



## Custodial Operations Practice Directive

Process Owner: Custodial Operations

Security Classification: Official/Public

Version: 06

Implementation date: 22/02/2024

Review date: 2024

### Scope

1. Human Rights
2. Limitation of Human Rights
3. Pregnant Prisoners
4. Develop Birth/Escort Plan
5. [REDACTED]
6. Removal of Clothing (ROC) Searches
7. Care of a Child in a Corrective Services Facility
8. Management and Accommodation of Children Flowchart
9. Application for Accommodation of a Child in a Corrective Services Facility
10. Develop Child Care Plan
11. Review of Child Care Plan
12. Photographs of Children
13. Child's Property
14. Safety and Well-being of Children
15. Search of Children
16. Impact on Children of Breach of Discipline Decisions
17. Health Services
18. Management of Children's Medication
19. Temporary Absence of a Child
20. Develop Separation Plan – Removing a Child from a Corrective Services Facility
21. Develop Release Plan
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### 1. Human Rights

It is unlawful for corrective services officers to act or make decisions in a way that is not compatible with human rights, or in making a decision, fail to give proper consideration to a human right relevant to the decision.

Giving proper consideration to human rights entails identifying human rights which may be relevant to a decision and considering whether the decision would be compatible with human rights.

A decision will be compatible with human rights when it does not limit a human right, or only limits a right to the extent that is reasonable and demonstrably justifiable.

Human rights which may be relevant include:

- a) the right to equal and effective protection against discrimination;
- b) the right to life;
- c) protection from torture and cruel, inhuman or degrading treatment, including the right not to be subjected to medical treatment without the person's full, free and informed consent;
- d) the right to freedom of thought, conscience, religion and belief;
- e) the right to privacy, including the right not to have the person's family unlawfully or arbitrarily interfered with;
- f) the right to health services;
- g) protection of families and children
- h) the prisoner's cultural rights – generally and for Aboriginal peoples and Torres Strait Islander peoples; and
- i) the right to be treated with humanity and respect.

### 2. Limitation of Human Rights

In determining whether a limitation may be reasonable and demonstrably justifiable, the following factors are relevant to consider:

- a) The nature of the human right – this involves looking at the purpose and underlying value of the human right. For example, the right to humane treatment when deprived of liberty requires that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.
- b) The nature of the purpose of the limitation – this involves considering the actual purpose or legitimate aim/reason for limiting the human right. This policy particularly impacts the protection of families and children, including the right of every child, without discrimination to the protection that is needed by the child and is in the child's best interests, because of being a child. This policy provides a process for a pregnant prisoner who will give birth during her period of imprisonment to apply for her child to be accommodated with her within the corrective services facility, although this is not an automatic process. The best interests of the child are paramount in determining if the application is approved or otherwise, within the restrictions of the accommodation available within a corrective services facility.
- c) The relationship between the limitation and its purpose – this involves considering the connection between the limitation of the right and whether this will assist with achieving the purpose or legitimate aim. For example, the consideration of an application for a mother to have their child accommodated with them in a custodial environment, which may result in the request being denied, is based on assessing the best interests of the child.

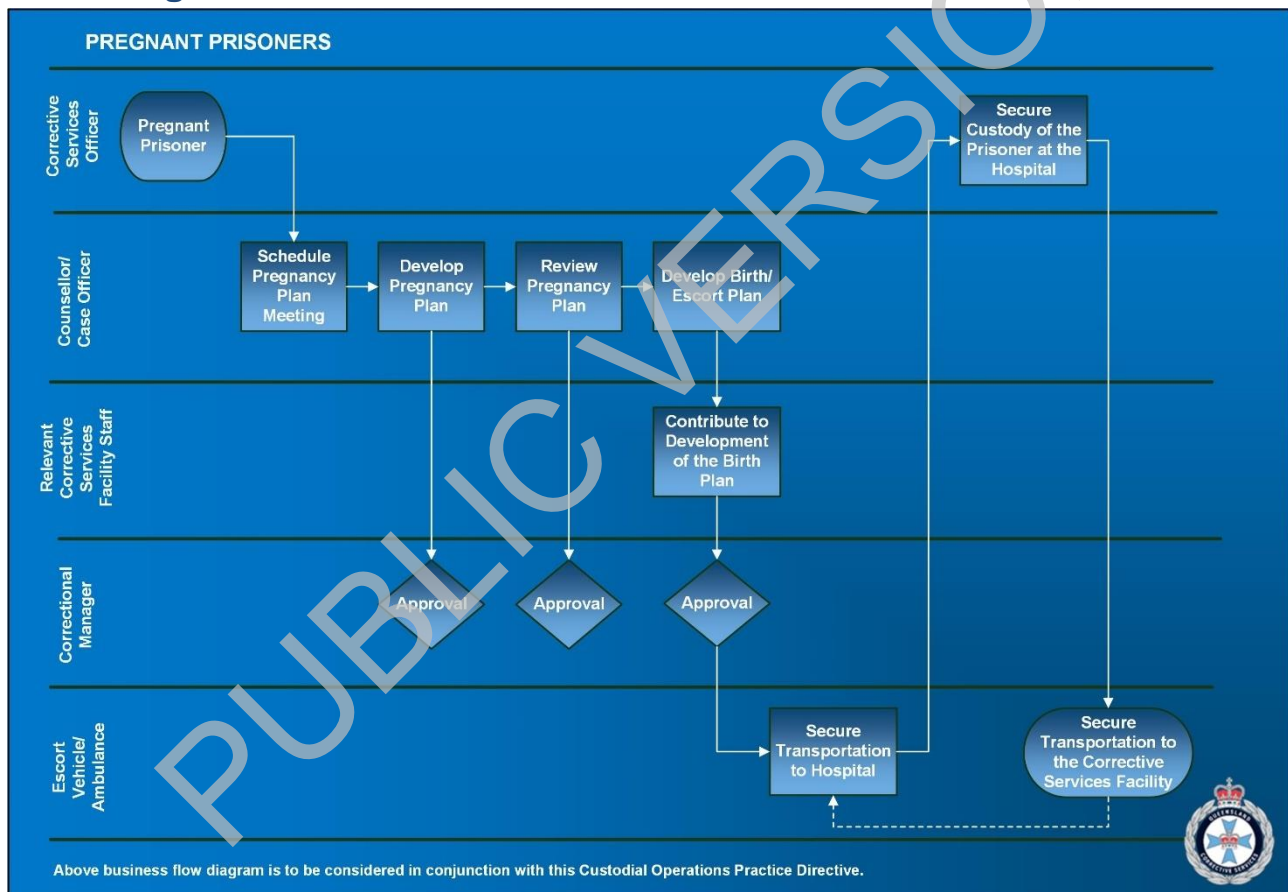




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- d) Whether there are less restrictive and reasonable ways to achieve the purpose – this involves a necessity analysis where it is necessary to consider the purpose of the limitation and whether it can be achieved in any other way. QCS consults with relevant stakeholders in the process of determining the result of an application, to ensure that any limitation on the connection between the child and their mother is assessed as being in the best interests of the child.
- e) The importance between the purpose of the limitation and preserving the human right – this involves balancing the benefits obtained by the limitation with the harm caused to the human right. For example, is a decision to not accommodate a child with their mother within a corrective services facility, which limits the right to families and children, balanced against a thorough assessment of the best interests of the child?

### 3. Pregnant Prisoners



Pursuant to section 29 of the *Corrective Services Act 2006* (CSA), a pregnant prisoner who will give birth during her period of imprisonment must be informed that she, or the child protection chief executive, may apply for her child to be accommodated with her within the corrective services facility and that, if successful, she will have primary responsibility for the child's care and safety, including all costs associated with the care (excluding the costs of food and drinks). Refer to Section 9 Application for Accommodation of a Child in a Corrective Services Facility section of this COPD. Prisoners should also be advised that being pregnant does not automatically mean their baby will be accommodated in custody.



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### 3.1 Health care

Health care for pregnant prisoners is provided by Queensland Health. Pregnant prisoners will be provided the opportunity to participate in hospital antenatal appointments and maternity needs.

Services available for prisoners may also include regular visits by midwives which will include the organisation of routine and specialist medical appointments at the local Queensland Health Hospital. Health care professionals may also visit mothers and babies following the birth of a baby.

### 3.2 Government requirements and entitlements

The Chief Superintendent of the corrective services facility must establish a process which ensures that all governmental requirements and entitlements are completed by the prisoner including but not limited to:

- a) the Newborn Upfront Payment and Newborn Supplement;
- b) application for birth registration; and
- c) updating of Medicare records.

### 3.3 Develop pregnancy plan

The Chief Superintendent of the corrective services facility or nominee must ensure that a Pregnancy Plan has been developed to provide a pregnant prisoner the opportunity to seek and receive support during her pregnancy and in preparation for the birth of her child.

A Pregnancy Plan meeting must be scheduled with the prisoner. Participation may include a panel of relevant corrective services facility staff where necessary. During this meeting the Pregnancy Plan is to be developed and explained to the prisoner. The date of next review must be determined and included in the Pregnancy Plan.

The Chief Superintendent should ensure that an Information Booklet is developed. The booklet should be provided to all mothers and approved internal carers providing prisoners with relevant unit information.

Upon completion of the Pregnancy Plan the prisoner should sign the plan confirming her agreement and receipt of any relevant information booklets. A copy of the signed Pregnancy Plan must be provided to the prisoner and a scanned copy attached in IOMS.

Refer to the Administrative Form 144 Pregnancy Plan.

### 3.4 Review pregnancy plan

The Pregnancy Plan must be reviewed at a minimum of every two months and recorded as a case note in IOMS.





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### 4. Develop Birth/Escort Plan

The Chief Superintendent of the corrective services facility or nominee must ensure that a Birth/Escort Plan has been developed to facilitate the prepared response to the needs of the prisoner at the point that labour commences. Refer to the Administrative Form 145 Birth/Escort Plan.

Liaison with the Queensland Government Department in which the *Child Protection Act 1999* is administered (Child Safety) must occur to ensure no restrictions apply. Refer to section 341 of the CSA and the *Child Protection Act 1999*, section 159M – section 159NA and the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

The Birth Plan is to be scanned and attached in IOMS. Escorting officers must also be provided with a copy of the Birth/Escort Plan.

#### 4.1 Budget planning

The Counsellor/Case Officer must discuss budget planning with the prisoner at the time the Birth Plan commences. Further support must be provided at the request of the prisoner or as identified as necessary. Refer to section 6.1 Financial Responsibility of this COPD.

Any medical elective procedure the mother might wish to pursue is the responsibility of the mother who must meet all financial costs including security related costs.

#### 4.2 Expression and storage of breast milk

Where a newborn baby is not returning with the mother to custody and the mother is breastfeeding the baby, the Chief Superintendent of the corrective services facility or nominee will facilitate the organisation of individual arrangements for expression, storage and hand-out of the breast milk to an approved carer.

The female prisoner may use centre provided breast pumps at no cost or purchase a breast pump to express milk. The Chief Superintendent of the corrective services facility must ensure that a Local Instruction is developed for the expression and storage of breast milk. Refer to the Administrative Form 146 Storage of Breast Milk Register.

The prisoner is responsible for the hygienic cleaning of the breast pump which will be stored in their cell and is to be provided with an information sheet on how to clean and maintain their breast pump. Refer to the Appendix FEM1 Cleaning Breast Pumps Fact Sheet. The corrective services facility must provide no more than 10 PPA free plastic zip locked bags at any one time to the prisoner for expressing breast milk. The prisoner must record their name, date and the time they expressed the milk on the white strip located on the plastic zip locked bag. The prisoner must also write their name on tape that is secured over the top of the plastic zip lock.

When operationally convenient the prisoner is to transport the expressed milk to an area identified by the Chief Superintendent of the corrective services facility in a provided carry bag where it will be stored in a separate refrigerator located in a locked store room with no prisoner access.



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The Counsellor/Case Officer is responsible for collecting the breast milk regularly. The milk will be transported in a cooler bag. The officer will record on the Administrative Form 146 Storage of Breast Milk Register the number of bags collected, the name of the relevant prisoner and the time the bags were collected.

The Counsellor/Case Officer will then either transport the breast milk to the freezer identified by the Chief Superintendent of the corrective services facility or directly to the gate house for collection.

The external visitor will need to supply their own cooler bag/esky and freezer bricks for transporting the breast milk from the centre. The Administrative Form 147 External Collection of Breast Milk Register must be signed by the external visitor at the time the breast milk is collected.

### 4.3 Contribute to the development of the birth/escort plan

The development of the Birth Plan may include input from various corrective services facility staff as determined necessary by the Chief Superintendent of the corrective services facility.

### 4.4 Secure transportation to the hospital

Corrective services officers will escort the prisoner to relevant medical facilities including attendance at scheduled antenatal appointments, birth of the baby and postnatal appointments. If the mother returns to custody prior to the child being discharged from hospital, the Chief Superintendent may approve for the mother to visit the baby in hospital. Refer to the COPD Escorts: External Escorts.

### 4.5 Secure custody of the prisoner at the hospital

Refer to section 5 Escorting Pregnant/Postnatal Prisoners below and COPD Escorts: External Escorts.

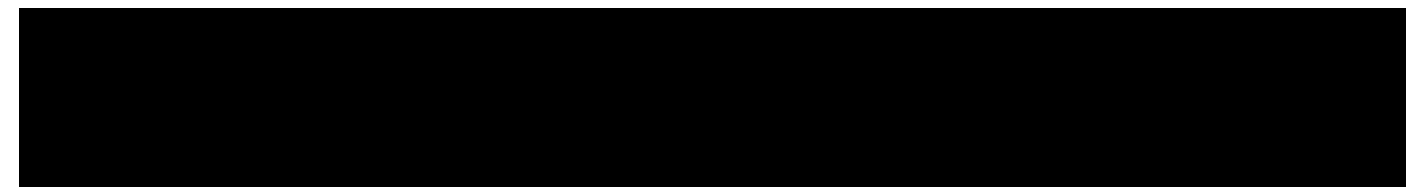
### 4.6 Visits to female prisoner after giving birth

Requests to visit a female prisoner in a hospital after giving birth are to be managed as a personal visit. Refer to the COPD Visitors to a Facility: Visits Process.

Consideration should be given to the unpredictable nature and timing of delivery in managing any visit requests. As such, the authorised delegate may use discretion in approving visits in cases where the process is unable to be completed in full, e.g. an urgent request to visit a female prisoner who has given birth prematurely is approved without the criminal history of the visitor being considered.

### 4.7 Secure transportation back to the corrective services facility

Refer to section 5 Escorting Pregnant/Postnatal Prisoners below and COPD Escorts: External Escorts.





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### 6. Removal of Clothing (ROC) Searches

Removal of clothing searches limit the right to privacy and the right to humane treatment when deprived of liberty, specifically with respect to the inherent dignity of the human person.





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The purpose of removal of clothing searches is to ensure the safety and good order of the corrective services facility and the safety of persons in the facility. The searches achieve this by preventing or restricting the entry of prohibited items into the corrective services facility. It is recognised that a removal of clothing search is intrusive and may cause feelings of violation and humiliation. These feelings can be exacerbated for prisoners from particular cultural background or religion as well as for vulnerable prisoners, particularly those who have experienced past sexual and/or physical abuse.

For the above reasons it is recognised removal of clothing searches may be particularly traumatising for women.

The individual needs of female prisoners must be accommodated when conducting removal of clothing searches including, but not limited to the prisoner's menstrual cycle or pregnancy.

### 6.1 Pregnant women

When following the required method for conducting a removal of clothing search, pregnancy is a factor that must be considered in determining whether to direct the prisoner to lean forward as part of the search, in addition to the other factors listed in section 12 of the COPD Search: Prisoner Search.

A pregnant woman is not required to participate in a Removal of Clothing search in the following circumstances, unless reasonable suspicion exists that she has a prohibited thing concealed on her person:

- a) returning to a high security facility from an escorted medical appointment; and
- b) entering or leaving a visits area.

If it is reasonably suspected that a woman is concealing a prohibited thing on her person, approval to conduct a removal of clothing search is to be obtained from the delegate.

The reason/s for suspicion and details of the approval must be recorded in a case note in the 'Removal of Clothing Search' category.

Refer to the COPD Search: Prisoner Search.

### 6.2 Menstruating women

Removal of clothing searches must only occur when suitable supplies of sanitary items (sanitary pads, sanitary bins/bags) are available in the searching location.

At the commencement of the search, the woman must be provided with the opportunity to dispose of their sanitary item by using the bags/bins provided. The dignity of the woman must be preserved at all times.

After the search is completed, the woman is to be provided with a fresh sanitary item for them to apply in privacy. The application of the fresh item does not form part of the search.

### 6.3 Women with children in custody

Women who have children in their presence are not required to participate in a removal of clothing search upon returning to a high security facility from a medical appointment, unless reasonable suspicion exists that she has a prohibited thing concealed on her person.



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If it is reasonably suspected that a woman is concealing a prohibited thing on her person, approval to conduct a removal of clothing search is to be obtained from the delegate.

The reason/s for suspicion and details of the approval must be recorded in a case note in the 'Removal of Clothing Search' category.

Prior to the search commencing, the child's approved prisoner carer is to attend the searching location to collect the child. The child is to remain in the care of the prisoner carer in the accommodation area until the search is complete and the prisoner is allowed to leave the area.

### 6.4 Low security facility

Women accommodated in a low security facility are not to undergo a removal of clothing search on either their departure or return. This includes on return from attending the high security facility of the centre following a medical appointment or program attendance.

Should it be reasonably suspected that a prisoner is concealing a prohibited thing on their person, approval to conduct a removal of clothing search is to be obtained from the delegate.

### 6.5 Non-compliant women

In instances where a woman refuses to comply with a search requiring the removal of clothing, the delegate must be informed and alternative management strategies employed to gain compliance, that take account of the individual circumstances and risks.

## 7. Care of a Child in a Corrective Services Facility

A prisoner who is permitted to have her child reside with her is expected to assume full responsibility for the child's care and safety while residing in a corrective services facility. Notwithstanding this, Queensland Corrective Services (QCS) continues to owe a duty of care to the child. QCS will take all reasonable steps to minimise all foreseeable risks of harm that might occur to a child residing in or visiting a corrective services facility.

The Chief Superintendent of the corrective services facility must ensure a unit is established to support prisoner primary care givers to maintain or establish bonds and relationships with their children. The unit is to be specially designed for the purpose of accommodating children. A Counsellor/Case Officer will provide advice, support and guidance for prisoners accommodated with their child in a parental support unit. Carers are responsible for ensuring the products are in good order prior to use. Regular checks of the products should be completed by a nominated staff member and repairs, or replacement of items completed as soon as possible. Rules of the unit must be determined by the Chief Superintendent of the corrective services facility and displayed within the unit.

### 7.1 Financial responsibility

Pursuant to section 29(2)(b) of the CSA, the prisoner is responsible for costs associated with the care of a child accommodated with her including nappies, baby goods and baby formula. This does not include general food and drink.

Any Australian Government payment received by the prisoner as the child's primary caregiver must be made to the prisoner's trust account.



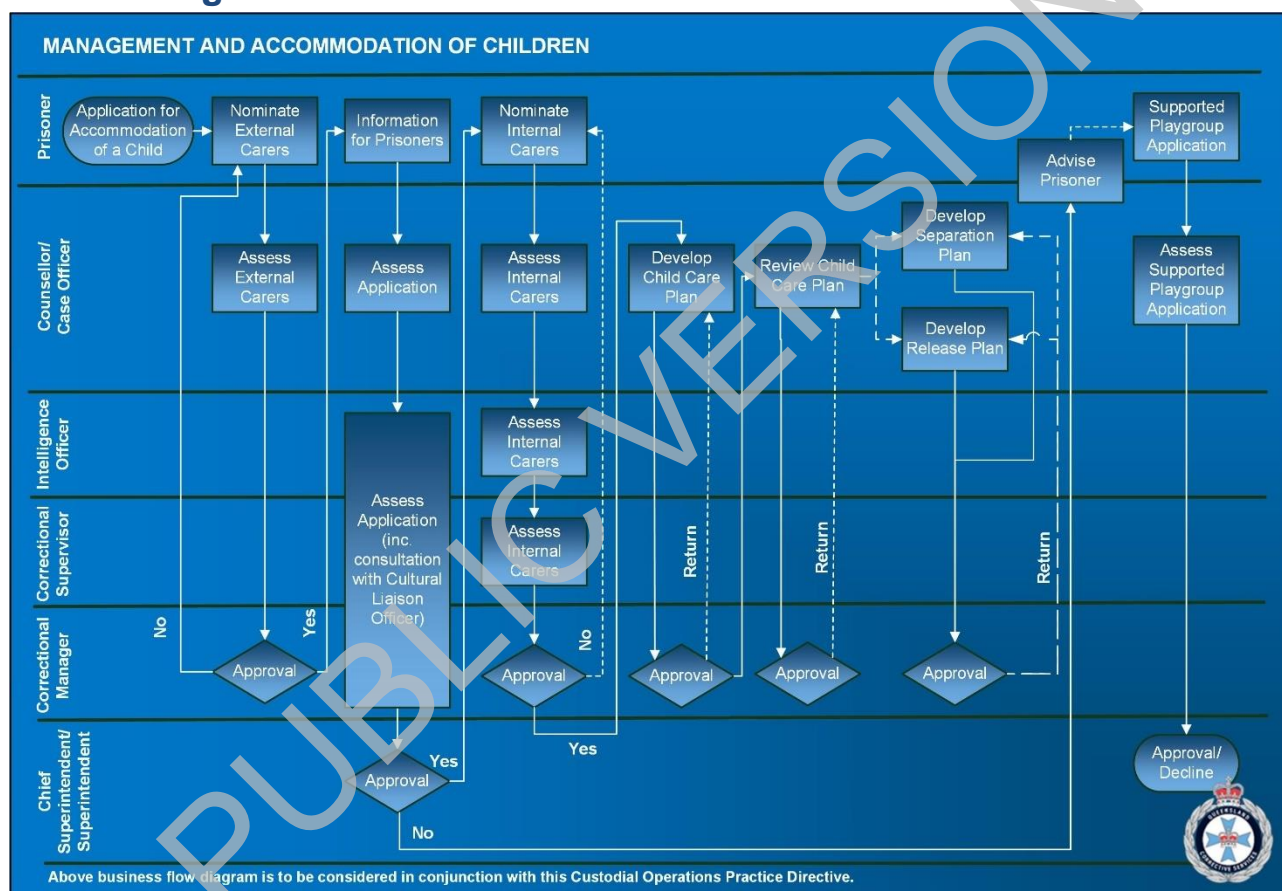


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Consent for expenditure from this payment must be given in the same manner as consent is given for expenditure of other monies in a prisoner's trust account. Refer to sections 311 and 314 of the CSA and the COPD Prisoner Entitlements: Prisoner Finances.

At all times the prisoner must be encouraged to budget and expend appropriately given the responsibility of being a primary caregiver. Reference must be made to the expenditure requirements within custody in comparison to the expenditure requirements in the community and therefore the encouragement of savings should be reinforced.

## 8. Management and Accommodation of Children Flowchart



## 9. Application for Accommodation of a Child in a Corrective Services Facility

In accordance with section 29 of the CSA a female prisoner or the child protection chief executive may apply, in the approved form, to have a child accommodated with the female prisoner if she:

- gives birth to a child during her period of imprisonment; or
- has custody of a child;
  - and the prisoner is the mother; or





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- ii. the child is the subject of a court order requiring the child to live with the prisoner, whether or not the prisoner is the child's mother.

A female prisoner must be informed that she may apply for her child or a child in her care, to be accommodated with her. If the application is successful, the prisoner will have primary responsibility for the child's care and safety, including all costs associated with the care. Refer to the Administrative Form 148 Application for Accommodation of a Child in a Corrective Services Facility and the Administrative Form 151 Information for Prisoner Caregivers of Children Accommodated in a Corrective Services Facility.

A child may only be accommodated with a prisoner at the Brisbane Women's, Townsville Women's, Southern Queensland and Numinbah Correctional Centres and/or Helana Jones Community Correctional Centre.

For a child placement in a secure facility, the prisoner must be assessed as suitable for accommodation in a residential environment.

The female prisoner must also be advised that she is required to nominate internal and external caregivers for the child.

Where practicable, facilities and services should be equivalent to community standards and best practice. Where practicable, environments should be 'normalised', stimulating and allow for interaction with other children.

Refer to sections 29 to 32 of the CSA and Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

### 9.1 Nominate external carers

Prisoners applying to have their child accommodated with them must complete and sign the Administrative Form 149 Options for Placement of a Child – External Carer. The prisoner must nominate at least one external carer however two nominations for external carers is preferred.

The prisoner must be advised that the nominated carer/s will be required to sign a (CYJMA) Consent for Child Protection History Check permitting Child Safety to disclose relevant information to Queensland Corrective Services regarding their suitability to act as an external carer. Refer to related directives and documents section of this COPD: (CYJMA) Consent for Child Protection History Check.

### 9.2 Child Safety checks

When the Counsellor/Case Officer has obtained the names and contact details of the nominated external carer/s, they must send the (CYJMA) Consent for Child Protection History Check to the nominated external carer/s via email or post. The nominated external carers are required to return the completed form to the centre via email or post. While the nominated carer has the option to refuse to provide this consent, they should be advised that this will severely decrease their likelihood of being approved for the role.

The prisoner is also required to complete (CYJMA) Consent for Child Protection History Check to allow their current/previous history with Child Safety to be assessed.





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The completed Consent for Child Protection History Check forms for the prisoner and external carer/s are to be collated by the Counsellor/Case Officer, who will use this information to complete the CYJMA Administrative Form 'Chapter 5A Information Request – Queensland Corrective Services' Refer to Related directives and documents section of this COPD). This form must be signed by the Chief Superintendent or Superintendent as the 'Approving Officer'. Refer to the Queensland Corrective Services Instrument of Delegations. Both forms are to be emailed to Child Safety at [REDACTED]

The relevant centre is required to supply a group email address to Child Safety for replies of the requested information.

If a subsequent information request is being completed for a current application, this information is to be included on the CYJMA Administrative Form 'Chapter 5A Information Request – Queensland Corrective Services'. For example, a previously nominated external carer was deemed unsuitable or the prisoner has changed their mind and nominated a new external carer.

Child Safety will respond within five business days, or two business days if the request is marked urgent by the centre. Any immediate or critical requests required outside of business hours will require centres to utilise local connections or the out of hours Regional Intake Service (1800 177 135).

Child Safety will provide relevant information relating to any recent engagement (within 12 months) with their department or provide contact details for the relevant case worker if they are actively engaged. Information older than 12 months will not be provided.

### 9.3 Assess external carers

The nominations made by the prisoner for external carers must be assessed by the relevant Counsellor/Case Officer. Refer to the Administrative Form 149 Options for Placement of a Child – External Carer.

Determinations are made by a Correctional Manager and must consider the information provided to the centre by Child Safety. [REDACTED]

### 9.4 Assess application for a child to be accommodated in a corrective services facility

The Counsellor/Case Officer must interview the prisoner and complete the Administrative Form 150 Assessment for Accommodation of a Child in a Corrective Services Facility .

The prisoner's application together with the completed assessment must be considered by the Accommodation of Children Panel. Panel composition will be determined by the Chief Superintendent of the corrective services facility on a case by case basis. As an example, the multidisciplinary team may include a:

- a) Chief Superintendent;
- b) Superintendent;
- c) Counsellor/Case Officer;





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- d) Correctional Manager;
- e) Correctional Supervisor;
- f) Intelligence Officer;
- g) Psychologist; and
- h) Cultural Liaison Officer (where relevant).

If the Counsellor/Case Officer considers it is in the interest of the child to be urgently accommodated with the prisoner, the Accommodation of Children Panel must be convened as soon as practicable.

### 9.5 Considerations when deciding an application

The chief executive may grant an application to have a child accommodated with a prisoner in a corrective services facility if

- a) the chief executive decides there is suitable accommodation in the facility for the child;
- b) the child is not eligible to start primary school or each of the following apply;
  - i. the child is eligible to start primary school;
  - ii. the prisoner is in a community corrections centre;
  - iii. the application is only for periods during school holidays or on weekends;
- c) the child is immunised in accordance with the recommendations of the department in which the *Health Act 1937* is administered;
- d) the child is not subject to a court order requiring the child to live with someone else;
- e) for a child in care—the child protection chief executive has consented to the child being accommodated with the prisoner; and
- f) the chief executive is satisfied it is in the child's best interests.

Refer to section 30(1) of the CSA.

Consideration will also be given under the *Human Rights Act 2019* s26 to the protection of families and children as a fundamental group unit of society.

As per section 30(2) of the CSA, in deciding what is in the child's best interests, the chief executive or delegate may consider:

- a) the child's age and sex, cultural background and mental and physical health;
- b) the emotional ties between the child and his or her parents;
- c) the child's established living pattern including the pattern of the child's home, school, community and religious life; and
- d) the child's wishes – if the chief executive or delegate is satisfied the child is able to express a view.

Contemporary considerations of the child's best interests also include assessment of parental capacity including:

- a) basic care capability;
- b) ensuring safety capability;
- c) emotional capability;
- d) stability;
- a) pro social behaviour;
- b) institutional conduct; and
- c) consideration of the child's best alternative long-term living arrangements irrespective of the mother's wishes and capacity to care for the child.





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If the delegate is considering not approving the application, the mother should be provided with an opportunity to provide further submissions for consideration.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

### 9.6 Advise prisoner

In the event an application is not approved, the prisoner is to be informed in writing of the reasons for the decision and a case note entered in IOMS.

In addition, steps must be taken by the Chief Superintendent to ensure that the mother is provided with appropriate support (e.g. counselling) to help her adjust to the outcome of her application.

### 9.7 Supported playgroup application

In order to ensure the connection between the mother and child is maintained in circumstances where the prisoner's application is declined, the prisoner is to be provided with information regarding the process for applying for Playgroup and encouraged to attend visits and engage in facility based activities designed to maintain family connections. Refer to the Administrative Form 152 Supported Playgroup Application.

### 9.8 Assess supported playgroup application

The playgroup application should be completed at the same time as the application to have a child accommodated in a corrective services facility. The Counsellor/Case Office is the person responsible to complete the application. The Chief Superintendent or Superintendent of a corrective services facility will assess the application before approving or not approving the application.

### 9.9 Nominate internal carers

Prisoners approved to have their child accommodated with them must nominate internal carers using the Administrative Form 153 Options for Placement of a Child – Internal Carer.

Prisoners may make application to become an internal carer through the corrective services facility's request form process. Applications are assessed for suitability by the Counsellor/Case Officer. Applicants must be provided with the Internal Carers Booklet and/or a full Mother and Baby Unit (MBU) induction. The Counsellor/Case Officer must advise the nominated carer that they will be required to sign a (CYJMA) Consent for Child Protection History Check permitting Child Safety to disclose relevant information to Queensland Corrective Services regarding their suitability to act as an internal carer.

### 9.10 Assess internal carers

The nominations made by the prisoner for internal carers must be assessed by the relevant Counsellor/Case Officer with input from an Intelligence Officer and Correctional Supervisor. Determinations are made by a Correctional Manager and must consider the information provided to the centre by Child Safety. Refer to the Administrative Form 153 Options for Placement of a Child – Internal Carer.

When the Counsellor/Case Officer has obtained the names of the nominated internal carers, they must provide the (CYJMA) Consent for Child Protection History Check to the nominated internal carers for confirmation of consent.



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The completed (CYJMA) Consent for Child Protection History Check for the internal carer/s are to be collated by the Counsellor/Case Officer, who will use this information to complete the CYJMA Administrative Form 'Chapter 5A Information Request – Queensland Corrective Services' (Refer to the Related directives and documents section of this COPD). This form must be signed by the Chief Superintendent or Superintendent as the 'Approving Officer'. Refer to the Queensland Corrective Services Instrument of Delegations.

Both forms are to be emailed to Child Safety at [QCS\\_CS@cyjma.qld.gov.au](mailto:QCS_CS@cyjma.qld.gov.au). The relevant centre is required to supply a group email address to Child Safety for replies of the requested information.

Child Safety will provide relevant information relating to any recent engagement (within 12 months) with their department or provide contact details for the relevant case worker if they are actively engaged. Information older than 12 months will not be provided.

## 10. Develop Child Care Plan

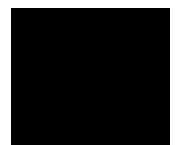
A Child Care Plan must be developed following approval of a prisoner's application to have their child reside with them in the corrective services facility prior to the child entering the facility. The Child Care Plan is to be developed by the Counsellor/Case Officer or other staff member as nominated by the Chief Superintendent of the corrective services facility and in consultation with the prisoner. Refer to the Administrative Form 159 Child Care Plan.

The Child Care Plan must include:

- a) any restrictions on contact with other prisoners;
- b) any special needs of the child including any health issues;
- c) financial responsibilities of the mother;
- d) the mother's obligation to participate in any programs or counselling to develop her parenting skills including but not limited to Playgroup;
- e) any restrictions on movement of the mother within the facility;
- f) any alternate carers (internal and external) who have been assessed by the centre with information provided by Child Safety;
- g) a schedule of visits for any parent/guardian in the community;
- h) any childcare arrangements required for the mother to undergo paid employment or attend education/vocational or programmatic activities;
- i) the view of Child Safety as to the long-term placement of the child and any transitional arrangements needed including access and overnight stays with proposed alternate carers in the community if available;
- j) any health issues requiring treatment outside the facility; and
- k) consideration for any cultural or religious needs.

If the prisoner's sentence extends beyond her child attaining four years six months the development of the initial Child Care Plan must include development of a Separation Plan detailing a process for the gradual reintegration of the child to the community. Refer to the Develop Separation Plan section of this COPD.

The Child Care Plan is to be scanned and attached in IOMS. All prisoners accommodating their child/ren within a correctional environment must have a copy of their Child Care Plan with the applicable rules integrated into the plan.





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### 10.1 Unemployed prisoners

Where the prisoner is not employed and does not indicate that she desires paid employment, the benefits of learning skills and engaging in mature and autonomous activity must be reiterated. It must be explained if paid employment is not sought, the prisoner will engage in reparation activities for non-profit organisations as part of her Child Care Plan.

### 10.2 Unemployed prisoner – low security

When assessing suitability of potential community service projects, the following factors are to be considered:

- a) if appropriate - suitability to meet the needs of female prisoners (e.g. breastfeeding or pregnant women); and
- b) whether the project involves meaningful and non-traditional options for female prisoners (where applicable).

## 11. Review of Child Care Plan

The Child Care Plan must be reviewed within two weeks of the child's initial placement in a corrective services facility. Further reviews of the Child Care Plan must occur at a minimum of every three months or as required. A review of the Child Care Plan is to be recorded as a case note in IOMS.

If the prisoner fails to adhere to the requirements of the Child Care Plan and has failed to engage with appropriate encouragement, the approval of the child's accommodation in a corrective services facility must be reviewed.

Refer to section 9 Develop Child Care Plan of this COPD.

## 12. Photographs of Children

### 12.1 Administration process

When new photographs are taken of a female prisoner and the child/ren accommodated with her, the prisoner is to complete the Administrative Form 40B Application to Expend from Trust Account (Photographs).

Approval from the Chief Superintendent or Superintendent must be given before photographs are taken. If the prisoner requests photos to be sent externally, a Statutory Declaration must be completed and submitted with the request.

If the request is refused, a case note is to be entered on IOMS and the prisoner advised. If the request is approved, a case note is to be entered on IOMS along with the approval form. The form is to be sent to trust accounts for payment and then placed on the prisoner's offender management file.

A reasonable number of photographs may be approved for the relevant event. The photographs will be printed and distributed by an approved nominee. Personal issue photos must be marked with approval, prisoner name and IOMS number for identification.





## Custodial Operations Practice Directive

All female corrective services facilities will implement a local instruction for the process of photographs.

Refer to the COPD Property: Management of Prisoner Property and the Appendix R1 Prisoner Photograph Requirements.

### 12.2 Photography considerations

The prisoner must be dressed in accordance with standard prison uniform requirements (there must be no non-QCS graphics/text identifiable on the clothing). Any change to these requirements must be approved by the Chief Superintendent or Superintendent.

The prisoner must refrain from any hand symbols or gestures that could be taken to be a gang related statement. The photographs must not depict any Groups of Interest (GOI) material.

No other prisoner may be the subject of the photograph unless approved by the Chief Superintendent or Superintendent.

All photographs must be taken by a member of staff who has approval from the Chief Superintendent or Superintendent.

The processing and printing of photographs is to avoid using a third party where possible.

Refer to the Appendix R1 Prisoner Photograph Requirements.

### 12.3 Recording and storage

Prisoners may be permitted to have these photographs in their cell; however, approved property cell limits must be adhered to.

Hard drive records of photographs must not be retained. Reprints or duplicates are not available after the request is finalised.

Refer to the Appendix PR09 Prisoners Authorised Cell Property (Female).

## 13. Child's Property

The chief executive or delegate may approve the amount of property which can be held by a prisoner who has a child approved for accommodation in custody. Refer to section 43(2)(d) of the Corrective Services Regulation 2017 and the Appendix PRO5 Authorised Property – Child.

When a prisoner is approved to have a child accommodated within the centre the prisoner is permitted an initial 'bulk' hand-in property entitlement to ensure the child/ren's immediate needs are met within the corrective services facility. This initial allocation of property must be in accordance with the authorised in cell property for a child in custody. Refer to the Appendix PRO5 Authorised Property – Child.

Property exceeding the authorised in cell property for a child in custody or property no longer required by the child must be handed out of the facility to allow for new property to be received. Refer to the COPD Property: Management of Prisoner Property.





## Custodial Operations Practice Directive

### 14. Safety and Well-being of Children

For notifications to Child Safety refer to section 6.3 Notify agency of reasonable suspicion in the COPD Community Engagement: Child Safety.

### 15. Search of Children

A child may only be required to undergo either a general search or a scanning search before entering or returning to the corrective services facility after a visit or absence.

A child accommodated with a female prisoner **must not** be submitted to a personal search or a search requiring the removal of clothing. Refer to section 32 of the CSA..

A prisoner cell in which a child is accommodated is subject to searching as per the COPD Search: Facility Search. Refer to section 33 of the CSA.

### 16. Impact on Children of Breach of Discipline Decisions

If a prisoner who has a child accommodated with them in a corrective services facility commits a breach of discipline, any disciplinary action to be taken must consider the best interests of the child.

Separation of the child from the prisoner must not be used as a form of discipline (section 31(3) of the CSA) and any loss of privileges by the prisoner must not have any unintended result for the child.

Child residency should not be used as a part of the hierarchy of privileges and sanctions within the facility to manage the behaviour of the mother. However, continued misconduct of the mother may indicate a need to reassess the accommodation of the child by the Accommodation of Children Panel. Refer to section 31 of the CSA.

To meet the unique risks and needs of female prisoners, especially those accommodated with their children, any response to a drug related incident made by the delegate, needs to take into consideration the individualised risks/needs of the prisoner. Refer to the COPD Substance Testing.

### 17. Health Services

Queensland Health provides primary health care to prisoners who are incarcerated. These services are structured to care for adult prisoners, i.e. prisoners over the age of 18 years. Refer to section 6 of the *Youth Justice Act 1992* and Schedule 4 Child. Queensland Health does not provide health care to children accommodated with their mothers in a corrective services facility.

Community agencies such as Community Child, Youth and Family Nurses are utilised to provide ongoing advice to mothers. These agencies will monitor the child's growth and development while residing with their mother including immunisations.

#### 17.1 Medicare card

Immediately upon a child's reception to a corrective services facility it must be established that the child has a standard Medicare card or is included on the mother's Medicare card.





## Custodial Operations Practice Directive

For a child born to a female prisoner during their custodial episode a Medicare card application must be completed for the child.

The Medicare card/s must be stored in the prisoner's property and accessed as required.

### 17.2 Sick children

Queensland Health will only treat a child within a corrective services facility in relation to an emergent situation.

If a child has a minor illness and can be managed successfully by the mother, then this should be allowed to continue. Mothers of children in custody are able to administer approved over the counter or prescribed medication such as antibiotics to their children when unwell and in situations where the illness is not deemed to be acute in nature.

If a child's illness is unable to be managed by their mother, arrangements must be made to have the child's condition assessed either by a visiting medical officer or by taking the child to a local health professional.

Corrective services officers will escort the child/ren and their mother to a relevant medical treatment centre to be seen by a health professional in unscheduled/emergency circumstances when Queensland Health staff indicates this to be necessary and outside of the parameters of Queensland Health service delivery to children, i.e. not an acute emergent situation. Refer to the COPD Escorts: External Escorts and the Approved Form 16 Leave of Absence.

A recommendation must be made by a QHealth staff member of a health professional to the Chief Executive or delegate relating to the level of care required for the child. For example, chicken pox can be managed in the community whereas a dehydrated baby will require transfer by ambulance to hospital. Where a sick child's care may be better managed in the community and community care is available for the child, the Chief Executive or delegate must consider removal of the child from a corrective services facility. Refer to section 31 of the CSA and Queensland Corrective Services Instrument of Delegation of Chief Executive Powers

If the child has a scheduled medical appointment, this will be conducted by the external carer under a temporary absence of a child. Refer to the Temporary Absence of a Child section of this COPD.

## 18. Management of Children's Medication

The Chief Superintendent of the corrective services facility must establish a process where mothers of children accommodated in custody are able to administer over-the-counter or prescribed medication including antibiotics to their child when unwell and in situations where the illness is not deemed to be acute in nature:

- medication is to be paid for by the mother with QCS staff assisting her by procuring it;
- the medication and any measuring utensil are to be stored in a secure non prisoner access area and provided to the mother for administration to the child as required;
- Administrative Form 154 Record of Approval for Medication to Enter a Corrective Services Facility is maintained;
- Administrative Form 155 Record of Medication Issued to a Mother for a Child is maintained and checked and signed by a corrective services officer daily; and





## Custodial Operations Practice Directive

- e) the mother must return empty medication bottles to a corrective services officer who will dispose of the item appropriately and document this in the medication register.

The following are approved over-the-counter medications:

- a) analgesia;
- b) teething gel;
- c) wind drops; and
- d) nappy rash creams.

Other medications to be preceded by the seeking of medical guidance for the child.

All medications must be strictly administered in accordance with labelling instructions.

### 18.1 Pharmacy purchases

The Chief Superintendent of a corrective services facility must establish a process for the ordering, collection and payment of prescriptions at a pharmacy outlet in a timely manner.

Prescriptions are to be filled at an appropriate chemist outlet on account or with cash from Petty Cash and collected as soon as possible. The value of the prescription will be debited from the prisoner's trust account. A receipt for the medication must be delivered to the Prisoner Trust Accounts Clerk for reimbursement.

## 19. Temporary Absence of a Child

A prisoner that has a child accommodated with her in a corrective services facility may make application to the Chief Superintendent of the corrective services facility for the child to temporarily leave the centre for social, educational and medical purposes. Where practical the prisoner is required to submit the application within seven days prior to the proposed period of leave. Refer to the Administrative Form 156 Application for Temporary Leave of a Child. This is not a requirement in the case of emergencies or where this notice is not in the best interest of the child.

The prisoner's approved external carers will be responsible for the well-being of the child during such temporary periods of absence. Refer to the Application for Accommodation of a Child in a Corrective Services Facility section of this COPD.

## 20. Develop Separation Plan – Removing a Child from a Corrective Services Facility

The chief executive or delegate may direct a review of the decision to accommodate a child in a corrective services facility to be undertaken at any time if there are concerns for the well-being of the child. The prisoner must be notified of the instigation of a review and must be kept fully informed throughout the process of the review.

When the chief executive or delegate has decided, the prisoner must be notified of the decision.

In the event a mother is unable to care for her child, for example due to illness, the Chief Superintendent of the corrective services facility or nominee must ensure the child's care and safety needs are met while simultaneously taking steps to find a suitable alternative placement for the child.





## Custodial Operations Practice Directive

Where conditions for eligibility are no longer being met, or the mother has requested the child be removed, and it has been determined the child should no longer be accommodated in the facility, a separation plan must be developed. Refer to the Administrative Form 157 Separation Plan.

At the time the separation plan is being developed, a corrective services officer should notify Child Safety of this intention. But only when they are currently or have previously been involved in the case or if there is no external carer identified.

Refer to section 31 of the CSA and Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

The Separation Plan must include:

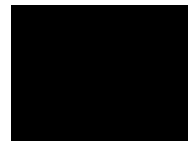
- a) an appropriate transition program for the prisoner and child;
- b) the possibility of leave of absence for the prisoner to establish the child with the new primary caregiver and to maintain the relationship; and
- c) arrangements for extended external contacts for the child with the new primary caregiver and significant others to encourage the development and the maintenance of external relationships.

Pursuant to section 31 of the CSA, the chief executive or delegate may remove a child being accommodated with a prisoner in a corrective services facility if any of the following apply:

- a) a court orders that the child live with another person;
- b) the chief executive or delegate is satisfied it is in the child's best interests;
- c) the prisoner with whom the child is accommodated requests the removal;
- d) the child is not a child mentioned in section 30(1)(b)(ii) of the CSA and becomes eligible to start primary school;
- e) the prisoner with whom the child is accommodated is transferred to another corrective services facility and the chief executive or delegate decides the accommodation at the other corrective services facility is not suitable for the child; and
- f) the chief executive or delegate is satisfied it is in the interests of the good order and security of the corrective services facility.

In deciding what is in the child's best interests in accordance with section 31(2) of the CSA, the chief executive or delegate must consider the child's age, sex, and mental and physical health; as well as anything else the chief executive or delegate considers relevant.

The Separation Plan is to be scanned and attached in IOMS.



### 20.1 Unavailability of external carer

If the Chief Superintendent of a corrective services facility or nominee is unable to contact an approved alternate carer and the child must leave the prison for any reason, Child Safety must be contacted to arrange for placement in the community.

## 21. Develop Release Plan

Prisoners with a child accommodated in custody who is due for release must have a release plan developed. Refer to the Administrative Form 158 Release Plan.





## Custodial Operations Practice Directive

Release planning should commence three months prior to the prisoner's earliest date of release and is developed by the Counsellor/Case Officer or officer nominated by the Chief Superintendent of the corrective services facility.

The Release Plan must address all relevant factors including:

- a) if the child is to reside with the mother on release;
- b) accommodation for mother and child - separately or jointly depending on the circumstance;
- c) if the mother and child are to be separated, the child should have a program of overnight and extended day visits to the proposed carer in the community;
- d) income support for the mother;
- e) employment/vocational counselling;
- f) childcare options including day care; and
- g) linking the mother with a child health nurse in the area that she will reside.

Prior to the prisoner being released Child Safety is to be notified. In the event the prisoner is to be subject to community-based supervision, the release plan should be provided to the relevant community corrections district office prior to the prisoner being released.

## 22. Discharge

Refer to the COPD Reception Processes: Custodial Discharge.

