

# Care and protection order type code N[N]

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# Care and protection order type code N[N]

## Identifying and definitional attributes

<b>Metadata item type:</b>	Value Domain
<b>METEOR identifier:</b>	657302
<b>Registration status:</b>	<a href="#">Children and Families, Standard 22/11/2016</a>
<b>Definition:</b>	A code set representing the type of care and protection order to which a child may be subject to.

## Representational attributes

Representation class:	Code	
Data type:	Number	
Format:	N[N]	
Maximum character length:	2	
	<b>Value</b>	<b>Meaning</b>
Permissible values:	1	Finalised guardianship or custody order– to 18 years
	2	Finalised guardianship or custody order–time-limited, more than 2 years
	3	Finalised guardianship or custody order– time-limited, 2 years or less
	4	Finalised third party parental responsibility order–to 18 years
	5	Finalised third party parental responsibility order–time-limited, more than 2 years
	6	Finalised third party parental responsibility order–time-limited, 2 years or less
	7	Finalised supervisory order
	8	Interim and temporary order
	9	Administrative arrangement
	10	Assessment order
	11	Other
	12	Finalised known-carer adoption order
	13	Finalised local adoption order
	14	Orders made under the Immigration (Guardianship of Children) Act 1946
Supplementary values:	99	Not stated/inadequately described

## Collection and usage attributes

<b>Guide for use:</b>	<p>CODES 1 to 3 Finalised guardianship or custody order</p> <p>Guardianship orders involve the transfer of legal guardianship to the relevant state or territory department or non-government agency. These orders involve considerable intervention in the child's life and that of their family, and are sought only as a last resort. Guardianship orders convey responsibility for the welfare of the child to the guardian (for example, regarding the child's education, health, religion, accommodation and financial matters). They do not necessarily grant the right to the daily care and control of the child, or the right to make decisions about the daily care and control of the child, which are granted under custody orders.</p>
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Custody orders generally refer to orders that place children in the custody of the state or territory, or department responsible for child protection or non-government agency. These orders usually involve the child protection department being responsible for the daily care and requirements of the child, while the parent retains legal guardianship. Custody alone does not bestow any responsibility regarding the long-term welfare of the child.

Finalised guardianship or custody orders as defined above can be for specific time periods, and will be captured separately in the collection based on the below categories.

#### *Orders to 18 years*

Generally these orders transfer guardianship/custody until the child turns 18 years of age. For this collection, this excludes orders considered to be long-term which are time-limited for a specific period. These should be reported separately in the category– time-limited, more than 2 years (see below).

#### *Time limited orders, more than 2 years*

Orders that transfer guardianship for a specified period greater than 2 years, that are distinct from 'to 18 years' orders.

#### *Time-limited orders, 2 years or less*

#### CODES 4 to 6 Finalised third party parental responsibility order

Note, that as with finalised guardianship or custody orders, finalised third-party parental responsibility orders can also be for specific time periods. Please see 'Orders to 18 years'; 'Time limited orders, more than 2 years'; and 'Time-limited orders, 2 years or less' above.

Third party parental responsibility orders transfer all duties, powers, responsibilities and authority, parents are entitled to by law, to a nominated person(s) considered appropriate by the court. The nominated person may be an individual such as a relative or an officer of the state or territory department. Third party parental responsibility may be ordered in the event that a parent is unable to care for a child, and as such parental responsibility is transferred to a relative.

#### CODE 7 Finalised supervisory order

Finalised supervisory orders give the department responsible for child protection some responsibility for a child's welfare. Under these orders, the department supervises and/or directs the level and type of care that is to be provided to the child. Children under supervisory orders are generally under the responsibility of their parents and the guardianship or custody of the child is unaffected.

Supervisory and other finalised orders are therefore less interventionist than guardianship or custody orders but require the child's parent or guardian to meet specified conditions, such as medical care of the child.

#### CODE 8 Interim and temporary order

Interim and temporary orders generally cover the provisions of a limited period of supervision and/or placement of a child. Parental responsibility under these orders may reside with the parents or with the department responsible for child protection.

Unfinalised orders (such as applications to the court for care and protection orders) are also included in this category, unless another finalised order is in place.

#### CODE 9 Administrative arrangement

Administrative arrangements are agreements with the child protection departments, which have the same effect as a court order of transferring custody or guardianship. These arrangements can also allow a child to be placed in out-of-home care without going through the courts.

#### CODE 10 Assessment order

A court order to enable the assessment of the child for the purposes of determining whether the child is in need of protection. The assessment is also used to

determine whether the parent has the capacity to exercise parental responsibility for the child.

#### CODE 11 Other

'Other' is only used for appropriate authorities for the placement of children in out-of-home care that are outside the scope of care and protection orders. These may include administrative authority for placement of young offenders, interstate orders or administrative and voluntary arrangements with the Department responsible for child protection which do not have the effect of transferring custody or guardianship.

#### Adoption

An adoption order, made by a competent authority under adoption legislation, by which the adoptive parent(s) become the legal parent(s) of the child. For the purpose of this collection, only adoption orders that were finalised during the reference period for children who were under the care of the relevant child protection department are included. The way in which an adoption is finalised depends on the procedures of the state or territory departments responsible for adoption in Australia.

#### CODE 12 Finalised known-carer adoption order

An adoption of a child born or permanently residing in Australia before the adoption, by a foster parent or other non-relative who has been caring for the child and has had the responsibility for making decisions about the daily care and control of the child for the relevant period (as specified by the relevant state/territory department) before the adoption.

#### CODE 13 Finalised local adoption order

An adoption of a child born or permanently residing in Australia before the adoption who are legally able to be placed for adoption but who generally have had no previous contact or relationship with the adoptive parent(s).

#### CODE 14 Orders made under the Immigration (Guardianship of Children) Act 1946

Under this Act, the Minister for Immigration is the legal guardian for unaccompanied humanitarian minors (children under 18 years of age who have entered Australia without a relative to care for them); however the Minister may assign custody of the child to a willing and suitable person in the jurisdiction where a child resides. The assigned person becomes responsible for all matters concerning the child's daily activities, care and welfare. This category captures the arrangements of children that are subject to the Act, who are subsequently placed with carers funded by the Departments responsible for child protection.

#### CODE 99 Not stated/inadequately described

Includes unknown and other types or orders not listed above.

## Source and reference attributes

**Submitting organisation:** Australian Institute of Health and Welfare

**Steward:** [Australian Institute of Health and Welfare](#)

## Relational attributes

**Related metadata references:** Supersedes [Care and protection order type code N\[N\]](#)  
[Children and Families](#), Superseded 22/11/2016  
[Community Services \(retired\)](#), Recorded 19/08/2011

**Data elements implementing this value domain:** [Order—order type, care and protection code N\[N\]](#)  
[Children and Families](#), Standard 22/11/2016