

GUARDIANSHIP SERVICES

MANUAL

DEPARTMENT OF
COMMUNITY WELFARE SERVICES

VICTORIA

FOREWORD

One of the major responsibilities of the Department of Community Welfare Services is caring for children under State guardianship and assisting the families of such children in their parental and caring roles. This manual has been prepared to assist staff providing guardianship services. Its aim is to provide:

- (i) an accessible source of information about policy in relation to children under State care;
- (ii) clear procedures to enhance both efficiency and equity in service delivery to families;
- (iii) guidelines for good practice.

Many people contributed to the manual in a variety of ways. The Liaison and Referral Unit commenced the task with the development of Wardship Guidelines. These Guidelines were very useful, especially in the preparation of Chapters 3, 6 and 9. Many regional staff commented on sections of the manual and their "practice" perspective was invaluable. Joan Snyder prepared Chapters 1, 2 and 11. Vicki Davidson co-ordinated the project and prepared Chapters 3-10. With the assistance of the Forms Review Committee, Robin Carter re-designed the forms used in guardianship services.

It is intended that the manual will be updated and revised periodically. Suggestions for revision are welcome and should be forwarded to the Protective Services Unit, Program Development Division.

August 1982

This manual has been updated and reprinted to incorporate minor policy changes and amendments to the legislation in the Community Welfare Services (Amendment) Act 1983.

Editorial tasks have been undertaken by Sue Jane, Colin Stover and David George with significant contributions from other Departmental staff.

September 1984

CONTENTS

1.	THE ORIGINS AND MEANING OF STATE GUARDIANSHIP	1
1.1	The concept of wardship	2
1.2	The history of wardship	2
1.3	Overview of current policy	5
2.	STRUCTURES AND SYSTEMS	7
2.1	The legislation	8
2.2	Progress through the wardship system	15
2.3	Delegations	17
2.4	The terminology of service design and delivery	19
3.	ADMISSION TO GUARDIANSHIP	35
3.1	Placement of child	36
3.2	Protection Applications	38
3.3	Convictions for offences	44
3.4	Breaches of probation and supervision orders	45
3.5	Irreconcilable difference applications	45
3.6	Voluntary admissions to Wardship	47
3.7	Non-payment of maintenance	61
3.8	Transfer of guardianship to Victoria from other States	62
4.	THE PLANNING OF SERVICES FOR WARDS	66
4.1	What is case planning?	68
4.2	Definitions	72
4.3	Principles of case planning	73
4.4	Responsibility for case planning and annual reviews	74
4.5	Contracting for case services	78
4.6	The role of the Adoption Section in case planning	82
4.7	Regional case planning systems	92
4.8	Remand and reception systems	99
5.	ANNUAL REVIEWS	104
5.1	The legislation	105
5.2	Impact of annual reviews on regional centres	106
5.3	Overview of annual reviews	106
5.4	Variations Review Practice	108
5.5	Special cases not subject to normal review	109
5.6	Efficient review system	110
5.7	Guidelines for decision makers	110
5.8	Reconsidering the case plan	111
5.9	Reports for annual review	111
5.10	Recording decisions	112
5.11	Detailed procedures	112
6.	SPECIAL CASE PLANNING DECISIONS	114
6.1	Immediate post-court placement and direct release from court	115
6.2	Emergency transfers	117
6.3	Extension of wardship beyond 18 years	125

CONTENTS (CONT'D)

7.	REVIEWS OF DECISIONS, ARBITRATION OF DISPUTES, APPEALS, COMPLAINTS	129
7.1	Reviews of decisions	131
7.2	Arbitration of disputes	132
7.3	Appeal Rights Established in Legislation	133
7.4	The right to make complaints	136
7.5	Legal aid	136
8.	TERMINATION OF GUARDIANSHIP	138
8.1	Guidelines for decision makers	139
8.2	Procedures	140
8.3	Points of exit from wardship	141
9.	CONSENTS	149
9.1	Medical consents	150
9.2	Travel consents	161
9.3	Consent to marriage	165
10.	MISCELLANEOUS INFORMATION	168
10.1	Financial benefits for wards and their families	169
10.2	Legal action on behalf of wards/taken against wards	169
10.3	Missing wards/Warrants to Apprehend	170
10.4	Publicity involving wards	177
10.5	Death of a Ward	181
10.6	Access to Departmental Records	181
10.7	Registration of Birth	182
11.	PRACTICE IN GUARDIANSHIP SERVICES	184
	Paper No 1: Defining skills for workers in public welfare	186
	Paper No 2: Working with ward families: An introduction	189
	Paper No 3: Introduction to work in the Children's Home Section	200
	Paper No 4: Notes on planning for adolescent wards	206

APPENDICES

CHAPTER 1 : THE ORIGINS AND MEANING OF STATE GUARDIANSHIP

1.1 THE CONCEPT OF WARDSHIP

1.2 THE HISTORY OF WARDSHIP

- 1.2.1 Origins of Legislation in English Law
- 1.2.2 Victorian Legislation
- 1.2.3 Current Legislation

1.3 OVERVIEW OF CURRENT POLICY

CHAPTER 2 : STRUCTURES AND SYSTEMS

2.1 THE LEGISLATION

- 2.1.1 Relevant Sections of the CWS Act 1970
- 2.1.2 Relevant Sections of the Children's Court Act 1973

2.2 PROGRESS THROUGH THE WARDSHIP SYSTEM

- 2.2.1 Admission to Wardship
- 2.2.2 Post Admission Planning

2.3 DELEGATIONS

2.4 THE TERMINOLOGY OF SERVICE DESIGN AND DELIVERY

- 2.4.2 The Four Major Programs
- 2.4.3 Program Listing and Descriptions

CHAPTER 3 : ADMISSION TO GUARDIANSHIP

3.1 PLACEMENT OF CHILD

- 3.1.1 After apprehension
- 3.1.2 During Court Hearing
- 3.1.3 Accommodation Approved
- 3.1.4 Transfer between Section 22(4) Placements

3.2 PROTECTION APPLICATIONS

- 3.2.1 General Information
- 3.2.2 Procedures for s.31(2) reports
- 3.2.3 Involvement of Voluntary Agencies and other DCWS Services
- 3.2.4 The Role of the Children's Court Advisory Service
- 3.2.5 The Role of the Children's Protection Society

- 3.3 CONVICTIONS FOR OFFENCES
- 3.4 BREACHES OF PROBATION OR SUPERVISION ORDERS
- 3.5 IRRECONCILABLE DIFFERENCE APPLICATIONS
- 3.6 VOLUNTARY ADMISSION TO WARDSHIP
 - 3.6.1 Legislative Details
 - 3.6.2 Good Practice in Relation to s.35 Applications
 - 3.6.3 Operational Procedures - Initial Admissions
 - 3.6.4.1 Re-negotiating the Agreement - Extension
 - 3.6.4.2 Continuation of wardship after a 12 month extension
 - 3.6.5 Operational Procedures - Extensions and Discharges
 - 3.6.6 Undesired Expiry of Wardship
 - 3.6.7 Termination of Agreement with 21 Days Notice
 - 3.6.8 Emergency Placement of Children subject to s.35 Applications (s.35 (9) placements)
 - 3.6.9 Cancellation of s.35 Applications
 - 3.6.10 S.35 Admissions prior to 6 January 1982
 - 3.6.11 Appeals
- 3.7 NON-PAYMENT OF MAINTENANCE
 - 3.7.1 The Legislation
 - 3.7.2 Current Practice
 - 3.7.3 Procedures
- 3.8 TRANSFER OF GUARDIANSHIP TO VICTORIA FROM OTHER STATES
 - 3.8.1 The Legislation
 - 3.8.2 Which Wards can be Transferred to Victoria?
 - 3.8.3 Guidelines for Decision Makers
 - 3.8.4 Procedures
 - 3.8.5 Discharge of Wards Transferred to Victoria
 - 3.8.6 Extension beyond 18 years of Wards Transferred to Victoria
 - 3.8.7 Absconders from Interstate

CHAPTER 4 : THE PLANNING OF SERVICES FOR WARDS

- 4.1 WHAT IS CASE PLANNING?
 - 4.1.1 Case Plans
 - 4.1.2 The Role of the Fieldworker
 - 4.1.3 Re-convening Case Planning Meetings
 - 4.1.4 Arranging Leave and Access
 - 4.1.5 Supervision and Case Consultations
 - 4.1.6 The Case Plan Pro forma
- 4.2 DEFINITIONS
- 4.3 PRINCIPLES OF CASE PLANNING

- 4.4 RESPONSIBILITY FOR CASE PLANNING AND ANNUAL REVIEW
 - 4.4.1 General Principles
 - 4.4.2 Transferring Responsibility to Another Region
 - 4.4.3 Special Cases: Mobile Families
 - 4.4.4 Special Cases: Unattached Children
 - 4.4.5 Special Cases: Youth Trainees
- 4.5 CONTRACTING FOR CASE SERVICES
 - 4.5.1 What is Contracting
 - 4.5.2 Why Contract
 - 4.5.3 Protecting the Client
 - 4.5.4 Contracts for Working Up the Case Plan
 - 4.5.5 Contract for Total Case Plan Implementation
 - 4.5.6 Contracts for Implementation of Part of the Case Plan
 - 4.5.7 YWS, Hostels, Reception and Remand Centres
- 4.6 THE ROLE OF THE ADOPTION SECTION IN CASE PLANNING
 - 4.6.1 Introduction
 - 4.6.2 Principles
 - 4.6.3 Referrals/Consultation
 - 4.6.4 Regional Involvement
 - 4.6.5 Annual Review/Case Planning
 - 4.6.6 Referral to Approved Adoption Agencies
 - 4.6.7 Non-Wards
 - 4.6.8 Termination of Wardship in Adoption cases
 - 4.6.9 Notifications and Pro formas
- 4.7 REGIONAL CASE PLANNING SYSTEMS
 - 4.7.1 Pre-court Intervention - Pre-court Case Planning
 - 4.7.2 Case allocation
 - 4.7.3 Case Assessment & Development of the Case Plan
 - 4.7.4 Regional Case Planning Committees
 - 4.7.5 Conducting the meeting
 - 4.7.6 Follow-up to the meeting
- 4.8 REMAND AND RECEPTION SYSTEMS
 - 4.8.1 Procedures for Notifying to Regions
 - 4.8.2 Assessment of Children in Reception, Remand or Youth Training Centre
 - 4.8.3 Involvement of Other Remand or Reception Centre in Case Planning

CHAPTER 5 : ANNUAL REVIEWS

- 5.1 THE LEGISLATION
- 5.2 IMPACT OF ANNUAL REVIEWS ON REGIONAL CENTRES

- 5.3 OVERVIEW OF ANNUAL REVIEWS
- 5.4 VARIATIONS REVIEW PRACTICE
- 5.5 SPECIAL CASES NOT SUBJECT TO NORMAL REVIEW
 - 5.5.1 Admission under S.35 of the CWS Act 1970
 - 5.5.2 Extensions beyond 18 years of age
- 5.6 EFFICIENT REVIEW SYSTEMS
- 5.7 GUIDELINES FOR DECISION MAKERS
- 5.8 RE-CONSIDERING THE CASE PLAN
- 5.9 REPORTS FOR ANNUAL REVIEWS
- 5.10 RECORDING DECISIONS
- 5.11 DETAILED PROCEDURES

CHAPTER 6 : SPECIAL CASE PLANNING DECISIONS

- 6.1 IMMEDIATE POST-COURT PLACEMENT AND DIRECT RELEASE FROM COURT
 - 6.1.1 The Legal Situation
 - 6.1.2 Guidelines for Decision-makers
 - 6.1.3 Operational Procedures
 - 6.1.4 Subsequent Case Planning
- 6.2 EMERGENCY TRANSFERS
 - 6.2.1 Placement at Remand (or) Reception Centres (PARRC)
 - 6.2.2 Legislative Provisions
 - 6.2.3 Protecting the Rights of the Child
 - 6.2.4 Good Practice in Regard to PARRC's - Guidelines for Decision-Makers
 - 6.2.5 Obtaining Authorisation
 - 6.2.6 Operational Procedures - PARRC Authorities
 - 6.2.7 Police Involvement in Transfer to Another Placement
- 6.3 EXTENSION OF WARDSHIP BEYOND 18 YEARS
 - 6.3.1 The Legal Situation
 - 6.3.2 Good Practice in regard to extensions and Guidelines for Decision-makers
 - 6.3.3 Operational Procedures

CHAPTER 7 : REVIEWS OF DECISIONS, ARBITRATION OF DISPUTES, APPEALS, COMPLAINTS

- 7.1 REVIEWS OF DECISIONS
- 7.2 ARBITRATION OF DISPUTES
- 7.3 APPEAL RIGHTS ESTABLISHED IN LEGISLATION
 - 7.3.1 Appeal within One Month Against Decisions of Children's Court
 - 7.3.2 Appeal against Wardship at any Time following Admission to Care
 - 7.3.3 Appeal against Refusal of Director-General to admit a Child to Wardship
 - 7.3.4 Appeals tribunal
- 7.4 THE RIGHT TO MAKE COMPLAINTS
 - 7.4.1 Complaints to the Ombudsman
 - 7.4.2 Complaints to the Director-General/Minister
- 7.5 LEGAL AID

CHAPTER 8 : TERMINATION OF GUARDIANSHIP

- 8.1 GUIDELINES FOR DECISION-MAKERS
- 8.2 PROCEDURES
- 8.3 POINTS OF EXIT FROM WARDSHIP
 - 8.3.1 Appeal to the County Court within One Month of Admission to Care of the Department
 - 8.3.2 Appeal to the Children's Court following the Department's Refusal to Discharge a Ward
 - 8.3.3 Discharge at any Time under S.44A(4)
 - 8.3.4 Expiry at 18 years (or Older if Extended)
 - 8.3.5 Expiry/Discharge at the Annual Review
 - 8.3.6 Expiry of S.35 (Voluntary Admission) Agreements
 - 8.3.7 Early Termination of S.35 Agreements by the Parents or the Department
 - 8.3.8 Discharge of Wards Admitted from Interstate
 - 8.3.9 Interstate Placement of Victorian Wards
 - 8.3.10 Adoption
 - 8.3.11 Wards of the Court

CHAPTER 9 : CONSENTS

9.1 MEDICAL CONSENTS

- 9.1.1 General Medical Treatment
- 9.1.2 Specialist Treatment
- 9.1.3 Dental and Orthodontic Treatment
- 9.1.4 Operations and Anaesthetics
- 9.1.5 Contraception
- 9.1.6 Pregnancy Termination
- 9.1.7 Psychiatric and Psychological Treatment

9.2 TRAVEL CONSENTS

- 9.2.1 School Excursions, Day Outings, Camps and Holidays
- 9.2.2 Interstate Travel
- 9.2.3 Overseas Travel

9.3 CONSENT TO A WARD'S MARRIAGE

- 9.3.1 Legal considerations
- 9.3.2 Practice considerations
- 9.3.3 Procedures

CHAPTER 10 : MISCELLANEOUS INFORMATION

10.1 FINANCIAL BENEFITS FOR WARDS AND THEIR FAMILIES

10.2 LEGAL ACTION ON BEHALF OF WARDS/TAKEN AGAINST WARDS

- 10.2.1 The Legislation
- 10.2.2 Procedures
- 10.2.3 Liability of the Department

10.3 MISSING WARDS/WARRANTS TO APPREHEND

- 10.3.1 General Information
- 10.3.2 General Procedures
 - 10.3.2.1 Warrants to Apprehend or Search for and Apprehend Wards
 - 10.3.2.2 Operational Procedures
 - 10.3.2.3 Completion of Warrant
- 10.3.3 Procedures
 - 10.3.3.1 Operational Procedures
- 10.3.4 Placements including Home Release and Independent Living
- 10.3.5 Amendment to Section 83A

10.4 PUBLICITY INVOLVING WARDS

10.5 DEATH OF A WARD

10.6 ACCESS TO DEPARTMENTAL RECORDS

10.7 REGISTRATION OF BIRTH

2

CHAPTER 11 : PRACTICE IN GUARDIANSHIP SERVICES

INTRODUCTION

PAPER NO. 1 : DEFINING SKILLS FOR WORKERS IN PUBLIC WELFARE

PAPER NO. 2 : WORKING WITH WARD FAMILIES : AN INTRODUCTION

PAPER NO. 3 : INTRODUCTION TO WORK IN THE CHILDREN'S HOMES SECTION

PAPER NO. 4 : NOTES ON PLANNING FOR ADOLESCENT WARDS