

CONFIDENTIAL

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IN THE DISTRICT COURT
OF NEW SOUTH WALES
AT

IN THE MATTER OF THE
APPEAL OF

RE: (A CHILD)

DETAILED CHRONOLOGY
AND SUMMARY OF EVIDENCE

DATE **PARTICULARS**

[Appellant] born

born (father -) [now in care of extended family]

born (father -) [now in care of father]

(f) born (father -) [now in care of father]

{Between 1995 and 2000 a number of notifications were received by the Department concerning the Appellant's three children , and , resulting in those three children being made wards and placed into the

care of their grandparents () and fathers ()
 [Affidavit of gives full history]}

19 Apr 2000 , Departmental Psychologist Assessment Report on
 and , notes that primary issue is Ms mental health status
 and that and were removed because of this problem. (p.
 12). He sets out a history of Ms problem – p.13 and concludes that
 “Ms apparent psychiatric problems interfere with all ... areas of
 parenting” and that “clearly Ms needs to see a psychiatrist.

Mr concludes that and would be at considerable risk
 if they were returned to the care of their mother.

06 May 2000 Department receives notification that Ms about to give birth.

2000 born to , Father is

24 May 2000 Care application lodged at Children’s Court re on
 grounds that she is or is likely to be abused.

15 Nov 2000 Mr Assessment Report recommends that Ms engage in a
 therapeutic relationship with Dr and that the Department provide
 support to her, and develop a working relationship with the view to
 keeping safe.

11 Dec 2000 Children’s Court makes wardship order, placing in the care of the
 Minister for 12 months -

- to placed with mother for that 12 month period;
- Ms giving undertakings -
- to establish and maintain a therapeutic relationship with an
 appropriate psychiatrist;

- that she maintain a positive relationship with her own mother, _____ ;
- _____'s progress be monitored regularly by Early Childhood nurses;
- she accept the supervision and support of the Department

[Affidavits - _____ 13/3/02 para 11; _____ 13/9/01 para 8].

- The wardship order was based upon ongoing concerns regarding Ms _____ mental health status and ability to provide a stable and secure environment for _____. [Affidavit - _____ 13/9/01]
- 08 Feb 2001 _____ presented at Early Childhood Clinic at local chemist shop.
- 16 Feb 2001 _____ presented at Early Childhood Clinic, _____ (Department alleges this is the last occasion _____ taken to clinic by mother until Department takes _____ into care in Oct 2001) [Affidavit - _____ - 28/02/02 - paras 6 & 7]
- 07 Mar 2001 Notification to Department that Ms _____ phoned notifier this morning and sounds very erratic. Concerns for child.
- June 2001 _____ incarcerated for BES.
- 14 Jul 2001 Domestic Violence incident between Ms _____ and her partner _____, reported by police, when Mr _____ attempts entry to Ms _____ home. AVO against Mr _____ for 12 mo.
- 26 Jul 2001 Arrangement for Ms _____ to meet caseworker to discuss certain matters. Ms _____ becomes aggressive and abusive towards departmental staff. _____ witnesses her mother's behaviour. Departmental officers and

psychologist concerned at 'flat' and 'non-responsive' attitude. Concerns about Ms [redacted] mental health status and level of potential psychological harm to [redacted], if left in mother's environment. Mother has not complied with undertakings given last December, especially relating to her seeking psychiatric support. [Affidavits – [redacted] 13/9/01 – para 13 *et seq*].

[redacted] observations of this incident were that he saw Ms [redacted] with [redacted] on her hip, while she walked aggressively around the room screaming at those present. [redacted] head seen to shake from side to side... [redacted] responded without emotion, which was concerning as children exposed to such behaviour normally cry – suggestion [redacted] has become desensitized to her mother's aggressive outbursts. [Affidavit – [redacted] para 11 & 12, and annexures]

22 Aug 2001 Mr [redacted] Psychologist, Assessment Report, recommends that further attempts be made with Ms [redacted] to encourage her to engage in a therapeutic relationship with Dr [redacted], with strict timeline and treatment plan to be formulated.

12 Sep 2001 Mr [redacted] Addendum to 22 Aug assessment report, indicates that after writing that report numerous attempts were made to establish a working relationship with Ms [redacted] and encourage her to see Dr [redacted]. All attempt failed. In actuality the relationship has deteriorated with Ms [redacted] becoming more belligerent, including her application for AVO against caseworker. Mr [redacted] report no insight demonstrated by Ms [redacted] into her deficits in parenting and her repeated failure to acknowledge the need for her to engage in therapy. Notes her repeated anger outbursts and threats and her inability to control these. Opinion that "due to ongoing and repeated interaction of many risk factors it is highly probable that

emotional, social and personality development will be seriously compromised by her mother's parenting and behaviour."

- 13 Sept 2001 Application by Department for variation of the 11 Dec 2000 Order, seeking order that remain under the parental responsibility of the Minister until she reaches age 18
- 14 Sept 2001 proceedings adjourned for 8 weeks – direction that assessment be made by
- 27 Sept 2001 interviewed and states she does not want to see Ms on her birthday (Affidavit – – 11/11/01 para 8 *et seq*)
- 02 Oct 2001 attends Ms home (see Affidavit – 11/11/01 para 33 *et seq*)
- 10 Oct 2001 AVO taken out by Ms against Departmental Caseworker is dismissed at Local Court – no case to answer.
- 12 Oct 2001 removed from mother's (Appellant's) care and placed with temporary foster carers.
- 17 Oct 2001 Departmental caseworkers speak to who agrees her daughter's emotional state often very unstable and that she has been scared of Ms and her unpredictable behaviour. (Affidavit – – 28/02/02 – para 14)
- 23 Oct 2001 Dr interim report –
- * is of aboriginal descent
 - * is well supported by her family GP

- * presents clinically as a child who has been profoundly traumatized by the removal of her mother
- * strong reciprocal bond between mother and child
- * Ms problems are strictly characterological and based solely on personality traits. She has no mental illness, *per se*.
- * holds Departmental workers largely responsible for Ms behaviour
- * Ms circumstances have changed markedly since the placement of her older children, she has accommodation, vocational training, formal qualifications, has undivided attention of her own mother.
- * Ms is no longer vulnerable to aggressive inclinations of a domestically violent partner
- * no evidence of drug or alcohol abuse
- * has regular access to Early Childhood Nursing
- recommends immediate restoration

24 Oct 2001 Dr report diagnosing probable borderline personality disorder and indicating that such diagnosis is not an appropriate criterion for a decision about custody, with a relationship of mutual respect between the department and Ms being the goal. Her presentation did not raise questions about her ability to care for her children. However it is clear she has had past trauma and this affects her emotional style and relationships. She is likely to be affected by stress but access to appropriate support should minimize this.

30 Oct 2001 (Departmental Aboriginal Care Worker) ascertains from that he is not aboriginal, though his father had spoken of aboriginal relatives. This confirmed following day when speaks to

mother who advises they are not aboriginal. Then on 17 Dec 2001 spoke to , father, who said he was and that though his father had a small bit of aboriginal blood he did not consider himself to be aboriginal.

- 02 Nov 2001 Ms contacts Police makes threat on life (see Affidavit – – 8/11/01)
- 02 Nov 2001 update Court Report indicates that the most significant concern is the impact on emotional and personality development if she remains in Ms care, and the observation by the Department that there has been no change in Ms presentation, that she does not acknowledge any problems and thus not accepting treatment.
- 30 Nov 2001 Access visit with , and – Ms engages in verbal abuse of , Ms and Mr . Causes considerable upset to , who later indicates she does not want to live with her mother (Affidavit – – 12/12/01 para 8 – 12 & Affidavit 12/12/01 para 4 *et seq*)
- Dec 2001 Caseworkers attempt to negotiate independent agency (and) to co-ordinate and supervise access. This is not possible. (Affidavit – – 28/02/02 – para 39)
- 14 Dec 2001 Mention when date set for hearing. Children’s Court directs that Ms be granted reasonable supervised contact with
- 19 Dec 2001 Supervised access arranged at , however Ms does not attend, claiming she would not attend access in an office at it “claustrophobic”. (AFFIDAVIT - - 28/02/02 – para 41)

- 4 Jan 2002 Access arranged for [redacted] – Ms [redacted] rings prior to access stating access would occur in Courtyard. This not satisfactory to staff, because of Ms [redacted] past behaviour. Access to be in Therapy Room. Series of phone calls in which Ms [redacted] is in agitated and irrational state. Caseworker cancels access visit. At 2.15 pm Ms [redacted] arrives at [redacted]. Caseworker phones foster parents, [redacted] asleep, they agree that foster carers will wake her for access at 3.30 pm. Ms [redacted] walks out of office after verbal exchange. Caseworker reminds her they have arranged for access to take place at 3.30. Ms [redacted] leaves. Access cancelled. (AFFIDAVIT - [redacted] - 28/02/02 – paras 48-49)
- 09 Jan 2002 [redacted] tries to arrange access with Ms [redacted]. She refuses to talk. Letter delivered to Ms [redacted]. (AFFIDAVIT - [redacted] - 28/02/02 – para 49)
- 11 Jan 2002 Ms [redacted] fails to attend access.
- 11 Jan 2002 [redacted], Departmental Psychologist, report of assessment, includes:
- * [redacted] appears to need a significant amount of individual attention from her carer.
 - * [redacted] significant decrease in prior negative behaviour (screaming and headbanging) since being in foster care (reference – Report of [redacted] dated 11/01/02)
- 18 Jan 2002 Access – Ms [redacted] arrives – alleges [redacted] being abused ([redacted] has mark on face where pet terrier accidentally scratched her). Ms [redacted] refuses to come into office. Access does not occur. (AFFIDAVIT - [redacted] - 28/02/02 – paras 52 – 25)

- 25 Jan 2002 Access attended (Details see annexure to AFFIDAVIT - 28/02/02)
- 01 Feb 2002 Access attended (ditto)
- 04 Feb 2002 Final Report of Dr [redacted] when she agrees with Dr [redacted] that Ms [redacted] meets the criteria for Borderline Personality Disorder – but while reflecting an enduring manner of functioning, does not provide grounds for refusal of custody.
- Dr [redacted] opines that Ms [redacted] anger and agitation largely because of departmental officers having removed her child. She states there have not been regular and reasonable periods of access. She believes the child has suffered emotional harm as a result of enforced separation from her mother and recommends immediate restoration to her mother's care. (Note: this needs to be read in conjunction with Dr [redacted] evidence in the Children's Court
- 07 Feb 2002 Access attended (see AFFIDAVIT – [redacted])
- 11 Feb 2002 [redacted] placed with her maternal aunt and uncle. However, despite their working hard at this placement and with considerable support from Department, the placement was found by them to be not viable. It was concluded by carer's and Department that not in [redacted] best interests that she remain (see note of 22/04/02)
- 14 Feb 2002 Access – Ms [redacted] becomes agitated and accusatory (AFFIDAVIT - 28/02/02 – para 59 & 60)
- 28 Feb 2002 Care Plan formulates strategy that Ms [redacted] to commence regular therapy sessions with qualified psychiatrist or psychologist

- 12 Mar 2002 released from prison (he has never seen his daughter)
- 13 Mar 2002 Affidavit in answer Ms Affidavit. Concludes with the statement that the Department is committed to maintaining an ongoing relationship between and Ms (See Affidavit 13/03/02 para 14 and generally)
- 28 Mar 2002 Day 1 of Children's Court proceedings (Children's Magistrate)
- 03 Apr 2002 Day 2 of Children's Court proceedings
- 19 Apr 2002 Day 3 of Children's Court proceedings
- 22 Apr 2002 removed from care of her maternal aunt and uncle at their request (they were not coping). placed back into care of temporary foster carers, they being assessed as long term (i.e. permanent) carers.
- 29 Apr 2002 Recommendation, following assessment, that temporary foster carers have capacity to provide safe, secure and loving term placement for
- 17 May 2002 Children's Magistrate delivers decision, allocating parental responsibility of to the Minister, to age 18.