

Date: 7.9.2012

Exhibit number: 56



**QUEENSLAND CHILD PROTECTION
COMMISSION OF INQUIRY**

Our reference: 1989855

Statement of Witness


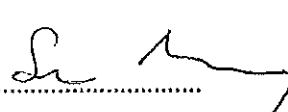
<i>Name of Witness</i>	Sean Peter Moriarty
<i>Date of Birth</i>	
<i>Address and contact details</i>	
<i>Occupation</i>	Social Worker / Family Consultant
<i>Officer taking statement</i>	
<i>Date taken</i>	24 / 08 / 2012

I, Sean Peter Moriarty state;

1. I am a career social worker and have been working in the field of social work for the past 30 years.
2. I hold the qualification of Bachelor of Social Work (University of Queensland) and also the Diploma of Law from the Legal Profession Admission Board of New South Wales.

Work history

3. I have worked in various areas of the child protection field, from being a frontline youth worker in streetwork, progressing to employment within the Department of Child Safety, the Family Court, and now being in private practice as a Consultant assisting the Family Court, the Federal Magistrates Court and the Children's Court with reports and recommendations regarding children.
4. Through my initial experience in child protection I gained employment in Crisis Care, the Department's after hours' child protection unit, conducting investigations into child protection matters. This involved responding to allegations of child abuse or neglect, and providing assistance and resources for parents and families in crisis or experiencing difficulty coping. I worked closely with other department staff and the police during these

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investigations. Part of my duties also included training other staff in the correct procedures and processes with regards to interviewing children and conducting these child protection investigations.

5. After a three-year break from the Department I commenced a position as a Court Counsellor in the Brisbane Family Court. My duties included interviewing children and families, the preparation of family reports, and providing evidence to the Court on children's issues. I was also engaged in mediation and dispute resolution. After eighteen months in this role I transferred to a similar position in Darwin.
6. Working in the Northern Territory my court duties included my attendance to the court counselling circuits in remote areas such as Katherine and Alice Springs, where I dealt with many Aboriginal families. After my service in the Northern Territory I moved to the Gold Coast Registry of the Family Court. I remained there until 1999, when that Registry was disbanded.
7. Since 1999 I have been working in private practice, providing family reports for the Family Court and the Federal Magistrates Court, in addition to providing social assessments for the Children's Court. I am required at times to give evidence in all three of these Courts. I have 20 years' experience giving evidence and have been submitting court reports for the past 20 years.

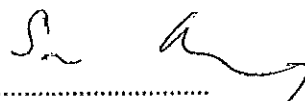
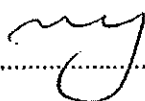
Family Law Court Assessments – The process

8. A Family Law Court report is normally provided by the report writer to a Children's Lawyer appointed by the court to commission a report. Other parties involved in the matter can also elect to fund a report. These parties could include the parents, or a relative who is closely involved with the children. The Federal Magistrates Court can also order reports directly. The context of the report is to assist the court in determining what is 'in the best interests of the child or children'.
9. An assessment is an extensive process primarily involving interviews with the family. Comprehensive interviews with family members to gather the required information are undertaken over at least a full day (sometimes longer) and may involve home visits. Each parent is interviewed separately regarding the relevant history, both that individual's personal history and also the family chronology. The children are observed with each of

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their parents. Other parties with an involvement in the matter may also be interviewed (for example grandparents, foster carers or the Department). Material submitted to the court is also reviewed. After conducting the assessment I prepare a report in the form of an affidavit which is tendered to the court to assist in its determination regarding provisions for the children. The report includes recommendations as to the arrangements that would be in the best interests of the children.

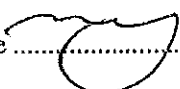
10. In cases where the Department is involved, this involvement may be in place from the beginning, or may occur due to material or revelations about which I become alerted during my investigations. The Children's Court may appoint an Independent Children's Lawyer to act for the children. Usually this is in relation to an application for an Order over children by the Department in situations where that application is disputed by a parent.
11. The period requested may be from twelve months to a long-term order. The Children's Lawyer commissions me to do a family assessment which includes an assessment of the Department's case. This assessment includes analysing issues surrounding the parents, and any child protection concerns. The assessment involves interviews with the parents, the children, step-parents, foster carers and often grandparents if they are interested parties. These reports are often difficult due to the history of chronic problems surrounding the family. I would estimate that I have completed over one hundred of these reports over the last 12 years.
12. The general focus of these reports is to determine what is in the best interests of the children. This is the ideal principle guiding the preparation of all reports. The context and the way that this question is addressed, however, are different. Because of this the assessment involves not just an evaluation of the parents' capacity but also an attempt to understand the children's functioning and development, and their attachments to particular parents. It also includes an assessment of the Department and their case planning, the ability of the Department to engage parents and plan effectively with them, and the likelihood of reasonable outcomes from what the Department knows about the situation. One element is also to assess whether it's appropriate that re-unification occurs.



Family Law Court and the Child Protection System

13. Use of available resources across the child protection system needs to be addressed. It is my opinion that the Department does not intervene in the vast majority of cases in the Family Law Court. A possible reason is that because the Family Law Court is involved, anecdotal evidence suggests that perhaps there is no need for the Department's involvement. From my experience, intervention in the family is not sought lightly by the Family Court, but only after significant investigation, thought and evidence. I do believe it is unacceptable that intervention doesn't occur in cases where it's clear that it should. The answer to this perplexing situation is not certain, as the cases can be complex with multiple issues. In essence sometimes I see my role as doing the work for the Department in terms of gathering evidence for a decision to be made by them later.
14. I will now explain generally some of the problems about issues that I have identified over the past twelve years in private practice doing child protection reports. The biggest frustrations relate to the inexperience of some Department workers and in relation to them not attending interviews. It is often difficult to get them to attend appointments. It is sometimes more difficult to get Departmental workers to attend than the child's parents. The Department workers will often attempt to opt out of interviews by saying they are too busy to attend.
15. The history of particular cases often reveals that the case worker has changed repeatedly over the life of the matter since the children have been in contact with the Department or since the child has been care. I have rarely interviewed a case worker for an assessment who has had the case longer than six months. Often the case worker doesn't know the children very well; sometimes they haven't even met the children. Even if the case worker does know the children, they may have a limited understanding of the developmental issues of the particular child, and the child's personality and characteristics. This is my observation and I cannot comment about why it is the case. It is a breath of fresh air to observe a case worker who has been able to engage with the family for a significant time and who knows the children in more depth.
16. The negative aspect to changing a case worker frequently with families involved in the child protection system is the lack of stability. Often these families have a chronic history involving patterns of substance abuse, violence and other issues. The parents find it difficult to trust anyone and it takes them time to engage with a professional due to their

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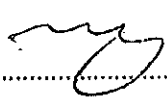
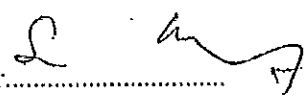
suspicion of authority. In essence if the case worker changes, it takes the parents more time to re-engage with the Department. If it takes parents time to engage then it becomes difficult for the Department to assess whether re-unification is a possible option. Comprehension or understanding of this system is already difficult for most people.

17. A parent has to understand the court system; they have to understand the case plan and be able to comprehend what the Department will say and what that means. The generic terms the Department uses such as 'addressing parenting' or 'addressing alcohol issues' are complex to them. Breaking down these concerns is usually difficult. Often, but not always, there are no specific directives or things that parents are told by the Department that they need to do in order to improve their chances of retaining or gaining their children.

18. Unfortunately – in some cases - the family history is just too chronic to ever enable reuniting the parents with the children, usually because the parents have a very protracted history of violence, or alcohol or drug abuse. However the parents are sometimes given false hope and told that if they do certain things then there is a chance of reuniting with their children. From my experience in speaking with the case workers, reunification is virtually impossible from the start due to the level of concerns identified at the outset. The problem is that – despite this – these false hopes are being put to the families from the outset. It is my opinion that this shows a lack of respect to parents who are struggling to understand the system, dealing with the change in case workers and also trying to manage their own problems and cope with the loss of their children.

19. It is also my opinion that case-workers often have a limited capacity to form a case plan which is reasonable and attainable to particular families due to a lack of understanding of the issues. This is as a result of the frequent turnover of case workers and not enough contact time between the case workers and the parents. Another contributing factor is that case workers are assessing the family the history and assembling the broader picture of what has happened in the past compared to what is happening now, and pinpointing where the strengths and weaknesses lie so far as parenting of the children is concerned. This is not always the case, and there are occasions when there have been very thorough work done on these points.

Opinion as to the high turnover of case workers in the Department, and their lack of experience

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1. It is my view that the level of support for frontline staff of the Department is crucial. The case workers that I see are usually diligent and very thoughtful people who want the best for the children, however they are often new workers or newly graduated, and they are burdened with large caseloads. I have formed the opinion from speaking to Department staff that once these new workers gain some experience they either leave for other positions or move away from a front line role to do other work. I cannot comment on the level of support offered to staff.

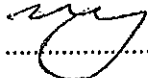


2. My view is that the Department needs to attempt to keep experienced workers on the frontline as long as possible. If they do move on, they should not be moved too far away from the frontline to ensure that their knowledge and expertise is passed on to new, less experienced staff, for the benefit of the bank of experience required.

Ability of the Department to respond after hours

3. I have experience working for the Department after normal business hours when the local Office of Child Safety is closed. It is my opinion that this after hours' service is necessary. It is also relevant to note that many families that the Department deals with often have incidents after hours, and do not restrict their crises to the period between 9am and 5pm. I am referring to families experiencing major issues as a result of alcohol or drug abuse, for example. It is crucial that the Department has a ready response for these incidents because when a crisis does occur, that is when children are most at risk.

4. From my experience the Department worked very closely with the then Juvenile Aid Bureau which is now the Child Protection Unit. If an urgent notification came in, we would respond (go out to the family) immediately. We might do three to four of these investigations a night. After the initial critical component of the incident was dealt with, it would be referred to the local office of the Department. Looking back at my experience, there were numerous cases where after hours intervention prevented someone getting more seriously hurt.

5. It is my opinion from my experience that the workers at Crisis Care were very experienced and worked well with police to defuse situations. This tandem approach enabled a combination of skills that mutually benefited each side. Most of the staff

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members at Crisis Care were experienced and skilled at de-escalating stress in high conflict situations.

6. The police seemed to have the same problem with retaining staff in the child protection field. From my observation it appeared they would only stay for a year or two and then move on. Crisis Care didn't have this problem concerning retention of staff (at least, not in comparison to the rest of the Department) because they were better compensated. It follows that because of the nature and difficulty of the work, to retain experienced staff you need to provide appropriate financial remuneration.

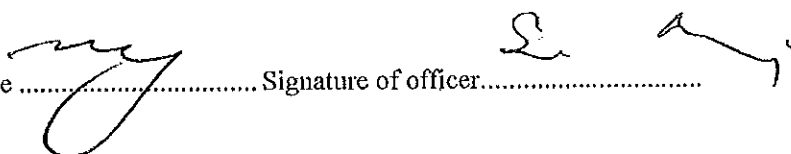
Tertiary provider as opposed to primary provider in Child Protection

7. In my opinion prevention is clearly a better path than treatment. It is more effective and better practice for the Department to become involved in a case at an early stage where there are signs that conditions are worsening for a family, rather than wait until the case is referred at a later time after a crisis has occurred. Experience has shown in relation to the abuse of some children that the indicators are often already there and it's only if you are involved in the family at a relatively early stage that you can assess the risks and make decisions about how to manage them.
8. My experience and observations have led me to the view that seeing the children in their home environment greatly assisted with the initial and any subsequent assessment. This method of investigation provided more concrete evidence of the child's situation (for example, the state of the child's bedroom and the home generally, and health and hygiene issues) than conducting the assessment in an office. This is a valuable tool to witness the child's behaviour in the home and with the other occupants.

Identified indigenous issues

9. The needs of Aboriginal children are complex. While the Department does attempt to meet these needs, I am not sure if the response is adequate. Once again, lack of time spent with children in the system – in addition to a lack of cultural experience with indigenous issues – is of concern. If sufficient time is not devoted to the children and their particular situation, then how can their needs be met adequately or ongoing proper assessments be conducted?

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10. On a few occasions I have seen a child from a traditional Aboriginal family, where English is the second language. In some instances I found that the child slowly became less proficient in their native language ability. Although the Department was technically complying with the Child Protection Act by providing a carer with Aboriginal heritage, and other resources, maintaining the child's language was not included

11. If the language is not spoken here, unless the child can travel back to where she comes from, the language can be lost. Quite apart from the needs of the child, my more general view is that this is a cultural asset in need of preservation. To achieve positive results will require thought and expense and the resources required to investigate a unique solution for a family with unique characteristics.

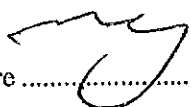
12. In my view, the best model of servicing child protection needs in remote communities is through a collective approach, that is, with agencies/community groups working together – a collaborative approach between the representatives of health, education and welfare. It is my opinion you cannot effectively intervene in these communities by visiting every couple of months with a fly in / fly out approach.

13. Someone living in the community who has local standing and respect, with sufficient training and skills, is bound to glean greater results than someone external to the community. If appropriate support is given to such people, this would result in a more effective and proactive approach to protecting children, but also to prevention. In my view, prevention is a key platform for the child protection system.

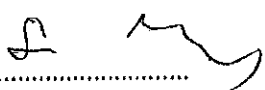
Child protection workers

14. To my mind, the expertise of child safety officers and their ability to relate to children are not in question (although I reiterate my aforementioned concern regarding inexperienced workers being on the front line). University training is paramount, and in my opinion the two best tertiary qualifications appropriate to child protection investigators are social work or psychology degrees, due to these educations focussing on developmental psychology and the emphasis on equipping people with interviewing and assessment skills.

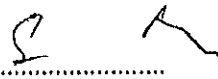
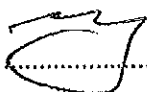
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15. In my opinion the interviewing techniques of police can be variable in relation to children. There is a tendency to use language which is confusing for a child, may not be at their level of understanding for their age, and to ask leading questions.
16. I would consider that interview training for frontline child protection workers is critical, whether they are employed by the Department or by other government agencies, such as the police. The setting in which the interviewer conducts the interview with a child is also critical. Children are especially sensitive to non-verbal cues. If the interview begins awkwardly or the child is confused and uncomfortable, then quite often the rest of the interview will flounder and possibly fail. From my experience interviewers should to understand the child's perception of the world and how they relate to adults. Most children want to please adults; this is even more so if the adult has authority, and how the child perceives the interviewer may shape their responses.
17. The first contact by a child protection worker, either from Child Safety or from the police, is also critical in any subsequent interview process. If children aren't interviewed correctly the first time, what they say afterwards can be questionable. Multiple interviews conducted by different authorities complicates the problem and is confusing for the child.
18. In terms of interviewing children, I believe that police need to be able to call upon someone trained specifically in that area, in order to be able to separate the concept of protection with that of engagement.
19. It is important that child protection workers have a thorough knowledge of the family. Workers with large caseloads to cover are compromised; it affects their knowledge of the children and their developmental needs. Often workers rely on a peripheral understanding of the child through other sources including foster carers. I often hear frustrations from foster carers wherein they are unable to contact the case workers for the children in their care. The foster carers also outline their frustrations regarding the constant rotation of case workers.



20. Child protection workers work under inordinate stress and are spread very thinly. There is often little time to help families avoid the child protection situation.

Children in care and foster care

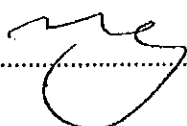
21. The primary attachment of young children is critical in terms of their later emotional and psychological development. Therefore their attachment with their carer needs to be a secure one, and one properly and carefully developed and transferred from the parent to the carer. A carer should be available to the child's emotional and psychological needs. Obviously the number of available carers can be an issue, but also fitting the carer with the child in order to decrease future changes in foster care placements. Research has shown that the consequences of a poorly attached child can lead to later problems with personality, emotional and psychological issues.
22. There are a number of reasons for changes in placements, one being a Departmental resource problem. Often, the Department might place children temporarily and then look for a longer placement, but if a long-term placement is difficult to find, or unavailable, the child may be moved around between several short-term placements. Another difficult issue is a family with several children requiring care, the ideal (usually) being to place the children together; this is often extremely difficult. Whilst the Department may try to place the children together, sometimes they are separated temporarily. Another factor is the number of children the foster carer already has in their care. In situations involving difficult children, problematic behaviours undermine their placement and as a result they can be shifted from one placement to another. This ongoing movement can occur over an extended period.

Health and other agencies' involvement in child protection

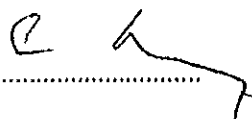
23. I would agree that outreach health services have an important role in the prevention of child abuse. This allows members of the community to request and receive help without the stigma attached to involvement with Departmental workers.

Reforms

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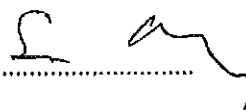
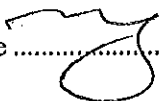


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24. The most important asset of the Department is its staff, and more support and resources are needed for up-skilling frontline staff. My view is that the implementation of a process whereby workers didn't feel that they were always under threat if they made a mistake would also go a long way towards creating security for workers, which would allow them to take the calculated risks necessary to perform crisis work in a confident and competent manner. Young and inexperienced frontline staff members are going to make mistakes. As in many fields, this is a process of learning.

25. Working in the child protection field is a demanding and difficult job and it requires some form of safety net for inexperienced workers. I know that staff members mostly perform their duties diligently and under great stress, receiving poor pay and little recognition or appreciation.



Justice Act 1886

I acknowledge by virtue of section 110AQ(5)©(ii) of the *Justice Act 1886* that:

- 1) This written statement by me dated 24 Aug 2012 and contained in the pages numbered 1 to 11 is true to the best of my knowledge and belief; and
- 2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

.....
..... Signature
Signed at Brisbane this 24 day of August 2012

Witness signature Signature of officer.....
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