

Interstate Case Transfers

Policy

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Version	Active from	Author	Changes made
1.0	6/10/2020	Operational Policy	To Inform Territory Families, Housing and Communities staff of principals legislative and interstate protocol supporting the transfer of cases across Australian and New Zealand jurisdictions
1.02	21/07/2017	Operational Policy	Minor Amendments
1.03	27/02/2021	Operational Policy	New branding, administrative changes
2.0	25/11/2021	Operational Policy	Added - Approval of a child relocating interstate with a carer should only be in exceptional circumstances; All placement decisions for Aboriginal children must demonstrate Territory Families, Housing and Communities' commitment to the five elements of Secretariat of National Aboriginal and Islander Child Care (SNAICC) Aboriginal Child Placement Principle.

Acronyms	Full form
Deputy CEO	Deputy Chief Executive Officer
NT	Northern Territory
the Department	Territory Families Housing and Communities
the Act	Care and Protection of Children Act 2007

1. Policy Purpose

Territory Families, Housing and Communities (the Department) is committed to maintaining the safety and support needs of children in care who are placed interstate.

2. Policy Statement

Decisions regarding the interstate transfer of child protection orders or proceedings and the placement of children interstate are made in accordance with the Northern Territory's legislative provisions. The [Care and Protection of Children Act 2007](#) (Part 2.4) provides for the transfer of child protection orders or proceedings between the Northern Territory and other States or Territories and New Zealand. The transfer of all protection orders from the Northern Territory (except for parental responsibility directions to a specified person) can occur by administrative or judicial means.

In addition, the Interstate Child Protection Protocol April 2016 (the Protocol) – which has been agreed to by all States, Territories and New Zealand – provides clear guidelines for the transfer of casework and the transfer of orders and proceedings.

The best interests of a child are paramount in determining whether to initiate or accept an interstate placement or transfer of a child protection order or proceedings. It is essential that the details of a proposed interstate placement (including avenues to appeal a decision) are thoroughly explored with the child, their family, the carer and service providers.

Territory Families staff must ensure that an Aboriginal child or young person's placement interstate is able to maintain and support their connection to family, community, culture and country. For Aboriginal children all placement decisions must demonstrate Territory Families' commitment to the five elements of the *Secretariat of National Aboriginal and Islander Child Care (SNAICC) Aboriginal Child Placement Principle*.

The Department will accept all requests to transfer unless it is determined that:

- a proposed transfer is contrary to the wellbeing and best interest of the child;
- it is not legally possible or practical to accept the transfer (the placement is not viable);
- the home order has less than six months remaining before expiry; or
- because of their age, the child is close to leaving care.

3. Child Relocating Interstate

Approval for children to relocate interstate from the NT should only be granted in exceptional circumstances and must be approved by the Executive Director of the relevant region and the Deputy CEO, Families. [Examples](#) of exceptional circumstances may include: medical/therapeutic needs require the child to remain in another jurisdiction for a significant period of time; or the child's family in another jurisdiction have been determined to be suitable carers for the child through a Best Interests of the Child Mapping.

4. Principles of Interstate Transfers

All interstate transfers comply with the Policy, Procedures and the Protocol. Transfers are arranged in collaboration with the receiving interstate child protection department by the NT Interstate Liaison Officer. Disputes between receiving or transferring jurisdictions regarding a proposed transfer are to be resolved within 10 working days from initiation of the transfer request. If no agreement is reached between the jurisdictions the matter will be referred to the nominated senior officer of the respective agencies for resolution.

5. Legislative Basis

[Care and Protection of Children Act 2007](#) s155 to 177