

# PRACTICE GUIDE

## Assessment of an application to have a child reside with a female prisoner

This practice guide provides information about the assessment of an application to have a child reside with a mother or female prisoner in a correctional centre, and how Child Safety may share information with Queensland Corrective Services to help them assess the application.

### When can an application be made

Under the *Corrective Services Act 2006*, [section 29\(1\)](#) an application to Queensland Corrective Services can be made to have a child reside with a mother or female prisoner in a correction centre when:

- a pregnant woman gives birth to a child during her period of imprisonment
- a female prisoner has custody of a child of whom she is the mother or
- a female prisoner has custody of a child who is the subject of a court order requiring them to live with the prisoner, whether or not the prisoner is the child's mother.

For an application to be made, the female prisoner needs to be incarcerated in one of the following correctional centres:

- Brisbane Women's Correctional Centre (high security)
- Townsville Women's Correctional Centre (high and low security)
- Southern Queensland Correctional Centre (high security)
- Numinbah Correctional Centre (low security)
- Helana Jones Centre (low security).

### Exceptions to making an application

An application cannot be made:

- prior to a person's incarceration
- for a child in the custody or guardianship of the chief executive not born during the person's incarceration (the *Corrective Services Act 2006*, [section 29\(1\)\(b\)](#) requires the mother or female prisoner to have custody).

### Assessment process

Queensland Corrective Services will assess a female prisoner's ability to meet the child's physical care needs, given they would have primary responsibility for the child's care and safety. This includes their ability to meet the costs associated with the child's care, such as nappies.

Queensland Corrective Services will also assess the nominated external and internal care givers. These are people nominated by the applicant who may be required to have care of the child if the female prisoner was unable to provide care. The care might be short-term, for example, where the female prisoner is taking a shower, or care in the community.

Queensland Corrective Services decide an application in accordance with the *Corrective Services Act 2006*, [section 30](#), which requires the following criteria be satisfied:

- there is suitable accommodation available in the correctional centre for the child.
- the child is under school age or for a primary school aged child the application is only for periods during school holidays or on weekends.
- the child is immunised in accordance with the national immunisation program or the recommendations of a medical practitioner treating the child in the corrective services facility.
- the child is not subject to a court order requiring the child to live with someone else.
- for a child born while a mother is in prison and become subject to an order granting custody or guardianship to the chief executive, Child Safety has made a decision to place the child with their mother in the correctional centre.
- Queensland Corrective Services is satisfied it is in the child's best interests having regard to the following:
  - the child's age, gender, cultural background, and mental and physical health
  - the emotional ties between the child and their parents.
  - the child's established living pattern including for example the child's home, school, community and religious life.
  - the child's wishes if they are able to express a view.

## Sharing information with Queensland Corrective Services

The *Child Protection Act 1999*, [Chapter 5A](#), provides for the exchange of information between Child Safety, prescribed entities and service providers, to meet the protection and care needs of children and promote their wellbeing. Queensland Corrective Services is a prescribed entity under the *Child Protection Act 1999*, [section 159M](#).

Child Safety may give information to Queensland Corrective Services that it reasonably believes will help Queensland Corrective Services assess and determine an application for a child to reside with a female prisoner in a correctional centre (*Child Protection Act 1999*, [sections 159MC](#) and [159MD](#)).

## Requesting information

Where an information request relates to an application to have a child reside with a female prisoner, Queensland Corrective Services may request information from Child Safety via Data Management Services.

Data Management Services will confirm that the person requesting the information is an employee of Queensland Corrective Services before any information is released.

## Screening and responding to an information request

Data Management Services follows an internal business process to screen and respond to information requests from Queensland Corrective Services.

If Data Management Services identifies that there is an open or recently closed event in ICMS in relation to any of the persons named on the request, Data Management Services will:

- contact the event owner of an open Intake event to advise them of the information request and seek a status update to provide to Queensland Corrective Services and
- include contact details of the allocated the CSO or senior team leader in the response to enable direct contact by Queensland Corrective Services to occur, if necessary.

## Further information may be required

After receiving the information from Data Management Services, Queensland Corrective Services will make contact with the CSO or senior team leader if further information is required.

The CSO or senior team leader may provide Queensland Corrective Services with relevant information about the child and the female prisoner to assist their assessment and determine the application. For example:

- whether the female prisoner is alleged or has been assessed as responsible for harm to the child.
- any assessment of their parenting capacity.
- information about the child, such as:
  - the relationship between the child and the parent.
  - the child's physical health or medical needs.
  - child's established living patterns and significant relationships with others.

Child Safety may share limited information about nominated care givers in accordance with the *Child Protection Act 1999*, [Chapter 5A](#). For example:

- Child Safety involvement with the proposed care giver.
- an assessment that a proposed care giver has been responsible for harm to a child.
- information held by Child Safety that indicates the nominated care giver may pose a risk to a child.

## Information that cannot be shared

Child Safety cannot share information with Queensland Corrective Services that:

- is about a child, female prisoner or nominated care giver that has not met the threshold for statutory involvement. For example, a limited intake response or a child concern report.
- is specific to persons not named in the application, including identifying adult household members residing with an external carer.
- may prejudice an investigation and/or endanger a person's life.

## Confidentiality of information shared with Queensland Corrective Services

Queensland Corrective Services are bound by confidentiality provisions under the *Child Protection Act 1999*, [section 188](#). Queensland Corrective Services cannot disclose or give access to the information Child Safety has provided to them (unless there is a legal reason for doing so) to anyone else. This includes disclosing the information shared by Child Safety with persons whom the information relates, such as the female prisoner or nominated care givers named on the application.

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## Version history

<b>First published:</b>	April 2023
<b>Most recent update published:</b>	
<b>Owner:</b>	Office of the Chief Practitioner