

Objective overview of shortcomings in administrative procedures - not just losing a child, losing a whole family

Good morning, herewith submission for Senate Community Affairs Committees discussion with a view to bypassing the agonizing details of any particular case, whilst recognizing the painful experiences of all involved, in order to facilitate an apologetic acknowledgement of guilt by the administrators/administrations involved - criminal negligence is not a pleasant term, but these organisations are headed up by professional, qualified administrators, who have failed in their duty to the best interests of children and their families.

It must be noted right at the beginning that blame must also be placed squarely on the private profit-making agents who receive large sums of money for services via the administrations that allow it; a newspaper report quoted a figure of £60 000 per assignment some years ago.

This is not to imply that state administrative organs were party to profiteering at all, but the existence of such eager facilitators to arrange and report and contrive certainly must take some responsibility for the final outcome of each tragedy.

It is thus important that we acknowledge this, as administrators become better educated, and exposed to international standards in matters pertaining to children and their families, in order to quantify state compensation for the consequential losses sustained in this process of restorative justice.

The South African Truth and Reconciliation Commission similarly addressed gross violations of human rights some years ago, specifically with regard to apartheid matters; we are now lobbying for South Africa to follow the Australian Senate initiative in addressing matters pertaining to the state's responsibility to children and their families. I will be submitting this document in this regard as well, accompanied by others.

During the South African Truth and Reconciliation Commission witnesses who were identified as victims of gross human rights violations were invited to give statements about their experiences, and some were selected for public hearings. Perpetrators of violence could also give testimony and request amnesty from both civil and criminal prosecution.

It is not envisaged in this case to take individuals to task, but to rather take a collective administrative responsibility for the shortcomings of the system.

It is common knowledge via affidavits from victims that the true facts of a custody case were frequently ignored completely, fabricated reports submitted, files "mixed up" and incorrect details published (and this even acknowledged by officers, at times), to the end of a safety placement in line with church or common practice, or to satisfy the queues of paying clients of agencies.

In South African law, an officer is obliged to place a child into safety if he receives any complaint from any party - the investigation follows the safety placement. There

is no preliminary investigation if the safety of the child is questioned. Family or friends who may wish to act as temporary custodians must first go through a lengthy vetting procedure.

Meanwhile, the hapless child is sitting in a state "place of safety", often inadequately staffed, and with very young African children acting as caregivers. This situation is distressing for all involved, but it is a process that the law says must happen. There are no short cuts to alternative care except for the poor kids who get taken in the first place. There are many reports of finding children in poor condition after safety placements, with rashes, scratches and malnutrition.

In the wings are agencies with queues of eager "replacement" parents - the presence of a question mark over the ability of the birth parent(s) to provide a secure and stable environment for their child(ren) is a foot in the door.

The birth parent(s) then go through a vetting procedure, sometimes having to disprove unfounded allegations of drug or alcohol use, failure to register the birth, failure to immunize, feed, clothe, keep warm, verbal or physical abuse, lack of employment or access to financial resources; there appears to be a "textbook" list of possible parental shortcomings that is thrown at everyone interviewed, without exception.

The birth parent(s), still in a state of shock over the initial unexpected loss of custody, are now faced with this solar-plexus-hitting array of accusations. This is enough to throw even the bravest marine into a panic attack. After stabilizing heart-rates and application of ventilators if required, or at worst therapy and tranquilizers, the shocked birthparent(s) begin to put together their paperwork and/or affidavits to disprove whatever they can.

All this takes time, and meanwhile the court has approved a provisional placement for the child(ren) pending the next court hearing in two months time. Until then, visitation is arranged if appropriate, often supervised, whilst the birthparent(s) case is put together on paper.

This is a very harsh way of gathering data on the birthparents. It would be much kinder to just ask them to bring in their birth registration papers, baby clinic or doctor's immunization records, proof of income, blood tests for drugs, references from community leaders etc. - or else subject them to the same battery of tests that the safety parents go through.

Often the initial complaint is from an ex wife, or a concerned grandparent, during a divorce or after a bereavement or retrenchment; surely administrative procedures could seek to be more supportive to the birth parent(s) instead of removing their child as a first line of defence?

In the long run, the financial cost to the state for such a intervention is quite high - there are court costs, legal costs, salaries of care workers, safety parents, child psychologist assessments, maintenance costs of the children, the various "support" programs for drug users, alcoholics, wife beaters, parenting skills, psychotherapy for the highly strung, the list goes on and on. These costs could be better put to use by assessment of the family as a whole, to achieve a more realistic view of their

functioning or otherwise.

In an ideal post-intervention scenario, a family should be given the chance to prove themselves to the administrative authorities before being subjected to the shock of losing their child(ren). Obviously, we must sober up the drunk wife beater and pop him into jail for a night or two before bringing him into the program.

Meanwhile, a suitable venue for the assessment must be established, on a live-in basis, for the whole family. No, not at the Holiday Inn, but in a child-friendly, secure environment where one is not above all subjected to a military style stress level test. The levels of emotional stress that these poor birthparent(s) are subjected to during an intervention is extreme, and is not conducive to a fair psychological assessment (which is always part of the prerequisites of resuming custody).

It's like interviewing a few thousand post apocalyptic event survivors, and finding 100% of them suffering from post traumatic shock syndrome; thereafter, a few weeks down the line, on paper they are found to be "suffering from a psychological disorder" and will require therapy for six months before resuming custody. Thereafter, through the continued distress of encountering drooling adoptive parents at each visit, who will let nothing stand in their way, and the total disbelief and horror when faced with these same heartless acquisitive new "parents" writing post-visit reports which are so, so far from the truth that it is nauseating, the young birthparents will really start to suffer from severe psychoses that could keep them in therapy for the rest of their lives.

So it seems to be a process that is "downhill all the way" once set in motion. Hence the need for change in the mode of parental assessments, both psychological assessment and social workers'interviews, to a methodology which will at least allow a positive outcome at the end of the day, instead of the current double negative no win situation.

Any psychological testing on either child or parents is totally marred by the separation anxiety syndromes both will be experiencing, to say nothing of the extreme anxiety and paranoid of the parents when continually faced with negativity, false accusations and blatant lies.

Removing placement agencies from the equation will remove 90% of the pressure, one hopes. Conducting psychological assessments in a familiar, at-home environment will remove the other 10%, either at the home of a relative or at the family home. Of course, this does rather remove the leverage for forced interventions, where there are no real grounds but the opinions of the grandparents of a teenage pregnancy, for example, but it will protect those families who are victims of over-zealous wannabe safety parents.

The ethics of following archaic social policies which arose in pre-socialist societies with no state sponsorship of the unemployed and homeless is unacceptable today. Human rights charters all contain paragraphs pertaining to a child's right to be with own family wherever possible.

Teenage pregnancies will not stop either way - statistics in the UK (where social

policy leans towards state housing subsidies and grants for the unemployed family) show that the number of teenage pregnancies over the years has increased, but then again the population has grown to match. In South Africa, where alternative placement is the preferred modus operandi for unemployed teenagers, the same increases have occurred.

Let us agree to move forward in line with social policy the world over, and keep families together where possible. In some countries, such as South Africa, it will mean a shake up of social security provisions - so much the better.

For those who are still recovering from the aftermaths of the old school style intervention, no financial compensation for consequential losses can even begin to fix the broken hearts of all concerned.

For those who lost careers, homes, partners, parents, friends, either as a child placed into alternative care, or as a parent or other relative, the financial costs are phenomenal. The reparations of the South African Truth and Reconciliation Commission may hold some answers; I will try to access details of these to provide some illustrations of solutions applied there, plus other similar scenarios i.r.o. war crimes in Europe etc. for the purposes of the exercise.

The emotional costs are not quantifiable. A courts award of a sum of money is a meaningless gesture, albeit well-meaning; what enjoyment can be bought that can possibly make up for the lost years.

"I want my life back" - all we can hope for is that besides financial compensation, structures are put in place to assist and nurture the sometimes heartbreaking failures to reconcile the two sides of the story: "why did you let them take me" or "they said you did bad things" or "they made me think that I hate you" or worse, "I have been made to think I remember you hurting me and screaming at me as a two year old" by manipulative story telling.

All we can do is pray that these families get the correct supportive counselling by professionals who can illustrate the sometimes underhanded mechanisms used to effect the placements, and hope that closure can be achieved for kids who think they will inherit psychological conditions, or underachievement, when their birthparents are continually placed in a bad light.

The damage can be undone in most cases if the counsellor is properly trained, but, if some old school guidelines for reconciliation therapy are applied, the emphasis is on continued separation, continued coming to terms with the separation, staying with the program.

It is hoped that children (and families) the world over can benefit from the exposure of the methodologies of the past, in order to appreciate the difficulties involved for all parties at all stages of the intervention and of the reconciliations, and that appropriate apologies and reparation are put in place - an acknowledgement of responsibility is not enough, amends must be made and statutory change must be enacted as a matter of urgency.

We wish all victims of past inadequacies the very best of luck with coming to terms with their situations, and the deepest of sympathy in their collective losses. Things can only improve!