

**Committee on Children and Young People**  
Public hearing – 14 May 2021

**Responses to questions taken on notice**  
Women's Legal Service NSW

18 June 2021

Mr Leon Last  
Committee Manager  
Committee on Children and Young People  
Parliament House  
Macquarie Street,  
Sydney NSW 2000

By email: [childrenyoungpeople@parliament.nsw.gov.au](mailto:childrenyoungpeople@parliament.nsw.gov.au)

Dear Mr Last,

**Inquiry into Support for Children of Imprisoned Parents in New South Wales  
Responses to Questions on Notice asked on 14 May 2021**

1. Women's Legal Service NSW (**WLS NSW**) thanks the Committee on Children and Young People (**the Committee**) for the opportunity to participate in the public hearings for the Inquiry into Support for Children of Imprisoned Parents in New South Wales (**the Inquiry**).
2. WLS NSW gave evidence before the Committee during the public hearings held on 14 May 2021. We took questions on notice, which have been extracted and answered below. In providing our responses we refer to our written submission to the Inquiry dated 28 February 2020 (**WLS NSW Submission**)<sup>1</sup> and to the responses to questions on notice by Community Legal Centres NSW to the Committee dated 3 June 2021 (**the Community Legal Centres NSW response to questions on notice**), which have been provided to the Committee and to which we contributed.

### Question 1

*Mr David Shoebridge: I suppose what gets me is that LEAP is not actually funded. It is somehow scraped together from the inadequate funding that those three women-focused legal centres already have. What kind of struggle does that mean for providing the service? Roughly how much is it costing?*

3. For an overview of the Legal Education and Advice in Prison for Women (**LEAP**) program, including post release support, we refer to paragraphs 10 to 19 of the WLS NSW Submission and to pages 3 to 4 of the Community Legal Centres NSW response to questions on notice. We have also **attached** a copy of the LEAP fact sheet tabled before the Committee on 14 May 2021.
4. Annually LEAP provides more than 250 legal advices, which regularly take in excess of 45 minutes per advice, and approximately 150-200 ongoing legal services, including representation in mediation and in tribunal and court proceedings. Given the complexity both in the psychosocial experiences of LEAP

<sup>1</sup> Women's Legal Services NSW, *Submission to the NSW Parliament, Committee on Children and Young People, Inquiry into Support for Children of Imprisoned Parents in New South Wales* (Submission No. 19), <https://www.parliament.nsw.gov.au/lcdocs/submissions/69076/0119%20Women%27s%20Legal%20Service%20NSW.pdf>, accessed 17 June 2021.



clients and in their legal needs, some cases and representation matters are open for years and involve more than 50 hours work.

5. There is growing demand from incarcerated women and Corrective Services NSW staff, including in the correctional centres that fall outside the LEAP program prisons, for the free, gendered and trauma informed family and civil law services provided through LEAP to women in custody. In the absence of other similar programs, this demand has added to the already stretched resources of the LEAP program partners.
6. LEAP is currently provided from the core funding of the three partner community legal centres in response to the gap in legal service provision. This means that we have no current requirements to provide costings or reports or any formal evaluation of LEAP. However, each centre regularly assesses capacity to continue to provide LEAP and over time services have been modified in response to increased need, funding restraints and changes to correctional centres.
7. In October 2018 the NSW Women's Alliance launched *A Safe State: Acting to End Sexual, Domestic and Family Violence* and recommended “\$1.8 million per year for the Legal Education and Advice in Prison (LEAP) for Women program to provide family and civil law legal assistance for women in prison”.<sup>2</sup>
8. This was based on a costing for six solicitors and six social workers / First Nations community access workers allocated across the three LEAP partner community legal centres and program administration costs.
9. This amount would allow for an enhanced capacity to respond to the increasing demand for LEAP services and ensure that we are in a position to also more easily provide the longer term engagement and case management which is critical to developing trust in relationships with incredibly marginalised and traumatised clients.

### Question 2

*The Hon. Greg Donnelly: I am wondering whether in the context of the women that you deal with that video contact technology is available? How extensively is it available? And given that technology goes one way, which is forwards and not backwards, can what is likely to be developed from this be improved and enhanced to make it better? Should there be accelerated thinking in how to make this technology more accessible for Indigenous women in custody?*

10. We confirm our preference for a fully funded contact service to facilitate face to face visits with children where it is safe to do so, and the travel time is not too onerous for the children. In person visits are also essential to assist with attachment for children under three years, especially newborns, and to facilitate cultural safety, particularly for First Nations women and other migrant communities. We hold ongoing concerns that the Department of Communities and Justice (DCJ) could seek to reduce contact costs for children under the care of the Minister, by relying on technology based visits. We also refer to our comments about barriers to contact in the WLS NSW Submission at paragraphs 63 to 69.
11. In our experience there are varying levels of access in the correctional centres to technology for family and professional video visits. The video visits can occur via audio-visual link conferencing suites or on

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<sup>2</sup> NSW Women's Alliance, *A Safe State: Acting to End Sexual, Domestic and Family Violence*, page 28, [https://d3n8a8pro7vhmx.cloudfront.net/safensw/pages/41/attachments/original/1540514938/A\\_Safe\\_State\\_-\\_Final\\_Policy\\_Platform\\_%28Oct\\_2018-Mar\\_2019%29.pdf?1540514938](https://d3n8a8pro7vhmx.cloudfront.net/safensw/pages/41/attachments/original/1540514938/A_Safe_State_-_Final_Policy_Platform_%28Oct_2018-Mar_2019%29.pdf?1540514938), accessed 17 June 2021.

tablets. Further information about video calls generally can be obtained on the Corrective Services NSW website.<sup>3</sup>

12. We acknowledge the efforts of Corrective Services NSW to increase capacity for video visits during the peak COVID period in 2020 and welcome the ongoing commitment for further resource development. We note that this increased capacity has been beneficial for both family and professional visits and allowed us to take instructions about very sensitive matters via video, when in person appointments were stopped during COVID. Whilst this expansion of video visiting is welcomed, we would also not want any longer term reduction to opportunities to meet with clients in custody face to face, which can be particularly important when working with clients with cognitive impairment, with First Nations clients and with clients who speak a different primary language.
13. At this stage we are only aware of clients in Dillwynia and Clarence Correctional Centres having access to tablets, though understand that Corrective Services NSW is in the process of rolling out access to tablets across the other centres. It is our understanding that inmates can currently only make phone calls, not video calls, from these tablets, but can have access to video visits via pre-booked appointments.
14. We have received mixed reviews of tablets. For example, Clarence Correctional Centre, which is privately run by Serco, provides all prisoners with access to tablets, which can be used to contact a pre-approved list of family members and professionals. We have had negative reports from clients, including frustrations when the devices require maintenance or charging and concerns about the prohibitive costs of pay per use, which includes calls to children. We have also received positive reports of more meaningful contact with children, particularly as you can call children more than once a day and at times that are outside school hours.
15. WLS NSW also supports family members in the community who struggle to follow the Corrective Services NSW video visit booking processes or to access a device at the relevant time. In particular for many First Nations clients there may be only one family phone, or someone has used up all the credit.
16. Staff in our First Nations Women's Legal Program have observed in their work around the State that in rural and regional areas the local libraries are often a well used resource for internet access by First Nations communities. We would love to see a recommendation that all local councils create publicly accessible private rooms in their libraries, which can be pre-booked for the purposes of a video visit with a family member in custody, with the added benefit of library staff being available to assist with any difficulties accessing the technology. This is preferable to alternatives such as going to the local DCJ office for this purpose, which can be incredibly traumatising and stigmatising and risk exposing people to further surveillance and state interventions.

### Question 3

*Ms Robyn Preston: What would an overarching specialist area that is case managed just for Indigenous issues rather than a holistic approach for every inmate look like?*

### Question 4

*Mr David Shoebridge and The Hon. Greg Donnelly: Could we have more information about Nelly's Place, Jacaranda Cottage, and the UK Women's Centres.*

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<sup>3</sup> Corrective Services NSW Video Calls, <https://correctiveservices.dcj.nsw.gov.au/csnsw-home/contact-and-visit-inmates/contact-an-inmate/video-calls.html>, accessed 18 June 2021.

17. We have provided a combined response to Question 3 and Question 4.
18. We confirm our position that imprisonment of women and particularly pregnant women and women caring for children should be as a last resort. We also support proposals to reform bail and sentencing legislation to require specific consideration of the parenting or care responsibilities of the defendant, including expectant parents. Any such reform also necessitates an assessment of the risks of sexual, domestic or family violence being perpetrated by the defendant. For example, simply having parental responsibility for a child but no active parenting role and a history of domestic violence towards the other parent should not be grounds to reduce a penalty.
19. We welcome the Committee's interest in identifying an appropriate model for supporting criminalised women to address criminogenic risk factors and to have safe and meaningful relationships with their children. As previously identified these programs must be gendered, trauma informed, sexual, domestic and family violence informed, culturally safe and holistic.

### *Gendered criminal law practice*

20. The overwhelming majority of our clients have significant histories of sexual and physical abuse by multiple perpetrators, and many have been misidentified by police as an aggressor when they are the person most in need of protection. We refer to paragraphs 22 to 26 of the WLS NSW Submission for further information relating to women's pathways to prison.
21. To assist in addressing the high rates of misidentification and criminalisation we strongly recommend the establishment of a gendered criminal law practice, ideally based in a specialist women's legal centre with co-located First Nations staff, to facilitate a holistic response for women in or at risk of entering the criminal legal system. This could both lead to a reduction in convictions and incarceration and support criminalised women to contemporaneously access preventative case management to put appropriate safety measures in place, keep children in their care and provide opportunities for healing and recovery. A not for profit legal criminal law service using a similar type of model has been established in Victoria, the Law and Advocacy Centre for Women.<sup>4</sup>

### *A service to advocate for criminalised women as parents and carers*

22. It is also incredibly important that women who have had their children removed or who are at risk of having children removed can access an independent service specialising in parent advocacy. Despite ongoing references by DCJ to prioritising family preservation and restoration, there are very limited specialist services for women (or parents generally) who need help and support to get their children back or to increase their contact with children. Most of the available services who do advocate for parents or provide them with case management are doing this work to fill an obvious and concerning gap in service provision rather than being funded to do that work.
23. This kind of support cannot be provided by agencies that also provide case management services for children and young people. There can be a clear conflict of responsibilities. Time and time again we experience caseworkers saying things like "*we can see that mum is trying, but the risks are still too great, and we need to prioritise the best interests of the children which means working with the carers who have the day to day responsibility.*" This can be demoralising and devastating for women who are desperate to be supported to address any ongoing risk factors.
24. There can also be significant lack of transparency, as many decisions about what is best for children are based on advice from child psychologists or internal assessments by the case management agency.

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<sup>4</sup> The Law and Advocacy Centre for Women, <https://lacw.com.au>, accessed 17 September 2021.

These decisions are commonly made without an opportunity for a parent or caregiver to provide comments before a decision is made and they will typically not receive a written decision or have an opportunity to seek a review.

### *Strategies to provide effective case management for First Nations women*

25. All the comments made in relation to reducing incarceration, specialised parent advocacy and trauma informed healing and recovery also apply to First Nations women in the criminal legal system. However, programs and services for criminalised First Nations women should wherever possible be developed and provided by Aboriginal Community Controlled Organisations.
26. An essential component of cultural safety is recognising the diversity amongst First Nations peoples and ensuring that time is taken to engage with each individual and their community safely and appropriately.
27. This can be incredibly challenging as many First Nations women are regularly incarcerated a long way from their homes and may also be disconnected from family and community following violence and relationship breakdown.
28. When it is not possible to put a woman in direct contact with appropriate services in her community, which is a common experience, we recommend using state-wide specialist services like the **Women's Legal Service NSW First Nations Women's Legal Program** and **Wirringa Baiya Aboriginal Women's Legal Centre** to facilitate connections between the woman and the community that she plans to return to upon release. Both services already have extensive experience travelling across NSW to meet with local First Nations women and have established contacts in many locations.
29. These services can then assist criminalised First Nations women to connect with local people and agencies to build up networks, gather information and make facilitated referrals. It is also incredibly empowering that the First Nations staff of these services can assist women to access legal and non-legal casework services that will take the time to listen, learn and walk beside them.

### *Requested information about other programs*

30. We have been asked to provide further information about certain programs. We are not able to provide detailed information about these programs but have provided a short summary and links.
31. **Nelly's Healing Centre (Nelly's)** is an Aboriginal Community Controlled program based in inner Sydney providing culturally safe, holistic, individually tailored, intensive support to at risk Aboriginal women, many of whom have lived experience of custody.<sup>5</sup> We have referred First Nations clients to Nelly's and anticipate developing this relationship further as Nelly's continues to expand.
32. The Corrective Services NSW Mother's and Children program includes a prison nursery, **Jacaranda Cottages**, which has been operational at Emu Plains Correctional Centre since 1996. Children up to school age can live fulltime with their mother in custody and children up to 12 years can live with their mothers on weekends and during school holidays.<sup>6</sup>
33. We refer to the WLS NSW Submission at paragraphs 49 to 51 in which we discuss residential programs in correctional centres where children can reside with their mothers. We also note paragraph 28 of the

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<sup>5</sup> Nelly's Healing Centre, <http://www.nellyshealing.com>, accessed 18 June 2021.

<sup>6</sup> <https://correctiveservices.dcj.nsw.gov.au/csnsw-home/correctional-centres/find-a-correctional-centre/emu-plains-correctional-centre.html#Mothers3>, accessed 18 June 2021.

WLS NSW Submission which includes reference to research that women who were able to have their children live with them in custody were less likely to return to prison.

34. There is significant work being done in the United Kingdom to respond to the needs of female offenders. We refer to some of these initiatives in the WLS NSW Submission at paragraphs 43 to 46.
35. This includes **Women's Centres** which are specialist community support services for women facing multiple disadvantages, including women involved in (or at risk of involvement in) the criminal justice system.<sup>7</sup> Significantly in the United Kingdom the "*importance of gender-specific support, community sentences and alternatives to custody which appropriately address women's needs has been accepted by government.*"<sup>8</sup>
36. Women's Centres are defined as:

*"...independent specialist community support services for women facing multiple disadvantages including women involved in (or at risk of involvement in) the criminal justice system. They serve women only, in recognition of the well-evidenced need for gender-specific interventions. Centres provide holistic, woman-centred, trauma-informed services in safe, women-only spaces. Many provide access to specialist advocacy, advice and support on housing, substance misuse, mental and physical health, employment, debt, domestic abuse and family and parenting issues. This can be through in-house specialist staff and partnerships with other agencies."*
37. In NSW similar work is being done in part across a range of organisations, including WLS NSW and the LEAP partners, Women's Justice Network, Lou's Place, Nelly's Healing Centre and the Miranda Project in conjunction with Women's Health Centres. There is significant expertise with working with criminalised women across these services, but it can still be very difficult for clients to access a relevant or culturally safe service.
38. We note that one of the recommendations of the *Report of the Select Committee on the high level of First Nations people in custody and oversight and review of Deaths in Custody* was that the NSW Government ensure long-term funding for post release support programs for women who have been in prison, including expansion to rural, regional and remote areas.<sup>9</sup>

### Other recent reforms in the United Kingdom

39. We also draw the Committee's attention to recent report of the UK Parliament Joint Committee on Human Rights (**the Joint Committee**) which reviewed the experiences of children of mothers in prison and concluded that "*when a mother is sentenced to prison, children themselves receive their own sentence to serve.*"<sup>10</sup> The Joint Committee found very similar problems to those highlighted in the Legislative Council Standing Committee on Social Issues 1997 *Report into Children of Imprisoned*

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<sup>7</sup> UK Women's Budget Group, The Case for sustainable funding for Women's Centres: A report from the UK Women's Budget Group, Oct 2020, <https://wbg.org.uk/wp-content/uploads/2020/10/WBG-15-Womens-Centres-Report-v4.pdf>, accessed 18 June 2021.

<sup>8</sup> Ibid at 7.

<sup>9</sup> New South Wales. Parliament, Legislative Council, *Report of the Select Committee on the high level of First Nations people in custody and oversight and review of Deaths in Custody*, April 2021, <https://www.parliament.nsw.gov.au/lcdocs/inquiries/2602/Report%20No%201%20-%20First%20Nations%20People%20in%20Custody%20and%20Oversight%20and%20Review%20of%20Deaths%20in%20Custody.pdf>, accessed 18 June 2021.

<sup>10</sup> The House of Commons and House of Lords Joint Committee on Human Rights, *Children of mothers in prison and the right to family life: The Police, Crime, Sentencing and Courts Bill*, 14 May 2021, <https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/155167/judges-must-consider-interests-of-child-when-sentencing-mother-urges-committee>, accessed 18 June 2021, Report at 12.



*Parents*<sup>11</sup>, which have also been recognised by the Committee, including a lack of data on how many children are separated from parents by imprisonment and how many people in custody are parents.

40. The Joint Committee proceeded to set out five amendments to reform bail and sentencing legislation in the United Kingdom, which are similar to those being considered by the Committee in the NSW context:

*Amendment 1*

*This amendment makes clear the requirement for a sentencing judge to have a copy of a pre-sentence report considering the impact of a custodial sentence on the dependent child, when sentencing a primary carer of a child.*

*Amendment 2*

*This amendment requires a sentencing judge to state how the best interests of a child were considered when sentencing a primary carer of a dependent child.*

*Amendment 3*

*This amendment reflects the requirement for a sentencing judge to consider the impact of a custodial sentence on a child when sentencing a primary carer of a dependent child.*

*Amendment 4*

*This amendment reflects the requirement for a judge to consider the impact of not granting bail on a child, when determining, in criminal proceedings, whether to grant bail to a primary carer of a dependent child.*

*Amendment 5*

*This amendment imposes a requirement on the Secretary of State to collect and publish data on the number of prisoners who are the primary carers of a child and the number of children who have a primary carer in custody.<sup>12</sup>*

If you require further information, please contact Carolyn Jones, Senior Solicitor or Dixie Link-Gordon, First Nations Women's Legal Program, Senior Community Access Worker on [REDACTED].

Yours faithfully,

**Women's Legal Service NSW**

Philippa Davis  
Principal Solicitor

<sup>11</sup> Parliament of New South Wales Legislative Council, Standing Committee on Social Issues, *A Report into Children of Imprisoned Parents*, Report Number 12, July 1997.

<sup>12</sup> The House of Commons and House of Lords Joint Committee on Human Rights, *Children of mothers in prison and the right to family life: The Police, Crime, Sentencing and Courts Bill*, as above.



## Legal Education and Advice in Prison (LEAP) for Women

The Legal Education and Advice in Prison (LEAP) for Women program is a unique specialist, unfunded legal program provided in partnership by:

- Wirringa Baiya Aboriginal Women's Legal Centre (WB)
- Women's Legal Service NSW (WLS NSW)
- Western Sydney Community Legal Centre (WSCLC)

### LEAP BACKGROUND AND STRATEGIC CONTEXT

The majority of women in custody have experienced sexual violence and domestic and family violence since childhood. These experiences of violence and related trauma result in disrupted connections to family and community, criminalisation and in many cases lead to the removal of children from their care. First Nations women are disproportionately impacted and overrepresented.

### LEAP PROGRAM GOALS

1. Reduce reoffending rates for women prisoners by responding to their complex experiences of sexual violence and domestic and family violence.
2. Reduce reoffending rates for women prisoners by preserving and restoring relationships with children and working to break the cycle of children transitioning from care to criminalisation.
3. Provide culturally safe programs to First Nations women that recognise the importance of kinship and culture.

We note that the LEAP program goals are strongly aligned with the current Premier's Priorities:

*Protecting our most vulnerable children* - Decrease the proportion of children and young people re-reported at risk of significant harm by 20 per cent by 2023.

*Reducing recidivism in the prison population* - Reduce adult reoffending following release from prison by five per cent by 2023.

*Reducing domestic violence reoffending* - Reduce the number of domestic violence reoffenders by 25 per cent by 2023.

*Increasing permanency for children in out-of-home care* - Double the number of children in safe and permanent homes by 2023 for children in, or at risk of entering, out-of-home care.

## LEAP OVERVIEW

LEAP assists women prisoners in realising and enforcing their human rights, in particular their rights in accessing justice.

LEAP was started in 2009 by WB, WLSNSW and WSCLC (Hawkesbury-Nepean Community Legal Centre at the time) in response to the high levels of unmet need amongst women prisoners for family and civil law services. LEAP prioritises access for First Nations women.

All LEAP lawyers and community workers are women, and they provide a culturally safe, holistic, domestic, family and sexual violence informed, trauma informed and gendered service.

LEAP provides free legal advice, casework and referral services, non-legal support and casework and some community legal education services, in relation to:

- Family law (parenting, property and divorce)
- Child protection (FaCS) matters
- Domestic and family violence and AVOs
- Sexual assault
- Victims support claims
- Police and other complaints
- Discrimination
- Civil matters, including housing, fines and debt.

Since the program began LEAP has assisted hundreds of women in custody and post release including those under supervision in the community.

## HOW TO ACCESS LEAP

LEAP provides regular face to face legal outreach clinics<sup>1</sup> for women at:

- Dillwynia Correctional Centre
- Emu Plains Correctional Centre
- Silverwater Women's Correctional Centre

Prisoners can also make a free ten minute legal call from all female correctional centres in NSW to:

- Wirringa Baiya Aboriginal Women's Legal Centre on #20 CADL
- Women's Legal Service NSW on #21 CADL.

LEAP receives referrals from a range of sources including individual women, Corrective Services staff and DCJ co-located caseworkers, Women's Justice Network, Community Restorative Centre, Legal Aid, Aboriginal Legal Service and rehab services (e.g. Guthrie House and Jarrah House).

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<sup>1</sup> LEAP face to face services have been disrupted during the COVID pandemic and replaced with telephone and video appointments and the occasional face to face visit as required.

## BENEFITS OF EARLY LEGAL ADVICE AND ASSISTANCE

Women in custody are amongst the most marginalised and disadvantaged people in the community. There is an enormous power imbalance between criminalised women and child protection agencies and carers, particularly for First Nations women who are also impacted by intergenerational trauma and systemic racism.

LEAP aims to address this power imbalance by providing early legal support, to increase opportunities for a positive outcome and to reduce disclosures against interests. Lawyers can provide clients with an opportunity for a frank discussion without mandatory reporting obligations.

The LEAP partner community legal centres are highly experienced in the intersection of sexual, domestic and family violence and child protection. They are also independent of government which assists to quickly establish trusting relationships and provides confidence that any concerns about actions by government or funded service providers will be addressed.

As an unfunded service LEAP is continually under pressure to meet demand for services. The introduction of the DCJ Co-located Caseworkers has also increased referral numbers.

Funding a non-government independent legal program, like LEAP will enhance the Corrective Services NSW work with women as parents and demonstrate a genuine commitment to providing accessible, trauma informed and culturally safe programs.

## LEAP CASE WORK

Many referrals to LEAP are child related matters including pregnancy in custody. The majority are child protection matters though occasionally family law or a combination of both.

Clients are typically uncertain about the exact status of care or parenting outcomes for children, for example, they are not sure if final orders have been made and they do not have any paperwork. They may not have had contact with children for a long period of time and are very distrustful of child protection caseworkers. It is also common for clients to have children in multiple placements managed by different case management agencies and for there to have been limited contact with our clients or between siblings.

LEAP also regularly works with women who have children living with an ex-partner who has been violent to the client and/or the children or the children are living with other paternal relatives. In most cases the violent ex-partner and/or their family do not facilitate any relationship between the children and our clients.

We also provide assistance with victims support matters for most LEAP clients, with many clients having multiple experiences of violence throughout their lives which have not been responded to or reported. Once clients receive acknowledgment of their trauma and support, we observe a significant increase in self-worth which assists them to engage as parents and carers.

## LEAP CASE STUDY 1

### **Klarissa (not her real name) - complex family arrangements and an unsupported mother**

- Family law
- Both finalised and ongoing Children's Court matters
- Domestic violence
- Personal violence
- Victims support

Klarissa came to us with numerous legal issues at a LEAP session. There was an extremely complex history with her three children, including family law proceedings and orders, DCJ removals, a successful section 90 and then another removal from her partner when she was away. When we met her Klarissa had not been engaged in any recent proceedings but knew the next court date was in a month in a regional court. She knew she wanted to be a party to the matter and for the children to live with her on her release.

We obtained multiple Children's Court documents for Klarissa. We found a local solicitor to assist with her care matter if we continued to be engaged with Klarissa. We agreed to assist in this manner, making a warm referral and then worked together for some time. Throughout our conversations with Klarissa she would become overwhelmed and decided she did not want to participate in the current matter and would 'just wait to do a section 90 after'. We advised her about this and the difficulties of that course of action. She re-engaged and remained a party to her matter.

We were also able to assist Klarissa with two Victims Support applications for two different perpetrators of violence, assist with housing issues and referrals.

## LEAP CASE STUDY 2

### **Tanya (not her real name) - child taken into care system because mother in custody**

- Child removal
- Homelessness
- Drug dependence

We met Tanya at a LEAP outreach at Emu Plains Correctional Centre. Tanya has a seven year old daughter. Prior to going into custody she was homeless and couch-surfing with her daughter. She has a lengthy history of drug abuse, mental health issues and homelessness. When she went into custody her daughter remained in the care of the people with whom she was staying.

She received papers from DCJ while in custody, believing them to be for a guardianship arrangement with the friends. We liaised with the local DCJ worker and found out that DCJ had initiating proceedings to take the child into care. The people looking after the child had gone to DCJ saying they could not assist anymore. The child was removed and placed into temporary care and DCJ was seeking orders allocating PR to the minister. We discovered the next court date was in less than 2 weeks.

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We were able to have a number of conversations with Tanya very quickly. We arranged for a solicitor to appear for her at the next court date. We completed a legal aid application form with her for ongoing representation (Legal Aid had sent her two copies while she was in custody but didn't provide any assistance in completing the form, which can be daunting as it is 16 pages long and requires knowledge of the matter).

Tanya is facing serious armed robbery charges and is still on remand with no known release date. She wants her daughter back in her care when she is released, and she is hoping to be released to a six month residential rehab program. She has no one she can ask to take care of her child while she can't. Tanya's is a tragic case of the disproportionate consequences of the incarceration of mothers, with her daughter potentially being under the care of the minister until she reaches the age of 18.

### LEAP CASE STUDY 3

#### **Aliyah (not her real name) - Establishing contact with her son**

- Child contacts not happening

Aliyah had a 7 year old son whom she had had no contact with for many, many months. His placement was being managed by an NGO. The NGO refused to allow her to have any contact with her son, despite a care plan saying there was to be four contacts a year and phone contact. She had sent the agency photos to send to her son and letters but the Agency had refused saying that any contact from her 'increased his behaviours'.

Understandably Aliyah's relationship with the NGO had disintegrated. She was too angry to talk to them before and was getting nowhere. We liaised with the NGO, talked about the importance of the contact, the legal requirement for contact and the possible options Aliyah would take should contact not happen. We've been able to support her relationship with the Agency. We were able to empower Aliyah to know what her legal options were if the NGO failed to facilitate contact and we discussed strategies for remaining calm. Aliyah was able to engage with the case-worker for her child. This is a great outcome for her. Now that relationship is much more collaborative.

We were able to establish regular written contact and provide her with letters from her son. When she left custody there was a plan in place to move to face-to-face contacts.

### LEAP CONTACTS