

VICTORIA POLICE MANUAL

In some cases the relevant period may expire before the respondent can be brought before a Court e.g., if the arrest is at 8.00 pm Friday and there will be no Court sitting until 10.00 am Monday, we would be obliged to release the respondent at 8.00 pm Saturday. Members should not allow this to deter them from making necessary arrests and should keep in mind the necessity to release after the relevant period expires. The Force will support members acting in good faith.

Arrest with Warrant - the Family Court may issue warrants for arrest addressed to members of the Victoria Police. The provisions of these warrants must be complied with.

1.3.4

CHILDREN**Mandatory Reporting**

General - members and specific professional groups are legislatively required by s.64(1), *Children & Young Persons Act 1989* to report any case of suspected child abuse. Penalties apply for non compliance.

Any member who forms the belief on reasonable grounds, that a child has suffered or is likely to suffer significant harm as a result of physical or sexual abuse and the parents have not or are unlikely to protect the child from harm of that type, must report the matter to Department of Health & Community Services.

This requirement applies regardless of whether a Protection Application is proposed.

Reporting procedure - members who form a belief that a child has or is likely to suffer physical or sexual abuse must notify their local Community Services and CPS office:

- * The attending member must make the initial report as soon as possible, but before the completion of their shift.
- * Initial reports may be made by telephone or facsimile, but must be confirmed with a detailed written report as soon as practicable.
- * Details of the person accepting the initial report must be recorded at station level.

These requirements also apply on any subsequent occasion it is believed that the child is in need of protection.

Critical protective cases - see below.

Further information - available from any CPS office.

OPERATING PROCEDURES

Protection Applications

General - members, if receiving a direct referral of a child/young person considered in need of protection for reasons outlined in s.63, *Children & Young Persons Act 1989* must direct the person to Department of Health & Community Services, Child Protection. Members must also contact the Department with details of the notification. The notifier must be told that this will happen. The Department will then deal with the notification and assess what action is required.

Criminal offences - if members receive a referral of child abuse where a criminal offence may also have occurred, they must notify the Department of Health and Community Services, Child Protection, of the referral immediately so that both agencies can plan their investigations, prior to any visits to the family. Planning should include clarifying relative priorities and need for information sharing.

If members are unsure of the need to refer a matter to Department of Health and Community Services, Child Protection, they must notify Child Protection immediately they receive information. The Department will then deal with the notification and assess what action is required.

Critical protective cases - members are legislatively authorised to apprehend a child or young person but shall do so only when the child/young person's well being is under immediate and serious threat. Such action must be limited to those situations in which police judge that the time involved in organising a welfare protective response would leave the child/young person at unacceptable risk of harm.

Any member who apprehends a child or young person due to protective concerns is required under s.68(1)(a) to make a Protection Application to a Children's Court. The member must inform Child Protection of the apprehension and Protection Application as soon as the child is removed from danger. This will enable information sharing and place the Department in a better position in the event of the court requesting dispositional advice.

Non-critical protective cases - where urgency considerations are not overwhelming, situations may be dealt with by members notifying the Department of Health and Community Services, Child Protection of the situation. The Department will assume responsibility for the protective investigation.

CSV Warrants - s.69 allows Department of Health and Community Services staff to apply for a search warrant where they believe a child is in need of protection. However, Department of Health and Community Services staff have no power to execute these warrants, which must be directed to the police.

Members should provide all reasonable assistance to the Department of Health and Community Services when approached in that regard. The instructions relating to searches, must be followed, see Chapter 11, *Operating Procedures*.

Further information - is available from CPS.

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Irreconcilable Differences

Special provisions apply where a child or a parent of a child believes there are irreconcilable differences between the two. These are not a police responsibility and parties should be directed to the Department of Health and Community Services or a Registrar of the Children's Court.

Criminal Offences

See section 7.5.3, *Operating Procedures*.

Child Maltreatment - Central Register

Children at risk register - a central register of details concerning children in need of protection and maltreaters is maintained by Department of Health and Community Services.

Recording - members who take action under s.68 or 69, *Children and Young Persons Act* must provide details to the Manager of the appropriate Regional Community Services office for recording on the register.

Access - enquiries about children or adults on the register may be made through Regional Community Services offices.

Further information - available from any CPS Office.

Runaway Children

Where a runaway child comes into police custody, details must be entered in the Attendance Register and the LEAP Attendance Register facility.

1.3.5

MISSING PERSONS**Definition**

A missing person is any person reported to police whose whereabouts are unknown, and there are fears for the safety or concern for the welfare of that person, and includes any person from an institution (not including a prison or gaol).

Initial Action

Preliminary investigation - of missing persons cases is a District responsibility.

Reporting - an initial missing persons report must be generated on satisfaction that a genuine concern for the persons safety or welfare.

Where a member of the public attends at a police station to make a report of a missing person, the attending member must take a report notwithstanding that the disappearance may have occurred outside that sub-district. Where this is the case the report must be referred to the Station Commander of the station in the sub-district nearest where the person last resided.