

Family Inclusion Network Queensland (Townsville) Inc.



Supporting Families and Stronger Futures

FIN values children, families, community and culture

**FIN assists parents, grandparents and significant others involved in
the Child Safety system**



Townsville Queensland

Submission by the Family Inclusion Network
Queensland (Townsville) Inc.

To the

Queensland Child Protection Commission of
Inquiry 2012

CONTACT:

Family Inclusion Network Queensland (Townsville) Inc.
PO Box 1839, Townsville QLD 4810
Phone: 0488 715 964
E-mail: finqldtsv@gmail.com
www: fin-qldtsv.org.au

R. Thorpe – President
G. Tama – Secretary
K. Ramsden – Treasurer

TABLE OF CONTENTS

Executive Summary.....	4-5
Introduction.....	6
Family Inclusion Network Queensland (Townsville) Inc.	6-8
Children in Care in Australia.....	8-9
Adequacy of the Current Child Protection System in Australia.....	9-11
Child Deaths in Foster Care.....	11-13
Foster Care and Adoption.....	13-15
Workable Solutions Only.....	15-20
Reference List.....	21-23
Appendix A – Mary’s Story.....	24-27
Appendix B – Jason’s Story.....	28-30
Appendix C – Tim’s Story.....	31-37
Appendix D – Sally’s Story.....	38-42
Appendix E – Beverley’s Story.....	43-47
Recommended Readings.....	48-52
Hardcopy readings	
1. A comparison of systems and outcomes for safeguarding children in Australia and Norway.....	53-65
2. Child Maltreatment 2 – Recognising and responding to child maltreatment.....	66-80
3. FIN (Family Inclusion Network) (2007). Supporting Families, Stronger Futures: Ensuring the Safety and Wellbeing of Children and Young People in the Queensland Child Protection System: Report to the Queensland Department of Child Safety: Brisbane Family Inclusion Network.....	81-121

Executive Summary

The Family Inclusion Network Queensland (Townsville) Inc. (FIN) is an incorporated charity which operates as a grass roots community based organisation. FIN aims to provide support and advocacy to parents, grandparents and significant others whose children have been taken into care or are at risk of being taken into care of Child Safety Services, Queensland Department of Communities. FIN supporters include parents, grandparents, and interested community members, including some professionals.

FIN Qld Townsville acknowledges that not all children are able to live with their families and receive “good enough” care, and FIN asserts that the Queensland community has an obligation to ensure that all children and families are protected and supported from harm within and beyond the family. On 30th June 2010, 7 809 children were living away from home in Queensland, and by 31st March 2011, children living away from home totalled 8 025¹. It is estimated that child abuse and neglect costs Australian taxpayers \$5 billion per year² and, Australia wide, reported numbers increased from 107 134 in 1999-2000 to 266 745 in 2005-2006³ overwhelming the capacity of child protection authorities in every state to maintain best practice standards. It is reported that to date 7600 children are now in care in Queensland, which is about 2000 more than the state’s prison population⁴

The systemic failure of child protection systems has been well documented by many authors. Evidence suggests that the vast majority of children removed from families into care are dissimilar to the few extreme cases which provoke dramatic headlines and which prompt politicians and governments to make continual incremental changes to already failed policies and procedures.

FIN Qld Townsville asserts that taxpayer’s money would be better spent and more effective for children and their families through providing support for prevention of

¹ Department of Communities (2011). Table SS.IQ:Child Protection Summary Statistics Queensland.

² Lonne, B., Parton, N., Thomson, J. & Harries, M. (2009). *Reforming Child Protection*. Routledge. London & New York

³ AIHW (2012). *Child Protection Australia 2010-2011*. Child welfare series no. 53. Cat No. CWS 41, Canberra: AIHW.

⁴ Madigan, M. (2012). Child study finds family help crucial. *The Courier Mail*, 13 August 2012.

the need to remove many children into care, and to support family reunification as speedily as possible. FIN believes that this is the only way that the “best interests of the child” can be achieved effectively. Moreover, research with children in care consistently has found that, regardless of the reasons for removal, children wish to have contact with their parents and know that they belong to someone, somewhere.⁵

It is hoped that lessons can be learned from social policy failures of the past, such as the British child migrants to Australia, the Stolen Generations, the Forgotten Children, Abused children in institutions and foster care, the Heinner Affair and the coercive removal of newborn babies for adoption. It is vital such mistakes are not repeated, as the trauma they have wrought on children and their families is horrendous.

FIN Qld Townsville greatly encourages the Queensland State Government to be instigators in developing a whole family innovative approach which works towards keeping families together and not apart. Such an approach would ensure that the Queensland government may be emulated by other states, and held in high esteem by all families and communities. FIN invites the Child Protection Commission of Inquiry 2012, to engage with the findings of the report by the Family Inclusion Network 2007, and to listen to the stories of parents, grandparents and significant others who still are being affected by the present policies and procedures which have continued to fail them.⁶ In FIN’s view, it is only when the State is able to listen to families and trust them that the best interests of vulnerable children can be protected and promoted.

⁵ FIN (Family Inclusion Network) (2007). Supporting Families, Stronger Futures: Ensuring the Safety and Wellbeing of Children and Young People in the Queensland Child Protection System: Report to the Queensland Department of Child Safety: Brisbane Family Inclusion Network.

⁶ FIN (2012). Ask Don’t Tell, Listen, Don’t Judge. DVD. fin-qldsv.org.au

Introduction

The Family Inclusion Network (Queensland) Townsville Inc. makes a submission to the Queensland Child Protection Commission of Inquiry 2012. This submission provides a general response rather than addressing individual terms of reference. Specific terms of reference have already been addressed in key research findings and recommendations for future strategies and tools in a report funded by the then Minister for Child Safety, Hon. Mike Reynolds to FIN in 2005-2006. These findings and recommendations were for the purpose of working in greater partnership with parents and families for the safety and wellbeing of children and young persons in the Queensland Child Protection System. All members of the Family Inclusion Network Queensland (Townsville) Inc. believe that **THE FAMILY**, is one of the most important institutions in the world, and because of this it is important for parents, grandparents and significant others to continually express their real life situations and have their voices heard by those who are willing to listen, take note and not judge them.

Family Inclusion Network Queensland (Townsville) Inc.

The Family Inclusion Network Queensland (Townsville) Inc. (FIN) is a charitable organisation which aims to provide a range of services to parents, grandparents and significant others whose children have been and are still involved in the Queensland Child Protection System. FIN supporters include some professionals, grandparents, parents and interested community members. FIN provides a range of services in a number of different areas including child protection, mental health, education, skills training, court support and social advocacy.

FIN acknowledges that not all children are able to live with their families, and as communities we have an obligation to ensure that all children and families are protected and supported from harm in all areas, families and all systems. The systemic failure of the child protection systems has been documented by many authors. Evidence suggests that the vast majority of children removed from families into care are dissimilar to the few that create headlines. These headlines then create moral panic in communities and directs politicians and governments to make continual incremental changes to already failed policies and procedures. Parton et. al (1997)

reports on adults who are alumni of the care system and that their dislocation, trauma and further abuse experiences were assisted by well-intentioned people who removed them from their families supposedly in the “best interests of the child” (Ibid 2)

Many children enter care as a result of neglect and minor instances instead of severe abuse. Such neglect aligns with poverty, ill health, disability, domestic violence, indigeneity, young parenthood or problematic substance use which may be improved through investing in preventative measures such as social policy and providing much needed support for families in distress (Ibid 5). It is estimated that child abuse and neglect costs Australian taxpayers \$5 billion per year (Ibid 2). In 2009 -10 the number of children in out-of-home care increased from 37 730 to 39 058. In 2010 number of children in out-of-home care increased from 35 895 to 37 648 in 2011. Since 2007 the number of children in out-of-home care rose from 28379 to 37648. Compared with non-indigenous children, Aboriginal and Torres Strait Islander children were 8 times as likely to be subject of substantiated child abuse and neglect. Aboriginal and Torres Strait Islander children on care and protection orders were over 9 times the rate of non-Indigenous children as at 30 June 2011, and over 10 times in out-of-home care (Ibid 3).

The terms “emotional abuse, abuse or neglect, harm and exposure to domestic violence” have different meanings in all Australian states.⁷ These differences create confusion and mayhem evident by the above numbers of children in out-of-home care. Present inefficient departmental policies and procedures as identified by FIN 2007, greatly contribute to the removal of children from their families into foster care. The Child Protection Act 1999 in Queensland defines a child ‘in need of protection’ as ‘a child who has suffered harm, is suffering harm or is at unacceptable risk of suffering harm; and does not have a parent able and willing to protect the child from the harm’ (Ibid 4). There are many cases where children do have a parent/parents able and willing to protect the child from the harm, but instead the Department has failed to investigate this appropriately and taken the child/children into foster care regardless. The term ‘harm’ is defined as any damaging effect of a considerable nature on the

⁷ Kennedy, R. & Richards, J. (2010). Integrating Human Service Law & Practice. 2nd Edition. Oxford University Press. Australia & New Zealand

child's physical, psychological or emotional wellbeing (Ibid 4). FIN parents have reported that the harm done to the children whilst in foster care is far greater than the harm originally perceived by the Department. Over reporting contributes to understaffing thereby ensuring that the children in need of urgent care are neglected for longer periods of time. The fact that some notifications are made of a vexatious nature by some members of the public should in fact be made to be held accountable for telling lies. This supports the notion that the present Department's working style of "one size fits all" is problematic and resonates in that the Department is not working efficiently to ensure that appropriate outcomes are achieved for each individual case.

The implementation of restorative justice and a responsive regulatory approach could result in enormous benefits of honesty, genuine and useful support and a holistic inclusive understanding of the families lived experiences.⁸ The importance of demonstrating courtesy and respect, providing information about processes and procedures about legal rights, legal assistance and advocacy and including parents in decision making are important factors when working towards workable solutions.⁹ These important factors are evidently missing in the stories by parents in the FIN DVD (Ibid 6) and the case studies attached as appendices.

Children in Care in Australia

In 2006, the Australian Bureau of Statistics (ABS) identified 11 506 children in foster care Australia wide. At that time the highest number of children in foster care in Australia was in the state of New South Wales at 3 925 and the lowest was recorded in the Australian Capital Territory at 103. The city recording the highest number of children in foster care at 1 653 was Sydney and the lowest was Darwin at 92. In Queensland alone there were 3 328 foster children in care with 1 337 in Brisbane, and the remainder dispersed throughout the rest of the state.¹⁰ More recent figures show that as at the year ending 30th June 2010, children living away from home in

⁸ Ivec, M., Braithwaite, V. & Harris, N. (2012). "Resetting the Relationship" in Indigenous Child Protection: Public Hope and Private Reality. *Law & Policy*, Vol 34, No 1, January 2012.

⁹ Thorpe, R. (2007). Family Inclusion in Child Protection Practice: Building Bridges in Working With (not against) Families. *Communities, Children and Families Australia*, 3 (1), December 2007.

¹⁰ Australian Bureau of Statistics (2006): Census of Population and Housing Australia. Cat. No. 2068.0.2006 – Census Table.

Queensland totalled 7 809, and as at 31st March 2011, children living away from home totalled 8 025 (Ibid 1). Despite the reasons for removal, children wish to have contact with their parents and know that they belong to someone, somewhere. Children need to know where their roots lay and have connections with their kin (Ibid 7). This sentiment was expressed by an ex- Child Safety Officer, who had been called to speak to a 16 year old boy who continually truanted from foster carers and school:

This child questioned me, “Why did you take me away from my home? I would have preferred to stay there than put up with the abuse from foster carers and the shelters. None of them care cos they only want the cute kids. I don’t care if my stepfather hit me sometimes. I miss my family.” I knew then that I could not change a culture hell bent on destroying families under the banner of protecting “the child’s best interests.” I left my job as I could no longer work in a Department who failed children such as this one. (Appendix A).

Adequacy of the current Child Protection System in Australia

The rights of the child are well documented in the Convention on the Rights of the Child, including:

1. States Parties shall use their best efforts to ensure recognition of the principle that **both parents** have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have
2. the primary responsibility for the upbringing and development of the child. **The best interests of the child will be their basic concern.**
3. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, **States Parties shall render appropriate assistance to parents** and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
4. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from the child-care services and facilities for which they are eligible.¹¹

¹¹ Convention on the Rights of the Child 1990

Appropriate assistance has not always been granted to parents whose children are involved with the Department of Child Safety. A father involved with FIN, recounts the following:

Since they took my daughter away, I have had endless sleepless nights, worrying if she is OK. I feel very irritable and it is hard for me to focus. This has greatly affected my employment. During a supervised visit, I told the Child Safety Officer, that my daughter and I would forever remember their intrusion into our lives. At this, the CSO, set back the date of the return of my daughter to me. How was this “in the best interests of my daughter?” and “where does it state that CSO’s can do this to me in the Act?” (Appendix B).

Another father who lives with unfinished business day in and day out of his life:

After the birth of our baby, they told my partner that I was a convicted paedophile and that if she did not leave me, they would take the baby and put him into alternative care. The police told me that they did not know what the

Department was talking about. Later, upon accessing documents from the Freedom of Information, it was noted that I was referred as a “convicted paedophile” in SCAN meetings. They say Departmental records cannot be changed, but isn’t this telling lies? And how can they call this substantiated when it is not? (Appendix C).

A young mother recounts her nightmare of an experience:

*First they took my two sons and put them in kinship care with my mother, because of domestic violence. Four months later when my baby was 7 days old they took her away too. I will never forget the CSO’s words to me when she took my baby “**You’ve had her for 7 days isn’t that enough?**” Six weeks later the Department handed back to my ex-partner two children from a previous relationship. My mother tells terrible lies about me all the time, but more so before the orders are ready to expire so that the Department does not give me my kids back. I miss my kids and I want them to be a part of my life. I am caught up in a Web of Nightmares. (Appendix D).*

And of a grandmother who desperately tried to make contact with her grandson and was denied repeatedly for four months:

I felt powerless with no voice, especially at child safety meetings. I found FIN and together we attended Child Safety Meetings. The CSO’s conduct left much to be desired with their so called knowledge of the Act. After that, I directed my questions to the top level and within a few days I was able to see my grandson. Why can’t these people do their job right? Why do we have to suffer so much? (Appendix E)

The Commission of Inquiry into Abuse of Children in Queensland Institutions, 1999, reported the emotional, physical, sexual and systems abuse of children in government and non-government care.¹² An inquiry into abuse of children in foster care identified that many stakeholders perceive the Department incapable of responding appropriately to child protection issues and that it is in a state of crisis. The Commission acknowledged that the child protection system has failed Queensland children in multiple important respects, especially keeping them safe once they enter foster care.¹³ The only way that the public hear of the above systemic failures is via the media. It has been reported that unqualified staff care for at-risk kids.¹⁴ These at-risk kids then abscond from the unqualified staff and become involved in criminal activity.¹⁵ Issues have been raised by young people in foster care, such as wanting to stay in touch with family, friends and community, to do the same things as other young people, and to have a say and be heard.¹⁶

Child deaths in foster care

A death of any child in foster care is a death that should never have happened. They were removed from the families because the family was not deemed to be safe, suitable or good enough, and yet their children still end up dying in foster care. Section 9 of the Coroners Act 2003 states, that a death in care occurs when the person who has died “...was a child in foster care or under the guardianship of the Department of Communities,”¹⁷ and yet the Annual Report of Deaths of children and young people Queensland 2010-2011 and previous yearly reports, fail to record deaths in foster care in their reports. The same report stated that a genuine researcher can access detailed information that the Commission holds in order to undertake research that will help reduce the likelihood of child deaths. The non-admission of accurate details of child deaths in foster care helps to mask the problems that exist and helps to

¹² Forde (1998). Queensland Government Response to the Commission of Inquiry into Abuse of Children in Queensland Institutions 1999.

¹³ Crime and Misconduct Commission Queensland (2004). Protecting Children: An Inquiry into Abuse of Children in Foster Care. www.cmc.qld.gov.au

¹⁴ Madigan, M. (2012). Unqualified staff care for at-risk kids. *The Courier Mail*.

<http://www.couriermail.com.au/ipod/unqualified-child-safety-workers-force-to-deal>

¹⁵ Johnston, J. (2012). Teen girls charged with torture of 12-year-old-boy. *Townsville Bulletin*. July 21, 2012. http://www.townsvillebulletin.com.au/article/2012/07/21/348761_print.html

¹⁶ Commission for Children and Young People and Child Guardian: Annual Report 2007-2008. www.ccydpcg.qld.gov.au

¹⁷ Commission for Children and Young People and Child Guardian (2011). Annual Report: Deaths of children and young people. Queensland 2010-11.

keep the criminal activities of some carers under the radar. Child deaths in foster care indicate that these children are still not having a say and being heard, and that the Department of Child Safety may be in breach of the Child Protection Act 1999 as follows:

- Section 51G – Family group meetings (a) and (b)
- Section 51ZC – Working with the child and parents (a) and (b)
- Section 51ZF – Requirements of an Agreement (1) and (2)
- Section 86 – Chief executive to notify parents of placing child in care – child protection order (2)
- Section 129 – Refusal of application – (1) and (2)
- Section 136 – Refusal of application – (1) and (2)
- Section 159C – What is relevant information – 1 (a), (b) and (c)
- Section 246 A – chief executive to review department’s involvement with particular children – (1) and (2)
- Section 246B – Terms of reference and extent of review – (1), (2) and (3)
- Section 246 C – Chief executive may seek information from entities
- Section 246D – Report to be prepared and given to CDCRC.¹⁸

If Annual reports are to be viewed as accountable, transparent and ethical by the public, it is important that the reviewing, registering, analysing and reporting on trends and patterns in child deaths aligns with the principles of the United Nations Convention on the Rights of the Child (Ibid 12) and include all circumstances of child deaths, including those in foster care in the Child Death Register.

Some of these deaths include that of a 10-year-old runaway girl killed by a car and who had been in care for two years;¹⁹ A 12 year old girl in foster care died outside her Darwin home because of failure in receiving medical treatment for a broken leg.²⁰ This child’s carers were initially charged with manslaughter following her 2007 death but were acquitted in the Northern Territory Supreme Court in 2008, even though Coroner Greg Cavanagh stated that this child’s death was “appalling” and

¹⁸ Child Protection Act 1999

¹⁹ Barrett, R. (2012). Killed runaway failed by state. *The Australian*. May 28, 2012. <http://www.theaustralian.com.au/national-affairs/state-politics/killed-runaway-failed>

²⁰ Ravens, T. (2007). Women face court over foster child death. *The Sydney Morning Herald*. <http://news.smh.com.au/action/printArticle?id=64117>

“needless.”²¹ Michael Borusiewicz recounts the death of his son, Luke, in foster care and of three other parent’s losses.²² At Luke’s Inquest the Department of Child Safety’s barrister said “...the elderly woman was a ‘magnificent carer’ and the incident was a ‘tragic accident’ that could have happened anywhere.”²³

Comments such as this would be in stark contrast if the child had died in his parents care, and that they, the parents would have been scrutinised to the maximum degree, labelled as bad parents and publically shamed. Yet many children have died in foster care, whilst under the protection of the State, for which no definite figures are available. Such inherent secrecy is kept firmly in place by the Child Protection Act 1999, which O’Gorman (2009) says makes the Department of Child Safety totally unaccountable by maintaining the mantra of “the secrecy provisions are there for the protection of the child.”²⁴ In this instance, it is not clear how such provisions can protect a child when a child is dead.

Foster Care and Adoption

Children need to know where their roots lay and continue to have connections with their kin. Children in foster care experience much emotional reaction when contact occurs with parents and family. Such reaction is not always viewed as a positive or managed appropriately by Departmental workers and is misused to justify limiting or ending the contact time (Ibid 4). Intense stresses and disturbances expressed by persons who live with the

knowledge of not knowing where their children are, their condition and missing their loved one is identified as chronic sorrow.²⁵ Regardless of how good or bad parents are perceived by the public a child’s perspective remains the most pertinent as recounted by Raimond Gaita:

²¹ Murdoch, L. (2010). Sick Northern Territory girl ‘left to die in dirt.’ *WA today com.au* <http://www.watoday.com.au/action/print/Article?id=1052273>

²² Alternative News Network. (2011). Four Children’s Stories – How They Died in Foster Care due to the direct negligence of the Child Safety Department in Australia. <http://forums.altnews.com.au/print/forums/luke-dad/four-childrens-stories-how>

²³ Petrincec, M. (2012). Father’s call for change after harrowing inquest into death of two-year-old-son *Cairns.com.au*. http://www.cairns.com.au/article/2012/07/28/230525_local-news.html

²⁴ Law Report (2011). Restrictions on media coverage of child protection and family court matters. <http://www.abc.net.au/radionational/programs/lawreport/restrictions-on-media-coverage>

²⁵ Roos, S. (2002). *Chronic Loss A Living Loss*. Brunner-Routledge: New York

*As much as, perhaps more than, the love I received as a child, it was the fact I came to see the world in the light that my father's goodness cast upon it, that prevented the pain of my childhood from becoming bitterness. It is bitterness rather than pain that corrodes the soul, that deforms personality and character and that tempts one to misanthropy. My father's goodness also enabled me to love my mother without shame. To be enabled to love, is as important as to be loved, a fact that we must constantly hold before our minds when we deal with children who have been seriously abused. Some of the barriers to loving are, of course, psychological barriers. But they can also be moral, or rather what my father taught me – not by his words, but by his example – is a moralistic distortion of morality. I learnt from him that the aspiration to be morally clear-sighted, which sometimes requires a morally severe assessment of what someone has done, is never inconsistent with the need to love clear-sightedly. Some people find incoherent the idea that love could be morally severe and yet not be judgmental or resentful. The roots of that incredulity go deep in our culture. As a child I was conscious of the disdain many people showed to my mother because of the way she treated my father...and because she did not properly care for me...Now as an adult, I read the same disdain for her in the many reviews of the film...This pains me deeply. Very often the hostility presents as a concern for her victims, me primarily. The concern is I think sincere, but it is pernicious because it suggests that my mother was such a bad mother and wife that she was not deserving of my father's love and kindness or even the love of her son. Such concern is no kindness to a child on behalf of whom it is expressed, because it can never be a kindness to a child to undermine its love for its parents by suggesting its parents are not deserving of its love. **No one is undeserving of love, not because every one really is deserving of it, but, because unlike admiration or esteem, love, deeper than both, has nothing to do with merit or desert.**²⁶*

Evidence suggests that literature on child maltreatment and fatalities may assist in identifying the risks associated with deaths of children who are or have been under the Department's supervision. A study conducted by Daly & Wilson (1994), reported that **children living with a foster carer or adopted parent were 100 times more likely to be victims of fatal abuse than those who lived with their biological parents. An Australian study by Tooley, Karakis, Stokes and Ozanne-Smith (2006) confirmed an association between a child's living with a stepparent and an increased risk of filicide.** They reported that **children in single-parent households were not found to be at significant risk, but children under 5 years of age who lived with neither their biological parents were at greatest overall risk for fatal injury of any type.**²⁷

²⁶ Gaita, R. (2011). For Love of our Children and For Love of the World: Reflections on Rights, Needs and Hope.

²⁷ Barth, R. & Hodorowicz, M. (2011). Foster and Adopted Children Who Die From Filicide: What

The statistics cited in this submission show that a huge number of children live away from their parents and families. Substantiated risks of harm are categorised under the same heading which fails to address the level of harm that is deemed as a substantiation. These substantiations are solely decided by the Department and any changes thereto are then decided by the courts. Postponement of any court procedures by the Department in order to present their affidavits causes added distress to parents and children in care. Thorpe and Thomson (2004) argue that parents suffer immense powerlessness in their dealings with the child protection system and experience enormous loss when they lose their children into care (Ibid 5). A recent study revealed that 54% of parents did not feel that the investigative process had helped them and 51% stated it did not assist them in any way at all and not all parents felt that they had been treated fairly.²⁸

Another area identified by FIN members, which needs urgent attention, refers to the investigative process undertaken by Departmental staff:

My complaint to the Crime and Misconduct Commission was referred by them to the Department of Child Safety for investigation and reporting back to the CMC. How is this ethical or even transparent to the community? Now I know why I can never get any straight or truthful answers, because a Department who investigates itself must have plenty to hide. (Appendix C).

Workable Solutions Only

It is evident from the above that a **community inclusive holistic approach** should be undertaken to assist tomorrow's leaders [our children] to reach their capacity. This approach depends greatly on the work capacity of each professional and their commitment to being agents of change, their personal and professional values and that of their organisations they represent. Drury-Hudson (1997) proposes that knowledge is obtained by theoretical knowledge (theories that explain phenomena); personal knowledge (intuition, common sense, cultural knowledge); procedural knowledge (organisational, legislative and policy context where practice occurs); professional knowledge (theory, research and experience that guide practice); and practice wisdom

²⁸ Can we Learn and What Can we Do? *Adoption Quarterly* 14:85-106
Harris, N & Gosnell, L. (2012). From the Perspective of Parents: Interviews Following a Child Protection Investigation. Regulatory Institutions Network (RegNet). Occasional Paper No: 18
Canberra: Australian National University.

(knowledge from similar cases or issues that can be applied to the current situation).²⁹

It is imperative that professionals' successful understanding of various forms of professional knowledge may result in positive or negative outcomes and that the tools for such knowledge are derived from:

- Psychodynamic Perspectives – such as Howe's attachment theory and Goldstein's ego psychology
- Crisis Intervention and Task-centred Models
- Cognitive-behavioural Theories
- Systems and Ecological Perspectives
- Social psychology and social construction
- Humanism, Existentialism and Spirituality
- Social and Community Development
- From Radical to Critical Perspectives
- Feminist Perspectives
- Anti-discrimination and Cultural and Ethnic Sensitivity
- Empowerment and Advocacy³⁰

Integrative Life Planning (ILP), Hansen (1997) argues are important to the human existence and includes the multiple dimensions of lives (body, mind, spirit), life roles (love, learning, labour, leisure, and citizenship), cultures (individualistic and communal), gender (self-sufficiency and connectedness for both women and men), communities (global and local) ways of thinking (rational and intuitive), ways of knowing (qualitative and quantitative).³¹ Democratic values and a concern for social justice are strong elements of the ILP which resonates with Friere's work of consciousness raising. Friere also stressed the importance of "learning to perceive social, political, and economic contradictions and to take action against oppressive elements of reality" and "one of the purposes of education is to liberate people to awareness of themselves in social context" and that this liberation for people is about "reflecting upon their world in order to transform it" (Ibid 32). Knowledge based practice including, method of intervention, practice approaches, practice perspectives,

²⁹ Chenoweth, L. & McAuliffe, D. (2005). *The Road to Social Work & Human Service Practice: An Introductory Text*. Thomson. Australia

³⁰ Payne, M. (2005). *Modern Social Work Theory*. 3rd Edition. Palgrave Macmillan. Great Britain

³¹ Hansen, L.S. (2001). Integrating Work, Family, and Community Through Holistic Life Planning. *The Career Development Quarterly*: March 2011, 49:3.

skills and interventions, level and type of skill, duration, level of intensity, practice setting and supervision are extremely important for professionals to succeed in their daily work.³² Undertaking a strengths approach³³ views people with strengths where professionals work with them and not over them. Every human being has strengths and any deficits are viewed as elements waiting to be transformed. This can only be achieved when the Department accepts that they cannot and do not have all the knowledge and skills to deal with families and that working with families is a better option than working against them.

Taxpayers money would be best spent and more effective to children and their families through prevention, ongoing contact and reunification. FIN believes that this is the only way that the “best interests of the child” can be achieved effectively.

Politicians and government departments, who go to the families, listen to the families and trust the families encourage workable relationships with families during the difficulties they sometimes experience. It is better to invest money into assisting families in times of financial crisis than taking the children and paying foster carers to do the caring. Foster carers would not look after children if they were not compensated for doing it. Reports suggest that foster care does not work in the long term, and that by the age of eight or ten, many of these children are so traumatised they can no longer stay in foster homes. They further spend a few years bouncing around in the system before ending up in prison.³⁴ FIN anticipates that investing time and money into families would greatly **PREVENT** children being taken from their families and putting them into foster care. It is hoped that many tragic stories such as the British child migrants to Australia, the Stolen Generation, abused children in institutions and foster care, are valuable lessons that have been learned which will greatly assist departmental workers in not repeating the same mistakes again.

³² Trevithick, P. (2005). *Social Work Skills: a practice handbook*. 2nd Edition. Open University Press New York, USA.

³³ McCashen, W. (2005). *The Stengths Approach: A strengths-based resource for sharing power and Creating change*. St Luke’s Innovative Resources

³⁴ Overington, C. (2008). Foster care in response to child abuse harmful. *The Australian*. November 17, 2008. <http://www.theaustralian.com.au/news/features/fostering-trouble/story-e6frg6z6-1111>

SUPPORT to families in distress is more positive than punishing them for not being able to afford life's essentials. In a recent study 60% of parents stated that circumstances such as stress or mental health issues, financial problems, domestic violence and relationships problems, housing difficulties and alcohol or drug problems exacerbated their children's lives (Ibid 28). Support to address these issues can only be achieved with **workers who have a genuine interest in the whole of the family**. Children and adults past and present are telling us that the most important thing in life is connection with their family, and that the loss of family is one of the most traumatic events regardless of where one lives on earth (Ibid 6). "Children who go into care at a very young age end up with attachment problems. Research has shown that their brains don't develop properly. They have difficulty trusting anyone" (Ibid 35).

Supporting families to access the correct service providers in their distressed times assists them to recover quickly and enable them to be in control of their future. A specialist multi-disciplinary team including adult substance misuse workers, child and family social workers and adult and child psychiatrists have been attached to the Family Drug and Alcohol Court pilot programme. Team members have used motivational interviewing, reflective practice, networking and coordinating parts of plans which has assisted in promoting a clear division of responsibilities and avoid repetition of services. This programme has helped to support many families to stop misusing drugs or alcohol and work towards reunification³⁵ Such a programme may be further supported by undertaking the Habit Model which acknowledges that substance abuse is a habit and not a disease.³⁶ The Habit Model encourages a bio-psychosocial approach wherein the addicts, their families, professionals and the whole of the community take on the responsibility of working together to reach positive results for all involved. Reznicek (2012) further states that unlike the present Disease Model, which has exacerbated the problem by telling substance abusers that they are not responsible for their behaviour and that they are sick and not to blame, the Habit Model identifies that habits are practiced as long as they provide pleasure but abandoned when they hit rock bottom and the consequences of abuse finally outweigh

³⁵ Munro, E. (2011). The Munro Review of Child Protection: Final Report – A child-centred system

³⁶ Reznicek, M.J. (2012). Blowing Smoke: Rethinking the War on Drugs without Prohibition and Rehab. Rowman & Littlefield.

the benefits (Ibid 36). Helping parents to empower themselves and their families has long-term benefits for society. These long-term benefits may include undertaking academic study and traineeship training, better employment opportunities and empowering other families in their time of need. Using such approaches would not only empower families, but also workers taking a collective approach in building capacity for families in need, may feel greater satisfaction in their profession.

The word **REUNIFICATION** appears only once in the Child Protection Act 1999, (Ibid 16) and fails to appear altogether in the Commission for Children and Young People and Child Guardian Act 2000.³⁷ The word restoration fails to appear in both Acts and the word rehabilitation, evident in the latter Act refers to the rehabilitation of offender in relation to criminal law. Family focused practice incorporates the importance of the central role which family members play in supporting the safety and well being of their children whilst at the same time receiving support themselves so that this may occur. Farmer (1997) suggests that parents need support to rebuild confidence, and Thoburn, Lewis & Shemmings (1995) and Thoburn (1999) argue that this need, should be persistently pursued in engaging families participation, planning and decision-making.³⁸ Whilst these goals are explicitly explained through Manuals such as this, evidence suggests that this is not happening in the lives of some parents and grandparents (Ibid 4, 5 & 26). The Department's values/ethics such as the child's best interests, being accountable, being respectful and excellence (Ibid 5) can only ever be transparent when workers are honest and truthful in their practice and when reunification becomes part of evidence based practice. Acceptable evidence based practice is that which has high levels of validity and reliability and which is derived from expert knowledge, published research, existing research, stakeholder consultations and outcomes from consultations and which is understood by professionals qualified at tertiary level in human services.

FIN greatly encourages the Queensland Child Protection Commission of Inquiry 2012 and consequently the Queensland State Government to be the instigators in developing a whole family innovative approach which works towards keeping families together and not apart. Such an approach would ensure that the Queensland

³⁷ Commission for Children and Young People and Child Guardian Act 2000.

³⁸ Child Safety Practice Framework (2010) July. Practice Framework & Maps

government may be emulated by other states, and held in higher esteem by all families and communities.

FIN invites the Queensland Child Protection Commission of Inquiry 2012 to engage with the findings of the Family Inclusion Network (Ibid 4), and to listen to the stories of parents, grandparents and significant others who are still being affected by the present policies and procedures which have continued to fail them (Ibid 5). FIN invites the Queensland Child Protection Commission of Inquiry 2012 to listen to the families, go to the families and trust the families.

The Family Inclusion Network Queensland (Townsville) Inc. believes that the above workable solution will address the past and present difficulties experienced by children, parents, grandparents and significant others. It is imperative that the Queensland State Government incorporates a **community inclusive holistic approach** to address existing problems. All issues need to acknowledge, consider and take into account the horrendous mistakes of the past involving the separation of indigenous and non-indigenous parents and their children, and the abuse in institutions and foster care. In doing so the Queensland Child Protection Commission of Inquiry 2012 and consequently the Queensland State Government may never need to be in a position in 20 years time to make a statement of apology to parents, children and their families for getting it wrong again.

REFERENCE LIST

AIHW (2012). Child Protection Australia 2010-11. Child welfare series no. 53. Cat. No. CXW 41. Canberra: AIHW

Alternative News Network (2011). Four Children's Stories – How They Died in Foster Care due to the direct negligence of the Child Safety Department in Australia. <http://forums.altnews.com.au/print/forums/luke-dad/four-childrens-stories-how>

Australian Bureau of Statistics (2006). Census of Population and Housing Australia. Cat. No. 2068.0-2066 – Census Table.

Barrett, R. (2012). Killed runaway failed by State. *The Australian*. May 28, 2012. <http://www.theaustralian.com.au/national-affairs/state-politics/killed-runaway-failed>

Barth, R. & Hodorowicz, M. (2011). Foster and Adopted Children Who Die From Filicide: What Can we Learn and What Can we Do? *Adoption Quarterly* 14:85-106.

Chenoweth, L. & McAuliffe, D. (2005). The Road to Social Work and Human Service Practice: An Introductory Text. Thomson Australia

Child Protection Act 1999.

Child Safety Practice Framework. (2010) July. Practice Framework and Maps.

Commission for Children and Young People and Child Guardian Act 2000.

Commission for Children and Young People and Child Guardian: Annual report 2007-2008. www.ccyqg.qld.gov.au

Commission for Children and Young People and Child Guardian 2011. Annual Report: Deaths of children and young people., Queensland 2010-11. www.ccyqg.qld.gov.au

Convention on the Rights of the Child 1990.

Crime and Misconduct Commission Queensland (2004). Protecting Children: An Inquiry into Abuse of Children in Foster Care. www.cmc.qld.gov.au

Department of Child Safety (2010). Practice Framework and Maps

Department of Child Safety (2010). Integrating and Understand the Practice Framework.

Department of Communities (2011). Table SS.IQ: Child Protection Summary Statistics Queensland.

FIN (Family Inclusion Network) (2007). Supporting Families, Stronger Futures: Ensuring the Safety and Wellbeing of Children and Young People in the Queensland Child Protection System: Report to the Queensland Department of Child Safety: Brisbane Family Inclusion Network.

FIN (2012). Ask Don't Tell, Listen Don't Judge. DVD. fin-qldtsv.org.au

Forde (1998). Queensland Government Response to the Commission of Inquiry into Abuse of Children in Queensland Institutions 1999.

Gaita, R. (2011). For Love of our Children and For Love of the World: Reflections on Rights, Needs and Hope. *Rights of the Child Lecture – 90th Anniversary of Save the Children* on 30 September 2009, ACT.

Hansen, L.S. (2001). Integrating Work, Family and Community Through Holistic Life Planning. *The Career Development Quarterly*: March 2011, 49:3

Harris, N & Gosnell, L. (2012). From the Perspective of Parents: Interviews Following a Child Protection Investigation. Regulatory Institutions Network (RegNet) Occasional Paper No: 18. March 2012. Canberra: Australian National University

Ivec, M., Braithwaite, V & Harris, N. (2012). “Resetting the Relationship” in Indigenous Child Protection: Public Hope and Private Reality. *Law & Policy, Vol 34, No. 1, January 2012*.

Johnston, J. (2012). Teen girls charged with torture of 12-year-old-boy. *Townsville Bulletin*. July 21, 2012. http://www.townsville.bulletin.com.au/article/2012/07/21/348761_print.html

Kennedy, R & Richard, J. (2010). Integrating Human Service Law & Practice. 2nd Edition. Oxford University Press. Australia & New Zealand.

Law Report (2011). Restrictions on media coverage of child protection and family court matters. <http://www.abc.net.au/radionational/programs/lawreport/restrictions-on-media-coverage>

Lonne, B., Parton, N., Thomson, J. & Harries, M. (2009). Reforming Child Protection Routledge. London and New York.

Madigan, M. (2012). Child Study finds family help crucial. *The Courier Mail*, 13 August 2012

Madigan, M. (2012). Unqualified staff care for at-risk-kids. *The Courier Mail*

McCashen, W. (2005). The Strengths Approach: A strengths-based resource for sharing power and creating change. St. Luke's Innovative Resources

Munro, E. (2011). The Munro Review of Child Protection: Final Report – a child-centred system

Murdoch, L. (2010). Sick Northern Territory Girl Left to die in Dirt. *WAtoday.com.au*. <http://www.watoday.com.au/action/print/Article?id=1052273>

Overington, C. (2008). Foster care in response to child abuse harmful *The Australian* November 17 2009. <http://www.theaustralian.com.au/news/features/fostering-trouble/story-e6frg6z6-1111>

Payne, M. (2005). *Modern Social Work Theory*. 3rd Edition. Palgrave Macmillan. Great Britain

Petrinec, M. (2012). Father's call for change after harrowing inquest into death of two-year-old-son. *Cairns.com.au*. http://www.cairns.com.au/article/2012/07/28/230525_local-news.html

Ravens, T. (2007). Women face court over foster child death. *The Sydney Morning Herald*. <http://news.smh.com.au/action/print/Article?id=64117>

Rezineck, M.J. (2012). *Blowing Smoke: Rethinking the War on Drugs without Prohibition and Rehab*. Rowman & Littlefield. USA.

Roos, S. (2002) *Chronic Loss A Living Loss*. Brunner-Routledge: New York

The Sydney Morning Herald (2007). Women face court over frster child death. <http://www.smh.com.au/news/National/Women-face-court-over-foster-child-death.2011>.

Thorpe, R (2007). Family Inclusion in Child Protection Practice: Building Bridges in Working With (not against) Families. *Communities, Children and Families Australian*, 3 (1), December 2007

Trevithick, P. (2005). *Social Work Skills: A Practice Handbook*. 2nd Edition. Open University Press. New York USA.

The following Appendices are true accounts as told by the victims. Names have been changed to maintain confidentiality and to protect the respondents from further harm.

APPENDIX A

Support Worker's Case Study

Case Context:

Mary is a mature aged woman with tertiary education in social sciences and is currently employed in the government sector. She spent two years employed as a Child Safety Officer for the Department of Child Safety. Mary left the Department as she could no longer work in a system that was failing children, their families, foster carers and the community.

Case details:

From the beginning Mary wanted to work and help protect children from abuse in the community and spent time in the Placement area of the Department. During this time she saw some severely abused children waiting to be placed with appropriate foster carers.

Due to the daily stories of abuse that Mary was exposed to, her mindset changed from wanting to protect children from abuse to suspecting every parent she met of potentially abusing their children. **Mary stated that there was a culture within the Department that saw the parents as the 'baddies' and that parents were judged guilty before being proven innocent.**

Occasionally Mary was asked to intervene when some children in foster care truanted from their placements and came into the Child Safety office. On one of these occasions she spoke to a troubled teenager who was very angry and broke down in tears stating **"Why did you take me away from my home? I would have preferred to stay there than put up with the abuse from foster carers and the shelters. None of them care 'cos they only want cute kids. I don't care if my stepfather hit me sometimes. I miss my family."**

On another occasion, Mary spoke with new foster carers who told her they had contacted the Department numerous times over a six week period, leaving many messages for Child Safety Officers but unfortunately none of them were returned. They even threatened to relinquish the children if the Department did not return their calls and approve them to take the children in their care to the optometrist and dentist. They also required a Medicare card which was not provided for the siblings in their care.

Mary took it upon herself to make the necessary phone calls further up the chain in the Department. The Manager directed a Team Leader to meet with the foster carers, however this did not occur. Eventually the placement broke down and the siblings were separated as no other foster carers would take the two children. These foster carers left the Department disillusioned and very angry.

Key Issues

There is a high turnover of staff within the Department. It is said that if a worker stayed for 6 months it was a record. Some only lasted one week and others only one day. There are not enough appropriately trained foster carers to look after all of the children who come to the Department's attention.

The present investigation process does not treat each case individually. When investigating cases, the Department works towards securing its own position first, next the workers safe guard themselves and then the children. Mary noted that usually young men or women who had just graduated and had limited life experience were the worst operators. The frontline workers have a lot of responsibility placed on them, and if they get things wrong there is a lot of blaming which comes from senior officers.

The frontline workers do not have appropriate supervision given to them or adequate debriefing sessions.

Concerns Identified

Mary identified that “one size fits all” does not work for all of the children who come to the Department's attention. All situations are very different and all parents and children need the appropriate response, however due to limited staff, there is little time to devote to each specific situation.

During her time with the Department, **Mary** was under immense pressure and stress and **her mantra changed from “wanting to help abused children” to “the Department is failing these children.”** Eventually she left the Department disappointed and disillusioned by the systemic abuse.

Systemic Issues Identified

The Department was not concerned about the children and their families as already stated above. It was about safeguarding their position and decisions that were made.

The Department **failed to engage with parents and grandparents in an appropriate manner, and they were viewed as bad people.**

Adequate support for families in need was not contemplated, as the preference is to remove the children and place them into foster care on a long term basis.

Foster carers do not always understand what they are taking on and often placements breakdown which causes more distress for already abused children.

Inadequate support and advocacy for parents was not available to help them through the child protection system.

Support Worker's reflections

The children who come into care need to be treated as individuals who need love and care. Upon receiving a notification, it is imperative that the Department conduct an urgent investigation to see if the children are in imminent danger or a “perceived risk of harm.” This first meeting should include the children’s parents, grandparents or significant others. This may eliminate the process of placing a child into care which may be more harmful than staying with the family.

If the children remain with the family, it is the duty of the CSO’s to discover what supports are needed to keep the children within the family unit. The family needs to be supported with follow up visits and from a strengths based perspective. Working with the families is far better than working against the families. Families who feel respected by the CSO’s will engage a lot more positively and feel worthy, instead of having deficits and feeling downtrodden.

In their role as support workers to the family, CSO’s in turn need to be supported by their Team Leaders and the Department as a whole. How can CSO’s know if the work they are doing is appropriate, transparent and ethically just if they do not receive feedback from their supervisors? CSO’s who do not receive this necessary training are doomed to continually make the same mistakes over and over. By working in this vein CSO’s inadvertently perceive their actions to be acceptable and just at the expense of destroying children and their families.

Appropriate documentation and report writing is essential for each individual case to allow for continuity especially when a worker resigns and a new worker is assigned to the individual. CSO’s documentation and report writing needs to be monitored by their supervisors and Team Leaders also require support in their roles. This will ensure better accountability and transparency and knowing that children and their family’s lives are being treated with the appropriate care, attention and respect which are their right.

Mary’s perceptions/reflections

Mary advised that she often thought of the children she had met during those two years and was concerned that some of them would end up in the juvenile justice system. **Many of the children have been denied the love, attention, guidance and nurturing that a loving parent should provide. There needs to be a change to the way young innocent children are taken into care of the state as the emotional toll can be devastating. Unfortunately some foster carers do not have the children’s best interest at heart and can add to an already stressful and frightening situation.**

Mary had considered being a foster carer when her own children grew up, but her experience in the Department has destroyed the idea. One of the things she often heard from colleagues was that “all foster carers will have a notification at some point,” however when it is not substantiated the Department never apologises for the trauma it has put the family through for false allegations. Child Safety needs to be reviewed and staffed with people who are compassionate, professional, respectful and accountable for the decisions they make which will impact on the innocent for the rest of their lives.

APPENDIX B

Practitioner's Case Study:

Case context

Jason is a tradesman and is aged in his mid to late 30's. He has two children and each child has a different mother. One child lives with one of the mothers and the other child lives with the father in a shared care arrangement with his ex-defacto.

Case details

One morning in April 2011, Jason's daughter told him that she had something to tell him after school. During the day at school, the child revealed information to the teacher about another family member of a sexual nature. The teacher was mandated to report this to the Department of Child Safety and the child was then immediately placed into foster care.

Both parents were extremely distressed to hear this, especially the father at having his daughter taken from his care, having been with her since her birth, and not knowing her whereabouts. At the court hearing the child's mother had legal representation through legal aid. **The father could not afford his own legal counsel and was told by Legal Aid that they could not support him** because his ex-defacto had already made an application. Eventually, the child too was given her own legal counsel. Many courses later, family meetings and interviews with psychologists and social workers, the child was returned to her father. This was in fact **10 months after** the child was initially put into foster care.

This father **endured many sleepless nights** worrying about his daughter's welfare and this contributed to him being **unable to maintain employment for 10 months**. During a supervised visit with his daughter, the father stated to the caseworker that he and his daughter **would never forget the Department of Child Safety's intrusion** into their lives. At this the caseworker wrote negative comments in her case notes and the **return of his daughter was further delayed**.

Key Issues

Clinical assessments found that the child responded more positively to the father. This could have been ascertained a lot sooner than months later if a discussion had taken place instead of the investigative process.

The person responsible for the sexual allegation and child's removal was no longer in the picture and was forgotten about by the Department of Child Safety and the Children's Court.

Concerns Identified

Jason identified that the longer his child stayed in care with the foster carers who were affluent, the more difficult it was going to be on the child's return home. He felt that **the relationship** that he and his child had had pre-removal **would be changed** because the foster carers could afford more luxuries than he ever could, and that **he would still not be able to afford such luxuries.**

After the return of his daughter Jason has stated on many occasions that the relationship with his daughter is very different to pre foster care.

Systemic Issues Identified

The Department of Child Safety and the Court were no longer concerned by the alleged perpetrator. Each parent had to be assessed separately and then individually with the child and as a family unit upon which a report was written.

The **Department** of Child Safety's **continual requests for adjournment dates because they did not have their paperwork in order, interfered with the child's return which could have been sooner instead of later.**

The Department of Child Safety refused to include Jason's mother who is a significant figure in the child's life in the decision making process. The Department also refused to give the child to the grandmother in kinship care. This would have caused less angst and grief for all family members involved.

Inadequate support and advocacy for these parents navigating the child protection system was noted.

Support worker's reflections

How could things have been done better to return the child to her parents quicker?

A **discussion** with both parents by the Department **before considering removing** the child, would have caused much less grief for the parents and the child. The child was never in danger from the father and he could have continued to protect her. The alleged perpetrator did not live with him.

The **Department's failure** to do this not only **caused much unnecessary grief**, but wasted taxpayer's money. The Department placed the child with **foster carers**, who involved themselves and who **made comments to the child** when she relayed what transpired between herself and her parent/s during supervised visits. This **confused the child further.**

The Department of Child Safety due to their "one size fits all" for risk of harm failed in their duty of care and welfare for the child concerned and the parents.

Jason's perceptions/reflections

I did every single course the Department asked me to do. My emotions were shot to pieces throughout the whole time my child was away from me. I could not hold a job due to sleepless nights worrying about her welfare. The **caseworkers** were young people who had never had children of their own and did **not understand the meaning of attachment between parents and their children**. At times I felt that the supervised visits between my child and myself were like a battle ground because the caseworkers listened to everything we said and wrote it down. I remember one visit when I explained to my daughter that I was working with a parent support and advocacy group and that I was doing everything to get her out of foster care, that the caseworker approached me and said that if I did not change the nature of the conversation that our visit would be terminated. I believe that **this conduct was one of many breaches that the caseworkers performed** in my case.

The **mandatory reporting** needs to be changed. Instead of ripping my child out of my life it would have been better to do a quick assessment of the nature of the allegation, leave the child in my care and then undertake a collective investigation involving myself, my child and her mother. Mandatory reporting needs to be changed as persons who are mandated to report to the Department do not have the skills to assess each individual case appropriately. Taxpayers money is unnecessarily being wasted on lengthy investigations instead of the children who are in urgent need of protection. This proves that caseworkers do not have the necessary skills and tools to treat each case as an individual and not as one size fits everyone.

My child and I will never forget the Department's intrusion into our lives. And for me and my child "it's not over when it's over" resonates throughout our every day life. It is a nightmare that will not go away and the memory of it still affects us to this day. **It is unjust that I could not have my own legal counsel as I feel that this would have assisted me greatly to get my message across better**. Due to representing myself in court, there were times when my emotions overtook me and I was left bereft of speech and unable to state to the magistrate what I wanted him to know. With no legal counsel of my own I was further limited in not having my views represented vocally but also in written format as I am not that proficient in this area. This experience has cost the immediate family horrendous emotional grief which could have been avoided.

Appendix C

Support Worker's Case Study:

Case context

Tim is aged in his late 40's and is on a disability pension due to being set upon by vigilantes. He has five biological children and one step daughter. As a child Tim was an alumni of the Westbrook Centre, where it was reported that the resident children suffered emotional, physical, social and systems abuse (Forde Inquiry Report 1999). He successfully reared a son until adulthood, before embarking on a new relationship. Tim has tried to build a family and has been denied multiple times by the Department who has come and taken his children away and subsequently destroyed relationships with his partners. To date he does not have contact with any of his children.

Case details

Through Freedom of Information (FOI) it was discovered that at Departmental SCAN meetings Tim was referred to as a convicted paedophile. He was imprisoned for having carnal knowledge with a young woman aged 15 years 11 months. This young woman's mother lodged a complaint two years after the event, due to her own relationship breakdown with Tim. At the time of this event Tim was suffering severe depression as a result of the death of an infant son from a former relationship. Authorities diagnosed Tim's infant son's death as "cot death" but to this day he claims that his partner suffocated the baby. The Department states:

*Paedophiles are people who sexually abuse **CHILDREN** of either or of both sexes. They are usually men who are sexually attracted to children and who often abuse a large number of them over a lifetime. Sometimes paedophiles are called child molesters. The word molest is used to mean all forms of sexual activity and includes fondling and touching private parts of the body, masturbating and sexual kissing, as well as sexual intercourse. (Department of Communities 2011)*

The misuse of medical terminology causes great angst to persons convicted of carnal knowledge. Most offenders who sexually abuse pre-pubescent children are paedophiles. Primary sexual interest in 11 – 14 year old young people is known as hebephilia. Ephebophilia describes sexual interest in mid to late adolescents (15 – 19 years) (Wikipedia 2011).

Tim believes a breach of confidentiality by a Departmental worker stating that he was a "paedophile" occurred as she lived beside the vigilante's home. He was subsequently assaulted by neighbourhood vigilantes for which attack he was awarded significant victim's compensation. Tim's attempts at forming a relationship and a having a family have been squashed by the Department on three occasions.

In 2003 a relationship was destroyed by a vexatious notification by a jealous ex-boyfriend who continually performed domestic violence on his partner. The perpetrator's partner sought refuge at Tim's home on many occasions with her three

children. The Department came and took two children away because Tim was an unsuitable father figure. They left the baby who was being breast feed in the mother's care and that of Tim. Eventually this woman was forced to leave him and went back to her former partner who perpetrated domestic violence. It is evident from this account that the Department preferred this woman to go back to her abusive former partner than remain with Tim.

In 2004 – 2006 another relationship formed and a child was born. This child was removed three days after birth and the client was sited as not being an appropriate father figure. The woman was encouraged to leave the relationship or lose the child. The child lived in kinship care with the grandmother, and the woman lived with them. The father was prohibited from visiting unless supervised. As a result of falling pregnant a second time and the fear of having the child taken away by the Department, this relationship also ended. The Department did not make any attempts to assist the family to become a unit by implementing prevention, intervention and reunification processes.

In 2006 – 2007 Tim formed a relationship with a woman and together they had a child. The child and his partner approached the Department during the pregnancy to try and help them to keep their baby. The Department refused to work with them throughout the whole of the pregnancy. The baby was removed by the Department 20 minutes after the birth and placed into foster care. The father was escorted from the hospital surrounded by police. As a result this relationship also ended because the Department told the woman if she wanted to keep the child she could not have the client in her life.

Key Issues

Tim could not afford legal representation and was refused it from Legal Aid as his partners had already made application. He was not represented properly in the Children's Court and **was not able to express his concerns including the reasons the Department had refused to work with him and his partner**, when he had made contact with them to let them know that they were having a baby **before the birth, so not to take away a further baby.**

The Department failed to advise Tim in what manner he was a risk of physical and emotional harm and risk of emotional and sexual abuse to his infant son at 20 minutes old. In view that Tim had successfully raised a former son to adulthood, suggests that the Department did not investigate his history appropriately nor did they include comments made by other caseworkers who wrote more positive comments in his file. This supports the notion that some caseworkers reporting style needs to be upgraded to a more acceptable standard. And not one that is subject to cutting and pasting and fabrication of false evidence only. Caseworkers need more supervision and held accountable for making wrong decisions. The Department of Child Safety needs to be overseen by a separate entity that is viewed as fair, approachable, transparent, accountable and socially just.

All of Tim's partners were encouraged to leave him by the Department if they wanted to have the children returned in their care. He had supervised visits at intervals. As a result of the Department's intrusion into his life by taking away his

partners and children, he became very emotional and blamed the Department for destroying his life.

The client has written to many authorities including the Prime Minister, Premier, Department of Child Safety, Members of Parliament, and Ombudsman, Crime and Misconduct Commission and many others. To date he has not been given an answer as to why his families were destroyed. In one instance according to the FOI, a Departmental worker has advised the client that unless he is able to prove that the Department has made wrong decisions about himself and his family, it may not be possible to argue the case further. This is difficult to ascertain when a parent's perception of what is a wrong decision made by the Department is not in keeping with the Department's decision making.

Concerns Identified:

Tim has not had any contact with any of his children for many years. He has been deprived this right through his partners. His right has also been deprived by the Department who have failed to understand his anger at losing his partners and children and documented this a negative in his files rather than a normal human reaction to loss. They have continued to write negative things in their affidavits causing further alienation to Tim and his partners and children. The Department did not at any time implement prevention, intervention and reunification processes at any stage with any of the relationships.

Tim lives in hope that he may be reunited with his children one day. He lives most days in a state of chronic sorrow at the loss of his partners and children. As an alumni and now as a parent who has been denied the right to be a parent, his voice has been ignored and silenced.

Tim states that some of his criminal history as documented by the Department is wrong and that this information in fact belongs to someone else.

Tim's letter writing has been caught up in a system that refers one Department to another, and where non-transparent and socially unjust investigation has been undertaken by the Department and not an independent entity.

Systemic Issues Identified:

Tim has been incorrectly branded a paedophile even though he is clearly not one and not listed on any registers in Queensland. A Member of Parliament stated that Departmental records cannot be altered and advised the client to make an amendment under Information Standard No 42, Information Privacy Principle 7. The FOI revealed that Departmental staff may be in breach of Principle 1 – Manner and purpose of collection of personal information:

1. Personal information shall not be collected by a collector for inclusion in a record or in a generally available publication unless:
 - (a) The information is collection for a purpose that is a lawful purpose directly related to a function or activity of the collector; and

- (b) The collection of the information is necessary for or directly related to that purpose.
2. Personal information shall not be collected by a collector by unlawful or **unfair means** (Privacy Act 1988 – Sect 14, p 57).

The FOI revealed many instances of Tim's childhood as an alumni and also some criminal behaviour when he was a teenager. **It is unclear how such repetitive information used by the Department in their affidavits, can assist the client, his partners or his children.** The FOI revealed there was never any assistance given to him when he left institutional care. Although the criminal behaviour happened in his teens, the **Department has refused to consider him rehabilitated.** The evident cutting and pasting by the Department of his childhood and past criminal behaviour in affidavits detract him from being viewed as a person who is worthy, is entitled to be respected, acknowledged that he has human rights and has some strengths to have survived thus far. **To date there is no evidence which states that a person with a criminal past is not entitled to have a family life, but yet the Department continues to vilify anyone who has a criminal history who comes to their attention.** This has been done with many removals of babies minutes, hours and days after their birth. It appears that Australia's historical penal mentality is firmly entrenched in some of Australia's government departments.

The Ombudsman advised that he has no power to investigate QPS actions, no jurisdiction to review deliberative decisions of courts or tribunals or no power to consider decisions or actions of agencies in other states or the Commonwealth. In view that this is the case, it is questionable how the client will ever be in a position to voice his concerns when the Complaints, Case Review and Investigation Branch are part of the Department of Child Safety. This investigation process lacks transparency, accountability and evidence based practice, especially when the Crime and Misconduct Commission (CMC) requests the Department to partake in such investigations and there is no evidence as to the CMC's monitoring role, apart from the Department submitting their findings back to the CMC and then the CMC writing to Tim.

There is inadequate support and advocacy, actually virtually none, available to parents navigating the child protection system and family courts.

Support Worker's reflections:

How improved outcomes could have been achieved for this father/children/family

A different professional or systemic response may have led to improved outcomes in this case. Were these issues a result of legislation or systemic issues such as program design or service delivery or was an individual practitioner operating outside the bounds of acceptable practice?

The interpretation of The Child Protection Act 1999 is subject to each individual **caseworker and team leader.** This is evident when they **fail to include parents in the decision making process of their children,** and incorporate further punitive measures when parents display emotionality at the loss of their children into care. Tim was never given support and advocacy of any kind at any time and his human

rights were denied. This made it easier for him to lose his children. Tim was **unable to afford legal counsel or apply for Legal Aid the Department’s interpretation of the Act remained and was not challenged.**

The Department failed to implement prevention, intervention and reunification processes to ensure that the family would stay together. The Department failed to act and co-operate with Tim and his partners when they informed the Department that they were having a baby, and for negotiations to take place so that they could keep the child and remain a family. Instead the Department bided their time and pounced on the new family on the day of the birth, i.e. 20 minutes, 4 hours and 7 hours after each child’s birth.

By doing this the Department ensured the promotion and the beginning of the family’s destruction and the loss of parental bonding with their child. As a result Tim does not know his children because his partners are too afraid if they get caught by the Department. Some of them have left town and their destination is unknown to Tim.

The FOI revealed some extreme unprofessionalism displayed by caseworkers and team leaders when dealing with this client. Some of these comments were made in the Department’s planning stages of removing his children: “Police will remove baby and advise parents that the baby has been removed, however baby may only be moved to the special care unit...**Parents will just be told that the baby has been placed, they do not need to be told where**” and; “**He sounds like the type who would really argue the toss and we need to keep things really tight.** Are you able to change the letter?” And “**Good luck troopers...And what a shame I won’t be here for the ride.**” Since when has destroying a family been simply “a ride”?! In particular one caseworker was noted to revel in Tim’s distress in a phone call, telling him that he would never see his children because he was a paedophile. It is noted that this caseworker progressed to team leader status in a short time, and it is questionable whether the criteria to this elevated position included a **covert culture of using their position of power** to take satisfaction in rendering parents such as Tim to a life of continual chronic sorrow.

Tim’s request of the Crime and Misconduct Commission to investigate his matter leads to lack of accountability and transparency. The CMC’s request of the Department to conduct a review of its files and give a report back to the CMC inadvertently protects Child Safety Officers, who may in fact be guilty of writing false information. Section 387, meaning of taking a reprisal includes:

- (1) A person takes a reprisal if –
 - (a) the person causes, or attempts or conspires to cause, detriment to another person; and
 - (b) a substantial reason for the person doing the thing mentioned in paragraph (a) is the belief that the other person or someone else –
 - (i) has made, or may make, a complaint to the commission; or
 - (ii) has helped, or may help, the commissioner

(Commission for Children and Young People and Child Guardian Act 2000).

With reference to (1) (b) (i) and (ii), **it is questionable how any Departmental worker can be considered to be helping the commissioner, when inaccurate information is initially recorded and then presented as evidence.**

It is without a doubt that the Department of Child Safety needs to be monitored by a separate entity that works towards discovering the truth as far as possible, and incorporating and listening to parent's complaints and treating them as serious. Parents need to be respected and included in all decision making processes as stated in The Child Protection Act 1999. They need to be respected and viewed as people with some strengths and not just deficits. **A better working relationship between Departmental staff and parents, grandparents and significant others is essential to collectively achieve the best interests of the child.**

Tim's perceptions/reflections

Endless Time in my World

I am in the death struggle with self: God and Satan fight for my soul, as I sit in emptiness and deliver upon self memories of Pandora Box.
And thus I pray as I try to slumber with magnitudes of Thoughts of past to present to a Future now uncertain and unforeseen.
And thus the break of slumber is the same method of entry to a painful world, my world.

My day is meaningless with a zero motivation as I sit at my desk and enter my world of make believe, The Net.

I bury myself within games to build a blockade around Pandora's Box, But to little of no avail as a mere word or a song or a memory will Ignite to burning flames of the Abuse to life and floods ever thought that can ever be thought, pours into a very tiny place, My Heart and this will burst into whatever it feels like.

I look at four walls as being my bestest of friend as they never leave me.

I daydream of my children to where I will see them running and playing in my empty house, I hear empty laughter as it fades to tears.

I hug affectionately the image of the women that once loved me, The love I earned and not once abused and this shatters my very soul.

I know I did Nothing, Nothing to ever lose that Love. but lost it, No, stolen by people that have lost all Humanism about themselves, for with just mere, mere words, Love is Murdered.

I think many thinks to how I can mend the err? And each time I try by the use of the law of the land, I am just shoved away.

I have zero defence to the attacks and my body and mind and soul can't take no more of the beating that I have to endure every single day of my life.

I am Always alone for those Special days others just take for granted, Christmas, Easter, Fathers Day and my Birthday, the one day I really do dislike the most next to Fathers Day.

I know this is all due to just one Entity to have these chains around my neck that is placed there by the Department of Child Safety.

Then I can clearly see the links to the covering up of myself that starts at the very bottom of the Child Safety System to the very top of the System. (It is in plain view).

Then many thoughts grow to try to understand how this came about to the many rejections when seeking support to seek justice.

And before I know it, I am flooded with hate and with hurt and with the beginning to it all, Z's death, I being attacked by cops for nothing, S doing what she did that made it three time more hell.

It all floods me, it all drowns my thoughts everyday and every night and I see no end to it, Unless I take the matter in my own hands.

I know I can't and I won't hurt people due to what others have done upon myself, just hurt me, hardly eat and hardly sleep and isolation from society that just don't care.

I have Zero real true friend, but I do have people that seem to care enough to visit and I will spill my guts out to these people.

Sometimes I find a relationship from this and thinking I can escape my hell I do the best I can to show the other my interest and my intentions.

and that too does not last long due to the chain around neck.

So.

Not all days were as such, Recently, I was happy and my days were a little bit of sunshine, but as always the black clouds comes and it will just pour as before.

I am haunted by events that I have no control over that will come as a thief and steals a morsel of hope.

I analyse everything to the finest points to see it in all views.

And again I am left with but one door and that's the battle within everyday, every night, while in slumber, I fight myself to be strong not to do anything wrong.

I miss my kids so very much, I miss my love I once had, and I miss the family I tried so hard to build.

I yearn in every breath to every heart beat just to have what was stolen.

Now I have to deal with I am not even classified as a Human.

REFERENCE LIST

Commission for Children and Young People and Child Guardian Act 2000.

Department of Communities (2011). General Parenting. Information for Queensland families about paedophiles. Information sheet. www.communities.qld.gov.au

APPENDIX D

Support worker's Case Study:

Case Context

Sally is aged in her late 20's to early 30's, she has completed senior education, she has 3 children under the age of 10 years. These children are aged 3, 6 and 10 years and are the product of three separate relationships. Her last partner committed domestic violence on the eldest child, and as a result all the children are now in kinship care with Sally's mother. Sally's ex-partner has now left town.

Case details

The police have been called to Sally's residence numerous times over the years mainly by her mother. One of these times was when the youngest child's father committed domestic violence on the eldest child. The police made a notification to the Department of Child Safety and immediately the two eldest children were removed and placed in foster care. When this occurred the perpetrator had two of his children from a previous relationship in attendance. Four months later when the baby was 7 days old they took her too. When the CSO came to take the baby away Sally was crying and the CSO said to her **"You've had her for 7 days isn't that enough?"**

Eventually Sally's partner left town. She put out an DVO on him. **Six weeks later Sally heard that her ex-partner was granted shared custody of two children from a former relationship.** At this Sally worked hard to ensure that she would be able to get her children back to her. She participated and undertook all courses that the Department of Child Safety asked of her. Sally has supervised visits with her two youngest children at weekly intervals at a local park. **She has not had supervised visits with her eldest son for about 6 months as he refuses to see his mother. Sally has asked the Department to help her to work out her relationship with her son, but to no avail.** Sally believes that her mother with whom the children are in kinship care has been encouraging her grandson not to see his mother. Her mother has stated on many occasions that she would prefer to adopt this child.

Sally never had a good relationship with her mother. The relationship has worsened since Sally's mother has made further notifications and complaints to the Department of Child Safety that, the ex-partner has come back to town and is living with her daughter, that Sally takes illicit drugs, which is another lie and where she has had to be drug tested at random. The tests have come back negative. **The Department has advised her that she cannot have the children returned in her care because she cannot protect them from the ex-partner.** Sally feels that she is living in a Web of Nightmares between her own mother making vexatious complaints about her and the Department telling her that she needs to develop a relationship with her mother if she wants her kids returned in her care. Sally has noted that as it nears the time that the protection orders are due to run out, her mother puts in fresh complaints about her daughter. Sally feels that the Department is listening and believing her mother over her own explanations.

As well as encouraging Sally's eldest son not to attend supervised visits to see her daughter, the grandmother buys this child with gifts and rewards. This kinship carer has asked that Sally give her permission so that she and her grandson can go to the Gold Coast during the school holidays. Sally has not given her permission to do so because she feels that the school holidays is when she can see her children more. **At this the Department has told Sally that she needs to work with her mother if she wants to get her children back, and that if she did not consent to this request that Sally would not be able to see her other two children during the school holidays.**

Sally has noted during child assessments done by professionals that they have not written down what the children have said, such as **"I want to go home to mummy."** She has also noted that these professionals prefer to write negative things about her. Mostly the CSO's she encountered have been young women who have no experience of their own family, and their failure to understand the attachment that is present between parents and their children has exacerbated the situation. Confidential information she shared with a counsellor also ended up in Affidavits which again was presented in a negative way.

Sally's partner continues to come back to town, breaks into the house and commits domestic violence on her. The last time he came back and took the car which was hers, Sally rang the police and told them about it but they did nothing about it.

The kinship carer's neighbours have reported to Sally that some nights they have heard the children crying as they have been locked out of the house. Sally has told these people to report it to the Department. Sally's youngest child is still in nappies and has a series of continual rashes in the groin area. She has also noticed that her children's hair is infested with hair nits. Sally has told the Department that the nappy rash is not healthy for her child and that she should be toilet trained and wearing clean underwear. She has also told the Department of her concern regarding the perpetual hair nits in her children's hair. The Department has not heeded her concerns and have brushed them aside as the child still wears nappies and the children still have nits in their hair.

Key issues

The first team leader in this case took Sally's ex-partners threats personally and removed the children from Sally's care. The Team Leader went away for a few months and another Team leader was installed who allowed the children to go home to Sally. This order was reversed when the first team leader came back to work.

Presently Sally is only seeing two of her children on supervised visits. The Department has been slow in obtaining appropriate counselling and mediation sessions to help repair the relationship Sally has with her eldest son.

The DVO is not worth the paper it's written on as when it is breached the police do not take up the matter with the perpetrator. The Department says that as long as her ex-partner comes back, Sally is not able to keep her children safe. **It is questionable how Sally can be expected to know and monitor her ex-partner's movements at all times of the day when they are separated and when he is expected to break in.**

Sally has asked the Department to help her relocate to a place where her ex-partner cannot find her and the children, even to another Australian State. The Department has been slow to help her find a safe environment for her and her children.

Sally has been granted legal aid and with the assistance of her Solicitor is hoping to set a hearing for a trial date.

Concerns identified:

Sally continues to live in fear of her ex-partner. **The Department's present status in not allowing her to have her children with her, will be overthrown by the Family Court when this matter goes to a hearing.** Sally will not be safe wherever she relocates, as her ex-partner will be given her address by the Family Law Court.

That the Department hold Sally responsible and use the mantra of **“failing to protect her children”** to keep her children in kinship care . Departmental workers have told her that if Sally's partner does not keep away she cannot have her kids returned to her. In view that this is the case, **the Department and the Police are equally responsible in not being able to protect the children either, because the perpetrator could quite easily go to the kinship carer's residence. The Department's present reasoning is absolutely ludicrous.**

Sally also fears that her mother will continue to interfere in her life and not allow her to be a mother to her children. If Sally is to protect the children from domestic violence neither her ex-partner nor her mother can be given her relocation details

Systemic issues identified:

The Department has failed to work with Sally as is her right as the mother of her children and as stated in The Child Protection Act 1999. Although the children have been assessed by a professional, the professionals have failed to report what the children have stated in these interviews. Children saying things like “I want to go home to mummy” have not been included in their reports. This alludes to the fact that most professionals employed by the Department write what is preferred by the Department, that is negative things and not the truth as stated by Sally and her children.

The abuse of power by the Departmental workers in their many dealings with Sally, such as laughing and sniggering at her in a phone link up, and Sally's mother's control over the situation has been allowed to escalate and not monitored appropriately by the Department and higher up the chain.

The Department's failure to notify Sally of appropriate times and procedures has been unethical and unprofessional. An example of this was when Sally waited outside the court house for a mention/hearing for a number of hours. The mention was in the form of a phone link up between the Department, the Magistrate and Sally's Solicitor. This all happened whilst Sally was waiting outside the court room.

The Department has failed to view Sally as someone who has strengths and not just deficits. This alludes to bad practice and punitive measures to keep Sally under their control.

The Department's failure to assist Sally to relocate to a safe place has prolonged the time that she has missed out on being with her children and being a family unit once again. And the fact that she has told the Department that if her children had been placed with a different foster carer, Sally would have had her children returned to her by now.

The Department's preference to believe everything that Sally's mother reports to them is concerning. **Their failure to investigate why this grandmother is acting this way supports the emotional harm that Sally and her children endure whilst they are apart.** Sally has endured further emotional harm when the kinship carer has wanted to take the eldest child out of town in the school holidays, and the CSO told Sally if she did not agree, that she would not be allowed to see her other two children. The kinship carer has allowed Sally's ex-partner to speak to the children without the Department's knowledge.

Support Worker's reflections:

I have known Sally for a while now and each time we meet she becomes emotionally upset because her children are still not in her care. She relates to me the time she spends with them in supervised visits and how much she enjoys spending time with her children. It has taken me a long time to build trust with this young woman as she finds it difficult to trust people. The Department has been slow to bring the reunification process to a head. Sally did as the Department requested and left the ex-partner, but to date the children have not been returned to her care.

The Department is not returning the children on the premise that Sally cannot keep them safe in case her ex-partner comes back to town and breaks into her house. **The Department fails to see that once the case goes to the Family Law Court that all of their punitive efforts will be for nothing, a waste of Sally's time that she could of spent with the children and a waste of tax payers money in allowing the children to be in kinships care where they are obviously not safe either.**

Sally's perceptions/reflections

I have lived in a Web of Nightmares for many years now. I cannot understand why the Department holds me responsible for my ex-partners behaviour. They do nothing about his behaviour and neither do the police. **The children belong to me, not to the Department or my mother.** I believe that she does not want to give them back to me because she gets income for looking after them. Recently she bought an expensive car to drive around in. I don't even have a car because the ex-partner stole it from me.

I have done every single course the Department has asked me to do. At intervals they have asked me to sign blank documents which I have refused to do. They have continued to write negative comments in their notes which then ends up in the Court Affidavits. They are not listening to me and they don't care about what I have to say. They don't treat me with respect or even that I am a human.

How can I ever get out of this mess that my mother has helped to create and maintains it for her own personal gain? How can I ever make the Department listen to me and that what I am saying is the truth? How can I ever get the police to help me when they ignore my ex-partner's behaviour when he breaks the DVO? When will I ever be allowed to live my life and be with my children again?

APPENDIX E

Support Worker's Case Study:

Case context

Beverley is aged in her early 50's, she has a tertiary education and has been employed in numerous human resource positions and is presently director of her own training services. Her little grandson Ben now lives with her. Beverley's daughter is not able to take care of her son due to mental health issues.

Case details

Approximately 6.5 years ago the police arrived at Beverley's daughter's home due to domestic violence. The police made a notification to the Department and Ben was placed into foster care. At the time Beverley was not aware that any of this had occurred as she had lost touch with her daughter for a little while. Ben suffered the effects of drug abuse caused during in gestation.

When Beverley heard of her grandson's plight she attempted to make contact with Department. She made arrangements to travel from afar to attend meetings with the Department, only to be told on her arrival that they had been cancelled. After spending thousands of dollars on legal representation, Beverley was allowed to be Ben's kinship carer aged 18 months. In order to do this Beverley had to live in an Australian state that was not considered as remote.

Upon having Ben into her care Beverley noted that he was not able to walk properly and that he swayed from side to side. After taking him to an Ear Notice and Throat specialist, Ben was identified as needing grommets in his ears. **This problem went undetected whilst Ben was with the foster carers.**

When Ben was 3.5 years old, Beverley suffered a heart attack. As a result, her grandson was put into foster care. Gradually Beverley recuperated from her heart attack and valiantly tried to keep in touch with her grandson. She asked that she be allowed to see her grandson for 2 hours every Friday and a sleep over once every three weeks, which happened for a time.

The foster carers were known to Beverley having had previous work relations. For a while the pick up and drop off point for Beverley was at the foster carer's home, but this changed to a public place. This was the beginning of the dictatorial terms in which the foster carers operated thereafter. The pick up and drop off points greatly affected the time Beverley and Ben spent together in that the 1 ¼ hours was mainly taken up by travelling to and from the pick up points. **The foster carers' dictatorship** included when they asked Beverley **to have Ben, bathed and fed before he went back to them,** and when the **foster carer** stated she spoke to the **school teacher** and that they **made a decision that Beverley could not have Ben on Fridays. The foster carers took delight in gloating and upsetting Beverley** further by recounting what a wonderful time they had had at school, particularly "Mother's

Day” or “Grandparent’s Day” to which Beverley was never invited. Beverley texted the foster carers to find out about Ben’s welfare when a cyclone hit the region and did not receive a response until three days later. **This was supported by the Team Leader and the CSO.**

The foster carers moved house many times throughout Ben’s placement which caused him more distress. The foster carers took significant breaks and placed Ben in alternative care with other respite carers sometimes without the Department’s knowledge. At these times Beverley was told that Ben was too ill or that his behaviour had been too bad and that she could not see him. After one of these times, Beverley happened to be on the road and noted that the foster carers were out and about with Ben. She later found out that they had been on another break and had left Ben with the respite carers again. Upon viewing **Ben’s school report card it was noted that he only had 3 sick days, yet the times that she was not allowed to see him or have contact with him were much more than that.**

.At the end of each visit with her grandson, Beverley noted that Ben made many excuses in order for him to stay, and often asked her did he have to go back to the foster carers. He also relayed to Beverley some of the nasty things that the foster carers had said about Beverley to which she did not reply. The foster carers reported any discussions which they thought they understood from Ben when he visited with Beverley to the Department. One instance was leading to a sexual nature, which definitely was not, but interpreted by the foster carers for their benefit. Beverley noted the **foster carers’ behaviour** when she took Ben back to their home or pick up point, especially when she had not abided by their wishes and bathed Ben. At these times **they displayed much anger in front of Ben and told him to get in the car. When they arrived home, Ben later told Beverley that he would be chastised further and sent to his room.** The foster carers also took delight in spoiling the surprise of Beverley buying Ben a bike for his birthday by telling him beforehand.

In order that Ben would know who his family members were, Beverley organized to have pictures given to him. At this the foster cares told Beverley that she was not to do this because the paediatrician had stated this. When Beverley checked with the CSO she found out that this was incorrect information.

The foster carers complained to the Department that after each contact visit with Beverley, Ben displayed disruptive behaviour. **The Team leader decided to terminate the visits between Beverley and Ben. Beverley rang the Department on many occasions and left messages which were never returned.** Beverley never received correspondence from the Department because they were sent to the wrong address.

Eventually she met with Team Leader and raised issues such as the number of times that Ben was sent to stay with someone who had performed domestic violence and other respite carers. Beverley also stated her concerns about the continuous excuses on why she could not see her grandson and why her visitation rights had been ceased. Beverley stated her intention of applying for application for long term support and the Team Leader said that such an application would not be considered, but that an application for respite care would be. Beverley made an application as a respite carer

but was not processed by the Department. Nearing expiry date Beverley applied again for respite carer on line.

Eventually she contacted FIN and with their assistance went to a family meeting. At one of these meetings there were 14 people at that table, including the foster carers, Life without Barriers, Department's team leader and CSO's and workers from Evolve. If it was not for FIN Beverley would have been unrepresented and unsupported at this meeting. Beverley discovered at this meeting that Ben was being given medication for sedation. She also heard the foster carers talk about the possibility of adoption, which Beverley had never agreed to. At this meeting it was decided that Beverley would resume her visitation with Ben on that Friday. Two hours before the scheduled meeting time, the foster carers cancelled sighting that they did not feel comfortable about this.

At this Beverley had a phone link up with Regional Director to find out what was happening and why. After this meeting, the foster carers deemed that Ben's placement with them had broken down and he was put into alternative care. It is alleged that Ben trashed his room at the foster carer's home, became very upset, swore and self inflicted some injuries onto himself. The police, ambulance and LWB worker were called to escort the child from the house. From November 2011 until February 2012 Ben lived in 7 placements.

Eventually Beverley was given kinship care of **Ben**. **The first thing he said to her when he saw her was "I missed you nanny."** Today Ben lives with his grandmother and has made huge improvements whilst in her care. Beverley has been on the receiving end of Ben's after foster care experience which has at times been very trying and difficult to endure. Beverley receives some respite care for Ben and other support.

Key Issues

Although Beverley succumbed to ill health, **it was never her intention to relinquish her contact and visiting time with her grandson to the foster carers or the Department.** Beverley applied to be a respite carer and her application was ignored by the Department. It was after she made a second application for respite carer on line, that the foster carers became more agitated.

The fact that the **foster carers had so much control over Beverley's visiting rights** is concerning. It was discovered that the reason that this was allowed **was because of the foster carers' and Team leader's private relationship.** Hence the Team Leader kept the foster carer's well informed of all of the updates concerning Ben, but failed to support Beverley and her access rights as stated in The Child Protection Act 1999.

Concerns Identified:

The mental abuse that Ben received at the hands of the foster carers was never monitored by the Department. As a child with special needs he was not given the support that was needed to assist him to cope in his daily life. Ben was able to recite every conceivable swear word known to man whilst in the carers' home. The reason

being, that the foster carers chastised him by sending him to his room, swearing directly to him and also Ben witnessing domestic violence between the carers.

The foster carers did not have the appropriate training to take care of a child such as Ben. The Department initially ordered that Ben would need the full attention of both carers and not have other children put in the same house. This later changed and two more children were added to the household. This agitated Ben more because he could not cope with having to share his toys with these new children. Ben was told that these two children were his new brother and sister. This confused Ben more as he could not understand how they could be his siblings when they were not non-indigenous.

Systemic Issues Identified:

There was no adequate support and advocacy for Beverley navigating the child protection system and the children's court.

There was a disconnect between the Department of Child Safety and Beverley in that letters sent by the Department were undelivered/lost and that Beverley's phone calls and emails were never returned.

That Beverley as a very close and significant member of Ben's family, someone he obviously loves and has knowledge for most of his life was not treated with respect by the Department and the foster carers.

That the Department failed to investigate the real reason Ben was upset after every visit with Beverley and that it had nothing to do with Beverley but with the foster carer's behaviour and also the other two children in care, but that they perceived that Beverley was the problem.

That the Department failed to investigate the foster carer's and the real reasons for the failure to honour Beverley's visitation rights.

That the Department failed to monitor the power and control of the Team Leader involved who favoured foster carers requests and not the grandmother.

That the obvious monitoring, reporting and control of the Regional Director was not evident in this case.

Support worker's reflections

How improved outcomes could have been achieved for Beverley and Ben?

How different professional or systemic responses may have led to improved outcomes in this case. Were these issues a result of legislation or systemic issues such as program design or service delivery or was an individual practitioner operating outside the bounds of acceptable practice?

The legislative issues in this case, are that The Child Protection Act 1999, states law and procedures in some areas in brief terms, but not in detail. This allows CSO's the

right to interpret the law at their leisure and make decisions based on their interpretations of this law, not necessarily as stated in the Act. **This indicates a real problem especially when CSO's and Team Leaders are not trained in the legal field.** The Child Protection Act 1999 fails to include the course that will be taken when a Departmental officer fails to abide by such legislation. For example, **where does it state in this Act that a Team Leader can protect the interests of the foster carer over that of the parents/grandparents? Who is the regional director accountable to when they fail to monitor and supervise their staff?** A clause inserted explaining the process and procedures undertaken of failures such as these may assist CSO's, Team Leaders and Regional Directors in working more ethically and just to all parties involved. This case proves that many systemic issues were at play here, namely, the Team Leaders power and control over the case and the crossing of her professional and personal boundaries.

The failed service delivery included the Team Leader and CSO's failure to report and contact Beverley when she rang, emailed or sent those letters. This caused much emotional harm and abuse to Beverley and Ben. Appropriate monitoring and inclusion in the decision making process would have allowed Ben and Beverley the right to be heard, their wishes adhered to and an earlier reunification.

The old adage of "one size fits all" can be seen at work again in this instance. The investigation process was not adequate to suit Ben and Beverley's needs. The lack of such investigation may mean that Departmental workers are failing to do their work properly or working so that their interests, that is covering themselves, comes first and foremost before any child, parent, grandparent or significant others.

Beverley's perceptions/reflections

ALL I WANT

**To love and be loved is all I want
To know I'm ok and to enjoy my day is all I want
To have family, cuddles and kisses is all I want
To know who I am where I am from is all I want
To be normal is all I want
To enjoy the freedom of life is all I want
To say, this is my mum is all I want
To talk to who I want to talk to is all I want
To be a kid and not a number is all I want**

**All I want is my grandson to experience the joy of family
All I want is for him to be able to say what he wants
All I want is for him to be happy
All I want is for this system to support**

**What we don't want is history repeating itself.
All I ever wanted was to know where am I from.**

RECOMMENDED READINGS

Ainsworth, F., & Hansen, P. (2006). **Five tumultuous years in Australian child protection: little progress.** *Child and Family Social Work.* 11 (1), pp 33-41.

Alaggia, R., Jenney, A., Mazzuca, J. & Redmond, M. (2007). **In Whose Best Interest?** A Canadian Case Study of the Impace of Child Welfare Policies in Cases of Domestic Violence. *Brief Treatment and Crisis Intervention.* 7(4), pp 275-290.

Alpert, L.T. (2005). Research Review: Parents' service experience – a missing element in research on foster care case outcomes. *Child and Family Social Work.* 10(4), pp 361-366.

Alpert, L.T. (2005). Social Workers' Attitudes Toward Parents of Children in Child Protective Services Evaluation of a Family-Focused Casework Training Program. *Journal of Family Social Work.* 9(1), pp 33-64

Arad-Davidson, B., Peled, E., & Leichtentritt, R. (2008). Representations of fathers and mothers in court petitions for dependent minor stats for children at risk. *Child and Youth Services Review.* 30 (8), pp 893-902.

Balen, R. & Masson, H. (2008). The Victoria Climbié' case: social work education for practice in children and families' work before and since. *Child and Family Social Work.* 13(2), pp 121-132.

Barratt, S. (2012). Incorporating multi-family days into parenting, assessments: the Writtle Wick Model. *Child and Family Social Work 2012.* 17, pp 222-232.

Barton, A., & Welbourne, P. (2005). Context and its significance in identifying '**what works**' in child protection. *Child Abuse Review.* 14(3), pp 177-194.

Benbenishty, R., Osmo, R., & Gold, N. (2003). Rationales Provided for Risk Assessments and for Recommended Interventions in Child Protection: A Comparison between Canadian and Israeli Professionals. *British Journal of Social Work,* 33(2), 137-155.

Bennett, D., & Sadrehashemi, L. (2008). **Broken Promises: Parents Speak about B.C's Child Welfare System.** Vancouver: Pivot Legal Society.

Berridge, D. (2007). Theory and explanation in child welfare: education and looked-after children. *Child & Family Social Work,* 12(1), 1-10.

Beyer, M. (2008). Visit Coaching: **Building on Family Strengths** to Meet Children's Needs. *Juvenile and Family Court Journal,* 59(1), 47-60.

Boylan, J., & Ing, P. (2005). '**Seen but not heard**' - young people's experience of advocacy. *Journal of Social Welfare,* 14(1), 2-12.

Bromfield, L., & Arney, F. (2008). Developing a road map for research: Identifying the priorities for a national child protection research agenda. *Child Abuse Prevention Issues*, 28, 1-14.

Bromfield, L., & Arney, F. (2008). Developing a road map for research: Identifying the priorities for a national child protection research agenda. *Child Abuse Prevention Issues*, 28, 1-14.

Bundy-Fazioli, K., Briar-Lawson, K., & Hardiman, E. R. (2008). A Qualitative Examination of Power between Child Welfare Workers and Parents. *British Journal of Social Work*, 1-18

Burgheim, T. (2005). **The Grief of Families Whose Children Have Been Removed:** Implications for Workers in Out-of-home Care. *Developing Practice: The Child, Youth and Family Work Journal*(13), 57-61.

Cleaver, H., & Walker, S. (2004). From policy to practice: The implementation of a new framework for social work assessments of children and families. *Child and Family Social Work*, 9, 81-90.

Coady, N., & de Boer, C. (2003). *Good Helping Relationships in Child Welfare: Co-authored stories of success*. Waterloo, Ontario: Wilfrid Laurier University.

Connolly, M. (2006). Up Front and Personal: Confronting Dynamics in the Family Group Conference. *Family Process*, 45(3), 345-357.

DePanfilis, D., & Girvin, H. (2005). Investigating child maltreatment in out-of-home care: Barriers to effective decision-making *Children and Youth Services Review*, 27(4), 353-374.

Doyle, J. J., Jr. (2007). Child Protection and Child Outcomes: Measuring the Effects of Foster Care. *The American Economic Review*, 97(5), 1583-1610.

Dumbrill, G. C. (2006). **Parental experience of child protection intervention:** A qualitative study. *Child Abuse & Neglect*, 30(1), 27-37.

Farrell, A.F., Luhan, M.L., Britner, P.A., Randall, K.G. & Goodrich, S.A. (2012). ‘I am part of every decision’: client perceptions of engagement within a supportive housing child welfare programme. *Child and Family Social Work 2012*. 17, pp 254-264.

Featherstone, B. & Fraser, C. (2012). I’m just a mother. I’m nothing special, they’re all professionals’: parental advocacy as an aid to parental engagement. *Child and Family Social Work 2012*. 17, pp 244-253

FIN (Family Inclusion Network) (2007). Supporting Families, Stronger Futures: Ensuring the Safety and Wellbeing of Children and Young People in the Queensland Child Protection System: Report to the Queensland Department of Child Safety: Brisbane Family Inclusion Network. **Attached with submission**

Fine, M., & Mandell, D. (2003). *Family talk: Parents and children involved with the child welfare and children's mental health systems*. Waterloo, Ontario: Lyle S. Hallman Faculty of Social Work, Wilfrid Laurier University.

Forrester, D., Kershaw, S., Moss, H., & Hughes, L. (2008). **Communication skills** in child protection: how do social workers talk to parents? *Child & Family Social Work*, 13(1), 41-51

Forrester, D., Westlate, D. & Glynn, G. (2012). Parental resistance and social worker skills. Towards a theory of **motivational social work**. *Child and Family Social Work 2012*. 17, pp 118-129

Freymond, N. (2003). *Mothers' everyday realities and child placement experiences*. Waterloo, Ontario: Lyle S. Hallman Faculty of Social Work, Wilfrid Laurier University.

Freymond, N. C. (2007). *Mothers of children placed in out-of-home care: Everyday realities and child placement experiences*. Unpublished Ph.D., Wilfrid Laurier University (Canada), Canada.

Gibbs, J.A. (2001). Maintaining front-line workers in child protection: a case for **refocusing supervision**. *Child Abuse Review*. 10(5), pp 323-335.

Gilbert, R., Kemp, A., Thorburn, J., Sidebothan, P., Radford, L., Glaser, D & MacMillan, H.L. (2008). Child Maltreatment 2: Recognising and responding to child maltreatment. www.thelancet.com **Attached with submission**

Gillingham, P. (2006). Risk Assessment in Child Protection: Problem Rather than Solution? *Australian Social Work*, 59(1) 86-98

Gruber, K. J., & Fleetwood, T. W. (2004). In-home continuing care services for substance use affected families. *Substance Use & Misuse*, 39(9), 1379-1403.

Guerts, E.M.W., Boddy, J. Noom, M.J. & Knorth, E.J. (2012). Family-centred residential care: the new reality? *Child and Family Social Work*, 2012, 17, pp 170-179.

Harris, N. (2012). Assessment: when does it help and when does it hinder? Parents' experiences of the assessment process. *Child and Family Social Work*. 17, pp 180-191

Hession, G. A. (2008). Whose Children Are They, Anyway? *The New American*, 24(13), 21-24.

Huebner, M., Werner, M., Hartwig, S., White, S., & Shewa, D. (2008). Engaging fathers: needs and satisfaction in child protective services. *Administration in Social Work*, 32(2), 87-103.

Jkimbrough-Melton, R., & Campbell, D. (2008). Strong Communities for Children: A **Community-wide Approach** to Prevention of Child Abuse and Neglect. *Family and Community Health*, 31(2), 100-112

Johnson, S. P., & Sullivan, C. M. (2008). How Child Protection Workers Support or Further Victimize Battered Mothers. *Affilia*, 23(3), 242-258.

Kojan, B.H. & Lonne, B. (2012). A comparison of systems and outcomes for safeguarding children in Australia and Norway. *Child and Family Social Work*. 17, pp 96-107. **Attached with submission**

Kroll, B. (2007). A family affair? Kinship care and parental substance misuse: some dilemmas explored. *Child & Family Social Work*, 12(1), 84-93.

Kufeldt, K., Simard, M., Thomas, P., & Vachon, J. (2005). A grass roots approach to influencing child welfare policy. *Child & Family Social Work*, 10(4), 305-314.

Lau, A., Litrownik, A., Newton, R. R., & Landsverk, J. (2003). Going home: the complex effects of reunification on internalizing problems among children in foster care. *Journal of Abnormal Child Psychology*, 31(4), 345-358.

Lightfoot, E. B., & LaLiberte, T. L. (2006). Approaches to child protection case management for cases involving people with disabilities. *Child Abuse & Neglect*, 30(4), 381-391.

Lonne, B., Parton, N., Thomson, J., & Harries, M. (2008). *Reforming Child Protection*: Routledge.

McDaniel, M. K. (2003). *Attracting the attention of child protective services: The added risk of major life events for low-income families*. Unpublished Ph.D Northwestern University, Illinois.

Mederos, F., & Woldegiorgis, I. (2003). **Beyond cultural competence**: What child protection managers need to know and do. *Child Welfare*, 82(2), 125-142.

Melton, G. B. (2005). Mandated reporting: A policy without reason. *Child Abuse & Neglect*, 29(1), 9-18

Moore, T., & McArthur, M. (2007). **We're all in it together**: supporting young carers and their families in Australia. *Health & Social Care in the Community*, 15(6), 561-568.

Moran, P., Jacobs, C., Bunn, A., & Bifulco, A. (2007). Multi-agency working: implications for an **early-intervention** social work team. *Child & Family Social Work*, 12(2), 143-151.

Munro, E. (2004). A simpler way to understand the results of risk assessment instruments. *Children and Youth Services Review*, 26(9), 873-883.

Nathanson, D., & Tzioumi, D. (2007). **Health needs of Australian children** living in out-of-home care. *Journal of Paediatrics and Child Health*, 43(10), 695-699.

Neff, R. (2004). **Achieving justice in child protection.** *Journal of Sociology and Social Welfare*, 31(1), 137-154.

Nesmith, A. (2006). Predictors of Running Away from Family Foster Care: *Child Welfare*. May/June 2006. 85:3. pp 585-609.

O'Brien, M. J. (2005). *Exploring and comparing client perception of need and social worker perception of risk: A key to improved intervention in cases of child neglect.* Unpublished Ph.D., McGill University (Canada), Canada.

O'Donnell, M., Scott, D., & Stanley, F. (2008). Child abuse and neglect--is it time for a public health approach? *Australian and New Zealand Journal of Public Health*, 32(4), 325-330.

Palmer, S., Maiter, S., & Manji, S. (2006). Effective intervention in child protective services: **Learning from parents** *Child and Youth Services Review*, 28(7), 812-824.

Parton, N. & Mathews, R. (2001). New Directions in child protection and family support in Western Australia: a policy initiative to re-focus child welfare practice. *Child and Family Social Work*. 6, pp 97-113

Platt, D. (2012). Understanding parental engagement with child welfare services: **an integrated model.** *Child and Family Social Work* 17, pp 138-148.

Sawyer, M., Carbone, J., Searles, A., & Robinson, P. (2007). The mental health and wellbeing of children and adolescents in home-based foster care. *MJA*, 186, 181-184.

Scott, D. (2006). *Sowing the Seeds of Innovation in Child Protection.* Paper presented at the 10th Australasian Child Abuse and Neglect Conference, Wellington, New Zealand.

Stanley, N., Miller, P. & Foster, H.R. (2012). Engaging with children's and parents' perspectives on domestic violence. *Child and Family Social Work*, 17, pp 192-201.

Tarleton, B. & Porter, S. (2012). Crossing no man's land: a specialist support service for parents with learning disabilities. *Child and Family Social Work*, 17, pp 233-243.

Turney, D. (2012). **A relationship-based approach** to engaging involuntary clients: the contribution of recognition theory. *Child and Family Social Work* 17, pp 149-159.

Shemmings, D., Shemmings, Y. & Cook, A. (2012). Gaining the trust of 'highly resistant' families: insights from **attachment theory** and research. *Child and Family Social Work*. 17, pp 130-137.

