Australian Government
Department of Foreign Affairs and Trade

AUSTRALIAN PASSPORT OFFICE

Australian Passport Office

Children subject to a court order issued under state or territory child protection law

This guide explains how to complete an Australian travel document application for a child subject to a child welfare or protection order. It is intended to assist parents, child welfare and protection agencies, and anyone who holds parental responsibility, guardianship, or custody of a child according to State and Territory child protection laws.

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Getting a travel document issued

It is easier to get a travel document for a child subject to a child welfare or protection order if you have either of the following:

- the consent of all persons who have parental responsibility, which includes the child's birth parents
- an Australian court order that permits the child to do any of the following:
    - have a travel document
    - travel internationally
    - live or spend time with a person outside of Australia.

If you don't have one of the above, you can still lodge an application. An Australian Passport Office (APO) delegate will consider your application under limited special circumstances outlined in passport law[1].

The law defines parental responsibility for the purpose of issuing a travel document to a child[2]. A child welfare or protection order can only add persons with parental responsibility. It can't take away someone's parental responsibility, including the child's parents. A person named on a welfare or protection order with court- awarded parental responsibility includes someone who has one of the following:

- parental responsibility
- custody
- guardianship

Note: organisations operating under a 'placement agreement' or equivalent generally don't have parental responsibility.

[1] *Australian Passports Act 2005* (Cth), section 11(2), Australian Passports Determination 2015 (Cth), paragraph 10.
[2] *Australian Passports Act 2005* (Cth), section 11(5).

Child protection order and court action pending

The APO delegate usually approves travel document applications for a child subject to a child protection order under special circumstances in passport law[3].

These special circumstances don't apply if there are pending Australian court proceedings that may affect any of the following:

- the issue of an Australian travel document to the child
- the rights of the child to travel internationally
- the parental responsibility for the child.

When there are court proceedings pending, including proceedings to renew the child welfare or protection order, the person lodging the application may like to consider the following options before lodgement:

- get written consent from all persons with parental responsibility (including the child's parents)
- wait for the outcome of the court proceedings.

Note: Informal kinship care arrangements or agreements don't meet these special circumstances.

[3] Australian Passports Determination 2015 (Cth), paragraph 10(j).

Lodgement checklist

☐ completed 'PC4 - Child passport application' form - children aged 16 or 17 must attend the interview with the lodging person.

☐ child's birth certificate (Australian or foreign) – must ALWAYS be the original, not a copy.

☐ evidence of child's Australian citizenship

☐ completed 'B10 Child subject to state/territory child welfare law' (B10) form

☐ current court order and any previous orders that are not dispensed with

☐ two colour photographs, with one endorsed by a guarantor

☐ photo ID for the lodging person that includes name, signature, and residential address. You can use a combination of documents.

Where applicable, the customer must provide the following documents:

☐ 'Record of transfer' between child welfare agencies

☐ name change document(s)

☐ child's previous travel document

☐ completed 'B11 – General declaration' form (if needed to provide more information)

Translations

Documents that are in a language other than English must be translated into English by an approved translator.

In Australia, the approved translating service is the National Accreditation Authority for Translators and Interpreters (NAATI). For more information, please visit www.naati.com.au.

If you're overseas, please contact your nearest Australian embassy, high commission, or consulate for a list of approved translation services in your country.

Original documentation

You must provide original documents when:

- a parent or individual named on the court order is lodging the application. Copies will not be accepted.
- a welfare or protective agency representative is lodging the application. If you can't provide originals, we may accept copies of the following documents:
  - citizenship evidence of a child's parent
  - evidence of a parent's death
  - court orders.

Processing times – including faster processing

These applications often take longer than the processing times advised on www.passports.gov.au/help/processing-times.

Please don't book travel before you get the travel document.

For information on faster processing, please visit www.passports.gov.au/help/urgent-travel.

Compassionate or compelling need for urgent travel

There may be a compassionate or compelling need for urgent travel. Please contact us on 131 232 to discuss your circumstances. We may be able to book an appointment for you to lodge your application in one of our offices.

You'll need to provide evidence of a compassionate or compelling need for immediate travel. For more information, please visit www.passports.gov.au/help/urgent-travel.

Evidence of citizenship

You can provide the child's previous Australian passport as evidence of citizenship. The passport must have had at least two years validity at time of issue. The passport can be expired.

We need other evidence of citizenship if:

- you can't provide the previous Australian passport due to it being lost or stolen
- the child doesn't have a previous Australian passport.

Other evidence of citizenship can include one of the following:

- the child's Australian citizenship certificate
- either parent's Australian passport that meets all of the following:
    - it was issued on or after 20 August 1986.
    - it was issued before the child's birth.
    - it has at least two years validity at the time of issue.
- either parent's Australian citizenship certificate acquired before the child's birth
- the birth certificate of a parent born in Australia before 20 August 1986
- the birth certificate of a parent born in Australia on or after 20 August 1986 along with further evidence of their citizenship. For example, evidence that one of their parents (the child's grandparent) is an Australian citizen. The documents must link the child and the parent, and the parent and the grandparent.

Linking documents must support any name differences between the citizenship documents, such as a name change certificate or marriage certificate.

For more information, please visit www.passports.gov.au/citizenship.

If evidence of citizenship is not available

The Department of Foreign Affairs and Trade (DFAT) and the APO don't determine Australian citizenship. You must include evidence of the child's Australian citizenship with their passport application. If you can't provide evidence of citizenship as outlined above, check the scenarios below.

Scenario	Action
Both of the following apply: a) The child has a previous Australian passport, but you can't provide it because it's lost or stolen. b) You can't provide suitable evidence of citizenship.	Please contact us on 131 232 to discuss.
Both of the following apply: a) The child has never had an Australian passport. b) You can't provide suitable evidence of citizenship.	Please apply for evidence of the child's citizenship at the Department of Home Affairs (DHA) before applying for an Australian passport. Allow the DHA enough time to process the application. For more information, visit their website: immi.homeaffairs.gov.au/citizenship/certificate/get-a-certificate#About For Aboriginal and/or Torres Strait Islander children, see the section below
For protection agencies only: You can't get original evidence of the parent's citizenship.	You must make a reasonable attempt to get the original document. If you can't get original documents of the parents or grandparents' evidence of citizenship, the APO can accept copies. Note: The child's birth certificate must always be an original document.

Aboriginal and/or Torres Strait Islander children

We understand that some Aboriginal and/or Torres Strait Islander children can't provide any of the following:

- an Australian birth certificate
- evidence of citizenship for themselves
- evidence of citizenship for their parent(s).

In this case, please complete a '[B19 Aboriginal and/or Torres Strait Islander declaration]' form.

Parental responsibility

The law defines parental responsibility for the purpose of getting a travel document[4]. A child welfare or protection order can only add persons with parental responsibility. It can't take away someone's parental responsibility, for example, the child's parent(s). Only orders made under the *Family Law Act 1975* (Cth) or the *Family Court Act 1997* (WA), can remove a person's parental responsibility for Australian travel document purposes.

Under passport law[5], a person with parental responsibility is defined as:

- the child's parent(s)
- a person under the *Family Law Act 1975* (Cth) or the *Family Court Act 1997* (WA) who is:
  - presumed to be the child's parent
  - allocated parental responsibility under a parenting order
  - named as the person the child is to live with under a parenting order
- a person who has guardianship, custody or parental responsibility for a child under another law of the Commonwealth, or an Australian state or territory. This may include:
  - the Minister or head of agency of a state or territory child welfare agency
  - individuals granted guardianship, parental responsibility, or custody of the child.

Usually someone with parental responsibility for the child (as stated above) must lodge the travel document application. The application should include written consent from all persons with parental responsibility. In the case of child welfare agencies, a delegate of the Minister or head of agency can nominate a lodging person. They should complete section 6 of the 'B10 Child subject to state/territory child welfare law' form.

[4] *Australian Passport Act 2005* (Cth), section 11(5).
[5] *Australian Passport Act 2005* (Cth), section 11(5).

Written consent

All travel document applications for children subject to child protection orders, must include a 'B10 Child subject to state/territory child welfare law' (B10) form.

Where the court order names the Minister or head of agency as having parental responsibility, a delegate must complete and sign the B10 form. Otherwise, a person with parental responsibility as defined by law[6] must do this. This signed form will act as their written consent for the issue of the child's travel document.

All remaining persons with parental responsibility, including the child's parents, give their written consent on page 4 (sections 12 to 15) of the application form. You can include multiple consent pages in one application. You can get blank consent pages at an accredited Australia Post outlet.

To find an accredited Australian Post outlet, please visit auspost.com.au/id-and-document-services/passports.

You can lodge the completed consent forms in person at an accredited post office or Australian passport office. You can do this separate to the passport application lodgement. The person(s) lodging the consent form(s) must provide identification and the passport application number. Once you've lodged the application, the APO will attach any additional consent forms to that application.

See child application form – sections 12-15 for more information on how to complete a consent page.

Unable to get consent

You must try to get written consent from all persons with parental responsibility. This includes the child's parents. If you can't get this consent, you must explain why. See B10 form – section 5 for more information.

Deceased parent

If any person with parental responsibility for the child is deceased, you must provide evidence. This may be a:

- death certificate
- coroner's report
- cremation certificate
- medical certificate outlining the person's cause of death.

[6] *Australian Passport Act 2005* (Cth), section 11(5).

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How to provide written consent

The following table outlines how to provide written consent, regardless of who lodges the application.

Who has parental responsibility?	How to provide written consent.
The Minister or the head of agency of the relevant child's welfare agency	Minister or head of agency: When the Minister or head of agency has been given court awarded parental responsibility, guardianship or custody, a delegate of the Minister or head of agency must complete a B10 form. It doesn't matter whether an agency is lodging the application or not. The delegate doesn't have to provide their consent on a consent page because the B10 form is their written consent. Child's parents: The child's parents can give their consent on the consent page within the application form. Any other court awarded individuals: Any other individuals who the court order names as having parental responsibility, custody or guardianship, can give their written consent on additional consent pages. If you need additional consent pages, contact us on 131 232.
Parent(s) of the child and any other individual(s) named on a court order as having parental responsibility, guardianship, or custody	If the court order only names individual(s) as having parental responsibility, one court-awarded individual or a parent, must complete a B10 form. You should reserve the consent page in the application form for the child's parent(s), whether they sign the declaration(s) or not. Each parent can complete a separate consent page if they don't want to share their consent details with the other parent. If the court order names any other individuals as having parental responsibility, you can use additional consent pages for their written consent. If you need additional consent pages, contact us on 131 232.

Child passport application form

You must complete the child passport application form in full. Any missing information may delay the application process.

Child application form – section 7 (contact details)

Record the contact details of the lodging person in section 7a.

A delegate of the Minister or head of agency may nominate a lodging person on the B10 form. See B10 form – section 6 for more information about how a delegate can nominate a lodging person. The details recorded on the B10 form - section 6, should match the details in section 7a.

DFAT may use the emergency contact listed in section 7b when the applicant needs emergency consular assistance. You should nominate someone who will not usually travel with the child.

7 Contact details of person lodging the application and emergency contact

a Telephone numbers and email address

Daytime phone number | Evening phone number

Mobile | Fax

Email (must be written clearly in BLOCK LETTERS, with one letter in each box)

@

b Who can we contact in an emergency?

Full name

Relationship to the child

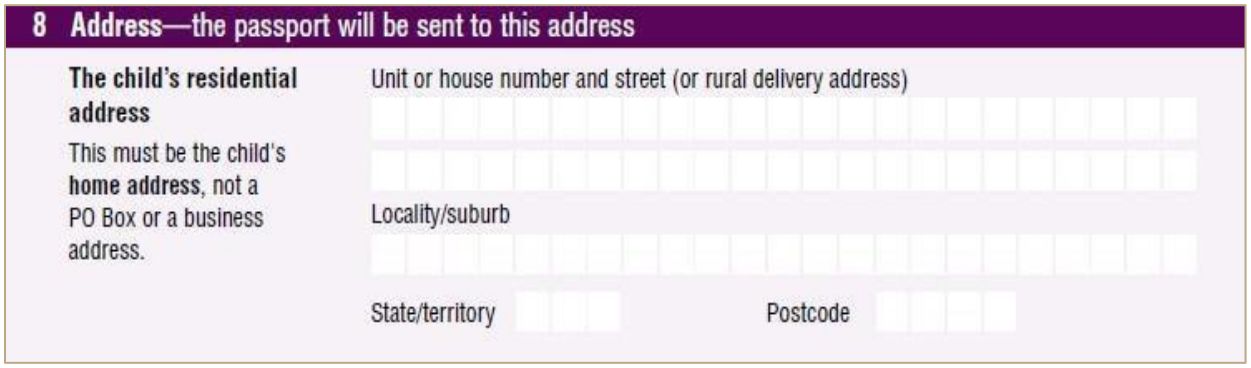
Daytime phone number | Evening phone number

Address

Child application form – section 8 (residential address)

You should record the child's residential address in section 8.

We'll post the passport to this address. If you don't want the passport sent to this address, you can provide an alternate delivery address. See B10 form - section 3 for more information on how to provide an alternate delivery address.



8 Address—the passport will be sent to this address

The child's residential address

This must be the child's **home address**, not a PO Box or a business address.

Unit or house number and street (or rural delivery address)

Locality/suburb

State/territory

Postcode

Child application form – section 10 (loss or theft of previous Australian passports)

You should only complete section 10 if the child's most recent passport has been lost or stolen.

You'll need to provide as many details about the passport and its loss or theft as possible. You can leave unknown details blank.

If their most recent passport has been lost or stolen, you'll need to complete and submit a 'B11 General Declaration' (B11) form together with the child's application. Make sure you record what led to the loss or theft of the passport in the B11 form.



10 Loss or theft of previous Australian passports

Are you replacing the child's lost or stolen Australian passport? No ☐ Yes ☐

Go to section 11

NOTE: If the child was issued an emergency passport, you must present it at interview. If you find a passport that you previously reported as lost or stolen and present it before or at interview, the loss may not affect the maximum validity of the child's new passport. See notes on page 4.

a Number (*include any letters*) of the document you are replacing

b Was this passport lost or stolen? Lost ☐ Stolen ☐

c Date incident occurred D D / M M / Y Y Y Y

d How many Australian passports (including the one above) has the child lost or had stolen in the past five years? See notes on page 4. 1 ☐ 2 ☐ 3 or more ☐

e Provide details, in writing, of all losses of the above passports. See notes on page 4.

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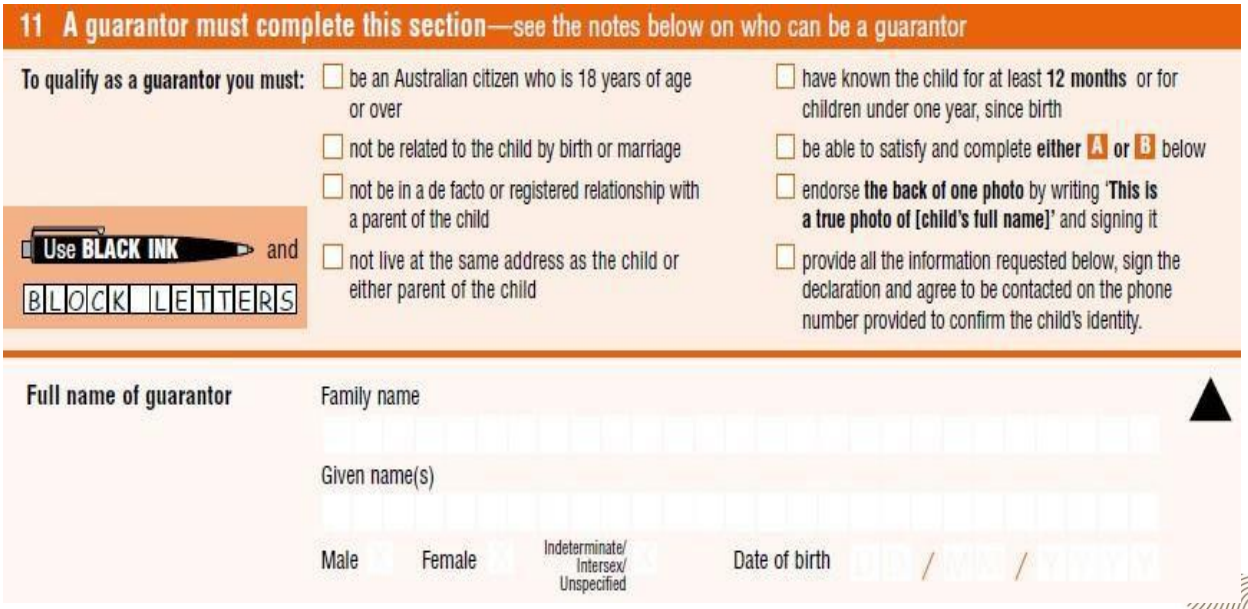
Child application form – section 11 (guarantor)

The child's guarantor must meet all the following. They must:

- be an Australian citizen who is 18 years or older
- have an Australian passport that was issued with at least two years validity or be on the Australian Electoral Roll at their current address for at least 12 months, address must be publicly available on the electoral roll
- have known the child for at least 12 months, or for children aged under one year, since birth
- not be related to the child, or their legal guardians, by birth, marriage, or de facto relationship
- not live at the child's or either parents' address
- be contactable on a daytime phone number.

We understand it may be difficult to find a guarantor who satisfies the criteria of knowing the child for at least 12 months. In this case, you can nominate a guarantor who has known the child since they entered a child protection arrangement. This can include agency case officers. The guarantor must still meet the remaining criteria.

A person with parental responsibility for a child can't be the child's guarantor. This includes the delegate of the Minister or head of agency.


11 A guarantor must complete this section—see the notes below on who can be a guarantor

To qualify as a guarantor you must:

- ☐ be an Australian citizen who is 18 years of age or over
- ☐ not be related to the child by birth or marriage
- ☐ not be in a de facto or registered relationship with a parent of the child
- ☐ not live at the same address as the child or either parent of the child
- ☐ have known the child for at least **12 months** or for children under one year, since birth
- ☐ be able to satisfy and complete **either A or B** below
- ☐ endorse **the back of one photo** by writing '**This is a true photo of [child's full name]**' and signing it
- ☐ provide all the information requested below, sign the declaration and agree to be contacted on the phone number provided to confirm the child's identity.

Use **BLACK INK** and BLOCK LETTERS

Full name of guarantor

Family name

Given name(s)

Male Female Indeterminate/ Intersex/ Unspecified

Date of birth DD / MM / YYYY

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Child application form – section 12-15 (consent page)

The consent page has four sections: 12, 13, 14 and 15. Use the consent page to provide the child's parents' details whether they sign the declaration(s) or not.

All other individuals named on a court order as having parental responsibility, guardianship, or custody, can provide their written consent on additional consent pages.

You must try to get written consent from all persons with parental responsibility. This includes the child's parents. If you can't get this consent, you must explain why. See B10 form – section 5 for more information.

The table below explains what details to put in each section of the consent page.

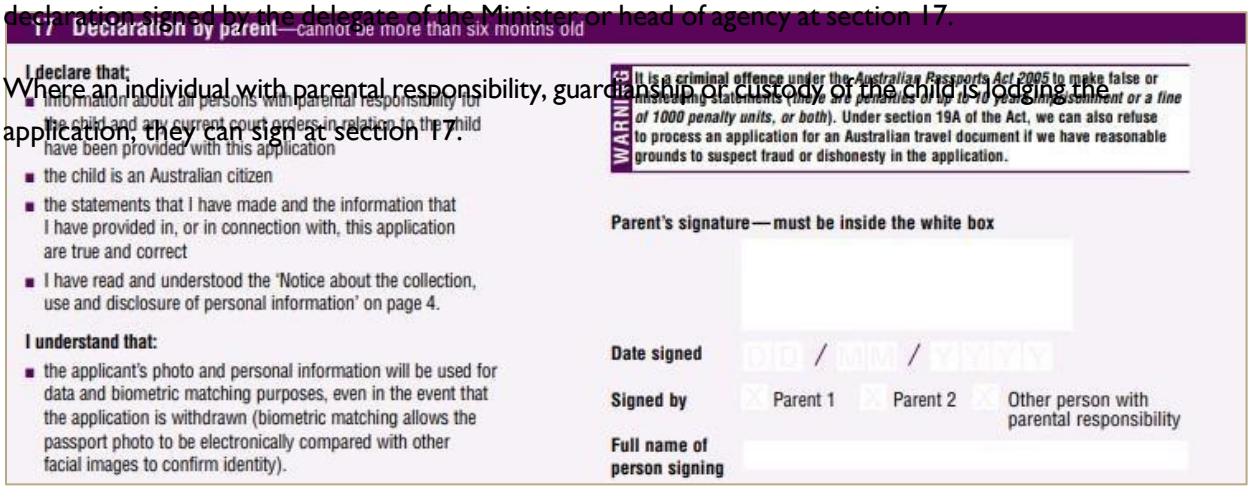
Section	Details
12	The child's current name (must match section 1 of the application form).
13a and 14a	The name of the parent(s) exactly as they appear on the child's birth certificate.
13b and 14b	The current details of the person(s) giving their consent. This can include: • the parent(s), where their current name is known • other individuals the court order names as having parental responsibility, guardianship, or custody.
13c and 14c	The parent(s) passport details, if known.
15	The person(s) named in sections 13B and 14B must sign and date the form in the presence of an eligible witness. By signing the declaration, they are consenting to the issue of a travel document to the child. A witness needs to meet all the following. They must not be: • related to the child by birth or marriage • living with the child, the child's parents, or the child's legal guardians • in a de facto relationship with the child's parent or legal guardian. The witness must be present and watch the consenting person sign the form.

Child application form – section 17 (declaration)

The person who is lodging the application form completes section 17.

A delegate of the Minister or head of agency may nominate someone to lodge the child's passport application. See B10 form - section 6 for more information on how a delegate can nominate someone. The nominated person should complete the declaration at section 17. The APO will still accept a declaration signed by the delegate of the Minister or head of agency at section 17.

Where an individual with parental responsibility, guardianship or custody of the child is lodging the application, they can sign at section 17.



17 Declaration by parent—cannot be more than six months old

I declare that:

- information about all persons with parental responsibility for the child and any current court orders in relation to the child have been provided with this application
- the child is an Australian citizen
- the statements that I have made and the information that I have provided in, or in connection with, this application are true and correct
- I have read and understood the 'Notice about the collection, use and disclosure of personal information' on page 4.

I understand that:

- the applicant's photo and personal information will be used for data and biometric matching purposes, even in the event that the application is withdrawn (biometric matching allows the passport photo to be electronically compared with other facial images to confirm identity).

WARNING It is a criminal offence under the *Australian Passports Act 2005* to make false or misleading statements (*there are penalties of up to 10 years imprisonment or a fine of 1000 penalty units, or both*). Under section 19A of the Act, we can also refuse to process an application for an Australian travel document if we have reasonable grounds to suspect fraud or dishonesty in the application.

Parent's signature—must be inside the white box

Date signed D D / M M / Y Y Y Y

Signed by X Parent 1 X Parent 2 X Other person with parental responsibility

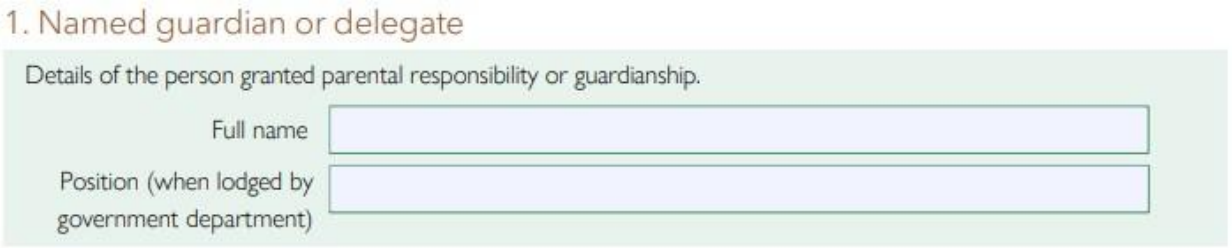
Full name of person signing

B10 Child subject to an order made under state or territory child welfare law (B10) form

You must complete the B10 form in full. Any missing information may delay the application process.

Where the court order names the Minister or head of agency as having parental responsibility, their delegate must complete a B10 form. It doesn't matter who else has parental responsibility or who lodges the application. The delegate does not need to complete a consent page.

B form – section 1 (named guardian/delegate)


1. Named guardian or delegate

Details of the person granted parental responsibility or guardianship.

Full name

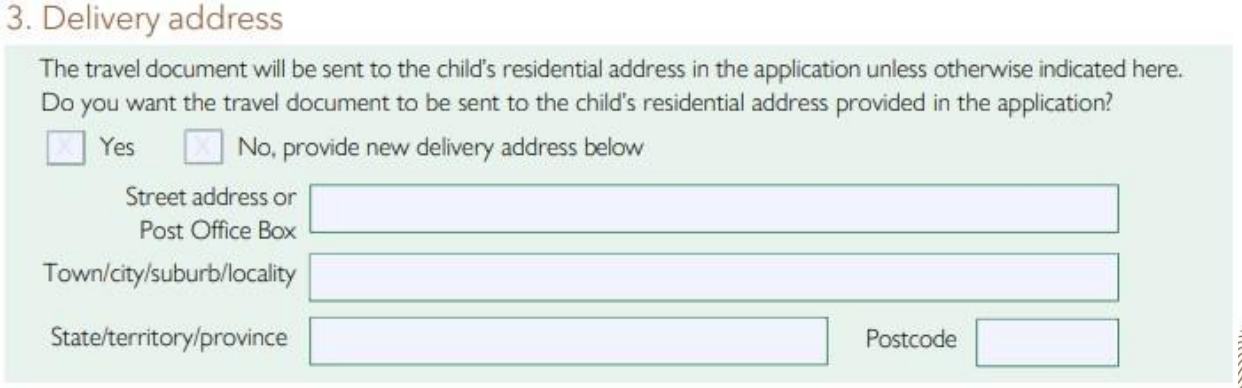
Position (when lodged by government department)

In section 1, you should add the details of the person with parental responsibility who is completing the form.

Where the court order names the Minister of head of agency as having parental responsibility, the delegate of the Minister must add their details here. The delegate must also sign in section 8.

B form – section 3 (delivery address)

If you don't want the travel document posted to the child's residential address, you can provide an alternate delivery address in section 3.


3. Delivery address

The travel document will be sent to the child's residential address in the application unless otherwise indicated here.
Do you want the travel document to be sent to the child's residential address provided in the application?

☐ Yes ☐ No, provide new delivery address below

Street address or Post Office Box

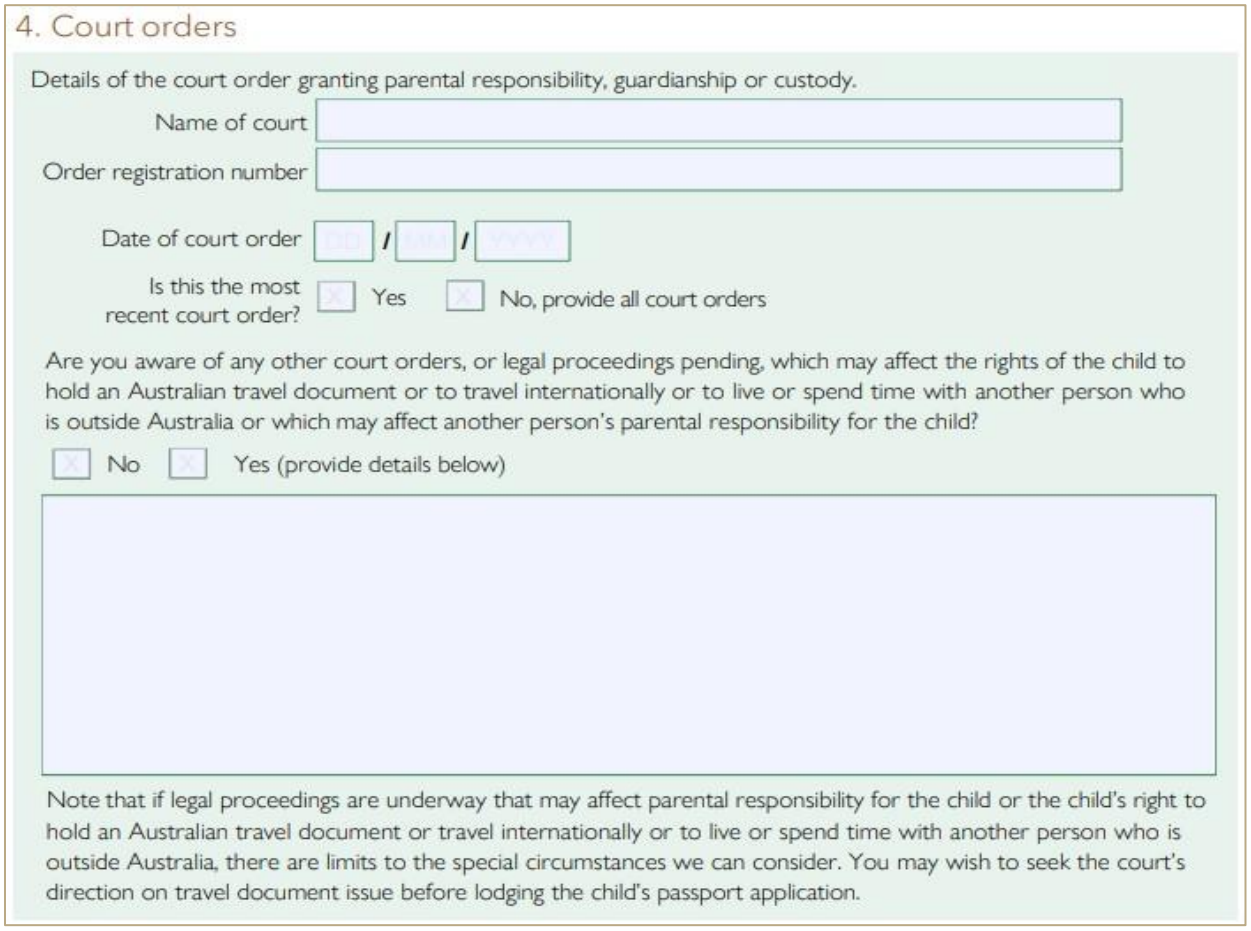
Town/city/suburb/locality

State/territory/province

Postcode

B form – section 4 (court orders)

You must record the details of the most recently issued court order in this section. These details must appear exactly as they do on the court order. If there are any pending court proceedings, you must also provide these details. This includes active court proceedings in any court of Australia.



4. Court orders

Details of the court order granting parental responsibility, guardianship or custody.

Name of court

Order registration number

Date of court order DD / MM / YYYY

Is this the most recent court order? ☐ Yes ☐ No, provide all court orders

Are you aware of any other court orders, or legal proceedings pending, which may affect the rights of the child to hold an Australian travel document or to travel internationally or to live or spend time with another person who is outside Australia or which may affect another person's parental responsibility for the child?

☐ No ☐ Yes (provide details below)

Note that if legal proceedings are underway that may affect parental responsibility for the child or the child's right to hold an Australian travel document or travel internationally or to live or spend time with another person who is outside Australia, there are limits to the special circumstances we can consider. You may wish to seek the court's direction on travel document issue before lodging the child's passport application.

B form – section 5 (additional consent)

You must try to get written consent from all persons with parental responsibility (including the child's parents). For more information, please see page 9.

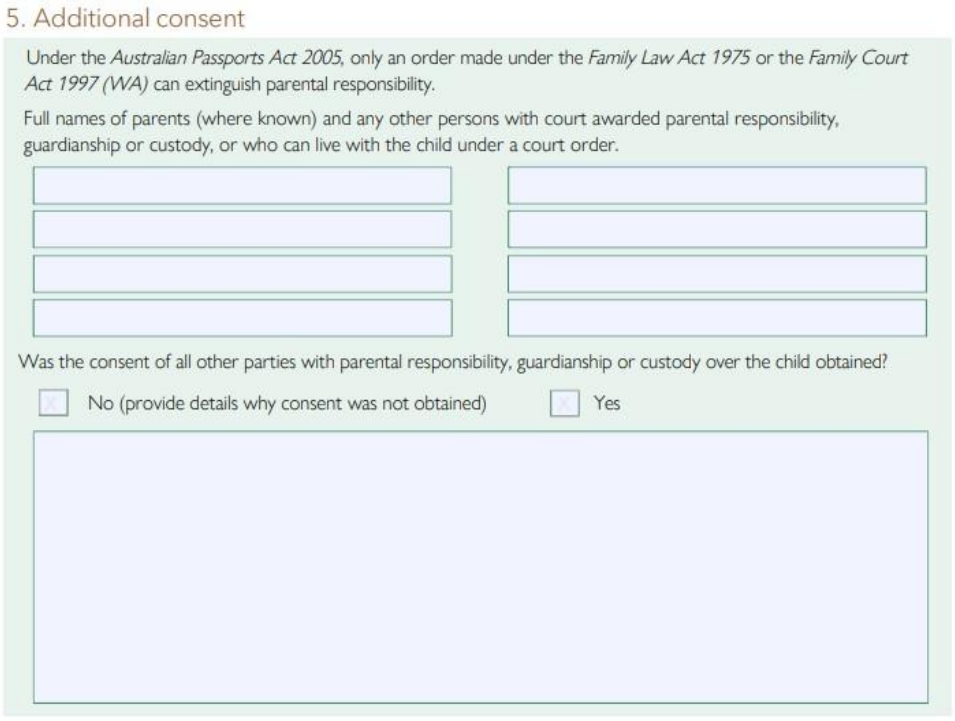
In section 5 of the B10 form, list the names of all persons with parental responsibility, guardianship, or custody - including the child's parents. If the Minister or head of agency has parental responsibility, add their title in this section as per the court order. For example:

- Director General of Community Services
- Chief Executive Officer of Territory Families
- Minister for Education and Child Development.

The following people don't need to be listed unless they are named on the court order as having parental responsibility:

- the delegate of the Minister or head of agency
- carers
- representatives from non-government organisations
- other organisations
- persons overseeing the care of the child.

You must answer the question 'Was the consent of all other parties with parental responsibility, guardianship or custody over the child obtained?'. If you answer 'no', you need to explain why you couldn't get their consent. Provide as much detail as possible.


5. Additional consent

Under the *Australian Passports Act 2005*, only an order made under the *Family Law Act 1975* or the *Family Court Act 1997 (WA)* can extinguish parental responsibility.

Full names of parents (where known) and any other persons with court awarded parental responsibility, guardianship or custody, or who can live with the child under a court order.

Was the consent of all other parties with parental responsibility, guardianship or custody over the child obtained?

No (provide details why consent was not obtained) Yes

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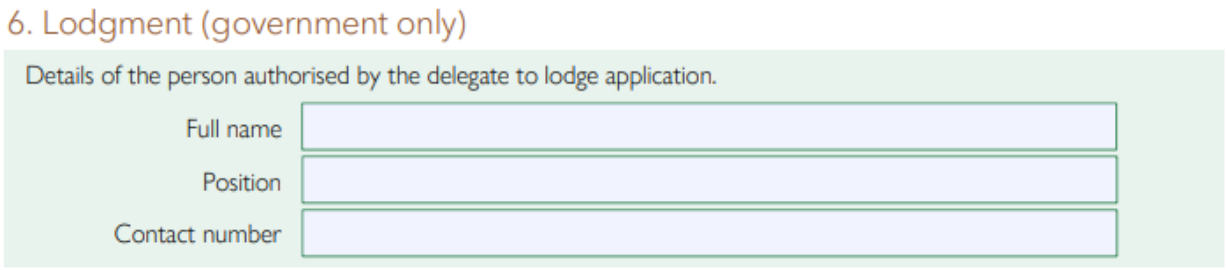
B form – section 6 (lodgement – government only)

Only complete section 6 of the B10 form if a delegate from the Minister or head of agency is completing the B10 form.

Here, the delegate can nominate someone to lodge the application on their behalf. This can include:

- an officer representing their agency
- an officer from a non-government organisation who is managing the child's care
- a person named in the court order as having parental responsibility, guardianship, or custody
- a parent of the child.

The nominated person must present identification at lodgement. After the application has been lodged, the Australian Passport Office cannot discuss the application with the lodging person unless they are also named in section 7.



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B form – section 7 (authorised person's details – government only)

Complete section 7 only if a delegate of the Minister or head of agency is completing the B10 form. Here the delegate can provide details of a person to act as an authorised contact. More than one person may be nominated as an authorised person. The delegate can list additional person's details in the space provided. An authorised person can be the same person named in section 6 and can do all the following:

- enquire about the application
- provide information to support the application after lodgement
- collect the travel document from an Australian passport office.

If someone is not authorised, there are limits on whether the APO can discuss the application with them.



7. Authorised person's details (government only)

Details of the person authorised by the delegate to provide information or make enquiries in relation to the child's passport application.

Full name	
Position	
Contact number	
Contact email	
Names and contact details for additional authorised persons	

Special note: B10 form – section 7 (for parents or individuals with parental responsibility)

The court order may not name a Minister or head of agency.

In this case, an individual with court-awarded parental responsibility, or a parent of the child, must complete a B10 form. This individual or parent:

- must leave section 6 and 7 blank
- will be the contact person who we'll communicate with about the application should ideally lodge the application

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B form – section 8 (declaration)

The person named at section 1 must sign the declaration at section 8.

This person must be a person with parental responsibility for the child. In the case of child welfare agencies, this may be a delegate of the Minister or head of agency.

If the declaration in section 8 is incomplete, we will ask you to complete a new B10 form. It's important to record the correct name, signature, and date in section 8. The person completing the declaration must cross out and initial any corrections there might be throughout the form.

8. Declaration

Declaration to be made by the named guardian/delegate only.

I consent to the above mentioned child having an Australian travel document.

I declare that:

- I am a person with parental responsibility for the child or I am the delegate of the Minister, Chief Executive, Secretary or Director-General in relation to the above mentioned child (where applicable)
- all persons with parental responsibility for the child have provided consent for the child to have an Australian travel document, or, where this has not occurred, details have been provided in Section 5 and all court orders have been provided
- the person identified in Section 6 of this form may lodge a travel document application in relation to the child (where applicable)
- the person identified in Section 7 can make enquiries and provide information in relation to the application for the child (where applicable)
- the information I have given on this form is complete and correct. I am aware that it is a criminal offence under the *Australian Passports Act 2005* to make a false or misleading statement either in writing or verbally to obtain an Australian travel document, and that the penalty is imprisonment up to 10 years or 1000 penalty units, or both.

I understand that:

- The child's photograph will be used for biometric matching purposes (biometric matching allows the photograph to be electronically compared with other facial images to confirm identity)
- The Department of Foreign Affairs and Trade (DFAT) may disclose the information that has been provided in or with the application to any organisation or individual that can verify the information to establish the child's identity and eligibility for an Australian travel document
- DFAT may publicise or pass details of any lost or stolen document to federal, state, territory or foreign governments – including police and other agencies – and international organisations such as Interpol, to restrict the illegal use of these documents
- DFAT may confirm or verify the validity of any Australian travel document, or disclose the minimum necessary information held in relation to the child's Australian travel document to facilitate the child's international travel, or disclose the information for other specified purposes, on the request of specified organisations
- DFAT may use the information for testing, training and research (phone 131 232 to object)
- DFAT may use the information for the provision of consular services.

I, _____ agree that by signing this form I am declaring that everything I have recorded in this form is true and correct. I further declare that I have read and understood this declaration and agree to the consent and declarations contained within.

This form must be physically signed using a dark pen. A digital or electronic signature won't be accepted.

Signature of guardian/delegate _____ Date signed ___ / ___ / _____



Australian Government

Department of Foreign Affairs and Trade

AUSTRALIAN PASSPORT OFFICE

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