

## Guidelines for completing *Notice of Risk* or *Form 4 - Notice of Child Abuse, Family Violence or Risk of Family Violence*

These guidelines have been developed to assist legal practitioners, self-represented parties, and services supporting families navigating the family law system, to understand what information should be included in the abovementioned Notices<sup>1</sup> to assist the Department of Communities, Child Safety and Disability Services (the department) to make an assessment about current *risk of harm to a child*.

Child abuse and family violence transcend all social classes and cultural barriers.

The effects can be traumatic and long lasting, not only for the victims, but also for their whole family and the community at large.

When the department receives comprehensive and clear information early in proceedings about child protection concerns, it can make an informed assessment about the current and future risk of harm to the child or children involved. This assists the department to take appropriate action to ensure the child's safety (where required) and/or ensure that the Court receives relevant child protection information relating to the proceedings.

These guidelines should be read in conjunction with the fact sheet: *Response by the Department of Communities, Child Safety and Disability Services to information received about harm or risk of harm to a child*.

### **Allegations of child abuse and/or family violence**

Where a party is completing a notice they must describe any acts or omissions that are alleged to constitute abuse or family violence. This may also include any future risk of child abuse or family violence.

It is critical that the department receives information about whether the child is presently at risk of harm. The department uses this information to make an assessment about whether a departmental response is required.

The department will not intervene where proper arrangements exist, or can be made, for the care and protection of the child and where the suspected abuse or neglect can be adequately addressed within the family environment.

Listed below are some key issues that should be addressed to enable the department to assess whether a child protection response is required.

### **Important note:**

Section 186 of the *Child Protection Act 1999* provides for the protection of *mandatory notifiers* (section 13E and 13F).

Information provided in a notice must not include any details that may reasonably lead to a notifier being identified.

<sup>1</sup> Parties to proceedings under the *Family Law Act 1975* who allege that a child to whom the proceedings relate has been abused or exposed to family violence, or is at risk of abuse or family violence, must file a notice in the appropriate form in the relevant Court.

**Where does the child currently reside?**

You should provide a current address for where the child is residing, or where you believe the child to be residing, or any other details that may provide information regarding the child's current whereabouts.

**What happened?**

You should succinctly describe each alleged event, including relevant contextual information set out below.

**When did each alleged event occur?**

It is important that timeframes for events are recorded as accurately as possible. The department needs to know whether the alleged event:

- is happening now
- is recurring (and when it most recently occurred)
- has occurred before (and when?).

If the exact timeframe is not known, include an estimate (for example, Easter 2016).

Where the concerns are ongoing, the notice should record whether the alleged abuse or family violence was a *single incident* or is part of a *pattern of behaviour*. This may include:

- whether there have been a number of related concerns occurring over a period of time, which may continue to pose a risk to the child; and
- the frequency of the act, omission or behaviour of concern.

**Did the party completing the form witness the event?**

You should advise whether the party completing the notice witnessed the alleged event firsthand, or whether the information was given to them by another person.

**Was anyone else present?**

If another person witnessed the alleged event, this information should be recorded.

**How did the child react to the incident?**

The child's reaction to the alleged event should be recorded. This information may comprise:

- the party's own observations
- another person's observations
- any information disclosed to the party by the child or another witness.

The *Child Protection Act 1999* recognises the family as the primary means of providing for the nurture, care and protection of children (where it is safe to do so).

The department will not intervene where proper arrangements exist, or can be made, for the care and protection of the child, and where the suspected abuse or neglect can be adequately addressed within the family environment.

**Has each alleged event been reported to the relevant Regional Intake Service of the department?**

If the party completing the notice is aware that their concerns have previously been reported to the department (either by the party or another person), they should record it on the notice as this information may assist the department in assessing the child's current risk of harm. In these situations the identity of the previous notifier/s should not be disclosed as section 186 of the *Child Protection Act 1999* protects the confidentiality of a person who makes a notification of abuse or neglect.

**What steps (if any) has the party taken to protect the child?**

The party completing the notice should report what actions they have taken (either directly or indirectly) to protect the child. This may include engaging relevant services and/or appropriate support networks.

**Has the department been previously involved with the family?**

This may include court orders, voluntary intervention, agreements or any other services.

**Are any agencies currently involved with any of the parties?**

Not all concerns will require a statutory child protection response. The party completing the notice should report:

- whether the family is currently receiving any services or support in response to the alleged abuse or family violence
- whether the party believes that the services are supporting the family to address the concerns relating to the alleged act or omission?

**What arrangements are currently in place for the protection of the child?**

The notice should include what protection arrangements (if any) have been put in place in response to the alleged abuse or family violence. Does the party believe that varying these arrangements would expose the child to further risk?

*These guidelines do not constitute legal advice. They have been developed by the Department of Communities, Child Safety and Disability Services for information purposes only. The department always recommends that individuals seek independent legal advice.*

**For further information, go to:**

Website: <http://www.communities.qld.gov.au/childsafety>

Email: [info@childsafety.qld.gov.au](mailto:info@childsafety.qld.gov.au)

Phone: 1800 811 810 (Queensland only) or 3224 8045