

Child Safety POLICY

Title: Unaccompanied humanitarian minor wards - delegated powers and functions of guardianship

Policy No: CPD613-2

Policy Statement:

The Department of Communities, Child Safety and Disability Services (the department) may accept the delegated powers and functions of guardianship of a child who is an unaccompanied humanitarian minor ward living in Queensland, from the Minister for the Department of Immigration and Citizenship.

Where these powers and functions are accepted, the department will assume case responsibility for the child and is then responsible for the welfare and supervision of the child.

Services provided to the child and their custodian will aim to ensure that the child's health, education, religious, therapeutic, social and cultural needs are met, as well as ensuring that any other need related to their status as a unaccompanied humanitarian minor ward is met.

The department will undertake case management activities, which includes ensuring the development and review of case plans on an annual basis. The provision of direct case work services to the child and their custodian will be delivered by a departmentally funded non-government service.

Financial responsibility for the child residing with a custodian will be shared between the Department of Immigration and Citizenship (through the payment of the maintenance allowance to the custodian for a child who is under 16 years of age), the custodian for the child (where applicable) and the department (through the payment of support related costs).

Principles:

- Services provided to, and decision making for the child will be culturally sensitive, recognising the wellbeing, safety and best interests of the child as the primary consideration.
- The child's dignity will be preserved in accordance with the United Nations Convention on the Rights of the Child.
- Wherever possible, the child will be supported to reside in a care environment that offers stability and security and is able to ensure that their health, education, religious, therapeutic, social and cultural needs are met.
- The child has the right to be consulted about decisions affecting their life and the child, where appropriate to their age and level of maturity, and their custodian, (where applicable) will be provided with appropriate services and supports to enable their participation in decision-making relating to the child.

- Accredited interpreters will be engaged, as required, to ensure effective communication with a child and their custodian.

Objectives:

The policy aims to ensure that a child who is an unaccompanied humanitarian minor ward, for whom the department has accepted the delegated powers and functions of guardianship, has their needs met through the provision of high quality culturally sensitive services and decision making which recognises their unique status.

Scope:

The policy outlines the responsibilities and service delivery arrangements for the welfare and supervision of unaccompanied humanitarian minor wards for whom the department has accepted the delegated powers and functions of guardianship of the child.

Roles and Responsibilities:

The Department of Immigration and Citizenship, under the *Immigration (Guardianship of Children) Act 1946*, automatically assumes guardianship responsibility of unaccompanied humanitarian minor wards and is responsible for assessing the suitability of the child's custodian and for the appointment of the custodian.

The Minister for Immigration and Citizenship will formally request that the department accepts the delegated powers and functions of guardianship of the child and the department will formally respond to the Minister for Immigration and Citizenship either accepting or refusing to accept the delegated powers and functions of guardianship of the child.

The Manager, Adoptions and Specialist Support Services, Operations, is responsible for the co-ordination and oversight of the provision of case management services, including financial and case related decision making for the child for whom the department has accepted the delegated powers and functions of guardianship.

The designated Adoption and Specialist Support Services' team leader and professional officers are responsible for the provision of case management services to the child, including ensuring the development and review of the child's case plan, which is focused on meeting any assessed needs of the child.

The Department of Immigration and Citizenship and the department jointly fund a non-government organisation to provide case work services to the child and their custodian.

Child Safety Service Centre staff who have contact with the child will liaise with the designated Adoption and Specialist Support Services' team leader and professional officers or the Manager, Adoptions and Specialist Support Services, Operations to coordinate the response.

Authority:

Immigration (Guardianship of Children) Act 1946 (IGOC) Act)

Immigration (Guardianship of Children) Regulations 2001

Immigration (Guardianship of Children) Delegation

Child Protection Act 1999

United Nations Convention on the Rights of the Child (UNCRC)

United Nations Convention of Refugees

Memorandum of Understanding between Department of Family and Community Services and Department of Immigration and Ethnic Affairs regarding Refugee Minors without Parents in Australia and their Caregivers (MOU with the Commonwealth (1996))

Delegations:

Director-General, Department of Communities, Child Safety and Disability Services

Executive Director, Operations

Director, Child Safety Specialist Support Services, Operations

Manager, Child Safety After Hours Service Centre, Operations

Manager, Adoptions and Specialist Support Services, Operations

Records File No.: CHS/19268

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Date of operation: 24 January 2013

Date to be reviewed: 15 January 2016

Office: Department of Communities, Child Safety and Disability Services

Help Contact: Child Protection Development

Links:

Procedures

Practice Guide - Unaccompanied Humanitarian Minor Wards

Related Policies

Unaccompanied humanitarian minor wards – support related costs (614)

Strategic Context

2012-2016 Strategic Plan

Related Legislation or Standard

Immigration (Guardianship of Children) Act 1946 (IGOC) Act)

Immigration (Guardianship of Children) Regulations 2001

Immigration (Guardianship of Children) Delegation

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Related Government Guidelines or Policy

Not applicable

Forms, Standard Letters or Memorandum

Not applicable

Rescinded Policies

613-1 Unaccompanied humanitarian minor wards for whom the Department of Communities has accepted the delegated powers and functions of guardianship

Margaret Allison

Director-General