

Death of a child or young person in care Procedure

1. Purpose

The death of a child is profoundly distressing for parents and other family members. Whether the death is anticipated for medical reasons, unexpected and sudden, or caused by the intentional act of another, it can create intense emotional responses for families and the professionals involved.

This procedure outlines the roles and responsibilities of Department for Child Protection (DCP) staff following the death of a child or young person in care. It details who has the legal responsibility for post death arrangements and will assist staff in supporting parents, caregivers and significant others in the child or young person's life during this time.

This procedure aims to ensure culturally competent responses when an Aboriginal child or young person passes away in care.

It also provides guidance to ensure compliance with the requirements of the [Coroners Act 2003](#) relating to a Reportable Death of a child or young person who is under the Guardianship or Custody of the Chief Executive.

This procedure must be read in conjunction with the [Coronial investigation and inquest Procedure](#), Enacting palliative and/or end of life decisions for a child or young person in care Procedure and the [Significant incident reporting Procedure](#).

2. Scope

This procedure applies to children and young people under the following orders:

- custody or guardianship of the Chief Executive pursuant to the [Children and Young People \(Safety\) Act 2017 \(CYPS Act\)](#) and custody or guardianship arrangements under the [Adoption Act 1988](#).
- children or young people placed under long-term Guardianship orders pursuant to section 53 of the CYPS Act (known as *Long-term Guardianship (Specified Person)* (LTGSP) if DCP has provided ongoing case support to the care arrangement or the guardian or family request assistance in resolving disputes.
- short or long-term Family Care Meeting Agreements (established prior to the commencement of the CYPS Act).
- Unaccompanied Humanitarian Minors for whom the Commonwealth Minister for Immigration and Border Protection has delegated the guardianship responsibilities according to the [Immigration \(Guardianship of Children\) Act 1946 \(Commonwealth\)](#).

Where a child or young person is under the Guardianship of the Chief Executive or under the Guardianship of a Specified Person (LTGSP), the Guardianship Order ceases upon the death of the child or young person.

In the event of the suspicious death of a child or young person not currently an open case with DCP, but who is known to DCP through a previous notification to DCP in the preceding 12-month period, the death must be referred to the [Significant Incident Reporting Unit](#).

3. Authority

3.1 Legislative context

- [Births, Deaths and Marriages Registration Act 1996](#)
- [Children and Young People \(Safety\) Act 2017](#)
- [Coroners Act 2003](#)
- [Immigration \(Guardianship of Children\) Act 1946 \(Commonwealth\)](#)
- [Transplantation and Anatomy Act 1983](#)
- [Wills Act 1936](#)

3.2 Principles

When managing the death of a child or young person in care, all case management processes are underpinned by the following principles:

- assessment of the safety and wellbeing of the other children living in the same household
- assessment of the family's support needs
- where a child or young person's death has been expected (for example, as a consequence of a serious illness), consideration of any wishes that may have been discussed with the child or young person prior to their death
- open communication and information sharing between all parties including the child or young person's family and carers
- sensitivity to the relationship between the child or young person's family, foster family, or any other caregiver involved in the child or young person's life
- shared decision making and planning with family and carers
- cultural sensitivity in all case management processes (see [Cultural Considerations](#)).

4. Procedure requirements

4.1 Responding to the death of a child or young person in care

4.1.1 Immediately respond to the death of a child or young person

Anyone presented with a situation where they believe a child or young person is deceased must immediately call 000 and request an ambulance and where possible, administer first aid.

Once help has arrived, workers present should attend to the immediate needs of any other children or young people present.

When a death occurs in a DCP setting, including DCP Residential Care, workers should also:

- notify the supervisor to request immediate back-up support
- contact the DCP case worker, supervisor or manager at the DCP office, or the DCP Call Centre if after-hours
- ensure staff are available to assist if any other children or young people require medical attention and/or ambulance transport.

At the scene of the incident workers should make efforts to:

- preserve evidence relevant to the death. For example, do not move items around or remove items from the scene of the incident

- do not move the body of the child or young person except to administer first aid and to establish that the child or young person is deceased
- keep other children or young people away from the scene
- secure (lock) the scene of the incident if possible.

Incidents involving or implicating other children or young people:

- notify SAPOL immediately if other children or young people were present or are suspected of being involved or implicated
- keep other children or young people in the placement under constant observation, and if possible keep them separated
- do not allow other children or young people in the placement to wash, change clothes or leave the premises until SAPOL has attended.

Residential care workers should also refer to the [Residential Care: Incident Management Procedure](#) if a child or young person's death occurred in placement.

NGO Residential or non-family based carer must follow the [Significant Incident Management Requirements for Service Providers](#).

4.1.2 Recording a child or young person's death in C3MS

Notes associated with the death of the child or young person are to be recorded as per standard processes in C3MS.

Refer to the [C3MS Guide: Recording the death of a child or young person or adult](#).

4.1.3 Organ donation

Decisions about donation of a deceased child or young person's organs are to be made by the child or young person's Senior Next of Kin in accordance with the *Transplantation and Anatomy Act 1983*.

4.2 Reporting the death of a child or young person in care

As soon as practically possible, DCP workers must alert their supervisor or manager of the child or young person's death. The supervisor or manager must then notify the relevant regional director.

If the unexpected death occurs after hours, staff must immediately notify the DCP Call Centre.

In consultation with the direct line manager, the DCP worker must complete a significant incident report in accordance with the [Significant incident reporting Procedure](#) and an [Adverse Event referral, in accordance with the Adverse Event Procedure](#).

If this is an expected death of a child or young person, refer to [Enacting palliative and/or end of life decisions for a child or young person in care Procedure](#).

Coroner's Act

The [Coroners Act 2003](#) defines a Reportable Death to include the death of a person in the custody or under the guardianship of the Chief Executive under the *Children and Young People (Safety) Act 2017*. DCP must ensure all reportable deaths are reported to the State Coroner or SAPOL (unless there are reasonable grounds to believe that the death has already been reported). Refer to [Coronial investigations and inquest Procedure](#).

4.3 Key responsibilities following the death of a child or young person in care

4.3.1 Notifying a child or young person's family and carers

The DCP case worker, in consultation with supervisor or manager, will identify the person who is to notify kin and carers of the death (unless already done so by SAPOL). This person will also be responsible for providing initial information and linkage to appropriate and accessible grief and loss services. If this is unable to be achieved immediately, it is the DCP case worker's responsibility to follow up with family and carers at a more suitable time.

It is essential that the DCP case worker involves the Principal Aboriginal Consultant (PAC) or Aboriginal Family Practitioner or Aboriginal representative who knows the family situation for advice, direction, support and local cultural protocol information for Aboriginal families following the death of an Aboriginal child or young person.

The DCP case worker in consultation with supervisor or manager will identify an appropriate person to ensure that the deceased child or young person's siblings are sensitively informed of the death and the circumstances surrounding the death in a manner consistent with their developmental age, and are provided with opportunities to express their loss and grief. This may include facilitating a referral process to appropriate therapeutic grief and loss services.

Grief and loss support

DCP will provide financial support for grief and loss services for family and carers, including siblings, subject to assessed needs. The DCP case worker is to make every effort to source services from nongovernment agencies specialising in grief and loss, rather than private therapists or counselling associations. It is important to remember local Aboriginal cultural Sorry Business protocol may differ between communities. Encourage workers to consult with either the PAC or Aboriginal Family Practitioner or Aboriginal representative for more guidance.

4.3.2 Support for children and young people impacted by the death

How children understand and express loss will depend on their developmental age, past experiences and connection with the person they have lost. If language is a barrier for the child or young person or their family, please seek a Ngangkari (traditional healer) or Aboriginal Language Interpreting Service (ALIS) - <https://translate.sa.gov.au/ALIS> to Interpret and translate. For children and young people from a culturally and linguistically diverse background, see the [Interpreting and translating procedure for culturally and linguistically diverse families](#).

If a child or young person has an existing therapeutic support relationship, the DCP case worker should advise the therapist of the recent loss to ensure the child or young person receives appropriate support. In consultation with the child or young person's carers, the DCP case worker should also explore other grief and loss counselling options, where appropriate.

In addition, the [Kids Help Line](#) has a good resource for supporting a child or young person through grief and loss.

4.3.3 Support for DCP workers

The death of a child or young person is a traumatic event and impacts on the psychological wellbeing of workers. The line manager should organise an onsite response through the [Employee Assistance Program](#) (EAP) to support staff and reduce the risk of psychological injury.

EAP is available to staff 24 hours a day, 7 days a week via a toll-free telephone number (1300 277 924). No personal or identifying information is shared with DCP without written consent. All costs for EAP counselling services are paid by DCP.

EAP also offers a Managers Assist Program that can provide assistance in managing staff needs following the death of a child or young person. Refer to the [DCP intranet](#) for current provider details and supporting documents.

Supervisors, managers and regional directors need to continue to monitor staff wellbeing following the death of a child or young person and re-engage EAP as required, or actively assist and support individual workers to access the services of other grief and loss counselling services if needed.

Cultural leave is supported for Aboriginal staff. Ngangkari (traditional healers) or Aboriginal grief and loss support services can be offered to Aboriginal staff to assist and support grief and healing.

Staff can also refer to the [Staff Wellbeing](#) section of the DCP intranet for current provider details and supporting documents.

4.3.4 Aboriginal and Torres Strait Islander communities

The DCP case worker in consultation with supervisor or manager must engage a Principal Aboriginal Consultant (PAC), Aboriginal practitioner or another appropriate Aboriginal representative in relation to the death of all Aboriginal children or young people. The DCP case worker is required to advise (in writing) the Director, Aboriginal Practice Directorate regarding the passing and subsequent key information and arrangements.

The PAC, Aboriginal practitioner or other appropriate Aboriginal representative will provide cultural advice and assistance in relation to notifying family members, and any other specific cultural considerations as required. The DCP case worker will actively seek guidance and be Aboriginal led in regards to cultural protocols, understanding that protocols vary within Aboriginal culture. This will ensure that cultural aspects related to the funeral and Sorry Business are sensitively managed in all processes involving the child or young person's family, kin, community and kinship or foster carers. This may include acknowledging, respecting or seeking advice regarding:

- ensuring the correct family member is advised first regarding the passing of a child or young person
- ensuring a culturally appropriate response for each Aboriginal family – ensuring the DCP case worker consults with a PAC, an Aboriginal practitioner or another appropriate Aboriginal representative often and meaningfully
- understanding the family relationships and family members' relationships with the child or young person and/or their carer
- ensuring the Coroners Court social work team is well informed regarding cultural considerations
- recognising and being respectful of the different responses required between regional, remote and metropolitan communities
- managing the potential conflict between working in a risk averse environment and providing culturally competent responses
- communication with all stakeholders, and identifying the appropriate persons
- ensuring awareness and respect for cultural considerations around funeral ceremonies and working with the families involved
- communicating with a PAC, Aboriginal practitioner or another Aboriginal representative in regards to how the child or young person's personal belongings are dealt with.

[Interpreters](#) may need to be coordinated to support culturally appropriate and safe communication styles for family members.

If a child or young person passes away in a residential care facility, every effort should be made to have the facility culturally cleansed by way of smoking or sweeping. Workers should seek advice and support from a PAC to ensure this occurs.

Culturally appropriate bereavement care and support and relevant services is to be offered to the family, extended family and other Aboriginal or Torres Strait islander persons involved, as required for Sorry Business.

Aboriginal staff involved in the child or young person's case management should be offered cultural leave and appropriate cultural bereavement care after the passing away of a child or young person.

4.3.5 Culturally and linguistically diverse communities

Families from a culturally and linguistically diverse background may have specific ways of managing grief and loss following the death of a child or young person, including special requirements for who is involved and the location of the burial or cremation. An [interpreter](#) may be required to assist in these discussions.

The DCP case worker in consultation with supervisor or manager must initially engage DCP Multicultural Services for all deaths of a child or young person requiring a specialised cultural response. The DCP Multicultural Services will provide cultural advice and assistance in relation to notifying family members and any other specific cultural considerations.

The DCP case worker will convene a family meeting to make decisions about:

- viewing of the body
- cremation or burial
- place of burial
- assist where possible, to overcome the financial burden that can impact on the burial arrangements
- ceremonial practice to take place
- culturally respectful and sensitive process are in place once engagement with family has occurred
- support and bereavement care for the family, must be family's choice.

[Interpreters](#) may need to be engaged to support facilitation of culturally appropriate communication and understanding for family members.

Culturally appropriate bereavement care and support is to be offered to the family.

4.4 Senior Next of Kin

The order placing the child or young person under the Guardianship of the Chief Executive ceases upon the death of the child or young person, and at this point the Chief Executive is no longer considered the child or young person's legal guardian.

However, an agreement has been made with the Coroners Court whereby the Coroner has agreed to acknowledge the Chief Executive as *Senior Next of Kin*, together with the child or young person's biological parents. This is solely for the purpose of receiving information about the coronial process and providing written instructions to the Coroner's Court about providing information and access (i.e. viewing the child or young person's body) to another party (such as a carer).

This agreement in relation to Senior Next of Kin does not extend outside of the above restrictions.

4.4.1 Authorisation as Senior Next of Kin

The Coroner's Court has agreed that the Chief Executive can authorise an employee of the department as the Senior Next of Kin and clearly outline their roles and responsibilities.

The authorised DCP staff may request, in writing, the Coroner's Court to provide information to a carer or to request that a carer be able to view the child or young person's body in accordance with the agreement.

4.4.2 Carers' requests to view the child or young person's body and receive information from the Coroner

If a DCP employee has been authorised as a Senior Next of Kin, that person may request in writing that the Coroner's Court provide information to a carer or request that a carer be able to view the child or young person's body.

If no DCP employee has been authorised as Senior Next of Kin, the DCP case worker must discuss any request from a carer with their manager to determine the most appropriate course of action.

4.5 Assessing insurance implications

The Chief Executive or delegate will give immediate consideration as to whether a Reportable Death or other incident relating to that death may have insurance implications for DCP.

The Chief Executive or delegate will consult DCP Legal Services and/or Insurance Services about whether the South Australian Insurance Corporation (SAICORP) should be instructed.

4.6 Funeral arrangements

Pursuant to section 32(1) of the [Coroners Act 2003](#), the child or young person's body (in the event of a reportable death) is under the exclusive control of the Coroner. Once satisfied the body is not required for the purpose of an inquest, the Coroner will issue a certificate authorising release of the body.

Funeral and burial arrangements should be pre-determined wherever possible for the expected death of a child or young person.

The child or young person's closest or most Senior Next of Kin (usually the child or young person's parents) will normally assume the right and responsibility for funeral arrangements. Any custody or guardianship rights and powers of the carer or Chief Executive cease when the child or young person dies.

If there are no surviving parents or if the parents are unwilling or unable to make the necessary decisions, then the power sits with the next of kin in order of closeness of kinship.

Funeral arrangements and the financial and practical supports required for the family will be identified by the DCP case worker in consultation with supervisor or manager and if relevant seek Aboriginal advice from the Principal Aboriginal Consultant (PAC).

It is important for the DCP case worker to be aware Aboriginal families could change the child or young person name under Sorry Business processes for the mourning period and all responsibilities that follow in accordance with traditional lore and customs. These names may include (but are not limited to) Kumanjayi, Kwementyaye or Kunmanara. Please be aware this part of Sorry Business processes and expectations does not occur for all Aboriginal people.

4.6.1 Resolving disputes regarding funeral arrangements

If there is disagreement between the child or young person's carer(s)/guardian(s) and the next of kin about the funeral arrangements or what to do with the child or young person's remains, either party may request DCP to assist in resolving the disagreement. The Chief Executive is authorised under section 113 of the CYPS Act to endeavour to assist the parties to reach an agreement about the arrangements.

Funeral directors in South Australia who are aware of disputes about funeral arrangements and dealing with remains usually encourage parents and carers to request assistance from DCP to seek a resolution.

When there is a dispute about who may be legally entitled to make funeral arrangements, the Coroner may refrain from issuing an authorisation for disposal of human remains until that dispute is resolved, in accordance with section 32(2) of the [Coroners Act 2003](#).

DCP staff should inform the Coroner of any disputes so they can consider exercising this power. The Coroner does not have the power to take an active role in the resolution of such a dispute.

4.6.2 Financial assistance for funeral expenses

The DCP case worker in consultation with supervisor or manager will make an initial determination about DCP's contribution to funeral costs. This will be considered on a case-by-case basis taking into account the circumstances of the death, other critical factors and funding options available internally and through other sources (including the DHS funeral assistance program).

The DCP case worker will need to discuss DCP's contribution to funeral costs with their manager. Consideration will also need to be given to covering the costs of transporting a deceased Aboriginal or Torres Strait Islander child or young person to return to country and consider the extreme weather impact for remote environment. The DCP case worker should consult with a PAC regarding cultural requirements associated with the funeral for an Aboriginal child or young person.

DCP staff should refer to [Carer Payments](#) for further information, and discuss exceptional payments with their regional director.

Centrelink cannot provide any support payments or services after a child or young person has died until a death certificate has been issued.

The DCP case worker must ensure that Centrelink is advised when a child or young person in care has died so that Centrelink, Medicare and Child Support records can be updated.

A carer or parent may be eligible for a Bereavement Payment from Centrelink. The DCP case worker should refer to the [When a Child Has Died](#) page on the Centrelink website for further information.

4.7 Death certificate

The child or young person's parents will be named on the death certificate, not the child or young person's carers.

A long-term guardian who was granted guardianship of the child or young person by the Youth Court may apply to the Registrar of Births, Deaths and Marriages and request that their name be added to the Death Register and death certificate (section 38A and section 39(3) of the [Births, Deaths and Marriages Registration Act 1996](#)). Contact the Long-Term Guardianship (Specified Person) Assessment team for further information.

9.4 Distribution of child or young person's belongings and assets

When a child or young person dies in care, the child or young person's personal belongings and assets will need to be provided to the family. In the event of an expected death, decisions about the child or young person's belongings are to be considered as part of the case planning and communication process.

A child or young person rarely dies with a Will as a minor can only make a Will with the permission of the Supreme Court (section 6 *Wills Act 1936*). The child or young person's next of kin will be entitled to the child or young person's estate in the order of parents, siblings and grandparents, then aunts and uncles. The carer or guardian of a deceased child or young person will not receive anything from the child or young person's estate unless specified in a Will.



For example, if the child or young person has an Aboriginal Life Story Book, the DCP case worker should discuss with their manager, the family and the carer who is the most appropriate person to receive this from the child or young person's estate.

5. Compliance, monitoring and evaluation

This procedure will be reviewed in accordance with the Policy Governance Framework.

6. Roles and responsibilities

Role	Authority/responsibility for
DCP case worker	<p>Compliance with this procedure together with the Significant Incident Reporting Procedure.</p> <p>Management of the child or young person's property.</p> <p>Ensure any siblings of the deceased child or young person are supported appropriately.</p> <p>Initiate victims of crime applications for siblings if appropriate.</p> <p>Assist in mediation between carers and families, where required.</p>
Residential and non-family-based carers (Service Providers)	<p>Compliance with this procedure together with the Significant Incident Reporting Procedure.</p> <p>Report the death to SAPOL and contact DCP office or after hours.</p> <p>Attend to other children young people in the placement and ensure support person is available if a child or young person is to be questioned by SAPOL.</p> <p>Preserve the scene and secure the child or young person's belongings/possessions.</p> <p>Record all actions in the placement Observation Log or E-log.</p> <p>Ensure that the incoming shift is fully briefed.</p>
Service provider supervisor/manager	<p>Arrange debriefing for carers involved in the incident before the end of shift.</p> <p>Ensure that carers are supported as required.</p> <p>Organise formal debriefing no longer than a week after the incident.</p> <p>Refer the carer to an appropriate service that will be able to provide professional counselling.</p>
Supervisor / manager	<p>Compliance with this procedure together with the Significant Incident Reporting Procedure.</p> <p>Providing or accessing support to DCP case worker and other staff affected by the death of a child or young person.</p>
Principal Aboriginal Consultant (PAC)	<p>Providing the case management staff with Aboriginal cultural advice when an Aboriginal child or young person dies.</p>
DCP Multicultural Services	<p>Assisting the case management staff to identify a culturally appropriate and responsive approach to the needs of culturally and linguistically diverse families and communities when a child or young person dies.</p>



Director, Aboriginal Practice Directorate	Providing culturally responsive advice and support to the DCP Executive in the event of an Aboriginal child or young person passing away in care, including the possible impact on community, family and carers.
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7. Related documents

Related documents, forms and templates
Adverse Event Procedure
Adverse Event referral
C3MS Guide: Recording the death of a child or young person or adult
Significant incident reporting Procedure
Coronial Investigations and Inquest Procedure
Significant Incident Management Requirements for Service Providers
Residential Care: Incident Management Procedure

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5 July 2019	1.2	Changes to embed cultural considerations within the documents as recommended by Policy Governance Committee, 5 July 2019.
2 October 2020	1.3	Minor edits for incident management. Moved into new procedure template. Merged with Death in care procedure 2015.
12 January 2024	2.0	Reviewed in accordance with the DCP Policy Review Cycle.