

Robert
Emiliani-
Response
ID 839

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2014

Please explain how they failed to investigate the case properly prior to removing the child / children : "They offered no support or intervention before taking the children, and (they) only became aware of us - because I foolishly went to them for help.

Senate
Inquiry into
Children in
Out of Home
Care 2014.

What is the best thing/s about the current child protection system?

From what I see children in need of help are not getting any because DCP are too busy chasing their own agenda.

Do you want this Submission to the Senate Inquiry to be "In Confidence" ?

No

Please select the role which best suits you, in relation to your statutory child protection dealings

Father

PERSONAL INFORMATION

Your first name

Robert

Your surname

Emiliani

Your mobile phone number

[REDACTED]

Your home phone

[REDACTED]

Email address

[REDACTED]

Address

[REDACTED]

Suburb

[REDACTED]

Postcode

[REDACTED]

State

[REDACTED]

Country

Australia

Are you a former "Child in Care"?

No

Do you have a disability?

No

Parents nationality

Australian

Nationality of children removed

Australian

DETAILS OF THE CHILDREN IN OUT OF HOME CARE :

Child 1[Name of child]

[REDACTED]

Child 1[Date of birth]

[REDACTED]

Child 1[Age removed]

14

Child 1[How many placements?]

5

Child 1[Abused in care?]

yes

Child 2[Name of child]

[REDACTED]

Child 2[Date of birth]

[REDACTED]

Child 2[Age removed]

12

Child 2[How many placements?]

5

Child 2[Abused in care?]

yes

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PLEASE CLICK ANY STATEMENTS THAT RELATE TO YOUR DEALINGS WITH CHILD PROTECTION PRACTITIONERS :

- I have been separated from my children through the means of false claims by child protection workers. Yes
- I have been improperly treated and generally abused by child protection workers. Yes
- I am stating that my case is a matter of public interest. Yes
- I can prove child protection workers have acted negligently giving rise to civil claim. Yes
- I state that child protection workers have acted in a manner that poses a serious threat to public mental health. Yes
- I state there has been a serious miscarriage of justice. Yes
- I state child protection workers have continued in blatant dishonest reporting. Yes
- I state child protection workers have fabricated evidence. Yes
- I state that child protection workers have shown extreme bias. Yes
- I state there has been abuse of power by child protection workers. Yes
- I state child protection workers have perverted the course of justice. Yes
- I state the department have failed in their duty of care to the children. Yes
- I state there has been alienation of child from the maternal / paternal family members. Yes
- I state there is a failure to notify parents of hospitalisation of child / children by child protection workers. Yes
- I state that I am requesting an independent and thorough audit of the case I am providing details about. Yes

COMMUNITY INTERACTION WITH CASEWORKERS

What state / territory removed the child / children? Western Australia

Office location of the department concerned ██████████

- Did caseworkers investigate the case thoroughly prior to removing the child / children? No

Please explain how they failed to investigate the case properly prior to removing the child / children :

They did not check to see if any of the allegations were true before they took the child / children into care. Nor did they offer any intervention or support prior to removing the child / children.

They did not speak to me or the children prior to removal.

The affidavit was a re-write of the minutes of Strong Families meetings I had attended trying to get help for some of my autistic sons behaviours.

Most of the information was known only to me.

They offered no support or intervention before taking the children.

They only became aware of us - because I foolishly went to them for help.

- Did caseworkers investigate the case thoroughly after the removing the child / children into out of home care No ?

Please explain how they failed to investigate the case properly after the child / children had been removed :

They never investigated anything.

They used the information I had given to Strong Families in an attempt to get help for some of my autistic sons behaviours as their affidavit.

None of it was discussed with me.

They just told me they were taking the children into care.

- Did caseworkers work with you for a better outcome for you and your family? No
- Did caseworkers work against you? Yes
- Did they provide any support services to prevent the child / children being taken into care ? No
- Did child protection caseworkers keep you informed about what was happening with your children? No

Could you please explain what you mean by they didn't keep you informed about your children while they were/are in out of home care.

Initially my children were in respite care, when [REDACTED] of DCP told me that the boys would not be coming home - but instead going directly into care when their respite finished.

She also told me that they would be applying for an order in the court.

I said I wanted to attend the court and she said of course and I would be kept informed.

The boys finished the respite and came home with no word from DCP.

The next time I heard from DCP was about 4.30pm December 5th 2013 - when [REDACTED] told me that she would be picking up the boys in half an hour and that she had a court order.

I reminded her that she had promised that I would be allowed to attend the court, she said that I had misunderstood.

When she arrived I read the court order it was an interim injunction granted the day before in the Perth Children's Court, more than 2000km away.

Everything is kept from me. It is as if all parental rights have been cut.

█████ was suspended from school for a day for fighting whilst in care. This is a first and has never happened in my care and I was not informed.

My autistic son was being sexually exploited and I was told nothing.

He had a urinary infection and I wasn't told anything.

- Did they listen to you and respond to your concerns? No

What concerns did they ignore or not respond to you about?

My youngest son suffers migraines. I had him to the doctors 9 times last year and to the paediatrician about 5 times. (I was sympathetic because I suffered migraine about 4 days a week as a teenager). It meant that I couldn't study and went to uni in my forties.

The paediatrician promised that she would run scans and rule out obvious concerns. To date this hasn't happened.

I feel that DCP are largely to blame for this. The caseworker ██████ came to the house one morning in November 2013 and saw ██████ was home and wanted to know why.

I told her he had a migraine. She scoffed that "*he looked fine to her*" and she was taking him to school.

I was angry but felt that I couldn't say anything.

She is a social worker *not a doctor*, and is not qualified to make those decisions.

I was hoping by keeping him home that this would spur the paediatrician into doing the tests she promised.

His case had become a case of referring him for the next visit.

The paediatrician had prescribed him tablets to prevent his migraines and she said that it was important that he didn't stop the tablets.

He ran out of tablets around Easter time and told the DCP worker ██████ and she said that she would get them. She didn't.

I told the caseworker ██████ and she said that she would bring it up with the paediatrician next time. ██████ informed me that he saw the paediatrician in June with ██████ of DCP and the paediatrician had said that it was important that ██████ start the tablets again.

It is difficult to get information as they won't allow ██████ or I to discuss anything.

I listed this matter for the children's court proceedings on 14th August.

██████ (caseworker) took ██████ to see a GP on the afternoon of the 13th August, not his normal GP but one he had never seen before.

The GP said that he shouldn't take the tablets.

I believe that this shows ██████ wellbeing is of little consequence, and what matters (*to them*) is being right at all costs.

DCP have tried to convince everyone that ██████ migraines were because of me and that he doesn't get them anymore.

What has happened is that that ██████ suffers in silence, he still gets headaches but is discouraged to mention it.

- Did caseworkers provide the opportunity to have the child / children returned? • No
- When child protection turned up and removed the child, was this the first time you were aware they were going to do this? • No
- Do you believe that caseworkers broke any laws? • Yes

WHICH LAWS DO YOU BELIEVE THEY BROKE ?

- Children and Young Persons Act - False or misleading statements. Yes
- Crimes Act - Child Abduction. Yes
- Crimes Act - Blackmail offence.
- Crimes Act - Fraud. Yes
- Crimes Act - Failure of persons with parental responsibility to seek medical attention for child. Yes
- Crimes Act - Perverting the course of justice. Yes
- Crimes Act - Offence of perjury. Yes
- Crimes Act - Providing false instruments by public official (Public authority giving false information to another public authority). Yes
- Misconduct under a Public Sector Employment and Management Act. Yes
- Dishonesty. Yes
- Recklessness. Yes
- Other Stupidity

Do any of the below statements reflect the ways you were treated by child protection workers?

- To get access to your child you had to state that you had No

abused, neglected or mistreated your child.

- To get access to your child you had to state that you had sexually assaulted your child. No
- They lied in affidavits. Yes
- They lied in reports. Yes
- They only provided what information suited them to court report writers (IE Family Relationships Australia). Yes
- They caused reports to be inaccurate due to only providing information that suited their agenda. Yes
- Ignored abuse concerns because it did not suit their agenda. Yes
- Vindictiveness. Yes
- Sarcasm. Uncertain
- Belittling parents. Yes
- Putting their own best interests first before those of your child/children/family. Yes
- Did they tolerate aspects of your life that were different to theirs? (eg. race, poverty, education level) Yes
- Continues to make judgements about you. Yes
- Displaying an inability or lack of willingness to accept the positive changes parents may have made. Yes
- Expect parents to work “with” them BUT they won’t work “with” parents. Yes
- Refusal to provide a change of child protection workers when personalities clash. Uncertain
- Discriminating against parents with mental illness. No
- Using “the best interests of the child” to justify whatever they do even when clearly it’s not. Yes
- Where there has been no harm, you are treated in the same disrespectful ways as those who have actually harmed their children. Yes
- The child protection workers assumed you were a bad parent though you had done nothing wrong. Yes

Caseworkers interaction with the child / children

- Did caseworkers interview the child / children on their own? I don't know
- Were there two caseworkers interviewing the child / children? I don't know
- Were copies of the interview of the child / children made available to you? No
- Was the child / children asked if they would like to have a support person present with them at the time of interview I don't know

Questions regarding interviewing of parents by caseworkers

- Was the parent / parents interviewed without a support person being present? Yes
- Did the caseworkers rely on any disclosure (allegedly) made by the child after the interview with the two caseworkers? No
- Do you believe that recording all contact caseworkers have with families would make the system fair and more honest? Yes
- Do you believe that caseworkers are getting away with misconduct and other criminal activities because there is no way of proving what has been communicated by the caseworker? Yes

Some parents are told that if they separate or divorce, they would have a better chance of getting the child / children returned.

- Were the parents accused of having domestic violence issues? Yes
- Were the allegations false? Yes

How would you describe the conduct of the child protection caseworker in the courts?

- Was the caseworker prepared to proceed on the day? No
- Did the caseworker or their legal representative request adjournments? Yes
- Did they tell you the truth or write truthful Affidavits? No

Please explain how the caseworkers did not tell the truth in affidavits, or were not truthful.

Their affidavit was just a rewrite of information I had brought up at "Strong Families" meetings, whilst I was trying to get help with some of my autistic sons behaviours. All the information was known only to me.

WHAT WERE THE REASONS FOR THE REMOVAL OF THE CHILD/CHILDREN?

- At risk of emotional harm Yes
- Neglect Yes
- POSSIBLE FUTURE RISK OF HARM Yes
- I have a medical condition that is being used against me Yes
- Were the allegations false? Yes

WERE YOU CHARGED WITH CHILD ABUSE?

- Were you charged with child abuse? No

- Were you charged with neglecting the child / children? No
- Were you charged with child abandonment? No
- Were you convicted of child abuse? No
- Were you convicted of neglecting the child / children? No
- Were you convicted of child abandonment? No
- Were you convicted of anything at all relating to the removal of the child / children? No

DID THE CASEWORKERS CONTINUE TO RAISE THE BAR ON YOU?

- Were you ever given a single list of things you needed to do / not do in order to have the child / children returned ? Uncertain
- Did the caseworkers continually add to the list of requirements for you to do in order to have the child / children returned? Yes
- Were you able to complete the list of requirements set by the caseworker? No
- Was this because the list was never ending? Yes
- Did completing the caseworkers requirements of you enable the child / children to be returned? No
- Was it difficult to address the issues in court because they kept changing (raising the bar)? Yes
- If the department did not provide you with any information about what you need to do to get your children back, did you do courses yourself to improve your parenting skills? No
- Were you consulted about your child's Care Plan? No
- Was your case continually adjourned by the department because they were not ready to proceed? Yes
- Did your solicitor or ICL object to the departments request for more time? No
- Did the court grant adjournments to the department on the basis that they were very busy? Uncertain
- Was that in your child's best interest? No

Access to support services :

- Did the department require you to complete any courses? Yes
- Were the parents prevented from having any support persons at any meetings / conferences or court proceedings related to the removal of the child / children? No

What has been the impact on you since the child was taken away and placed into foster care?

- Lack of Trust Yes
- Emotional abuse Yes
- Sadness Yes
- Withdrawal Yes
- Depression Yes
- Low self-esteem Yes
- Anxiety Yes
- Suicidal tendencies Yes
- Were you offered professional help such as grief counseling to deal with your loss? No
- **Has there been a negative physical impact on you caused by the forced removal of the child?** Yes
- Has there been a negative financial impact on your family due to care and protection proceedings? Yes
- Did you have a partner at the time of the removal? No
- Has there been a negative impact on the relationship with your extended family and friends, caused by child protection's removal and court proceedings? Yes
- Have you had to move home or town because of child protection involvement? No

More information about the long term impact of the care proceedings and forced removal:

- How many placements has the child / children had ? 5
- How many caseworkers has the child / children had ? 2
- How often does the caseworker see the child / client?
- Does the child / children know who their caseworker is? Yes

How much contact is there between the siblings (brothers and sisters) ?

Daily Yes

CONTACT WITH CHILDREN IN OUT OF HOME CARE

General questions about the removal of the child / children :

- Was your child / children placed in care in the state you resided in? Yes
- Have you been allowed to have phone contact with the child / children in care? Yes
- Have you been allowed to have SKYPE contact with the child / children in care? No
- Did you lose your public housing after the child / children was removed? No
- Did you lose your income after the child was removed? Yes

- Did the department seek orders till the child was 18 years from the time they were removed? Yes
- Did you have to finance your own appeal? No
- Did you have problems trying to find a good solicitor that was prepared to fight for you in the Care Court? Yes
- Was your Legal Aid cut off during court procedures? No
- Did your solicitor advise you to agree to establishment? Yes
- Did your solicitor advise you to agree to what the department wanted? Yes
- Did the paid carers become a part of the proceedings? No
- Do you understand the system? Yes
- Have caseworkers undermined you to your children in care? Yes
- Have the children been divided into different placements ? No
- Have your children been managed by an NGO (non-government organisation eg CatholicCare / Barnardo's etc)? No
- Has your child in care received appropriate medical treatment while in care? No
- Has your child had to change schools while in care? No

DOES THE CHILD / CHILDREN EVER ASK TO COME HOME?

- All the time Yes
- Begs to come home Yes
- Asks why they cannot come home Yes

What has happened if the child has asked to come home, or kicked and screamed or tried to stay with you at the end of contact?

- The worker does and has cut contact Yes
- The worker has used the child's wishes to come home against him/her, and used that as a reason to cut contact by saying the child is continually upset at the end of contact and it makes it difficult for foster carer. Yes
- The worker continues to make notes in her book that will eventually be used against the parents in some form or another. Yes

- Other

The caseworker tries to convince my autistic son that he means something else - which leads to him having a meltdown.

- Do you currently have contact with the child / children Yes

in out of home care?

How much contact are you having with the child / children currently in Out of Home Care

- Other weekly
- An hour and a half contact Yes
- Is this child / children part of a sibling group? Yes
- Are the siblings split up into different placements? No

For how long does the sibling child / children in out-of-home care get to spend with each other at contact?

- Two hours contact Yes
- Other weekly

WHAT HAS BEEN THE IMPACT ON THE CHILD / CHILDREN SINCE THEY WERE PLACED INTO FOSTER CARE?

- Lack of Trust Yes
- Medical abuse Yes
- Emotional abuse Yes
- Sadness Yes
- Depression Yes
- Low self-esteem Yes
- Anxiety Yes
- Overeating Yes
- In your opinion has there been an emotional impact on the child / children as a result of being placed in foster care? Yes

In your opinion, what has been the short or long-term emotional impacts on the removed children because of the care proceedings and forced removal?

- Anger Yes
- Frustration Yes
- Depression Yes
- Anxiety Yes
- Stress Yes
- Difficulties eating Yes
- Loss of enjoyment of life Yes
- Little interest in anything Yes
- Feelings of injustice Yes
- Feelings of inadequacy for being unable to protect your children Yes

- Sometimes don't want to get out of bed Yes
- Have you ever written to the child in out of home care, or sent letters or money or gifts? Yes
- Were there ever any hassles with giving the gifts, cards, money or similar to the child? Yes

What were the issues you encountered whilst trying to give your presents, money, gifts, letters to the child in care?

Other

I could not give them their Easter eggs.

I had to give them to DCP - and they only got some at Easter.

Other information pertinent to the child receiving gifts sent to them by family members :

- Did you ask for a receipt? No
- Did the caseworker give you a receipt for any gifts you provided? No
- Were you allowed to give the child / children the gifts / cards / letters ? No
- Did the child actually receive the gifts / cards / letters ? Uncertain
- Were you told that the money for the child will be put into a trust account for them until they are eighteen? No
- Did the department ever provide you any evidence to support the money being given to the child or put into a trust fund? No
- Do you believe they stole the money or gifts? Uncertain

How much contact does the child / children have with extended family now they are in out-of-home care ?

- Other weekly

Have you been told any of the below rules, or similar, by child protection caseworkers ?

- You cannot talk to the child about the past. Uncertain
- You cannot talk to the child about the case or why they were removed. Yes
- You are not allowed to change a child with out someone being present. No
- You must leave toilet door open. No
- You are not allowed to take photos. No
- You are not allowed to take photos of any injury your child has. No
- You are not allowed to record the contact visit. No

- You are not allowed to whisper anything to your child. Yes
- You must talk loud enough for the supervisor to hear. Yes
- You are not allowed to tell child the truth about questions they ask. No
- Any additional children or relatives visiting the child / children must be approved by the caseworker first. Yes
- You cannot hold a Birthday party for your child as their friends and extended family cannot attend the contact. Yes
- You are not allowed to ask how there going at school. Uncertain
- You are not allowed to ask about their placement. Yes

Other family contact for special occasions :

- Have you been allowed contact on special days such as the Child's Birthday, Mother's Day, Fathers Day, your Birthday and Christmas Day? No
- If a member of your family or extended family has died have the children been allowed to attend the Funeral? No
- If a member of your family or extended family has been ill or in hospital has the child been allowed to visit them? Uncertain
- If the child has been hospitalised whilst in care, has immediate or extended family been allowed to visit them? Uncertain

FOSTER CARERS

About the relationship between yourself and the foster carer/s :

- Have foster carers treated you respectfully?
- Have foster carers put the needs of your child / children first? No
- Have foster carers supported the restoration of your children? Uncertain
- Have foster carers made the children call them Mum and Dad? Uncertain
- Have the caseworkers made the children call the foster carers Mum and Dad? Uncertain
- Have foster carers helped to preserve your relationship with the child / children in care? No
- Did the foster carers oppose restoration because they wanted to keep your child / children? No
- Did the foster carers oppose restoration because they had formed a bond with the child / children ? No
- Have foster carers been allowed to join the proceedings? No
- If so, were the foster carers provided with free legal Uncertain

assistance to participate in the proceedings?

- Have foster carers undermined you to your children? No

Is there anything else you would like to say about the foster carer/s ?

My son is diagnosed as high functioning, severely autistic, and non verbal.

As such he reacts adversely to change - and he has been placed with 5 different carers since Xmas.

I am punished by having contact cut to once a week - because he isn't settling into the placement.

I have implored the caseworker to get help from an autism expert, but she claimed she doesn't need help.

Something needs to be done about this, as autistic children face enough hurdles in life without the government building more.

DCP, DOCS, FACS should not be able to take special needs children into care unless they have the necessary skills.

I have the skills I have learnt thru being ██████ main carer for 15 years. ██████ has suffered more from well intentioned fools trying to help him and refusing to take advice from me.

INJURIES, ABUSE AND NEGLECT OF CHILDREN IN OUT OF HOME CARE

- Has the child / children been prescribed psychotropic medications since being removed? • No
- Has there been any injuries, abuse or neglect to the child / children in out of home care? • Yes

Please explain the injuries, neglect or abuse of the child / children in out of home care

█████ 15 is diagnosed severely autistic non verbal.

His autism is not understood by caseworkers - And they treat a meltdown as a tantrum.

I have become upset and pleaded with them and explained his autism as best I can but they will not listen.

i am university educated and have been ██████ main carer for most of his 15 years. I And have raised two stepchildren and 2 grownup children of my own - but this experience I have pales into insignificance when compared to someone twenty something yrs old with no children but an arts degree in social work.

My 12 yr old has a history of migraines (a condition I suffered from as a teen).

The social workers have decided that he was cured and *despite advice from his paediatrician* they have withheld his medication - and his migraines have returned.

They will not even allow him the Nurofen that the paediatrician told him to take once he already

has a migraine.

I have raised this several times with the caseworker but she always cuts me off.

I raised the matter for the last hearing - but the day before the hearing they took [REDACTED] to another doctor - that he doesn't know and he said that [REDACTED] should not take his medication.

Sounds like doctor shopping to me as DCP promised that I could attend future doctor's appointments.

- Was the child hospitalised for illness or injuries acquired in out of home care? No
- Have you reported any injuries, abuse or neglect to the child / children since they have been placed in out of home care? Yes

WHO DID YOU REPORT THE INJURIES, ABUSE OR NEGLECT TO ?

- Caseworkers Yes
- Other solicitor

If you reported any injuries or abuse about the child in out of home care to one of the caseworkers responsible for the welfare of the child, what was the outcome of the report?

- Nothing it was a coverup Yes

COMPLAINTS ABOUT CASE MANAGEMENT OF CHILDREN IN OUT OF HOME CARE

- If you believe that your caseworkers acted incorrectly, or corruptly, or even biased toward you, or did not follow their guidelines, or policy or procedure, did you report it to anybody? Yes
- Have they been held accountable for any misconduct, corruption, maladministration or bias? No

Who did you report the misconduct, corruption, maladministration or bias etc to:

- Other Yes

What was the outcome of the report you made to another party / organisation / person ?

- Other I reported it to my lawyer

COMMUNITY INTERACTION WITH MAGISTRATES, COURTS AND LEGAL REPRESENTATIVES & THE COST OF SUCH SERVICES

- Were you ever denied legal aid during the court proceedings ? No
- Did you have Legal Aid or private legal representation? I had Legal Aid representation

- Did you have trouble finding legal representation that had not previously worked for the department? No
- Did you win or lose the case? Court proceedings are not yet finished.
- Did you have to choose your Legal Aid representative from a limited list? Yes
- Were you given adequate preparation time for each of the hearings that related to the child / children in out of home care? Yes
- Do you believe the courts helped or hindered your case? The courts hindered my case
- Do you believe the magistrate read your affidavits and listened to you? No
- Did your solicitor explain your legal situation clearly? No
- Did your solicitor provide the correct legal advice?

Is there anything else you would like to say about the legal representation you had :

My solicitor was sympathetic but did not seem keen to engage DCP.

- Did you feel your solicitor really tried hard to win your case? No

If you ever applied for court transcripts, what was your experience with it and the organisation that provided the transcript service?

- Other court not finished

Is there anything else you would like to add about the court process ?

It is hard to get expert testimonial.

All said I was a good caring parent - but none were prepared to commit anything to paper as it may be seen to be biting the hand that feeds you.

Most work for the State government.

Even friends are loath to give evidence for the fear of them and their children being targeted by DCP.

Audio and visual equipment in the courtroom :

- Were you able to hear what was being said in the courtroom at all times? Yes
- Could you hear what was being discussed between the parties solicitors at all times? Yes
- Were you able to clearly hear what the magistrate was saying at all times? Yes
- Was the audio and video equipment working well at all times? Yes

INDEPENDENT CHILDREN'S LAWYER / CHILDREN'S LEGAL REPRESENTATIVE

Questions about independent children's lawyer

- Did the ICL healthily promoted the United Nations Convention of the Rights of the Child? I don't know
- Are you aware that the ICL must tell the court the child's wishes? Yes
- Did the ICL provide the child with the age appropriate Children's Charter of Rights? I don't know
- Was the ICL available at times to discuss matters with the child? No
- Did the Child try to dismiss the ICL for lack of willingness to abide by Representation Principles for Children's Lawyers?
- Are you aware that a child has a legal right to dismiss his / her lawyer, if they are not happy with the representation they are receiving from that legal representative? Yes
- Did the same lawyer represent the child / children throughout the proceedings? Yes

PRINCIPLE A1 - Client of a direct representative

- Did the ICL act upon the instructions of the child client ? Uncertain
- Did the child client convey to the ICL his wishes ? Yes
- Did the ICL receive and act on instructions from the child client irrespective of what the ICL considered to be the best interest of the child client ? Yes
- Did the ICL represent the child client with the same undivided loyalty, confidentiality and competent representation that is due to an adult client ? Uncertain

General obligations of the direct representative

- Did the ICL attempt to reduce case delays ? No
- Did the ICL identify appropriate family and professional resources for the child ? No
- Did the ICL consider and discuss with the child client the desirability and possibility of appeals or further applications ? No

PRINCIPLE E2 (Part 1) - General obligations of direct representative

- Did the ICL represent the child in a competent and professional manner ? Uncertain
- Did the ICL participate in all telephone and other conferences and hearings, (unless the hearing was completely unrelated to the child client) ? Yes

- Did the ICL actively advocate in accordance with the child client's instructions and preferences ? Uncertain
- Did the ICL, before closing submissions consult with the child client to ensure all aspects of instructions were put to the court ?
- It is the duty of the ICL to ensure that all relevant evidence is presented to court. Did this happen?
- Did the ICL cross-examine and question the accuracy of evidence by other parties where this related to the child's welfare?

PRINCIPLE D5 - Support persons

- Did the ICL advise the child client that they are entitled to have a support person with them during the interview ? Uncertain
- Did the ICL seek the child's view on whether they would like the support of a trusted adult during the interview process ? Uncertain
- Was there a support person (trusted adult) present at the interview process with the ICL ? No
- Was the support person chosen by the child client ? No
- If there was a support person selected, did the child ever request the support person to be excluded ?
- If the child requested the support person to be excluded, did the ICL abide by the child clients wishes ?

PRINCIPLE C1 - Determining whether child has capacity to give instructions

- Was a support and monitoring mechanism established to assist the child client ? Uncertain
- Were follow up meetings between the lawyer and the child arranged throughout the legal process and after judgement? Uncertain

PRINCIPLE C2 - Enhancing child's capacity

- Did the ICL seek to enhance the child's capacity to provide instructions ? Uncertain
- Did the ICL seek assistance of appropriate behavioural scientists to assist them to ascertain the wishes and directions of younger children ? Uncertain
- Did the ICL appropriately use this information to assist the child client ? Uncertain

PRINCIPLE H1 - Access to documents by child client

- Did the ICL inform the child client that they are entitled to access documents held by the ICL ? Uncertain
- Did the child client request access to documents held by Uncertain

the ICL ?

- Did the ICL abide by the request of the child client and provide those documents requested ? Uncertain
- If the ICL refused to provide the child client with access to information on his / her file, what reasons were given?

PRINCIPLE D1 - Seeing the child

- Did the ICL see the child client at all ? Uncertain
- Did the ICL see the child client well before the first hearing ? Uncertain
- Did the ICL represent the child client at every hearing / conference and telephone conference that was related to the child client ? Uncertain
- What, if any, promises or commitments were made to the child?

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

- Have you been subjected to torture or to cruel, inhumane and degrading treatment or punishment? No
- Have you been held in slavery, and (or) the slave-trade in any of their forms? No
- Have you been treated equal when before the courts and tribunals Yes
- Have you been subjected to arbitrary or unlawful interference with respect to your privacy, family, home or correspondence? Or have you been subjected to unlawful attacks on your honour and reputation?
- Have you been denied your right to hold an opinion/s without interference? No
- Have you had your right to freedom of expression violated? No
- Has your family been denied protection by society and the state Yes

Please provide more information

Neither I or my children did any wrong,

There was no investigation but my 2 sons were taken into care.

I had approached DCP seeking some support as I was having a hard time.

I have several health problems and my 15 year old daughter had got into the wrong crowd and was a mess on drugs and i was struggling.

I asked DCP for help for my daughter.

They appointed an officer to follow the kids and watch but didn't actually do anything.

This stress resulted in me having 3 heart attacks in about six weeks.

While I was in hospital with the first heart attack the doctors told me that the RFDS plane was on its way.

I said that I can't go yet I have children at home and had to make arrangements.

He told me not to worry as something would be organised. I refused and discharged myself. I was having unbearable chest pain when I drove to DCP office.

I was Eventually told that as my children weren't in care it was my problem.

The Local Area Command for DSC told me to get on the plane and she would take the kids home herself if she couldn't find anyone.

I fail to see how any of this would qualify as protection.

These are the circumstances that led to my children being taken.

I was able to get my daughter committed to [REDACTED] rehab centre in Perth.

She is now back home with me and is a changed person. Even though she spent more than 12 months in rehab they prevented her from coming home. She has never been a ward of the state.

I asked [REDACTED] (my caseworker), why she couldn't come home in the presence of my lawyer - and she went red and said I haven't got time to answer now.

When I saw her the next week and she said "look at it from our point - if [REDACTED] is allowed to return home how can we justify keeping the boys."

[REDACTED] turns 17 on 21st September and is too old to justify taking into care.

INTERNATIONAL COVENANT OF THE RIGHTS OF THE CHILD

- Article 7.1 states "The child shall be registered at birth and shall have the right to know and be cared for by his or her parents". Do you believe this right has been violated?

Please provide more information about your child's right to know you and be cared for by you being violated

My two boys have been taken into care by DCP against their and my wishes.

I no longer have any say in their doctors appointments and are not kept informed about their health.

My children were in no danger.

DCP claim they held an investigation but neither I or my children were spoken to.

The affidavit they supplied to the court was a re write of the minutes of "strong families" I attended in in attempt to get help for some of my autistic sons behaviours.

I was led to believe that the meetings were confidential.

- Article 9.1 of the Convention on the Rights of the Child states "State Parties shall ensure that a child shall not be separated from his or her parents against their will". Was your child's right violated? Yes

Please explain how State Parties separated your child/ren from you against their will

Without any discussion and without any proper investigation they turned up with orders from the children's court and took the children against their and my will.

DCP told me that I would be able to attend the court proceedings. But i was not notified and the court hearing was held in Perth, over 2500 km away.

My boys have always made it clear that they want to go home.

- Has the state taken appropriate measures to protect your child from all forms of abuse, violence, negligence, maltreatment or exploitation, including sexual abuse? No

SUMMARY

What were your thoughts on child protection services before you had the opportunity to see them work first hand ?

- They do a great job in difficult circumstances. No
- If child protection got involved then the parents must have done something wrong. No
- They would never remove a child without investigating the family properly first. No
- Child protection workers are over worked and underpaid. No
- The department needs more funding so they can help more families No
- They don't get enough gratitude for the job they do. No

Describe your thoughts and feelings toward child protection and the authorities in general now that you have experienced them ?

- Did you initially seek assistance from child protection? Yes
- Would you ever ring child protection again for assistance? No
- Do you tell domestic violence victims to seek assistance from child protection? No
- Do you tell them not to ask for help because of mandatory reporting regulations? No

- Would you ever ring the police again to ask for assistance if in a domestic violence situation? Yes
- Would you ever trust healthcare professionals with information that may be used against you by child protection workers? No
- Would you ever seek help from any government authority again after having the department involved in your life previously? Uncertain

What is the best thing/s about the current child protection system?

From what I see children in need of help are not getting any because DCP are too busy chasing their own agenda.

What is the worst thing about the current child protection system ?

That they are busy destroying the very families they are supposed be protecting, and don't appear to be answerable to anybody. "Who is guarding the guardians"

What changes would you make to the child protection system if you could ?

1. I would remove the excessive powers of social workers and make all social workers re apply for their positions based on their real capabilities.
 2. There should mandatory drug testing of all DCP/DOCS staff.
 3. The children's court is basically a rubber stamp for DCP.
- Would you like to have your case reviewed ? Yes
 - Do you see any point in asking to have your case reviewed by another government department ?
 - Would you like to have your case file audited for compliance with state child protection laws, and policies and procedures by a professional organisation that is experienced with current child protection issues, that is independent of the department ? Yes

Is there anything else you would like to say about the current child protection system ?

The system fails the very people it is supposed to protect. We see children every day in need of intervention or help. But sadly DCP are too busy harassing parents that care and are dealing with difficult circumstances.