

Submission

on

Queensland's Child Protection System

to the

Queensland Child Protection Commission of Inquiry

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24 September 2012

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1. Introduction

On 28 June 2012 the Governor of Queensland by an Order in Council, *Commissions of Inquiry Order (No. 1) 2012*, appointed the Honourable Timothy Francis Carmody SC, from 1 July 2012, to make full and careful inquiry in an open and independent manner of Queensland's child protection system.

The Commissioner has called for submissions addressing the terms of reference of the inquiry, to be received by 28 September 2012. The Commissioner is due to report to the Premier by 30 April 2013.

His recommendations are to address, among other matters, “any reforms to ensure that Queensland’s child protection system achieves the best possible outcomes to protect children and support families”.

This submission addresses two issues relating to child protection.

Firstly, it considers the available data on child abuse and family type and makes recommendations for better data collection.

Secondly, it presents evidence that adoption is a preferable approach to foster care for many children in need of protection.

2. Child abuse and family type

2.1 AIHW data on child abuse and family type

In 2007 the Australian Institute for Health and Welfare noted that:

Compared with the distribution of family types in the Australian population, a relatively high proportion of substantiations involved children living in lone mother families and in two-parent step or blended families, whereas a relatively low proportion of substantiations involved children living in two-parent intact families.

For example, in South Australia, 38% of substantiations involved children from lone mother families, 4% involved children living in lone father families, 21% involved children from two-parent step or blended families, and 33% involved children from two-parent intact families (Table 2.12). In comparison, in 2003, 20% of all South Australian children lived in lone mother families, 7% lived in lone father families, 8% lived in two-parent step or blended families and 69% lived in two-parent intact families.¹

The latest available national statistics on substantiated cases of child abuse (including sexual, physical or emotional abuse, as well as neglect), continue to confirm that family type is a relevant variable for the risk of abuse to which children are subjected.²

The relative risk of child abuse based on family type can be calculated by comparing the ratios of percentage of substantiations to the percentage of children living in each family type derived from the most recent Australian Bureau of Statistics survey of family characteristics.³ The final line of data in the table below shows the relative risk of being the subject of a substantiated case of child abuse for children in each family type compared to the risk of child abuse for a child living in a two-parent intact home.

Family type	Two-parent intact	Two-parent step/blended	Lone father	Lone mother
% of children who live in family type	73	8	2	15
% of substantiations of child abuse for this family type	32.4	14.9	4.5	33.7
%substantiations / %children	0.44	1.86	2.25	2.25
Relative risk compared to children in two-parent intact home	1	4.23	5.11	5.11

Based on these figures a child is at significantly greater risk of abuse in any family type other than an intact two parent family – over 4 times greater risk in a two-parent step or blended family and over 5 times greater risk in a single parent family. The two-parent intact family is clearly the safest family type for a child.

2.2 Marriage as a protective factor for children in stepfamilies and intact families

Research on fatal injuries indicates that:

*Step children under 5 years of age were found to be at significantly increased risk of unintentional fatal injury of any type, and of drowning in particular. Children from single-parented families were generally not found to be at significantly increased risk of intentional or unintentional fatal injury, while children who lived with neither of their biological parents were at greatest risk overall for fatal injury of any type.*⁴

However, it should be noted that “*the use of the term step-father has become problematic, as, whilst it used to refer to men who were married to women with children by other men, it is now used to describe any man in the household, whether married to the mother or not.*”⁵

Married step-fathers are less likely to abuse than unmarried cohabiting men because “*for non-natal fathers marriage appears to be associated with a greater commitment to the father role.*”⁶

Whelan reports that, in Britain, children whose biological parents are cohabiting are 20 times more likely to suffer serious abuse, and 27 times more likely to suffer fatal abuse, than children whose biological parents are married to one another.⁷

2.3 Improving data collection in Queensland

Queensland currently reports data based on the family type where the child was living at the time of the investigation rather than when the abuse occurred.⁸ Queensland should report family type at the time the abuse occurred as this is the relevant information for analysis as a basis for policy formation.

It would also be useful if the statistics on family types were broken down to more carefully distinguish distinct family types.

In particular, the “two-parent intact families” type should be separated into “married two-parent intact families” and “cohabiting two-parent intact families”. Likewise, the “two-parent step/blended families” type should be separated into “married two-parent step/blended families” and “cohabiting two-parent step/blended families.”

It would also be helpful to have readily accessible data on the relationship between family type and kind of abuse (physical, sexual, emotional and neglect). It seems likely that the percentage of each of these kinds of abuse will vary by family type.

Recommendation 1:

Queensland should collect and report data on child abuse by family type:

- ***as at the time the abuse was committed;***
- ***broken down so as to distinguish married and cohabiting two parent families (both intact and step/blended); and***
- ***further broken down by the major types of abuse (physical, sexual, emotional and neglect).***

2.4 Enhancing marriage

Marriage should be promoted broadly in the community, including through the education system, as a protective factor for children. Cohabiting intact and step/blended families should consider marriage as a positive step. A reversal of the drift away from marriage is likely to effect a significant reduction in the rate of child abuse.

Recommendation 2:

Marriage should be promoted as having positive social benefits including providing the most protective environment for children.

3. Fostering or adoption

Foster care will always have a role to play in providing emergency or temporary care for children whose parents are unable to care for them. However, foster care, especially when it involves a series of placements with different foster carers over a period of years is an inadequate response to the fundamental need of a child for security and love.

The decline of adoption as a response to children needing parental care has not been in the best interest of these children.

In Queensland in 2010-11 there were just 8 local adoption orders made, that is the adoption of a child born in Australia by adoptive parents with no prior relationship with the child. Seven of these were interim 12 month orders under the new provisions of the *Adoption Act 2009*. Additionally there were 4 step parent adoptions.⁹

By contrast there were 4,528 Queensland children living in home-based care with an unrelated foster carer.¹⁰

In 2010-11 some 1,628 children exited out-of-home care. As the table below shows permanency is not common. Of those children in out-of-home care for 5 years or more 53% were in 4 or more different placements with 10.7% having been in 10 or more different placements. And 21.6% of children who were in out of home care for between 1 and 2 years were in 4 or more placements.¹¹

Length of time in out-of-home care	2010–11				
	Number of placements				Total
	1 to 3	4 to 6	7 to 9	10 or more	
1 to <6 months	475	6	0	0	481
6 to <12 months	151	20	0	0	171
1 to <2 years	258	68	2	1	329
2 to <5 years	253	127	32	10	422
5 years or more	106	60	35	24	225
Total	1,243	281	69	35	1,628

In 1997 the United States Congress passed the Adoption and Safe Families Act of 1997. This Act requires that “in the case of a child who has been in foster care under the responsibility of the State for 15 of the most recent 22 months ... the State shall file a petition to terminate the parental rights of the child’s parents ... and concurrently, to identify, recruit, process, and approve a qualified family for an adoption ... unless the child is being cared for by a relative”.¹²

The United Kingdom has also moved towards ensuring permanent placements for children in care, including adoption.

Current statutory guidance in UK for local authorities specifies:

*A local authority will need to consider a child’s needs for permanence when that child is about to be relinquished for adoption or who is looked after, either because the child is being voluntarily accommodated, is the subject of an interim care order under the Children Act 1989 (the 1989 Act), or care proceedings have been initiated. An appropriate permanence plan should be identified no later than at the second statutory review – the four-month review.*¹³

In a 2002 study John Triseolitis compared the experiences of children who were adopted versus those placed in long term foster care. He found that “The main defining difference found between these two forms of substitute parenting appears to be the higher levels of emotional security, sense of belonging and general well-being expressed by those growing up as adopted compared with those fostered long term.”¹⁴

A literature review by Patrick Fagan found that “Adoption is life-alteringly beneficial for children. Adoption in the first 12 months of the child’s life produces the best outcomes, but all children will benefit, regardless of their age at placement.”¹⁵

Recommendation 3:

Adoption needs to be given more prominence as an appropriate solution for the long-term care for children who cannot be cared for by their biological parents.

4. Endnotes

1. *Child Protection Australia 2006-07*, Australian Institute of Health and Welfare, p 33: <http://www.aihw.gov.au/publications/cws/cpa06-07/cpa06-07.pdf>
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3. Australian Bureau of Statistics, *4442.0 - Family Characteristics, Australia, 2009-10*, Table 10.3, available for download at: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4442.02009-10?OpenDocument>
4. Tooley, G A *et al.*, “Generalising the Cinderella Effect to unintentional childhood fatalities”, *Evolution and Human Behavior* 27 (2006) 224–230: http://www.familylawwebguide.com.au/attachment.php?id=895&keep_session=1125817698
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7. Whelan, R, *Broken homes & battered children*, Family Education Trust, 1994.
8. *Child Protection Australia 2010-11*, Australian Institute of Health and Welfare, Table A1.9, p 56: <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=10737421014>
9. Australian Institute for Health and Welfare, *Adoptions Australia 2010-11*, 2011, Table 3.6 on p 22; Table 3.4 on p 27: <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=10737420773>
10. Queensland Department of Communities, Child Safety and Disability Services, *Living away from home*, Table LA.5, available at: <http://www.communities.qld.gov.au/childsafety/about-us/our-performance/ongoing-intervention-phase/living-away-from-home>
11. Queensland Department of Communities, Child Safety and Disability Services, *Stability and permanency of placements*, Table SP.1, available at: <http://www.communities.qld.gov.au/childsafety/about-us/our-performance/high-quality-services-and-improved-wellbeing/stability-and-permanency-of-placements>
12. *Adoption and Safe Families Act of 1997* (US), Section 103: http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/public_law/pl105_89/pl105_89.htm
13. *Statutory guidance on adoption: Planning for permanence*, 11 June 2012: <http://www.education.gov.uk/aboutdfe/statutory/g0072314/guidance/ch2/planning>
14. John Triseolitis, “Long-term foster care or adoption? The evidence examined”, *Child and Family Social Work*, 2002, vol 7, pp 23-33.
15. Patrick Fagan, *Adoption works well: a synthesis of the literature*, Family Research Council, November 2010: <http://downloads.frc.org/EF/EF12D60.pdf>