

Policy: Applying for a Warrant (s63) to Gain Access to a Child

Policy Purpose

To ensure Case Managers are aware of the option to apply for a warrant to gain access to a child in extreme circumstances, where access to the child is being prevented by the parent/s or carer.

Policy Statement

In usual circumstances Authorised Officers should gain access to child through routine casework practice, or by using the following provisions:

- s84 Inspection of place of where child resides; or
- s85 Authorised Officer's power to apprehend child.

However when parents or carers deny access to the child a warrant can be sought under Section 63 of the [Care and Protection of Children Act](#) (the Act). Under this section a Magistrate may issue a warrant to an Authorised Officer to enable them to gain access to the child to investigate and determine if the child is in need of protection.

Applying for a *Warrant for Access to a Child* should be used as a last resort. The Case Manager must consult with the Team Leader and Manager about the need for a warrant. The Team Leader or Manager must approve the application.

After a decision has been made to apply for a warrant the Case Manager should involve the Police at the earliest stage of planning the visit. Police are also authorised in [the Care and Protection of Children Act](#) to apply for a warrant.

The Case Manager is authorised to use reasonable force or assistance in executing the warrant. The Case Manager must produce the warrant (or a copy of it) if requested by the person at the place.

The warrant authorises the Case Manager to enter, search and stay at the place of residence they believe the child can be found. If the child is found, the Case Manager is authorised to remain at that place and have contact with the child as long as considered reasonably necessary for the child's protection.

Legislative Basis and Related Documents

[Care and Protection Of Children Act s63 Warrant for Access to Child](#)

Standards

[Standards of Professional Practice 1, 3, 4](#)

Authorised by:

Executive Director, Service Development and Policy on:	16/03/2015	Active from:	16/03/2015
Version 1.0	To advise staff on the practice implementation requirements of s63		

Current Version V 1.01

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