

13 March 2026

Our ref: [BDS:MC]

The Honourable Paul Anastassiou KC
Commissioner
Child Safety Commission of Inquiry
GPO Box 783
Brisbane QLD 4000

By email [REDACTED]

Dear Commissioner

Child Safety Commission of Inquiry - children in care and youth justice corporate parenting and the link between the child safety and youth justice systems

Thank you for the opportunity to provide a submission in relation to corporate parenting and the link between the child safety and youth justice systems.

From a youth justice perspective, children in the care of the State are, by virtue of that status, more vulnerable to the risks associated with youth offending. This heightened susceptibility - rooted in instability, cumulative trauma, disrupted education, and complex health needs - demands earlier, more intensive, and better-coordinated support than is presently evident. While Child Safety may note that the absolute number of *currently detained* children who are in care is not disproportionately high, practitioners consistently observe that an exceptionally large proportion of detained young people have had some interface with the child protection system. That overlap is material and cannot be ignored.

Members delivering duty-lawyer services in the Children's Court report that many children in care arrive at Court without receiving prior legal advice, a clear explanation of process, or any meaningful preparation. This persists notwithstanding the availability in Queensland of Legal Aid for all indictable matters involving children and the Youth Advice hotline. In practice, very few young people in the care of Child Safety appear to be supported to apply for legal assistance or to seek preliminary guidance prior to their first appearance. The consequence is a cohort of highly vulnerable children presenting unbriefed and unsupported at precisely the point where informed participation is most critical.

Ordinarily, the Court expects a parent to be present to provide support, continuity, and basic advocacy. In response to the volume of matters involving children known to the Department, Child Safety has introduced a Court liaison function. While well-intentioned, this model frequently results in children appearing without their allocated child safety officer or any familiar support person. On occasion, residential support workers do attend; however, they are often bereft of the case knowledge required to assist the child or to brief counsel effectively. Compounding these challenges, liaison officers are frequently unable to provide timely copies of case plans, health histories, or education records, and in some instances cannot confirm the

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operative child protection order or current placement. These are not administrative trivialities; they potentially materially prejudice decision-making at every stage.

The *Youth Justice Act 1992* identifies experiences of trauma, exposure to domestic and family violence, health and disability status (including cognitive impairment and neurodevelopmental conditions), and educational engagement as highly relevant to bail and sentence. The absence of accurate, comprehensive, and timely information on these matters is a clear disservice to children in care. Given the statistical likelihood that children in care have encountered significant trauma, non-disclosure or non-assessment of these factors is especially detrimental. Members are particularly concerned where critical health information, such as acquired brain injury or intellectual disability, is not furnished by Child Safety and emerges only incidentally through Education Queensland or other stakeholders at Court.

These limitations are magnified outside metropolitan areas. Although a liaison service is available in busier city Courts, it is not available in most regional jurisdictions. In one reported matter, a child in care was required to attend a full-day regional trial without departmental presence; a residential worker was to accompany the child while the Department proposed to appear by telephone. Such arrangements subvert the purpose of a court-facing role and, in the view of some judicial officers, are an inadequate response to the needs of both the child and the Court. Even in metropolitan lists, high volumes often confine liaison officers to a narrow departmental representation function rather than enabling child-centred, practical support through the proceeding.

Placement instability is a persistent and detrimental theme. Children remanded for short periods frequently have their placements closed during custody, leaving them without accommodation upon release and often requiring relocation to a different catchment. This severs therapeutic, educational, and rehabilitative ties at the point where continuity is most needed and elevates the risk of reoffending. Courts are also asked to determine bail in circumstances where Child Safety cannot confirm an address until the morning of the hearing - if at all - frustrating the development of wrap-around supports that would otherwise improve bail prospects and community safety. While the Department may offer emergency or temporary accommodation, judicial confidence in the adequacy and sustainability of such arrangements is understandably limited, and bench requests for greater certainty are frequently unmet.

These shortcomings have concrete effects. Members describe children ready and willing to enter rehabilitation for substance use or health concerns being refused admission because Child Safety could not guarantee post-discharge accommodation. The immediate consequences are twofold: extended time in custody and the loss of time-critical therapeutic intervention- supports commonly available to peers living with family who can guarantee a stable return address. Similarly, members have observed instances where Child Safety has been unable to arrange transport and accommodation necessary for compliance with court orders. In one matter, a child in care on bail could not attend a required in-person appearance 200 kilometres from placement because the Department did not arrange travel and lodging despite ample notice - needlessly jeopardising the child's liberty.

Case study: A child in care pleaded guilty to numerous offences despite medical evidence of significant intellectual disability; the child was later deemed permanently unfit for trial. The failure to secure and present the relevant assessments at the earliest opportunity reflects a broader pattern: disability and health assessments are too often outstanding, even after prolonged

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periods in care during which such evaluations could and should have been undertaken. This raises serious concerns about procedural fairness and the safeguarding obligations owed to children subject to both child protection and youth justice oversight.

In summary, the system appears strained at precisely the points where children in care most require seamless support:

- timely legal advice, accurate, holistic information before the Court
- stable and suitable placements
- assured post-rehabilitation accommodation
- reliable transport and practical assistance; and
- coherent, youth-centred planning across proceedings.

The cumulative effect is a pattern of avoidable disadvantage that compromises fairness, undermines rehabilitative objectives, and increases risk to the community. A genuinely child-centred Youth Justice response requires that Child Safety's court-facing and casework functions deliver not merely departmental representation, but tangible, informed, and consistent support enabling meaningful participation, appropriate treatment, and stability beyond the courtroom.

Homelessness and children transitioning to adulthood – next step process

Our members report a persistent scarcity of placements for children in care, particularly for older teenagers. Despite the fundamental obligation to provide food, shelter, and basic hygiene, a significant cohort of young people in care are without placement and therefore without consistent access to essentials. When placements do arise, they are frequently temporary or emergency in nature, perpetuating instability and contributing to offending.

Transition planning is uneven and, in some cases, opaque to the very young people it is meant to serve. Not all children approaching adulthood are aware of the processes for exiting care or of their rights and entitlements in transition. Where plans exist, they are not always prepared in a timely manner, updated, or made accessible to the child. The resulting sense of abandonment leaves young people exposed to homelessness, victimisation, and further justice involvement at a critical juncture in their development.

The legislative position is clear - a young person who has turned 18 but is before the Children's Court for offending at 17 is to be dealt with as a child. In such circumstances, the Court reasonably expects the support of a responsible adult, analogous to the expectation placed on a parent. Yet members report that 18-year-olds who remain before the Children's Court frequently appear without support, with Child Safety court liaison officers advising that assistance is beyond scope once the young person has turned 18. This stance sits uneasily with both the statutory framework and the practical reality that these young adults - still subject to the jurisdiction and vulnerabilities of youth justice - continue to require structured support to navigate the court process and to establish safe, stable accommodation thereafter.

Taken together, the absence of stable placements, the inadequacies in transition planning, and the withdrawal of support at the point of legal majority create a pipeline from care to homelessness and deeper justice system entrenchment. Addressing these deficits is not merely an administrative refinement; it is central to fulfilling the State's duty as corporate parent and to advancing community safety through genuine rehabilitation and social stability.

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We would be pleased to meet with you to discuss this and our previous submissions to the Commission of Inquiry.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED].

Yours faithfully



Peter Jolly
President