

Youth detention centre OPERATIONAL POLICY

Title: YD-1-14 Youth detention – Accommodating a child with their parent in youth detention

Policy statement

The department will support a young person having their child live with them in youth detention if it is assessed as being in the child's best interests and aligns with operational requirements.

The department will ensure that if a child is approved to live with their parent in a youth detention centre (YDC), they are provided with a safe environment and the resources that allow the young person to provide all necessary care for the child, respecting and promoting the human rights of both the parent and child.

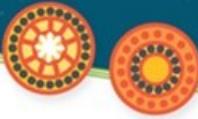
The department will provide a parent, who has a child living with them in a YDC, with a safe, rehabilitative environment that integrates them as much as possible into the structured day (taking into account exceptions associated with maintaining their health and wellbeing, and that of their child).

Principles

1. General principles

The following overarching principles apply to a young person who has, or has requested to have, their child live with them in a YDC:

- 1.1 The best interests of the child are paramount in determining whether a child should live with their parent in a YDC. Implicit in this decision is the consideration of:
 - the YDC environment
 - whether it is in the child's best interest to live in a YDC
 - whether the YDC is able to cater and facilitate for all of the child's safety and wellbeing needs.
- 1.2 The young person, as the parent, has the right to make informed medical choices about their child (including decisions relating to their pregnancy and childbirth).
- 1.3 Access to medical information and treatment for the young person and their child will be facilitated by the YDC.
- 1.4 If the young person is approved to have their child live with them in youth detention, the young person will be responsible for the daily care and safety of the child.
- 1.5 The care and management of the young person and their child will be guided by an individualised care and management plan that will be reviewed on an ongoing basis.
- 1.6 The usual care, management and observation practices will apply to the young person and their child unless a risk-based assessment indicates otherwise.
- 1.7 Detention youth workers nominated by the young person may help with some minor care of the child if the young person is unable to attend to the child (e.g. hygiene breaks, participation in programs).



1.8 Contact will be supported between the child and their other parent and family as appropriate (including where the child's other parent lives within the YDC). The usual visit rules will apply.

2. Information to be provided to parents in youth detention

2.1 The young person will be provided with information outlining:

- their care and management in a YDC
- how to request to have their child live with them in a YDC
- care arrangements for their child, if their child is approved to live with them in a YDC
- how to appeal any decisions relating to their child living with them in a YDC.

3. Decision making about a parent and their child in youth detention

3.1 The caseworker will prepare a report for the executive director (ED) addressing a young person's request to have their child live with them in a YDC. This will be informed by a psychological assessment of the young person.

3.2 The young person will be asked to sign a written agreement which demonstrates their understanding and willingness to comply with:

- the ways that they will be able to exercise their parental responsibility and care of their child
- the centre rules that they will be required to adhere to, or be excused from, while fulfilling this responsibility.

3.3 The ED will be responsible for deciding whether to approve a request for the young person to have their child live with them in a YDC.

3.4 This decision will be informed by consideration of:

- human rights considerations for both the parent and child, including:
 - right to protection without discrimination that is in the child and young person's best interests
 - right to protection of family
 - right to respect and dignity
 - right to education and health services
- previous history and behaviour of the young person (if known)
- capacity of the young person to safely care for their child
- young person's willingness and interest in assuming primary care of their child
- young person's understanding and willingness to comply with the centre rules which prescribe how they will be able to care for their child
- alternative care options for the child that may otherwise apply, including the willingness and capacity of the other parent or family members to care for the child
- Child Safety feedback in collaboration with the multidisciplinary team. Child Safety will hold decision-making authority in instances where the young person or the young person's child is in the care of Child Safety (this may require an assessment of the proposed accommodation arrangements before endorsement).

3.5 Decisions about separating a child from their parent's care after a period of living together in a YDC (either permanently or temporarily) will be guided by the child's best interests. This decision will be made by the ED.

3.6 The ED will consult with a range of stakeholders when making decisions about young people having their child live with them in a YDC, including:

- the young person
- the young person's family, community or other advocates as relevant
- the multidisciplinary team
- cultural representatives and stakeholders
- Queensland Health representatives
- Education Queensland representatives.



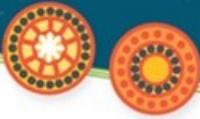
4. Care and management of a parent and their child

- 4.1 A care and management plan will be established for both the young person and their child.
- 4.2 The care and management plans will be individualised to meet the unique needs of the young person and their child. It will be developed by the multidisciplinary team and approved by the ED.
- 4.3 The care and management plans will form the basis of all decision making for the young person and their child and will address the:
- health and wellbeing needs of the individual, including (but not limited to):
 - birth planning
 - antenatal/postnatal classes
 - breastfeeding arrangements
 - dietary requirements
 - medical appointments and requirements
 - accommodation arrangements, noting the appropriateness of independent living arrangements
 - appropriate clothing and other essential items
 - structured day participation for the young person, taking into consideration their capacity to participate due to pregnancy or parenting responsibilities
 - daily arrangements for the young person's child, including the suitability of age-appropriate socialisation such as play groups and child care
 - movement control, including one on one escorts as required
 - incident management for the young person, noting that physical interventions should be avoided at all times if possible for a pregnant young person
 - behaviour management for the young person, noting that access to their child must not be used as a consequence for adverse behaviour
 - self-harm risk assessments and management
 - family contact, including where the child's other parent lives within the YDC
 - access to appropriate mentors and cultural supports
 - persons permitted by the young person to care for the child in the event that the young person is unable to attend to the child (i.e. for hygiene breaks etc.)
 - processes for facilitating the young person's court appearances, including use of video links where possible
 - transition planning from youth detention with key stakeholders (i.e. youth justice and child safety), including appropriate supports and referrals.

4.4 The care and management plans must be managed as dynamic documents that should be reviewed on a regular basis, in accordance with the evolving needs of the young person or their child. This will occur in conjunction with the young person's case plan.

5. Identification and management of harm to a child

- 5.1 If any harm, or risk of harm, to the young person's child is identified, detention youth workers must seek to remove the risk in the first instance, if possible. Alternatively the child must be removed from the potentially harmful situation. If a detention youth worker must pick up an infant, they must ensure that one hand is placed firmly behind the infant's head in support and the other hand is place behind the torso before lifting the infant into their arms.
- 5.2 Immediate medical assessment and treatment must be sought if there is harm or suspected harm to the young person's child.
- 5.3 The event is to be reported as an incident (the incident can be reported confidentially if required) and the reporting of harm will be managed in accordance with youth detention policy YD-3-9: Identifying and reporting harm in a youth detention centre.



5.4 The ED, deputy director (DD) or assistant director (AD) will determine what actions are required in response to the incident and to ensure any potential re-occurrences are prevented. Actions and responses that can be taken include (but are not limited to):

- determining the immediate safety needs of the child
- assessing ongoing risk to the child and taking appropriate measures to ensure no further harm occurs, including consideration of the appropriateness of removing the child from the young person's care on a temporary or permanent basis
- ensuring that if further referrals or investigations are required this is completed, including a referral to Child Safety
- ensuring the young person's caseworker provides increased support for the young person and child as long as it is required.

6. Complaints management

- 6.1 The young person has the right to make a complaint at any time in relation to any decision made about, or the care and management of their child.
- 6.2 Complaints will be managed in accordance with the complaints management process outlined in youth detention policy YD-1-9: Complaints management.
- 6.3 The department will ensure the requirements of the *Human Rights Act 2019* are considered and embedded into all aspects of the complaints process.
- 6.4 The department will ensure all complaints that relate to an allegation or suspicion of the human rights standards will be provided to the Queensland Human Rights Commission (QHRC) in the department's annual report, in accordance with section 97 of the *Human Rights Act 2019*

7. Reporting responsibilities

- 7.1 If a young person gives birth while in detention, any formal documentation completed by YDC staff relating to the birth of the child must not state that the young person was in detention at the time of birth, or any details that might allow this to be inferred. When providing details of the address of the young person, the city or town should be referred to (e.g. Wacol, Brisbane).
- 7.2 In addition to general record keeping requirements for all young people in youth detention, the following specific record keeping requirements apply:
 - medical information relevant to the daily care and management of the young person and their child (including a young person's pregnancy) should be recorded in a medical memo in DCOIS
 - dietary and medical requirements for the young person and their child (if relevant) should be recorded as a medical restriction in DCOIS
 - the young person and their child should be recorded as not to share in DCOIS
 - the care and management plan for the young person and their child must be dated and uploaded as an attachment in ICMS and DCOIS
 - the young person's child should be included in population counts and observations.

Objectives

This policy aims to provide guidelines for the operational management of a young person who has, or is seeking to have, their child live with them in a YDC. This policy also provides a framework for the care, management, and considerations required for both child and parent accommodated in youth detention, including the protection and promotion of rights per the *Human Rights Act 2019*.

Scope

This policy applies to all young people who have, or are seeking to have, their child live with them in a YDC when they have been refused bail, are remanded in custody or sentenced to detention.



This policy is to be read in conjunction with:

- Chapter 1: Care and management of young people, Youth Detention Centre Operations Manual
- Chapter 2: Admission, external movement, transfer and release, Youth Detention Centre Operations Manual
- Chapter 3: Incident management, Youth Detention Centre Operations Manual
- Chapter 4: Security management, Youth Detention Centre Operations Manual.

The suite of policies that underpin the manual are also relevant.

Roles and responsibilities

- Chief cook and kitchen staff:
 - ensure dietary requirements of the young person and their child are catered for in prepared meals and snacks.
- Client relations manager or advisor:
 - review and respond to all complaints made by, or in regard to, the young person or their child.
- Director, Statewide Intel and Secure Services Support:
 - review and update this policy as required
 - provide practice advice to support compliance with this policy.
- ED:
 - decide whether to approve a request for the young person to have their child live with them in a YDC
 - decide whether to separate a child from their parent in a YDC (either permanently or temporarily)
 - oversee, review and approve care and management plan for the young person and their child
 - ensure all YDC operational staff are competent and compliant in accordance with this policy.
- Hospital and Health Service staff:
 - ensure the medical needs of the young person and their child are assessed and attended to on a regular basis, and as required.
- Multidisciplinary team:
 - provide general and therapeutic support to the young person in line with their care and management plan and their case plan
 - help decide whether to approve an application for the young person to have their child live with them in a YDC
 - help decide whether to separate a child from their parent in a YDC (either permanently or temporarily)
 - develop, review and endorse (where relevant) the care and management plan for the young person and their child
 - liaise with internal and external stakeholders, including Child Safety to ensure the needs of the young person and their child are met both in detention and in preparation for release
 - liaise with Services Australia to ensure available financial payments are provided to the young person on release.
- Psychologist:
 - complete any required psychological assessments.



- Section supervisors:
 - monitor the young person and their child
 - record observations
 - attend care and management planning; ensure the young person does not participate in programs or activities that contravene their care and management plan.
- YDC operational staff:
 - ensure compliance with this policy and the care and management plan for the young person and their child.

Authority

Youth Justice Act 1992

Youth Justice Regulation 2016

Delegations

Position	Delegation
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Director, Youth Justice Regional Operations Director, State-wide Intel and Secure Services Support	<i>Youth Justice Act 1992 Section 263(2) – Issue directions, codes, standards and guidelines for the security and management of detention centres and the safe custody and wellbeing of children in detention.</i>
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Director, Learning and Development Principal Inspector	<i>Youth Justice Act 1992 Section 263(4) – Inspect and monitor operation of detention centre.</i>
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre Deputy Director, Youth Detention Centre Assistant Director, Youth Detention Centre Director, Youth Justice Regional Operations Director, State-wide Intel and Secure Services Support	<i>Youth Justice Act 1992 Section 263(5) – Comply with youth justice principles.</i>
Deputy Director-General Assistant Chief Operating Officer Senior Executive Director Executive Director, Youth Detention Centre	<i>Youth Justice Act 1992 Section 280 – Child of detainee may be accommodated in detention centre.</i>

Definitions

For the purpose of this policy, the following definitions shall apply:

Term	Definition
Child	A person who has not turned 18 years of age. Individual case- by-case assessment will need to occur for each young person requesting approval for their child to live in a YDC with them.
DCOIS	Detention Centre Operational Information System.



Dynamic risk assessment framework	Refer to chapter 3: Incident management, Youth Detention Centre Operations Manual.
Multidisciplinary team	Refers to client services at BYDC and CYDC and the therapeutic response team at WMYDC. These teams include therapeutic staff such as caseworkers, psychologists and cultural experts.

Human rights compatibility statement

Youth Justice is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), Youth Justice has an obligation to act and make decisions in a way that is compatible with and properly considers human rights. When making a decision about the care and management of young people, decision-makers must comply with that obligation.

Multicultural Queensland Charter

Youth Justice supports the [Multicultural Queensland Charter](#), established under the *Multicultural Recognition Act 2016* (Qld). The Charter seeks to promote Queensland as a unified, harmonious and inclusive community.

Child safe standards

The Royal Commission into Institutionalised Responses to Child Sexual Abuse developed several national [child safe standards](#) for institutions and organisations working with children. Youth Justice is cognisant of these standards when considering operational practice guidelines and service delivery in community and youth detention centres.

State disability plan

Youth Justice will work with our partners to build a fairer, more inclusive Queensland where people with a disability, their families and carers are able to access the same opportunities, on the same basis as everyone else. We will take actions to progress the priorities of the [All Abilities Queensland: opportunities for all](#) state disability plan and support improved access to services for Queenslanders with disability.

Feedback and reflective practice

Youth Justice recognise that best practice is a constantly evolving process. The Youth Justice Framework for Practice posits that our values guide us in all aspects of our work, including a departmental commitment to continuous improvement and effectiveness. All Youth Justice staff are encouraged to provide feedback about operational policy and procedure to inform routine review of our work to maintain a high standard of service delivery. Please make your views known through your management team or by emailing YDCPracticeEnquiries@youthjustice.qld.gov.au.



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Approved by: 1.0 Assistant Director-General (22 April 2015)

1.1 Director, Practice, Program and Design (14 March 2017 – minor edits due to changes in names of roles and teams)

1.2 Director, Practice, Program and Design (16 November 2017)

1.3 Director, Secure Services Operations and Practice (20 December 2019)

1.4 Director, Statewide Intel and Secure Services Support (22 July 2022)

Date of operation: 22 April 2015

Date to be reviewed: 3 years from date of approval

Office: Statewide Intel and Secure Services Support

Help contact: Secure Services Support
YDCPracticeEnquiries@cyjma.qld.gov.au

Communication strategy:

- publish on intranet
- publish on internet
- advise staff to read
- supervisors discuss with direct reports

Links:

[Australasian Youth Justice Administrators \(AYJA\) service standards for juvenile custodial facilities](#)

[Human Rights Act 2019](#)

[Queensland Human Rights Commission](#)

[United Nations Rules for the Protection of Young People Deprived of Their Liberty 1990](#)

Youth Detention Centre Operations Manual

Youth Justice delegations

Youth Justice policies

Bob Gee
Director-General