Interstate Checklist - Outbound

Quick Reference Guide for Caseworkers

The below checklist is designed as a quick reference guide for DCJ and FSP caseworkers who are case managing child/ren that are moving or are residing interstate or in New Zealand.

There are a number of complexities that cannot be covered in a checklist, so this document should be used by caseworkers as a reference guide only. If you require more detailed advice or have case-specific questions, please contact the Interstate Liaison team via their duty line **02 9716 3077** or interstate.liaison@facs.nsw.gov.au.

# **Steps to complete when a placement is located interstate or in NZ:**

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| **Interstate Placements** |
|  | Approx. Time Frame | Completed |
| **1** | Complete NSW and interstate probity checks | 1 – 2 weeks | Y [ ]  N [ ] Y [ ]  N [ ]  Y [ ]  N [ ]  Y [ ]  N [ ]  |
| * Complete National Police Criminal Record Check (iASK) on the prospective carers (consent required)
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| * Complete [Interstate Child Protection check](https://caseworkpractice.intranet.facs.nsw.gov.au/__data/assets/word_doc/0003/334452/Interstate-Request-for-Information-form.docx)s on the prospective carers residing or who have resided interstate or in NZ (consent required)
* Complete a NSW Chapter 16A check on prospective carers residing or have resided in NSW
 |
| **2** | Complete carer assessment to NSW standards by [requesting a Placement Assessment](https://caseworkpractice.intranet.facs.nsw.gov.au/__data/assets/word_doc/0005/334454/Interstate-or-New-Zealand-Request-for-Permanent-Placement-Assessment.docx) be completed by an interstate child protection department (contact Interstate Liaison for more information).***Note:*** It is best practice to engage the interstate child protection department to complete the assessment as this can affect the transfer process if they disagree with a placement assessment completed externally to their department.All assessments in NZ must be conducted by a NZ departmental officer. Please submit a placement assessment request for any NZ related matters. | 8 weeks | Y [ ]  N [ ]  Y [ ]  N [ ] Y [ ]  N [ ]  |
| Complete NSW WWCC  |
| Authorise Carers – including completion of relevant training |

# **Steps to complete when a child is placed interstate or in NZ:**

Casework Assistance should be requested as soon as a child or young person whom the DCJ has an open plan with moves interstate. For example when:

* NSW authorised carers intend to move interstate, or;
* Carers who reside interstate are authorised as per the above process.

**NOTE:** Casework assistance is general monitoring and supervision of the placement (e.g. home visits). As DCJ still holds all case management responsibilities, the DCJ caseworker is still expected to keep in regular contact with the carer and child/young person remotely, and monitor any education, health or support services in place, as well as seek documentation of casework assistance tasks completed by interstate workers.

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| **Interstate Casework** |
| **3** | Has [Permission to Move a Child in OOHC Interstate](https://www.facs.nsw.gov.au/__data/assets/word_doc/0006/634326/Template-Permission-to-Move-a-Child-in-OOHC-Interstate.docx) from the DCJ Principal Officer/Director Community Services/Director Operations (or above) been received? Refer to the [Guidelines to grant permission for child/ren to move interstate](https://www.facs.nsw.gov.au/download?file=634322) for more information |  | Y [ ]  N [ ]  |
| **4** | Has an interstate Request for Casework Assistance be sent to Interstate Liaison? The request should be sent as soon as the child/young person moves interstate. This request must include:* The completed [casework assistance request form](https://caseworkpractice.intranet.facs.nsw.gov.au/__data/assets/word_doc/0008/334457/Interstate-or-New-Zealand-Request-for-Casework-Assistance.docx)
* Contingency plan in case of placement breakdown.
* An up to date case plan reflecting the interstate placement and interstate supports
* A CALD or Aboriginal cultural plan/consultation (where applicable)
* Copy of carer assessment (where relevant)
 | 6 weeks | Y [ ]  N [ ]  |

# **Transferring a Child’s Care Order interstate or to New Zealand:**

Transfer of order should be considered for child/ren where it is anticipated that a Parental Responsibility to the Minister order will be in place for at least 18 months.

Please refer to the [Permanency Case Management Policy – Rules and Practice Guidance](https://www.facs.nsw.gov.au/providers/children-families/deliver-psp/permanency-case-management-policy/rules-and-practice-guidance/chapters/case-planning-for-permanency-and-wellbeing) for more information regarding permanency goals for NSW child/ren in OOHC residing interstate.

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| **Transfer Pre-Conditions** |
| **5** | Has the carer been assessed for guardianship within the last 12 months?Under the [Permanency Support Program](https://www.facs.nsw.gov.au/families/permanency-support-program/permanency-case-management-policy), has long-term PRM been identified as the best permanency goal for the child? |  | Y [ ]  N [ ] Y [ ]  N [ ]  |
| **6** | Is the order transferrable? (e.g. compatible with an order in the other jurisdiction with no notations or contact orders attached).Contact Interstate Liaison or the Child Law team to discuss and seek confirmation if required |  | Y [ ]  N [ ]  |
| Has the S82 report been completed? | Y [ ]  N [ ]  |
| Do the names on the orders match the birth certificate? | Y [ ]  N [ ]  |
| Has casework assistance been in place for 3-6 months? | Y [ ]  N [ ]  |
| Is the placement stable and appropriate? | Y [ ]  N [ ]  |
| Are there respite needs? Are there potential respite carers interstate? If yes, contact Interstate Liaison to discuss options and next steps. | Y [ ]  N [ ]  |
| Is the carer aware they will need to be assessed and authorised by the interstate Child Protection department?Is the carer aware there may be changes to carer payments and contact arrangements once the order is transferred? | Y [ ]  N [ ]  Y [ ]  N [ ]  |
| Is the child and parent/relatives aware there may be changes to contact arrangements once the order is transferred? | Y [ ]  N [ ]  |
| Has case management returned to DCJ if previously managed by an NGO?If no, has an agreement been reached by the DCJ district Principal Officer/Director Community Services/Director Operations, Interstate Liaison and the receiving State? | Y [ ]  N [ ] Y [ ]  N [ ]  |
| Has [Permission to Move a Child in OOHC Interstate](https://www.facs.nsw.gov.au/__data/assets/word_doc/0006/634326/Template-Permission-to-Move-a-Child-in-OOHC-Interstate.docx) from the DCJ district Principal Officer/Director Community Services/Director Operations for indefinite move has been received (as per step 3)?  | Y [ ]  N [ ]  |
| Is the Carer assessment current (within the last 24 months)? | Y [ ]  N [ ]  |
|  | Has the child’s case plan been updated to reflect the interstate placement and supports interstate? |  | Y [ ]  N [ ]  |

# **Compiling the documents required for the transfer bundle:**

While the caseworker is working towards meeting the transfer pre-conditions, they can speak with Interstate Liaison Officer about starting to compile the documents required for the transfer request and bundle to send interstate.

Once the pre-conditions are met and the transfer request and bundle has been sent interstate, the transfer process can take from 9-12 months. Interstate Liaison is able to assist and answer questions about documentation and transfer requirements throughout this process.

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| **Transfer Bundle** |
| **7** | Will the transfer be an Administrative Transfer or Judicial Transfer?Contact Interstate Liaison for a copy of the *Determination of Administrative Transfer or Judicial Transfer Factsheet* |  | Admin [ ] Judicial [ ]  |
| **For Administrative Transfer Only** |
| Has the [Request for Administrative Interstate Transfer of NSW Care Orders form](https://caseworkpractice.intranet.facs.nsw.gov.au/download?file=334440https://caseworkpractice.intranet.facs.nsw.gov.au/download?file=334440) been completed and signed by Caseworker and Manager Casework? |  | Y [ ]  N [ ]  |
| Has the [Administrative Transfer of Care Order](https://caseworkpractice.intranet.facs.nsw.gov.au/__data/assets/word_doc/0019/334450/Administrative-Transfer-of-Care-Order.doc) form completed and signed by Manager Client Services? |  | Y [ ]  N [ ]  |
| Has the following forms been completed?* [Consent by the parent or person with PR to transfer of Care Order](https://caseworkpractice.intranet.facs.nsw.gov.au/__data/assets/word_doc/0005/334418/Consent-by-parent-or-person-with-PR-to-transfer-Care-Order.doc) (if not residing in receiving state)
* [Notice to parent or person with PR of transfer of Care Order](https://caseworkpractice.intranet.facs.nsw.gov.au/download?file=334448)
* [Fact Sheet for parents](https://caseworkpractice.intranet.facs.nsw.gov.au/__data/assets/pdf_file/0018/334008/Interstate-transfer-of-child-protection-orders-including-New-Zealand-information-for-parents-and-people-with-PR.pdf)

If the natural parent’s consent cannot be obtained, has the [Statement of attempts to locate parents](https://caseworkpractice.intranet.facs.nsw.gov.au/download?file=411168) been completed and signed by the Manager Client Services? |  | Y [ ]  N [ ]  Y [ ]  N [ ]  Y [ ]  N [ ]  Y [ ]  N [ ]  |
| Is the cyp 12 years and over, or of an age when they can communicate their views to the transfer?If yes, has the following forms been completed?* [Factsheet information for young persons](http://caseworkpractice.intranet.facs.nsw.gov.au/__data/assets/pdf_file/0012/334020/Interstate-transfer-of-child-protection-orders-including-New-Zealand-information-for-children-and-young-people.pdf)
* [Notice to child of transfer of care order](http://caseworkpractice.intranet.facs.nsw.gov.au/__data/assets/word_doc/0020/334451/interstate_transfer_03.doc)
* [S231C(1) Certificate – child has had opportunity to seek legal advice](http://caseworkpractice.intranet.facs.nsw.gov.au/__data/assets/word_doc/0003/334434/s231C1-Certificate-child-has-had-opportunity-to-seek-legal-advice.doc)
 |  | Y [ ]  N [ ]  Y [ ]  N [ ]  Y [ ]  N [ ]  Y [ ]  N [ ]  |
| Has the [Transfer of Care Order can proceed expiry of appeal period](https://caseworkpractice.intranet.facs.nsw.gov.au/download?file=334427) been signed by the Manager Client Services? (note the date the MCS can sign this document should be at least 28 days from the date the letter was sent to the parents and child) | 28 days from date letter sent to parents and child | Y [ ]  N [ ]  |
| **For Judicial Transfers Only** |
| Has the [Request for Judicial Transfer of Care Order form](https://caseworkpractice.intranet.facs.nsw.gov.au/download?file=334437) been completed and signed by Caseworker and Manager Casework? (note conditional consent from the receiving state must be provided prior to making the court application for transfer) |  | Y [ ]  N [ ]  |
| Have you been in contact with the natural parents?If yes, have you provided a document summarising DCJ’s attempts to obtain the parents’ consent for the transfer?If no, please refer to admin transfer process. |  | Y [ ]  N [ ] Y [ ]  N [ ]  |
| Has the [Transfer of Care Order can proceed expiry of appeal period](https://caseworkpractice.intranet.facs.nsw.gov.au/download?file=334427) been signed by the Manager Client Services? (note the date the MCS can sign this document should be at least 28 days from the date the letter was sent to the parents and child) | 10 days from date letter sent to parents and child | Y [ ]  N [ ]  |
| **For All Transfers (judicial and administrative) – the following documents need to be submitted**  |
| Permission for child to reside interstate or in NZ |  | Y [ ]  N [ ]  |
| Final Order | Y [ ]  N [ ]  |
| Genogram  | Y [ ]  N [ ]  |
| Birth Certificate  | Y [ ]  N [ ]  |
| Current Case plan |  | Y [ ]  N [ ]  |
| Care plan | Y [ ]  N [ ]  |
| Original Placement/Carer Assessment and the latest carer review | Y [ ]  N [ ]  |
| Completed [S231 (c) Certificate](https://caseworkpractice.intranet.facs.nsw.gov.au/__data/assets/word_doc/0003/334434/s231C1-Certificate-child-has-had-opportunity-to-seek-legal-advice.doc) – that the child has had the opportunity to seek legal advice (if children and young people are over 12 years of age), and the form is signed by the Manager Client Services |  | Y [ ]  N [ ] Y [ ]  N [ ]  |
| Information to demonstrate any added financial requirements for the child |  | Y [ ]  N [ ]  |
| Complete the *Order Transfer Additional Information document* (contact Interstate Liaison for a copy of this document). This document summarises:* any added health, behavioural, developmental, therapeutic or other specific needs in regards to children’s daily care;
* child protection history and DCJ involvement with the family;
* any known current criminal court proceedings that relate to the young person;
* anticipated length of time the child is to remain in the placement;
* contingency plan if the placement was to breakdown
 |  | Y [ ]  N [ ]  |
| CALD or Aboriginal cultural plans and consultation and recommendations – if seeking to proceed against recommendations, then this should be reconsidered and endorsement is to be sought from relevant director |  | Y [ ]  N [ ]  |

# **Steps and approximate timing to progress a Transfer Request to another state once bundle is compiled:**

***Note the following reference terms:***

Admin – Administrative transfer

Jud – Judicial transfer

Both – Both administrative and judicial transfer

IL – Interstate Liaison

ILO – Interstate Liaison Officer

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| **Transfer Process** |
| Both | Transfer bundle (request) from CSC received at DCJ Interstate Liaison and reviewed by ILO.If approved – ILO to send transfer bundle to receiving state to review and provide consent/decline transfer.If not approved – ILO to return request to CSC outlining what further information is required (no further action/progress from IL until completed bundle is received from CSC) | 1 – 2 weeks | DCJ  |
| Admin | Receiving state assesses transfer request and consents/declines request to transfer based on Protocol criteria- included in consent letter are any articulated provisions (e.g. carers can be authorised etc.) | 8 weeks | Receiving State |
| Admin | Receiving State:* Authorises carers
* Registers the Order in their Court once all provisions in consent have been met
 | As a priority | Receiving State |
| Jud | Receiving state provides conditional consent to transfer or advises what further is required | 8 weeks | Receiving State |
| Jud | DCJ completes Court application and supporting affidavit for Judicial Transfer of Order* Stamped Order sent to Interstate Liaison when received.

***Note:*** at times Courts have asked for a Care Plan to be updated which can add to time | 1 month | DCJ  |
| Jud | Judicial Transfer of Order sent to receiving State by IL | Once appeal period has lapsed | DCJ |
| Jud | Notify receiving state that the appeal period has lapsed | 10 working days | DCJ |
| Admin | Notify receiving state that the appeal period has lapsed | 28 working days | DCJ |
| Jud | Receiving state assesses placement / carer + WWCC equivalent | 8 weeks | Receiving State |
| Jud | Receiving State registers the Order in their Court provided that all conditions have been met | As a priority | Receiving State |
| Both | Handover meeting held  | 1-2 weeks | DCJ |
| Both | Payments cease etc. | As a priority | DCJ |
| Both | Copy of DCJ file provided to interstate colleagues | 28 days | DCJ |

# **State Specific requirements for Judicial and Administrative transfers**

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| **State Specific Information** |
| New Zealand | 1. Judicial transfers ONLY;
2. Must provide 2 copies of consent and orders that are JP signed or original documents which are posted to NZ from IL.
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| South Australia | 1. Documents with signatures that are JP signed or original documents which are posted to SA from IL.
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| Northern Territory | 1. For Judicial transfers – must advise on DCJ letterhead that the appeal period has lapsed.
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| Queensland | 1. Requests specific wording on Judicial Order for Transfer - seek this wording from Interstate Liaison before attending Court
2. Section 82 reports need to be included in the transfer bundle.
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| Victoria | 1. Reference to the Care Plan cannot be included in the actual Order – the Care Plan being noted is ok
2. Section 82 report(s) need to be included in the transfer bundle
3. Will not accept Casework Assistance if DCJ does not have case management.
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