

# Neglected Child

c. 1864 – 1970s

## Details

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Neglected child was a term used in Australian child welfare legislation from the mid nineteenth century. Over time, the ways of describing a neglected child changed but the purpose of the definition remained constant: children who were found to be neglected could be brought into the child welfare system and placed in institutions or foster care. These children were frequently made wards of the State. From around the 1950s onwards, the term neglected child began to be replaced by new language, such as 'child in need of care and protection'.

The first child welfare legislation to be passed in Australia was the 1864 Neglected and Criminal Children's Act in the colony of Victoria. This law said that children were deemed 'neglected' if they were found begging, without a home or means of support, residing with thieves, prostitutes or drunkards or declared to be uncontrollable by their parents. Neglected children could be sent by the courts to an industrial school. The colony of New South Wales' Destitute Children Act in 1866 did not use the word neglected, describing instead 'vagrant and destitute children'.

A number of government departments included the word 'neglected' in their name, such as Tasmania's Neglected Children's Department, established in 1896.

South Australia's Children's Protection Act 1899 made it an offence for a near relative or other person having the care, custody or control of a child to neglect to provide food, clothing and lodging for the child; to ill-treat, neglect, abandon or expose the child or cause the child to be so treated. It provided that 'a child found by a court to be so treated may be removed to an institution'.

Western Australia's Industrial and Reformatory Schools Act 1893 (s.6) described the situations that could lead to a child being defined as neglected:

- Any child found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms.
- Any child who shall be found wandering about or frequenting any street, thoroughfare, public house, or place of public resort, or sleeping in the open air, and who shall not have any home or settled place of abode, or any visible means of subsistence.
- Any child who shall reside in any brothel, or associate or dwell with any person known or reputed to be a thief, prostitute, or drunkard, or with any person convicted of vagrancy under any Act now or hereafter to be in force.
- Any child who, having committed an offence punishable by imprisonment or some less punishment, ought nevertheless, in the opinion of the Justices, regard being had to the age of such child and the circumstances of the case, to be sent to an Industrial School.
- Any child whose parent represents that he wishes such child to be sent to an Industrial School, and gives security to the satisfaction of the Justices before whom such child may be brought, for payment of the maintenance of such child in such School.
- Any child under fourteen years of age certified in writing by the Chairman of a District Board of Education to be habitually absent from School, and to be beyond the control of his parents.

Over time, the various state and territory child welfare laws continued to redefine a neglected child. Many jurisdictions referred to a child 'living under such conditions as to indicate that the child is lapsing or likely to lapse

into a career of vice or crime'. The term 'likely to lapse' commonly appears on the records of children who were in institutional or foster care. It was also common to refer to a child having 'no fixed place of abode'. A neglected child could be said to have been 'exposed to moral danger', a category of neglect that was largely used for the committal of girls and young women. A child who was deemed 'incorrigible' or 'uncontrollable' could be considered a neglected child under the various laws.

The language began to shift from around the middle of the twentieth century and it became more common to refer to a child or young person being 'in need of care' or 'in need of protection' or 'at risk'. The Victorian Community Welfare Services Act 1978 contained a clause referring to a child whose 'physical mental and emotional development' was 'in jeopardy'. In the 2020s, legislation around Australia uses the language of 'child protection' and 'child safety'.

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## More info

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### Related Entries

#### Related Legislation

- [The Neglected and Criminal Children's Act 1864, Victoria \(1864 - 1888\)](#)
  - [Destitute Children Act 1866, New South Wales \(1866 - 1901\)](#)
  - [Industrial and Reformatory Schools Act 1893, Western Australia \(1893 - 1907\)](#)
  - [Children's Protection Act 1899, South Australia \(1899 - 1937\)](#)
  - [Industrial and Reformatory Schools Act 1865, Queensland \(1865 - 1911\)](#)
  - [Youthful Offenders Destitute and Neglected Children's Amendment Act 1905, Tasmania \(1905 - 1918\)](#)
  - [The State Children Act 1895, Northern Territory \(1895 - 1959\)](#)
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