

**Submission
No 65**

CHILD PROTECTION AND SOCIAL SERVICES SYSTEM

Name: Name suppressed

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Partially
Confidential

Introduction of me

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I do not mind to be your committee member if I can see the change, as I might be one of very few standing up in these issues and might be contributable to the reform.

Children and Young Person Act, interim order, establishment order, and final order/or restoration order

This system is very wrong:

1. The current system puts very little weight to interim and establishment order.
2. Yet giving the final order a great weight.

Removing a child, destroying a child, and leaving child out of their home should be considered utterly most important, therefore:

1. Remove an interim order
2. Go straight to establishment order. Go straight to establishment order to see if removing, or destroying a child is legitimate.
3. Give establishment order the full weight of the justice.
4. In my case, the removal had no physical abuse, no neglect, yet the hearing for establishment order was only taken 10 min, my son had removed from his home since, my child now suffer mental injury, lost all his confidence, and a trauma would take years to recover and might never get recovered.

If establishment order is established of abuse, then move onto removal and move onto restoration order.

To my believe and common sense, if a parent put up a fierce fight, something must be wrong with the staff of family and community services.

A drug user parent, or domestic violence, a parent would know their wrong, and would not put up a fierce fight going from children's court to district court or to supreme court etc.

Judge or magistrate

Removing a child is technically destroying a child at its worst form, so it must be taken very seriously.

██████████ on the day of removal, my child lost everything on that day, from a life of privileged, to living under watchful eyes of a foster care carer.

Interim order to establishment order to restoration order, are done by magistrates. 2 female magistrates think they work for family and community services, and family and community services could get no wrong.

My view is establishment order must be made by judges. Restoration order can be made by magistrates.

A supreme court or federal court judge should hear the establish order, due to their high calibre. Then leaving the magistrate to do the simple job such as restoration.

As to magistrates

1. Pls do some educations
2. Pls do some good selections.
3. Pls not to follow public correctness such as female must be 50% of judicial officer as such, pls select judicial officers by merits.
4. Pls do some exams to check how much they know children and young person act.

Appeal system, should be addressed in Children and Young Person Act.

Addressing the system of appeal in the Act, so no one has to knock the door to find out how the system works.

I tried law access so many times, I simply asked them of the procedural information like forms, and where to make the appeal, they can not answer this questions. I am not asking for legal advice. If to save the funding, one of the entities can be removed is law access.

If these steps can be mentioned in the act, no one has to call law access or someone, just know how straight away, and like even put name of the application in the act, then saving a lot of trouble who wish to do the self-representation.

Appeal at Children and Young Person Act

The current act says that a parent can not make an appeal to the full proceeding is finished. It is basically saying that let me cook the rice, and once rice is cooked, and let me consider if I should cook the rice or not.

This kind of act, is designed for the lawyers, it is another saying:

1. Let me make the money from the legal proceeding
2. Then we decide if such legal proceeding is legitimate or not.

An appeal must be allowed immediate after establishment order.

Again, if a parent wish to make appeal, by common sense, there must be something wrong with family and community services, otherwise, no one would be willing spending thousand going through the court proceeding.

Family and community services spends on funding.

A parent would have to spend on their mortgage for a legal proceeding, so if family and community services does no wrong, no one would want to go through legal proceeding.

This is just common sense.

I was the quick one and had final hearing quickly but this magistrate still took 8 months to finish her hearing, and my child suffered as result.

Tell a child to wait for legal proceeding is not possible:

1. My child is too young to know what it is going on
2. No explanation can comfort him for living out of his home.
3. Yet, we are asking this child to cope.
4. In my case, the child's rights was denied, like he can not be a witness, his words of going home, was not taken into account at all.
5. Yet, the lawyers are saying that it is for his own good.

Child's witness and child's evidence

The current children's court system, and no one has to take a child's words into account at all, this is very wrong.

1. It is claimed for the child's own good, it is very wrong.
2. A child makes his/her own decision, it is his own human rights, must not be denied.
3. A child makes his own decision, should be taken as everyone else.
4. A child is entitled to his human rights and **dignity of the risk**.

When such important thing happens to a child, no one cares about child's rights anymore. the child is used as ATM to keep the lawyers working for lawyer's employment, this is how it became.

A child should be allowed as witness and his evidence must be taken into account.

Treating the abuse, neglect and removal using criminal matter approach, must be evidence based

Currently, I was told that no evidence of abuse, or neglect is needed. If FACS says so, it is established.

Again this is very wrong, any proceeding especially a child's life is at stake, it must be evidence based.

Like my case, there is no evidence of abuse such as no photos, no medical certificate etc, yet the magistrate at children's court, who do not think that evidence is needed to convict this mother for risk of harm.

Setting abuse, neglect, and risk of harm definition into the act

Currently, there is no standard at all. both parties are using their own definitions.

To be easier for the judicial officers making the decision, put the definition in the act, it is not hard at all, there are so many search materials out there, setting up a definition is not hard these days.

If so, it will allow the judicial officer ticking off the list. then if a judicial officer refused to follow the list, this judicial officer can be challenged at judicial commission and making appeal easier.

Easy also means, that the government can shift cases more quickly, instead of being treated as an open cheque book by the lawyers.

All lawyers on legal proceeding

My side of lawyer and barrister:

Family and community services are a big client, a forever client, so no lawyer would want to stand up to family and community services, so my lawyer and barrister went gently in the proceeding. They all want to leave a chance to themselves so one day they can take on some cases for family and community services.

Child's independent lawyer

They know DCJ lawyers so they all support each other, consider this way, if they support the restoration, the case will be finished, and they will become unemployed, so why they want to support their own unemployment?

The reasons the child is in the legal proceeding, it supports their employment, therefore, no one them need to take on the parents' interest.

Do we need a child's "independent" lawyer? Child's lawyer nothing but being independent.

They can be advocate, both party can seek an advocate, at their own expenses. A doctor, a physio or a speech therapist, or a psychologist can be an advocate. Child's independent lawyer is not needed.

Again, such policy is designed for lawyers.

Special and independent unit assessing the removal

In my case, the child removal apparently was signed off by the manager who never see me nor talking to me.

Having a process in FACS itself, is like asking FACS operate on themselves. I would recommend an independent unit away from FACS:

1. A unit to assess if the child should be removed.
2. A unit has its own lawyers, this means, whether removal or not removal, does not impact to this lawyer's bottom line which they will be kept their employment anyway.

By taking away this monetary benefits for legal proceeding, cases like mine can be so straight forward:

1. Moving all existing cases to this unit
2. Assessing all the cases
3. Streamline what cases are important to stay on the proceeding, what are not.

If going ahead this way, millions can be saved.

Straightening family support

Instead of paying lawyers, pay family in hardship:

1. Currently, if a lawyer charges \$5k for a day, if used for family support once a week 4hrs each time, at \$50 per hour, it can be used for 3 months.
2. Currently with foster care carers:
 - a. They pick up my son to school in am, then take him back in pm.
 - b. Then they pay worker one on one respite to release foster care carer.
 - c. Then at the weekends, they give foster care carer respite 1-2 nights a week.
 - d. If my son is living with me, I will get none of these supports.

So why not use very small amount of funding to family under hardship instead of using millions to pay foster care system, and pay the services once the child is not living at home.

Using my case, my child absconded, then DCJ blamed for neglect, but the reality is that even the child is at home, and being a single mother, I had to go to back yard or laundry, then the child can walk out of the door, by not having someone watching him.

If there is a bit support, then I won't need to do household tasks when my son is home. This only needs to be a few years only when my son is old enough understand the danger of going out alone.

But legal proceeding can go on for years, with a parent like me, I will go on a legal proceeding for year after year till justice is served. If so, how much the millions that the government will lose just for my case.

Saving funding, and some entities can be removed

To set up this independent unit, and again there will be funded needed. Here is some suggestion for new sources of funding:

1. Stop having children's guardian, not sure what they are doing,
2. Stop funding to many advocate groups, as they only do to talk to parents, but can not help as witness or write a statement or report, which means they are useless.
3. Stop funding so many educational entities, which they are not needed.
4. For real advocate groups, they can be not funded more than 3, streamline their roles to include witness and writing the report. For these advocate groups, they must be funded directly by health perhaps instead of by FACS, as once they are funded by FACS, no one would stand up against FACS.

Above just some suggestions.

Care and protection workers, or social workers, and child helpline portal

Currently this system is accessible for those workers, and they enter into the system, and making up some stories against parents they do not like.

This portal must be independent, and accessible by this independent unit, must not be accessible by DCJ workers. this means, if there is external complaint, it can be separate between it is their own workers' entry or actually external complaints.

For example with my case, a worker at DCJ entry a complaint on year 2019 boxing day night, when me and my son on cruise holiday overseas.

So stop DCJ worker access to the portal will make the portal entry and record accurate, with no generated false information.

Self signing of removal, and self investigation system among FACS

It is not working, I complained wrongful removal to FACS, and twice, my email was referred to DCJ worker, and twice with no action, as no one would want to do self diagnosis, and no one would want to do a job when their manager refused to do so.

An investigation again should be independent from the unit, such as expending nsw ombudsman role etc.

Immediately rectify practice at children's court

Reducing the contact between mother and child, which this action is so detrimental.

for example, once i lost the children's court proceeding, my contact to the child is reduced to monthly, i was told this is practice by the lower court, but it is not written, nor permissible by children and young person act, yet carrying on as normal by the magistrate.

There is no right or wrong determined yet, why a magistrate would not wait but to destroy a child?

How such practice can ever be normal?

How a proceeding using a child's name, and use his best interest, and for his good, yet, when it comes to practice, it is nothing about this child wellbeing at all?

further, it is a civil matter, why the child is treated worse than a criminal? A criminal can have a visit in jail, can talk on the phone, can have zoom, and can have in person visit, but this child can not.

I was told it is like that at children's court.

How it is possible such practice ever existing, is unbelievable.

my child suffer mental trauma and grief and loss as result of wrongful removal, yet by further reducing the visit to once a month, this child is destroyed by family and community services!!!

the family and community services is generating the children living on to be homeless, mentally ill, and on benefits for rest of their lives, clearly, by then it will not be family and community services problem but it will be centrelink problem. how dear they do that to a child and to a human being!!!

Children's court clinicians

My children's court clinician used to work for DCJ. DCJ has her mobile number and email address.

The rule should be that a penal list of clinicians should be selected by the parents, so to stop clinician thinking that they are working for DCJ not for the children or for the court.

Stop magistrate making decision outside of the law. ...etc.

Technically it is possible, if we can make what condition resulting the removal more clearly in the Act, as I mentioned at above, like what condition is abuse etc, then it is easier for the magistrate, and it is easier for the judge to make an order.

So this will stop magistrates or anyone making an order outside of the Act. It will be more convincing.

Convincing can lead to less court proceedings.

children's court

there is no need to have a court for every matter. lower court should handle all matters whether civil or criminal.

If to keep the children's court, then it must meet strict compliance with the law and with the public expectations.

DCJ workers

Currently, like my case, a worker with the support of his/her manager, can sign off a removal.

A sign off a removal, means signing off millions dollars actually. No entity would ever let a worker signing of million dollars.

Million dollars are covering:

1. Lawyer costs
2. Foster care costs
3. Child support costs while the child is at foster care.
4. Child all medical and treatment costs.....etc.
5. If parent wins, pay parent's legal costs
6. Pay child support and medical bills for treatment damaged by the removal
7. Pay child education, and any injury as a result of removal.

This is another reason why an independent unit is needed for removal since one action will cost government millions.

Here is the summary of looking at each party.

The only people who benefited from the legal proceeding is the lawyer

Lawyers makes income from the legal proceeding.

Once a child is in a legal proceeding, imaging why a lawyer would have to say anything good about the parents? Saying good things about the parents is supporting themselves unemployment. Once a legal proceeding finishes, their job finishes, this is why, no lawyer wants a legal proceeding to finish.

This is why from DCJ lawyer at the children's court to child's independent lawyer, they do not want to finish the proceeding. This is why, none of them support the restoration, if a child is restored to their parents, their job is finished and is gone, they become unemployed and they need to find another target to work with.

This is why, as long as these lawyers in such conflict of interest situation, they must work privately. they can be employed by crown solicitor, legal aid, or that independent unit that I suggested, as only these places, they won't work for their profits.

They can always work privately.

Care and protection does not need a government paid, biased, working for their own profit, child's "independent" lawyer.

The only entity is losing the money is the government from the states to the federal

From the day the child is removed, the drain of the money started for the government.

1. To pay for foster care
2. To pay for all the supports to foster care
3. To pay all the medical bills to the child, and now and future.
4. If the child suffered mental trauma as result of removal, then this child would have to stay on disability pension forever.
5. Then the legal bills,
6. Then if the parents win the proceeding eventually, the government pays parent's legal costs, plus all the compensations for damage.

This is why a worker at DCJ signing off removal of the child, it is signing off millions actually.

The only person is damaged in the legal proceeding is the child

Using my son as example, he did not know what it is going on, and the latest evidence was that he can not sleep well at night, he has hallucinations, he wet bed....etc.

Then the trauma carries to his adulthood, and while the government pays all the bills, but a human being is destroyed.

1. He can not finish his study
2. He can not find a job
3. He can not take care of himself
4. He will be left homeless once he reaches 18yo.
5. 80% of children leaving foster care becoming homeless, living on benefits, and being a criminal.

Turn around magistrates every 6-12 months.

I previously suggested of using supreme or federal court to determine the removal.

To stop the corruption and stupidity among the magistrates, why not using police system which every police change their station every 6-12 months to stop the corruption. Magistrates can do so too.

Keep political correctness out, pls select judicial officers not by gender but by merits

Our country and media is so heavily influenced by USA media and these days, political correctness is everywhere.

But honestly, if looking at every commercial entity, there is no political correctness, as every company selecting their employees by merit, disregard whether they are female or male.

Pls do not push to have female judicial officers simply our media say so.

Being a female myself, I find many female judicial officers are emotionally charged, and lack of analytical skills, often very biased.

conclusion

I wish to be the member of the committee, and I wish to see through the changes that I recommended.

I might be one but standing up for many parents, standing up for saving this country from a financial crisis at family and community services, standing up for the children's human rights and well being.

The children of this country deserve better, we need to make them to be tax payer, not the ones making living on benefits.



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