

7.6.10 Domestic violence involving children

For the purpose of this section:

(i) a child '**normally resides**' with a respondent or an aggrieved if they regularly spend some time living with either person, irrespective of whether this living arrangement is permanent or temporary; and

(ii) a '**complaint of domestic violence**' refers to any investigation of a complaint of domestic violence where the officer reasonably believes there is an aggrieved.

POLICY

Where an officer is investigating a complaint of domestic violence and ascertains that one or more children (including any unborn child/children) normally reside with either the respondent or aggrieved, and the child/children do not appear to be the victim of a criminal offence involving harm to a child, the officer is to contact Policelink and ensure a Policelink client service officer completes a domestic violence occurrence that has been multi-classed with a Child Protection – Emotional Abuse (DV related) [0522] occurrence in accordance with s. 9.13.4: 'Other action to protect children involved in domestic violence' of this Manual.

Where an officer in charge of a Child Protection Investigation Unit (CPIU) or a Criminal Investigation Branch (CIB) receives a domestic violence occurrence that has been multi-classed with a Child Protection – Emotional Abuse (DV related) [0522] occurrence, the officer in charge is to select an officer, of at least the rank of detective sergeant or where a detective sergeant is not available, a senior or experienced officer with sufficient child protection investigation experience, to:

(i) review the Child Protection – Emotional Abuse (DV related) [0522] information multi-classed within the occurrence;

(ii) update the Domestic Violence occurrence that has been multi-classed with a Child Protection – Emotional Abuse (DV related) [0522] occurrence with any additional information known to the officer that the officer believes may assist any officer from Child Safety Services, Department of Communities who may subsequently review the QPRIME occurrence;

(iii) where the officer has been detailed to investigate the complaint, commence an investigation in accordance with s. 7.6.3: 'Initial inquiries by officer investigating the complaint' of this chapter;

(iv) where the officer has not been detailed to investigate the complaint, but the officer believes that an investigation is necessary, ensure that the matter is referred back to the relevant officer in charge of the CPIU or the CIB who received the Domestic Violence occurrence that has been multi-classed with a Child Protection – Emotional Abuse (DV related) [0522] occurrence, for detailing of the investigation;

(v) refer the matter directly to Child Safety Services, Department of Communities via the Regional Intake Service;

(vi) where it is appropriate to complete a Form 1: 'Request for Multi-Agency Meeting' (available in QPRIME or QPS Forms Select, when QPRIME is unavailable), arrange for the completion and forwarding of a Suspected Child Abuse and Neglect Team (SCAN) Referral to the local service SCAN team representative (see 'Child Protection Occurrence: 'Add SCAN Form' of the QPRIME User Guide); and

(vii) update the Domestic Violence occurrence that has been multi-classed with a Child Protection – Emotional Abuse (DV related) [0522] occurrence with information about any additional action taken, including for example, the forwarding of a SCAN Team Referral.

Referral of children involved in domestic violence

POLICY

The selected officer may refer the child to a non-government agency (provided the agency has capacity to respond to the referral). The purpose of referring a child to a non-government agency is to allow the child to receive counselling or some other form of follow-up, early intervention or support service. If a child is referred to a non-government agency, the referring officer is to update the Domestic Violence occurrence that has been multi-classed with a Child Protection – Emotional Abuse (DV related) [0522] occurrence with details of the referral. See s. 9.6.4: 'Referral agencies' of this Manual.

ORDER

A domestic violence occurrence that has been multi-classed with a Child Protection-Emotional Abuse (DV related) [0522] occurrence must always be referred to Child Safety Services, Department of Communities (in accordance with s. 9.6.4: 'Referral agencies' of this Manual), regardless of whether consent for the referral has been obtained. The legislative authority for sharing the multi-classed occurrence with Child Safety Services, Department of Communities is found in s. 159M: 'Particular prescribed entities giving and receiving relevant information' of the *Child Protection Act*. This section also enables an officer to refer a child to a non-government agency without the consent of a parent or the child. However, officers should consider whether referring a child without such consent is in the best interests of the child, and be aware that some non-government agencies may not accept a referral without consent.

A copy of the Domestic Violence occurrence containing the Child Protection – Emotional Abuse (DV related) [0522] occurrence is not to be forwarded to a non-government agency unless the officer in charge of the CPIU or CIB is satisfied that the regional Assistant Commissioner has entered into an agreement regarding confidentiality of information with the chief executive of the agency that is consistent with the sample agreement set out in Appendix 7.3: 'Confidentiality Agreement for Non-Government Agencies' of this chapter.

The officer in charge of the CPIU or CIB is to also ensure that any domestic violence occurrence containing the Child Protection – Emotional Abuse (DV related) [0522] occurrence, that is forwarded to Child Safety Services, Department of Communities or to any non-government agency, does not contain inappropriate or irrelevant information.

POLICY

Regional Standing Operating Procedures (SOP) should identify which non-government agencies have agreed to accept referrals of children under this chapter.

These agencies could include:

- (i) a domestic violence service;
- (ii) a family support service; or
- (iii) a recognised Aboriginal or Torres Strait Islander entity included on the list kept by the Chief Executive of the Department of Communities under s. 246I: 'Recognised entities' of the *Child Protection Act*.

See s. 9.6.4: ' Domestic violence referral agencies' of this Manual.