

Emergency care

Information for placement providers

May 2020

Authority for Child Protection to place a child in emergency care

Attachment: copy of protection application

Emergency placement details

Child/children's name/s: _____

Child/children's date of birth: _____

Court hearing date: _____

Placement location: _____

Placement dates from: _____ to: _____

Child protection practitioner: _____

Office: _____ **Phone:** _____

After Hours contact: _____ **Phone:** _____

Child Protection may make a protection application and place a child in emergency care where it has assessed a child to be in need of protection. An emergency care application allows Child Protection to place a child until the matter is taken before the Children's Court (s.241, *Children, Youth and Families Act 2005*) on the next working day.

During the COVID-19 emergency response period, a bail justice hearing will not be held as this requirement has been suspended by section 600ZA of the *COVID-19 Omnibus (Emergency Measures) Act 2020*.

Child Protection is authorised to place the child in a placement that is considered to be in their best interests and in accordance with s. 242(5) of the Children, Youth and Families Act (see below).

Pending the application for protection being heard before the Children's Court, the child is being placed in your care service, or with you, under s. 242(5) of the Act. This may be in kinship care, out of home care, secure welfare, a hospital, a disability service, or a parent and baby unit.

Whilst the child is in emergency care you have responsibility for the child in your care. The Protection Application by Emergency Care paperwork attached in combination with this authority provides you with the legal authority for the child to remain in your care.

The parents have been, or as soon as practicable will be, informed of this decision and provided with the relevant legal documentation and information as required by law. If the parents seek contact, or try to remove the child from

your care, please contact the child protection practitioner or the After Hours Child Protection Emergency Service, using the contact details provided above, and/or the Police if required to protect the child.

Next steps

A child protection practitioner will be in contact with you or your service regarding the child and future arrangements.

Legislation

Children, Youth and Families Act 2005

(References to the Act are partial references only and are included to provide information specific only to the placement of a child in emergency care following a protection application where no court order exists. Please refer to the Act for legislative detail.)

Section 242 Actions on placing child in emergency care

- (5) Until an application for an interim accommodation order is made to the Court or a bail justice, a child placed in emergency care under section 241 may only be placed—
- (a) in an out of home care service; or
 - (b) if there is a substantial and immediate risk of harm to the child, in a secure welfare service; or
 - (c) in other accommodation approved by the Secretary in accordance with the prescribed criteria (if any).

Part 8.5A Temporary measures in response to COVID-19 pandemic

Section 600ZA Requirements relating to bail justices

- (1) The operation of the following provisions is suspended—
- (a) section 242(3);
 - (b) section 247A(3).
- (2) Sections 269 and 270 have effect as if—
- (a) the references to "a bail justice" in subsections 269(5) and (7) and 270(8) and (9) were omitted; and
 - (b) the references to "24 hours" in subsections 269(5) and 270(8) were references to "one working day".