

Historical care and protection orders are no longer treated as criminal convictions

The *Children, Youth and Families Act 2005 (Vic)* has been changed to ensure that historical care and protection orders are not treated as criminal convictions or findings of guilt in any circumstances.

On 23 August 2018, the Honourable Jenny Mikakos addressed the Victorian Parliament to offer an apology:

"I would like to use this opportunity to apologise on behalf of the Victorian Government for the significant personal and intergenerational harm caused by historical welfare recording practices. I would like to expressly acknowledge that these recording practices have had a continued impact on those affected, long after historical policies were remedied. I would also like to expressly acknowledge that Aboriginal children were disproportionately impacted by historical State welfare policies. As a result, Aboriginal children were also disproportionately affected by recording practices of the State."

Care and protection orders were made by a court because of concerns for a child's wellbeing, often at the time a child entered wardship.

In the past, the Victorian child welfare system and the criminal justice system for young offenders were connected, which meant that care and protection orders were recorded on criminal and wardship records.

The use of care and protection orders continued until the early 1990s and has meant that children were sometimes treated as though they had a criminal record without having committed an offence. This has led to harmful and often life-long consequences for many people.

If your records state that you were charged with 'neglect' or any other related terms such as 'being in moral danger' or 'likely to lapse', please be assured that these records are not a conviction or finding of guilt. You are also not required to disclose information about a historical care and protection order to another person for any purpose.

From 1 January 2019, any evidence of a historical care and protection order has either been removed from Victoria Police's criminal record database or will be withheld from Victoria Police records and should not appear on any criminal record check.

It is important to note these changes only apply to historical care and protection order records and not convictions for criminal offences.

If you would like further information about the recording of criminal histories, please refer to the Victoria Police Information Release Policy at www.police.vic.gov.au.

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