

Jason
Williams -
Response
ID 986

August 24

2014

Is there anything else you would like to say concerning the removal? "Yes. I believe the worker should be criminally charged for writing a false and misleading report .."

Senate Inquiry
into Children in
Out of Home
Care - 2014

PERSONAL INFORMATION

Do you want this Submission to the Senate Inquiry to be "In Confidence" ? No

Your first name

Jason

Your surname

Williams

Your mobile phone number

[REDACTED]

Email address

[REDACTED]

Address

[REDACTED]

Suburb

[REDACTED]

Postcode

[REDACTED]

State

[REDACTED]

Country

[REDACTED]

Are you a former "Child in Care"?

No

Do you have a disability?

No

Parents nationality

Australian

Nationality of children removed

Australian

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

Father

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PLEASE CLICK ANY STATEMENTS THAT RELATE TO YOUR DEALINGS WITH CHILD PROTECTION PRACTITIONERS :

- I have been separated from my children through the means of false claims by child protection workers. Yes
- I have been improperly treated and generally abused by child protection workers. Yes
- I am stating that my case is a matter of public interest. Yes
- I can prove child protection workers have acted negligently giving rise to civil claim. Yes
- I state there has been a serious miscarriage of justice. Yes
- I state child protection workers have continued in blatant dishonest reporting. Yes

- I state child protection workers have fabricated evidence. Yes
- I state that child protection workers have shown extreme bias. Yes
- I state there has been abuse of power by child protection workers. Yes
- I state child protection workers have perverted the course of justice. Yes
- I state the department have failed in their duty of care to the children. 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? Tasmania

Office location of the department concerned [REDACTED]

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

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

They did not check to see if any of the allegations were true before they took the child / children into care. Nor did they offer any intervention or support prior to removing the child / children. They also failed to offer any support after the incident . They have admitted to failing to follow there own protocol. They have admitted to writing a false and misleading report . They have failed in the duty of care of a child or parent.

- 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 :

It only took " 1 hour and 58 minutes to have a report written by a senior child protection worker about a false allegation . I have never had any interview nor has the allegation been investigated . The report was used in court against me and my son.

- 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? No

Could you please explain what you mean by they didn't keep you informed about your children while they were/are in out of home care.

Cause they never investigated the allegation but supplied a report for the family court.

-
- 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 ?

- Children and Young Persons Act - False or misleading statements. Yes
- Crimes Act - Child Abduction. Yes
- Crimes Act - Blackmail offence. Yes
- Crimes Act - Fraud. Yes
- Crimes (Hostages) Act - Hostage taking. Yes
- Crimes Act - Failure of persons with parental responsibility to care for child. Yes
- Crimes Act - Perverting the course of justice. Yes
- Crimes Act - Offence of perjury. Yes
- Crimes Act - Providing false instruments by public official (Public authority giving false information to another public authority). Yes
- Misconduct under a Public Sector Employment and Management Act. Yes
- Dishonesty. Yes
- Recklessness. Yes

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

Child protection failed to investigate a allegation ,then released a unsubstantiated report to the courts. the report was false and misleading and child protection have admitted that in apology letters.

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

Simple : investigate allegations before writing a false and misleading report for the purpose of court proceedings.

- Have caseworkers persecuted or threatened you, or cut contact with removed children because you have expressed opinions that are contrary to their beliefs? 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. | Yes |
| • 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. | Yes |
| • Sarcasm. | Yes |
| • Belittling parents. | Yes |
| • Putting their own best interests first before those of your child/children/family. | Yes |
| • Did they tolerate aspects of your life that were different to theirs? (eg. race, poverty, education level) | Yes |
| • 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. | No |
| • Discriminating against parents with mental illness. | No |
| • Using “the best interests of the child” to justify whatever they do even when clearly it’s not. | Yes |
| • Inflexible working hours – evenings and weekends would enable them to work “with” parents and their work commitments. | 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 |

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.

well they never interviewed my son nor me and still used a report against us to remove the child . Child protection have admitted to writing a false and misleading report for the purpose of court.

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?

- | | |
|-------------------------------|--------------------------------|
| • Other | Allegations of emotional abuse |
| • 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 |

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 |

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?

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 |
| • Failure to attach | Yes |
| • Post Traumatic Stress Disorder | Yes |
| • Smoking | Yes |
| • Drinking | Yes |
| • Eating disorders | Yes |
| • Has there been short or long-term emotional impacts because of the care proceedings and forced removal 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 |
| • Anxiety | Yes |
| • Stress | Yes |
| • Difficulties sleeping | Yes |
| • Difficulties eating | Yes |
| • Difficulties working | Yes |
| • Post Traumatic Stress | Yes |
| • Loss of enjoyment of life | Yes |
| • Little interest in anything | Yes |

-
- Feels like life revolves around courts and caseworkers Yes
 - Feelings of mental and psychological torture by caseworkers Yes
 - Feelings of injustice Yes
 - Feelings of inadequacy for being unable to protection your children Yes
 - Sometimes don't want to get out of bed Yes
 - General suffering Yes
 - **Were you offered professional help such as grief counseling to deal with your loss?** No
 - Has there been a negative physical impact on you caused by the forced removal of the child? Yes

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

I fail to trust any one now ,and this is caused solely by child protection

- 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:

This section can help you describe any financial impacts of the care proceedings and forced removal on you. This might include:

- Loss of earnings because of the care proceedings and forced removal such as your reputation.
- How psychological, self esteem or emotional impact has affected your ability to work.
- Expenses caused by the care proceedings and forced removal such as legal fees, court expenses, childcare arrangements.
- Travel expenses because of the care proceedings and forced removal such as court appearances and attending supervised contact sessions and meetings.
- Medical treatment needed because of the care proceedings and forced removal such as ongoing treatment for emotional/psychological trauma from the care proceedings and forced removal.

All the above , I have spent 170,000 in court to try and have my name cleared and my son returned to the orders that were in place before child protection interfered falsely.

- Did you have a partner at the time of the removal? No
- If you would like to write more here, please do so
- Has there been a negative impact on the relationship with your extended family and friends, caused by child protection's removal and court proceedings? Yes
- Have your relatives coped with their own loss caused by the forced removal? No
- Have you had to move home or town because of child protection involvement? No

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

Simple : investigate the allegation before writing a false and misleading report for the purpose of court.

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

I believe the worker should be criminally charged for writing a false and misleading report .

General questions about the removal of the child / children :

- 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 lose your income after the child was removed? 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 you appeal the court decision in your case? Yes
- 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? No
- 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? No

DOES THE CHILD / CHILDREN EVER ASK TO COME HOME?

- All the time Yes

COMPLAINTS ABOUT CASE MANAGEMENT OF CHILDREN IN OUT OF HOME CARE

- If you believe that your caseworkers acted incorrectly, or corruptly, or even biased toward you, or did not follow their guidelines, or policy or procedure, did you report it to anybody? Yes
- Have they been held accountable for any misconduct, corruption, maladministration or bias? Yes

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

- Minister for DOCS/FACS/DCP/CPS/DCF in your state Yes
- DoCS (Child Protection) Complaints line in your state Yes
- State Attorney General Yes
- Commissioner for Children Yes
- Local MP Yes
- Members of Parliament Yes

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

- The misconduct / corruption was ignored and I received a short letter stating there was no misconduct Yes
- Nothing it was a coverup Yes

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

Total disgrace on the outcome and the worker should of been sacked not receive a award for most outstanding child protection worker

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

- Other i received numerous apologies but the issue was never rectified.

What was the outcome of the report you made to the state Attorney General ?

- The misconduct / corruption was ignored and I received a short letter stating there was no misconduct or it didn't fall within their guidelines even though it did Yes

What was the outcome of the report you made to the state Commissioner for Children ?

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

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

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

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

- The matter was referred back to the minister and I received a common letter saying sorry but there's nothing we can do Yes

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

-
- Were you ever denied legal aid during the court proceedings ? Yes
 - Did you have Legal Aid or private legal representation? I had private legal representation
 - Did you have trouble finding legal representation that had not previously worked for the department ? Yes
 - 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? No

Please explain how you were not given adequate time to prepare for child protection proceedings ?

It was done in less than 2 hours

- 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

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

Legend and could not of done any better when the judge is corrupt.

- Do you feel your solicitor spent enough time with you and working on your case? Yes
- Did your solicitor follow your instructions? Yes
- **Did you feel your solicitor really tried hard to win your case?** Yes

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
- The transcripts were completely altered in parts Yes

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

Corrupt

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

- The magistrate refused to act upon the caseworker's unlawful acts. Yes
- The magistrate defended the caseworkers actions. Yes
- The magistrate did nothing. Yes

AUDIO AND VISUAL EQUIPMENT IN THE COURTROOM :

- Were you able to hear what was being said in the courtroom at all times? 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? No

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? Yes
- 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? Yes
- 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? Yes
- Did the same lawyer represent the child / children throughout the proceedings? Yes

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 ? 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 ? No
- Did the ICL represent the child client with the same undivided loyalty, confidentiality and competent representation that is due to an adult client ? No

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 child client the desirability No

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 ? No
- 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 ? No
- 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? 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
- If the ICL refused to provide the child client with access to information on his / her file, what reasons were given?

PRINCIPLE D1 - Seeing the child

- Did the ICL see the child client at all ? Yes

- 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

PRINCIPLE E4 - Whether a child should give evidence

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

Practice Direction No 2 of 2006

- If the child client was not allowed to speak in court, did the ICL request the Judge to speak to the child ? No
- If so, did the Judge speak to the child client ? No
- If not, what were reasons for not allowing the child client to speak to the 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? Yes
- Did another party try to supply evidence to the ICL ? Yes
- 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? No

PRINCIPLE J2 - Right to dismiss direct representative

- Has the child client unsuccessfully tried on more than one occasion to dismiss the ICL ? Yes

- If so, to whom did the child client request the dismissal of the ICL to ? My son has wrote to legal aid to have him dismissed and now to the legal profession board of Tasmania without success.

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 No

course of action if he or she considers that the adoption of such a course is in the best interests of the child?

- 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. No
- 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? Yes
- 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

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

- Have you been subjected to torture or to cruel, inhumane and degrading treatment or punishment? Yes

Could you provide more details about your torture or cruel, inhumane or degrading treatment or punishment please.

False and misleading reports were used against me and my son in court.

- Have you been treated equal when before the courts and tribunals No

If you believe you have not been equal before the courts and tribunals, please provide more information.

They are corrupt.

- 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? Yes

Please provide more details about the unlawful interference with your privacy, family, home or correspondence; or attacks on your honour and reputation.

False and misleading reports supplied by child protection

- Have you been denied your right to hold an opinion/s without interference? Yes

Please provide more information on the violation of your right to hold opinions without

interference

In court

- Have you had your right to freedom of expression violated? 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? Yes

Please provide more information on this answer

Yes , courts are corrupt and the don't care about the truth.

INTERNATIONAL COVENANT OF THE RIGHTS OF THE CHILD

- 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 I blame the court system for not listening to the child

- Has the state taken appropriate measures to protect your child from all forms of abuse, violence, negligence, maltreatment or exploitation, including sexual abuse? No

Article 29 of the CROC refers to where the education of the child should be directed to the below mentioned areas. Do you believe that the state obliged to educate the child / children in these?

- The development of the child's personality, talents and mental and physical abilities to their fullest potential. No
- The development of respect for human rights and fundamental freedoms. No
- The principles enshrined in the Charter of the United Nations. No
- The development of respect for the child's parents. No
- His or her own cultural identity. No
- Language and values. No
- For the national values of the country in which the child is living. No
- The country from which he or she may originate. No
- For civilizations different from his or her own. No

SUMMARY**What were your thoughts on child protection services before you had the opportunity to see them work first hand ?**

- They do a great job in difficult circumstances. No
- If child protection got involved then the parents must have done No

something wrong.

- They would never remove a child without investigating the family properly first. No
- Child protection workers are over worked and underpaid. No
- The department needs more funding so they can help more families No
- They don't get enough gratitude for the job they do. No

Describe your thoughts and feelings toward child protection and the authorities in general now that you have experienced them ?

- Did you initially seek assistance from child protection? No
- Would you ever ring child protection again for assistance? No
- Do you tell domestic violence victims to seek assistance from child protection? No
- Do you tell them not to ask for help because of mandatory reporting regulations? No
- Would you ever ring the police again to ask for assistance if in a domestic violence situation? No
- Would you ever trust healthcare professionals with information that may be used against you by child protection workers? No
- Would you ever seek help from any government authority again after having the department involved in your life previously? No

What is the best thing/s about the current child protection system?

There are none

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

The child protection system is corrupt the workers are corrupt ,the government that supports them are corrupt and they all should be criminally charged

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

Investigate allegations

- 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