Tasmanian Government

Tasmania Prison Service

Director's Standing Order 3.09

Mother and Child Program

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1. Statement of Purpose

The purpose of the Mother and Child program, which enables young dependent children to be accommodated in prison where their mother is a prisoner, is to support significant family relationships and ensure essential family ties are preserved, while maintaining the management, good order, and security of the prison.

2. Desired Outcome

The desired outcome of this program is to improve stability and continuity of care by prioritising the best interests of a dependent child where their mother is in custody, to enable the relationship between mother and child to be maintained, and to minimise the impact of a mother's imprisonment on a child.

In permitting children to reside in prison with their mother the TPS is to take all reasonable steps to ensure the safety of those children.

3. Scope

This DSO applies to female prisoners, remandees and other females in the custody of the TPS.

The *Corrections Act 1997* does not limit the operation of its provisions in relation to children residing in a prison with their parent or guardian in prison to women. The TPS is, however, currently unable to facilitate the residence of a child with their male parent or guardian due to infrastructure constraints and the inability to provide a safe living environment for children.

4. References (including Legislation, Policy, Forms and Other Documents)

Corrections Act 1997 sections 6(3), 25, 36

Family Law Act 1975 section 60CC

Children, Young Persons and Their Families Act 1997 sections 3, 14

Child and Youth Safe Organisations Act 2023

Director's Standing Order 1.01 – Incident Reporting and Emergency Management

Director's Standing Order 1.20 - External Escorts, Medical Appointment and Hospital Admissions

Director's Standing Order 4.03 Telephone Communication

Director's Standing Order 4.08 Health Services

Director's Standing Order 4.12 Prisoner Monies

Director's Standing Order 4.14 Prisoner Property

Memorandum of Understanding between the Department of Justice, Tasmania Prison Service and Department of Health and Human Services, Correctional Primary Health Service – Provision of Healthcare to Children resident in the Mary Hutchinson Women's Prison

Memorandum of Understanding between Children and Youth Services and Corrective Services, Bilateral information exchange regarding shared clients and Corrective Services, and the Corrective Services / Child Safety Services Protocol (May 2019)

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Forms	
10A	Mother and Child Program Application
10B	Mother and Child Program Agreement
10C	Alternative Prison-Based Carer Authorisation
10E	Childcare Plan
10F	Assessment and Review Panel Recommendation (Mother and Child Program)
10G	Alternative Prison-Based Carer Suitability Assessment
6AD	Bank Account Withdrawal Application
6I	Money Transfer Application
	Mother and Alternative Carer Information Booklet

5. Definitions and Abbreviations

Refer to TPS Key Terms and Definitions Glossary for commonly used terms.

Alternative Community Carer – means an appropriate and responsible person nominated by the mother and approved by the Superintendent (following consulation with CSS) to care for the child in the community should the mother no longer be able to care for the child in prison, or where temporary care of the child outside the prison is required.

Alternative Prison-Based Carer – means an appropriate and responsible co-resident nominated by the mother and approved by the Assessment and Review Panel (following consultation within CSS) to provide short-term care, up to three hours, of the child while the mother is unable to care for her child.

Assessment and Review Panel – The Assessment and Review Panel is responsible for assessing applications, making recommendations to the Commissioner regarding the accommodation of children in prison and regularly reviewing the placement of children accommodated in prison. Membership of the Assessment and Review Panel will consist of the following personnel:

- Superintendent, Mary Hutchinson Women's Prison, (Chair)
- Correctional Primary Health Services representative
- Therapeutic Services representative, Tasmania Prison Service
- Department for Education, Children and Young People, a CSS representative
- Family Consultant, Tasmania Prison Service
- Other representatives as deemed appropriate by the Superintendent or Commissioner (by invitation)

Best interests of the child – is defined in section 60CC of the *Family Law Act 1975*. 'Best interests' considerations include:

- The safety of the child;
- The physical and emotional wellbeing of the child;
- The child's opportunity to have a meaningful relationship with parents and family;
- Continuity / stability of care;

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- Safe and supportive environment appropriate to the age and development of the child;
- Protection of the child from physical or psychological harm, including not being subjected or exposed to abuse, neglect or family violence; and
- Support, opportunity and encouragement to maintain connection to culture.

Guardian – is as defined in section 3 of the *Children, Young Persons and their Families Act 1997* and includes a parent of a child, a person who is the legal guardian of a child, a person who has the legal custody of a child and any other person who generally acts in place of a parent and has done so for a significant length of time.

Mother – refer Primary Carergiver.

Parent – can include the mother, father, stepmother or stepfather of the child.

Primary Caregiver – means an individual, parent or guardian, who is the main person responsible for the care of a child, who would have day-to-day care and control of the child and with whom the child would ordinarily live with (if the person were not in prison). Referred to as 'mother' in the body of this DSO.

Staff – means any person employed or engaged to carry out any work or activity within Tasmania Prison Service, irrespective of whether or not the person is engaged in any work or activity that relates to children

Unit – means the Vanessa Goodwin Mother and Child Unit

6 Mandatory Policy

6.1 Applications to the Mother and Child Program will be considered by the Commissioner (via the Assessment and Review Panel) based on dual considerations of the best interests of the child and the management, good order, and security of the prison.

6.2 Children can be accommodated in the Mother and Child Program with their primary caregiver up until the age of two years old.

6.3 The mother must have a minimum security classification to qualify for the program and must be considered appropriate for placement in the Vanessa Goodwin Units. The Commissioner has the capacity to override a security category when an emergency or temporary admission is necessary, for example, in the event of the death or serious illness of the child's primary guardian in the community.

6.4 The mother must be able to demonstrate she was the child's primary caregiver immediately preceding her imprisonment and has legal custody and responsibility of the child.

6.5 The mother is expected to assume full responsibility for the child's daily care and safety while residing in prison. The TPS will take all reasonable steps to minimise all foreseeable risks of harm that might occur to a child residing in prison.

6.6 The child must be immunised according to the National Immunisation Program Schedule (unless medical advice precludes the child from immunisation).

6.7 The child's placement on the Mother and Child Program will be reviewed on a regular basis. If there are reasonable grounds to believe that it is no longer in the best interests of the child to continue being accommodated in the prison, or the management, good order and security of the prison can no longer be assured, arrangements will be made for the child to be accommodated in the community.

6.8 Mothers who have been permitted to have their child reside with them in prison are required to sign an agreement as to what their obligations are [Form 10B].

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6.9 The Assessment and Review Panel will consider the Alternative Prison-Based Carer Suitability Assessment (Form 10G) based on dual considerations of the best interests of the child and the management, good order, and security of the prison.

6.10 Alternative Prison-Based Carers who have been assessed as suitable are required to sign Form 10C acknowledging their obligations and responsibilities.

6.11 No staff member is, other than in an emergency situation, to be in sole care of the child or left alone with the child.

6.12 If any staff member has a reasonable suspicion that the child may be at risk of harm, abuse, or neglect, they must report it to the Superintendent as soon as practicable.

6.13 Separation of a child from their mother must not be used as a sanction for a disciplinary breach and any loss of privileges by the mother must not have any unintended consequences for the child. However, non-compliance with prison rules may result in a re-assessment of the mother's ongoing suitability for the Mother and Child Program.

6.14 At the request of the mother, staff may consult with the Tasmanian Aboriginal Centre if she identifies that herself or her child are Aboriginal or Torres Strait Islander. The mother must be advised of the supports TPS can provide.

6.15 Children residing in the Mother and Child Unit are not prisoners. Use of force must not be used against any child residing in the Mother and Child Unit.

7 Responsibilities

7.1 Tasmania Prison Service

7.1.1 Director of Corrective Services

- Responsible for reviewing appeals against decisions of the Commissioner regarding admission to the Mother and Child Program

7.1.2 Commissioner

- Is responsible for approval, continuation or termination of a mother's participation in the program, and to grant temporary admission to the Program.
- Any recommendations for the approval, continuation or termination of participation in the program go via the superintendent to the Commissioner.

7.1.3 Superintendent, MHWP

Is responsible to oversee the operation of the Mother and Child Program, including but not limited to -

- Acting as Chair of the Assessment and Review Panel and contributing to the recommendations made on applications. Refer to Appendix A for more detail.
- Completing a National Police Check for the mother, upon receiving their application for the program [Form 10A], to ensure it is in the best interests of the child to reside in the prison.
- Ensuring the mother understands and signs Mother and Child Program Agreement [Form 10B].
- Approving (with the consent of the Panel) the Alternative Prison-Based Carer in accordance with the Alternative Prison-Based Carer Suitability Assessment [Form 10G] and ensuring that the suitable Alternative Prison-Based Carer understands and signs the Alternative Prison-Based Carer Authorisation [Form 10C].
- Ensuring that staff understand the TPS' obligations to the child.

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- Maintaining an adequately provisioned and safe unit for the accommodation of the child. Including, ensuring the kitchen complies with Health and Safety Regulations, has facilities for the safe storage of food, including breast milk, and all relevant local council accreditations are obtained.
- Approving arrangements for the arrival and accommodation of the child and approving the child's leave from the prison into the community.
- If the Superintendent, MHWP, receives a report, or is provided with information that raises a reasonable suspicion that the child residing in the prison is at risk of harm, abuse or neglect, the Superintendent must make a report to the Commissioner to determine the suitability of the child continuing to particpate in the Mother and Child Program.
- Convene the Assessment and Review Panel and to prepare Assessment and Review Panel Recommendation (Mother and Child Program) [Form 10F], for presentation to the Commissioner.
- Ensuring that documentation concerning the child's participation in the Mother and Child Program is maintained, including outcomes of applications, reviews, appeals and accommodation records.

7.1.4 Correctional Supervisors

Are responsible for managing correctional staff in the operational requirements of the Mother and Child Program, including but not limited to –

- Approving arrangements for the arrival and accommodation of the child and approving the child's leave from the prison into the community after hours and on weekends.
- Ensuring that staff understand the TPS' obligations to the child.
- The supply of food and other items the mother needs to care for her child in prison. Refer to Appendix B for more detail.
- Assessing the suitability / appropriateness of the mother undertaking programs, activities and employment.
- Facilitate and prepare the suitability assessment of the Alternative Prison-Based Carer (Form 10G).
- Ensure the mother and Alternative Prison-Based Carer have been provided with the Mother and Alternative Carer Information Booklet.
- Conduct regular reviews of behavioural reports and case notes to ensure that:
    - the mother is complying with her responsibilities in accordance with Childcare Plan [Form 10E].
    - Staff are complying with this DSO.
    - The Alternative Prison-Based Carer is complying with their obligations in accordance with Form 10C.
- If the Correctional Supervisor identifies concerns, they must make a report to the Superintendent, MHWP.
- Ensuring there is a register of all important phone numbers, such as Alternative Community Based Carers and CSS, which is readily available to Correctional Staff on all shifts.
- Approving the length of time (maxium of 3 hours) that the Alternative Prison-Based Carer will care for the child in absence of the mother.

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- Notifying the TPS, Catering Manager, when the child is not residing in the prison, for example, if spending time with family in the community.

7.1.5 Correctional Officers

Are responsible for the day to day operational requirements of the Mother and Child Program, including but not limited to -

- Ensuring the mother is managing her parenting responsibilities in accordance with the Childcare Plan [Form 10E] and Mother and Child Program Agreement [Form 10B].
- Ensuring that the Alternative Prison-Based Carer is managing her responsibilties in accordance with the Mother and Alternative Carer Information Booklet.
- Making reports and referrals to the Family Reintegration Officer.
- Monitoring whether the child is at risk of abuse or neglect, including:
    - the needs of the child being met; and
    - adequate supervision and control of the child.
- Remaining alert to risks to the child and taking reasonable steps to minimise any foreseeable risk of harm that might occur to the child whilst they are resident in prison.
- Assisting the mother to obtain food and other items needed to care for her child in prison. Refer to Appendix B for more information.
- Completing the Temporary Absences Register each time the child leaves and returns to the prison.

7.1.6 Coordinator Family and Child Support (R&R) or delegate

Responsible for:

- Advising and assisting the mother to make an application for a place in the Program, using Mother and Child Program Application [Form 10A].
- Engaging with CSS to ensure that the TPS is meeting its obligations to the child in respect of safety from harm (including abuse and neglect).
- Remaining alert to risks to the child and take reasonable steps to minimise any foreseeable risk of harm, abuse or neglect that might occur to the child whilst they are resident in prison.
- Ensuring the mother has been given a ‘safe sleeping guide’ for infants and toddlers.
- Ensuring the mother has been adequately supported to meet the nutritional needs of her child .
- Facilitating the mother’s access to parenting programs.
- Coordinating monthly case conference with panel members for a progress report.
- Identifying additional socialisation opportunities for the mother and child to minimise the impacts of isolation within the unit.
- Facilitating the mothers access to additonal supports as required such as, child care, financial supports and inrichment opportunities.

7.1.7 The Family Reintegration Officer (R&R)

Responsible for:

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- Developing and reviewing Childcare Plan [Form 10E] in conjunction with the mother.
- Notifying the TPS, Manager, Catering Services when the child has been approved to reside in the prison, including the child's age and appropriate dietary requirements, and any allergies or other special food restrictions.
- Notifying TPS Finance Manager when a child has been approved and update the Mother and Child Unit Weekly Order form as needed.
- Monitoring whether the child is at risk of abuse or neglect, including:
    - the needs of the child being met; and
    - adequate supervision and control of the child.
- Remaining alert to risks to the child and taking reasonable steps to minimise any foreseeable risk of harm that might occur to the child whilst they are resident in prison.
- Facilitating engagement between the mother and CSS.
- Ensuring the mother has successfully completed a Safe Food Handling program before her child is received in the prison.

7.1.8 Therapeutic Services

Responsible for:

- Is responsible to provide a representative on the Assessment and Review Panel, to provide an assessment of the mother's ability to care for the child in prison, including any mental disability or dysfunction that may impact on the mother's ability to provide appropriate and satisfactory care. Refer to Appendix A for more detail.
- Therapeutic Services must make contact with the mother at least once every fortnight, or more frequently as required. Therapeutic Services must remain alert to any changes in the mother's psychological health which may impact her safety or the safety of her child.
- Therapeutic Services will provide ongoing psychological support to the mother, as required, and make referrals and notifications should any issues impacting the safety of the child arise.

7.1.9 All Staff

- All staff are mandatory reporters under the *Children, Young Persons and Their Families Act 1997.*
- In addition to making a mandatory report, all staff are required to report any concerns about the child, mother or Alternative Prison-Based Carer to their immediate line manager. Concerns may include (but are not limited to):
    - Physical safety – including illness or injury
    - Psychological safety – including behaviour indicating intoxication or mental health concerns;
- All staff have a duty of care to any child accommodated with their mother and are to take reasonable steps to minimise any foreseeable risk of harm that might occur to the child whilst they are resident in prison.
- Complying with legislative mandatory reporting requirements
- Monitoring whether the child is at risk of abuse or neglect, including:
    - The needs of the child being met; and

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- Adequate supervision and control of the child.

7.2 Other Government Agencies

7.2.1 Child Safety Service

Is responsible for assisting in the assessment of an application to the program as a member of the Assessment and Review Panel, including providing a report on any previous or current contact the mother has had with the Department which may impact on her suitability as the child's primary caregiver and the best interests of the child. Refer to Appendix A for more detail.

CSS will provide reports on any previous or current contact the nominated Alternative Community and Prison-Based Carer/s have had with the Department, which may affect their suitability to be the child's alternative caregivers.

Refer to Memorandum of Understanding, Bilateral information exchange regarding shared clients between Children and Youth Services and Corrective Services and Corrective Services / Child Safety Services Protocol (May 2019).

7.2.2 Correctional Primary Health Service

Is responsible to assist in the assessment of an application to the Program as a member of the Assessment and Review Panel, refer to Appendix A for more detail. To ascertain the immunisation status of the child, to conduct a medical assessment of the child when first received in the prison, and for coordinating healthcare and medical care of the mother and child including immunisation, emergency care, pregnancy and antenatal care.

8 General Provisions

8.1 Mother and Child Unit

8.1.1 While the Mother and Child Unit exists in a prison setting, it is the child's home and as such should have a child-focused regime and environment.

8.1.2 The unit exists primarily for the sake of the child maintaining a relationship with their mother. The unit must be clean, tidy, and safe for children. Wherever possible, effort should be made to minimise the prison-like environment to be age and stage appropriate for the child or children residing in the unit.

8.2 Reception

8.2.1 Where a female prisoner is received into custody at the MHWP and it is determined she is pregnant, CPHS must be notified, and if it is likely that she will give birth while in custody a referral must be made to the Rehabilitation and Reintegration Unit [redacted] A pregnant prisoner must be advised that being pregnant does not automatically mean their baby will be accommodated in custody.

8.2.2 Where it is determined at reception that a female prisoner is a primary caregiver and has dependent children, details of their community carer and location should be confirmed, as soon as possible. If any children are under the age of two years old, the prisoner should be informed of the Mother and Child Program. If the prisoner expresses interest, a referral should be made to Rehabilitation and Reintegration Unit [redacted] The prisoner must be advised that placement in the Mother and Child Program is not guaranteed and is at the discretion of the Commissioner following assessment and a recommendation by the Assessment and Review Panel.

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8.2.3 The Family Consultant (or delegate) will advise the mother who is pregnant and / or who has young children in the community how to make application for a place in the program, if she is eligible and facilitate the making of the application.

8.3 Children accompanying mother into custody

8.3.1 Under no circumstances should a child accompany a mother taken into custody immediately from court.

8.3.2 Where a mother is to be taken into custody from court and is unable to contact an alternative caregiver for a child that has accompanied her, CSS must be contacted for an immediate emergency and temporary community placement, while the mother undergoes the reception process and application for Temporary Admission and / or Formal Application is processed.

8.4 Temporary Admission

8.4.1 Once a mother undergoes the reception process and placement has been determined, the Commissioner may permit a mother, who is remanded or sentenced, with no alternative and available caregiver for her child, to temporarily care for her child in prison.

8.4.2 Temporary admission can be granted under exceptional circumstances for the child while a mother is awaiting formal application and assessment to the Mother and Child Program.

8.4.3 It must be clearly explained to the mother that where temporary admission is granted there is no guarantee the formal application will be granted.

8.4.4 When determining temporary admissions, the Commissioner will take into account factors such as:

- Whether the mother was the primary caregiver in the community prior to being received into custody;
- Whether the child is breast-feeding;
- If appropriate accommodation is available within the prison;
- The criteria as set down for Mother and Child Program eligibility, including security classification;
- Any information from the Department for Education, Children and Young People that is relevant regarding the child's best interests; and
- In considering the child's best interests, the Commissioner should have regard to:
    - The child's age and needs;
    - The child's previous living arrangements;
    - The availability of the child's other parent, or possible alternative temporary carer in the community;
    - The need to protect the child from harm, including harm arising from abuse or neglect;
    - Previous substantiated notifications concerning the child, or any children under the care of the mother;
    - The mother's criminal history; and
    - Any other relevant information.

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8.5 Formal Applications

8.5.1 Mothers applying for their child/children to reside in the Mother and Child Unit must apply to the Commissioner in writing using Mother and Child Program Application [Form 10A].

8.5.2 The mother is to be provided with the Mother and Alternative Carer Information booklet.

8.5.3 When considering an application, the Assessment and Review Panel and the Commissioner must be satisfied it is in the best interests of the child to live with his / her mother in the prison and the management, good order or security of the prison will not be threatened by the child's residency in the prison.

8.5.4 The Commissioner must assess and finalise the application to accommodate a child in prison within 21 days of the application being lodged by the mother. If this is not possible, the Commissioner must notify the mother in writing of the reason for the delay.

8.5.5 Children over the age of two years old will not be accommodated in the Mother and Child program. However, discretion can be applied if the mother is due for release within a few weeks of the child reaching this age limit.

8.6 Procedural Fairness

8.6.1 The mother has the right to present her case to the Assessment and Review panel in writing by way of the application.

8.6.2 Provision may also be available for the mother to present her case in person and address any concerns the Panel may have regarding the application or ongoing placement of the child, if this is deemed appropriate by the Panel.

8.7 Mandatory Reporting (concerns regarding Child Safety Issues)

8.7.1 As State Service Employees, all TPS staff are mandated to report any belief, suspicion or knowledge of child abuse or neglect or, where a woman is pregnant, the likelihood of such, under section 14 of the *Children, Young Persons and Their Families Act 1997*.

8.7.2 Any complaints of physical, sexual, or emotional abuse of children in the prison should be immediately reported by the staff member to CSS by phoning the Strong Families, Safe Kids, Advice and Referral Line 1800 000 123. Staff must take immediate steps to ensure the safety of the child. Staff must also report complaints to the Superintendent/Officer-In-Charge, MHWP.

8.8 Reportable Conduct

8.8.1 As State Service Employees, all TPS staff are required to notify the Secretary of the Department of Justice if they reasonably suspect that another worker in Corrective Services or another person working in the prison has committed reportable conduct. Staff are required to report any current concerns.

8.8.2 Reportable conduct in the workplace includes:

- Sexual misconduct towards a child (e.g. making sexually suggestive statements or taking sexualised photos of a child);
- Sexual assault (e.g. inappropriate touching of a child);
- Assaulting a child;
- Threatening unlawful physical harm to a child; and
- Neglect – repeated failure to provide proper food, supervision, clothing, or medical aid.

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Reportable conduct outside of work includes:

- Family violence committed against, with, or in the presence of a child;
- Grooming a young person online; and
- Looking at or sending child exploitation material online.

8.9 Record Keeping and Monitoring

8.9.1 The Superintendent, MHWP must ensure a register is maintained in which the relevant details and outcomes of applications, reviews, appeals and accommodation records (number of children who have been accommodated under the Mother and Child Program and the number of days children have been accommodated in the prison) pertaining to the Mother and Child Program are documented.

8.9.2 The Superintendent, MHWP will provide monthly reports on the mother and resident child's progress to the Commissioner, more often if necessary.

8.9.3 A child's progress and placement in the Mother and Child Program will be reviewed at least every three months by the Assessment and Review Panel to review the child's continued suitability for placement in the program and provide a report to the Commissioner.

9 Assessment Process

9.1 Assessment and Review Panel

9.1.1 When an application to join the program is received, the Assessment and Review Panel will convene to undertake an assessment of the application and to make a recommendation to the Commissioner.

9.1.2 The Assessment and Review Panel and Commissioner will seek advice from relevant TPS staff and obtain information from any other party (for example, qualified and objective parties specialised in the area of child health, protection and / or welfare) to assist in making a recommendation or determination.

9.1.3 The Assessment and Review Panel will consider the following when assessing an application:

- The mother's criminal history, legal status, current charge(s) / offence(s), security category, sentence length, earliest release date, adjustment to prison, commitment to rehabilitation and willingness to participate in relevant programs and rehabilitation services;
- Any orders concerning care arrangements for the child;
- The child's right to a meaningful relationship with their mother;
- Active family violence and restraint orders;
- The child's immunisation status;
- Formal advice from CSS on the mother's and child's social history and issues relevant to the application / placement;
- Whether the child's medical / health needs can be adequately met in prison;
- Whether the child's safety, physical, cognitive, emotional and social development needs can be adequately met in prison;
- The mother's capacity to care for the child and meet the child's needs;
- The other parent's views on the child being accommodated in prison;

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- Ongoing access to immediate family members, including the child's other parent(s), sibling(s) and grandparent(s);
- The availability of continuous and stable care being provided by another suitable adult or family member in the community;
- Whether the mother's length of sentence significantly exceeds the time the child can remain in the prison with her and if so, whether the resulting separation is assessed as not to be in the child's best interests;
- Actual or potential threats to the management, good order and security of the prison;
- Expert advice or further information as deemed appropriate by the Panel; and
- The TPS's capacity to accommodate the child in a suitable environment, including risk to the child from other prisoners.

9.1.4 Details of the roles and responsibilities of each representative on the Assessment and Review Panel can be found in Appendix A to this DSO.

9.1.5 The Assessment and Review Panel must be informed of the outcome of Alternative Prison-Based Carer Suitability Assessment [Form 10G].

9.2 Refusal of Applications

9.2.1 The Commissioner may refuse an application if:

- It has been assessed that it is not in the child's best interests;
- The child is likely to be at risk of harm, abuse or neglect if accommodated in prison;
- The child's safety, health, development and social needs cannot be adequately met in prison;
- The management, good order and security of the prison is likely to be threatened by the child residing in prison;
- The mother was not the child's primary caregiver immediately prior to being imprisoned;
- An active family violence or restraint order prevents or restricts the mother's access to the child;
- The mother is at risk of suicide or self-harm;
- The mother is displaying violent behaviour in prison;
- The mother is displaying a pattern of behaviour which threatens the safety, security or good order of the prison;
- The mother tested positive to alcohol or an illicit or non-prescribed drug during the current episode of imprisonment;
- The mother is charged with or convicted of child abuse or a sex offence involving a child, or any other offence involving the ill-treatment of a child;
- The mother is unable to care for the child due to a mental illness, disability or medical condition;
- Accommodation demands mean there is insufficient room to accommodate the child; and
- Facilities suitable for accommodating the child are not available.

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9.2.2 Children over the age of two years will not be accommodated in the Mother and Child program. However, discretion can be applied if the mother is due for release within a few weeks of the child reaching this age limit.

9.2.3 Further applications will only be considered if it can be demonstrated that the reasons for refusal have changed.

9.3 Approved Applications

9.3.1 If the Commissioner approves an application, the mother and the Superintendent, acting on behalf of the TPS, will enter into a formal agreement regarding the child's accommodation and care using Mother and Child Program Agreement [Form 10B].

9.3.2 The Superintendent will discuss with the mother the various responsibilities and the possible risks associated with accommodating a child in prison and ensure the mother understands the formal agreement made.

9.3.3 The Assessment and Review Panel will consider the Alternative Prison-Based Carer Suitability Assessment [Form 10G] based on dual considerations of the best interests of the child and the management, good order, and security of the prison.

9.3.4 The mother will, in conjunction with the Parenting and Family Reintegration Officer develop Childcare Plan [Form 10E]. The Care Plan must be reviewed by the Parenting and Family Reintegration Officer and the mother on a regular basis.

9.3.5 Prior to the child arriving at the prison, the mother must nominate at least two suitable Alternative Community Carers who are prepared and able to provide immediate care if the child has to be removed from the prison.

9.3.6 The supervision, care and safety of the child is the responsibility of the mother unless the mother is engaged in an approved activity. This includes work, programs, education, personal hygiene breaks, and sleep (within reason). During the mother's engagement in an approved activity, the Alternative Prison-Based Carer is responsible for the supervision, care, and safety of the child.

9.3.7 Correctional staff will assist the mother to arrange her room ready for the arrival of her child and to obtain all food and other supplies necessary for the mother to care for her child while in prison. Correctional staff must complete an integrity check of the unit prior to the child being placed in the unit – staff should pay particular attention to child safety devices and potential hazards and ensure appropriate safeguards are in place.

9.3.8 The TPS will provide and pay for basic food items for the mother to prepare meals for her child. The mother is responsible for the financial costs of all other items necessary to care for her child in prison, including nappies and baby formula.

9.4 Termination of Approval

9.4.1 The Commissioner may order the removal of a child from a prison if:

- The child's behaviour is deemed to threaten the security or good order of the prison;
- The child's safety is at risk;
- The mother's behaviour puts at risk the health, safety and welfare of her child or the security or good order of the prison;

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- The mother's risk of SASH is assessed as level 4 or above, or which requires placement outside the Mother and Child Unit;
- The mother no longer satisfies the criteria for admission to the Mother and Child Program;
- The mother breaches the conditions of the formal agreement with TPS;
- The mother is under investigation for a prison offence that impacts the safety and wellbeing of the child, including the consumption of drugs or alcohol or trafficking;
- It is the advice of the Assessment and Review Panel that it is no longer in the best interests of the child to remain resident in the prison;
- The child attains the age of two years old, except where the mother is expected to be released within several weeks at the discretion of the Commissioner; and
- A suitable Alternative Prison-Based Carer cannot be located to reside in the Mother and Child Unit.

9.4.2 In regard to an emergency removal of a child from the prison, see Section 20.

10 Management of Pregnant Prisoners

10.1 The TPS will be responsive and sensitive to the additional needs of pregnant and post-natal prisoners in custody, including providing culturally appropriate support if requested by the prisoner.

10.2 CPHS will be notified where a prisoner is pregnant, or has just given birth, and will work collaboratively with TPS staff and the Department of Health, Maternity Services, to ensure appropriate health care for the prisoner. Provision will be made through CPHS for regular visits by midwives or any specialist appointments as necessary.

10.3 Where a prisoner is pregnant, MHWP Correctional Officers will help the prisoner prepare a Birth Plan including discussing with the prisoner what she can take to the birth (baby bag), who can be present at the birth, and what visitors she is permitted after the birth.

10.4 During labour and childbirth, the prisoner will be permitted to have an approved support person(s) present with them at the hospital (this person must be an approved visitor). Following the birth, the mother will be permitted to notify family members via telephone. This will occur as per usual hospital procedures and DSO 4.03 Prisoner Telephone Communication, specifically section 7.3 and DSO 1.20 External Escorts, Medical Appointments and Hospital Admissions.

10.5 The mother is entitled to receive approved visits in hospital following the birth of her child. This will generally be in line with visitors nominated on her prison visit list and on the Birth Plan, but this will be assessed on a case-by-case basis.

10.6 If the mother returns to custody prior to the child being discharged or if the baby must return to hospital, for example for drug withdrawal, the mother is entitled to undertake approved visits to the child in hospital. Allowing the mother reasonable access is particularly important if the mother is breast feeding.

10.7 It must be ensured that prisoners who have given birth while in custody complete all governmental requirements and entitlements including:

- Application for any relevant government payments.
- Application for birth registration.
- Updating of Medicare records.
- Any other relevant documentation.

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This is usually by organising an appointment with the Centrelink officer who attends the prison on a regular basis.

11 Alternative Carers

11.1 The nominated Alternative Community Carers will be utilised where a child is no longer able to reside at the prison. Alternative Community Carers may be called upon to collect the child in an emergency or other situation where the child is required to be permanently or temporarily removed from the prison. They may also transport the child to events in the community, such as family occasions, medical appointments and playgroups, and where approved, shared care arrangements are in place.

11.2 The Superintendent, MHWP, must be satisfied that the Alternative Community Carers will act in the best of interest of the child. This decision should be made based on the information provided by CSS. In the event that a suitable Alternative Community Carer is unable to be found, the child is to be collected by CSS.

11.3 Alternative Prison-Based Carer may be nominated by the mother and are subject to a suitability assessment to be determined by the Assessment and Review Panel. The Alternative Prison-Based Carer resides in the Mother and Child Unit and may provide short-term care of a child in the unit while the mother is unwell, attending a program or work or taking a short break from care responsibilities this may include personal hygiene breaks and sleep (within reason e.g. if unwell).

11.4 The Alternative Prison-Based Carer will care for the child only on a short-term basis, usually less than an hour, but may be up to three hours, and as approved by a Correctional Supervisor. If the mother needs to be absent from their child for longer, arrangements are to be made for an Alternative Community Carer to care for the child in the community.

11.5 The Assessment and Review Panel will consider the Alternative Prison-Based Carer Suitability Assessment (Form 10G) based on dual considerations of the best interests of the child and the management, good order, and security of the prison.

11.6 Prisoners who are nominated as an Alternative Prison-Based Carer are to be provided with the Mother and Alternative Carer Information booklet and sign Alternative Prison-Based Carer Authorisation [Form 10C].

12 Consumables and Nursery Furniture

12.1 The Superintendent, MHWP, will ensure the necessary age-appropriate nursery furniture, equipment and toys that comply with relevant Australian Standards are provided.

12.2 Correctional Officers will assist the mother to obtain consumables and any special items needed for the care of child, including food, nappies, and baby formula. Refer Appendix B.

12.3 It is the mother's responsibility to pay for baby formula, clothing, and other necessities for her child and to pay for any health care provided in the community.

12.4 The TPS will provide and pay for basic food items for the mother to prepare meals for the child.

13 Finances

13.1 A mother who has recently given birth or has a child residing with her in prison may be receiving or be eligible to receive a government benefit or child support payments to care for the child.

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13.2 Mothers may apply for money to be withdrawn from their bank account for their child. Withdrawal of money can be requested using Bank Account Withdrawal Application [Form 6AD] and must be approved by the Superintendent, MHWP.

13.3 In some circumstances it may be necessary for the mother's Private Monies Account to exceed $300 for the purpose of the mother purchasing consumables for her child. Approvals of withdrawal in excess of the Private Monies threshold can be approved by the Superintendent, MHWP.

13.4 The Superintendent, MHWP is responsible for approving the mother's requests for purchases of items for her child, and ensuring the mother has enough funds to reimburse the TPS for the purchases.

13.5 The mother must complete Money Transfer Application [Form 6I] form to reimburse the TPS for the purchase of goods for her child, and forward it to the Superintendent, MHWP, for approval, before the goods are purchased.

14 Routine Medical Care

14.1 Routine medical care of the child will be undertaken by CPHS. This includes routine health checks of the child on admission to the prison, and for the period he / she is accommodated at the prison, including immunisations and referrals to specialist health care services.

14.2 CPHS will notify the Manager of Child Health and Parenting Services (CHaPS) – South, Department of Health who will organise Child Health Nurses to provide routine health checks as per the schedule recommended for all young children. Mothers are also able to request appointments with Child Health Nurses if they have concerns.

14.3 Immunisation will be carried out as per the Australian Standard Vaccination Schedule (unless medical advice precludes child from immunisation). Children's immunisations occur in the community and therefore the Alternative Community Carer will be required to collect the child from the prison to take them to their appointment.

14.4 If the mother would like to access specialist services (e.g. lactation consultants) this can be facilitated by CPHS who will complete a referral on behalf of the mother.

15 Emergency Medical Care & Emergency Removal of the Child

15.1 In the event of an emergency medical situation involving the child or mother, staff must call a Code Blue and enact Emergency Operating Procedure 03 (Serious Medical Issue / Accident / Death in Custody).

15.2 Where the incident involves the mother, the Alternative Prison-Based Carer is to care for the child while the Superintendent, MHWP organises for the child to be collected by either an Alternative Community Carer or CSS.

15.3 The Superintendent, MHWP, will notify the Alternative Community Carers by telephone. If the Alternative Community Carers are unable to the collect the child promptly, the Superintendent will contact CSS.

15.4 The child's health is the paramount priority and in the case of emergency, transportation to hospital must not be delayed while relevant people are contacted.

15.5 If the child requires hospital care, transport to the Royal Hobart Hospital will be arranged for the child. The mother is to accompany the child to hospital.

15.6 The Superintendent, MHWP will notify an Alternative Community Carer who will take over the supervision and care of the child in the hospital. The mother is to return to prison once an Alternative Community Carer arrives. If an Alternative Community Carer is not available, CSS should be contacted for advice.

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15.7 The Superintendent, MHWP is to notify Therapeutic Services to arrange appropriate support for the mother if required.

15.8 The child can return to the prison if medically cleared by health professionals.

15.9 In the circumstance of an emergency removal of the child from the Mother and Child unit, the Superintendent, MHWP is to notify the Alternative Community Based Carers to arrange the child's removal from the prison.

15.10 In the event the Alternative Community Carers are not available, the Superintendent, MHWP is to contact CSS to arrange a community placement.

15.11 Where necessary, the Superintendent, MHWP is to advise CPHS and / or CSS on removal of the child from the prison.

15.12 The Superintendent, MHWP is to notify Therapeutic Services to arrange appropriate support for the mother if required.

16 Temporary Absences

16.1 In the event that a child is going to be temporarily absent from the prison, the mother must inform the Superintendent, MHWP in writing, indicating the proposed care giver/s, time, date, and arrangement in place for the child's temporary absence.

16.2 Correctional Officers are required to complete the Temporary Absences Register each time the child leaves and returns to the prison. Staff are required to record the date and time the child leaves and returns, reason for the absence, who collected the child and their relationship to the child, the presentation of the child and any other details that are relevant.

16.3 Correctional Officers should visually check prior to the child leaving and upon return of the child to the prison facility for any visible signs of sickness or any injuries. Any signs should be immediately reported to CSS and the Superintendent as well as, if necessary, CPHS.

16.4 Where appropriate and as directed, prior to and following the absence from the prison, the child's clothing and other items are to be searched. Refer to Section 17 Searching of Children and Belongings.

17 Searching of Children and Belongings

17.1 Refer to Appendix C Procedure for Searching Babies.

18 Physical Contact

18.1 In principle, Correctional Officers should refrain from physical contact with resident children. There may, however, be occasions when the prison's duty of care dictates that it will be necessary for the officer to have physical contact with the child, and officers will need to execute their best judgment in each individual circumstance.

19 Lockdown Provisions

19.1 During a lockdown a mother and child will be permitted to move around within the unit.

19.2 If security issues dictate that it is unsafe for the mother and child to move around within the unit during lockdown, alternative community care arrangements should be made for the child until such time as it is safe for the child to return.

19.3 Staff will ensure the mother is aware that due to limited staffing there may be a delay in opening up the unit during and / or after lockdown. All reasonable effort must be made by Correctional Officers to limit the length of the delay.

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19.4 When the child has scheduled medication that must be administered to the child during lockdown, the Superintendent in consultation with CPHS will decide on a case-by-case basis which of the following options is suitable to undertake. The option chosen will depend upon the type of medication required and issues of safety and security:

- CPHS prepare a single dose to be kept in the unit for the mother to administer herself;
- Correctional Officers open the unit for CPHS staff to administer the dose; and
- The child is placed in the community with an alternative caregiver for the period where the child requires medication during lockdown.

20 Work / Programs

20.1 Mothers in the Mother and Child Program must be able to access programs, activities, and case management as per other prisoners.

20.2 Mothers in the Mother and Child Program should be offered suitable employment.

20.3 Supervisors are responsible for approving mothers in the Mother and Child Program to participate in programs, activities, and employment. The Supervisor will take into consideration the child's care needs and the availability and agreement of the Alternative Prison-Based Carer.

21 Release Planning

21.1 If the child is to return to the community before the mother, there should be a schedule of gradual separation including overnight and extended day visits with the carer in the community before the child returns to the community full-time. It is preferable that preparation for separation should begin around eight weeks prior to the child's departure. The mother should be provided with support during the separation period. The Parenting and Family Reintegration Officer will assist the mother with this planning.

21.2 If the mother and child are to be released together, reintegration planning should include accommodation, income support, employment, childcare arrangements, referral to a child health nurse and identification of community support agencies which may need to be engaged. If the mother has been allocated a Planning Officer, they will be responsible for this, otherwise the responsibility is with the assigned Correctional Case Officer.

22 Child Safety Service Contact Details

22.1 CSS can be contacted by phoning the Strong Families, Safe Kids, Advice and Referral Line 1800 000 123.

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23 Document History and Access

Endorsement Date	15 September 2026	
Implementation Date	8 October 2026	
Version Number	3.2	
Date of First Issue	2 May 2011	
Access to this DSO	Assessed Disclosure	
History	8 October 2026 Version 3.2	*Amended to reflect the new TPS organisational restructure.*
	19 July 2024 Version 3.1	*Updated to reflect the implementation of CYSO.*
	5 June 2020 Version 3.0	*Full review.*
	1 May 2011 Version 2.0	*Full review.*
	24 October 2006 Version 1.0	*Policy issued.*

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Appendix A – Assessment and Review Panel

The members of the Assessment and Review Panel are responsible for providing the following information during an assessment regarding the Mother and Child Program:

Superintendent, MHWP (Chair)

- Mother's criminal history, current charges, security classification, sentence length, earliest release date, adjustment to prison, commitment to rehabilitation and willingness to participate in relevant programs and rehabilitation services;
- Availability of suitable accommodation in the Vanessa Goodwin Mother and Child Unit for the mother and child;
- Any issues relating to the ability of the prison to ensure the safety of the child;
- Any threats, actual or potential, the application may place on the management, good order and security of the prison.
- Organises meetings, prepares agendas and takes minutes; prepares required reports for the Commissioner.

Supervisor or Operational Representative

- Provide advice in relation to any operational impacts or concerns that may arise from the accomodation of the mothers child in the Vannessa Goodwin Mother and Child Unit.
- Prepare and complete the Alternative Prison-Based Carer Suitability Assessment (Form 10G) in conjunction with panel members.

Representative, Therapeutic Services, Tasmania Prison Service

- Assessment of the applicant's ability to care for the child in prison, including any mental disability or dysfunction that may impact on the mother's ability to provide appropriate and satisfactory care.
- Provide advice for the Alternative Prison-Based Carer Suitability Assessment (Form 10G).

TPS Family Consultant

- Helps the mother prepare her application and helps the mother access relevant training/programs to be eligible for the Mother and Child Program.
- Conduit between the TPS, CSS and external services.
- Any issues relating to the child's safety if they were to reside in the prison (e.g. any foreseeable risk of harm, abuse or neglect that might occur to the child whilst they are resident in prison).
- Coordinate monthly case conference with panel members for a progress report.

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Representative, Department *for* Education, Children and Young People (CSS)

- A report on any previous contact the applicant has had with the Department which may impact on her suitability as the child's mother and the best interests of the child;
- A report on any previous contact the nominated alternative caregivers have had with the Department which may impact on their suitability to provide care for the child in the community.
- Provide advice for the Alternative Prison-Based Carer Suitability Assessment (Form 10G).

Representative, Department of Health (Correctional Primary Health Services)

- Assessment of the mother's ability to care for the child in prison, including any physical or health issues that may impact on the mother's ability to provide appropriate and satisfactory care.
- Assessment of any medical or health needs the child may have that can't be adequately met in prison.
- Confirmation of the child's immunisation status by contacting the Australian Immunisation Register.
- Provide advice for the Alternative Prison-Based Carer Suitability Assessment (Form 10G).

Expert advice and / or further information

- The panel can request further information or seek expert advice as deemed necessary or appropriate when considering the application

Mother's representation

- The mother has the right to present her case to the Assessment and Review Panel; this would usually be in writing by way of the application. However, provision may also be available for the mother to present her case in person and address any concerns the Panel may have regarding the application or ongoing placement of the child if this is deemed appropriate by the Panel.

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Appendix B – Procurement of Consumables

Below is the procedure for food management of children, staying in the Mother and Child Unit (Vanessa Goodwin Unit).

1. Breakfast and lunch for the child will be provided by the kitchen in line with standard guidelines for the child's age and development, and any special dietary requirements or allergies that may have been identified for that child.

   The child will count as a person accommodated in that unit and receive the same rations - this includes milk, fruit, bread and cereals etc.

   The Family Consultant will arrange suitable solids.

2. Dinner and snacks will be prepared and provided for the child by the mother. A list of staples will be provided by the TPS Catering Manager from which the mother may order on a weekly basis.

   The mother must hand this to staff who will forward the list to the TPS Catering Manager.

3. Items will be delivered with the main order to the MHWP kitchen on a Friday, however will be boxed separately. These items will include fresh vegetables, cheese, yoghurt and meats etc.

4. Nappies, baby wipes and formula are to be ordered from a list that will be supplied to the mother by the TPS Finance Manager.

   The order will be completed by the mother and handed to correctional staff to send directly through to the TPS Finance Manager.

   The TPS Finance Manager will arrange for purchase of the items.

   The mother is responsible for the payment of these items.

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Tasmania Prison Service

Director's Standing Order

3.09 Mother and Child Program

Appendix C – Procedure for Searching Babies

Scope

Babies are not prisoners, but for the safety and security of the prison may still be subjected to searching.

It is a condition of entry to the Mother and Child Program that the mother consents to the baby and any property being searched, while the child is accommodated in the prison. If a mother refuses to search her child under the direction and supervision of correctional officers, the child may be removed from the unit and the mother's placement on the program may be reviewed.

Procedures

1. Prior to conducting a search of a baby

1.1. Ensure the nature of the search is explained to the mother or Alternative Community-Based Carer.

1.2. For the safety of the baby, the searching officer must ensure the following items are available before commencing the search:

- A change table which satisfies the following requirements:
  - The table must be stable of solid construction and in good condition;
  - If the table has wheels, the wheels must have an effective locking system;
  - The table must have roll off protection such as raised ends and sides of more than 100mm in height;
  - The roll off protection should be rigid rather than soft foam;
  - No gaps which may trap the child's fingers or toes;
  - The table should have a safety harness system, where possible; and
  - The table must have accessible storage and be pre-stocked with nappies and wipes.

2. Conducting a search of a baby

2.1. To ensure the child does not roll off the change table or come to any harm during the search, the baby must be under constant observation and must not be left unattended at any time, especially while on the change table.

2.2. Two Correctional Officers (preferred gender of the mother's choice) must be present during a search of a baby but should not make any physical contact with the baby. As with any other search, one officer will assume the role of Search Officer, searching the items of clothing as they are removed, and the second officer will be the Observing Officer.

2.3. Babies must be searched by their parent or Alternative Community-Based Carer in a comfortable, warm, and private area which is not in view of any other person.

2.4. Every effort must be made to prevent the baby from being left fully unclothed at any point. Staff are to direct the mother or Alternative Community-Based Carer to remove the

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clothing in the half/half method. If the baby is wearing a body suit, a blanket must be provided to cover the torso/bottom half of the baby during the search.

2.5. The searching officer must give directions to the mother or the Alternative Community-Based Carer to remove the clothing and search the baby's clothing as it is removed. The observing officer must observe the entirety of the search and ensure that nothing is discarded or concealed.

2.6. The mother or the Alternative Community-Based Carer should be directed to lay the baby down on the change table and remove the baby's clothes one item at a time and hand these to the Search Officer to search.

2.7. The mother or the Alternative Community-Based Carer should be directed to remove the baby's nappy and hand this to the Search Officer who will, dispose of it accordingly and provide a clean nappy to place on the baby. The nappy should be disposed of in a non-prisoner area.

2.8. At the conclusion of the search the baby's clothes should be handed to the mother or the Alternative Community-Based Carer by the Search Officer in order for the baby to be dressed.

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