**MEMORANDUM**

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| TO:  | Mary White, Principal Assistant Ombudsman |
| FROM: | Julie Roberts, Assistant Ombudsman Child Death Reviews |
| SUBJECT:  | Implementation of the Family and Domestic Violence Fatality Review function: Approved amendment to the Ombudsman Web Child Death Review page. |
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| DATE: | 28 June 2012 |

Chris has approved the following text for the new page for Child Death Review and Family and Domestic Violence Fatality Review. As you know, Chris has asked that a new heading on the left side of the Home page be implemented.

Heading for Home page and revised content page:

**CHILD DEATH AND FAMILY AND DOMESTIC VIOLENCE FATALITY REVIEW**

Content:

The Ombudsman is responsible for reviewing investigable child deaths. A death is investigable when any of the following circumstances exists:

1. in the two years before the date of the child’s death, the Chief Executive Officer (**CEO**) of the Department for Child Protection (**DCP**) had received information that raised concerns about the wellbeing of the child or a child relative of the child;
2. in the two years before the date of the child’s death, the CEO, under section 32(1) of the *Children and Community Services Act 2004* (**the CCS Act**) had determined that action should be taken to safeguard or promote the wellbeing of the child or a child relative of the child;
3. in the two years before the date of the child’s death, any of the actions listed in section 32(1) of the CCS Act was done in respect of the child or a child relative of the child;
4. protection proceedings are pending in respect of the child or a child relative; or
5. the child or a child relative of the child is in the CEO’s care.

In addition, the Ombudsman can review the death of a child where it appears that the actions of other State government agencies may have been relevant to the life of the child.

On 1 July 2012, the Ombudsman commenced a new role to review family and domestic violence (**FDV**) fatalities. A FDV fatality is a death that is caused directly or indirectly by a person who was in a family or domestic relationship with the deceased. A family and domestic relationship means a relationship between two people:

(a) who are, or were, married to each other;

(b) who are, or were, in a de facto relationship with each other;

(c) who are, or were, related to each other;

(d) one of whom is a child who —

(i) ordinarily resides, or resided, with the other person; or

(ii) regularly resides or stays, or resided or stayed, with the other person;

(e) one of whom is, or was, a child of whom the other person is a guardian; or

(f) who have, or had, an intimate personal relationship, or other personal
relationship, with each other.

Other personal relationship means a personal relationship of a domestic nature in which the lives of the persons are, or were, interrelated and the actions of one person affects, or affected, the other person.

Related, in relation to a person, means a person who —

(a) is related to that person taking into consideration the cultural, social or religious
backgrounds of the two people; or

(b) is related to the person’s —

(i) spouse or former spouse; or

(ii) de facto partner or former de facto partner.

The Ombudsman has a number of functions in relation to the review of child deaths and FDV fatalities:

* Reviewing the circumstances in which and why child and FDV deaths occur;
* Identifying patterns and trends that arise from reviews of child and FDV deaths; and
* Making recommendations to public authorities about ways to prevent or reduce child and FDV deaths.

The Ombudsman also comprehensively reports on the undertaking of both of these roles.

Julie Roberts

## ASSISTANT OMBUDSMAN CHILD DEATH REVIEWS