

Child Protection Order Checks

Fact sheet for applicants

Why do I have to undergo a Child Protection Order Check?

The Child Protection Order Check is a current requirement of the *Assisted Reproductive Treatment Act (Vic) 2008*. The Act requires any woman, their partner and/or a commissioning parent seeking reproductive treatment (the applicant) to undergo a Child Protection Order Check before the commencement of treatment. The Department of Health and Human Services (the department) is required to conduct a check of the department's records to determine if a child protection order has ever been made removing a child from the applicant's custody or guardianship. The department will provide a statement of result to the applicant's IVF clinic detailing the outcome of the check.

Completing the Child Protection Order Check application form

To assist the department in conducting the Child Protection Order Check, every applicant is required to complete a Child Protection Order Check application form. Your clinic will provide you with a copy of the form, to be completed by you and returned to your clinic via email. After obtaining your consent to conduct the Child Protection Order Check, your clinic will send your completed application to the department for processing.

Each section of the application form needs to be completed accurately. The department cannot accept incomplete or incorrect application forms. These will be returned to your IVF clinic for correction. Unfortunately this may result in a delay in the commencement of your treatment.

Applicant completing form

This identifies the type of applicant completing the application form: the woman requesting treatment, the partner of the woman requesting treatment or any commissioning parent involved in treatment.

Name of the IVF clinic where treatment is being sought

The IVF clinic is the registered Assisted Reproductive Treatment provider where you are seeking treatment. Care should be taken in selecting the correct option as some IVF clinics have more than one location, e.g. Monash Richmond, Monash Clayton, Monash Sunshine or Monash Mildura.

Applicant's name

This is your current name which identifies you for legal, administrative and other official purposes.

Have you ever been known by any other name/s?

If you have ever been known by any other name/s different from your current name, full details of your other name/s must be specified here so that a complete check can be conducted on all names have been known by. Examples of alternative names include maiden name, bachelor name, name at birth, name changed for cultural reasons, shortened names or nicknames, previous married names, aliases and anglicised names.

Date of birth and gender

Details of your date of birth and gender will assist the department in excluding people with similar names to you identified during the child protection order check.

Have you ever had a child in your custody or guardianship?

If you now have, or have ever had, any child/children in your custody or guardianship (regardless of whether this was recently or many years ago), full name/s and date/s of birth of the child/children are required.

Examples of where a child is in your custody or guardianship include:

- A biological child born to you
- A step or de facto child as a result of a marriage or a de facto relationship
- An ex-step or ex-de facto child as a result of a previous marriage or a previous de facto relationship
- A child under your care where a child has been placed with you through a Permanent Care Order or a Family Court Order (for example, extended family members caring for a relative's children or non-family members caring for other children)
- An adopted child subject to an Adoption Order.

Has any child who is, or was, in your custody or guardianship ever been subject to a Child Protection order?

If a child who is or was in your custody or guardianship has ever been subject to a relevant child protection order, "yes" must be selected. Please note, due to legislative changes which took effect on 1 March 2016, some of the child protection order terminology has changed. Relevant child protection order types are listed below:

- **Family Reunification Order** – this order type includes a Family Reunification Order made after 1 March 2016, a Supervised Custody Order made prior to 1 March 2016, or a Custody to the Secretary Order made prior to 1 March 2016 which was or has been in place for less than 24 months.
- **Care by Secretary Order** – this order type includes a Care by Secretary Order made after 1 March 2016, a Custody to the Secretary Order made prior to 1 March 2016 which was or has been in place for more than 24 months, or a Guardianship to the Secretary Order made prior to 1 March 2016.
- **Custody to the Secretary Order** (now known as a Family Reunification Order or a Care by Secretary Order).
- **Guardianship to the Secretary Order** (now known as a Care by Secretary Order).
- **Supervised Custody Order** (now known as a Family Reunification Order).

If "yes" is selected, the details of the order, including the name of the order, the date range and any other known information is required. If you are uncertain whether one of the above order types applies, please provide details of any orders which you believe may be relevant.

Your current residential address and previous addresses within past 5 years

This section requires full details of where you currently live. If you have not lived at your current address for the past five years, full details of any other addresses lived at during the past five years are requested. This is in order for the department to be able to exclude individuals with similar names identified during the child protection order check.

Name of related applicant

Details of any other applicants undergoing IVF treatment with you (for example, your partner) should be specified here.

Process for Child Protection Order Check

Completing the form

The application form is a PDF document and should be completed electronically. Please fill out the electronic form, save it with your name as the document title (e.g. "Mary Jones.pdf") and email the completed form to your clinic for processing. If you do not have access to a computer or email, you can consult with your clinic for assistance with completing the form electronically or to obtain a hardcopy of the form.

Timeframes

Child Protection Order Checks have a timeframe of seven working days for processing from when an application form is received at the Department of Health and Human Services office. Where a check may require further investigation, the applicant's IVF clinic is notified that the processing time will be longer than the standard seven days. Please also allow additional time for processing by your clinic.

Urgent Child Protection Order Checks on medical grounds

A Child Protection Order Check is deemed urgent where an applicant is due to undergo immediate medical treatment and IVF treatment needs to occur before this can commence. The applicant's IVF clinic can email the department a request for an urgent Child Protection Order Check on medical grounds. Once received, the urgent check is processed and the statement emailed to the IVF clinic within 48 hours.

When a Child Protection Order is found

If the department identifies that a child protection order was made removing a child from an applicant's custody or guardianship, a presumption against treatment arises. The department is required to issue a statement to the applicant's IVF clinic with details of the child and the relevant child protection order.

Patient Review Panel

Information about appealing against a presumption against treatment can be obtained by consulting with your clinic and/or contacting the Patient Review Panel:

GPO Box 4541
MELBOURNE VIC 3001
Ph: (03) 9096 2806
Email: prp@dhhs.vic.gov.au

Questions about your Child Protection Order Check

All queries regarding your Child Protection Order Check should be directed to your IVF clinic. Your clinic will liaise with the department to address your query. Unfortunately the department cannot provide any information about your Child Protection Order Check directly to you; however, the department will make every endeavour to address any issues raised via your clinic.

To receive this publication in an accessible format phone 1300 650 172, using the National Relay Service 13 36 77 if required.

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