

Forbes, Bev (REPS)

From: Grosse, Mikala (K. Hull, MP) on behalf of Hull, Kay (MP)
Sent: Friday, 26 September 2003 10:04 AM
To: House of Representatives Standing Committee on Family and Community Affairs
Subject: Forbes, Bev (REPS)
FW: Children

Submission No: 1547

Date Received: 26-9-03

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From: [REDACTED]
Sent: Thursday, 25 September 2003 9:37 PM
To: Hull, Kay (MP)
Subject: RE: Children

Mrs Kay Hull M.P.

Dear Mrs Hull,

I am writing to you as a concerned Grandparent about the anomalies in the Judicial system. I understand that you are the Chair of a Parliamentary enquiry into the Family Law Court system. My husband and I started proceedings in the Family Law Court system to try to protect our then 2 month old Granddaughter, [REDACTED]. Because it was a local Magistrate presiding near where the mother of the child lived this became a protracted burden to us, having to travel hundreds of kilometres weekly. This was our only option to try to protect the infant as DoCS did not offer any satisfactory response to our regular complaints. When the infant was admitted to hospital seriously ill the Magistrate withdrew all residency orders of the mother and advised us to proceed via the Family Law Court, Parramatta. We found the staff at this Court most obliging and helpful, and proceeded with action to try to once again protect our Granddaughter. After lengthy and continued complaints about the inaction of DoCS, and complaints to our local State MP and the Shadow Minister DoCS stepped in and removed the child from hospital even though there was a Family Court order in place forbidding the removal of the child from hospital until a family court determination had taken place. DoCS then proceeded to seek a temporary order, then further orders, then a case plan, and earlier this year sought an 18 year order (which my husband and I opposed and it was reduced to 2 years) Our Granddaughter has been in foster care now for most of her life, and after continually badgering the Minister's office they finally relented to assess us, (prior to this the Docs caseworkers had refused), and now we find we cannot complain at all, under threat of the assessment being suspended. (We see our Granddaughter once a month, she is in her third foster home and we have numerous reasons of being dissatisfied with these foster carers, including injuries and ill health of our Granddaughter.) I am sorry this letter is so long winded, but I am trying to present to you a picture of what can happen. We were very satisfied with the procedures of the Family Law Court, and the extent we were listened to. The welfare of the child appeared to be paramount. What disturbs us is that because Docs took this matter to a State Children's Court (under a local circuit country Magistrate who relied on the Docs solicitor for advice), the Children's Court now takes precedence over a Federal Family Law Court, and is presiding over a residency for this child until she is 18. She is now 17 months old. I am appealing to you to consider this information, as I do believe that protracted cases like this should be heard in the Family Law Court, where Grandparents rights are acknowledged. This case is due to go back to court if DoCS choses so, and if DoCS chooses to seek an order until the child is 18 my husband and I will have two options, appeal to the District Court, or leave our Granddaughter at the mercy of the DoCS system for 16 years. At present DoCS have total power and control, and access to see the child for both parents (who are separated) and us, the paternal Grandparents is once a month., but if we question Docs regarding anything this will be denied, so we have to take note of burns or injuries to our Granddaughter, or see the fear in her face when we say no to her and basically ignore it, because if we make waves we won't see her at all. Up until now we have been self representing, at the Family Law Court this can be done with a little research and a lot of advice from the staff. At the Children's Court and District Court level this is almost impossible because not even the local Magistrate knows the "fine print" of these State laws and, has, been misled in the past by the DoCS solicitor, which I uncovered after the hearing. (By then it was too late and the Magistrate would not have entertained a lay person bringing it back to Court anyway).

Please can you help the children and Grandparents of this State (NSW) who are caught up in this quagmire where a State Local Court overrules a Federal Family Law Court. If any of your staff would like to discuss this matter with me I can be contacted on [REDACTED]. I had previously contacted our Federal MP, Mr Alby Schultz, whose office indicated that my concerns about the anomalies in the system would be forwarded on to the relevant Minister. Alby Schultz will verify the integrity of my husband and myself. Yours sincerely, [REDACTED]