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SUBMISSION to the Queensland Protection Commission of Inquiry about addressing issues of adequacy and effectiveness of the child protection system.

From an individual, Glenys Owen

Subject of submission: Desire for greater emphasis to be placed on guardianship (with amended terms of guardianship) to enable significant numbers of out-of-home children to transition out of temporary, multiple foster care placements and into families offering the child permanent guardianship

The conclusion of the Queensland Child Protection Commission of Inquiry: options for reform dated October 2012, identifies at page 30 that “some aspects of child protection systems that have been trialled or which are in place in countries like Sweden, the UK and the US, can provide useful commentary on what might be wrong with our system, or what might potentially be worth considering for implementation in Queensland”.

It is of concern to me that it appears the New Zealand system of guardianship has not even been considered as an option in the Report, despite the cultural and governance similarities between Australia and New Zealand, and the fact that indigenous children in New Zealand are also over-represented in the statistics for children living in out-of-home care.

Permanency for children is important. The New Zealand guardianship system requires a child to be assessed as soon as they come in to care for suitability of being returned to the birth family. If it is determined that the child will not be able to be safely returned to the birth family’s immediate or extended family (a vital determination which I am not certain is even done in Queensland child services), then within six months of coming into care the child has to be in a long-term placement, and often this is through guardianship.

The NZ process for guardianship is an advertisement placed in the newspaper advertising for a family to raise a child. Applicants are interviewed, shortlisted and then scrutinised, and then a family selected to have the child placed in their care. There is a provisional period whereby social workers assess the suitability of the placement and the bonding between the child and the family, and during which time the family receives an allowance, as a foster family would. Arrange contact with the birth family is also established during this time. The allowance (similar to foster carer payments) stops once the guardianship orders are finalised. Once the social workers and the family and the child are all happy with the placement, guardianship orders are applied for and the Court gives custody of the

child to the guardians, along with the Director-General of Social Welfare. One of the orders states that the guardians' legal costs will be paid by the government should the birth family make a claim to have the child returned to them. This is to give security to both the child and the guardian family as this is a permanent arrangement. At the time guardianship is confirmed by the Court, the social workers and Children & Young Persons' Services exit from the situation. It is up to the guardians to continue contact with the birth families and arrange access as appropriate. CYPS is not involved, and does not do annual checks on the placement like in Queensland. It is assumed that as guardianship has been well vetted and endorsed by the Court that the parents are appropriate to be given the responsibility to raise the child within the family as they would their own children. This also releases CYPS from the burden of continued monitoring and the on-going cost of monitoring to the tax payers.

I know of a number of such guardianship arrangements in New Zealand, and the children still have some contact with the birth families, but it is at the discretion of the guardian family and Child Services are not involved at all in such arrangements or ongoing contact with the child.

My daughter came to me through guardianship in NZ, and she is now 15 and lives with me in Queensland, a dual citizen of Australia and New Zealand, and maintains regular contact with her birth family in New Zealand and visits them once a year. We have had no involvement of CYPS since guardianship was confirmed when my daughter was aged 2yrs.

I have personally seen the destructive nature of foster care on girls while I lived in Hawaii during the 1980s. I became "big sister" to two girls, and assisted each of them to transition out of foster care homes into more appropriate homes. I was appalled at the foster care situations they had been living in. It was my first experience of foster carers running businesses like puppy farm breeding, where the focus was on making money from children rather than providing them a nurturing home to live in so they could be safe and grow into healthy and happy young adults. I stayed involved with one of the girls until she went to the mainland the year later as an emancipated minor, and the other I am still in touch with and proud of her and her four children.

I have also witnessed foster carers in New Zealand and Queensland who concerned me as their attitude indicated their focus was on the money the children generated rather than the quality lifestyle they could give the children in their home. They could count how many children had lived with them, but so many placements disturbed me as there seemed no permanence for the majority of the children who had passed through their houses.

Where the focus is on payment for providing shelter for a child, there will be a risk that the child will suffer for monetary gain.

The calibre and intention of people applying for guardianship is very different from foster carers. Guardianship removes the incentive of generating money from housing children.

I do not support foster-carers being guardians at the same time. A Guardian family accepts the child as their own and provides love & support, education and out-school activities, and attends to health concerns for the child as a parent is expected to do. Under such circumstances, routine and at least annual vigilance by government child services workers is unwarranted, and in fact would be an intrusion on the family dynamic, as well as an expense to the tax payers of the state. If the family has been approved by the Court, after intensive scrutiny, the family should be able to get on with the job of raising a child in their family.

A new emphasis on Guardianship within Queensland child protection laws will enable children in out-of-home to experience permanence which the current 2-year placement order denies them. Guardianship gives children a chance to experience stability in a decent long-term family home and to have the best chance of developing into well adjusted young adults.

In a paper, *Health of Children in "out-of-home" care – paediatric policy*, by the Royal Australasian College of Physicians, (2006), Introduction, states that "children and young people in 'out-of-home' care have been recognised globally as a highly vulnerable group of children with increased physical, mental and social health needs, and with associated limited access to resources" (p10).

Children entering foster care may have health issues, however, there is evidence that these children have on-going unmet health needs, such as missed immunisations and inadequate dental care, and development disabilities and chronic medical conditions. This "deficit is particularly marked in those [children] who have experienced multiple placements and presumably lack of continuity of health care" (RACP, *Health of Children in "out-of-home" care – paediatric policy*, 2006, p.15).

Permanent placement with one family long-term will prevent the exacerbation of children's health issues as outlined above. The same RACP study identifies the high prevalence of psychological and mental health problems of children in foster care, and the multiple causes including environmental, social, biological and psychological risk factors (p. 16). The stress of re-unification with the natural parents, or even visits with the natural parents, can further destabilise a child. The RACP report identifies the high incidence of children in foster care reporting suicidal ideation, and even homicidal ideation, and there is an over-representation in the juvenile justice system and prisons of people who had been in care before the age of 16 years.

The RACP Report notes that adult longitudinal studies identify that those who have been in care during childhood have significantly higher mental health, educational and vocational problems than the general population (p. 17).

As the RACP Reports states “there is a clear need for evidence based services and interventions to enhance children and young peoples mental wellbeing.

Children have a right to experience permanency in their life - and stability, safety, love and the opportunity to enjoy the freedom of being a child in a family unit – which are things that foster-carers cannot deliver with the current placement orders that require the social workers to remove and re-home children.

I believe that the current “revolving door” policies of short-term and multiple foster-home placements generates unwell children who become disenfranchised, insecure, unloved, and disassociated adults.

The Practice Resource – Long-term guardianship – assessment factors – discusses options for foster carers to continue to provide for other foster-placement children in their care as well as being a long-term guardian to a child. I do not currently see the opportunity for families outside of the foster-carer pool to become guardians, unless it is for a child from the extended family. I believe a focus on gaining guardians from outside of the foster-carer pool will provide families with greater diversity of experiences and circumstances into which a child can be successfully places. I do not agree with ongoing involvement of Child Safety Services, even if just for a yearly contact with the child.

Some children in our-of-home care will have a greater predisposition for mental illness inherited from parents, and that could have been the reason the children had to be placed in care. Children may also have foetal alcohol issues, or unavoidable disabilities from birth. I firmly believe that if a family is prepared to take a child in and rear the child as their own (even with ongoing contact with birth family and maintaining connections with their culture) then that child is going to be loved and nurtured and supported through whatever their circumstances are, and ensure there is the best opportunity for early intervention should health situations arise. This is much better for a child than if the child had been sequentially placed in various foster carer homes for unknown periods and removed because of 2 year orders or at the desire of the Child Services staff.

The humanitarian immediate and long-term needs of children required to live in out-of-home care, must be paramount. What is best for the child? Current statistics show that the revolving door nature of foster care is not working for the benefit of the children in care.

Please, consider a fresh way of caring for our children who will become our future adults. Help them have as good and secure a childhood as possible to set them up with the best chance of being well-adjusted adults who contribute to the continued success of Australia.

Please introduce guardianship to the Queensland child protection services tool kit, not just for disabled children, but for any child who cannot be safely reunified permanently with their birth family within six months of coming in to care. With greater opportunity for guardianship, children will hopefully be able to transition from foster care to other families who offer guardianship, there will be less long-term foster carer expenses, and that will mean more money which could be directed to budgetary programs to enable child services workers to focus on developing effective programs to assist the at-risk children in foster care.

Glenys Owen

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