



Transfer of care and protection orders and proceedings Procedure

1. Purpose

This procedure details tasks undertaken by an Interstate Liaison Officer (ILO) within the Department for Child Protection (DCP) Interstate Liaison Unit (ILU) during the transfer of care and protection orders and proceedings between South Australia (SA) and other jurisdictions within Australia and New Zealand (NZ). The transfer process for all DCP staff is outlined within the Manual of Practice (MoP) chapter [Transfer care and protection orders and proceedings between South Australia and other jurisdictions](#). This procedure does not replace the content in the MoP and should be referred to in conjunction with the relevant MoP chapter.

2. Scope

This procedure applies to C4s ILOs within the DCP ILU who provide assistance in the transfer of care and protection orders and proceedings between SA and other jurisdictions.

3. Authority

3.1 Legislative context

- [Children and Young People \(Safety\) Act 2017 \(CYPS Act\)](#), sections 72, 125, 126, 131 to 133, 138(1)(a)
- [Children's Protection Law reform \(Transitional Arrangements and Related Amendments\) Act 2017, section 32\(1\)](#)

3.2 Whole of Government requirements

Not Applicable.

3.3 DCP requirements

- [DCP Manual of Practice: Transfer care and protection orders and proceedings between South Australia and other jurisdictions](#)
- [Aboriginal and Torres Strait Islander Child Placement Principle Practice Paper](#)
- [Culturally and linguistically diverse child placement Policy](#)

3.4 Principles

The [Interstate Child Protection Protocol](#) (the Protocol) is the framework that supports the provision of care and protection services to children and young people who are subject to child protection intervention or involvement in Australia and NZ.

The Protocol is enabled by the relevant provisions in each jurisdiction's child welfare legislation and must be applied lawfully. The effect of the Protocol does not supersede or limit the application of State legislation, even where it conflicts with the Protocol.

Guiding principles for this procedure include:



- The safety and wellbeing of children and young people is the paramount consideration.
- A prompt and continuous service is provided to children and young people in care, no matter where they live.
- All negotiations and decision-making regarding transfers will be collaborative, child-centred and culturally safe.
- The placement of Aboriginal and/or Torres Strait Islander infants, children and young people will consider how cultural needs and connection to family and cultural identity will be maintained.
- The placement of children and young people from culturally and linguistically diverse (CALD) backgrounds will consider how connection to cultural and ethnic identity, religion and language will be maintained.
- Where possible, orders relating to the protection of a child or young person are to have effect and be enforced in the jurisdiction in which the child or young person resides.

4. Procedure requirements

4.1 Transfer of care and protection orders out of South Australia – Administrative transfer

To progress an administrative transfer of an order, the following steps must be undertaken by the ILO.

4.1.1 Confirm compatibility of order and compare carer payments

The allocated ILO should:

- check whether compatibility of the order and comparison of carer payments have already been completed. This can be checked via case notes on C3MS by filtering note category to 'interstate liaison'.
- if the order compatibility and carer payments have not previously been checked/compared, determine if the order includes access orders. If so, clarify via email to the receiving jurisdiction that the access orders listed are revoked as per S32(1) of the [Children's Protection Law reform \(Transitional Arrangements and Related Amendments\) Act 2017](#).
- forward the South Australian order to the receiving jurisdiction to determine if a compatible order exists in the receiving jurisdiction to enable the transfer to occur.
- if the order is not compatible due to notations and/or additional orders (such as a restraining order), consult with the care team regarding potential variation or revocation of notations and/or orders, [REDACTED]
- where there are no exceptional/extraordinary payments made to the carer (in addition to basic carer payment rates), forward a copy of the relevant jurisdiction's carer payment rates to the requesting DCP case worker (carer payment rates for each State can be located at: S Drive ILO folder Interstate Carer Payment Rates or via the relevant jurisdiction's website).
- if there are exceptional/extraordinary payments made to the carer, confirm specific payment details from the DCP case worker.
- make an enquiry to determine if the receiving jurisdiction will match existing payment arrangements and forward the response to the DCP case worker via email, along with a copy of the relevant jurisdiction's carer payment rates.
- advise the DCP case worker to compare and discuss any differences in carer payments with the carer.

4.1.2 Review request to transfer

When reviewing a request to transfer care and protection orders, the ILO should assess the request against the Protocol to ensure it is in line with agreed requirements. The ILO should:



- collate all supporting documents from C3MS, referring to the list on the final page of Request to transfer care and protection order or proceedings to other jurisdiction and Section 8 of the Protocol Appendix.
- determine if there are any open/closed Care Concerns relating to the placement, and if so, review the details and check that adequate information is contained in the DCP case worker's transfer request.
- if there are any open care concerns, liaise further with the requesting DCP case worker to determine if it is appropriate to proceed with the transfer request at this time.

4.1.3 Seek written consent from receiving jurisdiction

To seek written consent for the transfer from the receiving jurisdiction, the ILO should:

- draft a cover letter to send along with the transfer request form and supporting documentation to the receiving jurisdiction, using the ILO Letter seeking consent to transfer order template from the S Drive ILO folder 'Forms'
- once finalised, send to the relevant receiving jurisdiction
- seek regular updates in regards to the progress of the request
- during this time ask the DCP case worker to actively make attempts to obtain contact details for birth parents in preparation for notifying parents of the decision to transfer, pursuant to section 125 of the CYPs Act.

4.1.4 Approval of transfer

The proposed administrative transfer of the order must be approved by the Deputy Chief Executive. The Deputy Chief Executive's approval can only be sought if/once the receiving jurisdiction has consented to the transfer in writing.

To seek approval of the proposed transfer the ILO should:

- complete the Deputy Chief Executive approval for administrative transfer template in the S Drive ILO folder 'Forms'.
- include an overview of the case in the 'further information' section of the template, providing brief information including:
 - when the child or young person moved interstate
 - when casework assistance commenced
 - summary of placement stability
 - what cultural considerations have been made (including application of the ATSI CPP or the placement priorities for CALD children and young people)
 - the views of the child or young person, parents and others as necessary (or attach copies of consent if the order type is such that consent is required)
 - date the receiving jurisdiction consented to the transfer.
- prepare notice of decision letters from the Deputy Chief Executive to the child or young person and/or their parents pursuant to section 125 of the CYPs Act, using the ILO Notice Decision to transfer – child and/or ILO Notice Decision to transfer – parent letter template in S Drive ILO folder 'ILO Forms'.
- email the following to the relevant regional director to seek endorsement:
 - Deputy Chief Executive approval for administrative transfer
 - request to transfer care and protection order to other jurisdiction
 - copy of the Care and Protection order
 - copy of consent from the receiving jurisdiction



- letters to be signed by the Deputy Chief Executive for the child or young person and/or their parents.
- once endorsed by the regional director, forward the email and included documents (see above) to [REDACTED], including a request within the email that if/when approved by the DCE, the signed letters (for child/ren and/or parents) are returned to [DCP ILU mailbox](#) urgently (on the same day they are signed). This is crucial to ensure the relevant DCP office is able to arrange service of the letters in line with legislated timeframes.
- If the order transfer is approved, forward the signed approval and S125 letters to the DCP case worker, team senior practitioner and supervisor, and instruct the allocated DCP case worker to serve the S125 letters, as per s125 of the CYPS Act. Mark email as urgent and follow up with a phone call to ensure it has been received.
- If the order transfer is approved, record an 'A29 Interstate Transfer Commenced (from SA) administrative authority in the Authorities tab on C3MS (for all children the transfer relates to).

4.1.5 Review of decision (section 126 of the CYPS Act)

- Following the end of the 13 business day review/appeal period, email the relevant DCP office to enquire whether they have received any communication from any party, been served with an application for a review of the decision, [REDACTED]
- If no applications have been received, notify the receiving jurisdiction and request the transfer be progressed.
- If an application has been received, notify the receiving jurisdiction to ensure no further action is taken by the receiving jurisdiction. [REDACTED]
- Continue to seek updates from the receiving jurisdiction regarding progress as required (for example on a monthly basis).

4.2 Transfer of care and protection orders out of South Australia – Judicial transfer

To progress a judicial transfer of an order, the following steps must be undertaken by an ILO.

4.2.2 Review request to transfer

To review the request to transfer, the ILO should:

- assess the request against the [Protocol](#) to ensure it aligns with agreed requirements
- collate all supporting documents from C3MS (refer to the list on the final page of [Request to transfer care and protection order or proceedings to other jurisdiction](#) and Section 8 of the [Protocol](#) Appendix)
- ascertain whether there are any open/closed care concerns relating to the placement
- if there are care concerns, review the details and check that adequate information is contained in the DCP case worker's transfer request
- if there are any open care concerns, liaise further with the requesting DCP case worker to assess whether it is appropriate to proceed with the transfer request at this time.



4.2.3 Seek written consent from the receiving jurisdiction

The ILO should draft a cover letter to send with the transfer request form and supporting documentation to the receiving jurisdiction. The ILO should use the ILO Letter seeking consent to transfer order template (available in the S Drive ILO folder 'ILO Forms').

Once the request has been submitted to the receiving jurisdiction, the ILO should seek regular updates about the progress of the request.

4.2.4 Transfer the order

Once the Deputy Chief Executive has endorsed the proposed transfer and the DCP case worker has made an application to the Youth Court to transfer the order, the ILO should provide written confirmation to the receiving jurisdiction. The ILO should provide written confirmation once the two week (10 business days) appeal period has passed (pursuant to S138(1)(a) of the CYPs Act).

The allocated DCP ILO will receive confirmation from the receiving jurisdiction that the Youth Court order has been registered in the Court of the receiving jurisdiction and that transfer is complete.

The ILO must notify the allocated DCP case worker and any other relevant parties of the transfer completion via email.

4.3 Transfer of care and protection proceedings from South Australia

In some circumstances, it may be appropriate to transfer care and protection proceedings that commenced in SA to another jurisdiction. Provisions for the transfer of care and protection proceedings to another jurisdiction are set out under sections 131-133 of the CYPs Act.

4.3.1 Review the request

The ILO should assess the request to transfer care and protection proceedings against the [Protocol](#) to ensure it aligns with agreed requirements.

The ILO should:

- collate all supporting documents from C3MS (refer to the list on final page of Request to transfer care and protection order or proceedings to other jurisdiction and Section 8 of the Protocol Appendix).
- ascertain whether there are any open/closed Care Concerns relating to the placement.
- if there are any care concerns, review the details and check that adequate information is contained in the DCP case worker's transfer request.



4.3.2 Seek consent from receiving jurisdiction

The ILO should prepare a cover letter using the ILO seeking consent to transfer proceedings template (located in the S Drive ILO folder 'ILO Forms') and forward the documents to the ILO for the receiving jurisdiction.

If the receiving jurisdiction provides written consent to the proposed transfer of proceedings, the ILO should notify the DCP case worker via email.

4.3.3 Apply to the Youth Court to transfer proceedings

Once a copy of the Youth Court order has been received, the ILO should ensure the 3 business day appeal period has lapsed (pursuant to S138(1)(a) of the CYPS Act).

If no appeals have been lodged, the ILO should forward a copy of the Youth Court application and order to the receiving jurisdiction.

4.4 Transfer of care and protection orders or proceedings from interstate to South Australia

4.4.1 Receive and assess request

To transfer care and protection orders or proceedings from interstate to South Australia, the ILO should assess the request [REDACTED]

Where the request relates to the transfer of an order, the ILO must ensure that:

- the legal requirements for the proposed transfer have been met (including that any required consents have been obtained in writing)
- the order is legally compatible for transfer [REDACTED]
- the order is not subject to appeal or otherwise stayed.

4.4.2 Ensure carers are approved in South Australia pursuant to S72 of the CYPS Act

The ILO should ascertain the type of assessment/category of care the carer(s) will need to be assessed/approved for (such as kinship care, Specific Child Only, foster care or specialist foster care). It is recommended that the ILO seek advice from the Kinship Assessment Team (KAT) and/or the Carer Approval and Review Unit (CARU).

The ILO should work in conjunction with the DCP co-worker (who provides casework assistance) to arrange for the carer(s) to be assessed in South Australia and for a carer approval determination to be made.

If the carer(s) is/are being assessed as kinship carers or Specific Child Only carers the DCP co-worker and the DCP ILO will be responsible for undertaking the following:



Role	Responsibilities
DCP co-worker	<ul style="list-style-type: none"> • Seek written consent from carer/household members for DCP to share information with all states they have previously lived in (as a child or adult) and for interstate carer support agency (if relevant). • Undertake referee checks. • Arrange WWCCs for carer, all adult household members and regular guests. • Obtain General Practitioner (GP) report/medical self-assessment (GP report only required if medical self-assessment identifies any significant issues). • Conduct home safety check. • Provide Child Safe Environments booklet and Safe Infant Care DVD to carer (if caring for infant) and case note this on C3MS. • [REDACTED] • Send details of all the above to ILO.
DCP ILO	<ul style="list-style-type: none"> • Complete request for interstate CP information once consent received from DCP co-worker. • Collate all information required for carer approval. • In some instances, interstate carer assessment documentation, together with the documentation outlined above, may be sufficient for a SA carer approval determination. DCP ILO will need to use professional judgement around this. If considered appropriate, DCP ILO will forward all documentation directly to CARU to request consideration of SA carer approval. • If it has been determined a full assessment is required, DCP ILO will complete referral to KAT or referral to outsource once documentation obtained from DCP co-worker as above. • If assessment is to be outsourced, DCP ILO will seek approval from the relevant DCP Office Manager for the office to fund the cost of outsourcing the assessment (prior to submitting the referral for the assessment to be outsourced).

If the carer(s) is/are to be assessed as foster carer(s), the ILO should liaise with CARU and the DCP co-worker as required to collate required documentation and ensure an appropriate referral is made to an appropriate SA foster care agency and, if required, for this agency to conduct the assessment.

4.4.3 Seek Deputy Chief Executive approval

The ILO should prepare a report for the Deputy Chief Executive using the *DCE consent to transfer or order or proceeding into South Australia* template, ensuring the following information is included:

- the recommended outcome or decision
- a summary of the child or young person's case and child protection history
- a summary of the assessment findings [REDACTED]
- confirmation that the child or young person's carers are approved carers in South Australia pursuant to section 72 of the CYPs Act.

The ILO should submit the report for review and endorsement by the relevant office manager and regional director prior to submitting to the Deputy Chief Executive for approval.



4.4.4 Inform the sending jurisdiction

The ILO should advise the sending jurisdiction and the DCP co-worker via email whether DCP consents or does not consent to the transfer.

If consent is provided, the ILO should confirm with the sending jurisdiction that all appeal periods have lapsed in the sending jurisdiction. The order cannot be registered in SA until all appeals in the sending jurisdiction have lapsed.

4.4.5 Register the order or proceeding

The ILO should prepare and forward all documentation to the CSO, including:

- an email to the CSO requesting the order be registered in the Adelaide Youth Court
- a copy of the interstate order
- a copy of the child or young person's birth certificate
- a copy of the transfer request from the sending jurisdiction
- a copy of the signed ILO Deputy Chief Executive consent to transfer form
- evidence of South Australian carer approval.

The ILO should:

- continue to liaise and work with the CSO towards having the order registered in the Youth Court, including swearing/affirming the Affidavit.
- maintain regular contact with the DCP office and the sending jurisdiction to provide updates
- once the order has been registered in the Youth Court (as advised by the CSO), notify the sending jurisdiction and the relevant DCP office via email
- advise the DCP office to complete the tasks outlined in [Transfer care and protection orders and proceedings between South Australia and other jurisdictions](#) in the Ongoing intervention chapter of the Manual of Practice
- record the relevant administrative authority in C3MS (according to the table below)
- record a copy of the registered order in the 'Notes and Documents' tab of the administrative authority using the following C3MS codes:

A31	Reg interim order during transfer of CP proceedings (to SA)
A30	Reg transfer of CP proceedings (to SA)
A36	Reg interstate order – Custody to CE up to 12 mths
A34	Reg interstate order – Guardianship to CE to 18 yrs
A37	Reg interstate order – Guardianship to CE up to 12 mths

5. Compliance, monitoring and evaluation

The DCP ILU is responsible for reviewing this document every three years, or earlier if required.



6. Related documents

Related documents, forms and templates
DCP Manual of Practice: Transfer care and protection orders and proceedings between South Australia and other jurisdictions
Interstate Child Protection Protocol

Document control

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