



Australasian Juvenile Justice Administrators

Providing Representative Supervision between Jurisdictions

At times children and young people who are under the supervision of a state youth justice agency may need to move temporarily or permanently to another jurisdiction. Some of these children and young people may apply to the sentencing court to have their matter discharged or varied. Similarly some jurisdictions may seek formal transfer of the order to another jurisdiction. However due to the jurisdictional nature of criminal justice legislation not all youth justice orders may be transferred to another state. In these instances the supervising jurisdiction may seek support from the jurisdiction where the child or young person has moved to supervise the order on behalf of the supervising jurisdiction. This is known as representative supervision.

An agreement has been reached by AJJA that any request for representative supervision must be made by the Director (delegate to approve transfer of the young person) of the requesting jurisdiction and approved by the receiving jurisdictional Director.

Representative supervision between jurisdictions should be considered when a young person subject to a community-based, supervised court order will be in an interstate jurisdiction for a period that exceeds four weeks and where no other appropriate arrangements can be made to accommodate the young person's supervision requirements. Representative supervision should be requested between jurisdictions when a young person is intending to relocate interstate on a permanent basis or until the end of the legal order period.

To ensure that the receiving jurisdictional Director has enough information to confidently accept the request for representative supervision, the Representative Supervision Request Form is completed by the requesting Jurisdictional Director and provided to the receiving Jurisdictional Director, accompanied by Letter of request. At times this process may occur after the child/young person has moved to their new address. To ensure confidentiality and the timely processing of requests, all forms, letters and accompanying relevant documentation should be emailed directly between the requesting and receiving Directors/Executive Officers.

Guidelines for Completing the Request Form:

Section A

1. Type of Request

Identify the requesting jurisdiction, the receiving jurisdiction and the reason for the request. Requests are always Director to Director, via the attached Representative Supervision contact list.

2. General Details

Insert the details for the client and the name and location of the allocated case manager for the requesting jurisdiction.

Identify which office in the receiving jurisdiction would be responsible for providing representative supervision and the name of the office manager. At times informal contact may have been made between jurisdictions, i.e. local office to local office. If that has not occurred insert unknown.

3. Current Alerts

This section relates to any current alerts that may be present for this child/young person, particularly relating to client safety or welfare that the receiving Director would need to know about. If there are no current alerts identify this by inserting **no current alerts**.

4. Details of Order

Insert the order type and any special conditions relating to that order.

5. Current Offence/Order Details

Insert charges that relate to the supervised court order.

6. Description of Offence/s

If possible attach a statement of facts. Not all states have access to this information and in these cases the requesting Director should set a context for the receiving Director.

7 Any Matters Outstanding

Insert details of any other charges that may be listed for a hearing, or any appeals that relate to this child/young person. Provide information for how the child/young person will be supported to return for the court appearance.

8. Is there a case plan immediately available?

Tick yes or no – at times children/young people may move interstate immediately after court prior to any case plan being developed. In these circumstances, if the requesting jurisdiction has had no prior involvement with the child/young person, the requesting jurisdiction should contact the relevant local office in the receiving jurisdiction and advise when a case plan would be available or provide any other relevant background information about the young person to assist with case work.

9. Receiving Jurisdiction to provide

In this section briefly described what is being requested, i.e. supervision only, referral for service, access to housing, etc.

10. Communication Plan

A communication plan is a plan between the jurisdictions which highlights how often the receiving jurisdiction will report back to the requesting jurisdiction on supervision outcomes.

Provide recommendation about communication arrangements (e.g. bi-monthly reports, verbal or written updates, etc.). Report back information should always be requested for the time that the legal order is active. The reporting time frames should have been negotiated in consultation with the receiving jurisdiction.

11. Managing Non-compliance

The communication plan should also address the roles and responsibilities of each jurisdiction in relation to any non-compliance and required breach action. In general, the receiving jurisdiction should accept responsibility for the monitoring of client compliance and report any non-compliance to the requesting jurisdiction for their records and to support any breach action that may be required in the future. The requesting jurisdiction retains the responsibility for commencing and completing any required breach action. Breach action can include the issuing of warning letters to young people and the provision of written or verbal court or parole reports. In addition, the receiving jurisdiction may be required to provide an affidavit or other written account of the details of the non-compliance to the requesting jurisdiction to support any required breach action. It is the young person's responsibility to answer to such breach action, as required.

12. Summary and Recommendation

In this section write a brief recommendation to the receiving Director.

Section B

This section is completed by the receiving jurisdictional Director and upon completion is sent to the requesting jurisdiction.

As a general rule, if a young person has been sentenced by a Children's/Youth Court in the requesting jurisdiction, representative supervision should be accepted by the Youth/Juvenile Justice service in the receiving jurisdiction, subject to the receiving jurisdictions legislation and policies (see attached table 1.0 for receiving jurisdiction's age limits for supervision).

In circumstances where a transfer request is refused on the basis of age contact details for the receiving jurisdictions adult corrections system will be provided.

Table 1.0

Jurisdictional age limits for supervision

State / Territory	Maximum Age
New South Wales	17 ^a
Australian Capital Territory	18 ^b
Victoria	Nil maximum ^c
Tasmania	17 ^d
South Australia	18 ^e
Western Australia	17
Northern Territory	Nil maximum
Queensland	20 ^f

^a In some circumstances people under supervision are 18 and over.

^b Young people who are 18 years will only be considered in exceptional circumstances.

^c Victoria will supervise any young person on a Children's Court Order regardless of age.

^d In some circumstances people under supervision are 18 and over.

^e Where a young person will turn 19 whilst still under order Department of Communities and Social Inclusion will continue to provide Supervision.

^f 20 years or younger and where the offender committed the alleged offence when he/she was under the age of 18 years and he/she was placed on a youth justice order for those offences.

Discretion to agree to supervise the offender will be applied by Queensland based on consideration of the following factors:

- Intended location of offender and ability of Youth Justice Services to provide adequate supervision in this location;
- The ability to provide specialised treatment, a program or other form of intervention that is required as part of a youth justice sentence order;
- Existing supervision being provided by Corrective Services under an adult sentence order that is assessed as sufficient to meet the requirements of the youth justice sentence order;
- Any other factors related to the young offenders' relocation that would negatively affect the ability of the young offender's compliance with the order that had not been taken into account by the sending state or territory.