

Submission No: 180

AUTHORISED: 8/8/07 *KS*

Clerk Assistant (Committees)
House of Representatives
Parliament House
Canberra ACT 2600

Dear Sir/Madam

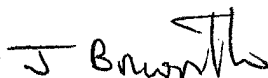
Standing Committee on Family and Human Services – Inquiry into the impact of illicit use of drugs on families

I am a parent and grandparent who has experienced extreme financial, social and personal costs due to the illicit use of drugs of family members.

I would like to draw my particular case to the committee's attention as a specific example of the tragic and long term consequences of the illicit use of drugs and associated mental disorders.

Please find attached details of my submission for consideration by the committee.

Yours faithfully


Jette Bosworth

2 August 2007

ATTACHMENT

Submission to the Standing Committee on Family and Human Services – Inquiry into the impact of illicit use of drugs on families

I welcome the initiative of the Parliament in establishing this inquiry at this time. I also note the government's initiative to protect children in indigenous communities. These issues likewise exist in the wider community and should receive similar attention. This is especially the case where the use of illicit drugs and associated mental disorders are involved.

As illustrated by my case the pendulum has swung too far in favour of parental rights as against the rights of the child.

In particular I would like to draw to the committee's attention the tragic and long term consequences of the illicit use of drugs and associated mental disorders, namely the drowning of my two year old granddaughter in Lake Burley Griffin in March 2002. At the time of her drowning she was in the care of her mother (my former daughter-in-law) and her mother's then partner. My granddaughter's twelve month old sister was also in the mother's care at that time.

Both the mother and the partner were long term heroin addicts and admitted to having taken heroin on the morning of the drowning. In the mother's case she claimed not to have used heroin until after the drowning (the mother has later been diagnosed by a Family Court expert (psychiatrist) to be suffering from significant mental health disorders, recommending she receive intensive professional treatment. To my knowledge this has never happened). The mother worked in a brothel at the time of my granddaughter's death to support her heroin addiction. The partner had a long criminal history and was subsequently convicted and given a goal sentence for heroin trafficking.

A coronial inquest was held into the death of my granddaughter on 25 February 2003 (by then another child, my granddaughter's half sibling had been born to the mother). The Coroner's terms of reference were narrowly confined to the site and events on the morning of the drowning. The Coroner found accidental drowning and there were no adverse findings against the mother or her partner. Restoration of my remaining granddaughter to her mother commenced three days after the Coronial Inquest. More background information is at Attachment A.

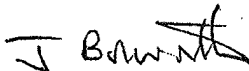
While the drug addiction, in this case involving my son and his former wife, caused huge distress to our family and over time has drained our financial resources and totally changed our lifestyle and expectations for a happy and comfortable retirement, the most difficult and ongoing struggle has been with the authorities that have responsibility for the care and protection of children.

I have continuing concerns about the safety and well being of my remaining granddaughter who I believe (based on considerable evidence) is still exposed to an unsafe environment. My granddaughter now has chronic health problems that require attention, including an eye defect that is and will continue to be an impediment to her progress at school unless it is receives appropriate treatment.

I have repeatedly brought my concerns to the attention of the ACT Care and Protection Services. However, it is my overriding impression that the rights of the mother have been protected to the detriment of both my granddaughters. In particular I note that the ACT Care and Protection Service appear to have adopted an arbitrary "good enough" principle as the basis for meeting 'the best interests' principle under section 11 of the *Children and Young People Act 1999*. I would hope that the committee through its deliberations will redress this situation to avoid similar tragedies for other families.

It is my view that there is an urgent need for the federal government to take the lead and address this serious issue by identifying this as a national issue followed by approaches to the States and Territories suggesting changes in current legislation, policy and practices to ensure that the interest of the child is paramount and that parental rights do not dominate at the expense of the child. Otherwise, the current drug epidemic is a potential time bomb likely to produce a generation of children, many of whom, as a result of neglect and abuse, may not be able to function adequately and contribute productively to our society. Clearly the financial and social cost to the nation would be huge but the personal cost to the children and their families, immeasurable.

I would appreciate the opportunity to appear as a witness before the committee to provide a personal insight into the long and difficult struggle I have had in my attempts to ensure the continuing safety and health of my remaining granddaughter.



(Jette Bosworth)

ATTACHMENT A

Background Information

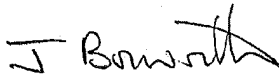
The Department of Disability, Housing and Community Services commenced restoration of my remaining granddaughter to her mother in the ACT Children's Court three days after the Coronial Inquest into the death of my granddaughter which took place on 25 February 2003.

Restoration to the mother was finalised through a Family Court Order made in May 2004. I had sought a shared arrangement. The Department's evidence during the court hearing was 'very supportive' of the mother (not the case for the paternal family) and my application was unsuccessful. In line with the Court Orders, my granddaughter's mother assumed full custody from the commencement of the school year 2006. The Department as well as having guardianship of my granddaughter under the Family Court Order put in place a five year Children's Court Supervision Order after the Family Court decision.

We accepted the court decision and focused on supporting and nurturing my granddaughter during our contact, now restricted to overnight every second Thursday, every second weekend and half the school holidays. Following the court decision both I and my granddaughter's father (my son), who resides in our family home, developed a constructive and cooperative relationship with my granddaughter's Care and Protection Services case worker. This person had been the case worker for some time prior to the Family Court hearing and gave evidence supportive of the mother. The case worker later expressed regret at the outcome for my granddaughter. We have continued our efforts to work cooperatively with case workers that followed and have attended all of the Review of Arrangements.

Ongoing concerns about my granddaughter's care reported to the Department, and concerns expressed to me by the caseworker in the first half of 2005, that my granddaughter's mother was going 'downhill', that she may be 'using' again and that a lock had been placed on my granddaughter's bedroom door at the mother's residence, persuaded me to seek to vary the Family Court Orders to maintain the arrangements in place prior to 2006.

An interim hearing was conducted in February 2006. However, the Court accepted a report made by the Department and argument put forward by its legal representative in Court that while the mother would never be 'mother of the year' and her 'parenting is chaotic' the care provided by the mother was sufficient. My application was unsuccessful.


(Jette Bosworth)