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

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Personal Submission of Michelle Rigby

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**What would have been a better solution in your case then forced removal?**

To remove the offender assist with support services, help with reconnecting with family and obtaining an AVO, with further assistance when he breached, and attending court regards to that breach.

## Personal Information

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

NO

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

Mother

**Your first name**

Michelle

**Your surname**

Rigby

Your mobile phone number

[REDACTED]

Your home phone

[REDACTED]

Email address

[REDACTED]

Address

[REDACTED]

Suburb

[REDACTED]

Postcode

[REDACTED]

State

[REDACTED]

Country

Australia

- Are you a former "Child in Care"? No
- Do you have a disability? No

- Parents nationality Australian
- Nationality of children removed 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]

18 months

Child 1[How many placements?]

1

Child 1[Abused in care?]

Child 2[Name of child]

[REDACTED]

Child 2[Date of birth]

[REDACTED]

Child 2[Age removed]

22 hours old from hospital

Child 2[How many placements?]

3

Child 2[Abused in care?]



## TABLE OF CONTENTS

Community interaction with caseworkers .....	3
Family impact statement .....	10
Access to support services : .....	12
Contact with Children in Out of Home Care .....	16
Foster carers .....	20
Outsourcing children to external organisations .....	21
Injuries, abuse and neglect of Children in Out of Home Care .....	24
Complaints about case management of children in out of home care .....	24
Community interaction with magistrates, courts and legal representatives & the cost of such services.....	24
Independent Children's Lawyer / Children's Legal Representative .....	25
International Covenant on Civil and Political Rights.....	31
International Covenant of the Rights of the Child .....	31
Summary .....	33

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

- 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 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?

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 children into care. Nor did they offer any intervention or support prior to removing the children.

Removed after three reports and a single visit.

Domestic violence was reason, however I was not offered exit strategy or any counselling or programs.

They didn't investigate those who reported whilst dv was present, and two reports by an ex-girlfriend unable to have kids.

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

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

No investigation, no offer again for exit strategy, counselling or dv programs, also was pregnant with youngest and requested help with medical care, none forth coming.

No guidance for me to find own programs to do that are suitable for restoration.

- 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? No

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

I wanted to know in confidence what to do exactly and how to do it whatever that was to have the children returned

- Did caseworkers provide the opportunity to have the child / children returned? No
- When child protection turned up and removed the child, was this the first time you were aware they were going to do this? Yes
- Do you believe that caseworkers broke any laws ? Yes

### Which laws do you believe caseworkers broke ?

- Crimes Act - Failure of persons with parental responsibility to care for child. Yes
- Crimes Act - Perverting the course of justice.
- Crimes Act - Offence of perjury. Yes
- Recklessness. Yes

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

Child removed in January 2007 from me at 22 hours old from the hospital.

Further, the workers removing child were unaware of colostrum, and failed to support his head when they took him.

When I requested train fare to my parents was informed that they only transport DoCs would give was a taxi straight to abuser.

Left me with no option for this pregnancy but to remain with abuser throughout, despite removing three other kids.



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

DV was present but for my part it was my ability to keep kids safe as the ONLY issue.

My biggest issue was isolation from family and friends.

If I could get to family in Sydney without risk of him catching us I would have.

I had no money limited access to vehicles with little fuel and a man who brainwashed my children to wanting to stay whenever I went to leave.

If given more than a 5 min head start in a small town with three kids and money to get train ticket I would have gone and not looked back.

Only offers were without money or leave kids which I wouldn't do.

- 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?**

- Caseworkers have cut contact with the child / children in out of home care Yes

**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. No
- 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. No
- Vindictiveness. Uncertain
- 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. Uncertain
- 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. No
- 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. Yes



### Caseworkers interaction with the child / children

- Did caseworkers interview the child / children on their own? Yes
- Were there two caseworkers interviewing the child / children? Yes
- Were copies of the interview of the child / children made available to you? Yes
- Was the child / children asked if they would like to have a support person present with them at the time of interview No

### Questions regarding interviewing of parents by caseworkers

- Was the parent / parents interviewed without a support person being present? Yes
- Did you request a support person? Yes
- Was your request to have a support person denied? Yes
- Were there two caseworkers present at the interview? Yes
- Did the caseworkers rely on any disclosure (allegedly) made by the child after the interview with the two caseworkers? Yes
- 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?
- Do you believe that recording all contact caseworkers have with families would make the system fair and more honest? Yes
- 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? No
- Were you or the parents told that separation or divorce would provide a better chance of having the child / children returned by their lawyer? Yes
- Did the parents separate or divorce? Yes
- Was there any change in circumstances for abiding by the requests of the caseworker regarding the separation or divorce? 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? Yes
- 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?
- 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? Uncertain
- Was the caseworkers evidence based on fact ? No
- Was the caseworkers evidence based on hearsay? Yes
- Was the caseworker prepared to proceed on the day? 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? Uncertain
- Were reports received in time frames ordered by the court? Uncertain
- Did the court material contain uncorroborated stories about you? Yes
- Did the court material have an objective approach? No
- Did the court material have a subjective approach aimed at demeaning and belittling you? Yes
- While caseworkers were being questioned, did the courts allow the other workers to take notes and discuss matters? No
- 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? 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?

- 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.**

They (DoCS) gave false interview information.

They (DoCS) said I didn't want to cooperate, or leave situation.

They (DoCS) said I was taking illegal drugs at time - and failed to give the chain of evidence that indicated negative results.

**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?**

- Domestic violence Yes
- Were the allegations false? No

**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
- 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 caseworker's requirements of you enable the child / children to be returned? Uncertain
- Did the reasons child protection gave to magistrates, to warrant keeping the child / children in out of home care continued to change with each court case? Yes
- Was it difficult to address the issues in court because they kept changing (raising the bar)? 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? 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? Uncertain
- Did your solicitor or ICL object to the department's request for more time? Uncertain
- Did the court grant adjournments to the department on the basis that they were very busy? Uncertain
- Was that in your child's best interest? No
- Did the department argue that because your child had been in care for a year or



more that it was not in the child's best interest to be returned to you because it would unsettle their placement?

### 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
- Excessive crying Yes
- Sadness Yes
- Withdrawal Yes
- Depression Yes
- Physical health problems Yes
- Low self-esteem Yes
- Anxiety Yes
- Suicidal tendencies Yes
- Mental health issues Yes
- Smoking Yes
- Drinking Yes



- Drug use Yes
- Overeating Yes
- Antisocial traits Yes
- Has there been short or long-term emotional impacts because of the care proceedings and forced removal that you have experienced? Yes

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

- Grief Yes
- Loss Yes
- Pain Yes
- Anger Yes
- Fear Yes
- Frustration Yes
- Depression Yes
- Stress Yes
- Difficulties working 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 counselling to deal with your loss? No
- Has there been a negative physical impact on you caused by the forced removal of the child? No
- Has there been a negative financial impact on your family due to care and protection proceedings? Yes



### **Financial short and long term impact of the care proceedings and forced removal:**

Unable to hold a job there by unable to setup stable home continue to reside with parents even now

- 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? No

### **If you would like to write more here, please do so**

Removal of children meant getting out of abusive relationship that had been life. Have no contact with this person to this day.

- 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? Yes
- Did child protection force you to move? No

### **Please explain why you had to move home or relocate to another town, and how this is related to your child being in out of home care.**

Unable to hold a job so unable to get house near the kids. Currently live in ~~western Sydney~~ with two kids an hour and half south east and the two in cars two and half hours north of me.

### **What would have been a better solution in your case than forced removal?**

To remove the offender assist with support services, help with reconnecting with family and obtaining an AVO with further assistance when he breached, and attending court regards to that breach.

The offender or father was the issue, I had issues with obtaining finance and the older children's trust in me that they wouldn't leave.

This was done whilst I was working and he was the stay at home carer



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

That further section 90 have failed because 8 years later life is very different, but still no concession. I applied for change in access arrangements this year and [REDACTED] were OK for that judge seemed to see I had best interest of children at heart.

DHS then submitted further false (or old information) in court documents, and case had the case transferred to [REDACTED] where that judge allowed my lawyer to call me - as I was not told of hearing and seek advice - as she was ready to dismiss the case. I withdrew instead.

Now I'll leave work to start this again next year.

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

- Unable to maintain job or set up a home.
  - Drug addiction which have under gone treatment.
  - Impacted on current relationship.
  - Financial impact due to costs of travel and activities to see kids extended and siblings and my siblings family who have not seen my youngest child, other than pictures, or second youngest since removed.
  - Current partner excluded from this contact and by flow on impacts our relationships.
  - Siblings contact limited if at all, so my contact is used for that also.
  - Must be supervised and weekends are limited.
  - Contacts bi-monthly for four hours supervised which isn't enough to be able to build the relationship that casework demands to restore.
  - The provision capacity of carers more important that child best interests.
- 
- How many placements has the child / children had ? 1 & 2
  - How many caseworkers has the child / children had ? 25 min
  - How often does the caseworker see the child / client? Unsure
  - Does the child / children know who their caseworker is? Yes

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

- Once every two years Yes





## Contact with Children in Out of Home Care

### General questions about the removal of the child / children :

- Was your child / children placed in care in the state you resided in? Yes
- Have you been allowed to have phone contact with the child / children in care? No
- 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?
- 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
- 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 18 yrs from the time they were removed? Yes
- Did you appeal the court decision in your case? No
- Were you successful with your appeal?
- 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? No
- Did your solicitor advise you to agree to establishment? No
- Did your solicitor advise you to agree to what the department wanted? No
- 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? No
- Have caseworkers undermined you to your children in care? Yes
- Have the children been divided into different placements ? No
- Have your children been managed by an NGO (non-government organisation eg CatholicCare / Barnardos etc)? Yes
- Has that NGO been helpful? Yes
- Has your child in care received appropriate medical treatment while in care? Yes
- Has your child had to change schools while in care? No

**Does the child / children ever ask to come home?**

- No 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**

- Every two months Yes
- Four hours contact Yes
- Is this child / children part of a sibling group? Yes
- Are the siblings split up into different placements? No

**How much contact do the siblings have with each other?**

- Once every two years 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
- Antisocial traits 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?**

- Loss Yes
- Pain Yes
- Anger Yes
- Frustration Yes
- Wetting the bed Yes
- Difficulties sleeping Yes
- General suffering Yes
- Have you ever written to the child in out of home care, or sent letters or money or gifts? No
- Were there ever any hassles with giving the gifts, cards, money or similar to the child? Yes

**What were the issues you encountered whilst trying to give your presents, money, gifts, letters to the child in care?**

- Other I was told I was not allowed to.

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

- Did you ask for a receipt? No
- Were you allowed to give the child / children the gifts / cards / letters ? No
- Did the child actually receive the gifts / cards / letters ? Uncertain
- Were you told that the money for the child will be put into a trust account for them until they are eighteen? No

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

- Not at all Yes
- Other

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

- You are not allowed to record the contact visit. Yes
- 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. Yes
- You must talk loud enough for the supervisor to hear. Yes
- You are not allowed to tell child the truth about questions they ask. Yes
- Any additional children or relatives visiting the child / children must be approved by the caseworker first. Yes
- You are not allowed to ask about their placement. Yes

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

- Not allowed to give pictures (which included my current partner who has nothing to do with the kids being in placement).
- Told when a child gets a gift, that I must give gift to other child even though it might be one child's birthday not the others.
- Or when older siblings and cousins give hand me downs that fit one child but not the other I must then buy clothes for smaller child
- What happened to your contact if any rules were broken? Cut short and reported by supervisor which threaten next contact visit
- Has contact been cancelled for breaking the rules? Yes
- What where other reasons given for cancelling contact? Kids sick or on holidays

**Other family contact for special occasions :**

- Have you been allowed contact on No

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? Uncertain
- 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 indirect contact.
- Any request to review my records, to have flexibility in contact or unsupervised, or more time, have been rejected immediately.
- Then generally reduced as punishment for asking

**Foster carers**

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

- Have foster carers treated you respectfully? Uncertain
- 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? No
- Did the foster carers oppose restoration because they wanted to keep your child / children? Yes
- Did the foster carers oppose restoration because they had formed a bond with the child / children ? Yes



- Have foster carers been allowed to join the proceedings? Yes
- If so, were the foster carers provided with free legal assistance to participate in the proceedings? Uncertain
- Have foster carers undermined you to your children? Uncertain
- Does the foster carer/s have a criminal record? No

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

Foster carers were told that they could eventually adopt the kids, and I've been told they will stay with the foster parents as they have been long term foster parents who wanted to keep a boy as their own, and deserve that with my kids.

They changed the kids last name, and I was not informed until three months later, then told been too long has to stay that way kids never told correct way to say own real last name.

## Outsourcing children to external organisations

### How was the NGO helpful?

Since manage by [REDACTED] we've a single caseworker who has relations with kids and does contact, however becomes attached to kids and she interacts with the kids too much in contact - compared to old supervisor, which causes me to miss out on valuable interaction time.

Annual case reviews are on time but no setup to provide for parents who cannot be in same area as per AVO so only able to go every second year.

It's also harder to find out about changes such as more contact or changes to contact or why DoCs have changed a rule of procedure as they have to request then await reply.

### 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? Uncertain
- Has the NGO ever breached court orders and cut the amount of contact between? No



you and the child?

- Has the NGO ever cut contact time prior to court orders being changed? No
- 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? No
- If so, did this upset the child / children ?
- Has the NGO ever made up contact time because of cancelling a previous contact? Yes
- Does the NGO provide contact schedules that may work around your employment or study schedule? Yes
- Has the NGO ever changed contact time to accommodate your employment or study schedule? Yes
- 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 ? Yes

**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. No
- You cannot talk to the child about the case or why they were removed. Uncertain
- You are not aloud to change a child with out someone being present. No
- You must leave toilet door open. No
- You are not allowed to take photos. No
- You are not allowed to take photos of any injury your child has. No
- You are not allowed to record the contact visit. Yes



- 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. Yes
- No cuddles or not too many. No
- You must talk loud enough for the supervisor to hear. Yes
- You are not allowed to tell child truth about questions they ask. Yes
- You must not to mention anything about court proceedings to your child, even when they ask. No
- You are not allowed to bring any other children or relatives into contact, must be previously be approved by caseworkers. No
- You cannot hold a Birthday party for your child as their friends and extended family cannot attend the contact. No
- You are not allowed to ask how there going at school. No
- You are not allowed to ask about their placement. Yes
- Are there any other rules you were told by the NGO or contact supervisor that aren't listed above ?
- What did the NGO or contact worker do to your contact if any rules were broken ? Just reminded me, and noted discreetly in report.
- Has contact been cancelled by the NGO or contact worker for breaking the rules? No
- Are there any other reasons the NGO or contact worker has given for cancelling contact ? Kids holidays
- Have NGO's focused on adoption of the child / children in care shortly after taking over their case management ? No
- Are the children divided into different NGO's? No
- Which NGO have you found to be supporting contact etc ? [REDACTED]
- How do they differ from child protection caseworkers? More supports return calls spends time with kids away from carers and parents





### **Injuries, abuse and neglect of Children in Out of Home Care**

- Has the child / children been prescribed psychotropic medications since being removed? No
- Has there been any injuries, abuse or neglect to the child / children in out of home care? No

### **Complaints about case management of children in out of home care**

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

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

- DoCS (Child Protection) Complaints line in your state Yes

#### **What was the outcome of the report you made to the Complaints Line for Child Protection / Families ?**

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

### **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 Legal Aid 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
- Did you have to choose your Legal Aid No



representative from a limited list?

- 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? No
- Did your solicitor explain your legal situation clearly? Yes
- Did your solicitor provide the correct legal advice? Yes
- Do you feel your solicitor spent enough time with you and working on your case? No
- Did your solicitor follow your instructions? Yes
- Did you feel your solicitor really tried hard to win your case? No

**In a previous question you answered that caseworkers lied under oath during court proceedings (committed perjury) ... When this matter was evidenced in court, what did the magistrate do ?**

- The magistrate did nothing. Yes

#### **Audio and visual equipment in the courtroom :**

- Were you able to hear what was being said in the courtroom at all times? Yes
- 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? 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? No
- Are you aware that the ICL must tell the court the child's wishes? No
- Did the ICL provide the child with the age appropriate Children's Charter of Rights? No
- 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? I don't know
- 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 ? No
- Did the child client convey to the ICL his wishes ? No
- Did the ICL receive and act on instructions from the child client irrespective of what the ICL considered to be the best interest of the child client ? No
- Did the ICL represent the child client with the same undivided loyalty, confidentiality and competent representation that is due to an adult client ? Uncertain

#### **General obligations of the direct representative**

- Did the ICL attempt to reduce case delays ? No
- Did the ICL identify appropriate family and professional resources for the child ? No
- Did the ICL consider and discuss with the No



child client the desirability and possibility of appeals or further applications ?

### Principle E2 (Part 1) - General obligations of direct representative

- Did the ICL represent the child in a competent and professional manner ?      Uncertain
- Did the ICL participate in all telephone and other conferences and hearings, (unless the hearing was completely unrelated to the child client) ?      Yes
- Did the ICL actively advocate in accordance with the child client's instructions and preferences ?      Uncertain
- Did the ICL, before closing submissions consult with the child client to ensure all aspects of instructions were put to the court ?      No
- It is the duty of the ICL to ensure that all relevant evidence is presented to court. Did this happen?      No
- Did the ICL cross-examine and question the accuracy of evidence by other parties where this related to the child's welfare?      Uncertain

### Principle 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 ?      Uncertain



### **Principle C1 - Determining whether child has capacity to give instructions**

- Was a support and monitoring mechanism established to assist the child client ?      Uncertain
- Were follow up meetings between the lawyer and the child arranged throughout the legal process and after judgement?      Uncertain

### **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 ?
- Did the ICL appropriately use this information to assist the child client ?

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

### **Principle E4 - Whether a child should give evidence**

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

### **Practice Direction No 2 of 2006**

- If the child client was not allowed to speak in court, did the ICL request the      No



Judge to speak to the child ?

- If so, did the Judge speak to the child client ?
- If not, what were reasons for not allowing the child client to speak to the Age magistrate ?

#### Access to other evidence involving the child clients' matter

- Did the ICL obtain copies of all court documents and evidence relevant to the case? Uncertain
- Did another party try to supply evidence to the ICL ? Uncertain
- Did the ICL accept the evidence on behalf of the child client ? Yes
- Do you believe the ICL read all the subpoenaed notes and affidavits in the case? Uncertain
- Is there any evidence from the courts that the ICL did not obtain?
- If there is any evidence that the ICL refused to accept in relation to the child client, please describe here:

#### Principle J2 - Right to dismiss direct representative

- Did the child client at any time attempt to dismiss the ICL ? No
- If so, were the wishes of the child client abided by ?
- Has the child client unsuccessfully tried on more than one occasion to dismiss the ICL ? No
- If so, to whom did the child client request the dismissal of the ICL to ?
- What reasons were giving for refusal to dismiss the ICL as requested by the child client ?

**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 mother's 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? Uncertain
- 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? Uncertain
- Did the ICL inform the court by proper means of the child's wishes in relation to any matter in the proceedings? In this regard, the representative is not bound to make submissions on the child's instructions but is bound to bring the child's express wishes to the court's attention. Uncertain
- 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?
- Did the ICL test by cross-examination where appropriate the evidence of parties and their witnesses?
- 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?
- Did the ICL minimise the trauma to the child associated with the proceedings?
- 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? Uncertain



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

### International Covenant on Civil and Political Rights

- Have you been subjected to torture or to cruel, inhumane and degrading treatment or punishment? No
- 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 Yes
- Have you been subjected to arbitrary or unlawful interference with respect to your privacy, family, home or correspondence? Or have you been subjected to unlawful attacks on your honour and reputation? No
- Have you been denied your right to hold an opinion/s without interference? No
- Have you had your right to freedom of expression violated? No
- Has your family been denied protection by society and the state No
- 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? 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 how your child's right to know you and be cared for by you is being violated.**

Rights to know mother not permitted





- 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.**

Change surname at school.

- 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?
- 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**

Never allowed opinion

- 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?
- Has the state taken appropriate measures to protect your child from all forms of abuse, violence, negligence, maltreatment or exploitation, including sexual abuse? No
- Was your child removed because you were homeless, or at risk of homelessness? 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. | Uncertain |
| • 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.   | Uncertain |
| • 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.                                   | Uncertain |
| • 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                  | Yes       |
| • 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? Yes
- 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? [BLANK]

What is the worst thing about the current child protection system ? [BLANK]

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

- 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

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

