

QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY

STATEMENT OF WITNESS

I, Allison Marree Glanville, solicitor, c/- Aboriginal & Torres Strait Islander Legal Service, 8 Union Street Toowoomba in the state of Queensland solemnly and sincerely affirm.

Background

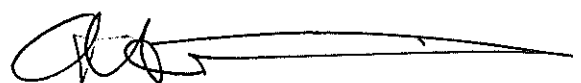
1. I am employed as a solicitor at the Aboriginal and Torres Strait Islander Legal Service (ATSILS).
2. I am based in the Toowoomba office and cover geographical areas from Toowoomba, Stanthorpe, Warwick, Goondiwindi, St George, Dalby, and Chinchilla.
3. I have lived in the Darling Downs for ten years.
4. I was admitted to practice in 2004.
5. I have been employed at ATSILS since February 2012 and provide advice and representation in family law, child protection and domestic violence and civil advice on minor debt issues.
6. I undertake specialist child protection law casework, including advocacy assistance and provide community legal education in the Child Protection and related areas as directed.
7. I attend and present at various stakeholder meetings conferences and the like in relation to other Child Protection matters.

QCPCI

Date: 14.1.2012

Exhibit number: 138


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Signature of person taking statement.

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8. I also provide input into law reform submissions in relation to the Child Protection area.

Role of Aboriginal and Torres Strait Islander Legal Services in the Child Protection System

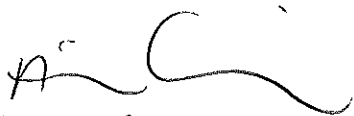
9. Our organisation is funded to provide advice and representation to Aboriginal and Torres Strait Islander people.

Matters organisation wants to inform the Queensland Child Protection Commission of Inquiry ('QCPCI')

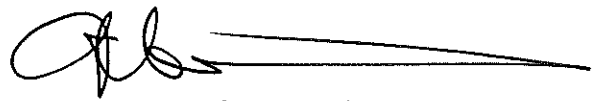
10. The matters I wish to inform the Commission of, concern the rates of over-representation of Aboriginal and Torres Strait Islander children and young people and the challenges parents face in the pre-litigation and litigation stages.
11. I have always been astounded by the way out clients are treated and the methodology used to remove children from parents and, more concerning, is the difficulty negotiating the return of children when clients have addressed the allegations of harm against their children.

Our parents and the child protection system

12. Being provided with information and court documents is a problem. I have had parents who have not been provided with a copy of court orders which the department is obligated to serve. I have had a parent advised by different child safety officers that the child was under an order for periods ranging from 12 months



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to 2 years. In another instance a parent was advised that she was doing so well that no order was being sought, however one week later she received an application for an order for 12 months.

13. In a different matter where the child had been reunified the department still sought a 12 month order. In that particular situation the parent received five phone calls requesting drug testing which effectively meant that the parent was asked to do two separate tests on two separate days, this occurred in the two days prior to the department withdrawing their application.

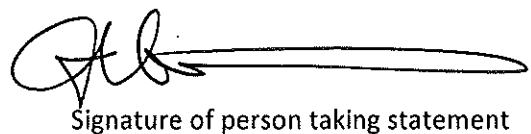
14. Affordable accommodation is also a challenge faced by our clients. When children are removed from parents, the parents immediately lose their income from child payments. As a consequence parents then find it very difficult to pay rent and subsequently lose their accommodation. Parents out of financial necessity move into a one bedroom unit. It then can be difficult to argue the return of children to a one bedroom unit.

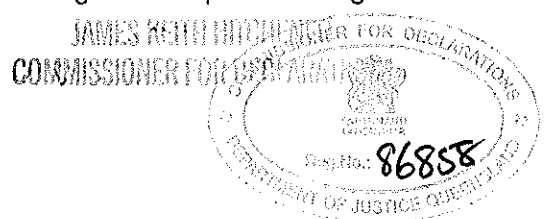
15. Clients often change their address due to financial difficulties and this is a problem for the Department. Clients often become distressed and suffer anxiety when their children or a child is taken from them. The last person they want to contact with an updated address is the department and this is to the client's detriment.

Methodology of removal of children

16. Within days of commencing employment with ATSILS I received a telephone call from a client who was living in the South Western region of Queensland. She had advised me that she was due to give birth to her baby, that her other two children were under the care of her mother who also lived in her region.

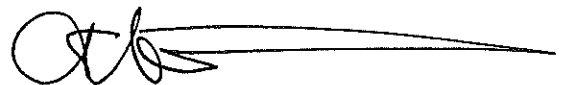

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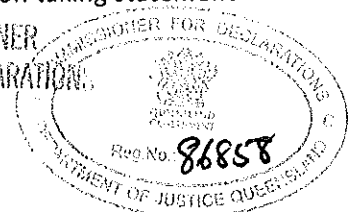


17. Our client gave birth to a girl in the local hospital , the department of child safety lodged an application for a temporary order seeking the removal of the new born baby from the mother, in order to “ assess” whether the baby would suffer harm.
18. An urgent application was heard , I appeared via telephone from Toowoomba, despite my submission that the baby would suffer no harm in the hospital and the mother had undertaken significant steps to address the harm issues articulated by the Department, the magistrate granted the temporary order to the Department of Child Safety .
19. Whilst the application was being mentioned in the in the court , two child safety officers were waiting outside of the mothers hospital room waiting to remove the baby.
20. As soon as the magistrate made the order the child safety officers were advised by telephone to remove the baby from the mother. The process of removing the baby from the mother must have been extremely distressing for the mother, as it was for me listening to my client begging for the Department not to remove her baby.
21. The methodology and practices used by the Department of Child Safety to remove the baby from our client were not only distressing, I soon discovered that the methodology was common practice.
22. The mother during her pregnancy was not provided with any assistance by the Department, instead she was advised that her baby would be removed at birth.
23. The practice of removing children at birth from hospital beds defies logic. Hospitals are better equipped than other facilities to ensure that the mother is able to care for the child in a safe “ harm free” environment. The mother was never offered any

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follow up services when the baby was removed. She was on her own. No grief counselling was offered, no support services were offered. The mother was allocated supervised visits with her new born baby one hour feeding times three times per week.


24. The baby was placed into the care of a non- family member from birth. A further 28 day Court Assessment Order application was filed and was granted, then, at the end of the 28 days a further two year application order was filed. The mother still only being allowed access to her baby 3 times per week for one hour sessions.

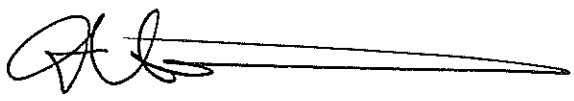
25. The methodology of removing babies and children from homes is handled inappropriately. Often police are called to assist child safety officers to remove children from their parents. The removal of children, who may be screaming and crying in front of their parents, is not an appropriate way to protect children from "harm".

26. The removal of children by force and with the assistance of police is not only inappropriate and may in fact cause more damage to the children and parents who must endure this practice. It is a practice that has been used in the past, with many clients having memories of being themselves removed by force from their parent's arms. The forced removal of children from parents only reinforces segregation and anger towards a government department who's primary role under the child protection act is to " protect children from harm".

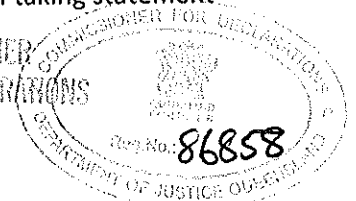
Current themes in our region

27. Court material not served on the parents, for example the orders.


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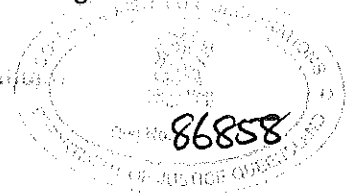
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28. Prior to coming to us clients have been told 'You don't need legal advice'. Clients sign documents and are not given a copy of the signed document. Our parents often have literacy problems so it's possible they don't even understand what they sign.
29. In some instances an application is bought when only one parent has a drug or alcohol problem. A client is advised that because the father or mother of the child has a drug or alcohol problem an application will be lodged for both of them.
30. New born babies being removed from their parents is not a rare event in Toowoomba. The services provided to the mother after this occurs are almost non-existent. In one instance a baby two days old was taken from the mother from her hospital bed. The baby was given to non a family member. She was only granted supervised breast feeding time 3 times a week for one hour. Weekend contact was denied. The Department told the mother that they could not offer more breast feeding time as they did not have enough staff to supervise.
31. In this instance I contacted a medical centre who offered a midwife to assist with visits and therefore the client was allocated a few extra hours with her baby.
32. New born babies have been taken from their mothers in hospitals in the outer Darling Downs without any prior extensive case work or intervention by the Department.
33. In one instance a new born baby was taken from the mother when the mother's two other children were being cared for by her mother. The Department knew she was pregnant and failed to implement any steps to provide her with assistance as

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required under child safety policies and procedures. Any new born baby removed just after birth would be extremely traumatic for a mother or father.

34. It is not uncommon for parents to conceive children to replace the child and children who have been taken. Several clients have hidden their pregnancies out of fear of their child being taken. The child protection concerns will never be addressed if a client is fearful their baby will be taken from them. They will never “engage with the Department”. They will hide and potentially place their baby at risk.

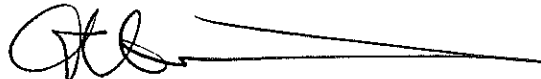

35. When parents of the child are no longer in a relationship it is very difficult to convince the Department the relationship has ceased and the parents are living separately.

36. Often affidavit material filed will state “parents seen shopping at supermarket together on Thursday afternoon”. This is supposed to be evidence that the parents are in a relationship and this may be an act of domestic violence.

37. Affidavit material is often filed and served at the last minute. In one instance we received a fifty page affidavit hours before court. In practice an affidavit is served via email to me one or two days prior to court. Changes to the child protection system should include a minimum time to serve documents, prior to court. It is very difficult to contact clients in time to obtain instructions prior to court proceedings.

38. The majority of affidavit material served is opinion, such as third party sightings of parent’s allegedly doing something such as “shopping at a supermarket with ex partner” “notifier saw the parent having a drink of alcohol at a hotel” . Material is


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not evidence based. Drug and alcohol test results are not always attached to affidavit material.

39. Numerous affidavits have stated that “ client’s will not engage with the department”, It is reasonable in the circumstances for parents to be angry and hostile when their children have been removed with no consultation.

40. Some parents are required to have supervised contact with their children at the Department offices. If a departmental worker is sick and the scheduled visit is cancelled the parent is not offered another time to see their child. They often have to wait until the next week to see their child.

41. Supervised visits are written and sent to clients – often a three to six month schedule. Parents are not always able to have contact with their children on the child’s birthday. If child’s birthday falls outside of the scheduled day they are not granted an additional day to see their child.

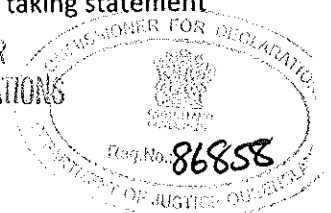
42. One limitation on affidavit material is that the material stated by one child safety officer cannot be tested until a hearing. A hearing cannot be conducted until a Court Ordered Conference is undertaken. It is not unusual to wait two to three months for a hearing date to be set. Meanwhile the affidavit which contains opinion cannot be tested and the parent is accused of “ harm” when in fact this may not be the case. Client contact with their child is limited to several hours a week as the child has been placed in care and is therefore unable to have any contact with child until allegations have been tested.

43. If a client has knowledge of an end date for an order, it is not unusual to have an application filed for a new order days before the old one ends. This can be


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particularly shattering for a client, especially when they have done everything required of them by the Department.

44. In one instance 24 hours prior to the old order ending I was served by email a new application whereby a further 12 month order was sought. The application and affidavit contained no new material the most recent allegations were 5 months old. The affidavit contained no material to establish "harm".

Family Group Meetings

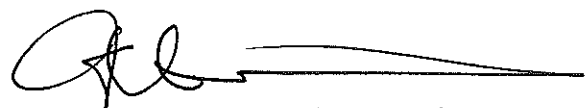
45. Often the family group meeting or court order conference is not undertaken within the required time frame.

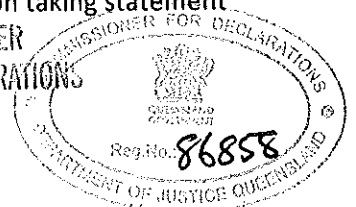
46. Within the Family Group Meeting: the meetings are often conducted at the last minute. Agendas are not provided to us or client until we walk into the room.

47. In one instance I took over a file, (client had no previous legal representation), where an FGM had not occurred for 14 months. The client had three different case workers and two different Team Leaders, none of the case workers had advised the client that an FGM should be scheduled. The client had not had any increased time with her children during the 14 month period. Client was not provided with any medical updates on her child nor any school reports. She was not even aware of what school she was attending.

48. The purpose of an FGM is to provide sufficient case planning to identify and work on the child protection concerns. Issues discussed at an FGM include, child or children's care including how they are coping at school and subjects they may enjoy, where


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they are attending school, health of child and plans for increased contact. This may also include scheduling of after school activities.

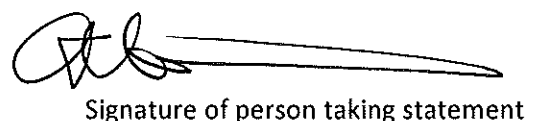
49. In one instance attending an FGM parent sought an increase in time with her child (contact was occurring at the Department, supervised twice a week for two hours) and the client sought increased hours including additional time with an indigenous dance group. This was denied. Parents had to choose between contact at the contact centre, or the indigenous dance group; she could not have both. We discussed in detail the importance of the clients and child's indigenous and cultural importance; this was completely ignored.

50. In a letter sent to the client denying the increased time, she was advised to the effect " until you cooperate with the Department no increased time will be granted" . The letter also described in detail that as the father would not participate in the FGM she would not be allowed increased time with her child. The parents were no longer in a relationship, and therefore did not participate in the Family Group Meeting.

51. Family Group Meetings are limited to case planning; however discussions on seeking assistance with drugs, alcohol, domestic violence and parenting courses and how a client is able to access these resources are not always discussed. Support services such as the Salvation Army are able to attend FGM's, however this is not always common knowledge among parents.

52. Clients are not always aware of assistance or resources available to them. There is no education centre where client's are able to obtain all necessary resources and information. It would be a significant and important step to have a centralised


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education and resource centre for clients to obtain information and use of resources to assist with child protection concerns.

53. The education and resource centre must not be funded by the Department; it is important that clients feel that they can discuss their concerns without fear of their parenting skills being subjected to Department scrutiny. Education is the key.

54. Such resources should be available to client's to obtain the best possible skills necessary to cope with the pressures associated with child protection.

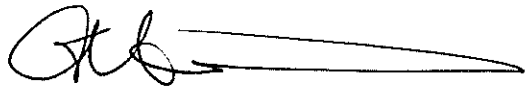
55. The Department publish brochures, however these are held at the Department offices. Clients are reluctant to spend any time in a building associated with the taking of their children.

56. There is no centralised centre, outside of department offices where a client can attend to obtain assistance with parenting or child protection issues. Literacy is an ongoing concern. Any publications should cover indigenous culture.

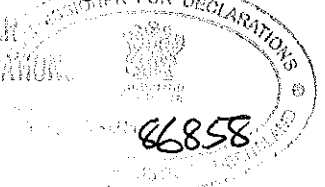
57. Often as part of a case plan parents agree to participate in random drug and alcohol testing. Department policy states that if a client is contacted and fails to participate in a drug and alcohol test then the drug test will be deemed to be "positive".

58. If the Department is unable to contact the client to undergo a random drug and alcohol test, this is cited in affidavit material, " tried to contact client – phone engaged (two minutes later) tried to contact client , phone engaged, (4 minutes later) tried to contact client phone engaged, unable to leave message" . The client is once again accused of " not engaging with the Department".


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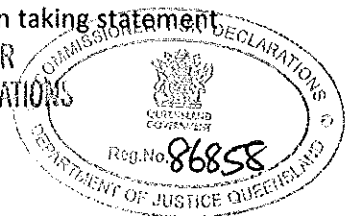
59. Clients often change their telephone number, or do not have enough credit on their phone to contact the Department. As a result of this the client is deemed to have not complied with a directive from the Department and there is often a comment on this issue in affidavit material.
60. Protective Supervision Orders are not often used in Toowoomba. A child is often under a custody order to the Chief Executive, thus the child is removed to the care of non family members or family members. Too often a child is removed without preventative and intensive family intervention being implemented
61. Applications for Custody Orders are either 12 months, 2 years or until child attains the age of 18 years of age.
62. It is extremely difficult seeking the return of a child to parents, after an order has been granted. Even when the parent has complied with all necessary action items contained in a case plan.
63. It is not unusual for the Department to state " It would be difficult for the child to return to the parent as it has been 12, 18 months 24 months where the parents have only had contact 4 hours a week" Despite the fact that the parents keeps asking for significantly increased time with the child. The longer the time a child is away from the parent the more difficult it is to reunify the child. Removal of a child from the family circle is an extremely detrimental to the welfare of the child. It would have a profound effect on parents and children and family structure. Removing a child does not address the child protection concerns it merely isolates and fractures families.

Court Ordered Conferences

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64. Court Ordered Conferences can only occur if a convener is available, often from Brisbane. Time frames to book COC's can be lengthy. This can have a detrimental effect on clients who are often waiting for this conference to occur in order to know the intentions of the Department.

65. At Court Ordered Conferences any discussions cannot be used in future proceedings and are deemed to be confidential. In some instances this can be detrimental to the client. I have attended a conference where the client is accused of " harm " , however there has been no affidavit material filed with the new allegations contained in them. This obviously distresses the client as this conversation can never be brought up again, however the accusation can be extremely distressing to the client .

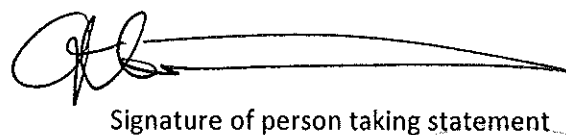
66. Ideally a Court Convenor must be given all powers necessary to resolve or mediate an application filed by the Department. The convener's role in such a proceeding is limited to listening. I have attended several court conferences where there has been no resolution.

Legal Advice.

67. It is not uncommon for clients to be advised that they do not need legal advice. Even when clients are legally represented I receive telephone calls from clients who advise that they have received a phone call from the Department urging them to consent to the Department's application.

68. I have also received phone calls and emails from the department where they have had private discussions with my client and stated " they consent to the order," when


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in fact I have had detailed discussions with the client and they have given very clear instructions to me that they want to contest the application.

69. The Department of Child Safety officers have a very difficult and distressing job. Fundamentally children should be protected from any form of harm. The current Child Protection Act and the methodology in applying the Act must change. In its current form, as detailed in my statement, the implementation of this Act merely fractures families and does not address child protection concerns. The removal of children may protect the child but it leaves a devastating and life-long detrimental effect on parents, families and communities.

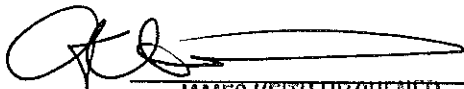
Declaration

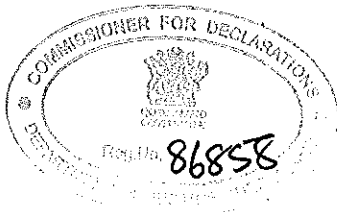
This written statement by me dated 18 December 2012 and contained in the pages numbered 1 – 14 is true and correct to the best of my knowledge and belief.

 Signature

Signed at Toowoomba this 18th day of December 2012.

Witnessed

 Signature
Name JAMES KEITH HITCHENER Position COMMISSIONER FOR DECLARATIONS



Signature of Witness

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