

Dear Committee

At the hearings with respect to the family violence amendment Bill on 8 July 2011, I undertook to provide, amongst other things, evidence of the low rate of response by state child protection authorities in South Australia to child abuse referrals from the family court and federal magistrates court. I have identified two newspaper articles in South Australia which attest to this. These are pasted below as promised. There is no reason to believe that SA is unique in the rate of response to referrals from the FMC and FCA, and, as noted by Professor Briggs in her opening comments, Justice for Children members have been told in various states that child protection will not often get involved in cases in the family courts. May I respectfully suggest that the Committee make inquiries of its own into the % of family law referrals to state child protection authorities which are (a) made (b) actively investigated (c) substantiated by child protection (d) substantiation not acted on by family law decision-makers. Regards Elspeth

Low intervention rate

Advertiser, The (Adelaide, Australia) - Tuesday, February 17, 2009

Readability: >12 grade level (Lexile: 1400L)

FAMILIES SA acted on just 6 per cent of child **abuse** cases recommended for intervention by courts in one year, it has been revealed.

Despite 30 requests for intervention by the **Family Court** and Federal Magistrates Court in 2007, **Families SA** only intervened in two cases.

The Public Service Association attributed the discrepancy to a lack of qualified staff, saying members are struggling to keep up with the demand.

A spokesman said **Families SA** actively responds to requests from the **Family Court** for information about the safety and wellbeing of children.

Families SA condemned - Snub to courts on child safety

Advertiser, The (Adelaide, Australia) - Wednesday, July 6, 2011

Readability: 11-12 grade level (Lexile: 1290L)

Author: POLITICAL REPORTER, SARAH MARTIN

FAMILIES SA has refused more than 40 **court** requests to urgently intervene in child protection cases, a Freedom of Information request reveals.

The revelation, in documents to Family First, has sparked condemnation from the Law Society of South Australia, which said the Government must act when asked to by the **court**, particularly in child welfare matters.

“In these circumstances, I would have thought it was incumbent on Families SA to intervene or at least give serious consideration to intervening as that is the best way the interests of the child would be protected,” Law Society SA president Ralph Bonig said. “If the **court** thinks it is important, I don't think Families SA should make some administrative decision that undermines the **court**'s reasoning.”

Family First MLC Dennis Hood said it was “unjustifiable” urgent pleas from the Family **Court** and Federal Magistrates **Court** were ignored last year by the department. “The thing that is really important here is that these judges are sitting

on these cases every day. They would not refer these matters to Families SA lightly," he said. "These sort of requests are usually made when there are grave fears by a judge for a child's welfare and **safety** . The judges are saying they (Families SA) haven't done enough."

The requests were made under sections of the Family Law Act which give judges and magistrates the power to ask the state to intervene in child custody and access proceedings if they fear a child "has been abused or is at risk of being abused".

A Families SA spokesperson said the department regularly provided reports on child protection issues for the **court** . The 43 cases referred to by Family First were requests for Families SA to become a party to Family **Court** proceedings.

"Families SA may have previously been involved with a family, investigated concerns, put supports in place and subsequently assessed the child is not at risk (or) Families SA could, at the time of the request, be undertaking an investigation in relation to the child," the spokesperson said.

Families SA said last year it provided 137 reports for family law matters before the **courts** .

Mr Bonig said: "I do not understand Families SA's rationale. I would have thought it was part of its function to assist the **court** ."