need of care and protection’

For a child to be placed under an order, a court needs to determine whether the child is in need of care and/or protection. Each state and territory has legislation defining ‘in need of care and protection’.

### New South Wales

In New South Wales, a child or young person must be found under section 71(1) of the Children and Young Persons (Care and Protection) Act 1998 to be in need of care and protection by reason of any of the following:

- (a) where there is no parent available to care for the child or young person as a result of death or incapacity or for any other reason
- (b) the parents acknowledge that they have serious difficulties in caring for the child or young person and, as a consequence, the child or young person is in need of care and protection
- (c) the child or young person has been or is likely to be physically or sexually abused or ill-treated
- (d) subject to subsection (2), the child’s or young person’s basic physical, psychological or educational needs may not be met, or are likely not to be met, by his or her parents
- (e) the child or young person is suffering or is likely to suffer serious developmental impairment or serious psychological harm as a consequence of the domestic environment in which he or she is living
- (f) in the case of a child who is under the age of 14 years, the child has exhibited sexually abusive behaviours and an order of the Children’s Court is necessary to ensure his or her access to, or attendance at an appropriate therapeutic service
- (g) the child or young person is subject to a care and protection order of another State or Territory that is not being complied with
- (h) section 171(1) applies in respect of the child or young person.

### Victoria

In Victoria, section 63 of the *Children and Young Persons Act 1989* indicates that a child is in need of protection if any of the following grounds exist:

- (a) the child has been abandoned and after reasonable inquiries the parent(s) cannot be found, and no other suitable person can be found who is willing and able to care for the child
- (b) the child’s parent(s) are dead or incapacitated and there is no other suitable person willing and able to care for the child
- (c) the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child’s parent(s) have not protected, or are unlikely to protect, the child from harm of that type
- (d) the child has suffered, or is likely to suffer, emotional or psychological harm of such kind that the child’s emotional or intellectual development is, or is likely to be, significantly damaged and the child’s parent(s) have not protected, or are unlikely to protect, the child from harm of that type

- (e) the child's physical development or health has been, or is likely to be, significantly harmed and the child's parent(s) have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange, or allow the provision of, basic care or effective medical, surgical or other remedial care.

### **Queensland**

In Queensland, sections 9 and 10 of the *Child Protection Act 1999* (introduced in March 2000) define a child 'in need of protection' as a child who:

- (a) has suffered harm, is suffering harm or has an unacceptable risk of suffering harm
- (b) does not have a parent able and willing to protect the child from harm.

'Parent' is defined broadly to include persons 'having or exercising parental responsibility for the child' and includes a person who, under Aboriginal or Torres Strait Islander tradition or custom, is regarded as a parent of the child.

'Harm' is defined as 'any detrimental effect of significant nature on the child'.

### **Western Australia**

In Western Australia, a 'child in need of care and protection' is defined in the *Child Welfare Act 1947* to include a child who:

- (a) has no sufficient means of subsistence apparent to the court and whose near relatives are, in the opinion of the court, in indigent circumstances or are otherwise unable or unwilling to support the child, or are dead, or are unknown, or cannot be found, or are out of the jurisdiction, or are in the custody of the law
- (b) has been placed in a subsidised facility and whose near relatives have not contributed regularly towards the maintenance of the child
- (c) associates or dwells with any person who has been convicted of vagrancy, or is known to the police as of bad repute, or who has been or is reputed to be a thief or habitually under the influence of alcohol or drugs
- (d) is under the guardianship or in the custody of a person whom the court considers is unfit to have that guardianship or custody
- (e) is not being maintained properly or at all by a near relative, or is deserted
- (f) is found in a place where any drug or prohibited plant is used and is in the opinion of the court in need of care and protection by reason thereof
- (g) being under the age of 14 years is employed or engaged in any circus, travelling show, acrobatic entertainment, or exhibition by which his life, health, welfare or safety is likely to be lost, prejudiced or endangered
- (h) is unlawfully engaged in street trading
- (i) is ill-treated, or suffers injuries apparently resulting from ill-treatment
- (j) lives under conditions which indicate that the child is lapsing or likely to lapse into a career of vice or crime
- (k) is living under such conditions, or is found in such circumstances, or behaves in such a manner, as to indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy.

### **South Australia**

In South Australia, under the *Children's Protection Act 1993*, an application may be made to the Youth Court when the Minister is of the opinion that:



- (a) the child is at risk and an order should be made to secure the child's care and protection;
- (b) disruption of existing arrangements for the child would be likely to cause the child psychological injury and it would be in the best interest of the child for the arrangement to be the subject of a care and protection order.

For the purposes of the Act, a child is at risk if:

- (a) the child has been, or is being, abused or neglected
- (b) a person with whom the child resides (whether a guardian of the child or not):
  - (i) has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out
  - (ii) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person
- (c) the guardians of the child:
  - (i) are unable to maintain the child, or are unable to exercise adequate supervision and control over the child
  - (ii) are unwilling to maintain the child, or are unwilling to exercise adequate supervision and control over the child
  - (iii) are dead, have abandoned the child, or cannot, after reasonable inquiry, be found
- (d) the child is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence
- (e) the child is under 15 years of age and of no fixed address.

The *Children's Protection Act 1993* also covers the practice of female genital mutilation. Under section 26A(1), female genital mutilation means:

- (a) clitoridectomy
- (b) excision of any other part of the female genital organs
- (c) a procedure to narrow or close the vaginal opening
- (d) any other mutilation of the female genital organs, but does not include a sexual reassignment procedure or a medical procedure that has a genuine therapeutic purpose.

Under section 26B(1), on the protection of children at risk of genital mutilation, if the court is satisfied that there are reasonable grounds to suspect that the child may be at risk of female genital mutilation, the court may make orders for the protection of the child – for example, preventing a person from taking the child from the state, or requiring that the child's passport be held by the court for a period specified in the order or until further order, or providing for periodic examination of the child to ensure that the child is not subject to female genital mutilation.

Part 5 of the *Children's Protection Act* also states that family care meetings should be convened in respect of the child if the Minister believes that a child is at risk and that arrangements should be made to secure the child's care and protection. The Minister cannot make an application for an order granting custody of the child or placing the child under guardianship before a family care meeting has been held unless satisfied that:

- (a) it has not been possible to hold a meeting despite reasonable endeavours to do so
- (b) an order should be made without delay
- (c) the guardians of the child consent to the making of the application
- (d) there is another good reason to do so.

The department will consider taking court action for a care and protection order only when no other intervention can safely protect a child who is at risk by definition of the Act. There are powers which the Youth Court may exercise when it finds that a child is in need of care and protection.

New care and protection orders tend to be for no longer than 12 months, although a second or subsequent order can be granted to complete a reunification process. The child may then be placed under the guardianship of the Minister or such other person or persons the court thinks appropriate, until 18 years of age.

### **Tasmania**

In Tasmania, the *Children, Young Persons and Their Families Act 1997* defines abuse or neglect as:

- (a) sexual abuse
- (b) physical or emotional injury or other abuse, or neglect, to the extent that:
  - (i) the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person's wellbeing
  - (ii) the injured, abused or neglected person's physical or psychological development is in jeopardy.

The Act provides the following definition of a child at risk:

- (a) the child has been, is being, or is likely to be, abused or neglected
- (b) any person with whom the child resides or who has frequent contact with the child (whether the person is or is not a guardian of the child):
  - (i) has threatened to kill or abuse or neglect the child and there is a reasonable likelihood of the threat being carried out
  - (ii) has killed or abused or neglected some other child or an adult and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person
- (c) the guardians of the child are:
  - (i) unable to maintain the child
  - (ii) unable to exercise adequate supervision and control over the child
  - (iii) unwilling to maintain the child
  - (iv) unwilling to exercise adequate supervision and control over the child
  - (v) dead, have abandoned the child or cannot be found after reasonable inquiry
  - (vi) are unwilling or unable to prevent the child from suffering abuse or neglect
- (d) the child is under 16 years of age and does not, without lawful excuse, attend school regularly.

Child and Family Services staff make a decision about whether a child is at risk through a process of gathering, confirming and analysing information, and using their expertise and, where necessary, that of other professional people.

### **Australian Capital Territory**

In the Australian Capital Territory a new Act, the *Children and Young People Act 1999*, was introduced in May 2000. This Act states that a child is in need of care and protection if:

- (a) he or she has been, is being or is likely to be, abused or neglected;

- (b) no one with parental responsibility for the child or young person is willing and able to protect him or her from suffering the abuse or neglect.

Abuse in relation to a child or young person means:

- (a) physical abuse
- (b) sexual abuse
- (c) emotional abuse (including psychological abuse) if the child or young person;
  - (i) has suffered, is suffering or is likely to suffer in a way that has caused, is causing or is likely to cause significant harm to his or her wellbeing or development
  - (ii) has been, is being or is likely to be exposed to conduct that is a domestic violence offence within the meaning of the *Domestic Violence Act 1986* and that has caused, is causing or is likely to cause significant harm to his or her wellbeing or development.

Neglect of a child or young person means a failure to provide the child or young person with a necessity of life that has caused, is causing or is likely to cause the child or young person significant harm to his or her wellbeing or development. Necessities include food, shelter, clothing and medical care.

Without limiting the above, a child or young person is also in need of care and protection in any of the following circumstances:

- (a) if a person with whom the child or young person lives or is likely to live:
  - (i) has threatened to kill or injure the child or young person and there is a real possibility of the threat being carried out
  - (ii) has killed, abused or neglected a child or young person and there is a real possibility of the person killing, abusing or neglecting the relevant child or young personand no one with parental responsibility is willing and able to protect the child or young person
- (b) no one with the parental responsibility for the child or young person (other than the Chief Executive) is willing and able to provide him or her with adequate care and protection
- (c) if there is serious, persistent conflict between the child or young person and the people with parental responsibility for him or her (other than the Chief Executive) to such an extent that the care and protection of the child or young person is, or is likely to be, seriously disrupted
- (d) the people with parental responsibility for the child or young person (other than the Chief Executive) are:
  - (i) dead, have abandoned him or her or cannot be found after reasonable enquiry
  - (ii) unwilling or unable to keep him or her from engaging in self-damaging behaviour
  - (iii) sexually or financially exploiting the child or young person or unwilling or unable to keep him or her from being sexually or financially exploited
- (e) the child or young person is the subject of a child protection order in a state that is not being complied with.

Action taken by ACT Family Services in relation to a report (notification) is at the discretion of the Chief Executive as per section 161 of the Act.

The Act reflects an increased emphasis on family support and prevention services to assist children, young people and their families.

## Northern Territory

In the Northern Territory, section 4(2) of the *Community Welfare Act 1983* states that a child is in need of care where:

- (a) the parents, guardian/person having the custody have abandoned the child and cannot, after reasonable inquiry, be found
- (b) the parents, guardian/person having the custody are unwilling or unable to maintain the child
- (c) the child has suffered maltreatment
- (d) the child is not subject to effective control and is engaging in conduct which constitutes a serious danger to his or her health or safety
- (e) being excused from criminal responsibility under section 38 of the Criminal Code (being under 10 years of age), the child has persistently engaged in conduct which is so harmful or potentially harmful to the general welfare of the community, measured by commonly accepted community standards, as to warrant action under this Act for the maintenance of those standards.

For the purpose of the *Community Welfare Act 1983*, a child shall be taken to have suffered maltreatment where he or she has suffered or is suffering or is at substantial risk of suffering the following:

- (a) a physical injury causing temporary or permanent disfigurement or serious pain or impairment of a bodily function or the normal reserve or flexibility of a bodily function, inflicted or allowed to be inflicted by a parent, guardian or person having the custody of the child, or where there is substantial risk of the child suffering such an injury or impairment
- (b) serious emotional or intellectual impairment evident by severe psychological or social malfunctioning measured by the commonly accepted standards of the community to which the child belongs, whether a result of physical surroundings, nutritional or other deprivation, or the emotional or social environment in which the child is living, or where there is a substantial risk that such surroundings, deprivation or environment will cause such emotional or intellectual impairment
- (c) serious physical impairment evidenced by severe bodily malfunctioning, whether a result of the child's physical surroundings, nutritional or other deprivation, or the emotional or social environment in which the child is living, or where there is a substantial risk that such surroundings, deprivation or environment will cause such impairment
- (d) sexual abuse or exploitation, and the child's parents, guardians or persons having custody of the child are unable or unwilling to protect him or her from such abuse or exploitation
- (e) female genital mutilation, where a female child shall be taken to have suffered female genital mutilation where she:
  - (i) has been subjected, or there is substantial risk that she will be subjected, to female genital mutilation, as defined in section 186A of the Criminal Code
  - (ii) has been taken, or there is substantial risk that she will be taken, from the territory with the intention of having female genital mutilation performed on her.

# Appendix 4: Mandatory reporting requirements

## New South Wales

Since 1977 medical practitioners have been required by law to report physical and sexual abuse. This was expanded under the *Children (Care and Protection) Act 1987* to encompass who is to report and what needed to be reported. As from 18 December 2000 the category of mandatory reporters was changed to anyone who:

- (a) in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement wholly or partly to children under the age of 16 years
- (b) holds a management position in an organisation the duties of which include direct responsibility for or direct supervision of a person referred to in (a), and that person has reasonable grounds (that arise as a consequence of their employment) to suspect that a child is at risk of harm.

Since 1998 agencies have also been required to report allegations about or convictions for child abuse against a person doing work for the agency, together with information on the action being taken by the agency, to the Ombudsman.

These statutory obligations are supplemented and supported by Interagency Guidelines detailing each agency's role, responsibilities and actions required in all aspects of child protection intervention and the policies, procedures and directions of individual agencies on how to respond to child care and protection matters. The Interagency Guidelines for Child Protection Intervention are currently being revised. A new edition is expected in mid-2006.

## Victoria

In 1993 the Victorian Government proposed legislative changes to the *Children and Young Persons Act 1989* which would mandate specific professional groups to notify suspected cases of child physical and sexual abuse. Doctors, nurses and police were mandated on 4 November 1993 to report child physical and sexual abuse. Primary and secondary school teachers and principals were mandated on 18 July 1994.

## Queensland

Under the *Health Act 1937*, medical practitioners are required by law to notify all cases of suspected maltreatment of a child. Education Queensland policy requires school principals to report suspected child abuse and neglect to the appropriate authorities and requires teachers to report through principals; however, this is not legislated. The *Child Protection Act 1999* requires that officers of the Department of Child Safety and employees of licensed care services report when they suspect harm to children placed in residential care.

Under the *Commission for Children and Young People Act 2000*, the Commissioner for Children and Young People must refer matters where a child may be in need of protection under the *Child Protection Act 1999* to the chief executive of the Department of Child Safety or the Police Commissioner.

## **Western Australia**

The Department for Community Development in Western Australia has the responsibility to receive and assess allegations of child abuse and neglect and to take action to protect children and young people. The reporting of children and young people who have been or who are likely to be harmed through abuse or neglect is supported through reciprocal protocols that have been negotiated with key government and non-government agencies. These arrangements are supported by legislative provisions that protect people who make reports and strengthen information sharing.

In 2004 new protocols between the Department of Health, Department for Community Development and the Western Australian Police Service now require the reporting of all children under 14 years of age with sexually acquired sexually transmitted infections (STI) and the reporting of children 14 and 15 years of age with an STI acquired through abuse.

Some highly specific legislative requirements for the reporting of child abuse are in place in Western Australia. Under the Western Australian *Family Court Act 1997*, court personnel, counsellors and mediators must report allegations or suspicions of child abuse in Family Court cases. Also, under the *Community Services Act 1972* Regulations, licensed providers of child care or outside school hours care services are required to report abuse in a childcare service.

Community awareness programs and the education of professional groups also contribute to the awareness and identification of possible abuse and neglect and action to prevent further harm from occurring.

## **South Australia**

Under the *Children's Protection Act 1993*, the following persons are required to notify the Department of Human Services (Family and Youth Services) when they suspect on reasonable grounds that a child is being abused or neglected: medical practitioners; nurses; dentists; pharmacists; psychologists; police; probation officers; social workers; teachers; family day care providers; and employees of, or volunteers, in government departments, agencies or local government or non-government agencies that provide health, welfare, education, childcare or residential services wholly or partly for children.

## **Tasmania**

In Tasmania, the *Children, Young Persons and Their Families Act 1997* (CYPF) emphasises that everyone in the community has a responsibility for making sure children are safe and protected. The following list of 'prescribed persons' are mandatory reporters under the Act: registered medical practitioners; nurses; dentists; police officers; psychologists; departmental employees within the *Police Regulation Act 1898*; probation officers; school principals and teachers; persons who manage childcare services or provide child care for a fee or reward; and in general people employed, or who are volunteers in, government agencies or organisations funded by the Crown that provide health, welfare, education, or care wholly or partly for children. During 2004-05 an amendment was made to the CYPF Act to extend the definition of abuse and neglect to include a child affected by family violence.

## **Australian Capital Territory**

Mandatory reporting was introduced on 1 June 1997. The groups mandated are doctors, dentists, nurses, police officers, teachers, school counsellors, public servants working in the child welfare field and licensed childcare providers. These groups are mandated to report physical and sexual abuse, although other forms of child maltreatment are also discussed in training sessions.

**Northern Territory**

It is mandatory for any person who believes a child is being, or has been, abused or neglected to notify a Family and Children's Services office or police station.

# Glossary

## General definitions

### Child protection and support services

Refers to those departments in each state and territory that are responsible for child protection matters. See the Acknowledgments for a list of the relevant departments.

## Definitions for child protection notifications, investigations and substantiations

### Age of child

Age is calculated from the date of birth at the time a report is made, and is shown in completed years, or >1 for those aged less than 1 year. In some jurisdictions, >1 year also includes those in utero.

### Child protection notification

Child protection notifications consist of reports made to an authorised department by persons or other bodies making allegations of child abuse or neglect, child maltreatment or harm to a child. Notifications should not include reports regarding wider concerns about children or families which are classified as child concern reports.

A notification can involve only one child; where it is claimed that two children have been abused or neglected, this is counted as two notifications, even if the children are from one family. Where there is more than one notification about the same 'event', this is counted as only one notification. Where there is more than one notification between 1 July 2004 and 30 June 2005, but relating to different events (for instance, a different type of abuse or neglect or a different person believed responsible for the abuse or neglect), these notifications should be counted as separate notifications.

### Investigation

An investigation is the process whereby state and territory child protection and support services obtain more detailed information about a child who is the subject of a notification and makes an assessment about the harm or degree of harm to the child and the child's protective needs. An investigation includes the interviewing or sighting of the subject child where it is practicable to do so.

Investigations to be counted in this collection relate to those child protection notifications of children aged 0–17 years that were made to an authorised department between 1 July 2004 and 30 June 2005, and which were subsequently investigated.

### Substantiation

A substantiation in the national data collection is a child protection notification made to relevant authorities during the year ended 30 June 2005 which was investigated, the investigation was finalised by 31 August 2005, and it was concluded that there was



reasonable cause to believe that the child had been, was being or was likely to be abused or neglected or otherwise harmed.

### **Person believed responsible**

Where there is more than one person believed responsible for the abuse and neglect, the person believed responsible is categorised as the person believed to have inflicted the most severe abuse or neglect, or most likely to have harmed the child or put the child at risk.

Where it is not possible to identify the person believed responsible in this way, the person is categorised as the person who inflicted the most obvious form of abuse or neglect.

### **Relationship to child of the person believed responsible**

#### ***Intra-familial***

##### *Biological parent*

Any male or female who is the biological or adoptive parent of the child.

##### *Step-parent*

Any person who is not the biological or adoptive parent of the child, but was legally married to one of the child's biological parents.

##### *De facto step-parent*

Any male or female who is not the biological or adoptive parent of the child and who is the de facto marital partner of the child's parent.

##### *Sibling*

A natural, adopted, foster, step- or half-brother or sister.

##### *Other relative/kin*

Includes grandparents, aunts, uncles and cousins, whether the relationship is a full, half or step relationship. It also includes members of Aboriginal communities who are accepted by that community as being related to the child but who are not the child's biological parents.

#### ***Extra-familial***

##### *Foster parent*

Any person (or person's spouse) being paid a foster allowance by a government or non-government organisation for the care of a child (excluding children in family group homes).

##### *Friend/neighbour*

An unrelated person or acquaintance who is known to the family, or who lives in close proximity to the subject child or his or her family.

##### *Other*

Any person whose relationship to the child is known but not classified above.

##### *Not stated*

Includes all notifications substantiated where the relationship to the child of the person believed responsible for the abuse or neglect of the child was not specified.

### **Source of notification**

The source of a notification is that person who, or organisation which, initially makes a child protection notification to a relevant authority. The source is classified according to the relationship to the child allegedly abused or neglected.

*Parent/guardian*

A natural or substitute parent, spouse of a natural parent, adoptive parent or spouse of an adoptive parent or any other person who has an ongoing legal responsibility for the care and protection of a child.

*Sibling*

A natural (i.e. biological), adopted, foster, step-brother or -sister, or half-brother or -sister.

*Other relative*

Includes grandparents, aunts, uncles and cousins. The relationship can be full, half or step or through adoption and can be traced through, or to, a person whose parents were not married to each other at the time of his or her birth. This category also includes members of Aboriginal or Torres Strait Islander communities who are accepted by that community as being related to the child.

*Friend/neighbour*

An unrelated person or acquaintance who is known to, or lives in close proximity to, the subject child or his or her family, or to the person believed responsible for the abuse or neglect.

*Medical practitioner*

Includes only registered medical practitioners. It includes both general practitioners and specialists in hospitals or in the community.

*Other health personnel*

Any person engaged in supplementary, paramedical and/or ancillary medical services. This includes nurses, infant welfare sisters, dentists, radiographers, physiotherapists and pharmacists. It does not include social workers and non-medical hospital/health centre personnel.

*Hospital/health centre personnel*

Any person not elsewhere classified who is employed at a public or private hospital or other health centre or clinic.

*Social/welfare worker*

Any person engaged in providing a social or welfare work service in the community.

*School personnel*

Any appropriately trained person involved in the instruction or imparting of knowledge to children or providing direct support for this education. This includes teachers, teachers' aides, school principals and counsellors who work in preschool, kindergarten, primary, secondary, technical, sporting or art and crafts education.

*Childcare personnel*

Any person engaged in providing occasional, part-time or full-time day care for children.

*Police*

Any member of a Commonwealth, state or territory law enforcement agency.

*Departmental officer*

Any person, not classified above, who is employed by a state or territory child protection and support services department.

*Non-government organisation*

Any non-government organisation not classified above which provides services to the community on a non-profit-making basis.

### *Anonymous*

Covers notifications received from people who do not give their names.

### *Other*

All other persons or organisations not classified above (e.g. ministers of religion, or government agencies and instrumentalities not classified above).

### *Not stated*

Includes all notifications that are received from unknown sources.

## **Family of residence**

This can refer to the family type in which the child was residing at the time the abuse and neglect occurred or at the time of notification, depending on the state or territory practices.

### *Two-parent – intact*

Includes all two-parent families where both parents are the biological parents or both parents are adoptive.

### *Two-parent – step or blended*

Includes blended and reconstituted families (one biological parent and one step-parent, or one natural parent and a de facto of that parent).

### *Single parent – female*

Includes all families with single female parents. The parent may be the biological, step- or adoptive parent.

### *Single parent – male*

Includes all families with single male parents. The parent may be the biological, step- or adoptive parent.

### *Other relatives/kin*

Includes Aboriginal and Torres Strait Islander kinship arrangements.

### *Foster care*

Includes situations in which a child is placed with foster parent(s) who receive a foster allowance from a government or non-government organisation for the care of the child. This category excludes children in family group homes.

### *Other*

Includes extended families and substitute care (not included above). It includes non-family situations, such as hostels and institutional accommodation. It excludes children living in foster care.

### *Not stated*

Used when the family in which a child lives is not recorded or is unknown.

## **Definitions for care and protection orders**

### **Child subject to orders**

This covers any child for whom state/territory child protection and support services has a responsibility as a result of some formal legal order or an administrative/voluntary arrangement. Only orders issued for protective reasons are included.

A legal or administrative order is any lawful direction which involves state and territory child protection and support services with a child over and above what is generally considered normal for most children, or which has an assumption that the department will

have carriage of the order (or a substantial part of it). The involvement might take the form of total responsibility for the welfare of the child (e.g. guardianship); responsibility for overseeing the actions of the person or authority caring for the child; responsibility for providing or arranging accommodation or reporting or giving consideration to the child's welfare. Depending on the state or territory regulation under which the order is issued, the order can be from a Court, Children's Panel, Minister of the Crown, authorised child protection and support services department officer (e.g. director) or similar tribunal or officer.

### **Age of child**

This is the age of the child in completed years at 30 June 2005.

### **Living arrangements**

This category covers the type of living arrangements in which the child spent the night of 30 June 2005. The categories are as follows:

#### *Family care*

Where the child is living either with parents, or with relatives/kin who are not reimbursed including:

- (i) living with parents (natural or adoptive) who are reimbursed by the state/territory for the care of the child
- (ii) living with parents (natural or adoptive) who are not reimbursed for the care of the child
- (iii) living with relatives or kin (other than natural or adoptive parents) who are not reimbursed for the care of the child.

#### *Home-based out-of-home care*

Where the placement is in the home of a carer who is reimbursed for the cost of care of the child including:

- (i) foster care/community care – general authorised caregiver who is reimbursed for the care of the child by the state/territory and supported by an approved agency (excluding relatives/kin who are reimbursed)
- (ii) living with a relative or kin other than parent who is reimbursed by the state/territory for the care of the child
- (iii) other, including private board.

#### *Family group homes*

Where the placement is in a residential building which is owned by the jurisdiction or a funded service and is typically run like a family home. They have a limited number of children who are cared for around-the-clock by resident substitute parents.

#### *Residential care*

Where care is in a facility-based (residential) building whose purpose is to provide placements for children and where there are paid staff.

#### *Independent living*

Where children are living independently, such as those in private boarding arrangements.

#### *Other living arrangements*

Where living arrangements do not fit into the above categories or are unknown.

## **Definitions for out-of-home care**

### **Age of child**

This is the age of the child in completed years at 30 June 2005.

### **Type of placement**

Placement type is divided into four main categories:

#### *Home-based care*

Where placement is in the home of a carer who is reimbursed for expenses for the care of the child including:

- (i) foster care/community care – general authorised caregiver who is reimbursed by the state/territory for the care of the child and supported by an approved agency
- (ii) relative/kinship care – family members other than parents or a person well known to the child and/or family (based on a pre-existing relationship) who are reimbursed by the state/territory for the care of the child
- (iii) other home-based care – including private board.

#### *Family group homes*

Where the placement is in a residential building which is owned by the jurisdiction or a funded service and is typically run like a family home. They have a limited number of children who are cared for around-the-clock by resident substitute parents.

#### *Facility-based care*

Includes care in a facility-based (residential) building whose purpose is to provide placements for children and where there are paid staff. Placements in 'family group homes' are counted as facility-based care.

#### *Independent living*

Where children are living independently, such as those in private boarding arrangements.

#### *Other*

Where the placement type does not fit into the above categories or is unknown.

### **Respite care**

This category covers out-of-home care provided on a temporary basis for reasons other than for child protection – for example, when parents are ill or unable to care for the child on a short-term basis. It does not include emergency care provided to children who have been removed from their homes for protective reasons.

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