

**Karina
Vodden -
Response
ID 1268**

September 16

2014

This child protection matter has been previously audited for compliance with legislation and policy. There were over one hundred failures to comply including the complete failure of caseworkers to provide in disposition reports exactly what steps they took to give the mother a chance to have the child kept in her care or restored to her care. There were eight disposition reports and not once was this mother given an opportunity to address the alleged issues of the department so she could have her baby son returned.

**Senate
Inquiry into
Children in
Out of Home
Care 2014.**

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

No

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

Mother

PERSONAL INFORMATION

Your first name Karina
Your surname Vodden
 Your mobile phone number [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

DETAILS OF THE CHILDREN IN OUT OF HOME CARE :

Child 1[Name of child] [REDACTED]
 Child 1[Date of birth] [REDACTED]
 Child 1[Age removed] 47 days old
 Child 1[How many placements?] four
 Child 1[Abused in care?] yes

TABLE OF CONTENTS

Personal Information	1
Details of the children in out of home care :	1
Please click any statements that relate to your dealings with child protection practitioners :	3
Community interaction with caseworkers	4
Which laws do you believe they broke ?	5
Do any of the below statements reflect the ways you were treated by child protection workers?	6
How would you describe the conduct of the child protection caseworker in the courts?	7
Family impact statement	9
Access to support services :	10
Contact with Children in Out of Home Care	13
What has been the impact on the child / children since they were placed into foster care?	14
Compliance Audit Failures	17
Temporary Assessment Order Reports	17
Keeping children safe -- the role of child protection	18
Case Planning	19
Temporary assessment orders (TAOs)—Sections 228–239	19
Secretary to report allegation to police	20
Duration of interim accommodation order	21
Section 241 – Safe Custody.	21
Disposition reports	21
Court Reports	24
Steps taken to enable child to return home – Point 7 in Disposition Reports	24
Departmental Obligation	25
Parent Risk Factors	26
Human Rights Violations	27
Timeframes	28
Separation and Placement Impact upon Development	29
Advice 1247	29
Various other breaches of legislation and policy by DHS	30
Facilitative Conferences	34
Best Interest Principles	34
The Carers General Character	38
Responding to quality of care concerns - :	39
Photographic evidence of abuse	39

Foster carers	41
Outsourcing children to external organisations	42
Injuries, abuse and neglect of Children in Out of Home Care	42
Complaints about case management of children in out of home care	44
Community interaction with magistrates, courts and legal representatives & the cost of such services	45
Audio and visual equipment in the courtroom :	47
International Covenant on Civil and Political Rights	47
International Covenant of the Rights of the Child	48
Summary	50
Relevant Legislation	51
Guardianship	52
Custody	52
Types of Protection Order	53
Offence to fail to protect child from harm	53

**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 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 there has been cover up of the department's approved placement. 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

COMMUNITY INTERACTION WITH CASEWORKERS

What state / territory removed the child / children? Victoria

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 [REDACTED] into care. Nor did they offer any intervention or support prior to removing [REDACTED]

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

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

They never had documented evidence of physical or emotional abuse or neglect nor did they have documented proof of any medical or health issues wrong with myself amongst, other things

- 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 - DHS implied that they provided services and support / intervention at a parenting unit where the mother and son were sent, to be a service, however she was sent there "for assessment" - this is not support.
- 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.

Never informed me about hospitalisation of my son, doctor's appointments or any other appointments.

They never obtained my consent and I was [REDACTED] "legal guardian" until April 22nd 2013 - I am still unable to obtain documentation that I was legally entitled to at the time of the incidents.

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

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

Child abuse emotional abuse or medical neglect or serious concerns about the alleged carers.

- Did caseworkers provide the opportunity to have the child / children returned? No - this is a legal requirement in disposition reports that are submitted to the court - and they have continually broken this law and denied me ever having my son returned.
- 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 THEY BROKE ?

- | | |
|--|-----|
| • Children and Young Persons Act - False or misleading statements. | Yes |
| • Crimes Act - Fraud. | Yes |
| • Crimes Act - Perverting the course of justice. | Yes |
| • Crimes Act - Offence of perjury. | Yes |
| • Dishonesty. | Yes |
| • Recklessness. | Yes |

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

False and misleading information was given to the child stealers to remove [REDACTED] including false statements of physical abuse & family violence and also false medical conditions that don't exist and personal conditions. (All which were disproven in court to no avail).

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

That the allegations should have been investigated instead of [REDACTED] removal.

- Have caseworkers persecuted or threatened you, or cut contact with Yes

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?

- Caseworkers have submitted affidavits to the court over expressing opinions contrary to theirs
- Caseworkers have dragged me into court over expressing opinions contrary to theirs
- Caseworkers have cut contact with the child / children in out of home care
- Caseworkers have threatened me with jail



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. Uncertain
- 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) Uncertain
- 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. No
- 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. Uncertain
- 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
- The child protection workers chose to accept false statements of family members even though they were NOT true. No

Caseworkers interaction with the child / children

- Did caseworkers interview the child / children on their own? No
- Were there two caseworkers interviewing the child / children? No

Questions regarding interviewing of parents by caseworkers

- Was the parent / parents interviewed without a support person being present? No
- Did you request a support person? Yes
- Was your request to have a support person denied? No
- Were there two caseworkers present at the interview? No
- Did you want to record interviews? No
- Did you ask if you could record interviews? No
- 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? No
- Do you believe that caseworkers are getting away with misconduct and other criminal activities because there is no way of proving what has been communicated by the caseworker? Yes

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? | No |
| • 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? | No |
| • 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? | Uncertain |
| • 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? | Uncertain |
| • Did they hi-five each other when they won their case? | Uncertain |
| • 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 them self 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.

DHS *never* had any medical documents (amongst other things) to back up their allegations - and the reports kept changing every time - and didn't include the relevant documents or witnesses that were positive.

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
- Physical health issues Yes
- Physical abuse Yes
- Neglect Yes
- I have a medical condition that is being used against me Yes
- Were the allegations false? Yes

Were you charged with child abuse?

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

Did the caseworkers continue to raise the bar on you?

- Were you ever given a single list of things you needed to do / not do in order to have the child / children returned ? No - and this violates s557(1)(a), Victoria Children Young Persons and Family Act. ¹
- Did the caseworkers continually add to the list of requirements for you to do in order to have the child / children returned? Yes
- Were you able to complete the list of requirements set by the caseworker? No
- Was this because the list was never ending? Yes
- Did completing the caseworkers requirements of you enable the child / children to be returned? No
- 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

¹ http://www.dhs.vic.gov.au/cpmanual/legal-processes/court-reports/1380-preparing-the-court-report?SQ_PAINT_LAYOUT_NAME=print_entire

- Was it difficult to address the issues in court because they kept changing (raising the bar)? Yes
- If the department did not provide you with any information about what you need to do to get your children back, did you do courses yourself to improve your parenting skills? No
- Were you consulted about your child's Care Plan? No
- 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 - and the case was
- 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? Yes
- 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? No
- Did they improve your parenting skills? No
- Did you have an opportunity to put your new skills into practice with your child at home? 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
- Sadness Yes

- Withdrawal Yes
- Trust issues 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
- Stress Yes
- Difficulties sleeping Yes
- Loss of enjoyment of life Yes
- Little interest in anything Yes
- Feels like life revolves around courts and caseworkers Yes
- Feelings of injustice Yes
- Feelings of inadequacy for being unable to protect your children Yes
- Sometimes don't want to get out of bed Yes
- General suffering Yes
- Were you offered professional help such as grief counseling to deal with your loss? No
- Has there been a negative physical impact on you caused by the forced removal of the child? Yes

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

It has stopped me from enjoying my life with _____ and being able to go out with him, take him to parks or see his friends that he made, tucking him up in bed or reading him a story.

I no longer go out as my life revolved around court rooms.

- 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:

It has created trust issues & lack of respect as a parent being belittled & told i'm on the "borderline of being a mild mental retard". I don't enjoy life in general.

It's cost me trying to get a job because of the courts and travelling.

- Did you have a partner at the time of the removal? No
- Has there been a negative impact on the relationship with your extended family and friends, caused by child protection's removal and court proceedings? Yes
- Have 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?

That the allegations should have been investigated first - before removal and bouncing around like a possession.

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

It has drained me of energy has blown my blood pressure through the roof.

- How many placements has the child / children had ? four
- How many caseworkers has the child / children had ? Multiple, they were always changing.
- 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?

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? No
- Were there problems with interstate placement? Yes
- Have you been allowed to have phone contact with the child / children in care?
- Have you been allowed to have SKYPE contact with the child / children in care? No
- Did you loose 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? Uncertain
- 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 18yrs from the time they were removed? Yes
- 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? Yes
- 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?
- Did your solicitor advise you to agree to what the department wanted? Uncertain
- 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? Uncertain
- Do you understand the system? Yes

- Have caseworkers undermined you to your children in care? Uncertain
- Have the children been divided into different placements ? Yes
- Has your child in care received appropriate medical treatment while in care? No
- Has your child had to change schools while in care? Uncertain

Does the child / children ever ask to come home?

- Other Fear of letting go, and fear of the case worker.

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 continues to make notes in her book that will eventually be used against the parents in some form or another. Yes
- Do you currently have contact with the child / children in out of home care? No

When was the last time you had contact with the child / children in out of home care? *Physical Contact: 4th June 2012 & Phone Contact: 14th December 2012*

Is this child / children part of a sibling group? No

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

- Sexual abuse Yes
- Physical abuse Yes
- Medical abuse Yes
- Emotional abuse Yes
- Sadness Yes
- Withdrawal Yes
- Attachment disorder 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
- Fear Yes
- Frustration Yes
- Nightmares and bad dreams Yes
- Difficulties sleeping Yes
- Loss of enjoyment of life Yes
- Little interest in anything Yes
- Feels like life revolves around courts and caseworkers Yes
- Feelings of injustice Yes
- Feelings of inadequacy for being unable to protect your children Yes
- Sometimes don't want to get out of bed
- General suffering Yes

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

- Not at all Yes

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. Yes
- You must leave toilet door open. No
- You are not allowed to take photos. Yes
- You are not allowed to take photos of any injury your child has. Yes
- You are not allowed to record the contact visit.
- 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. No
- No cuddles or not too many. Uncertain

- You must talk loud enough for the supervisor to hear. Yes
- You are not allowed to tell child the truth about questions they ask. Uncertain
- 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. Uncertain
- You are not allowed to ask about their placement. Uncertain

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

That i had to provide things for [REDACTED] eg: clothes nappies shoes socks, certain medications or creams for his medical conditions

What happened to your contact if any rules were broken?

I was dragged back into court

- Has contact been cancelled for breaking the rules? Yes

What where other reasons given for cancelling contact?

[REDACTED] was sick or there was court on or access days have been shifted due to appointments made that i was told about after the fact.

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?
- 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? No

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

Access was all over the place i was eventually denied contact in total.

Every access was problematic because of the workers..

COMPLIANCE AUDIT FAILURES

DHS Victoria Legal Practitioners

In article Guide to court practice for Child Protection practitioners 20072 , page 11 states : States "If an offer is made to Child Protection that is considered not in the best interests of the child, it should be rejected. However, this needs to be balanced against the assessment made by Child Protection based on available evidence. ³

If there is no evidence available to support a recommended disposition, it is not appropriate for that disposition to be pursued, even though it may be the belief of individuals in Child Protection that the disposition is in the child's best interests."

I believe the DHS paid solicitor representing DHS are in breach from the first set of court proceedings onwards. This being the first solicitor who pursued the disposition, I believe, breached these guidelines.

The guidelines have been breached because there was never evidence to substantiate removal, nor were any of the disposition reports legal.

TEMPORARY ASSESSMENT ORDER REPORTS

Temporary assessment order reports (TAO reports) - Section 238 of the CYPA provides for the requirement of a report when a TAO was made. It states : "

- 1) *The Secretary must provide a report in writing to the Court by the date for that report specified in the temporary assessment order.*
- 2) *The report must set out- a) Details of the action taken by the Secretary under the order; and b) The results of the investigation and assessment; and c) Any other information that the Secretary considers ought to be provided to the Court or that the Court directs to be included in the report.*
- 3) *Unless otherwise directed by the Court, the Secretary must cause a copy of the report to be given to each of the following- a) the child who is the subject of the report; b) the child's parents; c) the legal practitioners representing that child; d) the legal practitioners representing that child's parent; e) any other person specified by the Court.*

It is anticipated that this type of report will be ordered for the adjourned court date. The relevant portion of the explanatory memorandum states: Clause 238 provides that the Secretary must provide a report to the Court on the adjourned date of the temporary assessment order and it sets out the required contents of the report, Subject to the direction of the Court, a copy of the report is to be given to the persons specified in that clause.

The template for this report was developed to reflect the requirements of Section 238(2) and the Best Interests principles in Section 10."

² http://www.dhs.vic.gov.au/_data/assets/pdf_file/0006/449241/guide-to-court-practice-for-child-protection-practitioners-2007.pdf

³ http://www.dhs.vic.gov.au/_data/assets/pdf_file/0006/449241/guide-to-court-practice-for-child-protection-practitioners-2007.pdf Part II Court system and machinery page 11

1. **This report was not done as per these above listed requirements.**

KEEPING CHILDREN SAFE -- THE ROLE OF CHILD PROTECTION

The Children and Young Persons Act provides that child protection should intervene in family life where a child is in need of protection^{4 5}.

- My son ██████ was not abandoned.
- I am not dead or incapacitated.
- My son has not suffered physical abuse.
- My son has not suffered sexual abuse.
- My son has not suffered emotion or psychological abuse.
- And my son has not been neglected.

It also states that “intervention by child protection should be to the minimum extent necessary to secure the protection of the child”. It continues on to also state “with the greatest emphasis on resolving immediate risks of harm”.

The current issues listed at the time of Child Protection involvement were me allegedly “co-sleeping’ with ██████ which I deny, ██████ co-habiting with my dogs, which I strongly deny, and have witnesses that can attest to the fact, and that I smoked in the house (which I deny also).

Either way, wouldn’t the least intrusive method to begin with be to apply for orders that I do not do such things? Instead DHS wanted me sent to Tweedle (a place which claims “For 90 years we’ve given parents of 0-4 year olds the skills and support to confidently manage the challenges of early parenting. We know how tough it can be.”, yet their reports are designed to appease DHS show otherwise. ⁶

I believe that sending me to Tweedle was not to provide parenting skills, which might be otherwise portrayed by this organisation, but to gain any evidence and opinions which could be used to stack the DHS’ case against mine.

This is proven in the Draft Case Plan of Disposition Report dated 1 March 2010ⁱ in which DHS Caseworkers ██████ clearly states “In light of the above, the draft plan for Miss Vodden and ██████ to undertake the 10 day residential program with Tweedle. The purpose of the

⁴ Child protection retains its specialist role, focusing on children and young people who are in need of protection.

The Children and Young Persons Act provides that child protection should intervene in family life, where a child is in need of protection because any of the following has or is likely to occur:

- the child has been abandoned by his or her parents;
- the child’s parents are dead or incapacitated;
- the child has suffered physical abuse;
- the child has suffered sexual abuse;
- the child has suffered emotional or psychological abuse;
- the child has been neglected.

The existing act provides strong guidance that intervention by child protection should be to the minimum extent necessary to the secure the protection of the child. The grounds for child protection have been interpreted on an episodic basis, with greatest emphasis on resolving immediate risks of harm.

⁵ http://www.dhs.vic.gov.au/_data/assets/pdf_file/0006/449241/guide-to-court-practice-for-child-protection-practitioners-2007.pdf

⁶ <http://www.tweddle.org.au/>

Tweedle admission is for an independent comprehensive, parenting assessment and skills assessment, with particular emphasis on”

2. This clearly shows that DHS staff [REDACTED] had absolutely no intention of resolving immediate risks of harm at all. It only shows that [REDACTED] was using the resources of Tweedle to support her wishes for [REDACTED] – long term guardianship away from the mother.

CASE PLANNING

Where was the emphasis that DHS caseworkers showed in dealing with their "alleged" issues when they first apparently emerged to keep my family together?7

BECAUSE the first action that DHS took was to remove my son. Without an investigation. They may claim I was not there on two occasions when they informally appeared for a home visit, however a more appropriate measure to ensure I would be there would be to send a letter requesting a particular date so they can ensure i would be there. Most people don't sit at home all day just in case DHS decide they will come and visit them do they.

3. *There was no action taken by DHS to keep them in compliance with the information, as stated above.*
 - Where are these current safeguards re intrusion because DHS first idea of “safeguards” was to send me for a ten day “examination” with Tweedle?
 - There were no safeguards.
 - I believe this is very intrusive considering the untested evidence they have was minimal at least.

TEMPORARY ASSESSMENT ORDERS (TAOS)—SECTIONS 228–239

A TAO may be sought

where there is a ‘reasonable suspicion’ that the child is or is likely to be in need of protection, ...

4. There was no “reasonable suspicion” evidence ever detailed.

... the ability to investigate or further assess a report about a child cannot proceed, and further investigation and or assessment is warranted and cannot be achieved without a TAO being granted.

5. There is no evidence available to substantiate that an assessment could not be achieved without a Temporary Assessment Order

TAOs strengthen Child Protection's investigation powers where it is demonstrable to the Children's Court that reasonable grounds exist for concerns about a child or young person that cannot be investigated or assessed.

⁷ http://www.dhs.vic.gov.au/_data/assets/pdf_file/0006/449241/guide-to-court-practice-for-child-protection-practitioners-2007.pdf

The court may make this order in conjunction with a warrant authorising police to enter and search. The order may have other conditions, such as authorising and requiring a medical examination of the child.

SECRETARY TO REPORT ALLEGATION TO POLICE

Section 83 states : "The Secretary must report to the Chief Commissioner of Police any allegation of sexual or physical abuse made in a report under section 81 or 82"

6. DHS have breached Section 83 each and every occasion that the mother / grandmother have raised issues about the child being abused in care - as DHS Officers refused to report to the Chief Commissioner for Police.

This also should include assaults by the DHS workers on [REDACTED] which the mother has photo evidence of.

7. Grandmother has written multiple letters regarding bruising / physical abuse to DHS. DHS never reply in writing - nor do we believe they have ever made notification to the police.
8. Mother claims that many occasions of hospitalisation of [REDACTED] are not listed on his Medical Information Sheet by DHS.
9. **Breach for each date missing and false / misleading evidence. (Crimes Act also ???)**
10. The mother has not been supplied with any information on her son [REDACTED] since September 2011. This is contrary to the fact that the mother still retains custody whilst DHS regain guardianship for twelve months.

This is contrary to the statement made by DHS officer [REDACTED] to a medical practitionerⁱⁱ, as I have not been supplied with any medical information regarding my son in over twelve months.

I believe this is to protect DHS in the fact that my son [REDACTED] has been hospitalised and had a lot more medical conditions than they are detailing in their medical history.

Being denied this information is not only a violation of my rights as [REDACTED] mother, as I have always retained custody of my son, and now have guardianship of him, there is absolutely no reason in denying me access to these records except to cover more abuse of him and prevent this from being disclosed in court proceedings – which DHS are legally obliged to do in any case.

I am aware of one occasion that [REDACTED] was not taken to a court ordered access with me and I was informed by a PlayGroup volunteer [who shouldn't even have access to my sons information], that he ([REDACTED]) had been hospitalised *again* with gastroenteritis.

11. This hospitalisation is not listed in [REDACTED] Medical History by DHS records.

DURATION OF INTERIM ACCOMMODATION ORDER

264. Duration of interim accommodation order (1) Subject to this section, an interim accommodation order under section 263(1)(a), 263(1)(b), 263(1)(c) or 263(1)(d) remains in force for the period specified in the order and beginning on the day the order is made.

(2) Subject to this section an interim accommodation order of a kind referred to in paragraph (e), (f) or (g) of section 263(1) remains in force for the period (not exceeding 21 days) specified in the order and beginning on the day on which the order is made.

(3) An interim accommodation order made by a bail justice only remains in force until the application is heard by the Court on the next working day.

(4) An interim accommodation order made in any case referred to in section 262(1)(e) only remains in force until an irreconcilable difference application ⁸ has been made to the Court or for the period of 21 days (beginning on the day on which the order is made), whichever is the shorter.

- What date was the Irreconcilable Difference Application 9 made?
- Under what section was the Interim Accommodation Order made?
- What date did the IAO commence? 19 February 2010

SECTION 241 – SAFE CUSTODY.

- What date did the Guardianship Application commence?
- IE how many days (past 21) after the IAO expired (or irreconcilable difference application) made?
- This means that (to get answer for) how many days was █████ not under any orders at all but still being kept without lawful authority by DHS.???

DISPOSITION REPORTS

Section 557 requires the secretary to prepare and submit a disposition report if the court is satisfied that:

- a child needs protection or
- irreconcilable differences exist or
- there was a failure to comply with a supervision order, a supervised custody order

or an interim protection order. ¹⁰

It is also required if:

8

[http://www.childrenscourt.vic.gov.au/ca256902000fe154/lookup/forms/\\$file/form_11_irreconcilable_differences_application.pdf](http://www.childrenscourt.vic.gov.au/ca256902000fe154/lookup/forms/$file/form_11_irreconcilable_differences_application.pdf)

9

[http://www.childrenscourt.vic.gov.au/ca256902000fe154/lookup/forms/\\$file/form_11_irreconcilable_differences_application.pdf](http://www.childrenscourt.vic.gov.au/ca256902000fe154/lookup/forms/$file/form_11_irreconcilable_differences_application.pdf)

¹⁰ http://www.dhs.vic.gov.au/_data/assets/pdf_file/0006/449241/guide-to-court-practice-for-child-protection-practitioners-2007.pdf Chapter 11 Court reports

- *the secretary applies for a permanent care order*
- *one of parties has applied for variation, revocation or extension of a suite of orders (see Section 557(c)(i)(ii)(iii))*
- *an interim protection order has expired*
- *the court orders the secretary to do so.* ¹¹

With reference to Section 558 ¹²

IS DHS APPLYING FOR A PERMANENT CARE ORDER NOW WITH THE 18 YEAR APPLICATION?

If yes, then the above section 558 applies and was been breached - **unless** DHS caseworkers can show what steps were taken to enable the child to remain in their parents custody or guardianship.

12. DHS did not any steps to enable the child to remain in the parents custody or guardianship – this is proven in all paperwork.
13. The reports show no efforts made by DHS to keep the family intact, nor any services provided to prevent the child from being taken into foster care.
14. Draft Case Plan ⁱⁱⁱ ¹³ in Disposition Report dated 1 March 2010 ^{iv} does not identify key goals and tasks that are in the child's best interest, to address the adverse family circumstances, so that reunification may be achievable.
15. Draft Case Plan in Disposition Report dated 1 March 2010 does not contain any goals as is required in the DHS Victoria Court Report Writing Guide ¹⁴
16. The Draft Case Plan in Disposition Report dated 1 March 2010 does not contain any tasks relating to how goals will be obtained as required. ¹⁵

¹¹ http://www.austlii.edu.au/au/legis/vic/consol_act/cyafa2005252/s557.html

¹² Section 558 sets out the required content of a disposition report:

- the draft case plan, if one exists
- recommendations concerning the order that the secretary believes the court should make, and regarding the provision of services to the child and the child's family
- if it is recommended that the child be removed from the custody or guardianship of the parents, a statement setting out what steps were taken to enable the child to remain in their parents' custody or guardianship

*any other information that the court directs to be included or is required by the regulations.

¹³

http://www.dhs.vic.gov.au/_data/assets/pdf_file/0008/458828/court_report_writing_guide_app_disp.pdf

¹⁴ "Goal- identify areas where change needs to occur in order to address the child's need for safety & stability, promote their development and their protect rights".

¹⁵ DHS Victoria Court Report Writing Guide

http://www.dhs.vic.gov.au/_data/assets/pdf_file/0008/458828/court_report_writing_guide_app_disp.pdf

17. The Draft Case Plan in Disposition Report dated 1 March 2010 does not contain the required responsibility details for tasks, and when they will be commenced or completed by ¹⁶.
18. The Draft Case Plan in Disposition Report dated 29 March 2011^v does not identify key goals and tasks that are in the child's best interest, to address the adverse family circumstances, so that reunification may be achievable.
19. Draft Case Plan in Disposition Report dated 29 March 2011 does not contain any goals as is required in the DHS Victoria Court Report Writing Guide ¹⁷
20. The Draft Case Plan in Disposition Report dated 29 March 2011 does not contain any tasks relating to how goals will be obtained as required. ¹⁸
21. The Draft Case Plan in Disposition Report dated 29 March 2011 does not contain the required responsibility details for tasks, and when they will be commenced or completed by ¹⁹.
22. The Draft Case Plan in Disposition Report dated 8 June 2012 ^{vi} does not identify key goals and tasks that are in the child's best interest, to address the adverse family circumstances, so that reunification may be achievable.
23. Draft Case Plan in Disposition Report dated 8 June 2012 does not contain any goals as is required in the DHS Victoria Court Report Writing Guide ²⁰
24. The Draft Case Plan in Disposition Report dated 8 June 2012 does not contain any tasks relating to how goals will be obtained as required. ²¹
25. The Draft Case Plan in Disposition Report dated 8 June 2012 does not contain the required responsibility details for tasks, and when they will be commenced or completed by ²².
26. The Draft Case Plan in Disposition Report dated 30 July 2012 ^{vii} does not identify key goals and tasks that are in the child's best interest, to address the adverse family circumstances, so that reunification may be achievable.

¹⁶ Responsibility – Who is responsible for tasks and when will they be commenced or completed by?

¹⁷ "Goal- identify areas where change needs to occur in order to address the child's need for safety & stability, promote their development and their protect rights".

¹⁸ DHS Victoria Court Report Writing Guide

http://www.dhs.vic.gov.au/_data/assets/pdf_file/0008/458828/court_report_writing_guide_app_disp.pdf

¹⁹ Responsibility – Who is responsible for tasks and when will they be commenced or completed by?

²⁰ "Goal- identify areas where change needs to occur in order to address the child's need for safety & stability, promote their development and their protect rights".

²¹ DHS Victoria Court Report Writing Guide

http://www.dhs.vic.gov.au/_data/assets/pdf_file/0008/458828/court_report_writing_guide_app_disp.pdf

²² Responsibility – Who is responsible for tasks and when will they be commenced or completed by?

27. Draft Case Plan in Disposition Report dated 30 July 2012 does not contain any goals as is required in the DHS Victoria Court Report Writing Guide ²³
28. The Draft Case Plan in Disposition Report dated 30 July 2012 does not contain any tasks relating to how goals will be obtained as required. ²⁴
29. The Draft Case Plan in Disposition Report dated 30 July 2012 does not contain the required responsibility details for tasks, and when they will be commenced or completed by ²⁵.

COURT REPORTS

With reference to Court Report dated 17 September 2010 ^{viii}, none of the “evidence gathered” is dated or has an author name attached to it. It is a requirement for court reporting that all references and sources of information be given this additional information – yet it is not.

This makes it look quite impressive to any person including the magistrate and also makes it extremely difficult for me to disprove as everything is all thrown in together to have as much impact as possible, instead of being as factual as possible and complying with reporting standards (which are detailed a little further down this report).

STEPS TAKEN TO ENABLE CHILD TO RETURN HOME – POINT 7 IN DISPOSITION REPORTS

30. In Disposition Report dated 29 March 2011 ^{ix} DHS workers [REDACTED] clearly show that they have not taken any steps to enable my son [REDACTED] to return home. This clearly shows bias toward me and my family.

The fact that the only items mentioned are an “uncompleted” Tweedle assessment, missed appointments with a Neuropsychologist and ongoing concerns during supervised access are most certainly not a devise of any means to assist me in gratifying DHS enough to have my son returned.

31. In Disposition Report dated 8 June 2012 ^x DHS workers [REDACTED] has clearly shown, again, that they have not provided me any opportunity to address their concerns with my ability to raise my son. Yet again showing clear bias toward me and my family.
32. Again, all but copied and pasted from the last disposition dated 29 March 2011, [REDACTED] has only written about missed appointments with a Neuropsychologist – that I state were

²³ “Goal- identify areas where change needs to occur in order to address the child’s need for safety & stability, promote their development and their protect rights”.

²⁴ DHS Victoria Court Report Writing Guide

http://www.dhs.vic.gov.au/_data/assets/pdf_file/0008/458828/court_report_writing_guide_app_disp.pdf

²⁵ Responsibility – Who is responsible for tasks and when will they be commenced or completed by?

booked during my access time with my son, and further state we had not agreed upon; as well as stating yet again about the Tweedle assessment and ongoing concerns during supervised access.

Nothing has changed from the last Disposition Report to this one. Another opportunity for me to claim bias toward me.

Please note that all of these “ongoing concerns” are generally related to DHS workers continually hounding me throughout access – as you can see from their notes.

Of course I am going to be irritated with them to say the least. You imagine, only being able to see your beautiful baby boy once a week, and having them throughout the whole time poking their noses in and giving their ill-informed advice. It would upset anybody.

The most obvious way to deal with any concerns that they have would be to raise them after the access visit, or put them in a letter and give me a chance to respond to their allegations.

Not once has DHS yet proven me an unfit mother, or a mother who has actually harmed my boy. Its all “maybe’s” and “possibilities”. How about the fact that my son has been hospitalized too many times – that they now have refused to give me any information about his hospitalisations and had more eczema and nappy rash than any other child I have ever known. Not once did ██████ EVER have nappy rash in my care, or any of this long list of other injuries that DHS worker are trying to cover-up and failing to place on their list of ██████ Medical History.

33. In Disposition report dated 39 July 2012^{xi} DHS workers ██████ has again not taken any reasonable steps to provide me with any opportunity, at all, to address their concerns with my ability to raise my son ██████ This is exactly the same thing written as the past two Disposition Reports in the past two years.

More bias toward me and my family. This cannot be denied and the fact that each time a superior officers approves this disposition report shows that there was no opportunity to have my matter fairly dealt with my DHS when it seems that officers are tainted in all their actions starting from the bottom up.

DEPARTMENTAL OBLIGATION

34. The department has continually failed in it’s Departmental Obligations²⁶ as is required in DHS Victoria publication entitled “Good Report Writing”²⁷

²⁶ The department as applicant has the duty to provide the court with all relevant facts to assist it in making a fully informed decision regarding the application before it. Thus the report must contain all the relevant information that the department has considered in reaching its own decision. Relevance equals all information that is critical to consider in reaching a decision that will be in the child’s best interests. Therefore, the report will include information about the child and family that both supports the department’s recommendation and challenges it. It is then a matter of how much weight the department has placed on the various facts.

²⁷ http://www.dhs.vic.gov.au/_data/assets/pdf_file/0004/449221/court-report-good-writing-guide.pdf

35. Not once, in reports, have DHS workers mentioned any of the abuse that my son [REDACTED] has suffered. On multiple occasions my son has had nappy rash that bad he has bled from his penis.^{xii} This photo was taken on 5 August 2010, whilst in the care of the department, and was not mentioned in any of the disposition reports created by DHS.

This clearly violates the duty that the department has in providing the court with all relevant facts to assist in making a fully informed decision regarding the application before it.

PARENT RISK FACTORS

Parent risk factors

- parent/carer under 20 years or under 20 years at birth of first child
- lack of willingness or ability to prioritise child's needs above own
- rejection or scapegoating of child
- harsh, inconsistent discipline, neglect or abuse
- inadequate supervision of child or emotional enmeshment
- single parenting/multiple partners
- inadequate antenatal care or alcohol/substance abuse during pregnancy

36. This list is taken from the Child Development and trauma guide, used by DHS workers throughout various reports to discredit me and my parenting capabilities²⁸.

I believe that none of these Parent Risk Factors as detailed in this guide can be attributed to myself, and have clearly not been identified in any of the reports supplied by DHS.

²⁸ http://www.dhs.vic.gov.au/_data/assets/pdf_file/0006/586167/child-development-and-trauma-guide-1_intro.pdf

HUMAN RIGHTS VIOLATIONS

37. According to Victoria's Charter of Human Rights ²⁹ I have a right to "not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with and the right not to have his or her reputation unlawfully attacked".

My rights with respect to this charter have been violated since the department first got involved in my life (well what is left of it).

38. In various court submitted documents including Disposition Report 29 March 2011 ^{xiii}, Disposition Report 8 June 2012^{xiv}, and Disposition Report 30 July 2012 ^{xv}, DHS staff have continued to state that I "have an undiagnosed mental disability".

This is derogative, damaging and unlawful to say the least. It is discriminative because even if I did have a mental disability, it is against the law to try and use this as a reason for me not to be able to look after my child.

I have found this very stressful, knowing that DHS workers are continuing to write false and misleading information in their court submitted documents about me with no repercussion at all.

39. DHS staff have continually violated my human rights by way of unlawful attacks on my reputation in Disposition Report dated 29 March 2011 by stating I "have an undiagnosed mental disability".

40. Another violation of my human rights by way of unlawful attack on my reputation in Disposition Report dated 8 June 2012 by stating (again) I "have an undiagnosed mental disability".

41. Another violation of my human rights by way of unlawful attack on my reputation in Disposition Report dated 3 July 2012 by stating again that I "have an undiagnosed mental disability".

There is no evidence whatsoever to suggest I have any mental disability and to continue to keep stating this is not right, it would bias any judge hearing my case.

In this case, I wish for all documentation referring to me as having "an undiagnosed disability" to be stricken from any records. I would also like an apology for intimating that I do have any mental disability at all and furthermore I wish for staff to be held accountable for submitting false and misleading information into the courts about me, that is no doubt, held against me and my parenting capacity.

Furthermore, Parents with an Intellectual Disability publication by DHS Victoria ³⁰ states that "Parental intellectual disability on its own does not indicate significant risk to a child".

²⁹ <http://www.dhs.vic.gov.au/cpmanual/library/practice-resources/practice-guidance/human-rights-introduction-to-the-victorian-charter>

³⁰ http://www.dhs.vic.gov.au/__data/assets/pdf_file/0005/449186/specialist-assessment-guide-on-parents-with-an-intellectual-disability.pdf

TIMEFRAMES

The maximum timeframe for a Child in Out of Home Care on an Interim Accommodation Order or Protection Order 31 is twelve months. ^{32 33}

██████ **was on Interim Accommodation Orders for almost two years.** ^{xvi}

During this time there were 19 separate applications by DHS for a Protection Order, each time being rejected by the magistrate.

This is not including another 20 (appx) other court applications - which were generally plain harassment - each time being rejected also.

There were custody orders in place from 8 August 2011 till 7 August 2012, then the Custody Order expired.

On 24 July 2012 DHS applied for an extension to the expired order, and an application for Permanent Care Order. This was also rejected.

This means that ██████ was under *no orders at all* by DHS.

DHS then held ██████ unlawfully until they finally obtained a Permanent Care Order - many months down the track.

Each time this issue was addressed in court, both DHS and it's legal representatives continued to lie to the magistrate and tell him/her that there were orders in place allowing DHS to retain ██████ in their care.

Each time they were unable to provide any documentation to back up their lies, and each time the magistrate did nothing to ascertain either mine, or my sons rights.

³¹ http://www.dhs.vic.gov.au/_data/assets/pdf_file/0006/449223/guidance-on-family-reunification.pdf
³²

Maximum Timeframes for a Child in Out of Home Care on an Interim Accommodation Order or Protection Order

- 12 months total in out of home care for a child aged under 2 years
- 18 months total in out of home care for a child aged 2 years but under 7 years
- 2 years total in out of home care within a period of 3 years for a child aged 7 years or over

³³ www.dhs.vic.gov.au/_data/.../guidance-on-family-reunification.pdf

SEPARATION AND PLACEMENT IMPACT UPON DEVELOPMENT

DHS Victoria Publication “CHCCHILD5A Orientation to child protection and out of home care for children and young people”³⁴ states “Infants’ distress during placement will be lessened if their environment is familiar, or can be made very consistent with their old one. Caseworkers should also assess infants’ attachments to adults, and should identify persons with whom infants have the strongest attachment. This is not always the parent; it may be an extended family member, a neighbour, or a babysitter. In the best situation, an infant’s regular caregiver should visit frequently, preferably daily, and provide direct care in the placement setting”.

When [REDACTED] was removed from my care, DHS made no attempt to place him with anybody that he was familiar with at all. He was shoved from pillar to post until they finally sent him to not only another unfamiliar person, they sent him to a man with a large criminal background – that by law should have been investigated, to a man who does actually have serious medical issues, and to a man who was violent most of my childhood, which ended up resulting in my mother having a protection order issued.

42. DHS made no effort to lessen the stress placed on my (then) five month old baby boy. It appears that they did everything opposite to what they were supposed to do, to place as much stress on my boy as possible.

ADVICE 1247

I believe that Advice 1247^{35 36} has been violated on multiple occasions.

Where the advice states the protection order phase is to “reduce the level of risk to the child”, DHS have only addressed their issues. For example, DHS have stated that I co-slept with my baby, and that I smoked in the house, however they have not provided any statements or requests for orders to state that I do not co-sleep with my baby or do not smoke in the house.

43. There has not been any ample opportunity in this Protection Order for DHS to allow me to reduce the “level of risk to the child”, nor is it detailed anywhere in any documentation that I was.
44. Where the advice states the protection order phase is to “promote the safety, stability and positive development of the child”, I believe this is breach quite similar to the aforementioned breach.

³⁴ http://www.dhs.vic.gov.au/___data/assets/pdf_file/0008/449243/separation-and-placement-impact-upon-development.pdf

³⁵ “Purpose : The aim of the protection order phase is to:•
reduce the level of risk to the child, promote the safety, stability and positive development of the child, empower the family to function independent of statutory Child Protection intervention, prepare for the cessation of Child Protection involvement with a family upon the expiration of the protection order, provide long term and stable care for the child or prepare the young person for independent living where the case plan is not reunification of the child with the family”.

³⁶ <http://www.dhs.vic.gov.au/cpmanual/protection-order/overview-protection-order-phase/?a=660595>

45. Where the advice states the protection order phase is to “empower the family to function independent of statutory Child Protection intervention” ... there is not one opportunity at all mentioned regarding this.

Furthermore, not once, has DHS staff, impartial [redacted] and Co., given any positive feedback or provided any support services that they feel could assist my family to function [as they so require] without their involvement.

46. Where the advice states the protection order phase is to “prepare for Cessation of Child Protection involvement with a family upon the expiration of the protection order”, you can view throughout every single piece of paperwork submitted by DHS, that there is no preparation for cessation of child protection involvement ...”.

There is only multiple disposition reports that continue to state the same repetitive sentences that I missed an appointment and do not get along well with DHS staff.

It seems to me that the only reason for keeping my son is that I do not like DHS. So because of that they have decided that my boy will never return to my care. Ever.

A right to safety and justice

Is it ethic, or even lawful, that a child be kept from his family – whom DHS cannot state was ever harmed in my care – or I was given the change to make any changes that would be positive – for life?

Isn't that like deciding to keep a prisoner for life because he doesn't get along with the screws and inmates? This would be against the law wouldn't it. Even prisoners get a chance of rehabilitation. Not DHS but.

I ask you to view all the pictures of my son, and to review all the records that are not in the DHS medical list for [redacted] I ask you to review accept the continual breach of legislation by DHS staff [that is enabling my son to continue to be kept from the only family he ever had]. And I ask you to ask yourself is this what child protection is really all about?

No restoration plans, because the mother and her “child abductors, do not get along?

No, it is not.

VARIOUS OTHER BREACHES OF LEGISLATION AND POLICY BY DHS

47. There has been no Statutory Case Plan Meeting –
Standard - A best interests (statutory case plan) meeting must be held for the purpose of review of the best interests plan at least six weeks prior to the expiry of an order.
(<http://www.dhs.vic.gov.au/cpmanual/protection-order/protection-order-outcomes/?a=660602>)

48. On 24 July 2012 at 1-2 pm, there was a second case plan meeting which DHS refused to inform me of.

49. On 2 July there was a **requirement for a case plan** – which was done without my knowledge or input.

50. It has not been confirmed that there has been a National Criminal Record Check of the Carers [REDACTED] at all. This is required by Standard: Review of kinship placements.

The requirements state : “A national criminal record check must be undertaken every three years for carers and all persons aged 18 years and older who reside or regularly stay overnight at the placement. This forms part of the ongoing review of the kinship placement and the assessment of safety for the child and young person.” Source:

<http://www.dhs.vic.gov.au/cpmanual/practice-context/child-protection-program-overview/?a=657593>.

51. There are major inconsistencies in what DHS have reported with [REDACTED] Medical and Health Related Appointments compared to his actual health records and photo's obtained and provided by the mother and grandmother.

52. There has been no provision of any support services or specified requirements that DHS officers require me to do in order for them to feel that I am providing a safe and nurturing environment for my son. I also state that that whilst [REDACTED] was in my care, he never, I repeat never, suffered any of the horrific injuries and hygiene related disorders that he has had since being placed with my father.

53. It was never discussed to place [REDACTED] with my mother – the other one person whom [REDACTED] has a very strong bond with, and has been with since birth. It would seem that DHS have placed [REDACTED] deliberately where he does not know people and isolated him.

Current requirements of legislation and policies state that there must be consideration given to how well the Carer gets along with the family and the child etc, and DHS know full well that there is NOT a relationship between my father, and my mother and me. There never will be, so how could DHS possibly want to place my boy where he is alienated from his REAL family, with a man who has an incredibly violent history, and not with his maternal grandmother who is not violent, is loving and nurturing and wants to create all the possibly relationships with his family and ties and culture as she does?

DHS have gone to the complete opposite extreme compared to their guidelines and standards with placement procedure.

54. DHS failed to apply standards specified in Child Protection Program Overview – page 8 of 12, when I informed them of my father's extensive and violent criminal background.

“Standard - Upon receipt of a report, if there is any information to suggest that an individual might have a history of violent or sex related offences, a criminal records check must be undertaken.” Source : <http://www.dhs.vic.gov.au/cpmanual/practice-context/child-protection-program-overview/?a=657593>

55. On Monday 4 June 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.

56. On Monday 11 June 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
57. On Monday 18 June 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
58. On Monday 25 June 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
59. On Monday 2 July 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
60. On Monday 9 July 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
61. On Monday 16 July 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
62. On Monday 23 July 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
63. On Monday 30 July 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
64. On Monday 6 August 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
65. On Monday 13 August 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
66. On Monday 20 August 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
67. On Monday 27 August 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
68. On Monday 3 September 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
69. On Monday 10 September 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
70. On Monday 17 September 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.

71. On Monday 24 September 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
72. On Monday 1 October 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
73. On Monday 8 October 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
74. On Monday 15 October 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
75. On Monday 22 October 2012, DHS Victoria violated Court Order Reference 0708/2010 Point 5 by not providing contact as ordered by the magistrate between 10 am and 12 noon.
76. The Maternal Grandmother is supposed to now have contact with [REDACTED] once a month for one hour. DHS have been in breach of this order since June 2012 also. This means there are another five breaches of a Court Ordered instruction. (Breaches existed until final orders were made).
77. DHS have stated Karina Vodden has “undiagnosed” intellectual disability – this is unproven and a lie.
78. DHS have stated the Maternal Grandmother has an intellectual disability also – unproven and a lie again.

I believe that DHS staff are perjuring themselves saying this to make it appear that the Maternal Grandmother would not have been an appropriate placement for [REDACTED] should he have not been restored to my care.
79. I am also of the understanding that it is against the law to discriminate against a person if they do have a disability and possibly a violation of our civil and human rights, to which Australia is a treaty and is obligated to abide by.
80. The above two unfounded allegations have been used against both me and my mother, and also by various NGOs to discredit us and these lies have also been added to and can be attributed to (along with other) the ridiculous reasons for not returning my son.
81. My son, [REDACTED] is being unlawfully detained by DHS officers and his location and condition are currently unknown as we have been denied every single court ordered access since June 2012.
82. Child Well Being Reports ??? Well I've never seen any of them.

FACILITATIVE CONFERENCES

Children, Youth and Families Act 2005 - SECT 218 - What is a facilitative conference?

218. What is a facilitative conference? (1) The purpose of a facilitative conference is to enable the parties to the application, with the assistance of the convenor or convenors- (a) to identify the issues in dispute; and (b) to consider alternatives; and (c) to try to reach an agreement as to the action to be taken in the best interests of the child. ³⁷

83. The Facilitative Conference – which is supposed to happen prior to removing a child. This was *not done* until *after* ██████ had been removed from my care.

This removed the opportunity for DHS and myself to discuss their issues openly and on an even playing field.

I would have been more than happy to discuss their issues and to agree to certain actions being taken and or not taken. Given the opportunity of a family conference / facilitative conference, I am most certain that DHS would have had their issues resolved and not removed my son at all.

I believe this pre-emptive action by DHS workers in just another way of them being able to use their discretionary and unaccountable powers for what they think is okay. This is not okay. DHS are always telling the public that they never remove a child from a family unless they have exhausted every single avenue and there is an unacceptable risk of harm to the child. This was simply not the case.

BEST INTEREST PRINCIPLES

84. Most of the [best interest] principles in Section 10 of the Children, Youth and Families Act 2005 (NO 96 OF 2005) have not been given any consideration. ³⁸

All DHS workers have done is *tried* to break down the loving, caring relationship between ██████ and me. They have used the most ludicrous statements and lied through their teeth in order to have him removed. What is worse is the fact that no evidence, substantial evidence, has ever been shown to any magistrate at all, to prove he was / is at unacceptable risk of harm.

³⁷ 1. Source : http://www.austlii.edu.au/au/legis/vic/consol_act/cyafa2005252/s218.html

³⁸ (a) the need to give the widest possible protection and assistance to the parent and child as the fundamental group unit of society and to ensure that intervention into that relationship is limited to that necessary to secure the safety and wellbeing of the child;

(b) The need to strengthen, preserve and promote positive relationships between the child and the child's parent, family members and persons significant to the child;

(c) The need, in relation to an Aboriginal child, to protect and promote his or her Aboriginal cultural and spiritual identity and development by, wherever possible, maintaining and building their connections to their Aboriginal family and community;

(e) The effects of cumulative patterns of harm on a child's safety and development;

There is however, a lot of photographic evidence to prove otherwise. Why has my son not been sent home to me and my mother where he is loved and cared for and protected?

[Why are DHS allowed to lie in court documentation, which I am sure is a criminal offence in the legislation somewhere, and have children removed with there being absolutely no judicial member taking notice of what is happening?]

Why does a judge not care that a DHS worker is stating that I have cardiomyopathy, yet cannot produce any evidence to substantiate their accusations? How can they remove a child just because DHS says something is true, yet they have nothing to backup their statement?

[How many other children like ██████ are taken unlawfully from their family each and every day by DHS Victoria caseworkers, who seem to be able to do what they want with absolutely no oversight into what they are doing? Even when they are caught out there is no penalty for them, yet kidnapping is a criminal offence.]

85. ██████ has been moved three times since DHS assumed care of him. This violates:

- (f) The desirability of continuity and stability in the child's care;
- (g) That a child is only to be removed from the care of his or her parent if there is an unacceptable risk of harm to the child;

86. The only appropriate family member ³⁹, and or appropriate person significant to ██████ is / was my mother. She has a very close bond with my son as she has been with him since birth. This violates :

- (h) if the child is to be removed from the care of his or her parent, that consideration is to be given first to the child being placed with an appropriate family member or other appropriate person significant to the child, before any other placement option is considered;

Placing ██████ with the man who brutalised me as a child, is not only a slap in the face that says domestic violence is okay, it has placed my son at what even the simplest of person would state IS an UNACCEPTABLE RISK OF HARM.

Police records can easily confirm what I have stated, so too can myself and my mother – as we were the ones who had first-hand experience of his violent behaviour. Hence the reason, we do not have anything to do with him. Why would DHS do such a cruel and blatantly dangerous action to my son as placing him there at all, I will never understand.

87. DHS have completely violated this Best Interest Principle because they have never assisted with or specified their requirements for me to have reunification with my son.

██████ was removed under a Custody to Secretary Order - This means that: "A custody to

³⁹ (h) if the child is to be removed from the care of his or her parent, that consideration is to be given first to the child being placed with an appropriate family member or other appropriate person significant to the child, before any other placement option is considered;

Secretary order is usually made where - there is presently an unacceptable risk of harm to the child if placed in the family home; or neither parent is presently willing or able to have the child in the home - **but where there are prospects for reunification of a child with a parent in the future.**" *(DHS Victoria, 2012). This violates :

(i) The desirability, when a child is removed from the care of his or her parent, to plan the reunification of the child with his or her parent;

88. ██████ was and is always extremely well looked after in my care. In my care he was thriving. He never had nappy rash. He never had bruising. He never had eczema. He never had a penis so burnt and sore that it bled. He never had testicles so sore and burnt that they bled either. This is the type of treatment of a baby that I would expect DHS to remove them from, not place them with. The photos speak for themselves. This violates :

(j) the capacity of each parent or other adult relative or potential care giver to provide for the child's needs and any action taken by the parent to give effect to the goals set out in the case plan relating to the child;

89. DHS staff have been in violation of this Best Interest Principle for going on six months now. They don't care. They don't care of the effect this will have on ██████ long term. They do not care for his human rights or my human rights either. This violates :

(k) Access arrangements between the child and the child's parents, siblings, family members and other persons significant to the child;

90. DHS had a go at me for smoking (twice) in the house - yet they do exactly the same thing when they have my boy.

91. They travel with him without a car seat and just sitting on their lap;

92. They have no regard for the pain he is in constantly with nappy rash, eczema, bleeding nuts and red penis.

They state this is normal [in their documentation "██████ Medical and Health Records", yet all documentation shows that this is all from poor hygiene ie my boy NOT being looked after at all.

93. DHS state the reasons for removal were me caught smoking twice, and some other made up, unsubstantiated rubbish, yet never has my boy ever been put through so much pain and suffering as he has since DHS first started intervening in our life.

Furthermore, their reasons for removing my son (above) were never addressed in any disposition reports, ie orders that I do not smoke etc, to enable him to come home. They never gave me any opportunity to have my son returned from the minute they took him, and not one magistrate EVER ensured that they abided by the law.

Neither did Corporate Integrity Unit, or the Area Manager who also did an investigation and completely lied about each and every piece of legislation or policy that had been violated. They merely made statements without any evidence, in fact I understand they obtained all

their information via hearsay from the caseworkers themselves.

They then stated that the fact that disposition report requirements (ie steps take to enable ██████ to return home or stay with me in the first place) - was merely an oversight and something that was of no difference to how the case turned out.

94. DHS have continually violated this Best Interest Principle (n) on a regular basis. The care taken with respect to ██████ health has been absolutely atrocious (refer photo's) and medical evidence; not DHS fabrication to make ██████ appear health when he is not.

Violations of: (n) The desirability of the child being supported to gain access to appropriate educational services, health services and accommodation and to participate in appropriate social opportunities;

95. For DHS staff to even state that ██████ is "healthy", when he has Oral Thrush, is unacceptable. A quick net search shows that it can be quite painful for infants, and can be caused from poor hygiene (lack of nappy changes). Oral Thrush can also be a sign of allergies, which DHS are refusing to have ██████ tested for.

[I state that these actions, upon many others, show DHS do not follow the Best Interest Principle very often at all. How do they then decide where to send a child and what to do with them? Because it seems that the most logical actions are seldom done, whilst the most irrational and even sometimes dangerous actions are nearly always taken.]

Why do the DHS workers have such a low disregard for my son? Just because they are not his doesn't mean he doesn't deserve to be treated as well as any other child.

96. DHS Victoria have completely violated this Best Interest Principle of "The possible harmful effect of delay in making the decision or taking the action".

The Custody to Secretary Order was expired for months, and there has still been no meeting, no requirements, -nothing except excuses to prevent the delay in restoring ██████ to my care where he belongs.

97. DHS Victoria Children, Youth and Families Regulations 2007 - S.R. No. 21/2007 – Part 2— Protective Services – 9 Foster carers - For the purposes of section 75(1) of the Act the prescribed matters that an out of home care service must have regard to before approving a person to act as a foster carer for the service are—

(a) any criminal records and criminal history of the person;

98. ██████ has an extensive criminal record, he was a violent father and DHS failed to take appropriate measures to ensure my son's safety prior to placing him there.

(b) the medical history of the person, including psychiatric health;

99. ██████ DOES HAVE Cardiomyopathy. He has other medical conditions such as ...

(c) the capacity of the person to provide stability for a foster child;

100. My father barely had the capacity to raise me. His violence had a huge impact on my life with which I am still struggling to get over. I fear that his lack of control will also have an impact on my beautiful baby boy.

My father may have stability in the fact that he has his own home and a wife, but stability is more than financial aspects. It is psychological, emotional, and physical. My father and his wife have already shown they are not capable of providing such stability.

(d) the capacity of the person to promote and protect a child's safety, wellbeing and development;

101. A man and a woman who cannot be bothered to regularly change their grandson's nappies in order to prevent him from being in continual pain, as is clearly evidence by photos and medical statements, has already shown that they are incapable of promoting his safety, wellbeing and development.

(e) the capacity of the person to develop a positive relationship and to work collaboratively with a foster child's family;

102. My father has not enabled [REDACTED] to visit with or even talk to his own mother or grandmother in a long time.

There is no positive relationship, and he has no intention of working with us to enable [REDACTED] to be returned to me.

DHS have not had any regard to this fact, as they have allowed [REDACTED] to continue to breach court orders on a continual basis since June 2012, as stated in earlier paragraphs.

THE CARERS GENERAL CHARACTER

103. My father is and has always been Violent. There is police documentation to back this up. the person's relationship with family members and household members;

My father does not have a relationship with my family.

He is a part of my life that I have left behind and do not want to be dragged back into.

Forcing me to have contact and or a relationship with my father is only further retraumatizing me.

And knowing full well what cruelty he is capable of, and the fact that "Child Protection" workers have gone on to place [REDACTED] there, it makes me feel sick.. **Every day of my life.**

(j) any criminal records and the criminal history of other usual members of the person's household (if any).

104. Apart from my father having a criminal record, i am pretty sure that [REDACTED] – who also resides in the home – does too.

I have informed DHS of this however I am pretty sure there has been no investigation to be sure. This is against policy and procedure, yet again.

RESPONDING TO QUALITY OF CARE CONCERNS - :

Standard : “Any information received by Child Protection about possible abuse, neglect or poor quality of care of a child in out of home care must be must be brought to the attention of the unit manager and the regional quality of care coordinator and an incident report completed as soon as possible, and an incident report must be completed.”⁴⁰

105. I have never received any replies from the Regional Quality of Care Co-ordinator about any of my concerns raised about the lack of quality of care he is receiving, in any of the placements he has had.

PHOTOGRAPHIC EVIDENCE OF ABUSE

106. The photographic evidence of abuse and neglect of my son is absolutely cruel and heartbreaking to say the least. [REDACTED] has never had any injuries, nor has he ever been neglected in my care.

DHS have taken my boy because they do not like me. They do not like my attitude. They have taken him because I “am deviant” because I do not work well with the people who have basically kidnapped my son.

107. DHS have accused me of stating that the 14 year old boy I brought to contact was [REDACTED] father. They then put in a notification about this. Like everything else DHS does they blow things out of proportion or put them completely out of context.

I stated that the 14 year old boy was [REDACTED] father in a joking tone, meant for DHS to realise that it was none of their business who he is. Like I just stated, DHS, working along with Tweedle (their paid guns) state they do not want to see [REDACTED] placed back in my care because of the most ridiculous things.

I am different to them and I make no apology for it. I call a spade a spade, and I might sound a little rough around the edges, but that is no excuse to steal a child and to continue to make more pathetic excuses for not returning him to my care.

Where was DHS’s effort to try and support these unacceptable risks they state I am to my

⁴⁰ (Source : <http://www.dhs.vic.gov.au/cpmanual/out-of-home-care/abuse-in-care/1466-quality-of-care-concerns-in-out-of-home-care/3>)

son. They make a big deal when I referred to [REDACTED] as my son. [REDACTED] is my bloody son; it doesn't mean I don't care for him though.

108. And to state I miss "his cue's", and he didn't respond to me the way *they* wanted him to respond to me.

So what.

That is STILL no excuse nor a risk.

And even if I did "miss his cue" does that mean I completely ignore [REDACTED] and never "get his cues"??? This is absurd and derogatory.

These places seem to be there – just as their paid court reporters and the independent children's reps, to do nothing but enforce the statements of DHS.

109. They stated in the Tweedle report that I have hygiene problems !

Yet all their documentation said how clean I kept the room, how tidy stuff was etc etc. This contradiction is cruel and a lie. And an obvious lie.

Have you ever been forced to go to a place that is just there to judge you? That rely on the funding of DHS to keep their jobs? Knowing full well and being aware of this, and the fact that (like most ex-solicitors and lawyers on the DHS payroll know) that if they do not continue to give the results that DHS are after, they will not receive their funding? How is this fair?

You just have to look at the statements in the Tweedle report to see that they mimic DHS. For example, DHS state that I have an "UNDIAGNOSED MENTAL DISABILITY"? What the hell is this? And then to have Tweedle follow-on with similar statements – that are not only derogatory, they are unfounded. This is not acceptable behaviour coming from the organisations that are supposed to be there to protect children, and support parents.

If you cannot tell the truth about the situation and report correctly, then you cannot obviously make decisions that are in the best interest of the child. In this case, [REDACTED]

All the hearsay and conjecture about what may happen or what may not. Why don't we just look at the plain and simple facts of the matter. My boy was never at risk in my care. He has never been harmed in my care. But he has been harmed, ... and neglected, ... and shoved from pillar to post, ... and denied the proper medical attention he needs ... still not in my care ... but in DHS care.

The lies. The accusations. It is no different from the previous stolen generations that your government are still apologising today for. DHS are still targeting aboriginal families, and single mothers. Easiest targets with lower incomes and no ability to protect themselves against the DHS legal war chest.

Each time we go to court I have to fight to get representation so I can fight for my boy, whilst DHS on a whim get legal representation for anything they desire.

On many occasions, they (DHS) have tried to have me imprisoned. On false charges. Naturally it was thrown out but I don't need this in my life. I am a good person. So is my mother. So is [REDACTED]

Why are we being punished like this? If DHS are truly sorry for the past stolen generations, maybe they could actually make these apologies mean something by not continuing to create another stolen generation as they currently are by taking children like [REDACTED] because they can't be bothered to go out there and find the kids that really do need protection and assistance.

Mark my words. This is another stolen generation. And I don't want my boy to continue to be another statistic.

I am requesting that you look into the seriousness of my statements [REDACTED]. Taking a child, and making continual lies and pathetic statements is KIDNAP. I have never injured my son. I don't take drugs. I'm not a drunk.

What is their problem!

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? Uncertain
- Have the caseworkers made the children call the foster carers Mum and Dad? Uncertain
- Have foster carers helped to preserve your relationship with the child / children in care? No
- Did the foster carers oppose restoration because they wanted to keep your child / children? Uncertain
- Did the foster carers oppose restoration because they had formed a bond with the child / children ? Uncertain
- 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
- **Does the foster carer/s have a criminal record ?** **Yes**

- Was or does the child protection caseworkers know about the criminal history of the carer/s ? No

What type of criminal record does or did the foster carer/s have ?

The fact that [REDACTED] was physically and emotionally abused as a child by his father and physically emotionally and sexually abused in the boys homes he was placed in as a teenager

- Was the criminal history of the carer/s given to the magistrate/s during the court proceedings ? No

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

There was never working talking viable relationship between me, my mother or [REDACTED] due to violence & abuse created by [REDACTED].

OUTSOURCING CHILDREN TO EXTERNAL ORGANISATIONS

How has contact been facilitated between you and the child / children in out of home care ?

- Are there any other rules you were told by the NGO or contact supervisor that aren't listed above ? That i had to bring down the fluids I was providing to [REDACTED] in a bottle which would have included a water purifier.
- What did the NGO or contact worker do to your contact if any rules were broken ? Access was cut and i was dragged into court.
- Has contact been cancelled by the NGO or contact worker for breaking the rules? Yes
- Are there any other reasons the NGO or contact worker has given for cancelling contact ? Because [REDACTED] was sick

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

- Has the child / children been prescribed psychotropic medications since being removed?
- 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

Black eyes fat lips fractured collarbone severe medical neglect and abuse

- Was the child hospitalised for illness or injuries Yes

- acquired in out of home care?
- Were you notified as soon as possible when the child was hospitalised ? No
 - When were you notified that the child had been hospitalised ? Always after the fact.
 - Have you reported any injuries, abuse or neglect to the child / children since they have been placed in out of home care? Yes

Who did you report the injuries, abuse or neglect to ?

- Caseworkers Yes
- DoCS (Child Protection) Complaints line in your state Yes
- Minister for DOCS/FACS/DCP/CPS/DCF in your state Yes
- Commissioner for Children Yes
- State Ombudsman Yes
- Local MP Yes
- Members of Parliament Yes
- State Police Yes
- Other SOCAU's Unit

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

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

If you reported any injuries or abuse about the child in out of home care to the Child Protection Hotline (or similar), what was the outcome of the report?

- Nothing it was a coverup Yes

If you reported the injuries, neglect or abuse of a child in out of home care to the state minister for child protection / families etc, what was the outcome of the report?

- The injuries, abuse or neglect was ignored and i received a short letter stating there was no injuries, abuse or neglect Yes

If you reported the injuries, or abuse or neglect of the child in out of home care to the Children's Commissioner, what was the outcome of the report?

- The injuries, abuse or neglect was ignored and i received a short letter stating there was no abuse, neglect or injuries Yes

If you reported the injuries, or abuse or neglect of the child in out of home care to your (state) ombudsman, what was the outcome of the report?

- The injuries, abuse and or neglect was ignored and i received a short letter stating there was no abuse, neglect or injuries Yes

If you reported the injuries, or abuse or neglect of the child in out of home care to your local MP, what was the outcome of the report?

- Nothing it was a coverup Yes

If you reported the injuries, or abuse or neglect of the child in out of home care to other members of parliament, what was the outcome of the report?

- I never received a response Yes
- Other I also got a response from one MP, who referred me to somewhere else.

If you reported the injuries, or abuse or neglect of the child in out of home care to the police, what was the outcome of the report?

- Nothing it was a coverup Yes

COMPLAINTS ABOUT CASE MANAGEMENT OF CHILDREN IN OUT OF HOME CARE

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

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

- Minister for DOCS/FACS/DCP/CPS/DCF in your state Yes
- State Ombudsman Yes
- State Police Yes
- Local MP Yes
- Members of Parliament Yes

What was the outcome of the report you made to the state minister for child protection / families ?

- The misconduct / corruption was ignored and I received a short letter stating there was no misconduct Yes

What else (if anything) would you like to say about the complaint you filed with the Minister for Child Protection / Child Safety / Children and Families in your state ?

The investigation was not done properly where there was still no evidence to back up the false and misleading allegations about my medical history or physical health.

What was the outcome of the report you made to the Ombudsman ?

- The misconduct / corruption was ignored and I received a short letter stating there was no misconduct Yes

What was the outcome of the report you made to the local police ?

- Nothing it was a coverup Yes

What else (if anything) would you like to say about the complaint you filed with the State Police ?

That it was biased & covered up about ongoing medical emotional and physical abuse.

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

- Nothing it was a coverup Yes

What was the outcome of the report you made to other Members of Parliament ?

- I never received a response Yes

What else (if anything) would you like to say about the complaint you filed with other members of parliament ?

That they could have replied to emails.

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 chose 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 late things were never agreed on court was always adjourned you name it.

- 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 :

That he never brought up any of the relevant paperwork or photos or criminal records of the alleged carers.

- 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

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

It was a waste of time costing me access with [REDACTED] which was rearranged .

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 refused to act upon the caseworker's unlawful acts. Yes
- 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

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.

Inhumane treatment by judicial officers and judges, where i wasn't listened to and i was always pushed down the court list when it suited them.

- 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.

I was never given a chance to be heard properly nor was paperwork even looked at.

- 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

Being told not to show photos of abuse of [REDACTED] i have been threatened with arrest on a number of occasions.

- 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?

Been threatened with arrest on many occasions been dragged into court many times

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

Please provide more information

Refused to grant a AVO for myself, my mother, or to remove [REDACTED] from the environment he is in now.

- 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

Discriminated against me with false medical conditions and what i say and do with [REDACTED] at access

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 your child's right to know you and be cared for by you being violated

[REDACTED] was shifted from home to home where the abuse started and continues til the present date. Parental and Maternal Family alienation

- 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.

[REDACTED] cultural identity has been ignored parental and maternal alienation

- 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 childs identity, please explain here

No assistance was offered

- 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

Court orders had expired & [REDACTED] was illegally being detained by the state.

- 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

Yes as there has been no physical contact nor has there been any phone 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

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. 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
- His or her own cultural identity. No
- Language and values. No
- For the national values of the country in which the child is living. No
- The country from which he or she may originate. No
- For civilizations different from his or her own. 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 assistance from child protection? No
- Do you tell them not to ask for help because of mandatory reporting regulations? No
- Would you ever ring the police again to ask for assistance if in a domestic violence situation? 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?

NOTHING

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

EVERYTHING

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

Shut them down for good so that innocent parents like me don't have to suffer the torture or torment of having a child ripped from your arms when they are so young.

- 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 compliance with state child protection laws, and policies and procedures by a professional organisation that is experienced with current child protection issues, that is independent of the department ? Yes

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

It ruins lives of both parent n child and destroys relationships with family members and partners. Makes parents like me fear it will happen again if i fall pregnant that they will remove the child because of false allegations n never have the proof to back it up

RELEVANT LEGISLATION

When is a child in need of protection?

162. When is a child in need of protection?

(1) For the purposes of this Act a child is in need of protection if any of the following grounds exist-

- (a) the child has been abandoned by his or her parents and after reasonable inquiries- **DID NOT HAPPEN**
 - (i) the parents cannot be found; and – **DID NOT HAPPEN**
 - (ii) no other suitable person can be found who is willing and able to care for the child; - **DID NOT HAPPEN**
- (b) the child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child;- **DID NOT HAPPEN**
- (c) the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected,

- or are unlikely to protect, the child from harm of that type; - **HAS NOT HAPPENED**
- (d) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;- **HAS NOT HAPPENED**
- (e) the child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type; - **DID NOT HAPPEN**
- (f) the child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care. - **DID NOT HAPPEN EITHER**

There has been no evidentiary substantiation of ANY OF THE ABOVE REQUIREMENTS to prove that █████ did in fact require protection.

GUARDIANSHIP

4. Guardianship

A person (including the Secretary) who has, or under this Act is granted, guardianship of a child, **has responsibility for the long-term welfare of the child and has, in relation to the child, all the powers, rights and duties** that are, apart from this Act, vested by law or custom in the guardian of a child, other than-

- (a) the right to have the daily care and control of the child; and
- (b) the right and responsibility to make decisions concerning the daily care and control of the child.

CUSTODY

5. Custody

A person (including the Secretary) who has, or under this Act is granted, custody of a child has-

- (a) the right to have the daily care and control of the child; and
- (b) the right and responsibility to make decisions concerning the daily care and control of the child.

How long does the custody to Secretary order last?

Custody to Secretary orders may be initially made for up to **12 months**; however, the order may be extended if the worker makes an application to the court because the **difficulties that led to the order being made have not been worked out within the period** of the order.

When Court may make order under this Part

274. When Court may make order under this Part

The Court may make an order under this Part in respect of a child if the Court finds-

- (a) that the **child is in need of protection**; or
- (b) that there is a substantial and irreconcilable difference between the person who has custody of the child and the child to such an extent that the care and control of the child are likely to be seriously disrupted.

TYPES OF PROTECTION ORDER

275. Types of protection order

(1) If the Court makes a finding under section 274 it may make any one of the following protection orders-

- (a) an order requiring a person to give an undertaking;
- (b) a supervision order;
- (c) a custody to third party order;
- (d) a supervised custody order;
- (e) a **custody to Secretary order**;
- (f) a guardianship to Secretary order;
- (g) a long-term guardianship to Secretary order;
- (h) an interim protection order.

OFFENCE TO FAIL TO PROTECT CHILD FROM HARM

493. Offence to fail to protect child from harm

(1) A person who has a duty of care in respect of a child-

- (a) who intentionally takes action that has resulted, or appears likely to result, in-
 - (i) the child suffering significant harm as a result of-

(A) physical injury; or

(B) sexual abuse; or - **HAS NEVER HAPPENED IN MY CARE**

- (ii) the child suffering emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged; or – **NOT WITH ME**
- (iii) the child's physical development or health being significantly harmed; or
- (b) who intentionally fails to take action that has resulted, or appears likely to result, in the child's physical development or health being significantly harmed- **HAS NEVER HAPPENED IN MY CARE**
- is guilty of an offence and liable to a penalty of not more than 50 penalty units or to imprisonment for a term of not more than 12 months.

Decisions a carer can make

Daily care responsibility Decisions a carer may make	Long term responsibility Decisions a carer should not make (unless authority has been provided)
Home routines including meals, bedtime arrangements, clothing etc	Medical surgery or significant treatment, significant dental surgery or treatment
School lunches, uniforms, excursions, homework and meetings (parent-teacher)	Religion and religious instruction for the child or young person
Pocket money	Change of name for the child or young person
Haircuts – so long as this does not change the identity of the child	Managing a child or young person's finances or property
Who the child can be friends with, visit or have sleepovers	Arranging a passport for international travel
Short trips away, so long as planned contact is maintained	Body piercing including ear piercing and tattooing
Routine visits and treatment by the family doctor	Marriage of a young person
Routine visits and treatment by a dentist or dental therapist	Media appearance by the child or young person
Recreational activities such as sport, dancing, ballet, singing etc	Long term decisions about education, training or employment
Deciding appropriate transport arrangements, eg when to use the bus	Immunisations and the use of psychotropic medication

If you are unsure about a decision and you have the necessary time, please consult your agency worker or Care and Protection Services caseworker.