

# 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 is used to refer 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 2000–01, and who were placed on a care and protection order within 12 months, ranged from 14% in South Australia to 52% 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 States and in the Australian Capital Territory, 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 the following 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 long-term 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, a number of 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 will have 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 2001–02 financial year on children admitted to and discharged from care and protection orders, orders issued during 2001–02, as well as data on the characteristics of children on orders at 30 June 2002. 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 2002. If a child was on more than one order at 30 June 2002, 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 were 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 only issued 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 2001–02 as well as data on the characteristics of children who were on care and protection orders at 30 June 2002. 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 9,554 children admitted to care and protection orders and arrangements across Australia during 2000–01, 258 more than in 2000–01 (Table 3.1, AIHW 2002). 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, 2001–02**

	NSW <sup>(a)</sup>	Vic	Qld	WA <sup>(b)</sup>	SA	Tas	ACT	NT <sup>(c)</sup>	Total
Children admitted to orders	2,874	2,676	2,102	507	557	428	164	246	9,554
Children admitted for the first time	1,977	1,484	993	495	219	196	96	n.a.	5,460
% of all admissions	69	55	47	98	39	46	59	n.a.	57
Children discharged from orders	2,261	1,954	1,230	249	646	180	105	207	6,566

(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 2001–02 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 39% in South Australia to 98% in Western Australia. Jurisdictions with a wider range of care and protection orders, especially short-term orders (such as South Australia and Tasmania) have a lower proportion of children admitted for the first time. This is because variations or upgrades to existing orders are counted as re-admissions rather than admissions for the first time.

Data on the age of children admitted to orders show that 39% of children admitted to orders in 2001–02 were aged under 5 years, with 12% aged less than 1 year (Table 3.2). A further

27% of children admitted to orders were aged 5–9 years, 26% were aged 10–14 years and 7% 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, 2001–02**

Age (years)	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	426	358	205	82	52	17	9	26	1,175
1–4	714	756	595	137	146	102	36	85	2,571
5–9	672	742	636	144	161	114	57	61	2,587
10–14	805	639	552	92	154	128	53	64	2,487
15–17	213	181	114	52	44	67	9	10	690
Unknown	44	—	—	—	—	—	—	—	44
<b>Total</b>	<b>2,874</b>	<b>2,676</b>	<b>2,102</b>	<b>507</b>	<b>557</b>	<b>428</b>	<b>164</b>	<b>246</b>	<b>9,554</b>
<b>Per cent</b>									
<1	15	13	10	16	9	4	5	11	12
1–4	25	28	28	27	26	24	22	35	27
5–9	24	28	30	28	29	27	35	25	27
10–14	28	24	26	18	28	30	32	26	26
15–17	8	7	5	10	8	16	5	4	7
<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) 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 2001–02 than admitted to these orders. There were 6,566 children discharged from orders compared with 9,554 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, nearly one-third of children discharged 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<sup>(a)</sup>, 2001–02**

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 <sup>(b)</sup>	750	282	260	197	245	232	156	139	2,261
Victoria	5	237	351	657	313	256	100	35	1,954
Queensland	249	132	41	82	149	314	132	131	1,230
Western Australia	3	21	20	59	31	34	43	38	249
South Australia	241	6	13	284	9	13	23	57	646
Australian Capital Territory	50	16	9	6	6	8	7	3	105
Northern Territory	109	35	18	8	18	13	4	2	207
<b>Total<sup>(a)</sup></b>	<b>1,407</b>	<b>729</b>	<b>712</b>	<b>1,293</b>	<b>771</b>	<b>870</b>	<b>465</b>	<b>405</b>	<b>6,652</b>
	<b>Per cent</b>								
New South Wales <sup>(b)</sup>	33	12	11	9	11	10	7	6	100
Victoria	—	12	18	34	16	13	5	2	100
Queensland	20	11	3	7	12	26	11	11	100
Western Australia	1	8	8	24	12	14	17	15	100
South Australia	37	1	2	44	1	2	4	9	100
Australian Capital Territory	48	15	9	6	6	8	7	3	100
Northern Territory	53	17	9	4	9	6	2	1	100
<b>Total<sup>(a)</sup></b>	<b>21</b>	<b>11</b>	<b>11</b>	<b>19</b>	<b>12</b>	<b>13</b>	<b>7</b>	<b>6</b>	<b>100</b>

(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 2001–02 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 2001–02 was 14,161 (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, Queensland, Tasmania and the Australian Capital Territory, the majority of orders issued were guardianship or custody orders; in Western Australia, South Australia and the Northern Territory, there were more interim and temporary orders issued than other types of orders.

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, while in Tasmania there was 1 child admitted to 3.2 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 including an Assessment Order, Restraint Order, Interim Order and Voluntary Care Agreement.

**Table 3.4: Care and protection orders issued: type of order and ratio of children admitted to orders issued, by State and Territory, 2001-02**

Type of order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Guardianship or custody orders/arrangements	1,942	1,218	1,836	291	488	854	162	90	6,881
Supervisory orders	n.a.	1,213	130	..	..	65	22	4	1,434
Interim and temporary orders	1,414	747	1,473	346	974	455	45	219	5,673
Other/not specified	173	—	—	—	—	—	—	—	173
<b>Total</b>	<b>3,529</b>	<b>3,178</b>	<b>3,439</b>	<b>637</b>	<b>1,462</b>	<b>1,374</b>	<b>229</b>	<b>313</b>	<b>14,161</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	55	38	53	46	33	62	71	29	49
Supervisory orders	n.a.	38	4	..	..	5	10	1	10
Interim and temporary orders	40	24	43	54	67	33	20	70	40
Other/not specified	5	—	—	—	—	—	—	—	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>	<b>100</b>
<b>Ratio of children admitted to orders issued</b>	<b>1.2</b>	<b>1.2</b>	<b>1.6</b>	<b>1.3</b>	<b>2.6</b>	<b>3.2</b>	<b>1.4</b>	<b>1.3</b>	<b>1.5</b>

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

## Trends in the numbers on orders

At 30 June 2002 there were 20,557 children on care and protection orders in Australia (Table 3.5). Between 30 June 2001 and 30 June 2002 the number of children on orders increased by 640. There were increases in the number of children on orders in all jurisdictions except the Northern Territory.

**Table 3.5: Trends in the number of children on care and protection orders, by State and Territory, at 30 June 1997 to 2002**

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 <sup>(c)</sup>	1,260	453	219	205	19,917 <sup>(c)</sup>
2002	8,229	4,975	3,765	1,384	1,286	463	261	194	20,557

(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.

(c) The data differs from the previous report due to updated figures for Western Australia.

Sources: AIHW 2002; Table 3.6.

Since 1997 the number of children on care and protection orders across Australia has increased significantly, rising 31% from 15,718 in 1997 to 20,557 in 2002. Over this 4-year period there were increases in the number of children on care and protection orders in all jurisdictions except Tasmania and the Australian Capital Territory.

## 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 2002 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 and the Australian Capital Territory, for example, a relatively high proportion of children were on supervisory orders.

**Table 3.6: Children on care and protection orders: type of order, by State and Territory, at 30 June 2002**

Type of order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
Guardianship or custody orders/arrangements	7,096	3,617	3,511	1,266	1,242	397	213	177	17,519
Supervisory orders	n.a.	1,157	106	..	..	23	25	1	1,312
Interim and temporary orders	1,093	201	148	118	44	43	23	16	1,686
Other/not stated	40	—	—	—	—	—	—	—	40
<b>Total</b>	<b>8,229</b>	<b>4,975</b>	<b>3,765</b>	<b>1,384</b>	<b>1,286</b>	<b>463</b>	<b>261</b>	<b>194</b>	<b>20,557</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	86	73	93	91	97	86	82	91	85
Supervisory orders	n.a.	23	3	..	..	5	10	1	6
Interim and temporary orders	13	4	4	9	3	9	9	8	8
Other/not stated	—	—	—	—	—	—	—	—	—
<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) 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 2002 were aged under 5 years, although the age profile of children on orders varied considerably by State (Table 3.7). The proportion of children on orders who were aged under 5 years ranged from 14% in South Australia to 39% in the Northern Territory. Australia-wide, 17% of all children on orders were aged 15 to 17 years, although this proportion ranged from 8% in the Northern Territory to 26% in South Australia.

Just over half (51%) of all children on orders at 30 June 2002 were boys (Table A1.6). There were more boys than girls on orders in all jurisdictions except Victoria and the Northern Territory.



**Table 3.7: Children on care and protection orders: by age and State and Territory, at 30 June 2002**

Age (years)	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Number</b>									
<1	200	164	95	31	23	10	4	9	536
1–4	1,799	1,010	673	312	159	89	41	65	4,148
5–9	2,603	1,421	1,059	411	321	113	89	59	6,076
10–14	2,420	1,475	1,263	429	449	157	93	45	6,331
15–17	1,202	904	675	201	334	92	34	16	3,458
Unknown	5	1	—	—	—	2	—	—	8
<b>Total</b>	<b>8,229</b>	<b>4,975</b>	<b>3,765</b>	<b>1,384</b>	<b>1,286</b>	<b>463</b>	<b>261</b>	<b>194</b>	<b>20,557</b>
<b>Per cent</b>									
<1	2	3	3	2	2	2	2	5	3
1–4	22	20	18	23	12	19	16	34	20
5–9	32	29	28	30	25	25	34	30	30
10–14	29	30	34	31	35	34	36	23	31
15–17	15	18	18	15	26	20	13	8	17
<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) These data exclude children on supervisory orders.

## Living arrangements

At 30 June 2002, 17% 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 42% in foster care and 30% 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 3% 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). Victoria and Tasmania had a relatively high proportion of children on orders in residential care and with parents, while New South Wales had a relatively high proportion of children living with relatives and kin who were reimbursed.

**Table 3.8: Children on care and protection orders: living arrangements by State and Territory, at 30 June 2002**

Living arrangements	NSW <sup>(a)</sup>	Vic <sup>(b)</sup>	Qld	WA <sup>(b)</sup>	SA <sup>(c)</sup>	Tas	ACT <sup>(d)</sup>	NT	Total
<b>Number</b>									
Parents	480	1,559	412	149	n.a.	100	38	15	2,753
Relatives/kin <sup>(e)</sup>	540	..	111	..	n.a.	54	7	13	725
<i>Total family care</i>	<i>1,020</i>	<i>1,559</i>	<i>523</i>	<i>149</i>	<i>n.a.</i>	<i>154</i>	<i>45</i>	<i>28</i>	<i>3,478</i>
Foster care	2,595	1,450	2,197	666	1,256 <sup>(c)</sup>	197	133	119	8,613 <sup>(c)</sup>
Relatives/kin <sup>(f)</sup>	3,860	972	769	400	n.a.	—	57	29	6,087
Other	—	297	—	—	n.a.	10	—	—	307
<i>Total home-based care</i>	<i>6,455</i>	<i>2,719</i>	<i>2,966</i>	<i>1,066</i>	<i>1,256<sup>(c)</sup></i>	<i>207</i>	<i>190</i>	<i>148</i>	<i>15,007<sup>(c)</sup></i>
Residential care	293	473	117	113	30	71	22	7	1,126
Independent living <sup>(g)</sup>	130	34	121	39	n.a.	21	2	2	349
Other/unknown	331	190	38	17	n.a.	10	2	9	597
<b>Total</b>	<b>8,229</b>	<b>4,975</b>	<b>3,765</b>	<b>1,384</b>	<b>1,286</b>	<b>463</b>	<b>261</b>	<b>194</b>	<b>20,557</b>
<b>Per cent</b>									
Parents	6	31	11	11	n.a.	22	15	8	13
Relatives/kin <sup>(e)</sup>	7	—	3	—	n.a.	12	3	7	4
<i>Total family care</i>	<i>12</i>	<i>31</i>	<i>14</i>	<i>11</i>	<i>n.a.</i>	<i>33</i>	<i>17</i>	<i>14</i>	<i>17</i>
Foster care	32	29	58	48	98 <sup>(c)</sup>	43	51	61	42 <sup>(c)</sup>
Relatives/kin <sup>(f)</sup>	47	20	20	29	n.a.	0	22	15	30
Other	—	6	—	—	n.a.	2	—	—	1
<i>Total home-based care</i>	<i>78</i>	<i>55</i>	<i>79</i>	<i>77</i>	<i>98<sup>(c)</sup></i>	<i>45</i>	<i>73</i>	<i>76</i>	<i>73<sup>(c)</sup></i>
Residential care	4	10	3	8	2	15	8	4	5
Independent living <sup>(g)</sup>	2	1	3	3	n.a.	5	1	1	2
Other/unknown	4	4	1	1	n.a.	2	1	5	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) Data excludes 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 only provide accurate data 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 or were reimbursed were therefore included in the 'foster care' category.

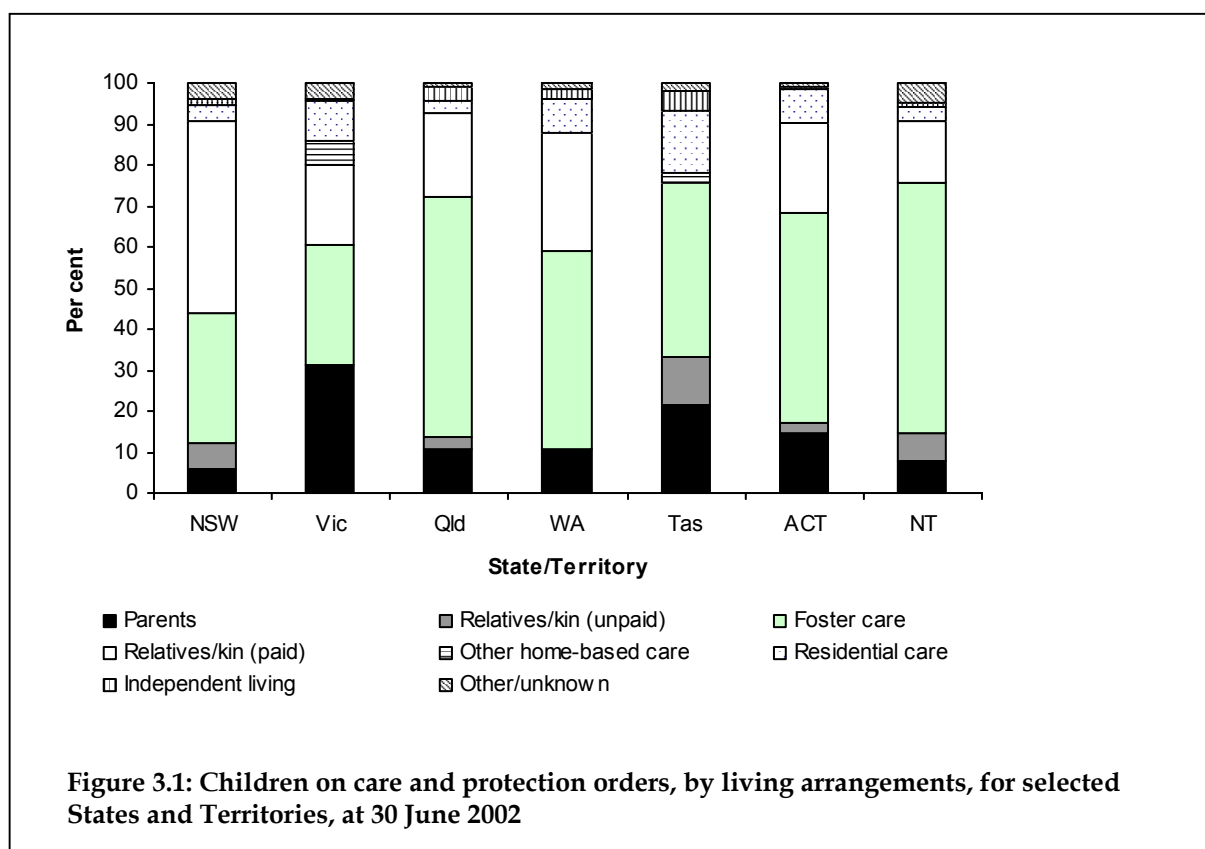
(d) In the Australian Capital Territory the number of children living with relatives/kin in home-based care is likely to be understated, as this information is not available for placements made by a non-government agency.

(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.

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 (29%) or in home-based out-of-home care (66%) (Table A1.7). On the other hand, a relatively high proportion of children aged 15–17 years were in residential care (13%) or living independently (9%).



## Rates of children on care and protection orders

There were 4.3 children per 1,000 children aged 0–17 years on care and protection orders in Australia at 30 June 2002. The rate of children on care and protection orders varied across the States and Territories, ranging from 2.8 per 1,000 in Western Australia to 5.1 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 2002**

At 30 June	NSW <sup>(a)</sup>	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 <sup>(c)</sup>	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

(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.

(c) The data differ from the previous report due to updated figures.

Sources: AIHW 2002; Table 3.10.

## Trends in rates of children on orders

In the period from 30 June 1997 to 30 June 2002, the rate of children aged 0–17 years on orders in Australia increased from 3.3 per 1,000 to 4.3 per 1,000 (Table 3.9). Rates of children on care and protection orders increased in all jurisdictions except Tasmania and the Australian Capital Territory. The increase in rates between 30 June 1997 and 30 June 2001 was particularly large in New South Wales, where rates increased from 3.7 to 5.1 per 1,000, and the Northern Territory, where rates increased from 1.9 to 3.2 per 1,000.

## Aboriginal and Torres Strait Islander children

### Number and rates

There were 4,264 Aboriginal and Torres Strait Islander children in Australia on care and protection orders at 30 June 2002 (Table 3.10). Across Australia there were 20.5 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 5.9 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 (40.6 per 1,000) and lowest in Tasmania (2.8 per 1,000). In all jurisdictions except Tasmania, the rate of Indigenous children on orders was higher than the rate for other children. In Victoria the rate for Indigenous children was over 10 times the rate for other children and in New South Wales it was 8 times 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 2002**

State/Territory	Number of children			Rate per 1,000 children			Rate ratio Indigenous /other
	Indigenous	Other	Total	Indigenous	Other	Total	
New South Wales <sup>(a)</sup>	1,992	6,237	8,229	31.9	4.0	5.1	8.0:1
Victoria	510	4,465	4,975	40.6	3.9	4.3	10.4:1
Queensland	880	2,885	3,765	15.1	3.3	4.0	4.6:1
Western Australia <sup>(b)</sup>	468	916	1,384	15.7	2.0	2.8	7.9:1
South Australia	233	1,053	1,286	20.3	3.1	3.6	6.5:1
Tasmania	23	440	463	2.8	4.0	3.9	0.7:1
Australian Capital Territory	32	229	261	18.1	2.9	3.3	6.2:1
Northern Territory	126	68	194	5.2	1.9	3.2	2.7:1
<b>Australia</b>	<b>4,264</b>	<b>16,293</b>	<b>20,557</b>	<b>20.5</b>	<b>3.5</b>	<b>4.3</b>	<b>5.9:1</b>

(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 2002 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 (89%) Indigenous children were on guardianship and custody orders or arrangements, with 3% on supervisory orders and 8% on interim or temporary orders (Table 3.11). In

comparison, 84% 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 2002**

Type of order	NSW <sup>(a)</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Total
<b>Indigenous children</b>									
<b>Number</b>									
Guardianship or custody orders/arrangements	1,762	377	823	432	221	21	29	112	3,777
Supervisory orders	n.a.	114	20	..	..	—	2	—	136
Interim and temporary orders	223	19	37	36	12	2	1	14	344
Other/not stated	7	—	—	—	—	—	—	—	7
<b>Total</b>	<b>1,992</b>	<b>510</b>	<b>880</b>	<b>468</b>	<b>233</b>	<b>23</b>	<b>32</b>	<b>126</b>	<b>4,264</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	88	74	94	92	95	91	91	89	89
Supervisory orders	n.a.	22	2	..	..	—	6	—	3
Interim and temporary orders	11	4	4	8	5	9	3	11	8
Other/not stated	—	—	—	—	—	—	—	—	—
<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	5,334	3,240	2,688	834	1,021	376	184	65	13,742
Supervisory orders	n.a.	1,043	86	..	..	23	23	1	1,176
Interim and temporary orders	870	182	111	82	32	41	22	2	1,341
Other/not stated	33	—	—	—	—	—	—	—	33
<b>Total</b>	<b>6,237</b>	<b>4,465</b>	<b>2,885</b>	<b>916</b>	<b>1,053</b>	<b>440</b>	<b>229</b>	<b>68</b>	<b>16,293</b>
<b>Per cent</b>									
Guardianship or custody orders/arrangements	86	73	93	91	97	85	80	96	84
Supervisory orders	n.a.	23	3	..	..	5	10	1	7
Interim and temporary orders	14	4	4	9	3	9	10	1	8
Other/not stated	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>	<b>100</b>

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

Note: For Indigenous coding, refer to Appendix 2.