

Jeanette
Barrie -
Response
ID 1310

September 21

2014

What have caseworkers done when you have exercised your fundamental right because you expressed opinions contrary to their belief? "With my son - the carer to this day wants to adopt him. This has been talked about for years and because I said no I don't get to see my son anymore. My daughter lives in Queensland [REDACTED] - and because I wouldn't sign the consent transfer papers apparently my daughter doesn't want me to come see her."

SUBMISSION for
Senate Inquiry
into Children in
Out of Home
Care - 2014

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

When going thru the courts with my son I had a solicitor that said she didn't want restoration restored to me if she had of said yes who knows I'd probably have my son today my sons father solicitor said restoration.

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

Jeanette

Your surname

Barrie

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?

Yes

- Intellectual disability
- Learning disability

Yes

Yes

Parents nationality

Australian

Nationality of children removed

Australian

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]

2 weeks old

Child 1[How many placements?]

1

Child 1[Abused in care?]

No

Child 2[Name of child]

[REDACTED]

Child 2[Date of birth]

[REDACTED]

Child 2[Age removed]

6 mths old

Child 2[How many placements?]

3

Child 2[Abused in care?]

Yes

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Is there anything you would like to say about the child protection workers?

Yes. Child protection workers don't tell you everything you need to know.

COMMUNITY INTERACTION WITH CASEWORKERS

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

Office location of the department concerned ████████████████████

- Did caseworkers investigate the case thoroughly prior to removing the child / children? No

Please explain how they failed to investigate the case properly prior to removing the child / children :

They did not check to see if any of the allegations were true before they took the child / children into care. Nor did they offer any intervention or support prior to removing the child / children.

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

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

They just took our son off me and his father, and didn't look into the case much,

- Did caseworkers work with you for a better outcome for you and your family? No
- Did caseworkers work against you? Yes
- Did they provide any support services to prevent the child / children being taken into care ? No
- Did child protection caseworkers keep you informed about what was happening with your children? Yes
- Did they listen to you and respond to your concerns? Yes
- Did caseworkers provide the opportunity to have the child / children returned? No
- When child protection turned up and removed the child, was this the first time you were aware they were going to do this? Yes
- Do you believe that caseworkers broke any laws ? Yes

Which laws do you believe they broke ?

- Crimes Act - Blackmail offence. Yes
- Dishonesty. Yes

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

I was blackmailed into saying I used dugs when I didn't to get me into a rehab, I remember there was me and the caseworker in the room, I also remember I had to sign this pink paper and ask him what it was - he didn't say anything.

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

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

With my son - the carer to this day wants to adopt him. This has been talked about for years and because I said no I don't get to see my son anymore.

My daughter lives in Queensland [REDACTED] - and because I wouldn't sign the consent transfer papers apparently my daughter doesn't want me to come see her.

Do any of the below statements reflect the ways you were treated by child protection workers?

- They lied in affidavits. 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
- Vindictiveness. 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) Yes
- Expect parents to work “with” them BUT they won’t work “with” parents. Yes
- Using “the best interests of the child” to justify whatever they do even when clearly it’s not. Yes
- Inflexible working hours – evenings and weekends would enable them to work “with” parents and their work commitments. 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

QUESTIONS REGARDING INTERVIEWING OF PARENTS BY CASEWORKERS

- Was the parent / parents interviewed without a support person being present? Yes
- Did you request a support person? No
- Was your request to have a support person denied? No
- Were there two caseworkers present at the interview? Yes
- Did the caseworkers rely on any disclosure (allegedly) made by the child after the interview with the two caseworkers? I don't know
- Did you want to record interviews? 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** Yes

with families would make the system fair and more honest?

- 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**

Some parents are told that if they separate or divorce, they would have a better chance of getting the child / children returned.

- Were the parents accused of having domestic violence issues? **Yes**
- Were the allegations false? **No**
- Were you or the parents told that separation or divorce would provide a better chance of having the child / children returned by the caseworker? **Yes**
- Were you or the parents told that separation or divorce would provide a better chance of having the child / children returned by their lawyer? **No**
- Did the parents separate or divorce? **Yes**
- Was there any change in circumstances for abiding by the requests of the caseworker regarding the separation or divorce? **No**
- Was the child / children returned because of the divorce / separation? **No**
- Was one of the parents told to take out a restraining or domestic violence order to better their chances of having the child / children returned? **No**
- Did a parent take out a restraining or domestic violence order because they were asked to? **No**
- Was the child / children returned because of the restraining or domestic violence order? **No**
- Was there any change in circumstances for abiding by the requests of the caseworker regarding the restraining or domestic violence order? **No**
- Was the child / children returned to the perpetrator of domestic violence or abuser or known paedophile? **No**

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

- Did subpoenaed caseworkers turn up for cross-examination in court proceedings? **Yes**
- Did they lie under oath? **Yes**
- Was the caseworkers evidence based on fact ? **Uncertain**
- Was the caseworkers evidence based on hearsay? **Yes**
- Was the caseworker prepared to proceed on the day? **Yes**
- Did the caseworker or their legal representative request adjournments? **Yes**

-
- Did the caseworker bring any new information into court when being questioned that was not in previous affidavits or spoken about? Yes
 - Were reports received in time frames ordered by the court? Yes
 - 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? Uncertain
 - Did the caseworker allow the child to be present at the court hearings? No
 - Was the caseworker dressed appropriately for such court proceedings? Yes
 - Did they hug each other when they won their case against you and your family? No
 - Did they hi-five each other when they won their case? No
 - Did they hug the other party whom they wanted the child to live with when they won their case? No
 - Did the caseworker seem smug and pleased with them self after the court case? Yes
 - 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.

After we had our son we went to ~~Tresillian~~, and we were allowed to go out. Anyway I went to my cousins place ,my partner at the time had a headache so he asked my cousin for Panadeine. When we went back to ~~tresilian~~ they accused my partner at the time for being on drugs, there was no urines done and my cousin wasn't even interviewed.

FAMILY IMPACT STATEMENT

- Was the child removed without consent? No
- Was the child adopted ? No
- Has there been talk of adopting the child? Yes my son
- Has this been by the caseworker? Docs and the career
- Have you told them your objections to the adoption? Yes told them I didn't want adoption to go ahead
- Do you think the adoption is necessary? No not anymore given his age
- Do you think the adoption will damage the child's long-term future? It probably wouldn't matter

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

- Domestic violence Yes
- At risk of emotional harm Yes
- Mental health issues Yes
- Criminal record Yes
- Failure to thrive Yes
- Parents unable to care for child with disability Yes
- One or both of the parents have a disability Yes
- I am a former ward of the state, and caseworkers tell me that I have no parenting skills 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 ? Yes
- Did the caseworkers continually add to the list of requirements for you to do in order to have the child / children returned? No
- Were you able to complete the list of requirements set by the caseworker? Yes
- Was this because the list was never ending? No
- Did completing the caseworkers requirements of you enable the child / children to be returned? Yes
- If the department did not provide you with any information about what you need to do to get your children back, did you do courses yourself to improve your parenting skills? Yes
- Were you consulted about your child's Care Plan? Yes
- Did you receive Affidavits and care plans in enough time to respond to the court? Yes

-
- Was your case continually adjourned by the department because they were not ready to proceed? 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? Yes
- Did they improve your parenting skills? Yes
- Did you have an opportunity to put your new skills into practice with your child at home? Yes
- When you completed all the department asked did you get your children back? Yes
- Did the department assist you to do what they required of you? Yes
- Did they encourage and support you to do what was required of you? Uncertain
- Did it make a difference in getting your children back? Yes
- Were the parents prevented from having any support persons at any meetings / conferences or court proceedings related to the removal of the child / children? No

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

- Lack of Trust Yes
- Sadness Yes
- Anxiety Yes
- Trust issues Yes
- Overeating Yes
- Has there been short or long-term emotional impacts because of the care proceedings and forced removal that you have experienced? Yes

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

- Anger Yes
- Frustration Yes
- Feels like life revolves around courts and caseworkers Yes
- Sometimes don't want to get out of bed
- General suffering Yes
- Other I nearly had a nervous break down. And my sons father commit suicide because of the removal by docs
- Were you offered professional help such as grief counselling to deal with your loss? No
- Has there been a negative physical impact on you caused by the forced removal of the child? No

- Has there been a negative financial impact on your family due to care and protection proceedings? No
- Did you have a partner at the time of the removal? Yes
- Has the loss of your child or children had an effect on your relationship with your partner? Yes

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

- Short-term effect of the removal of the child / children Negative impact
- Effect upon the communication between the couple Negative impact
- Effect upon personal ability and inner-strength Negative impact
- If you would like to write more here, please do so My sons father commit suicide - and my daughters father would always fight with me.
- 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? Yes
- 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?

Instead of taking our son of us and never return him back helping us would have been a better option.

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

Forced removal has done a lot of damage me and my son never had a good relationship.

- How many placements has the child / children had ? My son only 1 placement, my daughter 3 placements.
- How many caseworkers has the child / children had ? To many I forget
- How often does the caseworker see the child / client? Once a month for my daughter, every 2 weeks for my son.
- Does the child / children know who their caseworker is? Yes

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

- Once a year Yes
- Other And phone contact once a month.

CONTACT WITH CHILDREN IN OUT OF HOME CARE

General questions about the removal of the child / children :

- Was your child / children placed in care in the state you resided in? Yes
- Were there problems with interstate placement? Yes
- Have you been allowed to have phone contact with the child / children in care? Yes
- Have you been allowed to have SKYPE contact with the child / children in care? Uncertain
- Did you lose your income after the child was removed? Yes
- Did the department assist you to have your child / children placed in the state you reside in? Yes
- Did they allow an interstate transfer of your child in care? Yes
- Have you been granted a Case Review by a Regional Director or other ? No
- Did the Court allow you to proceed to a hearing for your restoration application? Yes
- Did the department oppose your application for restoration? Yes
- Did the department seek orders till the child was 18 years from the time they were removed? Yes
- Did your solicitor advise you to agree to establishment? Yes
- Did your solicitor advise you to agree to what the department wanted? Yes
- Do you understand the system? Yes
- Have caseworkers undermined you to your children in care? Yes
- Have the children been divided into different placements ? Yes
- Have your children been managed by an NGO (non-government organisation eg CatholicCare / Barnardo's etc)? Yes
- Has that NGO been helpful? Uncertain
- Has your child in care received appropriate medical treatment while in care? Yes
- Has your child had to change schools while in care? Yes

Does the child / children ever ask to come home?

- Never Yes

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

How much contact are you having with the child / children currently in Out of Home Care

- Once a year Yes
- Other Monthly phone calls

-
- Two hours contact Yes
 - Is this child / children part of a sibling group? Yes
 - Are the siblings split up into different placements? Yes

How much contact do the siblings have with each other?

- Once a year Yes
- Other Monthly phone contact
- Two hours contact Yes

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

- Sadness Yes
- Withdrawal Yes
- Failure to attach Yes
- Low self-esteem Yes
- Anxiety Yes
- Violent behaviour Yes
- Other Counselling every week
- 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?

- Anger Yes
- Frustration Yes
- Anxiety Yes
- Stress Yes
- Feels like life revolves around courts and caseworkers Yes
- Feelings of injustice Yes
- General suffering Yes

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

- Have you ever written to the child in out of home care, or sent letters or money or gifts? Yes
- Were there ever any hassles with giving the gifts, cards, money or similar to the child? No
- Did you ask for a receipt? Uncertain
- Did the caseworker give you a receipt for any gifts you provided? No

- Were you allowed to give the child / children the gifts / cards / letters ? Yes
- Did the child actually receive the gifts / cards / letters ? Yes
- Were you told that the money for the child will be put into a trust account for them until they are eighteen? Yes
- Did the department ever provide you any evidence to support the money being given to the child or put into a trust fund? No
- Do you believe they stole the money or gifts? Uncertain

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. Yes
- You cannot talk to the child about the case or why they were removed. Yes
- You are not allowed to tell child the truth about questions they ask. Yes
- You are not allowed to bring any other children or relatives into contact. Yes
- Any additional children or relatives visiting the child / children must be approved by the caseworker first. Yes

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

I'm not allowed to ask my daughter why she doesn't want me to go to [REDACTED] to visit her because the caseworker told me it was a form of child abuse.

- What happened to your contact if any rules were broken? I wouldn't be allowed to see my daughter.
- Has contact been cancelled for breaking the rules? No

What where other reasons given for cancelling contact?

Other family contact for special occasions :

- Have you been allowed contact on special days such as the Child's Birthday, Mother's Day, Fathers Day, your Birthday and Christmas Day? No
- If a member of your family or extended family has died have the children been allowed to attend the Funeral? No
- If a member of your family or extended family has been ill or in hospital has the child been allowed to visit them? No
- If the child has been hospitalised whilst in care, has immediate or extended family been allowed to visit them? No

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

No contact with my son

FOSTER CARERS

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

- Have foster carers treated you respectfully? Yes
- Have foster carers put the needs of your child / children first? Yes
- Have foster carers supported the restoration of your children? No
- Have foster carers made the children call them Mum and Dad? Yes
- Have the caseworkers made the children call the foster carers Mum and Dad? Yes
- Have foster carers helped to preserve your relationship with the child / children in care? Yes
- Did the foster carers oppose restoration because they wanted to keep your child / children? Yes
- Did the foster carers oppose restoration because they had formed a bond with the child / children ? Uncertain
- Have foster carers been allowed to join the proceedings? Uncertain
- 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 ? No

OUTSOURCING CHILDREN TO EXTERNAL ORGANISATIONS

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

- Has the NGO been helpful in organising contact between you and the child / children? Yes
- Does the NGO give you the court ordered amount of time between you and the child? Yes
- Has the NGO ever breached court orders and cut the amount of contact between you and the child? Yes
- Has the NGO ever cut contact time prior to court orders being changed? Uncertain
- Has the NGO cancelled contact because the foster carer refused to bring the child / children to contact? No
- Has the NGO always made sure that both parties are aware there is contact schedule ? Yes
- Has the NGO ever made you miss contact because they failed to tell you about changes of times? Yes

-
- If so, did this upset the child / children ? Uncertain
 - Has the NGO ever made up contact time because of cancelling a previous contact? No
 - Does the NGO provide contact schedules that may work around your employment or study schedule? No
 - Has the NGO ever changed contact time to accommodate your employment or study schedule? No
 - Has the NGO been flexible with facilitating contact in general between you and the child / children? Yes
 - Has the NGO allowed weekend contact to enable you to work around your job / other commitments ? No

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

- You cannot talk to the child about the past. Yes
- You cannot talk to the child about the case or why they were removed. Yes
- You are not allowed to tell child truth about questions they ask. Yes
- You are not allowed to bring any other children or relatives into contact, must be previously be approved by caseworkers. Yes

Are there any other rules you were told by the NGO or contact supervisor that aren't listed above ?

This is about phone contact, my daughter wasn't allowed to ask me when I was a child whether I was in foster care.

- Are there any other reasons the NGO or contact worker has given for cancelling contact ? Because child wanted to go home.

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

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

My daughter when she was taken of me the second time and was got placed with Italian foster carer, and her daughter used go to her house with her granddaughter and the granddaughter used to bash my daughter.

- Was the child hospitalised for illness or injuries acquired in out of home care? No
- Have you reported any injuries, abuse or neglect to the child / children since they have been placed in out of home care? Yes

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

- Caseworkers Yes

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?

Other When my daughter was young she would tell me she would get hurt by the carers son.

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? No

COMMUNITY INTERACTION WITH MAGISTRATES, COURTS AND LEGAL REPRESENTATIVES & THE COST OF SUCH SERVICES

- Were you ever denied legal aid during the court proceedings ? No
- Did you have Legal Aid or private legal representation? I had private legal representation
- Did you have trouble finding legal representation that had not previously worked for the department ? No
- Did you win or lose the case? Lost
- Were you given adequate preparation time for each of the hearings that related to the child / children in out of home care? Yes
- Do you believe the courts helped or hindered your case? The courts hindered my case
- Do you believe the magistrate read your affidavits and listened to you? Yes
- Did your solicitor explain your legal situation clearly? Yes
- Did your solicitor provide the correct legal advice? Yes

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

When going thru the courts with my son I had a solicitor that said she didn't want restoration restored to me. If she had of said yes - who knows - I'd probably have my son today. My sons father solicitor said restoration.

- 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

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

- The transcript had parts missing Yes

AUDIO AND VISUAL EQUIPMENT IN THE COURTROOM :

- Were you able to hear what was being said in the courtroom at all times? Yes
- Could you hear what was being discussed between the parties solicitors at all times? Yes
- Were you able to clearly hear what the magistrate was saying at all times? Yes
- Was the audio and video equipment working well at all times? Yes

INDEPENDENT CHILDREN'S LAWYER / CHILDREN'S LEGAL REPRESENTATIVE

Questions about independent children's lawyer

- Did the ICL healthily promoted the United Nations Convention of the Rights of the Child? I don't know
- Are you aware that the ICL must tell the court the child's wishes? Yes
- Did the ICL provide the child with the age appropriate Children's Charter of Rights? I don't know
- Was the ICL available at times to discuss matters with the child? No
- Did the Child try to dismiss the ICL for lack of willingness to abide by Representation Principles for Children's Lawyers? No
- Are you aware that a child has a legal right to dismiss his / her lawyer, if they are not happy with the representation they are receiving from that legal representative? No
- Did the same lawyer represent the child / children throughout the proceedings? I don't know

PRINCIPLE A1 - Client of a direct representative

- Did the ICL act upon the instructions of the child client ? Yes
- Did the child client convey to the ICL his wishes ? Yes
- Did the ICL receive and act on instructions from the child client irrespective of what the ICL considered to be the best interest of the child client ? Yes
- Did the ICL represent the child client with the same undivided loyalty, confidentiality and competent representation that is due to an adult client ? Yes

General obligations of the direct representative

- Did the ICL attempt to reduce case delays ? Yes

- Did the ICL identify appropriate family and professional resources for the child ? Uncertain
- Did the ICL consider and discuss with the child client the desirability and possibility of appeals or further applications ? Uncertain

PRINCIPLE E2 (Part 1) - General obligations of direct representative

- Did the ICL represent the child in a competent and professional manner ? Yes
- Did the ICL participate in all telephone and other conferences and hearings, (unless the hearing was completely unrelated to the child client) ? Uncertain
- Did the ICL actively advocate in accordance with the child client's instructions and preferences ? Uncertain
- Did the ICL, before closing submissions consult with the child client to ensure all aspects of instructions were put to the court ? Yes
- It is the duty of the ICL to ensure that all relevant evidence is presented to court. Did this happen? Yes
- Did the ICL cross-examine and question the accuracy of evidence by other parties where this related to the child's welfare? Uncertain

PRINCIPLE D5 - Support persons

- Did the ICL advise the child client that they are entitled to have a support person with them during the interview ? No
- Did the ICL seek the child's view on whether they would like the support of a trusted adult during the interview process ? No
- Was there a support person (trusted adult) present at the interview process with the ICL ? No
- Was the support person chosen by the child client ? No
- If there was a support person selected, did the child ever request the support person to be excluded ? No
- If the child requested the support person to be excluded, did the ICL abide by the child clients wishes ? No

PRINCIPLE C1 - Determining whether child has capacity to give instructions

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

PRINCIPLE C2 - Enhancing child's capacity

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

- Did the ICL appropriately use this information to assist the child client ? No

PRINCIPLE H1 - Access to documents by child client

- Did the ICL inform the child client that they are entitled to access documents held by the ICL ? No
- Did the child client request access to documents held by the ICL ? No
- Did the ICL abide by the request of the child client and provide those documents requested ? No

PRINCIPLE D1 - Seeing the child

- Did the ICL see the child client at all ? No
- Did the ICL see the child client well before the first hearing ? No
- Did the ICL represent the child client at every hearing / conference and telephone conference that was related to the child client ? No

Access to other evidence involving the child clients' matter

- Did the ICL obtain copies of all court documents and evidence relevant to the case? Yes
- Did another party try to supply evidence to the ICL ? Uncertain
- Did the ICL accept the evidence on behalf of the child client ? No
- Do you believe the ICL read all the subpoenaed notes and affidavits in the case? Yes

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

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

Principle E2 (Part 3) Statutory obligations of the ICL

- Did the ICL act in an independent and unfettered way in the best interests of the child? No
- Did the ICL act impartially, but if thought appropriate, make submissions suggesting the adoption by the court of a particular course of action if he or she considers that the adoption of such a course is in the best interests of the child? No
- Did the ICL inform the court by proper means of the child's wishes in relation to any matter in the proceedings? In this regard, the No

representative is not bound to make submissions on the child's instructions but is bound to bring the child's express wishes to the court's attention.

- Did the ICL arrange for the collation of expert evidence and otherwise ensure that all evidence relevant to the child's welfare is before the court? No
- Did the ICL test by cross-examination where appropriate the evidence of parties and their witnesses? No
- Did the ICL ensure that the views and attitudes brought to bear on the issues before the court are drawn from the evidence and not from a personal view or opinion of the case? No
- Did the ICL minimise the trauma to the child associated with the proceedings? No
- Did the ICL facilitate an agreed resolution to the proceedings? No

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

- Did the child / children have the same ICL throughout the proceedings? No
- If the ICL changed, did the former ICL provide reasons for the change in representation? Uncertain
- Did the former ICL introduce the child to the new ICL? No

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

My sons father at the time was in jail, and docs didn't allow him to sign the papers to put him on the birth certificate.

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

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

My son has aboriginal in him and he is with Australian foster carers.

- Article 8.2 state "Where a child is illegally deprived of some or all of the Yes

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?

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

Nobody talks about his culture.

- 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? No
- 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

Docs have said because they are going to be transferring the files from New South Wales to Queensland, it will be better if contact was 1 time a year.

- Was your child removed because you were homeless, or at risk of homelessness? Yes **HUMAN RIGHTS VIOLATION**

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. Yes
- If child protection got involved then the parents must have done something wrong. Yes
- They would never remove a child without investigating the family properly first. Yes
- Child protection workers are over worked and underpaid. No
- The department needs more funding so they can help more families Yes
- They don't get enough gratitude for the job they do. Yes

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? Yes
- 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?

Docs do have program's to keep your child with you - but sadly they won't be going for much longer.

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

You ask for help and it goes against you.

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

Build more program's that don't shut down, ect, stern thing families

- Would you like to have your case reviewed ? Yes
- Do you see any point in asking to have your case reviewed by another government department ? Yes
- Would you like to have your case file audited for compliance with state child protection laws, and policies and procedures by a professional organisation that is experienced with current child protection issues, that is independent of the department ? Yes