

State Ward

c. 1880 – 1990s

Other Names:

- State Child
- Ward of the State

Details

The terms state ward or ward of the state were legal terms used to describe a child under the guardianship of a state (or territory) child welfare authority.

The State, as the ward's guardian, assumed responsibility for the care, custody and control of the child to the exclusion of parental rights. The various laws passed in states and territories related to child welfare set out how the state exercised these responsibilities, as well as the circumstances in which a child could be made a ward. For example, the Victorian *Neglected Children's Act 1887* provided that the Secretary of the Department for Neglected Children was the guardian of wards. Children deemed to be "neglected" could be made wards of state, by being found begging, having no settled place of abode or visible means of subsistence, associating with a "thief, drunkard or vagrant", having committed an offence, or working during night time hours (Part III – Committal to the Care of the Department).

Generally, a child was made a ward of state following proceedings in a children's court. Child welfare authorities had considerable power over the children who were made wards of the state. For example, the Western Australian *Child Welfare Act 1947* (s.10.1) gave the secretary of the Department of Child Welfare, 'subject to the regulations and directions of the Minister', the 'care management, and control of the persons and property of all wards'.

A child was usually made a ward until they reached the age of 18, although some jurisdictions could extend this to the age of 21.

The reasons for children being made wards shifted over time with different laws, as did the language used to describe these children. For example, the New South Wales *Child Welfare Act 1939* expanded the definition of a neglected child to include children who were destitute, whose parents were judged as unfit to retain the child, or who without lawful excuse were not attending school regularly (truancy).

Children could also be made wards of state because of disability or if they had been deemed to be "mentally deficient". In his explanation of the *Mental Deficiency Bill* in 1929, the Western Australian Minister for Public Health gave examples of children who had been made wards of the State because of "mental deficiency" in their family background (p.741).

Wards of state could be placed in institutions (run by government or charitable/religious organisations), boarded out or put in foster care, apprenticed or placed in employment once they had reached school leaving age. Not all children in institutional 'care' were wards of state. A significant number of Care Leavers came into the system by other means, such as being "voluntarily" placed in a non-government institution by their parents.

The 'Forgotten Australians' report (2004) noted that state wards are more likely to have had records created about them than children who were voluntarily placed in institutions not overseen by the government. It stated

that “non-wards” experienced particular difficulties in their search for records about their time in care.

Because we were not legally ‘Wards of the State’, we have no records except for admission data [Submission 6, quoted in Forgotten Australians report].

Because of this paucity of records, non-wards were described in the Report as “largely invisible” to the state authorities in Victoria [see Section 9.22].

Records about state wards are held by state or territory government departments. These records are generally closed to public access for 99 years, however access is available to former wards and their families.

Later in the twentieth century, the language in child protection legislation changed. The word ward was replaced by other terms, such as “child in need of protection”.

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Resources

- Victorian Government, [Submission no 173 to the Senate Inquiry into Children in Institutional Care](#), July 2003
- Public Record Office Victoria, [Adoption, Ward of State and Care Leaver records](#), 2020
- Carter, Jenny, [A Guide to the Victorian Children's Registers](#), 1994
- Paul, [Bringing them Home - Paul story](#), Bringing Them Home: stories from the report, 2001
- [Wards of the State. An astonishing number. How are they dealt with?](#), The Argus, 13 January 1911
- Department of Health and Human Services, [Finding Records](#), 2016
- [David Bartlett interviewed by Caroline Evans for the Forgotten Australians and Former Child Migrants oral history project](#), 22 June 2011 - 24 June 2011
- [Where the Little Wards of the State are Drafted](#), Sunday Times, 18 August 1935

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