

# **QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY**

## **DISCUSSION PAPER**

Submission by Office of the Adult Guardian Queensland

### **INTRODUCTION**

The Office of the Adult Guardian Queensland is established as part of the comprehensive system established to provide services to those Queensland Adults for who assisted and substituted decision making is required.

As such, the Office's experiences with children the subject of the Commission's Inquiry is generally limited to two broad areas:

- The provision of Guardianship Services to persons achieving adult status at law i.e. turning 18 years of age where such persons have been intellectually disabled children usually under the care and protection of their parents, or the care and protection of the Department of Communities, Child Safety and Disability Services ("Child Protection Services");
- Representing Adults under Guardianship who are the parents of children who become the subject of care and protection applications or other action from Child Protection Services.

Considerable difficulty is experienced by OAG, from time to time, in effectively interacting with existing Child Protection Services particularly as it is the role of OAG to act to protect the human rights of the usually intellectually disabled adult for who the office is appointed as guardian. This role often conflicts with the child focussed role of the Child Protection Services which tends to ignore the rights of the parent and fails to adequately ensure that assistance is provided to the parent in order to maintain the best child/ parent relationship that can be devised in the circumstances.

### **GENERAL PRINCIPLES OF GUARDIANSHIP**

Before commenting on the specific issues identified above, the OAG would wish to make some general observations about the fundamental principles that should be applied as a matter of good public administration in relation to the specific situation that arises when it is proposed by society or government agencies to intervene in the fundamental relationship between a child and its parents.

The Queensland Child Protection System is based on a close relationship between the Department of Communities, Child Safety and Disability Services, the Commission for Children and Young People and Child Guardian and the Children's Court. The problem with this close relationship is that it often creates in the mind of person's who come in contact with these various organizations the impression that collectively they constitute "The System" and that if you fall foul of the system your interests will not receive appropriate and independent consideration.

This impression, whether reality or not, is exacerbated by the difficulty that the community and media has in observing the actions of the system through the strict provisions that limit the capacity to report on what happens in individual cases. These restrictions, often justified on the basis of preventing identification in order to prevent stigmatization, re-enforces the image of a closed, unaccountable system for dealing with child protection issues particularly where the fundamental principle of a child being in the guardianship of its parents is proposed to be interfered with.

It is the experience of the OAG that if a decision is to be made on a question surrounding guardianship of anyone, and in particular a child, such interference, except in the direst case of immediate physical harm to the child, should only occur after consideration by an arms length body possessing impartial expertise where all parties likely to be affected by the decision have an adequate opportunity to participate in the process that is taking place.

Fundamental to any system that would contemplate the authorisation of intervention in the fundamental relationship between a parent and a child is the concept of an independent check and balance approach. This is not demonstrated by the current Queensland system where the Department that develops policy for child protection is the employer of those whose task it is to provide such protection, is the funder of community and other organizations that provide services needed for child protection, acts as the legal guardian of children in certain circumstances and works closely with other apparently independent bodies such as the Children's Court and the Commission for Children who are suggested to possess oversight responsibilities over the whole process of child protection.

### **SUGGESTIONS AS TO GUARDIANSHIP OF CHILDREN**

The OAG would therefore suggest that the Commission needs to give consideration to the adoption of at least the following fundamental principles that would be applied where any question as to interference with the fundamental guardianship right of a parent over a child is to be interfered with, limited or replaced:

- The fundamental principle that a child is presumed to come within the guardianship of its parents should be enacted statutorily.
- Any decision to interfere with or limit this fundamental position should only be made, except in dire emergency circumstances that must be retrospectively approved within 3 days, by an independent tribunal comprised of representatives of the community and persons with special training and skills in relation to children. There must be a positive finding of potential harm by the tribunal before any interference with parental rights is approved.
- The Children's Court should be strictly limited to considering only matters of the inter-relationship between children and the criminal justice system. Decisions as to issues of guardianship, etc should be dealt with by way of tribunal not a court option.
- In all proceedings before the Tribunal separate representation should be automatically provided for both the parents and the child in order to ensure

that any decision that is made takes into account the interests of all parties likely to be affected by the decision.

- The Tribunal should not be bound by the rules of evidence and should operate in an informal way. The Queensland Civil and Administrative Tribunal (“QCAT”) provides an appropriate model for the Tribunal’s procedures.
- Where it is proposed that the Tribunal modify the fundamental principle of the guardianship of parents for a child, then the Tribunal must award guardianship, subject to any limitations that the Tribunal might determine to impose, to the following persons in descending order: - siblings, family and kinship relations, community minded individual with a personal relationship with the child and/or parents, members of the child/parents social network, etc.
- A statutory guardian should only be appointed where there is no, more suitable person available.
- A statutory guardian must be totally separated [legally, financially, etc] from all elements of the child protection system. This includes the department and any Child Protection Service. This will enable the statutory guardian to act always in the interest of the child alone and not be subject to any departmental policy, resource or financial pressures.

The Tribunal must review each decision to limit or remove the guardianship of a child from its parents no later than each 2 years after such decision. Unless the Tribunal can find that the maintenance of a relationship between a child and its parents poses a real physical danger to a child, no guardianship order should be made by the Tribunal for a period longer than 2 years. Guardianship orders that run till a child attains the age of 18 years should be forbidden by law. It should be noted that maximum period of Guardianship for which the Adult Guardian will be appointed by QCAT is 5 years before a review will be necessary. A long term guardianship order for a child would ostensibly extinguish the child/parent relationship and so should be avoided in all but the most exceptional circumstances.

- It should be a statutory objective that where a guardianship order is made by the Tribunal, a separate program to re-establish appropriate relationships between the child and the parents should be ordered and supervised by the Tribunal.

No doubt a model incorporating principles along these lines would need further development and refinement. Such a system, for example, would need to be fully open and accountable, would need to be subject to administrative and judicial oversight, would ideally exist in circumstances where the fundamental conflict that arises where policy development and funding by Government intersects with service delivery by another arm of government can be avoided. At present the existing Queensland Child Protection System suffers from criticism along these lines.

Even though the existing system for considering Guardianship issues in relation to adults in Queensland does suffer from criticisms as to complexity, costs, etc it does

offer a model that does enable conflicting interests to be balanced and objectively considered in an open and accountable manner. The principles behind such system can, with little modification, be adjusted to address the specific issues that arise when issues such as the guardianship of children need to be addressed by society.

### **COMMENTS ON ISSUES IN DISCUSSION PAPER**

Many of the issues raised in the Discussion Paper are outside the experience/expertise of the OAG. Whilst certain policy views can be expressed they would be of no greater weight than those of any community member. Accordingly, general matters of policy are left to the commission to consider and determine.

However the following observations are drawn to the attention of the commission:

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It is the experience of OAG that the structured decision making tools utilised by the Child Protection Services fail to pay adequate attention to the particular circumstances of clients of the OAG. There seems to be a general view under such tools that any parent with a disability [particularly an intellectual disability] is ipso facto unfit and unable to parent.

By way of reference, it is a standard line in applications by Child Protection Services to include in their application that a client subject to a guardianship order cannot make decisions, therefore, cannot make decisions with regards to their child. An extract has been included that removes personal reference to the client:

“...[the client] has an intellectual impairment and is unable to make decisions on her own, therefore has an Adult Guardian appointed to [them]. Order provided by the Adult Guardian indicates that they are responsible for making all decisions for [the client] relating to accommodation, who [the client] has contact with and/or visits, health care, provision of service, what education or training [the client] undertakes and all [the client’s] legal matters. This indicates [the client] is unable to make decisions on [their] own and requires help and support in relation to [the client’s] own daily care needs, therefore indicating that [the client] is not able to make decision in relation to the subject child..”

This approach ignores the fact that capacity is a very variable concept, that people may lack adequate capacity for some purposes but not others, that the role of a social service agency should be to maximise the capacity of a parent to fulfil the parenting role with their child not to break the parent/child bond because the parent does not fit within a predetermined criteria which does not address issues of capacity and the lack thereof. Structured decision making, in the view of OAG, fails to give adequate consideration to the emotional and psychological bonds that exist between any child and its parents.

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Scan teams, in the experience of OAG, possess significant conflicts of interest arising from the respective roles of members who represent the Communities Department and Health Department interests. OAG experience is that rather than seeking to build relations between a parent with a disability and their child, Scan teams approach issues from the point of view of establishing why the parental relationship should not be maintained. There is often a suspicion that decisions are made on the least expensive option—often it is easier to remove a child than to work with the parent(s) to create a relationship that will enable the parent to bond with and support their child.

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The figures produced by the Department of Communities into investigations relating to children that were unsubstantiated do raise concerns. What happens to the child during such investigations? If the child is removed from the parents during the investigation what effect has the removal had on the parent/child relationship? Where the parent is intellectually challenged, the re-establishment of an appropriate parent/child relationship can prove to be difficult to achieve if there is a severing of the parent/child relationship by the authorities at an early stage.

## QUESTION 6

It is the view of the OAG that where families, particularly those involving intellectual disability, come into contact with the Child Protection system, the system needs to place more emphasis on maintaining the parent/child relationship and up-skilling the intellectually challenged parent with the necessary skills to act as an effective parent. All too often, in OAG experience, the parent/child relationship is severed by the action of Child Protection Services without any attempt to provide the parent with the necessary supports to maintain an appropriate relationship. Even if a child is removed for its own safety, little or no action is taken to attempt to rebuild effective relationships. This is often seen by the lack of contact a parent will have with their child, as well as the lack of services available to assist parents with a disability to learn and develop the required skills that Child Protection Services claim they lack.

The use of the concept of “best interests of the child” and the “precautionary principle” is utilised in an attempt to justify the failure by Child Protection Services to provide parents with necessary and appropriate skills.

For example, a client of the OAG has been assessed by a clinical psychologist as requiring intensive support that takes into account the client’s cognitive deficits in order to develop their parenting skills. Child Protection Services have advised that this occurs during contact by a child safety support officer. The client only sees its child on a one-on-one basis for one hour a week. This is clearly a limited time to try to learn skills while also trying to build a relationship with your child. Child Protection Services have been asked what further support can be given in light of the clinical psychologist’s report that was commissioned by Child Protection. To date, no response has been received.

This, unfortunately, is not uncommon and the OAG is often advised that there are no parenting skills workshops available and limited or no support for persons with a disability particularly an intellectual disability.

There needs to be enhanced emphasis by society and government on proactive schemes to strengthen, not sever, family relationships.

#### QUESTION 7

OAG is of the view that the use of coercion to force users of Child Protection Services to undertake skilling programs in order to retain the right to keep children at home is justified. The real challenge is to make such programs available when and where they are needed and to have the Child Protection Services adopt a proactive program for their delivery prior to any question of removal of a child arising.

The concern would be that these programs are not simply used as a 'tick and flick' mechanism, and to ensure that the programs are adaptive enough that they can assist parents with a disability.

#### FAMILY VIOLENCE

OAG acknowledges that Family Violence poses particular challenges particularly where the issue of potential violence affects not the parent but part of the parent's kinship or family support network. By way of example one client of OAG who has been in a Mental Health Ward and who is now ready for release cannot return home due to Family Violence in the home of the client's mother. The client has no other accommodation options available to her so her contact with her children has been restricted because of this potential for Family Violence. The father has unrestricted access to the children however. The capacity of the mother rebuild her parental bonds with her children is thus impossible.

New procedures are urgently needed to address dilemmas of this type

#### QUESTION 9

The OAG is firmly of the view that Child Protection Services needs to develop a range of responses to the challenges that they face. Existing models, whilst no doubt well intentioned from the point of view of protecting a child from physical harm, do not support the maintenance of the emotional and psychological ties inherent in a parent/child relationship. Recognition needs to be given to the importance of maintaining that relationship wherever possible whilst protecting the child from permanent harm. The question as to what systems need to be utilised is one for issue specific experts to develop. The overall objective should be a holistic solution to the challenges inherent in the specific parent/child relationship.

## FAMILY REUNIFICATION

From its experiences, OAG would query whether it is accurate to suggest that the existing Child Protection Services really operate in practice on the basis that the goal is to reunify a child with its family. It is the experience of the OAG in relation to our intellectually challenged clients that there is often a disconnect which results in reduced contact between a parent and a child when files are moved between the assessment area of Child Protection Services and the Short Term Orders areas of the department. This is particularly experienced in relation to the new born children of intellectually disabled parents where it often seems that the actions of the Child Protection Service to immediately remove a child into care are directed at the prevention of the building of a bond between the new born child and its parent. There seems to be a view that this approach is in the best long term interest of the child. Such an approach however seems to ignore the fundamental Human Right of a parent to bond with a child as well as the right of a child to know and bond with its parent, no matter how challenged the parent might be. Surely the role of any system should be to strengthen not destroy such a relationship?

Another difficulty with the role of reunification is that the goals set for parents under guardianship will often be nebulous and broad, for instances, goals will be set such as 'better parenting' and the parent "will be supported by the department to learn more about individual development needs". No specifics are provided as to how a parent is expected to achieve these goals or what steps they need to take to successfully complete this goal.

### QUESTION 10

With respect to this question it is the view of OAG that there is not a question of choice here. The fundamental role of any Child Protection Service must always be focussed on family rehabilitation and family preservation. At no stage should the system give up on this fundamental objective. Whilst the reality may be that circumstances may mean the objective is unachievable in practice in the particular circumstances of each case, this does not mean that the objective should be abandoned in favour of severing of the relationship in order to provide the child with a "stable alternative arrangement". As has been proven in the case of adoption over the decades there is a very fundamental human driver to know and identify ones genetic and birth parent relationships. It provides no long term succour to the child involved to abandon the attempt to maintain such knowledge and relationships because it all becomes too difficult for the Child Protections Services. To subject a child to a Long Term Order that seeks to sever relationships with their parents is to ignore the reality of human need between both parent and child and to ignore fundamental human rights no matter how beneficial the policy objective might be thought to be.

It would be interesting to see, given the Federal Government's recent stance on apologising to the children of forced adoptions from the past, how much evidence has to be gathered to justify the benefit to any child of such a forced severance, particularly the consideration of long term effects.

## QUESTION 11

It is the view of the OAG, based on our observations as to the manner in which existing Child Protection Services work in practice in relation to our clients, that Agencies in this area must be forced by law to develop and supply programs for training and skilling of parents in order to enable them to maintain an appropriate relationship with their children. Any suggestion of removal or severing of the relationship between the parent and a child, no matter how challenged a parent might be, should only be contemplated when it can be positively established that all such courses and training have failed in their endeavours. Unless this very high standard can be met, no action should be taken to sever the parent/child relationship.

If it is necessary to temporarily remove a child and place it with a foster parent during the delivery of parenting and other skills courses then, in the view of OAG, every attempt should be made to establish a relationship between the parent, the child and the foster parent. Particularly it is the view of OAG that an effective mechanism needs to be established to handle complaints that might be made about the actions of foster parents as it is the OAG experience that where parents who have a had a child removed currently complain about the actions of foster parents, the existing Child Protection Services fail to adequately address such complaints and more often than not appear to favour the foster parents over the parents.

One example was a client who had her child removed at birth. The child was fed with a toddler teat instead of a new born teat, so that the mother was prevented from being able to breast feed her own child. This was raised as an issue by the parent, and subsequently dismissed as not being a concern.

In addition, when the child arrived for contact, the child would arrive quite dishevelled and heavily soiled. When this was also raised as an issue of concern, it was dismissed by Child Protection Services. It was an even further concerning matter as the Foster Parent disclosed that she did not want to spend too much money on nappies so would leave the child soiled for longer periods of time than practicable, resulting in health issues for the child.

## QUESTION 12

Long Term Guardianship Orders in relation to children are, in the opinion of OAG, only to be contemplated in the most extreme of circumstances. As postulated above, they should only be made by a Tribunal after a positive finding against the fundamental principle of maintenance of the parental/child relationship. The appointment of a statutory officer as guardian should only occur if there is no other suitable family, kin or community person who can act as guardian. All such guardianship appointment should be for no longer than 2 years at a time and should be subject to regular review until the child obtains the age of 18 years. If a statutory guardian is to be appointed then the statutory guardian should be completely separate from the child protection system as a whole.



### QUESTION 13

Adoption as a solution to issues of child protection is open to real question in the opinion of OAG. Adoption should only be contemplated where a parent freely and voluntarily wishes to surrender all rights to a child. As has been amply demonstrated over recent decades many parents whose children have been adopted over previous decades have been forced into adoptions because of social and societal pressures. Whilst, at the time of the adoption, they have indeed purported to sign papers, give permissions, etc on the basis that the decision is unforced, free of pressure, of their own free will ,etc the reality is, as is now established, such permission, etc were as a result of various forms of pressure.

Adoption should only be contemplated where it can clearly, objectively and independently established that the parent involved is freely, voluntarily and without any form of coercion wishing to surrender their rights and responsibilities for the child. Where a parent is intellectually challenged, as is often the experience of OAG, this would be difficult if not impossible to establish.

### QUESTION 14

To develop a multidisciplinary casework model for child protection issues will require the provision of substantial extra funding from government to ensure that all issues are properly explored. If sufficient funds are made available then such a model is attractive. OAG has found that it is currently difficult to access sufficient funding to ensure that the interests of our clients [often parents with substantial challenging behaviours], are able to have their interests adequately represented against the combined might of “the system” as it currently exists.

Multidisciplinary systems also possess particularly challenges as to how disputes as to philosophy and viewpoint are resolved. If ultimate decision making rests within an independent tribunal and not with parties within a system concerns in this area might be alleviated

From the experience of the OAG, for instance, many court officers or court coordinators within Child Protection Services are not legally qualified. This can create a challenge when dealing with issues in a legal framework from those who are unfamiliar with court processes and the associated legislation.

### QUESTION 15.

It is the opinion of the OAG that the separation of investigation of allegations concerning child protection from the delivery of services should be encouraged. Ideally there should be two entirely separate agencies involved in such activities. These agencies would not necessarily be government agencies but rather could be agencies from the community or not for profit sectors.

Ideally, these agencies would also not report to the same head of power, such as the same Director General or Chief Executive.

#### QUESTION 16

In the opinion of the OAG the Parliament, on behalf of the community, should clearly mandate the principles that should be applied wherever the fundamental principle of the parent/child relationship is to be interfered with. All persons involved in the provision of child protection services should be required by law to apply the principles laid down by the Parliament in such legislation. Failure to apply such principles by case workers should be an offence punishable by law.

#### QUESTION 17

Whilst the OAG believes that Child Protection Services need to develop a suite of models that can be utilised to provide appropriate opportunities to maintain the maximum Parental/Child relationship whilst the child grows and matures towards adulthood, it is acknowledged that this will pose significant resource challenges for Government in providing a sufficient range of options particularly for the older child with highly complex needs. There therefore needs to be greater co-operation between the Child Protection Services and other Government entities, such as Disability Services areas of government service delivery.

#### QUESTION 18

In the view of OAG there is currently a serious disconnect between the provision of services to children with a disability provided by the Child Protection Service and the provision of services by Disability Services to a disabled adult who has turned 18. This is an issue that needs to be addressed to ensure that disability is appropriately addressed no matter what the age of a person might be.

An example that is all too common for clients who are supported by Disability Services is that the support provided to assist them with daily living will not be providing to assist them with daily living as a parent. This means, for instance, that if supervised contact is needed, the support service for the client is not in a position to supervise.

Clearly, the aspects associated with being a parent should not be considered a separate aspect of daily living that is excluded from their funding.

#### QUESTION 19

It is the view of the OAG that in the case of persons with a disability, particularly those where the disability is likely to be life long, the artificial division of the age of 18 separating childhood service delivery from adult service delivery should be eliminated. Such a division is purely superficial. It however currently impacts upon the level of services delivered to many such people and creates significant problems for all who deliver services to such people. A whole of life perspective should be adopted as a fundamental policy approach by government.

#### QUESTION 20

In the view of OAG there is a necessity to continually develop community skill and capacity to address transitional issues.

#### QUESTION 26

In the experience of OAG there is often a disconnect between the tertiary skills of child safety officers and their knowledge and experience in the role of parenting and of life generally. At times a level of immaturity and lack of life's experiences is displayed.

This can be expressed in the view that for OAG clients, they must meet a higher standard of parenting than parents not subject to Child Protection Services intervention. This clearly is not a reflection of the role of parenting which impacts on positions adopted.

#### QUESTION 28

There is an obvious need for child safety officers to possess maturity and experience in parenting as well as appropriate tertiary training.

#### QUESTION 32

As previously indicated, it is the view of the OAG that the existing systems for oversight suffer from the fundamental defects that they all form part of "the system". Those that find themselves in dispute, for whatever reason, have, in the experience of the OAG, little faith in the objectivity and impartiality of oversight methodologies. In the view of OAG the matter can only be addressed by establishing a realistic methodology for complaint handling that creates in the minds of complainants that it is not "Caesar Judging Caesar".

Any complaint handling mechanism must be able to achieve speedy resolution of the complaint for, if a child has been removed from a parent, then the longer it takes to resolve the dispute the more difficult will be the task of re-establishing appropriate parent/child relationships.

If complaint resolution involves consideration by an independent Tribunal, for example, then arrangements must be made to provide complainants with appropriate assistance and representation to enable them to adequately present and prosecute their complaint.

#### QUESTION 33

The question of the licensing, regulation and oversight of the non governmental organizations that provide services in the child protection area provides a significant challenge for government to balance the need for consumer protection and quality assurance elements of the regulation process with the cost and "red tape" elements of such a process. Where significant sums of community money are involved or the care

and protection of vulnerable children is concerned the argument for appropriate registration and supervision of service providers is more easily able to be maintained.

#### QUESTION 34

Attention is drawn to previous comments about the tendency for existing agencies tasked with oversight to appear to be part of “the system”. This raises the fundamental issue of the artificial divide in the delivery of services to persons in need between those under 18 years of age and those over 18 years of age. If attention were to be directed towards identification of need as opposed to age, a principle inherent in the development of the NDIS at least for those under the age of 65, it is more likely that there would be more satisfactory outcomes for those persons with a disability. A focus on the disability should be, in the view of the OAG, more important than a division on mere age.

#### SPECIFIC ISSUES OF CONCERN

##### AGE

As would be appreciated OAG is strongly of the view, based on many experiences, that the current division between the delivery of services to persons below the age of 18 years and to persons above the age of 18 years, particularly where the individual possesses a disability, does not lead to good public policy outcomes. Government agencies and institutions must, in the interests of the person with a disability, focus on the development and application of services that are delivered from a whole of life perspective. There are significant practical problems currently experienced through the use of the age of 18 as the dividing line between Child Protection Services and Disability Services. Similarly in the area of guardianship the difference in types of guardianship for a person below 18 and those for a person above 18 create significant problems during the period of transition to the concept of adulthood.

##### ADULTS UNDER GUARDUIANSHIP WHO GIVE BIRTH

There is a clear conflict in human rights that exist in these circumstances between the approaches of Child Protection Services and the recognition of the fundamental human rights of an often intellectually disabled female.

All too often Child Protection Services, on the assumption that their actions are necessary to protect the child, take the child from an intellectually disabled mother without any regard to or giving recognition to the fundamental right of a parent to bond with a child. There are often presumptions that because a female may be intellectually challenged or under some form of guardianship that they thereby do not possess the capacity to parent their child let alone have a relationship with the child. Such an approach fundamentally denies the human rights of the mother and is arguably an abuse by Child Protection Services of their duty.

Often this occurs in the context of a complete lack of capacity by service agencies to provide such a parent with the necessary training to assume the role of parent of their

child to the maximum extent they are capable. There seems to be a view that it is in the best interest of the child to prevent the establishment in these circumstances of any form of parental/child bond. It is the view of OAG that such an approach breaches the fundamental human rights of both parent and child and is reflective of a policy of discrimination against persons with disability.

Further, the lack of support provided to parents with a disability is all too obvious and dramatically impacts on both any reunification prospects, as well as the relationship between parent and child.

Another practical problem that the OAG experience is that often children are placed in care merely because their parent is defined as having an intellectual or psychiatric disability. This means that the children are automatically taken into care because of a perception that because a guardianship order exists in relation to the adult, the adult is automatically presumed to lack the necessary skill or capacity to perform the role of a parent. The perception seems to be that because the parents decision making capacity may be limited in certain areas it means that they possess no capacity or skill to make a decision in relation to a child.

This approach betrays a complete lack of knowledge of the complexities inherent in the whole issue of capacity. It is an axiom that capacity to decide a particular matter is determined by addressing a myriad of factors including the nature of the decision, the matters that need to be considered, the persons capacity to identify, understand and appreciate those factors and the consequences of particular decisions, etc. It is not an area where absolutes apply. Rather it is an area where circumstances dictate whether appropriate capacity exists at the particular time and in the particular circumstance. Many clients of the OAG are being denied their capacity to act as a parent, even in limited circumstances, because of what seems to be a lack of sophistication by Child Protection Services in this area.

This perception by Child Protection Services, in the experience of OAG, flows through to the practices that apply when seeking to arrange contact with an intellectually disadvantaged parent and their child when a child is first removed. At that time general policy is that contact is supposed to be maintained between parent and child with a view to ultimate family reunification. In practice however, OAG officers report little real effort is made to maintain contact between the intellectually disabled parent and the child as the view is held by the Child Protection Services that little effort should be expended as ultimately there will be a long term parental removal order. Such an approach denies the fundamental human rights of an intellectually disadvantaged person to be a parent. Practically that means that the onus of maintaining contact is very much placed on the intellectually disadvantaged parent rather than on the Child Protection Service to actively facilitating contact between parent and child.