



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

Toni McPherson

The current child protection system has become an industry that has turned what the state and some in society see as a problem, in to a profit.

We have had many inquiries and it is commonly understand that removing children from their families is harmful. Yet we are removing children in increasing numbers while reducing the resources available for social services that can reduce the stress on families.

Personal Information

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

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

Your first name Toni
Your surname McPherson

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 Indigenous



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Details of children in out of home care :

Child 1[Name of child]	██████████
Child 1[Date of birth]	██████████
Child 1[Age removed]	6 months
Child 1[How many placements?]	1
Child 1[Abused in care?]	no

Child 2[Name of child]	██████████
Child 2[Date of birth]	██████████
Child 2[Age removed]	10 months
Child 2[How many placements?]	1
Child 2[Abused in care?]	yes

Child 3[Name of child]	████████████████████
Child 3[Date of birth]	██████████
Child 3[Age removed]	at birth
Child 3[How many placements?]	5
Child 3[Abused in care?]	yes

Please click any statements that relate to your dealings with child protection :

- 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 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 the child from the maternal / paternal family members. Yes
- I state that I am requesting an independent and thorough audit of the case I am providing details about. Yes

I state that this submission is referring to 3 different cases that have affected my son, and two grandchildren.

Community interaction with caseworkers

What state / territory removed the child / children? New South Wales

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.

- Did caseworkers investigate the case thoroughly after the removing the child / children into out of home care ?

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

The first case-the child was removed on the grounds of a claim by the family doctor.

DOCS confused my case with that of the doctor's former patient.

The second case - the child was placed into out of home care when he could have been placed with me as his grandmother.

The third case - the child was removed on the basis that the mother had been in prison for a violent offence and so had the father, so that deemed them potentially violent towards the baby.

There was also an allegation of domestic violence against the father which the mother denied.

Also because the mother was a former child ward of the state this provided the grounds for removing the baby from the birth suite.

The child safety officers did not properly investigate the claim that the mother was able to live with me and we could offer her support and guidance.

- 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.

The child was sent to an unknown carer in [REDACTED] NSW. We only received information from child safety officers through our lawyers.

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

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

The baby being unable to be breastfed and the impact of trauma on the parent child relationship. I was concerned that the parents especially the mother was already vulnerable and that the trauma of having the baby removed would irreparably damage their capacity to parent.

- 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 Act - Failure of persons with parental responsibility to care for child. 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

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

With the first case of [REDACTED] the child protection workers forced me to sign a document that had false allegations against me.

I was threatened with never having my child returned unless I signed the statement.

In the case of [REDACTED] the child protection workers fabricated allegations against my daughter in an attempt to have [REDACTED] placed into the father's care, who was perpetrating domestic violence against my daughter and [REDACTED]

In the case of [REDACTED] child protection workers refused to give the birth records to my son and his partner. Consequently the child protection workers filled out and lodged the documents for registering [REDACTED] with the office of Births Deaths and Marriages.

[REDACTED] was to be given her father's surname of [REDACTED] but is legally known by her mother's surname of [REDACTED]

Child protection workers also had the child's mother [REDACTED] removed from the hospital and would not release the baby from the hospital despite her being healthy.

The workers did everything they could to make it difficult for [REDACTED] to receive her mother's milk. Thus child protection officers in NSW actually denied [REDACTED] her right to breastmilk and to breastfeed.

Allegations were made that [REDACTED] was born with drug addictions but subsequent tests showed that she was not.

These unfounded allegations were used to keep [REDACTED] in hospital and to separate her from her mother and father.

The mother was blackmailed into taking out a domestic violence order against the father.



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

The first case with [REDACTED] could have been better managed by thorough investigation of the doctor rather than me. The doctor had a female patient with a young baby who had told him during a consult that she was depressed and feared that she would kill her baby.

[REDACTED] told her she would be ok and sent her home. The mother killed her baby.

When I went to [REDACTED] I told him that I was having panic attacks and did not feel that I was coping as well as I should do.

So [REDACTED] contacted the [REDACTED] Hospital and told them that I had threatened to kill myself and [REDACTED] I DID NOT STATE this at any time. I was then locked in a back room of the doctors surgery and interviewed repeatedly by DOCS Qld.

There were 4 officers standing above me while they interrogated me until I broke down and admitted I was a bad mother.

I was then escorted through the shopping centre under armed guard without shoes and taken by car with two workers from the [REDACTED] Hospital and two DOCS workers sitting either side of me in the back seat of the car.

I was met by an armed security guard at the [REDACTED] Hospital Emergency and escorted into the lunchroom.

I was then interviewed for a further 4 hours. The doctor diagnosed me with depression and admitted me to the hospital. I was deemed as not of any risk and was able to sign myself out of hospital.

My child was totally breastfed but I was not allowed to feed him and after 9 hours I signed myself out of the hospital so I could return home and express milk because I was in a lot of pain and discomfort.

DOCS allowed me to leave [REDACTED] in the care of my friend who was currently being assessed as a foster carer and I went there and fed him.

It was fortunate that I did go and feed him as he had developed a severe rash from the formula milk he had been given.

[REDACTED] suffers from anaphylaxis. In all of the cases we were not offered family support. Instead we were treated as though we were violent criminals. None of the children were found to have any evidence of abuse or neglect.

If the DOCS workers in all of the cases had listened to my side of the situation there would have been no need for forcibly removing any of the children. At all times there has been a family member available to care for the children.

Each case could have been better handled by working to keep the child with the family, rather than trying to forcibly remove the child and place them with an unknown carer.

- Have caseworkers persecuted or threatened you, Yes



or cut contact with removed children because you have expressed opinions that are contrary to their beliefs?

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

- Other I was threatened with not having my child returned if I did not agree with them in writing.
- 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. Yes
- 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.
- 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
- 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
- The child protection workers chose not to accept the positive statements of family members even though they were true. Yes

Caseworkers interaction with the child / children

- Did caseworkers interview the child / children on their own? No
- 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? I don't know
- 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? I don't know



- Were you allowed to record interviews? I don't know
- 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? Yes
- Were the allegations false? Uncertain
- Were you or the parents told that separation or divorce would provide a better chance of having the child / children returned by the caseworker? Yes
- Were you or the parents told that separation or divorce would provide a better chance of having the child / children returned by their lawyer? Yes
- 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? Yes
- 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? Uncertain
- Was there any change in circumstances for abiding by the requests of the caseworker regarding the restraining or domestic violence order? Yes
- Was the child / children returned to the perpetrator of domestic violence or abuser or known paedophile? Yes



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? Uncertain
- 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? Uncertain
- 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? Uncertain
- 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? No
- Did they hug each other when they won their case against you and your family? No
- Did they hi-five each other when they won their case? No
- Did they hug the other party whom they wanted the child to live with when they won their case? No
- Did the caseworker seem smug and pleased with them self after the court case? Yes



Family impact statement

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

Has there been talk of adopting the child / children ?

- Has there been talk of adopting the child? Yes, [REDACTED]
- Has this been by the caseworker? By her caseworker.
- Has this been by the NGO? No
- Have you told them your objections to the adoption? Yes
- Do you think the adoption is necessary? No
- Do you think the adoption will damage the child's long-term future? Yes

What were the reasons for the removal of the child/children?

- Domestic violence Yes
- At risk of emotional harm Yes
- Mental health issues Yes
- Other [REDACTED] mother is a former ward of the state, who caseworkers stated have no parenting skills.

They also stated that because she has been to prison for violent offences this makes her a risk to the child.

Also as her parents have IV drug habits this puts my granddaughter at risk of harm.

- 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



children?

- 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 ?

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? Uncertain

Did completing the caseworkers requirements of you enable the child / children to be returned? Yes

Did the reasons child protection gave to magistrates, to warrant keeping the child / children in out of home care continued to change with each court case? Yes

Was it difficult to address the issues in court because they kept changing (raising the bar)? Uncertain

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? No

Did your solicitor or ICL object to the departments request for more time? Yes

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? Yes

Access to support services

- Did the department require you to complete any courses? Yes
- Did they improve your parenting skills? Uncertain
- Did you have an opportunity to put your new skills into practice with your child at home? Yes



- When you completed all the department asked did you get your children back? Uncertain
- 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? Yes

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

- Lack of Trust Yes
- Physical abuse Yes
- Emotional abuse Yes
- Sadness Yes
- Depression Yes
- Failure to attach Yes
- Physical health problems Yes
- Low self-esteem Yes
- Anxiety Yes
- Panic attacks Yes
- Complex trauma Yes
- Post Traumatic Stress Disorder Yes
- Trust issues Yes
- Overeating Yes
- 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
- Fear Yes
- Frustration Yes
- Depression Yes
- Anxiety Yes
- Stress Yes
- Difficulties sleeping Yes



- Post Traumatic Stress Yes
- Feelings of injustice Yes
- Feelings of inadequacy for being unable to protection your children Yes

Were you offered professional help such as grief counselling to deal with your loss?

No

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

No

- 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

1. Loss of income and costs associated with travel to and from Sydney for 2 court cases.(Over \$1000).
2. The costs associated with transporting my daughter in law to the [REDACTED] from [REDACTED] and supporting her for 14 weeks as she had very little income and had been homeless for several months.
3. I had to personally fund an in home carer three days per week to supervise my daughter in law while I was at university classes or when I had to go out and could not take [REDACTED] with me.
4. The costs involved in setting the house up with baby clothing and equipment.
5. The costs associated with the support I gave to [REDACTED] mother such as taking her to the doctor, paying for medicines for her and the baby, organising a breast pump while in Sydney just after the baby was removed.
6. I am currently undergoing counselling so I still have costs to fund.
7. Contact with [REDACTED] costs me at least \$60 each visit as she lives an hour and 15 minutes drive away. I have to go and pick her up and drop her back and have to pay all associated costs.
8. I will have to pay for all the costs associated with bringing an application before the QCAT so that I can have a formal access arrangement in place as the current carer is quite difficult and uncooperative.



Kinship Care

- Did you have a partner at the time of the removal? Yes
- Has the loss of your child or children had an effect on your relationship with your partner? Yes

How would you describe the effect that child protection intervention has had on the relationship between you and your partner (at the time of removal)?

- Short-term effect of the removal of the child / children Negative impact
- Overall long-term effect of the removal and continued court proceedings Negative impact
- Effect upon the communication between the couple Negative impact
- Effect upon personal ability and inner-strength Negative impact
- If you would like to write more here, please do so Due to the stress of the case, I separated from my partner.

My partner could not cope with the associated drama and ended our relationship.
- 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 your relatives coped with their own loss caused by the forced removal? No
- Have you had to move home or town because of child protection involvement? No
- What would have been a better solution in your case then forced removal? Family support.

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

██████ was returned to me and ██████ returned to his mother within a few days. However they were both on care and protection orders for several months.

In ██████ case we did not attend court.

These other cases were used against me when I went to be a carer for ██████

DOCS NSW used the false allegations against me to try to stop me from being ██████ carer.



My race was also used against me in court.

DOCS ██████████ claimed that because I am not Aboriginal and my son is and so is ██████████ mother that I should not be ██████████ primary carer because they argued that I could not meet her cultural needs.

However I have given birth to and raised four Aboriginal children, one of which is ██████████ biological father so I am a blood relative of ██████████ her grandmother.

I also raised my children to be strong Aboriginal people and my two youngest children were still living here when ██████████ was taken in to care. Thus ██████████ cultural needs were well taken care of as an Aboriginal child living with her Aboriginal family.

After the orders were taken off ██████████ she went back to living with her mother in NSW. After some months ██████████ went back into care. I was offered the chance to become her primary carer again. I asked to delay this as I was still finishing my honours degree. ██████████ was placed with my brother and sister-in-law.

I would now like ██████████ returned to my care however this is proving difficult as the department are reluctant to move her back home to us, despite the fact that her current carers are non-Aboriginal and she is being raised as a non-Aboriginal child.

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

The long term impact has been to cause great disruption to my entire family. I no longer have contact with ██████████ father and mother.

My relationship with my brother and his wife has become quite strained and they are alienating ██████████ from us.

My financial situation is quite bad and I am finding it difficult to find employment that works around the inconsistent access that my sister-in-law will allow us to have with ██████████

- How many placements has the child / children had ? ██████████ -1
██████████ -1
██████████ -5
- How many caseworkers has the child / children had ? 6
- If your child is indigenous do they have an indigenous caseworker or support worker ? No
- Have the Aboriginal and Torres Strait Islander placement principle's been adhered to? No
- How often does the caseworker see the child / client? Unsure
- Does the child / children know who their caseworker is? No



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

- Not at all Yes

Kinship care options given to family members

- Did you have a relationship with the child / children, prior to them being placed in foster care ? Yes
- Did you apply for kinship care of the child / children ? Yes
- Were you denied or rejected for kinship placement of the child / children ? No
- If they did not place the child / children with you, and they still used Kinship care, was the Kinship placement with a person whom does not get along with the mother, or parents? 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
- Were there problems with interstate placement? 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? Uncertain
- 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 assist you to have your child / children placed in the state you reside in? No
- Did they allow an interstate transfer of your child in care? 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? Uncertain
- Did the department oppose your application for restoration? Uncertain
- Did the department seek orders till the child was 18 years from the time they were removed? Yes
- Did you appeal the court decision in your case? Uncertain
- Were you successful with your appeal? Uncertain
- Did you have to finance your own appeal? Uncertain
- 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? Uncertain
- Did your solicitor advise you to agree to what the department wanted? Yes
- Did the paid carers become a part of the proceedings? Uncertain
- Were the paid carers provided with free legal assistance to participate in the proceedings? Uncertain
- 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 / Barnardos etc)? Yes
- Has that NGO been helpful? No
- Has your child in care received appropriate medical treatment while in care? No

Does the child / children ever ask to come home?

- Yes 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?

- Other The child is frightened to be returned to the carer. When the child looked to me for comfort and was going to cry the carer grabbed her and held her too, even though I still had her hand in mine.



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?

- Fortnightly
- Other

Yes

I am supposed to have contact fortnightly but the carer makes this difficult.

When I asked for Saturdays, the carer put the child into ballet lessons even though she was still only 2.

Whenever I am due to have contact it can take up to 2 hours to organise a time for pick up and drop off.

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

- Four hours contact
- Other

Yes

Depends on how carer feels

Is this child / children part of a sibling group?

Yes

Are the siblings split up into different placements?

No

How much contact do the siblings have with each other?

- Other

unsure

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

- Physical abuse Yes
- Medical abuse Yes
- Emotional abuse Yes
- Sadness Yes
- Physical health problems Yes
- Anxiety Yes
- Attachment disorder Yes



- Other speaks in a whisper
- 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
- Fear Yes
- Frustration Yes
- Anxiety Yes
- Stress 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
 - The child never seems to have the items she has been given.
 - Have never seen her wear any of the clothing, jewellery etc.
 - Child is always dressed in second hand clothing and shoes that often look dirty or shabby.

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 ? Yes
- Did the child actually receive the gifts / cards / Yes



letters ?

- Were you told that the money for the child will be put into a trust account for them until they are eighteen? No
- Do you believe they stole the money or gifts? No

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

- Fortnightly Yes
- Other Fortnightly when it suits the carer

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

- You cannot talk to the child about the past. No
- You cannot talk to the child about the case or why they were removed. No
- You are not allowed to change a child without 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. No
- You are not allowed to talk to each other outside of the contact room. No
- No cuddles or not too many. No
- You must talk loud enough for the supervisor to hear. No
- You are not allowed to tell child the truth about questions they ask. No
- You are not allowed to bring any other children or relatives into contact. Yes
- 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. No
- You are not allowed to ask about their No



placement.

- Where there any other rules you were told by the caseworker or contact supervisor? I am having unsupervised contact.
- What happened to your contact if any rules were broken? The carer regularly makes contact difficult and it must suit the carer or contact does not proceed.
- Has contact been cancelled for breaking the rules? Yes
- What were other reasons given for cancelling contact? Carer is too tired. Carer is too busy. Child has to attend ballet. Kindy has been organised for that day. Child has a concert to attend. Child would get too tired.

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? No
- If the child has been hospitalised whilst in care, has immediate or extended family been allowed to visit them?

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

No caseworker has kept in contact with me.

The onus has been on my sister-in-law and brother maintaining contact with us but they make it difficult because we have to go and visit them and they will not bring [REDACTED] to visit or to contact visits.

I expect that [REDACTED] will want to return to live with us as she gets older.

I am currently aiming for her to return home to us by going through the QCAT system.

I was given approval by the Queensland Minister for Child Safety Tracy Davis MP but the child safety officers and my brother and sister-in-law appear to prefer that the placement remain in its current form.



Foster carers

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

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



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

The carers are my youngest brother and his wife. They have two children of their own who are 9 and 7. The family is non-Aboriginal. I am non-Aboriginal but my children, grandchildren, current partner and family are Aboriginal. My sister-in-law is the main carer.

There was an agreement between my brother, his wife and I that they would look after my granddaughter until I finished my degree and then she would return to me.

██████ appears frightened of my sister in law. My sister-in-law is often aggressive towards ██████

The foster carer makes it very difficult to have access and imposes all manner of conditions on access.

The last time I had her I was told not to let her get dirty, although she did not want to let me have a change of clothes for her in case she did get dirty.

My sister-in-law is heavily involved with my niece's ballet and dancing and has now placed my granddaughter into ballet on the day that I want to have access.

My sister-in-law is very difficult to deal with and when we are trying to arrange contact she behaves as though she does not understand what I am saying and tries to confuse me.

It is as though there is some sort of game being played but I do not know the rules, because there are none other than those the carer makes up as she goes.

Outsourcing children to external organisations

Have you been told any of the below rules, or similar, by contact centre or NGO workers such as Barnardos, CatholicCare, Anglicare or Life without Barriers?

- Have NGO's focused on adoption of the child / children in care shortly after taking over their case management ? Yes

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

██████ was denied breastmilk even though he was 6 months old and exclusively breastfed at the time.

██████ was denied breast-milk at birth.

██████ suffers psychological abuse and appears frightened of her foster mother. The foster mother lunged at her when she was in her car seat in my car because she had just woken up and was taking too long to get out of the seat. I stopped the foster mother from dragging her out of the seat and told her to stop.

Another time the foster mother would not allow ██████ to have something to eat and stated that "you had the chance to have something to eat but didn't and now it is too late. You are not allowed to eat in my car." However the foster mother allowed her 7 year old daughter to eat an apple in front of ██████ who is 3.

██████ had been on access at my house and had been busy playing and the foster mother broke off the contact visit and arrived early to pick her up. This is the only time she has picked ██████ up from contact and broke the arrangement which was for me to drop her off later in the day.

- 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? 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:

- Other Yes

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

- Other It was part of the original court case



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 had private legal representation
- Did you have trouble finding legal representation that had not previously worked for the department ? No
- Did you win or lose the case? Won
- 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?

The first order was taken out while [REDACTED] was in hospital after birth. We did not have time to organise legal representation because my son and his partner were in Sydney, homeless and had no income.

I was in [REDACTED] on the [REDACTED]. When my son went to Aboriginal legal Service Redfern there was not enough staff to assist him and he and the mother were unrepresented at the first hearing.

They also did not have the means to get to court.

The baby was removed by being kept in the hospital and the mother was discharged even though she was homeless.

No assistance was offered by the hospital, no social work assistance.

My son and his partner were treated as though they were child murderers by everyone including the hospital staff.

- 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? Yes
- Did your solicitor explain your legal situation clearly? Yes
- Did your solicitor provide the correct legal advice? Yes



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

The legal team worked for us pro bono. They also had changes made to the NSW children's court so that parents could access a legal representative on at least 2 days a week at the courts, particularly the days that matters were heard.

- Do you feel your solicitor spent enough time with you and working on your case? Yes
- Did your solicitor follow your instructions? Yes
- Did you feel your solicitor really tried hard to win your case? Yes

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

Audio and visual equipment in the courtroom

- Were you able to hear what was being said in the courtroom at all times? No
- 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? Yes
- Was the ICL available at times to discuss matters with the child? No
- Did the Child try to dismiss the ICL for lack of No



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? I don't know

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 ? No
- 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 ? Uncertain
- 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 ? Yes
- 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 ? 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? Uncertain

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

- Was there a GAL (Guardian Ad Litem) appointed ? Uncertain
- Were there any objections to the GAL (Guardian Ad Litem) ? Uncertain
- 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
- Was the support person chosen by the child client ? 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 ? No
- Did the ICL abide by the request of the child client and provide those documents requested ? No
- If the ICL refused to provide the child client with access to information on his / her file, what reasons were given? Child was too young

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 ? Yes
- What, if any, promises or commitments were made to the child? Unknown

Principle E4 - Whether a child should give evidence

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

Practice Direction No 2 of 2006

- If not, what were reasons for not allowing the child client to speak to the magistrate ? too young



Access to other evidence involving the child clients' matter

- Did the ICL obtain copies of all court documents and evidence relevant to the case? Uncertain
- Did another party try to supply evidence to the ICL? Yes
- Did the ICL accept the evidence on behalf of the child client? Yes
- Do you believe the ICL read all the subpoenaed notes and affidavits in the case? Yes

Principle J2 - Right to dismiss direct representative

- Did the child client at any time attempt to dismiss the ICL? No
- Has the child client unsuccessfully tried on more than one occasion to dismiss the ICL? No

ICLs have a direct responsibility to work in the interest of the child, particularly a newborn baby. If any of the children removed were newborn please answer these questions:

- If there was no intervention, and the baby was removed directly from hospital, did the ICL object? No
- Did the ICL object to the baby not receiving colostrum from its mother? No
- Did the ICL object to the baby not being able to receive its mothers breastmilk? No
- Did the ICL object to the baby and mother not bonding and rooming in together? No

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? Yes
- 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.

- 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? Uncertain
- Did the ICL test by cross-examination where appropriate the evidence of parties and their witnesses? Uncertain
- 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? Uncertain
- Did the ICL minimise the trauma to the child associated with the proceedings? Uncertain
- Did the ICL facilitate an agreed resolution to the proceedings? Uncertain

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? Uncertain
- If the ICL changed, did the former ICL provide reasons for the change in representation? Uncertain
- Did the former ICL introduce the child to the new ICL? Uncertain

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.

I was traumatised by the removal of my granddaughter [REDACTED] from the hospital where she was born.

My son was joyous when he phoned to say that the baby had been born. Then he phoned me several hours later extremely distressed because he had been told that his newborn daughter was being removed from him and his partner.

I was also traumatised by the court case because my integrity, mental health, childhood and current character were belittled by DOCS workers.

I was previously traumatised by having my child forcibly removed because a general practitioner made a mistake and then I was made to sign a false document.

I was threatened with having my child placed on a permanent care and protection order if I did not sign the false statement.

I was prevented from breastfeeding and denied the use of a breast pump to relieve my engorged breasts.

- Have you been held in slavery, and (or) the slave- No
trade in any of their forms?
- Have you been denied your right to hold an No
opinion/s without interference?
- Have you had your right to freedom of No
expression violated?
- All persons are equal before the law and are Yes
entitled without any discrimination to the equal
protection of the law. Do you believe you have
been discriminated against with respect to this
statement?

Please provide more information on this answer

By not providing me with access to a lawyer. If I did not have friends I would not have been able to find a pro bono lawyer and we would not have had legal counsel and representation for my granddaughter's case.

I am ineligible for legal aid as I am paying off my own home, even though I am receiving Newstart and have no other income and do not have enough money to pay for a lawyer, I cannot get legal aid.



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 parents". Do you believe this right has been violated? Yes

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

The department would not supply my son and his partner with the birth documents needed so that he could register the child's birth in the name that they chose.

DOCS NSW registered the child in the mother's name and not the father's even though they explicitly stated that they wanted [REDACTED] to have her father's name appear on the birth certificate.

- Article 8.1 of the International Covenant of Child's Rights states "State Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference". Do you believe this right has been violated? Yes

Please provide more information about how the state party has disrespected the right of your child/ren to preserve his or her identity, including nationality, name and family relations as recognised by law without unlawful interference.

At each step of the process the state has attempted to alienate the child from the parents and family. Currently [REDACTED] foster carer is interfering in her relationship with her family and I.

- Article 8.2 state "Where a child is illegally deprived of some or all of the elements of his or her identity, State Parties shall provide appropriate assistance and protection, with a view to re-establishing his or her identity. In your opinion, has this article been violated? Yes



If you answered yes to your child being illegally deprived of some or all of the elements of his or her identity, and State Parties did not provide appropriate assistance and protection to re-establish your child's identity, please explain here

Queensland child protection workers are not currently looking to make contact with [REDACTED] mother and father.

There are superficial attempts to keep [REDACTED] connected to her family but do not facilitate her relationships with me or her other family members.

- 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

The mother and father did not want to be separated from their daughter. None of my family or her mother's family wanted to be separated from the child.

- CROC Article 9.3 states "State Parties shall respect the 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? Yes

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

At all times the state has made it difficult for the child to maintain relationships with her family, in particular with her mother and father. The mother and father do not know where the child is currently located and the mother lives interstate. No attempts have been made for contact.

- 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? Yes



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 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. Yes
- The development of respect for human rights and fundamental freedoms. Yes
- The principles enshrined in the Charter of the United Nations. Yes
- The development of respect for the child's parents. Yes
- His or her own cultural identity. Yes
- Language and values. Yes
- For the national values of the country in which the child is living. Yes
- The country from which he or she may originate. Yes
- For civilizations different from his or her own. Yes

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. Yes
- They would never remove a child without investigating the family properly first. Yes
- Child protection workers are over worked and underpaid. Yes
- The department needs more funding so they can help more families Yes
- They don't get enough gratitude for the job they do. Uncertain

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 assistance from child protection? No
- 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? 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? No

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

It is the focus of an inquiry.

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

The system is corrupt.

The so called child protection system is an industry that looks to find a ready supply of children for people who look after other people's children on behalf of the state for an income and for those who cannot have their own. It is not a child protection system but a neo-liberal child demand and supply system.

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

I would reorient it from an interventionist model that forcibly removes children to one of family support.

I would look to a model of care such as that advocated by groups such as the Brisbane Sovereign Grannies Group, which is led by a group of grandmothers, mothers, aunts, uncles, fathers and grandfathers and offers a holistic family support system to those who need it.

Their philosophy is that it takes a village to raise a healthy whole child and working together with families is best for everyone.

Rather than removing children, there is usually family members who can take a child if it really is at real risk and all family members should be able to receive adequate support to ensure the child is raised by everyone.

- 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 ? Yes
- Would you like to have your case file audited for compliance with state child protection laws, and Yes



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?

The current child protection system has become an industry that has turned what the state and some in society see as a problem, in to a profit.

We have had many inquiries and it is commonly understand that removing children from their families is harmful. Yet we are removing children in increasing numbers while reducing the resources available for social services that can reduce the stress on families.

The problem is that there is a belief that there are good parents and bad parents and that removing children is good for them.

We need to have an extensive public debate about the notion of child removals rather than just finding ways to make the current child protection system more efficient.

