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| When Children Go Missing |
| Fact Sheet for Obtaining Warrants |

## Introduction

This quick reference guide is to support practitioners when children go missing. Such as what to include in an affidavit to obtain a warrant noting that **warrants alone do not locate or keep children safe.** Child Protection and partner agencies should undertake activities to **prevent** child going missing, to **locate** a child who is missing, to **assess and support** them when located. This guide is a snapshot based on information from the Child Protection Manual. Practitioners are encouraged to view the manual for more comprehensive processes and guidance (see the links on page 3).

### Actions for children who go missing

**Take practical action**

****PREVENTION****

* Get to know the child - Listen to them
* Know their triggers and sensitivities
* Know their networks (Peers and family)
* Provide a safe environment
* Ensure the child has a Safety Plan if they go missing and a Behaviour Support Plan.

**Review and repeat if needed**

****LOCATE****

* Call the child
* Look in places you know they frequent
* Check their social media for any hints where they may be or if they are safe
* Contact known associates and other professionals who may work with them or their associates
* Consider alerting Street work Outreach Services
* Lodge a missing person’s report with the police
* Complete a possible contact for AHCPES
* **CONSIDER** a Warrant
* If in residential care, ensure the Overnight Plan is being implemented by the agency
* Complete the Missing Person Template.

ASSESS and SUPPORT

* Return Interviews - Listen – talk with the child to understand their experiences while missing – within 48 hours if possible
* What are their immediate care needs? (e.g. if substance effected or if they have been physically or sexually assaulted)
* Use a positive and proactive approach to behaviour support
* Teach the child what to do in a safe and appropriate way
* Consider what immediate and practical action could be taken to help increase the child’s feelings of safety and empowerment (as detailed in the Behaviour Support Plan). For example:
	+ Engagement - Ensure at least one member of staff with whom they have a good relationship is available;
	+ Consider a circuit breaker or re-engage them with positive activities that they value;
	+ Stabilise placement and ensure a multi-agency, therapeutic response.
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**Assess current well-being**

## Warrants and Affidavits

If a warrant is required as part of the practical action to locate a missing child, an affidavit must be completed. **Determine if a warrant is necessary** with the support and approval of a team manager

Before seeking a warrant consider:

Is the level of risk immediate and significant? Do you have locations the child is known to frequent? Do you need the police to gain entry? Is the child unlikely to come with a member of staff or wait with the police voluntarily if located? What is the benefit of applying for a warrant at any given point in time? How will a warrant assist in finding or keeping a child safe if applied for in the early hours? Should the warrant happen now because of immediacy of risk or could this wait for daytime services who know the child? Have all practical efforts been made and proved unsuccessful?

When completing the affidavit, always consider the history of protective concerns, current risk assessment and recent events and the plan for when the child is found must be developed. It is not enough to say the child needs held for assessment.

Practitioners must always outline the actions already taken and what efforts will continue to occur to locate the child. Determine what will be done to promote safety and to support the child once they are located. These considerations should be detailed in a safety plan and/or behavioural support plan, which ideally, should have been completed with the child and Care Team, and prior to any Secure Care Services (SCS) admission.

Magistrates who consider these affidavits do not have access to additional information and need to be reassured within the affidavit that there are plans in place to support the child and to keep them safe once they are located.

An order to SCS may be necessary and can only be considered in circumstances where the risk of removing a **child’s liberty is commensurate with the risk to the child.** Best efforts must be made to support children to avoid SCS if possible, by being prepared and having plans to mitigate the risk to the child. If SCS is not being sought or not appropriate for a child, this should be addressed directly in the affidavit, so the Magistrate has all the information available to decide an order.

The affidavit constitutes written evidence and is the equivalent to providing sworn verbal evidence in court. **Information provided must be as detailed, updated and accurate** as is expected when giving verbal evidence.

### Remember

* All behaviour happens for a reason. Each child exhibits behaviours that have a purpose or function. Providing positive behaviour support is concerned with a person’s overall wellbeing and consists of making changes for the child including making changes to the environment, reducing triggers that might mean the child leaves placement and developing alternative behaviours
* The children we work with have all experienced trauma, they may have started to go missing in order to cope or stay physically and emotionally safe. Often, they are being exploited and are scared and unable to break the cycle alone
* The language we use when engaging children is key; we need to use non blaming, compassionate and trauma informed language
* Review and update the child’s safety plan regularly. The safety plan may be recorded in the actions table under crisis management
* Good practice is founded in multiservice collaboration and coordination, clinical consultation and relationship-based engagement with the child
* The most powerful actions we can take for a child is listen without judgement, support unconditionally and provide them with consistency and safety.

## Links to the Child Protection Manual for more information

<https://www.cpmanual.vic.gov.au/advice-and-protocols/advice/critical-incidents/missing-children-and-young-people-advice>

<https://www.cpmanual.vic.gov.au/policies-and-procedures/critical-incidents/missing-children-and-young-people>

<https://www.cpmanual.vic.gov.au/policies-and-procedures/children-specific-circumstances/high-risk-youth>

<https://providers.dhhs.vic.gov.au/practice-guide-behaviour-planning-best-support-children-and-young-people-out-home-care>

<https://providers.dhhs.vic.gov.au/behaviour-support-plan-template-out-home-care-services>

<https://www.cpmanual.vic.gov.au/policies-and-procedures/court/warrants/warrants>

<https://www.cpmanual.vic.gov.au/advice-and-protocols/advice/court/legal-processes/childrens-court-search-warrants>

<https://www.cpmanual.vic.gov.au/policies-and-procedures/critical-incidents/missing-persons-report>

**To find out more information about coronavirus and how to stay safe visit**[DHHS.vic – coronavirus disease (COVID-19)](http://www.dhhs.vic.gov.au/coronavirus)  **<https://www.dhhs.vic.gov.au/coronavirus>**

**If you need an interpreter, call TIS National on 131 450**

**For information in other languages, scan the QR code or visit**[DHHS.vic –Translated resources - coronavirus (COVID-19)](https://www.dhhs.vic.gov.au/translated-resources-coronavirus-disease-covid-19) **<https://www.dhhs.vic.gov.au/translated-resources-coronavirus-disease-covid-19>**

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**For any questions
Coronavirus hotline 1800 675 398 (24 hours)
Please keep Triple Zero (000) for emergencies only**

To receive this document in another format phone 1300 651 160 using the National Relay Service 13 36 77 if required, or email Emergency Management Communications <em.comms@dhhs.vic.gov.au>.

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

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Available at: [DHHS.vic – coronavirus disease (COVID-19)](https://www.dhhs.vic.gov.au/translated-resources-coronavirus-disease-covid-19) **<https://www.dhhs.vic.gov.au/coronavirus>**