

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 the community services department to have continued involvement with the family. The 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.

Only a small proportion of children who are the subject of a substantiation are subsequently placed on a care and protection order. The proportion of children who were the subject of a substantiation in 2002–03, and who were placed on a care and protection order within 12 months, ranged from 14% in South Australia to 71% in Tasmania (Table A1.5). 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).

Community services departments 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 community services 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 the community services department, and the availability of alternative options.

The Children's Court

In most jurisdictions, applications for care and protection orders by the relevant community services 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 not included in this data collection.

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 applied 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 community services department becoming the guardian of the child. More recently, several jurisdictions have introduced options for transferring guardianship to a third party, for example in Victoria using Permanent Care Orders. Under the new legislation introduced in New South Wales, these types of orders concern '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 and the authorised carer 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 community services 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 types of orders vary considerably between states and territories.

Scope of the data collection

The data collection includes data for the 2002–03 financial year on children admitted to and discharged from care and protection orders, orders issued during 2002–03, as well as data on the characteristics of children on orders at 30 June 2003. 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 2003. If a child was on more than one order at 30 June 2003, 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 1996–97 onwards. From 1998–99 onwards, however, the categories for 'type of order' were changed and differ slightly from the categories used before 1998–99, when there was a separate category for administrative and voluntary arrangements between families and the community services departments. From 1998–99 these arrangements are included in the category 'guardianship and custody orders' if they have the same effect as a court order of transferring custody or guardianship.

Data from 1996–97 are not comparable with the data on care and protection orders for the years before 1996–97. From 1996–97, a wider range of orders was included in the data collection. As in all other years, data for children on juvenile justice orders are not included in this data collection. The AIHW is currently developing a national minimum data set for juvenile justice that will enable national reporting.

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'. Western Australian data on care applications that have not yet progressed to full care and protection orders have been included in the category 'interim and temporary orders'.
- New South Wales has court orders that would fit into the category of 'supervisory orders', but was not able to provide data on these orders.
- 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, that 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 2002–03 as well as data on the characteristics of children who were on care and protection orders at 30 June 2003. 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

There were 9,571 children admitted to care and protection orders and arrangements across Australia during 2002–03, only 17 more than in 2001–02 (Table 3.1, AIHW 2003). 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, 2002–03

| | NSW ^(a) | Vic | Qld | WA ^(b) | SA | Tas | ACT | NT ^(c) | Total |
|--------------------------------------|--------------------|-------|-------|-------------------|-----|-----|-----|-------------------|-------|
| Children admitted to orders | 2,989 | 2,605 | 2,081 | 437 | 572 | 437 | 149 | 301 | 9,571 |
| Children admitted for the first time | 1,935 | 1,417 | 1,287 | 429 | 418 | 242 | 94 | n.a. | 5,822 |
| % of all admissions | 65 | 54 | 62 | 98 | 73 | 55 | 63 | n.a. | 61 |
| Children discharged from orders | 2,274 | 2,046 | 1,375 | 218 | 670 | 209 | 102 | 214 | 7,108 |

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

(b) Children on care applications that did not proceed to care orders in the year were also included in this table.

(c) The Northern Territory was unable to provide data on admissions for the first time.

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

Some of the children admitted to orders in 2002–03 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 54% in Victoria to 98% in Western Australia.

Data on the age of children admitted to orders show that 42% of children admitted to orders in 2002–03 were aged under 5 years, with 14% aged less than 1 year (Table 3.2). A further 28% of children admitted to orders were aged 5–9 years, 25% were aged 10–14 years and 6% were aged 15–17 years. 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, 2002–03

| Age (years) | NSW ^(a) | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
|-----------------|--------------------|--------------|--------------|------------|------------|------------|------------|------------|--------------|
| Number | | | | | | | | | |
| < 1 | 414 | 358 | 289 | 91 | 64 | 31 | 6 | 42 | 1,295 |
| 1–4 | 753 | 776 | 616 | 136 | 157 | 134 | 42 | 104 | 2,718 |
| 5–9 | 781 | 690 | 632 | 117 | 183 | 145 | 33 | 68 | 2,649 |
| 10–14 | 839 | 616 | 455 | 79 | 142 | 100 | 56 | 77 | 2,364 |
| 15–17 | 195 | 165 | 89 | 14 | 26 | 27 | 12 | 10 | 538 |
| Unknown | 7 | — | — | — | — | — | — | — | 7 |
| Total | 2,989 | 2,605 | 2,081 | 437 | 572 | 437 | 149 | 301 | 9,571 |
| Per Cent | | | | | | | | | |
| <1 | 14 | 14 | 14 | 21 | 11 | 7 | 4 | 14 | 14 |
| 1–4 | 25 | 30 | 30 | 31 | 27 | 31 | 28 | 35 | 28 |
| 5–9 | 26 | 26 | 30 | 27 | 32 | 33 | 22 | 23 | 28 |
| 10–14 | 28 | 24 | 22 | 18 | 25 | 23 | 38 | 26 | 25 |
| 15–17 | 7 | 6 | 4 | 3 | 5 | 6 | 8 | 3 | 6 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) These data do not include children admitted to supervisory orders.

Children discharged from orders

There were fewer children discharged from care and protection orders in 2002–03 than admitted to these orders. There were 7,108 children discharged from orders compared with 9,571 children admitted to orders (Table 3.1).

A significant proportion of the children discharged from orders had been on an order for 4 years or more. In Western Australia for example, over one-third of children discharged (37%) 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^(a), 2002–03

| 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 | |
| | Number | | | | | | | | |
| New South Wales ^(b) | 873 | 271 | 239 | 199 | 231 | 223 | 126 | 112 | 2,274 |
| Victoria | 2 | 270 | 382 | 656 | 357 | 228 | 93 | 58 | 2,046 |
| Queensland | 357 | 204 | 91 | 84 | 201 | 208 | 95 | 135 | 1,375 |
| Western Australia | — | 6 | 12 | 37 | 37 | 46 | 43 | 37 | 218 |
| South Australia | 306 | 10 | 14 | 247 | 2 | 8 | 24 | 59 | 670 |
| Australian Capital Territory | 65 | 7 | 8 | 9 | 4 | 4 | 5 | — | 102 |
| Northern Territory | 117 | 33 | 12 | 11 | 17 | 18 | 6 | — | 214 |
| Total ^(a) | 1,720 | 801 | 758 | 1,243 | 849 | 735 | 392 | 401 | 6,899 |
| | Per cent | | | | | | | | |
| New South Wales ^(b) | 38 | 12 | 11 | 9 | 10 | 10 | 6 | 5 | 100 |
| Victoria | 0 | 13 | 19 | 32 | 17 | 11 | 5 | 3 | 100 |
| Queensland | 26 | 15 | 7 | 6 | 15 | 15 | 7 | 10 | 100 |
| Western Australia | 0 | 3 | 6 | 17 | 17 | 21 | 20 | 17 | 100 |
| South Australia | 46 | 1 | 2 | 37 | — | 1 | 4 | 9 | 100 |
| Australian Capital Territory | 64 | 7 | 8 | 9 | 4 | 4 | 5 | — | 100 |
| Northern Territory | 55 | 15 | 6 | 5 | 8 | 8 | 3 | — | 100 |
| Total ^(a) | 25 | 12 | 11 | 18 | 12 | 11 | 6 | 6 | 100 |

(a) Data not available from Tasmania.

(b) These data do not include children discharged from supervisory orders.

Orders issued

There were more orders issued during 2002–03 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 2002–03 was 15,290 (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 New South Wales and Queensland, the majority of orders issued were guardianship or custody orders; in South Australia, Tasmania, the Australian Capital Territory and the Northern Territory, 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 Victoria there was 1 child admitted to 1.2 orders issued, and in Tasmania there was 1 child admitted to 3.3 orders issued (Table 3.4). The reason for the high number of orders for each child admitted in Tasmania is 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, 2002–03

| Type of order | NSW ^(a) | Vic | Qld | WA ^(b) | SA | Tas | ACT | NT | Total |
|--|--------------------|--------------|--------------|-------------------|--------------|--------------|------------|------------|---------------|
| Number | | | | | | | | | |
| Guardianship or custody orders/arrangements | 2,100 | 1,110 | 1,904 | 232 | 478 | 619 | 70 | 161 | 6,674 |
| Supervisory orders | n.a. | 1,254 | 174 | .. | .. | 46 | 5 | 8 | 3,017 |
| Interim and temporary orders | 1,530 | 765 | 1,605 | 310 | 1,252 | 766 | 208 | 466 | 5,372 |
| Other/not specified | 227 | — | — | — | — | — | — | — | 227 |
| Total | 3,857 | 3,129 | 3,683 | 542 | 1,730 | 1,431 | 283 | 635 | 15,290 |
| Per cent | | | | | | | | | |
| Guardianship or custody orders/arrangements | 54 | 35 | 52 | b.a. | 28 | 43 | 25 | 25 | 44 |
| Supervisory orders | n.a. | 40 | 5 | n.a. | .. | 3 | 2 | 1 | 20 |
| Interim and temporary orders | 40 | 24 | 44 | 57 | 72 | 54 | 73 | 73 | 35 |
| Other/not specified | 6 | — | — | n.a. | — | — | — | — | 1 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Ratio of children admitted to orders issued | 1.3 | 1.2 | 1.8 | n.a. | 3.0 | 3.3 | 1.9 | 2.1 | 1.6 |

(a) New South Wales could not provide data on children on supervisory orders.

(b) 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.

Trends in the number of children on orders

At 30 June 2003 there were 22,130 children on care and protection orders in Australia (Table 3.5). Between 30 June 2002 and 30 June 2003 the number of children on orders increased by 1,573 (8%). There were increases in the number of children on orders in all jurisdictions.

Since 1997 the number of children on care and protection orders across Australia has increased significantly, rising 41% from 15,718 in 1997 to 22,130 in 2003. Over this 7-year period there were increases in the number of children on care and protection orders in all jurisdictions.

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 2003

| 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 ^(a) | 4,215 | 3,433 | 799 | 1,102 | 520 | 255 | 138 | 16,449 |
| 1999 | 6,948 | 4,358 | 3,609 | 1,019 ^(b) | 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 |

(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 a one-off increase in the numbers.

Sources: AIHW 2003; Table 3.5.

Characteristics of children on care and protection orders

Types of orders

Across Australia the majority (85%) of children who were on care and protection orders at 30 June 2003 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 19% 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 2003

| Type of order | NSW ^(a) | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
|---|--------------------|--------------|--------------|--------------|--------------|------------|------------|------------|---------------|
| Number | | | | | | | | | |
| Guardianship or custody orders/arrangements | 7,873 | 3,650 | 3,831 | 1,338 | 1,287 | 462 | 221 | 233 | 18,895 |
| Supervisory orders | n.a. | 1,209 | 135 | .. | .. | 37 | 13 | 5 | 1,399 |
| Interim and temporary orders | 1,061 | 179 | 141 | 132 | 91 | 101 | 54 | 36 | 1,795 |
| Other/not stated | 41 | — | — | — | — | — | — | — | 41 |
| Total | 8,975 | 5,038 | 4,107 | 1,470 | 1,378 | 600 | 288 | 274 | 22,130 |
| Per cent | | | | | | | | | |
| Guardianship or custody orders/arrangements | 88 | 72 | 93 | 91 | 93 | 77 | 77 | 85 | 85 |
| Supervisory orders | n.a. | 24 | 3 | .. | .. | 6 | 5 | 2 | 6 |
| Interim and temporary orders | 12 | 4 | 3 | 9 | 7 | 17 | 19 | 13 | 8 |
| Other/not stated | — | — | — | — | — | — | — | — | — |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) New South Wales could not provide data on children on supervisory orders.

Age and sex

Almost one-quarter (23%) of all children on care and protection orders at 30 June 2003 were aged under 5 years, although the age profile of children on orders varied considerably by jurisdiction (Table 3.7). The proportion of children on orders who were aged under 5 years ranged from 15% in South Australia to 38% in the Northern Territory. Australia-wide, 16% of all children on orders were aged 15–17 years, although this proportion ranged from 7% in the Northern Territory to 25% in South Australia.

Just over half (51%) of all children on orders at 30 June 2003 were boys (Table A1.6). There were more boys than girls on orders in all jurisdictions except the Northern Territory.

Table 3.7: Children on care and protection orders: by age and state and territory, at 30 June 2003

| Age (years) | NSW ^(a) | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
|-----------------|--------------------|--------------|--------------|--------------|--------------|------------|------------|------------|---------------|
| Number | | | | | | | | | |
| < 1 | 203 | 142 | 109 | 40 | 29 | 27 | 6 | 10 | 566 |
| 1–4 | 1,850 | 1,047 | 767 | 324 | 185 | 123 | 51 | 92 | 4,439 |
| 5–9 | 2,920 | 1,415 | 1,181 | 460 | 343 | 169 | 73 | 77 | 6,638 |
| 10–14 | 2,724 | 1,526 | 1,330 | 458 | 482 | 185 | 118 | 77 | 6,900 |
| 15–17 | 1,263 | 907 | 720 | 188 | 339 | 95 | 40 | 18 | 3,570 |
| Unknown | 15 | 1 | — | — | — | 1 | — | — | 17 |
| Total | 8,975 | 5,038 | 4,107 | 1,470 | 1,378 | 600 | 288 | 274 | 22,130 |
| Per cent | | | | | | | | | |
| < 1 | 2 | 3 | 3 | 3 | 2 | 5 | 2 | 4 | 3 |
| 1–4 | 21 | 21 | 19 | 22 | 13 | 21 | 18 | 34 | 20 |
| 5–9 | 33 | 28 | 29 | 31 | 25 | 28 | 25 | 28 | 30 |
| 10–14 | 30 | 30 | 32 | 31 | 35 | 31 | 41 | 28 | 31 |
| 15–17 | 14 | 18 | 18 | 13 | 25 | 16 | 14 | 7 | 16 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) These data exclude children on supervisory orders.

Living arrangements

At 30 June 2003, 16% of children on care and protection orders were in family care; that is, they were living either with parents or with relatives who were not reimbursed for their care (Table 3.8). Nearly three-quarters (73%) of children on orders were living in home-based out-of-home care, with 40% in foster care and 32% living with relatives and kin who were receiving a payment from the community services department. A further 5% of children were living in residential care, 2% were living independently and 4% were in some other kind of living arrangement. (See Chapter 4 for more information on children in out-of-home care.)

Living arrangements varied somewhat by state and territory (Figure 3.1). Tasmania had a relatively high proportion of children on orders in living with parents and also a relatively high proportion of children in residential care¹. Victoria also had a high proportion of

¹ A significant number of these children were placed in a family group home or a cottage operated by an approved children's home. An average of four children are accommodated in family group home or cottage and care is not rostered but provided by a live-in carer

children on orders living with parents. New South Wales had a relatively high proportion of children living with relatives and kin who were reimbursed.

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 (26%) or in home-based out-of-home care (66%) (Table A1.7). A relatively high proportion of children aged 15–17 years were in residential care (12%) or living independently (8%).

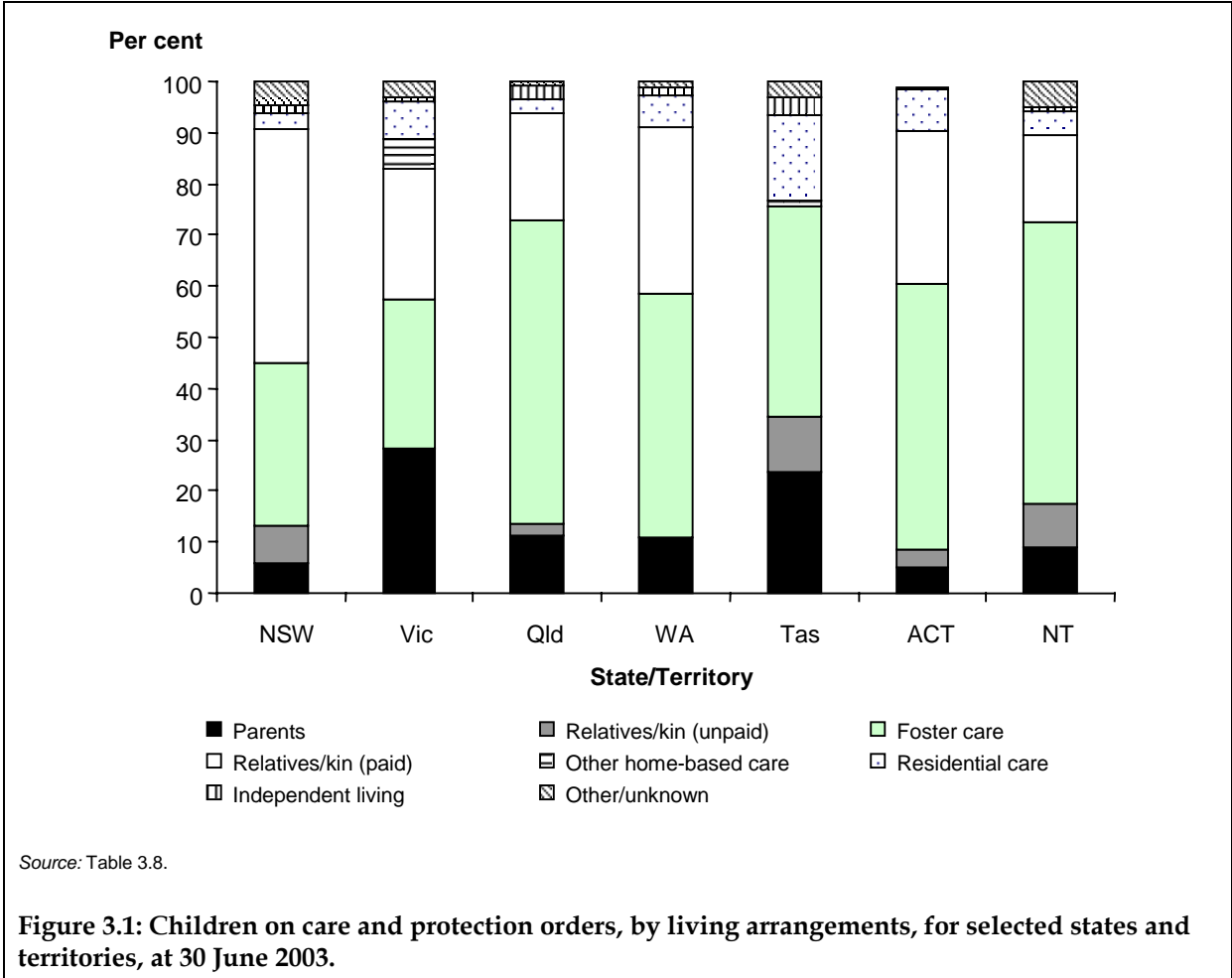


Table 3.8: Children on care and protection orders: living arrangements by state and territory, at 30 June 2003

| Living arrangements | NSW ^(a) | Vic ^(b) | Qld | WA ^(b) | SA ^(c) | Tas | ACT ^(d) | NT | Total |
|-----------------------------------|--------------------|--------------------|--------------|-------------------|-------------------|------------|--------------------|------------|-----------------------------|
| Number | | | | | | | | | |
| Parents | 527 | 1,423 | 465 | 157 | n.a. | 142 | 14 | 24 | 2,752 |
| Relatives/kin ^(e) | 644 | .. | 100 | .. | n.a. | 65 | 11 | 24 | 844 |
| <i>Total family care</i> | <i>1,171</i> | <i>1,423</i> | <i>565</i> | <i>157</i> | <i>n.a.</i> | <i>207</i> | <i>25</i> | <i>48</i> | <i>3,596</i> |
| Foster care | 2,853 | 1,470 | 2,430 | 705 | 846 | 247 | 149 | 151 | 8,851 ^(c) |
| Relatives/kin ^(f) | 4,108 | 1,280 | 861 | 476 | 145 | — | 86 | 46 | 7,002 |
| Other | — | 303 | — | — | — | 7 | 3 | — | 313 |
| <i>Total home-based care</i> | <i>6,961</i> | <i>3,053</i> | <i>3,291</i> | <i>1,181</i> | <i>991</i> | <i>254</i> | <i>238</i> | <i>197</i> | <i>16,166^(c)</i> |
| Residential care | 301 | 368 | 110 | 93 | 40 | 100 | 24 | 13 | 1,049 |
| Independent living ^(g) | 135 | 37 | 113 | 24 | — | 21 | — | 2 | 332 |
| Other/unknown | 407 | 157 | 28 | 15 | 347 | 18 | 1 | 14 | 987 |
| Total | 8,975 | 5,038 | 4,107 | 1,470 | 1,378 | 600 | 288 | 274 | 22,130 |
| Per cent | | | | | | | | | |
| Parents | 6 | 28 | 11 | 11 | n.a. | 24 | 5 | 9 | 12 |
| Relatives/kin ^(e) | 7 | .. | 2 | .. | n.a. | 11 | 4 | 9 | 4 |
| <i>Total family care</i> | <i>13</i> | <i>28</i> | <i>14</i> | <i>11</i> | <i>n.a.</i> | <i>35</i> | <i>9</i> | <i>18</i> | <i>16</i> |
| Foster care | 32 | 29 | 59 | 48 | 61 | 41 | 52 | 55 | 40 ^(c) |
| Relatives/kin ^(f) | 46 | 25 | 21 | 32 | 11 | — | 30 | 17 | 32 |
| Other | — | 6 | — | — | — | 1 | 1 | — | 1 |
| <i>Total home-based care</i> | <i>78</i> | <i>61</i> | <i>80</i> | <i>80</i> | <i>72</i> | <i>42</i> | <i>83</i> | <i>72</i> | <i>73^(c)</i> |
| Residential care | 3 | 7 | 3 | 6 | 3 | 17 | 8 | 5 | 5 |
| Independent living ^(g) | 2 | 1 | 3 | 2 | — | 4 | — | 1 | 2 |
| Other/unknown | 5 | 3 | 1 | 1 | 25 | 3 | — | 5 | 4 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) Data exclude children on supervisory orders.

(b) 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.

(c) South Australia could provide accurate data only on the number of children in residential care and could not separate out children living with relatives or kin. Some children who were in family care and some who were living with relatives/kin who were reimbursed were therefore included in the 'foster care' category.

(d) 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.

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

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

(g) This category includes private board.

Rates of children on care and protection orders

There were 4.6 children per 1,000 children aged 0–17 years on care and protection orders in Australia at 30 June 2003. The rate of children on care and protection orders varied across the states and territories, ranging from 3.0 per 1,000 in Western Australia to 5.6 per 1,000 in New South Wales (Table 3.9). Some of the variation in rates between jurisdictions 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 2003

| At 30 June | NSW ^(a) | 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 ^(b) | 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 |

(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 a one-off increase in the numbers.

Sources: AIHW 2003.

Trends in rates of children on orders

In the period from 30 June 1997 to 30 June 2003, the rate of children aged 0–17 years on orders in Australia increased from 3.3 per 1,000 to 4.6 per 1,000 (Table 3.9). Rates of children on care and protection orders increased in all jurisdictions. The increase in rates between 30 June 1997 and 30 June 2003 was particularly large in New South Wales, where rates increased from 3.7 to 5.6 per 1,000, and the Northern Territory, where rates increased from 1.9 to 4.6 per 1,000.

Aboriginal and Torres Strait Islander children

Number and rates

There were 4,803 Aboriginal and Torres Strait Islander children in Australia on care and protection orders at 30 June 2003 (Table 3.10). Across Australia there were 23.1 Aboriginal and Torres Strait Islander children per 1,000 children aged 0–17 years on care and protection orders. The rate of Indigenous children on orders was 6.1 times higher than the rate for other Australian children.

The rates of Aboriginal and Torres Strait Islander children on care and protection orders varied considerably across jurisdictions. It was highest in Victoria (42.7 per 1,000) and lowest in Tasmania and the Northern Territory (7.3 per 1,000). In all jurisdictions the rate of Indigenous children on orders was higher than the rate for other children. In Victoria the rate for Indigenous children was nearly 11 times the rate for other children and in New South Wales, Western Australia and the Australian Capital Territory it was over 8 times the rate for other children. In the Northern Territory, the rate was nearly 3 times higher.

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 2003

| State/territory | Number of children | | | Rate per 1,000 children | | | Rate ratio Indigenous /other |
|----------------------------------|--------------------|---------------|---------------|-------------------------|------------|------------|------------------------------------|
| | Indigenous | Other | Total | Indigenous | Other | Total | |
| New South Wales ^(a) | 2,265 | 6,710 | 8,975 | 36.4 | 4.3 | 5.6 | 8.4:1 |
| Victoria | 534 | 4,504 | 5,038 | 42.7 | 3.9 | 4.3 | 10.9:1 |
| Queensland | 953 | 3,154 | 4,107 | 16.4 | 3.6 | 4.3 | 4.6:1 |
| Western Australia ^(b) | 509 | 961 | 1,470 | 17.1 | 2.0 | 3.0 | 8.4:1 |
| South Australia | 261 | 1,117 | 1,378 | 22.8 | 3.5 | 3.9 | 6.5:1 |
| Tasmania | 59 | 541 | 600 | 7.3 | 4.9 | 5.1 | 1.5:1 |
| Australian Capital Territory | 48 | 240 | 288 | 27.4 | 3.1 | 3.7 | 8.7:1 |
| Northern Territory | 174 | 100 | 274 | 7.3 | 2.8 | 4.6 | 2.6:1 |
| Australia | 4,803 | 17,327 | 22,130 | 23.1 | 3.8 | 4.6 | 6.1:1 |

(a) These data exclude children on supervisory orders.

(b) During 2001–02 practices were introduced to improve the identification of Indigenous status that resulted in an increase in the number of Indigenous clients.

Notes

1. The Indigenous rates for 2003 were calculated using 2001 Census data. These rates should not be compared with the Indigenous rates published for previous years.
2. For details on coding of Indigenous status, see Appendix 2.

Types of orders

Most (87%) Indigenous children were on guardianship and custody orders or arrangements, with 3% on supervisory orders and 10% on interim or temporary orders (Table 3.11); 85% of other Australian children were on guardianship and custody orders, 7% were on supervisory orders and 8% on interim or temporary orders.

Table 3.11: Children on care and protection orders: type of order, by Indigenous status and state and territory, at 30 June 2003

| Type of order | NSW ^(a) | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
|---|--------------------|--------------|--------------|------------|--------------|------------|------------|------------|---------------|
| Indigenous children | | | | | | | | | |
| | Number | | | | | | | | |
| Guardianship or custody orders/arrangements | 1,958 | 388 | 888 | 459 | 226 | 46 | 39 | 155 | 4,159 |
| Supervisory orders | n.a. | 119 | 24 | .. | .. | 6 | — | 4 | 153 |
| Interim and temporary orders | 292 | 27 | 41 | 50 | 35 | 7 | 9 | 15 | 476 |
| Other/not stated | 15 | — | — | — | — | — | — | — | 15 |
| Total | 2,265 | 534 | 953 | 509 | 261 | 59 | 48 | 174 | 4,803 |
| | Per cent | | | | | | | | |
| Guardianship or custody orders/arrangements | 86 | 73 | 93 | 90 | 87 | 78 | 81 | 89 | 87 |
| Supervisory orders | n.a. | 22 | 3 | .. | .. | 10 | — | 2 | 3 |
| Interim and temporary orders | 13 | 5 | 4 | 10 | 13 | 12 | 19 | 9 | 10 |
| Other/not stated | 1 | — | — | — | — | — | — | — | — |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Other children | | | | | | | | | |
| | Number | | | | | | | | |
| Guardianship or custody orders/arrangements | 5,915 | 3,262 | 2,943 | 879 | 1,061 | 416 | 182 | 78 | 14,736 |
| Supervisory orders | n.a. | 1,090 | 111 | .. | .. | 31 | 13 | 1 | 1,246 |
| Interim and temporary orders | 769 | 152 | 100 | 82 | 56 | 94 | 45 | 21 | 1,319 |
| Other/not stated | 26 | — | — | — | — | — | — | — | 26 |
| Total | 6,710 | 4,504 | 3,154 | 961 | 1,117 | 541 | 240 | 100 | 17,327 |
| | Per cent | | | | | | | | |
| Guardianship or custody orders/arrangements | 88 | 72 | 93 | 91 | 95 | 77 | 76 | 78 | 85 |
| Supervisory orders | n.a. | 24 | 4 | .. | .. | 6 | 5 | 1 | 7 |
| Interim and temporary orders | 11 | 3 | 3 | 9 | 5 | 17 | 19 | 21 | 8 |
| Other/not stated | — | — | — | — | — | — | — | — | — |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(a) New South Wales could not provide data on children on supervisory orders.

Note: For Indigenous coding, refer to Appendix 2.