

**POWERING FAMILIES SUBMISSION**

Powering FAMILIES represent thousands of parents, family members and kinship carers Queensland wide who have dealings with Child Safety Qld. We do this via support and advocacy, in all areas of child protection matters. We do this support and advocacy in many ways but mainly by being present during visit's with Child Safety and service providers and either supporting the parent or advocating for the parent until legal assistance is found.

When such legal assistance is not able to be given due to any number of reasons, with this being mainly due to lack of funds to employ a solicitor, we try to empower parents to respond to court matters, find independent service providers and counselling to help them through their journey with Child Safety.

We are involved at all different stages of cases but usually we are sought by parents after Child Safety have first visited the home advising of a notification having been placed with them or when Child Safety have made applications to the courts for orders and children have been removed and placed in care. Very rarely have families been first directed to Family Support Interventions.

Common complaints we hear from parents is the unjustification of not having been heard or believed if contesting notification details, misconstruing of conversations having taken place with Child Safety and initial reactions towards Child Safety involvement being recorded in affidavit material against parents with this also being some of the reasons for removal of children from the home along with notification matters.

The next common complaint is the lack of contact with their children and where and whom these contacts take place when parents are afforded such.

Powering FAMILIES will address the following Terms of Reference:

- 3 C reviewing the effectiveness of Queensland's current child protection system in the following areas
- (i) whether the current use of available resources across the child protection system is adequate and whether resources could be used more efficiently;
  - (ii) the current Queensland government response to children and families in the child protection system including the appropriateness of the level of, and support for, front line staffing;
  - (iii) tertiary child protection interventions, case management, service standards, decision making frameworks and child protection court and tribunal processes; and
  - (iv) the transition of children through, and exiting the child protection system;
- 3 (D) reviewing the effectiveness of the monitoring, investigation, oversight and complaint mechanisms for the child protection system and identification of ways to improve oversight of and public confidence in the child protection system;

These are matters we are knowledgeable of through either personal experience of our own cases or from supporting and helping parents and some kinship carers with their matters.

**3 (C) (i) Whether the current use of available resources across the child protection system is adequate and whether resources could be used more efficiently.**

Available resources for parents and families are not many that can be independently ascertained or utilised by parents before being involved with Child Safety. Most resources Child Safety offer are those that require parents to be referred to by Child Safety meaning parents have to become part of the child protection system before being able to get help.

Parents need to be able to retrieve independent confidential help when initially struggling with issues in the home, whether this be domestic violence, substance abuse, mental health and parenting strategies for different stages and households, before crisis develops and the need for Child Safety having to be involved.

Even if there were resources for parents to utilise independently, there is the issue of parents and family members being wary of admitting to issues in the home due to Child Safety now having to be notified such as from doctors and nurses when a parent/s is suffering from depression or has been diagnosed with depression for e.g., before a crisis is happening and therefore parents are not able to fully use such resources without the threat of Child Safety tertiary intervention, not allowing parents and family members to confidently deal with issues with independent support.

Parents need to feel comfortable and confident to be able to use independent resources when issues start to arise in the home as parents are the first to know when they are unable to cope and need help. There are no support avenues for parents and families that they can trust and utilise at present that we are aware of or that we have been informed about other than Powering FAMILIES but we are not a counseling service but a support and advocacy service.

Our role when parents come to us is first to ascertain what the issues are, what is needed for support and where to go to help stem the matter before it gets to crisis point. In our search for independent support and/or counselling for our clients needs, we have constantly come to road blocks whether this be due to funding issues on the part of the parents, not meeting certain criteria or again having to be referred by Child Safety because of maybe the funding issue.

Current resources available when intervention by Child Safety is involved is either not always used first and foremost for families before removal of children or that there are major trust issues involved on the part of parents due to service providers being funded by Child Safety destroying what confidential independence there may have been with these service providers.

Trust is a key component for parents to be able to utilise what resources could be available for them and the parenting of their children with such trust building being more efficient before the involvement of Child Safety. The only way this can be brought about is by independent resources becoming available without the threat of having to report everything to Child Safety that is currently happening.

**3 (C) (ii) The current Queensland government response to children and families in the child protection system including the appropriateness of the level of, and support for, front line staffing.**

The existing and current government response to children and families in the child protection system seems to be a focus on removing the child based on risk of harm and less on the family unit through strengths-based family support.

This is supported by the lack of continual family group meetings that are meant to convene every 6 months whether on an IPA – Intervention with Parental Agreement or during tertiary involvement. There is also the fact Child Safety Officer's (CSO) are denying evidence of parents moving forward not being recorded. Families that do not have legal representation only see a family group meeting once every year or longer.

Powering FAMILIES hear of these types of cases every day. Families are being torn apart because of decisions made that is solely about the possible risks that may come to the child.

Parents, especially those who have intellectual and/or mental health disabilities, are targeted due to notifications being solely about the risk of a newborn being born to a mother with these disabilities.

The child is then removed from birth with the mother, father and/or family members being mostly uninformed that such a removal is going to take place let alone the reasons why this has taken place until affidavit material is served.

Even though a visit may have been performed by Child Safety, it is usually only the one visit and information given is very very brief. Child Safety never inform the parents to gain supports or offer support networks to that parent (usually pregnant mother) let alone advise them of the need to do so and neither are they informed of their child being removed from birth with the understanding this is due to the possibility of parents going into hiding with their children.

Child Safety query only matters that are needed to later support an order for removal of the children with this being a Temporary Assessment Order and later a Court Assessment Order. The next time the parent then see Child Safety is when they are being served these orders and children are removed.

This all creates absolute distrust from parents who CSO's are supposed to later work 'with' that same parent for so-called support for the parent in relation to their child during cases.

The quick and immediate responses from Child Safety may prevent risk of harm but as stated by your assisting counsel, Ms McMillan, who said it well when she said “Vulnerability or being at risk of some form of harm is a natural and familiar aspect of the human condition, but not all degrees of risks or consequences are the same for all of us. The difficulty is accurately assessing and effectively managing risk so as not to do any real harm. Misjudgments can have dire consequences.” (Underline added)

We have seen many parents that with some sort of support, whether extensive or minimum, are able to parent their children if given the chance. In relation to extensive support, no thought is given to supply

this to parents due to the 'costs' involved but support is later given to foster carers with no consideration to those same 'costs' that could have been afforded the parent.

During intervention case periods where children have been removed, parents are not given the opportunity to show their parenting strategies throughout cases other than by limited contact times in unfamiliar surroundings. There is no attempt to keep the bond with a child that has been removed from birth which has a most lasting effect on both mother and child that plays out into a child's adult life no matter how caring foster carer's may be. Research has shown time and again this is the case with adults who later find out they were adopted. It is a common scenario and really borders on what happened to the many Indigenous children of the Stolen Generation. It clearly is no different.

Accurate assessment and effective management of risks of harm need to also be transparent and accountable. Power4Parents proposed a solution to this issue in their submission to the LNP's 2010 discussion paper from the then Shadow Minister for Child Safety, Jack Dempsey (Please see Power4parents submission to LNP's 2010 discussion paper attached).

A Family Law Attorney, Gregory A Hession, in Massachusetts, USA who blew the whistle on unethical practices of Child Protection Services in America, said in his report entitled '**Is this Child Protection?**' - *“the legal definitions of abuse and neglect are so elastic as to encompass virtually any parental behavior, from spanking their children to letting them eat too much “fast food.” ”*

Time and again if parents have had their children removed from them for serious issues but have successfully dealt with those matters, they then have these 'elastic' definitions of abuse and neglect put on them giving Child Safety further grounds to prevent parents and children being reunified or cases not being moved forward because of it.

The same 'elastic' definitions are used at times for Child Safety to become involved with a family due to 'foreseeable possible risk of harm' to a child/n.

### **3 (C) (ii) . . . the appropriateness of the level of, and support for, front line staff**

Powering FAMILIES agree that for Child Safety having to deal with emotional and grief stricken parents who can be angry and volatile with also having to make sure that any report given about a child's predicament and making the appropriate decision for that child's safety is a hard and demanding job to do daily.

But we see the current support given to CSO's is support of a biased nature in that it helps support solely the decision made by Child Safety without being objective reinforcing Child Safety's decision when it is in support of out of home care ignoring the growth and potential of the parents and/or family situation.

The LNP's discussion paper of 2010 saw that support was needed but one that would again produce accountability and build public confidence into the current Child Protection system. Power4parents' submission implored the need to have independent people involved at all stages of Child Protection procedures and that such independence would for sure produce the needed accountability and public confidence in this sector along with transparency which has sorely lacked since the inception of Child Protection.

CSO's do need support in the decisions they make but if those decisions were transparent from the start and especially for parents to see what is abuse and neglect and how unfortunately they may have

contributed to that but how this can be changed makes the need for extensive level of support for CSO's be to a minimum when independent providers are on board.

Having such independence involved in the initial stages and throughout balances out the power struggle so often displayed in cases making matters unfruitful for both CSO and Parents alike (Please see Power4parents submission to LNP's 2010 discussion paper attached).

### **3 (C) (iii) Tertiary child protection interventions, case management, service standards, decision making frameworks and child protection court and tribunal processes.**

Whether a child is removed from the home is decided by the use of Structured Decision Making tools or assessments that Child Safety employ. As quoted by the Child Safety website “ *Each assessment structures the analysis of critical case factors at key decision making points in the child protection continuum. Different assessments are used for each decision point as there are distinct issues to be addressed at each stage of child protection intervention.*”

(<http://www.communities.qld.gov.au/childsafety/child-safety-practice-manual/structured-decision-making/what-is-structured-decision-making>)

For these assessment's to be used, information is first given to Child Safety regarding concerns for a child or children that Child Safety need to follow up.

**Screening Criteria** – This is the first of the assessment's that are used to see if information received to Child Safety meets 'the threshold for a notification'.

**Notification** - If the information received warrants further investigation then it becomes a notification. Information is provided to Child Safety by any number of persons whether professional or public that is about harm or risk of harm to a child or children.

Professionals who are mandatory to notify as quoted by Queensland's Child Safety site are:

- an authorised officer, employee of the department or a person employed in a departmental care service or licensed care service is required to report harm or suspected harm to a child in the care of a departmental care service or a licensee (*Child Protection Act 1999*, section 148)
- staff of the Commission for Child and Young People and Child Guardian (*Commission for Children and Young People and Child Guardian Act 2000*, section 20)
- a doctor or registered nurse who becomes aware, or reasonably suspects during the practice of his or her profession that a child has been, is being or is likely to be harmed (*Public Health Act 2005*, section 191 and 192)
- family court personnel and counsellors (*Family Law Act 1975*, section 67ZA).

**Response Priority** - is where if a notification has been generated, depending on the information given, it tells the CSO how quickly an investigation and assessment should commence with timelines being from 24 hours - 5 days - 10 days to visit a family.

**Safety Assessment** - To see whether the child is safe and if not what needs to take place.

**Family Risk Assessment** – This assessment advises of the likelihood of future abuse and neglect and whether Child Safety need to take intervention action such as children being removed from the home. Our understanding and experience in how these assessment are performed is that the Safety and Family Risk Assessment are initially performed based on what information was received in the notification before visit's to the home and speaking with the parents take place.

Due to this, Child Safety have generally made their decision and start processes or seek information and/or evidence to support these assessment's initial results especially if that entails the child being removed.

This is supported by the fact Child Safety do not believe at any stage some parents disclosures regarding an incident that brought the matter to Child Safety. Throughout cases where children have been removed, Child Safety are determined not to reunify children with the parents when parents don't admit to the abuses that Child Safety claimed have taken place insisting that parents are in denial.

If details on the notification are scarce to fully complete these assessments appropriately, then and only then does a second or third visit to the home and/or school take place to gather further information from the parent/s and/or child so that the assessments can be completed.

The decision from these two assessment's (Safety Assessment and Family Risk Assessment) will either be involvement with Child Safety or case closed. How extensive the involvement with Child Safety is depends basically on the result of these assessment's once completed whether Child Safety remove the child due to parents not being willing **and** able to parent or children remaining at home with the parents with both episodes to be referred to Family Intervention Services.

In either intervention, case plans are expected to be generated via a Family Group Meeting (FGM) with this not always being the case unless court action has been proceeded.

**Family Group Meeting [FGM]** – According to the Child Safety Practice Manual under Chapter 4 of Case planning it states that

*'a family group meeting is to be an inclusive and participative process for the child, family, Child Safety and service providers, to develop a case plan that is child-centred, family-focused, strengths-based and based on shared responsibility. It brings together family, extended family, services and support people in a forum that allows families to participate in planning for the protection of children.'*

This forum discusses among other matters the strengths and needs of both children and parents and the goals for parents and children to work on according to analysis of further assessments.

FGM's generally include parents, Child Safety, legal representation, service providers if any are involved and anyone else who can make a meaningful contribution of support to the family and of course the Convenor who convenes the meeting between the Department and the parents and their supports.

Unfortunately many times, Child Safety control who can or can't attend such meetings excluding of course the legal representative (if one is sought) and if an indigenous child/n are involved sometimes the Recognised Entity. Child Safety also seek out whether the convenor will be private or in house. Very rarely is a private convenor sought for independence and impartiality allowing Child Safety to control the meeting and who may attend.

Many a time service providers which includes support and advocacy personnel (other than a lawyer) for the parent have not been invited to these meetings even though Child Safety are fully aware of their involvement or have not been allowed to enter such meetings with the parents on the day of the actual FGM (a common experience for Powering FAMILIES) leaving a parent/s to do such meetings alone if they have no legal representation.

A common scenario for parents without legal representation are that they are bullied and emotionally threatened about who can attend such meetings and what notes are allowed to be retained if any. They are then also told during the meetings to perform tasks that are not evidenced as being child protection issues in the family.

**Child Strengths and Needs Assessment** - to assess the child's strengths and needs that will be attended to in a case plan

**Parental Strengths and Needs Assessment** – like the Child Strengths and needs, it is an assessment of the parents strengths and needs to form a case plan addressing matters of what needs to happen, how and who with.

These two assessments should require further visit's with the parents and family but this does not always take place with CSO's using information already received in the initial visit with the family which may have happened months beforehand. Child Safety advise that this is because parents were initially uncooperative and therefore they have to make decisions based on the information already received.

Uncooperative mannerisms from parents are a completely normal reaction when having been visited by Child Safety Officers who give next to no information other than a parent is accused of having abused their child. The antagonism that a lot of parents receive from CSO's on initial visits is the main reason why such parents become uncooperative with also the lack of compassion and understanding for the parent. Many times interviews with parents are adversarial from Child Safety's end.

**Case plans** – Case plans detail goals of both parent and child according to what the Strengths and Needs assessments have found, contact times and other matters surrounding health, education etc... Case plans are supposed to be reviewed every 6 months or earlier if circumstances change for it to be reviewed earlier. As mentioned previously, most parents though don't see a review in the 12 month to 16 month bracket which is incredibly not in the best interest let alone welfare of the children involved.

Such goals are always changing if the parent successfully meets the previous case plan goals. Or what's becoming a more popular argument amongst Child Safety is that if the parent have sought out for themselves independent professionals who report favourably for the parent/s because they have successfully met case plan goals (especially if this happens within 6 months of the intervention) then Child Safety state that the independent professional was not qualified enough to be able to give such evidence and therefore Child Safety reject the professional's reports and advise the parents they must visit professional's that Child Safety refer them to that are conveniently funded by Child Safety.

CSO's also use the excuse that why a professional's report is not accepted is based on the evidence of so-called lack of parenting during supervised contact that is again conveniently only assessed by CSO's or agencies funded by Child Safety. Child Safety have advised that CSO's are only able to supervise such contacts so that parents can be given support during these visits but this has never been the

objective of such supervised visits with reports of so-called lack of parenting skills being used to further a case and parents not feeling at all supported during these supervised visit's.

No one else are able to attend these contacts with the parents unless Child Safety have been given notice in advance of who the persons are that will be accompanying the parents and their reasons for attending the visit's leaving the parent/s vulnerable in these situations given the lack of rapport and trust between parents and CSO's.

These are how we see cases being managed. At the end of the day there are many case workers and managers who are practicing unethical standards in Child Protection in any number of ways therefore a system that is transparent for both worker and client is muchly needed.

The completing of these assessments entails also the honesty on the part of the Child Safety Officer performing the task where a lot of the discrepancies seem to take place about what was or wasn't said or done by parents causing our clients untold anguish and despair. Parents find out either via the FGM or affidavit material of how Child Safety viewed initial conversations supposedly having taken place with Child Safety that either have been misconstrued, exaggerated or falsified completely.

Powering FAMILIES use Child Safety's SDM assessments with our clients. We mimic Child Safety's procedure with the parents for accuracy and educate parents on what is supposed to be the process and for the parents understanding of what is happening.

### **3 (C) (iii) The Child Protection Court process**

From personal and professional experience Child Protection court processes are only for those who are able to afford legal representation. There is no avenue for parents who can't afford legal representation, therefore the Magistrate have only Child Safety's version of the story never hearing or seeing the whole picture and having to make decisions based on the information supplied solely by Child Safety alone with this not ultimately being in the safety, wellbeing and best interests of the child with this being the paramount principle of the Child Protection Act 1999 (CPA 99).

The only time legal representation is afforded to parents is via Legal Aid for Family Group Meeting's to make sure case plans are appropriately planned out. But unfortunately too many times the solicitor will go along with Child Safety explaining to the parents that it is better to work 'with' Child Safety agreeing to orders that are being sought. When this happens Child Safety are then left to control and manage the case as they see fit as has been described earlier.

We understand for parents who want to fight court proceedings brought about by Child Safety, that it is very costly for Legal Aid to represent all cases and what cases they do represent are based on whether it is most likely to succeed in court. Unfortunately then the Magistrate has only one decision to make when orders are contested and that is for Child Safety everytime putting further children into out-of-home-care.

Due to this Powering FAMILIES try to empower parents to speak for themselves as best they can for court matters. We help with responding to Child Safety affidavit material by writing up affidavit's of response and support parents in every step of a court procedure. Of course first parents must obtain the evidence needed to show fitness of being willing and able parent's by independent professional's regardless of Child Safety rejecting such reports. We feel the Magistrate should make the ultimate decision of what report is rejected or considered valid as evidentiary.

Parents mainly contest applications of court orders by Child Safety when they see false and scandalous



material written about them and want the truth to be told which is a normal human reaction. It is unfortunate though that a lot of the time court processes are also needed due to Child Safety not fully working with the parents and their supports not allowing a case to move forward.

When court order applications are not attested and court orders are in place, parents nearly have no hope of bringing the matter to court where cases are being managed inappropriately by Child Safety.

### **3 (C) (iii) The Tribunal Process**

Currently called QCAT - Queensland Civil and Administrative Tribunal and previously known as the Children Services Tribunal, have been by far the most fairest, approachable and easily navigated process for parents due to the support given by administration or other staff of QCAT when applying to have a decision reviewed regarding contact as has been advised to us by parents as well as been personally experienced [when under Children Services Tribunal].

Human Rights are enforced, discussions are appropriate and open and it seems everyone is dealt with fairly. Whether this is because parents are afforded to be heard in this manner when it comes to issues in relation to contact and knowing either reasons why behind decisions are made we are unsure but this seems to produce quite a satisfactory result amongst the intervention period of a case with Child Safety.

Due to such positive attributes of QCAT, some parents have applied for review of orders that are outside the jurisdiction of the Tribunal's process. It just goes to show how desperate parents want and need to be heard and how such matters need to be better ascertained than what is currently in process. How we achieve such matters needs to happen before children are removed from their homes so that we have less build up of matters coming to the Court and Tribunal processes.

To partly quote Ms McMillan, 'accurately assessing and effective management' of the initial process of when matters are first brought to Child Safety's attention by independent means seems to be the crux of where to start changes.

### **3 (D) reviewing the effectiveness of the monitoring, investigation, oversight and complaint mechanisms for the child protection system and identification of ways to improve oversight of and public confidence in the child protection system**

Accountability definitely can start with how complaints are managed and appropriately and transparently dealt with.

It is our understanding that if authors of complaints are not satisfied with the result of a decision made, that person is able to have the decision reviewed by an outside agency being the Office of the Queensland Ombudsman or the Commission for Children and Young People and Child Guardian.

But for this to take place, the complaint has to be finalised by the Child Safety Complaints Department which can take up to 12 months or more. When parents then try to address the issues that they are not satisfied with to the appropriate people being the Queensland Ombudsman or Commission for Children and Young People and Child Guardian this is also unfruitful due to the time that has elapsed.

We are unaware of how many of our clients have brought matters to the Queensland Ombudsman but with issues of foster care matters a lot of our clients have brought issues to the Commission for Children and Young People and Child Guardian with responses also not being given until up to 12 months later.

Again Powering FAMILIES propose that the system of complaints need to be handled independently to Child Safety personnel. An outside body should handle all complaints initially alongside Child Safety and then be allowed to investigate appropriately and independently with supports given to allow for reporting of unethical practices.

There are a number of cases where complaints handled by Child Safety have not addressed matters we feel are intentionally ignored due to the number of times it has been brought to their attention or that they state there was no evidence in case files that such a matter needed to be investigated. It is only when matters have supporting evidence that it existed or that there was multiple letters prior to going to complaints that it may receive a response but not one that is satisfactorily addressed for the parents.

At the end of the day, parents have time and again complained that they feel it wasn't worth complaining any further as they didn't think they would receive an appropriate response or the matter would be addressed appropriately and therefore feel they have failed again expounding on their already battered self-esteem!

Powering FAMILIES support parents in this endeavour helping to address matters in writing and encouraging to address all matters in writing if a response isn't appropriately received when told to Child Safety starting from the initial involvement with Child Safety.