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# Personal Submission to the Senate Inquiry into Children in Out of Home Care 2014

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Personal Submission of Tracy  
Jagger

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

The courts said it had to be approved before I was allowed to have it. On another occasion I paid for the files, and then when loading the CDs, they were blank.

- Do you want this Submission to the Senate Inquiry No to be "In Confidence" ?

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

Your first name	Tracy
Your surname	Jagger
Your mobile phone number	██████████
Your home phone	██████████
Email address	████████████████████
Address	████████████████
Suburb	██████████
Postcode	████
State	██████
Country	Australia
Are you a former "Child in Care"?	No
Do you have a disability?	Yes
Mental illness	Yes
Other disability	Yes
Parents nationality	Australian
Nationality of children removed	Australian

**Details of the children in out of home care**

Child 1[Name of child]	████████████████████
Child 1[Date of birth]	██████
Child 1[Age removed]	1 day, 10 yo, 13 yo
Child 1[How many placements?]	3
Child 1[Abused in care?]	Emotionally
Child 2[Name of child]	████████████████████
Child 2[Date of birth]	██████
Child 2[Age removed]	5 yo, 8 yo
Child 2[How many placements?]	2
Child 2[Abused in care?]	Emotionally



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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 child protection workers have covered abuse by a carer.
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
- Other Professional negligence, and abuse of power.

### Community interaction with caseworkers

What state / territory removed the child / children? [REDACTED]

Office location of the department concerned [REDACTED]

- 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 my children into care.
- \* They did not consult with sister agency Anglicare, which were fully aware of me going to Bali with my daughter.
- \* The third time they actually faxed a letter to my lawyer stating they would not remove my daughter from my care, then same day police cornered me in the Big W carpark at [REDACTED] on Christmas Eve 2010, and STOLE my princess from me.
- \* They did this to punish me from trying to expose their lies and corruption from when I finally beat them in Court 2009.
- \* They did not offer support prior to removing the child / children.

- 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**

Too difficult and Stressful to write, please see files attached.

- 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.**

They deliberately withheld information, such as when my daughter was in hospital for suspected appendicitis. They were punishing me for trying to expose their lies and corruption :(

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

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

- \* They wanted me to die.
- \* They knew my daughter was my life, and stole her from me Christmas eve. They then subjected me and my daughter to legalised torture by forcing 1 time a week supervised visits, totally unjustified:(
- \* They also did not change reports when they told of many inaccuracies.

- 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? Yes
- Do you believe that caseworkers broke any laws ? Yes

**Which laws do you believe caseworkers broke ?**

- Children and Young Persons Act - False or misleading statements. Yes
- Civil Liability Act - Tort and Trespass. Yes
- Crimes Act - Child Abduction. Yes
- Crimes Act - Blackmail offence. Yes
- Crimes Act - Fraud. Yes
- Crimes (Hostages) Act - Hostage taking. 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 Professional negligence, Perjury, Malicious prosecution

**Use this section to explain exactly what was done or not done that constituted criminal offences by the child protection workers.**

They Lied at Every opportunity, knowing I was unable to have my evidence presented to courts. They legally tortured me in the hope I would commit suicide, as they knew my daughter was my life :(

**Consider the personal circumstances of your case and describe how you believe your experience of forced removal could have been better managed.**

It shouldn't have ever happened. They only did it to cover their butts, from me trying to expose their corruption, and hoped I would die when they stole my daughter. Please see files attached as extensive, and too distressing to have to repeat :(

- Have caseworkers persecuted or threatened you, or cut contact with removed children because you have expressed opinions that are contrary to their beliefs? Yes

**What have caseworkers done when you have exercised your fundamental right because you expressed opinions contrary to their belief?**

- Caseworkers have submitted affidavits to the court over expressing opinions contrary to theirs Yes
- Caseworkers have dragged me into court over expressing opinions contrary to theirs Yes
- Caseworkers have cut contact with the child / children in out of home care Yes
- Caseworkers have threatened me with jail Yes
- Other Abuse of power, by lying, and having me charged with threats to kill.

I finally had convictions over turned in County court by REPRESENTING MYSELF.



- If you attended a protest or rally about issues surrounding child protection, was this ever used against you ? No

**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 abused, Neglected or mistreated your child. No
- 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. Yes
- 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) No
- 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. Yes
- Discriminating against parents with mental illness. Yes
- Using “the best interests of the child” to justify whatever they do even when clearly it’s not. Yes
- Inflexible working hours – evenings and weekends would enable them to work “with” parents and their work commitments. Yes
- Were 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



- The child protection workers chose not to accept the positive statements of family members even though they were true. Yes
- The child protection workers chose to accept false statements of family members even though they were NOT true. Yes

### Caseworkers interaction with the child / children

- Did caseworkers interview the child / children on their own? Yes
- 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 you request a support person? Yes
- Was your request to have a support person denied? Yes
- Were there two caseworkers present at the interview? Yes
- Did the caseworkers rely on any disclosure (allegedly) made by the child after the interview with the two caseworkers? I don't know
- Did you want to record interviews? Yes
- Did you ask if you could record interviews? Yes
- Were you allowed to record interviews? No
- If the interview was recorded would that have helped you evidence lies told or written by the caseworkers in court? Yes
- Do you believe that recording all contact caseworkers have with families would make the system fair and more honest? Yes
- Do you believe 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? No
- Were the allegations false? Yes
- Were you or the parents told that separation or divorce would provide a better chance of having the child / children returned by the caseworker? Uncertain
- Were you or the parents told that separation or divorce would provide a better chance of having the child / children returned by their lawyer? Uncertain
- Did the parents separate or divorce? Yes





- Was there any change in circumstances for abiding by the requests of the caseworker regarding the separation or divorce? Uncertain
- Was the child / children returned because of the divorce / separation? No
- Was one of the parents told to take out a restraining or domestic violence order to better their chances of having the child / children returned? Yes
- Did a parent take out a restraining or domestic violence order because they were asked to? Yes
- Was the child / children returned because of the restraining or domestic violence order? No
- Was there any change in circumstances for abiding by the requests of the caseworker regarding the restraining or domestic violence order?
- Was the child / children returned to the perpetrator of domestic violence or abuser or known paedophile? No

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

- Did subpoenaed caseworkers turn up for cross-examination in court proceedings? No
- Did they lie under oath? Yes
- Was the caseworkers evidence based on fact ? No
- Was the caseworkers evidence based on hearsay? Yes
- Was the caseworker prepared to proceed on the day? Yes
- Did the caseworker or their legal representative request adjournments? Yes
- Did the caseworker omit facts relevant to the case that would have painted you or the parents in a more positive light? Yes
- Did the caseworker bring any new information into court when being questioned that was not in previous affidavits or spoken about? Yes
- Were reports received in time-frames ordered by the court? No
- Did the court material contain uncorroborated stories about you? Yes
- Did the court material have an objective approach? No
- Did the court material have a subjective approach aimed at demeaning and belittling you? Yes
- While caseworkers were being questioned, did the courts allow the other workers to take notes and discuss matters? Yes
- Did the caseworker allow the child to be present at the court hearings? No
- Was the caseworker dressed appropriately for such court proceedings? Uncertain
- Did they hug each other when they won their case against you and your family? Yes
- Did they hi-five each other when they won their case? Yes
- Did they hug the other party whom they wanted the child to live with when they won their case? Uncertain
- Did the caseworker seem smug and pleased with themselves after the court case? 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.**

Please see files attached. Too distressing and very lengthy.

If you would you like to upload any documents that relate to caseworkers not telling the truth in affidavits or lying, please do so here.

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**Family impact statement**

- Was the child removed without consent? Yes
- Was the child adopted ? No

**What Were the reasons for the removal of the child/children?**

- At risk of emotional harm 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? Uncertain
- Were you able to complete the list of requirements set by the caseworker? Uncertain
- Was this because the list was never ending? Uncertain
- Did completing the caseworkers requirements of you enable the child / children to be returned? No
- Did the reasons child protection gave to magistrates, to warrant keeping the child / children in out of home care continue to change with each court case? Yes
- Was it difficult to address the issues raised 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? Yes
- Were you consulted about your child's Care Plan? No
- Did you receive affidavits and care plans in enough time to respond to the court? 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
- Did the department argue that because your child had been in care for a year or more that it was not in the child's best interest to be returned to you because it would unsettle their placement? Uncertain

### Access to support services

- Did the department require you to complete any courses? No
- When you completed all the department asked, Did you get your children back? No
- Did the department assist you to do what they required of you? No
- Did they encourage and support you to do what was required of you? No
- Did it make a difference in getting your children back? No
- Were the parents prevented from having any support persons at any meetings / conferences or court proceedings related to the removal of the child / children? Yes

### 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
- Excessive crying Yes
- Sadness Yes
- Withdrawal Yes
- Depression Yes
- Depression Yes
- Physical health problems Yes
- Anxiety Yes
- Panic attacks Yes

- Complex trauma Yes
- Post Traumatic Stress Disorder Yes
- Trust issues Yes
- Mental health issues Yes
- Drinking Yes
- Sexual promiscuity Yes
- Anti-social traits Yes
- Other Anger
- Has there been short or long-term emotional impacts because of the care proceedings and forced removal that you have experienced? Yes

**What has been the short or long-term emotional impacts of the care proceedings and forced removal you have experienced?**

- Grief Yes
- Loss Yes
- Pain Yes
- Anger Yes
- Frustration Yes
- Depression Yes
- Anxiety Yes
- Stress Yes
- Difficulties sleeping Yes
- Difficulties working Yes
- Post Traumatic Stress Yes
- Loss of enjoyment of life Yes
- Little interest in anything Yes
- Feels like life revolves around courts and caseworkers Yes
- Feelings of mental and psychological torture by caseworkers Yes
- Feelings of injustice Yes
- Sometimes don't want to get out of bed Yes
- General suffering Yes
- Other hatred of the government
- Were you offered professional help such as Grief counselling to deal with your Loss? No

You may attach a medical report or other documents to this form if you think it will help understand the emotional or psychological effects the care proceedings and forced removal has had on you.

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- Has there been a negative physical impact on you caused by the forced removal of the child? Yes



**Describe any short or long term physical impacts of the care proceedings and forced removal:**

I nearly died when they stole my daughter from the big w carpark Christmas eve 2010. They knew she was my life, and deliberately tried to make me kill myself.

After she was stolen, I couldn't eat, drink, sleep, and I felt my body was shutting down.

I didn't care if it did, as I was sick of their lies and corruption, and didn't think I could go any more rounds battling.

Thankfully I finally have my princess back, but a less stronger person most likely would have died, which is what they were hoping for :(

- Has there been a negative financial impact on your family due to care and protection proceedings? Yes



## **Financial short and long term impact of the care proceedings and forced removal:**

1st intervention in 1997 compounded my post-traumatic stress syndrome after my first baby's death.

I was starting to get through it as best as possible, I was buying my own home, was on maternity leave at [REDACTED], as well as studying advanced Diploma in Accounting.

Then [REDACTED] tried to steal my second son from me within 24 hrs of giving birth.

If not for the intervention, I had sooooo much more potential based on my previous scholarship, and financial achievements (i had over \$10,000 saved whilst attending high school full time, working 21 hrs per week part time after school, and living in youth emergency accommodation).

I then wasted nearly all of my superannuation payment of \$11000 when they stole [REDACTED] from me on 11/11/07, when we were detained at the airport, on a planned trip for Bali, due to Bankruptcy issues.

This is why they came into my life for a 2nd time.

I am now unable to work (previous finance manager), due to continual torture imposed by corrupt, lying [REDACTED] workers in [REDACTED] after they intervened for a 3rd time, and stole my daughter xmas eve, as I was trying to expose their corruption. They used my sons ADHD and extremely difficult behaviours as an excuse to steal my daughter in the hope I would kill myself :(

## **Kinship Care**

### **If you would like to write more here, please do so**

I was separated from my husband. There was a time, in December 2007, that we were going to try again, but due to having to come back from our holiday in QLD to fight [REDACTED] it was too draining on our relationship.

The third time [REDACTED] intervened, my ex had my second son [REDACTED] living with him, receiving family tax payments and carer's allowance. Due to [REDACTED] extreme violent behaviour, and the fact that my life was getting back on track after beating [REDACTED] in 2009.

I was nearing finishing a diploma in tourism, as well as having my diploma in accounting modules updated, as I was previously finance manager at [REDACTED], and I wouldn't get back together with him, he abandoned [REDACTED] and took a new job 100 km away.

He knew no-one else would take [REDACTED] as he is ADHD, and was out of control.



My ex still continued to receive family tax payments, and carer's allowance whilst working away.

█████ was a threat to █████ as he had acted out violently on many occasions, including throwing a knife at my ex-husband. I had printed studies to prove it was the Ritalin, and was angry at the paediatrician when he upped the dose after we told him █████ was having blackouts and increasingly violent.

After already losing my first child, I was distraught about losing another child, so in extreme distress after presenting 14 pages of documents showing children dying from Ritalin, or killing their parents in a drug induced psychosis, I said to the paediatrician " if my son dies from Ritalin, I am going to kill you".

Of course he is the one that called █████ to get the ball rolling to steal my daughter... So my ex abandons █████ still receives payments for looking after him, and when I try and seek assistance for █████ extreme behaviours, they use it against me and steal my daughter :(

- 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

### **What would have been a better solution in your case then forced removal?**

They should not have been stolen. █████ was out of control due to the Ritalin, and as I was trying to expose the lies and corruption of the █████ office.

I had already beaten the lying scum previously, and taken my kids to Bali for 2 months Dec 08-Feb 09 with the approval of my ex-husband. He signed for their passports!

This was a personal vendetta from the corrupt bitches I am trying to expose. █████ █████, and former █████ worker █████ (moved to Anglicare).

What they should have done was offer assistance with █████ extreme behaviour, and investigated █████ (ex), as he was the one receiving the payments for him and was his primary care giver.

My daughter will never get her childhood back, as they forced her to grow up faster than she should have by stealing her from her mother.



## Is there anything else you would like to say concerning the removal?

These lying bitches need to be prosecuted for professional negligence, perjury, and never be allowed near any more families again.

They should serve jail time as an example to any worker than lies, and destroys families.

And the law should be changed so that EVERYTHING IS RECORDED, as they lie, and know they get away with it. :(

Thankfully I recorded a lot (not admissible in court), as they were trying to ensure my ex and I stayed fighting. My recording did prove to him what they were saying to him was not the truth, and thankfully we banded together to fight their corruption.

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

I continually have nightmares over this.

My daughter can never get back a normal childhood, I can never get back the time with her they stole from me.

She was an innocent victim in all this, and was also legally tortured by forcing her to have supervised visits Once a week. It was also embarrassing for her at school.

My reputation was ruined by these false allegations of being an unfit mother.

I was concerned they were going to try and steal my new baby (now 21mths), and didn't get to enjoy my pregnancy like an expectant mother should.

I have difficulty trusting anyone, and I am unable to work due to the constant nightmares and compounded post-traumatic Stress syndrome :( Just doing this survey is extremely distressing, and affecting my current relationship, as it is bringing up soooooo much turmoil :(

- How many placements Has the child / children had ? 2
- How many caseworkers Has the child / children had ?
- How often does the caseworker see the child / client? They only saw them when they needed to write reports for court, or when picking up for supervised visits.
- Does the child / children know who their caseworker is? Yes

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

- Daily Yes





- Other

██████ was stolen for over a month, and taken out of school, also against her fathers wishes, when we started working against ██████

## 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? Yes
- Did you lose your income after the child was removed? Yes
- Have you been granted a Case Review by a Regional Director or other ? No
- Have you applied to have the child / children returned to your care ? Yes
- Did the court allow you to proceed to a hearing for your restoration application? No
- Did the department oppose your application for restoration? Yes
- Did the department seek orders till the child was 18 years from the time they were removed? No
- Did you appeal the court decision in your case? Yes
- Were you successful with your appeal? No
- 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? Yes
- 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? Yes
- Were the paid carers provided with free legal assistance to participate in the proceedings? Yes
- Do you understand the system? Yes
- Have caseworkers undermined you to your children in care? Yes
- Have the children been divided into different placements? Yes
- Have your children been managed by an NGO (non-government organisation eg CatholicCare / Barnardo's No



etc)?

- Has your child in care received appropriate medical treatment while in care? Uncertain
- Has your child had to change schools while in care? Uncertain

### **Does the child / children ever ask to come home?**

- Yes Yes
- All the time Yes
- Cries to come home at contact regularly
- 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 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
- The worker used my emotional distress when having my daughter stolen, each week at supervised visits.

### **Do you currently have contact with the child / children in out of home care?**

- Yes

### **How much contact are you having with the child / children currently in out of home care?**

I finally beat them, and have my daughter back. My son is living with my baby's dad, he is now 17.

### **For how long Do you get contact with the child / children in out-of-home care?**

- One hour contact Yes
- They reduced the time from 1 ½ hrs to 1 hr per week as a punishment.

**Is this child / children part of a sibling group?**

- Yes

**Are the siblings split up into different placements?**

- Yes

**How much contact do the siblings have with each other?**

They were separated for about 4 weeks when my ex and I started working together, so they stole my daughter from him also.

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

- Depends on if they choose to abide by court orders Yes

**What has been the impact on the child / children since they were placed into foster care?**

- Lack of Trust Yes
- Emotional abuse Yes
- Sadness Yes
- Withdrawal Yes
- Depression Yes
- Depression Yes
- Anxiety Yes
- Smoking Yes
- Sexual promiscuity 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?**

- Grief Yes
- Loss Yes
- Pain Yes
- Anger Yes
- Frustration Yes
- Anxiety Yes
- Stress Yes
- Nightmares and bad dreams Yes
- Feelings of mental and psychological torture by caseworkers Yes
- Feelings of injustice Yes



- General suffering Yes
- My daughter would often cry herself to sleep :(

**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 or letters to the child in care?**

- Caseworkers refused to give the presents, letters, cards or gifts to the child in out of home care Yes

“I took my daughter her favourite clothes, and in the report it said I took her clothes that were too small for her, and I didn't have any opportunity to address the court about their lies”.

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

- Were you allowed to give the child / children the gifts / cards / letters ? No

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

“They are back home now”.

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

- You cannot talk to the child about the past. Yes
- You cannot talk to the child about the case or why they were removed. Yes
- You are not allowed to take photos. No
- You are not allowed to take photos of any injury your child has. Yes
- You are not allowed to record the contact visit. Yes
- You are not allowed to whisper anything to your child. Yes
- You are not allowed to talk to each other outside of the contact room. 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. Yes
- You are not allowed to bring any other children or relatives into contact. Yes
- Any additional children or relatives visiting the child / Yes



- children must be approved by the caseworker first.
- You cannot hold a birthday party for your child as their friends and extended family cannot attend the contact. No
- You are not allowed to ask how they're going at school. Yes
- You are not allowed to ask about their placement. Yes

**Were there any other rules you were told by the caseworker or contact supervisor?**

The above questions covered it

**What happened to your contact if any rules were broken?**

They lied about everything that happened in visits

**What were other reasons given for cancelling contact?**

They had cancelled some contacts, and then reduced the time from 1 1/2 hrs to 1 hr per week as a punishment.

**Other family contact for special occasions:**

- Have you been allowed contact on special days such as the Child's Birthday, Mother's Day, Father's Day, your Birthday and Christmas Day? No
- If the child has been hospitalised whilst in care, has immediate or extended family been allowed to visit them? No

**Describe your experience of direct or indirect contact with your child or children following the care proceedings and forced removal**

This is repeating itself, and way too distressing to continue typing about. Most details will be found in the attachments, but I nearly died, and they wanted me to die :(

**Injuries, abuse and Neglect of children in out of home care**

- Has the child / children been prescribed psychotropic medications since being removed? No

**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:**

- DoCS (Child Protection) Complaints line in your state Yes
- Local MP Yes
- Other Yes

**What was the outcome of the report you made to the Complaints Line for Child Protection / Families ?**

- I never received a response Yes
- Nothing it was a coverup Yes

I made the complaint made to [REDACTED], who then passed onto regional manager, who then passed it on to team leader - who is one of the main perpetrators!

**Is there anything else you would like to state regarding your complaint to the Complaints Line for child protection department in your state ?**

They don't give a crap, they just pass the buck until it eventually gets to the person responsible for the corruption in the first place. When I contacted the local MP Ken Smith, he went straight to the people committing the lies!!!

**What was the outcome of the report you made to your Local Member of Parliament ?**

- Nothing it was a coverup Yes

**What else (if anything) would you like to say about the complaint you filed with your Local MP ?**

What is the point of going straight to the people you are accusing of the corruption (with a folder full of evidence) ???

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

- Nothing it was a coverup Yes

**Community interaction with magistrates, courts and legal representatives & the cost of such services**

- Were you ever denied legal aid during the court proceedings ? Yes
- Did you have legal aid or private legal representation? I part self-represented and had part legal aid representation
- Did you have trouble finding legal representation that Yes



- had not previously worked for the department ?
- Did you win or lose the case? Lost
- 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? No

**Please explain how you were not given adequate time to prepare for child protection proceedings?**

Reports were given on the day<sup>1</sup>, nowhere near enough time to prepare, and various reports were withheld. I had to fight to obtain after sacking lawyers to represent myself.

- 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? No

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

All of the lawyers in [REDACTED] are in on it with [REDACTED] as the more hearings there are, the more money they receive.

My daughters lawyers did not listen to her requests, instead sided with the father, as her lawyer previously represented my ex-husband (total conflict of interest), and knew it also meant returning to court over and over again, if [REDACTED] remained STOLEN.

- Do you feel your solicitor spent enough time with you and working on your case? No
- Did your solicitor follow your instructions? No
- Did you feel your solicitor really tried hard to win your case? No

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

The courts said it had to be approved before I was allowed to have it. On another occasion I paid for the files, and then when loading the CDs, they were blank.

<sup>1</sup> Editor's note - If child protection proceedings are about the health and welfare of children based on the facts and evidence presented, and not about winning a court case at all costs, then why do [REDACTED] caseworkers almost always see the need to prevent parents from having ample opportunity to address reports they are preparing to use in courts against them? It is definitely a common tactic by [REDACTED] and shows poor judgement on behalf of the best interest of the children.



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

It's a total farce. They can present whatever lies they want, and I don't have an opportunity to prove their lies. Then when an opportunity arises for a court to really hear the truth, they breach the order, and prevent the hearing from happening, instead forcing a breach hearing. Then making us wait months until another hearing, abuse of process!!!

In a previous question you answered that caseworkers lied under oath during court proceedings (committed perjury) ... When this matter was evidenced in court, what Did the magistrate do ?

- The magistrate did nothing. Yes
- Other The magistrate fell asleep when i was presenting my evidence [Magistrate [REDACTED] now retired].

### Audio and visual equipment in the courtroom

- Were you able to hear what was being said in the courtroom at all times? Uncertain
- Could you hear what was being discussed between the parties solicitors at all times? No
- Were you able to clearly hear what the magistrate was saying at all times? No
- Was the audio and video equipment working well at all times? No

### Independent Children's Lawyer / Children's Legal Representative

#### Questions about the independent children's lawyer

- Did the ICL healthily promoted the United Nations Convention of the Rights of the Child? No
- Are you aware that the ICL must tell the court the child's wishes? No
- Did the ICL provide the child with the age appropriate Children's Charter of Rights? No
- Was the ICL available at times to discuss matters with the child?
- Did the Child try to dismiss the ICL for lack of willingness to abide by Representation Principles for Children's Lawyers? Yes
- Are you aware that a child has a legal right to dismiss Yes





his / her lawyer, if they are not happy with the representation they are receiving from that legal representative?

- 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 ? No
- 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 ? No
- Did the ICL represent the child client with the same undivided loyalty, confidentiality and competent representation that is due to an adult client ? No

### **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 ? No
- 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 ? No
- Did the ICL, before closing submissions consult with the child client to ensure all aspects of instructions were put to the court ? No
- It is the duty of the ICL to ensure that all relevant evidence is presented to court. Did this happen? No
- Did the ICL cross-examine and question the accuracy of evidence by other parties where this related to the child's welfare? No

### **Principle A3 - Client where a guardian ad litem or next friend has been appointed**

- Was there a GAL (Guardian Ad Litem) appointed ? No
- Were there any objections to the GAL (Guardian Ad



Litem) ?

- Did the child client request a particular GAL (Guardian Ad Litem) ? No
- Did the ICL convey the wishes of the child client in regards to their preferred GAL ? Uncertain

### **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 ? No
- Did the ICL seek the child's view on whether they would like the support of a trusted adult during the interview process ? No
- Was there a support person (trusted adult) present at the interview process with the ICL ? No

### **Principle C1 - Determining whether child has capacity to give instructions**

- Was a support and monitoring mechanism established to assist the child client ? No
- Were follow up meetings between the lawyer and the child arranged throughout the legal process and after judgement? No

### **Principle C2 - Enhancing child's capacity**

- Did the ICL seek to enhance the child's capacity to provide instructions ? No
- Did the ICL seek assistance of appropriate behavioural scientists to assist them to ascertain the wishes and directions of younger children ? No
- Did the ICL appropriately use this information to assist the child client ? No

### **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 ? No
- Did the child client request access to documents held by the ICL ? Uncertain

### **Principle D1 - Seeing the child**

- Did the ICL see the child client at all ? Yes
- Did the ICL see the child client well before the first hearing ? Yes
- Did the ICL represent the child client at Every hearing / conference and telephone conference that was related to the child client ? Yes



## Principle E4 - Whether a child should give evidence

- Did the child client request to give evidence in the matter ? Yes
- If so, Did the ICL assist the child client to give evidence ? No
- Did the child have other written evidence to be provided to the court by the ICL ? Yes
- If so, Did the ICL provide the court with this written evidence ? No
- Did the child client have audio evidence to be provided to the court by the ICL ? No

## Practice Direction No 2 of 2006

- If the child client was not allowed to speak in court, Did the ICL request the Judge to speak to the child ? No
- If not, what were reasons for not allowing the child client to speak to the magistrate ? They did not allow ██████ to express her wishes, and her lawyer did not express her wishes to be returned to her mum. ██████ was not present for most of the hearings.

## Access to other evidence involving the child clients' matter

- Did the ICL obtain copies of all court documents and evidence relevant to the case? No
- Did another party try to supply evidence to the ICL ? Yes
- Did the ICL accept the evidence on behalf of the child client ? Uncertain
- Do you believe the ICL read all the subpoenaed notes and affidavits in the case? No
- Is there any evidence from the courts that the ICL did not obtain? There was never a care plan made, even though it had been ordered.

## If there is any evidence that the ICL refused to accept in relation to the child client, please describe here:

I personally met with my daughters lawyer, and presented all the evidence proving their lies. He did not present any of it to the courts, as he knew an order was still in force, and so he would have more work :( He was also my ex-husbands lawyer for some of the previous ██████ cases.

## Principle J2 - Right to dismiss direct representative

- Did the child client at any time attempt to dismiss the ICL ? Yes

- If so, Were the wishes of the child client abided by ? No
- Has the child client unsuccessfully tried on more than one occasion to dismiss the ICL ? Yes

**If so, to whom Did the child client request the dismissal of the ICL to ?**

██████ told ██████ she wanted another lawyer, and I told my lawyer that ██████ wanted another lawyer.

**What reasons were given for refusal to dismiss the ICL as requested by the child client ?**

He was not expressing ██████ wishes in court that she wanted to go back home with her mum.

**Is there anything else you would like to add about the child / children's independent legal representative?**

He should not have been allowed to represent my daughter, as it is a total conflict of interest - as he previously represented my ex-husband.

**Principle E2 (Part 3) Statutory obligations of the ICL**

- Did the ICL act in an independent and unfettered way in the best interests of the child? No
- Did the ICL act impartially, but if thought appropriate, make submissions suggesting the adoption by the court of a particular course of action if he or she considers that the adoption of such a course is in the best interests of the child? No
- Did the ICL inform the court by proper means of the child's wishes in relation to any matter in the proceedings? In this regard, the representative is not bound to make submissions on the child's instructions but is bound to bring the child's express wishes to the court's attention. No
- Did the ICL arrange for the collation of expert evidence and otherwise ensure that all evidence relevant to the child's welfare is before the court? No
- Did the ICL test by cross-examination where appropriate the evidence of parties and their witnesses? No
- Did the ICL ensure that the views and attitudes brought to bear on the issues before the court are drawn from the evidence and not from a personal view or opinion of the case? No
- Did the ICL minimise the trauma to the child associated with the proceedings? No
- Did the ICL facilitate an agreed resolution to the proceedings? No



**Principle E8 - Continuity states “The practitioner should be consistently available to represent the child or ensure that incoming practitioners are properly briefed”.**

- Did the child / children have the same ICL throughout the proceedings? Yes

## **International Covenant on Civil and Political Rights**

- Have you been subjected to torture or to cruel, inhumane and degrading treatment or punishment? Yes

**Could you provide more details about your torture or cruel, inhumane or degrading treatment or punishment please.**

Stealing my daughter xmas eve big w carpark 4.30 pm, when a letter to my lawyer THAT MORNING stated they would not take [REDACTED] from me. They then didn't allow me to see her for xmas. They continued to try and keep her away from me for months on end, and I only had 1 hour week supervised visits. This was totally unwarranted and legalised torture!!!

- 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? No

**If you believe you have not been equal before the courts and tribunals, please provide more information.**

Whoever sucks up to them wins. My ex sucked up, so he won my kids. Then he discovered the truth, and fought them, so they took [REDACTED] off him as well. :(

- 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? Yes

**Please provide more details about the unlawful interference with your privacy, family, home or correspondence; or attacks on your honour and reputation.**

I was previously finance manager, bought my own home at 18, received a scholarship at high school, was a tax helper. And my reputation was ruined at the school my children attended, and they looked upon me as scum because of [REDACTED] intervention.

They also had me charged with threats to kill, and swearing in public, even though their



affidavits conflicted each other, and they still won as they know all the magistrates in the region.

Thankfully the conviction was finally over turned in county court, by an Melbourne Judge, but I was financially out of pocket, as well as compounding my post-traumatic Stress syndrome, which was causing even more distress to my family.

- Have you been denied your right to hold an opinion/s without interference? Yes

### **Please provide more information on the violation of your right to hold opinions without interference**

The media cannot report on a children's court matter.

I was not allowed to post on Facebook.

My voice and evidence was not allowed to be presented, as they kept interfering/breaching hearings where I may have my say.

They also didn't allow me to be present in the out of court hearing the night my daughter was stolen.

- Have you had your right to freedom of expression violated? Yes

### **Please provide more information on how your right to freedom of expression has been violated?**

they can present as many lies as they want, and I didn't have the ability to present my evidence proving they were wrong. :( See files attached (unfortunately one of my most important files is only on hardcopy, and I am currently in Bali. But I can provide it at a future date upon request).

- Has your family been denied protection by society and the state? Yes

### **Please provide more information**

Abuse of power and process. As previously stated they had me charged with threats to kill, swearing in public and other bullshit charges, which I can't recall right now, as I do not have access to paperwork.

- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. Do you believe you have been discriminated against with respect to this statement? Yes



### **Please provide more information on this answer**

The law has not prosecuted them for perjury, even when evidence is presented proving the truth.

Yet I get charged with multiple counts of bullshit!

## **International Covenant of the Rights of the Child**

- Article 9.1 of the Convention on the Rights of the Child Yes 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?

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

Well there is 3 cases here, I have been focusing on the last, as it was the most traumatic.

Each time the children were removed against my will.

One time they stole them again the day before the scheduled pre hearing conference, as they didn't want the truth exposed.

We were on the way to my nieces birthday party, and they had the police take them away, totally damaging, and caused a distrust of police also.

The second time I saw them all the time, as my ex hid me at the house until the orders were over. We went to QI, as well, and I took the kids to Bali for 2 months Dec 08 / Feb 09. ■■■■ didn't like that!

The 3rd time was when my son was out of control due to Ritalin, so my ex abandoned him, knowing I was unable to cope with his extreme behaviour, and waited for something to go wrong so he could use the system against me, as I would not go back to him, so he utilized their resources to punish me also.

That was until he too became a victim of their lies, and saw the truth, then we worked together to get the kids back.

- CROC Article 9.3 states "State Parties shall respect the Yes right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis". Is/has this right of your child/ren been violated by State Parties?



**Please provide more information on how the state has denied your child/ren the right to maintain personal relations and direct contact with both parents on a regular basis**

They subjected my princess to 1 hour per week supervised visits, causing nightmares, and embarrassment at school when picked up by social workers.

- Has the state taken appropriate measures to protect your child from all forms of abuse, violence, negligence, maltreatment or exploitation, including Sexual abuse? No
- Was your child removed because you were homeless, or at risk of homelessness? No

**Article 29 of the CROC refers to where the education of the child should be directed to the below mentioned areas. Do you believe that the state has obliged to educate the child / children in these?**

- The development of the child's personality, talents and mental and physical abilities to their fullest potential. No
- The development of respect for human rights and fundamental freedoms. No
- The principles enshrined in the Charter of the United Nations. No
- The development of respect for the child's parents. 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? No
- Would you ever ring child protection again for assistance? No
- Do you tell Domestic violence victims to seek No





- assistance from child protection?
- Do you tell them not to ask for help because of mandatory reporting regulations? Yes
  - Would you ever ring the police again to ask for assistance if in a Domestic violence situation? No
  - 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? No

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

There is nothing good about child protection. They are a bunch of lying bitches that don't give a shit about the best interests of children. They don't investigate the families that should be investigated, instead wasting time ruining the lives of innocent families.

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

Everything, especially how they can present lies in court, over and over again, and get away with it. :(

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

sack the lot of them, and have them criminally prosecuted. If there really is to be any changes, they do need to know they can be criminally charged. They are putting peoples lives at risk, and get away with it!!!

- 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 ? No

### **Why do you not want your case reviewed by another government department / organisation ?**

- Been there, done that - and it's a waste of time. Yes
- Government departments only work to cover for child protection. Yes
- Other departments have merely excused the corrupt actions of the department. Yes
- Other departments have used Every excuse to justify what the department did. Yes
- I haven't seen one government department audit child protection's non-compliance with any degree of moral responsibility whatsoever. Yes
- No other department seems to care what child protection do, and they can't be bothered anyway. Yes
- Would you like to have your case file audited for Yes



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 ?

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

If nothing is done on a professional level, then I hope someone takes it into their own hands!!!

\*\*\* Please note there are multiple attachments with this submission.

