

INQUIRY INTO CHILD PROTECTION

Name: Name suppressed

Date received: 12 July 2016

Partially
Confidential

INTRODUCTION:

My name is . I am a mother and a grandmother. My three grandchildren are currently in care and I have a story to tell. This is the story of my experience and my daughter's experience with CS. In this day and age of social media I know without question that while some aspects may be exclusive to my family, the overall experience is certainly not an isolated experience but I submit only for my family.

Due to privacy laws in the following document the mother of these children will be referred to as Tracey, my eldest grandson will be referred to as John while the twins will be referred to as Frank and Richard, but be clear, these are not their real names. I refer to carers in this document and as there are two placements of significance involved I will refer to one placement as George and Jack, while the other placement is referred to as Mary and Tom. Community Services will be referred to as CS while the non-government organisation involved, will be referred to as while Case Worker will be referred to as CW.

While recognising the reaction of the Tracey after the removal was that of a highly stressed person and she made many mistakes in the following months due to the unfair and unjustified pressure applied to her, at this date I still have no evidence that the removal was justified and I have a lot of documented evidence, mostly from CS themselves, that the removal was *not* justified. In my opinion these children were targeted specifically to provide a childless couple with their "ideal" family. These carers and the CW were career and social peers as well as associated with the same charity.

In addition to the narrative I have included the following documents, which are court documents and thereby subject to confidentiality but I include them for the committee to peruse. Please note all these documents use real names:

Document A: Risk Reassessment conducted by CS on the :

Document B: File note of which states all minimum outcomes have been met.

Document C: Part of affidavit submitted by myself on the which summarises the positive progress documented and recorded by CS over the span of two years.

Document D: Record of two hour interview of the then 3 year old twins, conducted by CW and current carers in which the adults involved make unsubstantiated allegations against other registered carers and the day care director.

Document E: Letters from Mental Health Professionals in relation to the biological mother's state of mental health at the time of removal. These refer to **situation stress, distressed by the removal of her children, and minor emotional condition with low level sadness in the context of psychosocial stress around the removal of her children.** Thereby documenting

that the mental health issues the CSCW was to later claim to be the reason for removal was actually caused by the removal.

In the following presentation I believe there were many policies and procedures ignored by CS along with disregard for the recommendations made by Justice Wood after his Royal Commission into Child Protection: These include:

There was no family group conferencing conducted.

Case Management Guidelines were not followed.

No Safety Contract was ever discussed with any of the biological family.

While all expected outcomes had been met, and had been recorded by CS as having been met, there were no further parameters discussed, no further ROSH reports or assessments done and no further incidents that would indicate ROSH recorded prior to the decision to remove the children.

Upon removal, cultural identity was not considered when placing the children.

While a very successful and documented Intensive Family Support Model was adhered to and recorded over the space of two years, all the preceding work was then ignored by the removing CSCW who withdrew all support at the very moment that the biological mother had fulfilled all requirements, and at the moment when the supervision of her family should have been handed over to an NGO in accordance with the procedure of CS only overseeing the ROSH cases.

All sources of significant others were completely ignored, despite the availability of the maternal grandmother, a cousin of the mother who was an authorised carer, and the previous carer of the older child. These children were then placed with total strangers, ignoring the principal of placing them in ethical and culturally similar placement. These children were taken from a home where their support was a single female household with their only other support coming from the maternal grandmother, and placed where there was no female carer or influence at all. Right from the start there were indications that this placement was not working yet all these indications were completely ignored, thus ignoring the principle of the “best interests of the children.”

The removing CW then ignored the findings of the Woods Royal Commission:

*"FACS does not always present its evidence to the Children's Court in a fair and balanced manner. and FACS caseworkers should be given more specific training and guidance in relation to the nature of care proceedings and in relation to the evidence to be placed before the Court, to ensure its relevance, accuracy and fair balance."*¹

¹ http://www.dpc.nsw.gov.au/_data/assets/pdf_file/0008/33794/Executive_Summary_and_Recommendations_-_Special_Commission_of_Inquiry_into_Child_Protection_Services_in_New_South_Wales.pdf

The case presented in court was extremely unbalanced, and included unfair and inaccurate statements that at times were blatant lies. The CW chose to present parts of information that enhanced her case, while ignoring other aspects that balanced out these statements. In doing so she also misrepresented much of the information used in order to make it appear much worse than it was. For instance, she stated that the biological mother had asked her GP to remove part of the medical records when in fact the biological mother had asked for that particular aspect of the medical records to be printed out so that she may present it in court. The CW relied on information gained from a biological father who abandoned the children, is a diagnosed schizophrenic and a known drug addict, ignored advice provided from mental health professionals to CS that his word cannot be relied upon because of his mental illness. It was also intensively recorded by Mental Health that the biological father was violent and paranoid, and he was also at one time gaoled for an assault on the biological mother. Yet this man now has unsupervised visit rights while the biological mother, who always worked hard to comply, was open and honest with CS and fulfilled all requirements, has restricted access. In addition I have been allocated restricted and supervised visits as well while is attempting to deny me any access at all. I understand this to be because I speak out when I see something wrong, I am a strong advocate for the children and I continued to support my daughter throughout her history with CS. Conversely, CS and has made claim that I have not been involved in the children's lives despite documentation that shows I have always been present. This to me seems very unstable decision by CS and based purely about the adults in this situation and ignoring the emotional and psychological needs of the children.

I would like to speak throughout the public hearings and would appreciate your consideration to include me at that time.

NARRATIVE:

In 2009 my eldest grandson was taken in to care and through a long and drawn out court battle my daughter was able to have him restored to her. During this time she fell pregnant and subsequently gave birth to twins early in 2011. For the first two years after their birth she was closely monitored by CS and two years' worth of documentation records that she complied with all requests made of her, fulfilled a parenting contract, engaged with all services CS demanded and reached a point where on March 14th of 2013 a risk reassessment report, filled out by the CW who had been working with her for the previous two years stated as follows:

R6 – There is no evidence of Tracey having a current alcohol or drug abuse problem. (0)

R8 - Tracey is providing physical care of Frank Richard and John that is consistent with their needs. The three boys are always appropriately dressed for the weather conditions, John is always dressed in a clean school uniform, Tracey packs him a healthy school lunch and food for recess. The boys always look clean and are very well nourished. (0)

R9 – Tracey has made positive progress with the case plan, Tracey has attended all case reviews, she informs Caseworker of Manager Casework of any changes in her family circumstances, she is positively engaged with John's teacher and school staff and with Childcare Centre staff in regard to Frank and Richard.

Tracey has previously undergone urine drug testing, attended counselling and engaged positively with John's psychologist including participating in video sessions and Theraplay with John.

Tracey enrolled herself in a private parenting effectiveness course – a program designed to increase effectiveness in the skills for and maintaining good human relationships. She informed caseworker that she thought it would be especially helpful for her in her communications with John. She completed the course in December of 2012 and now proudly displays the Parent Effectiveness Training Certificate at home.

Tracey has engaged very positively with Caseworker and Manager Casework, she has gained a new perspective on how CS protects children and works openly, honestly and with transparency with families.

Tracey possesses good analytical skills and can identify potential risk factors relating to her children and can problem solve to put supports in place or seek practical or emotional support and assistance.

Tracey actively seeks advice, support and assistance when required and can acknowledge any parenting deficits.

Tracey is currently engaged with mental health nurse for ongoing support.

The final risk level is High as an override has been applied by (CR) A/Manager Casework due to John still being in the Parental Responsibility of the Minister until 28 April 2013.

John was restored to his mother in December of 2011 and restoration has been successful.

(See Document A)

On the 27th of March 2013, during a case plan meeting for John it is recorded that:

John was restored to Tracey in December of 2011. It has been a successful restoration. Tracey has met minimum outcomes.

(See Document B)

So, by all documentation presented by CS this was a successful restoration in keeping with the Intensive Family Support Model that, although new to the practices of CS, could well have been held up as a perfect case study of how this support model can work.

On the 29th of April 2013 Parenting Responsibility was returned to Tracey and at that stage, according to policy, as there was no significant risk of harm, the ordered supervision should have been allocated to a non-government organisation.

Yet it is noteworthy to bring to your attention that at the conclusion of the meeting on the 27th of March 2013 Tracey was informed that the intention was for a change of caseworker from the restoration CW that had been working with Tracey and the boys for the previous two years, to an intake CW once the PR order had expired. There has been no explanation as to why this would have occurred at this time as all notes state that restoration had been successful, that Tracey had fulfilled all requirements and at this stage there was no risk of significant harm. This action in itself suggests that the intention was, even at this time, to remove the children despite all that Tracey had achieved in order to be able to keep her children with her.

However, on the 24th of May 2013, not quite a month after the new CW took over, and with no further ROSH reports or indications, and only some ambiguous and unsubstantiated concerns being noted, the new CW arrived at Tracey's house and gave her the option of voluntarily relinquishing the children, or having them forcefully removed. There was no clear reason given for this. No documentation of abuse, neglect or harm having come to the children between the 27th of March and the 24th of May.

In addition to this the CW attempted to intimidate her into relinquishing them voluntarily by stating that if she did so she would get generous visiting rights but if they were forcefully removed she would rarely get to see them again.

Having worked hard throughout the previous two years to change her life, and fulfil the demands of CS Tracey understandably found this very distressing and worried over the following week end about the coming visit on Monday the 27th May. The CW arrived, looking rather officious, carrying a brief case, (something she had never done before) and also in the company of a second CW. (Again, something that was not usual). She withdrew from her briefcase some papers which she asked Tracey to sign. Tracey stated that she would not sign them until her solicitor could look at them. The CW returned the papers to her briefcase, left the house and went to the school to remove John. In the meantime Tracey called her mental health nurse, extremely distressed at this threat and while talking to her mental health nurse threatened to kill herself “*if they take my children*”. Not the best reaction but in the circumstances.....

Subsequently the twins were also removed.

Given that Tracey had worked hard to fulfil the requirements of CS, it is my opinion that in Tracey’s relationship with CS an analogy could be drawn with a relationship with an abusive partner who is never satisfied with attempts to appease and their most precious relationship was held as threat to control. This is an abuse of their power.

Over the next months I repeatedly asked CS to clarify the reasons for this removal and I was consistently referred back to court documents, including what is termed as First Stage Documents. These documents are the file kept by CS that reports on the progress of families that are under CS scrutiny.

As directed, I went back to the files and while the two years of documentation recorded times where Tracey was challenged by life, there were also many good reports in regards to how she faced those challenges and these reports far outweighed the issues raised. It is apparent in these files that Tracey consistently worked towards changing her life, fulfilled all requirements asked of her and engaged with all services CS demanded. In all, a total of **seven** CS CWs and **eight** outside services wrote positive reports on how well engaged Tracey was with CS and outside services.

The Special Commission of Inquiry into Child Protection Services in NSW, 2008, presided over by The Hon James Wood AO QC² is referenced in the following:

² http://www.dpc.nsw.gov.au/__data/assets/pdf_file/0008/33794/Executive_Summary_and_Recommendations_-_Special_Commission_of_Inquiry_into_Child_Protection_Services_in_New_South_Wales.pdf

In the Executive Summary, Legal System, paragraph c:

"FACS does not always present its evidence to the Children's Court in a fair and balanced manner and legal practitioners who appear in the care jurisdiction are not subject to uniform standards or accreditation".

In relation to this point, Recommendation 13.3 states in part that "Care applications by FACS under ss.45 and 61 should be made by way of an application filed in the Court supported by a written report which succinctly and fairly summarises the information available to FACS".

and Recommendation 13.6 states "FACS caseworkers should be given more specific training and guidance in relation to the nature of care proceedings and in relation to the evidence to be placed before the Court, to ensure its relevance, accuracy and fair balance."

Although these recommendations were both prioritised as immediate and low cost, in many cases the fairness, relevance, accuracy and fair balance referred to in these recommendations is still not observed, and often cases are presented by FACS which are blatantly unfair, and utilise dishonesty by some FACS caseworkers when children are removed from their families, and during ensuing court cases.

Over the next two years of court mention after court mention I was to discover just how true this is. Despite the recommendations made by Justice Woods, the misrepresentation, unfair practices and blatant dishonesty were the general rule and there was not one moment of recognition for the work Tracey and the involvement of CS had accomplished over the two years prior to the removal of these children.

Indeed, when asked in court, the CW who removed these children admitted that she had not even read any of the relevant documents prior to removal.

To provide a few of the many examples:

While this CW claimed in court papers that Tracey held a reticent attitude to CS and other agencies, within the file notes there are a total of **65** references written by Community Service Workers and other agencies that indicate Tracey:

- **Participates in open and honest discussions.**
 - **Complies with all requests from CS.**
 - **Actively engages with services.**
 - **Allows CS access to the children at all times.**
 - **Actively identifies a need and seeks services to address the needs.**
 - **Actively analysis the situations and actively problem solves.**
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- **Actively seeks advice and actively seeks education to improve her own parenting skills.**
- **And generally works well with CS.**

(See Document C)

In addition to this, while claiming in court that Tracey lied to her mental health workers in order to achieve good mental health reports, in the file notes it is recorded that the same CW:

(CW) said she and Tracey have had some really open and honest conversations lately about the state of Tracey's mental health and the current circumstances for the family.

Which raises the glaring question: Why would Tracey be open and honest in regards to her mental health with people she felt threatened by, yet lie to those who she felt comfortable with?

In another glaring contradiction it was claimed in court that Tracey held a **reticent** attitude to CS. The dictionary defines *Reticent means either quiet or restrained. If you're reticent about your feelings, you like to keep them to yourself, and you're probably quiet in rowdy groups where everyone is talking over each other.* Yet Tracey was open and honest as above.

In another file note this CW recorded that she:

“reminded Tracey that she also has had a number of significant achievements and her children were one of those, as well as all the hard work she has undertaken to have John returned to her care.

Another claim presented to the court was that Tracey made repeated demands for respite, yet none of these demands have been recorded in the file notes. Conversely, when Tracey was offered a brief period of respite Tracey refused that offer.

In one document the CW stated that the court clinician had noted that I (the grandmother),

“lacks insight into the child protection concerns and minimises the risk to the children as a consequence.”

Yet nowhere in the report quoted was the above “noted” in any form. In addition to this, whenever I did raise issues of concern with CS or my concerns was summarily dismissed out of hand. This included, but not limited to, the occasions when Frank stated that he had a sore “pee pee”, during one supervised visit, and I passed this on to both the CS CW, and CW, neither of them followed up on this in an appropriate manner. When asked on the stand why medical consultation had not been sought in relation to this the CW stated that:

“a genital examination would not have been appropriate. Besides, you are the only one who raised the issue.”

Is that an appropriate response to a three year old stating that he had a sore “pee pee”?

In one document of the file notes it was claimed:

“Assessment had not been undertaken of the mothers’ capacity to manage alone...”

Yet on the date of this note Tracey had already managed alone for a period of a year and the assessment had been undertaken and recorded two months prior to this note. In addition to this another file note, dated six weeks prior to this documents quite extensively how well Tracey:

“coped with the challenges she faced” and “how well she has been able to analyse and problem solve, ensure the boys are protected and make good decisions for the family”.

This assessment also lists a number of qualities in Tracey that states Tracey has met all outcomes required by CS.

Consistently throughout the court presentations the CW refers to the state of Tracey’s mental health as a reason for her inability to have her children yet all reports from qualified and profession mental health workers indicate otherwise. The reports relied upon by CW from (our local mental health facility) records:

- **Nil perceptual disorder.**
- **Judgement intact**
- **Engaged well**
- **Good rapport**
- **Good eye contact**
- **Nil evidence of thought disorder**
- **Nil delusional content.**
- **Some insight.**
- **No reason to doubt her veracity.**

These reports also indicate that the only issue with Tracey at the time was the removal of her children and her understandable reactions to this.

(See Document D)

There are countless more examples of misrepresentations, contradictions, outright lies and unfair practices presented to the court. It is too numerous to address in this forum but should the committee require further information I have the documentation to back up these claims.

All I have mentioned above is well documented by different people within CS so in my mind it raises many questions:

Firstly, if there was a problem in the home that did put the children at risk of harm, then why, over the period of two years, was this not well documented and addressed?

If, as the documentation states, there was not a risk of significant harm, then why was the supervision not handed over to an NGO as per the policy of CS only dealing with the children at ROSH?

If seven CWs and eight services record positive progress within the biological family over the period of two years, then how is it that in less than a month one CW, who, by her own admission did not read the files, can completely dismiss all the efforts of her co-workers and, without any further reports, make the decision that the children should be signed over or forcibly removed?

As there is so much CS documentation that this was a successful restoration and intervention, how is it that one CW, on such little information, can be supported to the detriment of all the work of her co-workers? What criteria do management use in deciding which of their workers they support and which of them they withdraw their support?

It is certain that there was not enough due consideration to the children when deciding to remove, but the absolute ignorance of the best interests of the children after removal was overwhelming.

Upon removal these children were sent to live with the George and Jack. At the time George was my boss at work. I was informed the day after removal where they were located by a work colleague, and I passed on this information regarding my association with the foster George to CS by the end of that week. Never-the-less CS and determined that this placement would continue despite the fact that Mary and Tom, John's original carers were aware of the removal and had already made it known that they were available to care for John and his siblings, thereby giving the children a more familiar environment to go to. In addition to this, the children went from living with a single mother, and supported by their maternal grandmother, to a household where there was no female carer. Both of these events served only to traumatise the children further.

Throughout the court process documents came in to my possession that rang some alarm bells in regards to the care the children were receiving while in the home of George and Jack. One document in particular concerned me in that it was written by a Clinical Psychologist who conducted an assessment on the nature of the contact visits. Throughout this assessment the psychologist noted several concerning issues in regards to these carers which included unauthorised use of restricted practice, an inability to support the children emotionally and psychologically and a lack of focus on the needs of the children.

This document also notes that behaviour George and John stated to be reaction to contact visits were in fact behaviour bought about by actions of George and Jack.

This document was and is a document owned by _____ who have consistently disregarded the issues raised in this document.

In addition to this Jack was witnessed by myself, Tracey and an _____ supervisor to be unnecessarily man handling Richard, ignoring his immediate needs and throwing him roughly into a car seat.

George was heard in the workplace to state unashamedly that he had bought his substantial house by fostering children and boasted that he received more income from fostering than he did from his well-paid job. Furthermore, after relinquishing the care of an older child not related to my grandsons, blatantly sold the child's belonging over a local Facebook site. George and Jack also have a history of broken down placements that goes back to a time long before my grandchildren were placed with them.

After eighteen months George and Jack decided they no longer wanted to care for John. In a document presented in court it states the reason for this being that George wanted to return to full time work and could no longer care for him. So in December of 2014 John was removed from the home but instead of sending him to Mary and Tom, who had always been there for him CS decided to send him to yet another stranger. When this occurred I met with both _____ and CS expressing my concern in regards to the continuing placement of the twins in the home of George and Jack and I specifically asked the question: "What happens to the twins if they get in the way of the carers life style?" I also expressed concern for the siblings being separated, the indications that all was not at it seemed in this placement, and the twins being in full time day care, stating that I did not think this was a suitable supportive arrangement for young children who had been traumatised and were in care. I raised the issue of behaviour exhibited by John while in this placement was not reported by any other significant people in his life. I refer here to his school, the child psychologist and the next placement he was placed in, clarifying that this was another indication that the placement was unsuitable. All of my concerns were dismissed.

In a document rendered in court by CS in December of 2014, there was a statement _____ was looking for a placement that would reunite all three children in one placement. In another document rendered in March of 2015 CS stated that they had offered to buy a people mover van for the family that John was now residing with, on condition they keep John long term, with no mention of reuniting the siblings.

Then in April of 2015 John was finally sent to live with Mary and Tom, a placement that should have been the first option upon removal. He arrived with clothes in a garbage bag that were far too small for him, and very little else. With Mary and Tom attending to all his medical needs, it was revealed that John was now deaf in one ear due to a repeated and unaddressed ear infection that had eaten away his ear drum and inner ear bones. At time of writing John has undergone one very delicate operation which was not successful, and is now booked in for reconstructive surgery to implant synthetic bones into his ear. In April/May of 2016 Mary came upon a referral for an ENT had been issued in regards to this in 2013 but had never been followed up on. John has been under the care of the Minister since 2009.

Throughout the court process Mary and Tom had become party to the proceedings and they were then targeted by CS to the extent that they became concerned that their other children would be removed. In a document presented to court there was an unfounded accusation that Mary and Tom, along with the _____ of the day care centre and _____ (another NGO) carer, had colluded to kidnap the twins from day care on a regular basis to afford them the opportunity to form an attachment to the twins, and thereby strengthen their application to have the children placed with them. This involved a three hour interview of three year olds, where at one point they were driven backwards and forwards past the house of the carer until they identified that house as the “red house” where they see “Mummy”. At a much later date the “red house” was identified by the twins and John as the family home, the house they had been living in when they were removed. I note here too that this interview was commenced at Bunnings, a very public place and with the carer George present.

(See Document E)

In addition to this and without any supporting documentation this interview records there has been evidence submitted into court that Mary had “Munchausen’s”, an accusation that had never been raised by anyone prior to this and had certainly never appeared in court.

After final orders were made George and Jack then set about to sever all ties to the original family as possible, including refusing to allow the twins regular sibling contact, refusing to participate in the mediation which was suggested by CS throughout the court process, placing every gift given to the twins by their biological family in the “forever box”, (a term used by the twins) where they could not access gifts given to them by family, and made plans to relocate to Canada with the twins. At one stage they stated that they “only fostered to create their ideal family and now they had they want to move to Canada”.

Indeed, while there were many indications that this placement was breaking down, and despite Frank’s allegations of physical abuse, George and Jack were permitted to take the boys overseas in a manner which denied the biological family due process and deprived them of any opportunity to have issues of concern addressed prior to them leaving the country. Despite a recent allegation by Frank that the carer had grabbed him by the throat, there were not even suitable arrangements made to monitor the health and welfare of the children while they were overseas. In addition to this, Mary and Tom were not notified, thereby not affording them the opportunity to support John adequately while his brothers were out of the country.

_____ then proceeded to lie about the process that was taken to approve this overseas trip and during one conversation I was informed that I was no longer their grandmother and I had no business asking questions. I was threatened with total withdrawal of any information should I continue to ask about the children.

George and Jack also had no compassion for the older child after his removal from their home, frequently refusing to even speak to him at the end of the family contact visits when they came to pick up the twins.

While all this was happening and completely ignoring the indicators that all was not well in the placement through CS submitted a Section 82 to court that falsely represented the placement of the twins.

(See Document F)

This document ignored, dismissed or covered up all and every indicator that this placement was not stable. While the intense focus was on the perceived negative interactions with the birth family, completely overlooked the lack of connection to George and Jack, ignored the fact that both Frank and Richard frequently refused to get out to the car upon return to this placement and falsely claimed the children identified strongly with George and Jack. Upon change in placement Richard has consistently refused contact with George and Jack, and their foster sibling still in this placement. Frank has expressed a desire to see his foster sibling but has refused any contact with George and will only see Jack in order to see his foster sibling.

This document also identifies 18 sibling contacts between John, Frank and Richard, yet Mary confirms that the number of sibling contacts were only 6 to 10.

This document identifies future mediation at a time when George and Jack had consistently refused to attend all mediation sessions until October of 2015, a day prior to them leaving for overseas, when they stated they were unwilling to participate in any mediation at all.

This document identifies Richard as soiling his pants throughout contact visits. That never did occur. Richard would always ask to go to the toilet and he was always very proud of himself for having used the toilet. If he soiled himself on the way home I would suggest this was an indication that he did not want to return to the placement with George and Jack.

This document identifies that they are settled and happy in day care, enjoy attending and day care has not raised any issues, yet early intervention/my direction reports identify that they were unsettled, they have temper tantrums they are unsettled and socially below average. The early intervention case worker stated that she has only spoken to once, and her continued recommendations for the twins, OT, Speech and counselling, were not followed up by George and Jack, or . They're now being followed up by Mary and Tom.

This document states that did an Out Of Home Care Assessment. do not do Out of Home Care Assessments. They do generate assessments and at the time several issues were raised in regards to the progress of the twins and they made recommendations along the same lines as early intervention. None of these were followed up.

This document also identifies that George and Jack have begun Life Story work, yet upon the change of placement no Life Story work accompanied the twins and when asked, George, Jack and the CS all stated there was no Life Story work.

This document identifies this placement as stable, permanent and possibly would afford the opportunity for adoption of the two younger children at a time when there were many ongoing and unaddressed issues.

This document also does not contain any report of John's placement, providing yet another confirmation that the focus for care was on the twins alone, while John was allocated a poor second focus on his care. Upon removal both George and Jack and CS proposed immediate separation of the sibling, George and Jack stating that they did not want John and were only interested in the twins. In addition to this, school reported behaviour from John that indicated he was in need of greater support than he was being given, yet this support was not provided and the behaviour was used as an excuse for George and Jack to preferentially reject John. In addition to this, the document submitted as part of the S82 is dated prior to final orders being made, and is future plans only. In no way does it report on the placement of John. Item 1 of this document was not supported by _____ or George and Jack, again neglecting the importance of the sibling relationship and John's emotional and psychological needs.

After much delay, and some strong advocacy by the birth family, the twins were eventually placed with Mary and Tom, reuniting the siblings, in April of 2016.

They arrived with half a laundry basket worth of clothes to share between them, plus some garbage bags full of clothes that were too small for them, some of which were clothes that Mary had bought for John when he was previously in her care.

Missing are important documents, such as Medicare Cards and Passports. George and Jack also refused to supply their booster seats or other belonging bought for the children, claiming them as belonging to the carers and not the children. As well as this, despite policy that states that children in care should receive pocket money to be placed in a bank account for them, and the fact that I myself have given the children pocket money to contribute to these accounts, there are no bank accounts and no money was sent with the children to their new placement.

Along with them came much documentation and information in regards to 3 years of medical neglect, emotional and psychological abuse and trauma suffered by all three children while in this placement. Referrals were made for OT, Speech Therapy and Counselling that were ignored. Upon arrival with Mary and Tom, Richard was ill and doctors examination revealed upper respiratory tract infection, both inner ears infected and tonsillitis that had been long standing enough for Richard to no longer feel the pain. He also had a persistent nasal discharge that throughout the intervening years the biological family had questioned to be told he only suffered this nasal discharge throughout contact visits. Documentation showed that he had consistently suffered this nasal discharge and apart from intermittent treatment with Rhino court there had been no examination to determine the cause while in the previous placement. Subsequent examination by an ENT revealed long term infection of the adenoids and Richard is set to have them operated on in September of 2016.

In addition to this, medical documentation states that George and Jack were "Mentally Distressed" by the placement, and the adults in this situation blamed a 7 year old child for this.

So I ask the question here: Why were these children not monitored adequately while in the care of these carers, and how is it that these carers are still authorised carers and still have another child in their care which they are preparing to adopt another child?

Despite recommendation by a recognised and court appointed clinical psychologist that I should have unsupervised access CS restricted my contact, (the maternal grandmother) to the children, forcing me in to the same supervised contact with my daughter. I do not have a criminal record, I do not use drugs or drink alcohol, I have a steady job, a mortgage, a car and I live an average life. My restriction is based on CS claim that I do not have any insight.

To this I say:

I was naïve:

I naively had faith in a system that does not deserve this faith. I naively thought that approaching CS in a reasonable manner to find out what issues they wanted my daughter to address would be thought of as a mother and grandmother willing to step up, work within a frame work in order to address the issues and see her daughter and her grandchildren safe and well. CS flatly refused to provide any form of framework and to this day has not offered a reasonable to adequate explanation of why the children were removed.

I then naively had faith that the truth would be the priority in court and that the courts would act accordingly. This did not happen.

I naively had faith that the best interests of the children would take priority over everything else. This has also proven to be untrue.

I naively believed the children would have adequate legal representation separate and apart from CS. At no time did these children receive adequate independent legal representation.

So I agree I did not have enough insight into the system.

Yet, conversely, as a Disability Support Worker, who works daily with challenging behaviours, is highly trained to observe and interpret behaviours and puts that in to practice, any observations I made in regards to the behaviours of my grandchildren were completely dismissed as invalid.

Neither CS nor has displayed an interest or care for the children placed in their responsibility.

Issues raised by the children themselves and spoken about throughout contact visits have consistently been ignored. For a period of more than a year Frank has unfailingly reported being assaulted and hurt, feeling alone and scared and not wanting to return to this home.

After his change of placement from George and Jack, John reported that he used to be locked in his room, and he was very unhappy in the placement. He often expressed fear for his

brothers, wanting them to live with him "so they don't get hurt anymore", and his treating present psychologist indicates that he is suppressing memories from his time living with George and Jack.

The school he attended reported that he presented as a neglected child while with George and Jack, never having anything new, not having enough food to last him the day, never having anyone attend his school assemblies, plays etc., and generally being a very unhappy child.

During this time he was with George and Jack, I became aware that John was being dropped at school between 0830am and 0840am, and left unsupervised in the playground for a period from thirty to forty minutes. I emailed CS to express my concern for this and the response from CS was that it was not happening, and even displayed a remarkable ignorance of the vulnerability this situation put John in. Documentation that came to light at a later date revealed that this was a routine event, and that John was not even permitted to know where his siblings were going throughout the day.

Upon the breakdown of the twins placement with George and Jack, despite the immediate availability of a suitable, and now present placement of all three children, [redacted] left the twins in this entirely unsuitable placement for another four months while they attempted to force the twins onto the paternal grandmother, a woman who had not been in the children's lives from birth. [redacted] initially ignored the importance of sibling placement for the paternal grandmother, who was not interested in having John in her home. Nor would she have given up her job, preferring instead to place them in long day care while she continued with her full time job, not getting home until 630pm, thereby not offering the twins a supportive placement, suitable for traumatised children. It was no more than a week prior to the planned placement date that this proposition fell apart.

Throughout this time [redacted] refused all and any attempts by myself to break through the communication barriers they had raised. They flatly refused to tell me what was happening with the twins and lied to me about the reason for the placement break down. I was informed the placement change was due to George and Jack's intention to relocate overseas, yet in court papers it was stated the breakdown was due to their inability to facilitate family and sibling contact.

The current situation for me is that [redacted] is attempting to deny me any contact due to my "mental instability" because I send, (*ranting?*) emails at 3am in the mornings. Of 47 emails I have sent one at 3:53am and one at 4:15am, the second in response to an email that I found in my inbox at 4:00am and it referred to a meeting set for 0930am that day. It is worth mentioning here that I am a shift worker and [redacted] is very aware of that fact. As such I am frequently up between the hours of 11pm and 9am while I am working. In addition to this, as a shift worker, I am frequently asleep during the day when other people are awake so it is more than reasonable that I send emails at odd hours of the day or night and it certainly is not a relevant or sound reason to deny these children contact with their "Nonna". It seems to me like a pretty desperate and inadequate excuse to cut me out of their lives and deny them the so important family connection they are entitled to by birthright and by law.

Yet, despite accusation of mental and emotional instability, [redacted] have refused to have me assessed and while attempting to find an independent clinical psychologist to conduct this assessment I found it difficult to do so as one of the psychologist informed me, that in child protection cases if the assessments do not reflect what child protection agencies wish, then no validation is placed in their assessments, the qualifications of the psychologist are questioned and their professional reputations are tarnished.

In my experience this claim is validated by the manner in which CS dismissed any professional reports that did not enhance their case, including claiming that Tracey was lying to them to gain positive progress reports.

As time progressed I found myself in more and more impossible situations. If I expressed any emotion at all then I was labelled emotionally unstable, if I didn't cry I was labelled as emotionally unavailable. If I expressed an opinion I was labelled as mentally unstable, if I didn't express an opinion I was labelled as disinterested.

If, throughout contact visits I sensed the children needed time solely with their mother and I gave them room to do so, I was labelled as uninvolved. Yet if I did fully participate I was labelled as interfering.

On the occasions that I noticed issues of concern I would email the CW after the visit with my observations. These were always dismissed as irrelevant even though some of those observations were of great concern. Yet I am accused of having no insight into child protection concern and I minimise the risk to the children.

All concerns raised by me have been summarily dismissed out of hand as irrelevant, but had the case worker listened just once, then perhaps John would not be deaf in one ear, or Richard would not be on the list for an operation to remove adenoids which have been infected for at least two years, or longer.

I applied to the children's court for parenting responsibility, and the court ruled that I would not work with CS, yet in two years of asking them to, CS refused to give me any conditions to meet or parameters to work within in order to satisfy them.

Likewise, [redacted] has consistently denied me information, and consistently refused to allow me to work with them.

When I raised a concern about Richard claiming that the carer had pushed Frank into the fire, the sum total of that investigation was that because the day care centre said he was not marked, there was no issue of concern. So from this I understand that [redacted] believes that it's OK for an adult to push a 5 year old around, as long as they do not leave marks. Yet, in their own document entitled "We Put Children First" it is stated that:

Physical assault – it's never ok to touch a child in a violent way. Physical assault includes hitting, kicking, pushing or throwing objects at a child.

It also states:

Ill-treatment – some types of unacceptable behaviour leave no obvious physical marks on a child, but can cause serious emotional or developmental damage. This includes (deliberately or otherwise) exacerbating an existing psychological condition, using degrading language or calling a child degrading names, cruelty or inhumane treatment.

Frank has reported that his bedtime story was how his “Nonna is a witch who is going to kill his (biological) Dad because they don’t need his (biological) Dad anymore.

I have not found that John, Frank or Richard's needs were ever put first in any decision made, including the decision to remove.

Rather than look at the truth, and examine the documentation the court ruled that I had offended CS and caused the carers discomfort, but neither of those rulings address the needs of the children.

I have played this constant game of guess what they want, and have felt on more than one occasion that I am in a relationship with an abusive psychopath.

So while I would like to acknowledge the need for child protective services and many working on the front line do an excellent job in a very stressful situation, and that the power to remove children under significant risk of harm is warranted I would also like to state that if social injustice and human rights violations are to be kept out of this system, then this autonomous power must be tempered with:

- **Accountability.**
- **Integrity.**
- **Compassion.**
- **Balance.**
- **Understanding.**

There is no place in child protection for:

- **Ego.**
- **Narcissism.**
- **Bullying.**
- **Dishonesty**

In addition to this, I ask what checks and balances are in place to ensure that Case Workers are making sound decisions based only on the risk to the children and what is in place to

eliminate the actions of CW's based on personal or vindictive motivations. I believe this is what happened in the case of my family. Upon John's restoration in December of 2011 the CW who ultimately removed the children in 2013 predicted that Tracey would not be able to meet the conditions and stated to one person that all three children would be removed. Where is the accountability for the CW?

If 15 people who had been involved with Tracey and her family, from both internal and external services, speak positively, record documentation of the same and make a real difference with this family, then how is it that one person can come along at the end of that period of time and, without any cause, just decide that the previous two years work has meant nothing.

I know CS would argue that there were issues that were not recorded, but if that really is the case, then I ask why not? Why, in all that time, was there no documentation of events and incidents and why, if there were issues, were they not raised with Tracey to give her the opportunity to address them, prior to the children being traumatised by removal and subsequent abuse while in care.

I find it hard to believe that 15 professional people would all miss or overlook significant risk factors that would warrant the removal of these children, while one person, new to the case, without even reading the documentation, would find such risks in such a relatively short time.

As this case worker has since been promoted to case manager, it seems that this type of bad behaviour is rewarded by promotion.

I also state that once a family is under notice of CS there is nowhere to go to for help and despite having so much documentation that contradicts the statements made by removing CW, I have been unable to have these issues addressed in any forum. In the meantime my grandchildren have still been emotionally, psychologically, medically and physically abused while in care and under the management of CS and .

In addition to this, while it was only one CW that took this action, it has now been perpetrated down the line so that her attitude has been infused into all dealings with subsequent bodies. It is my experience that although this extensive documentation does exist, it carries no weight in any of the afore mentioned forums and is completely ignored by those who do have the power to address the issues it raises.

On September 10th of 2015 I met with Minister Brad Hazzard, giving him much of this documentation, including documentation that stated there was no evidence of alcohol or drug use while the children were living in the biological home. Minister Brad Hazzard promised an investigation but in the nine months that has passed since there has been no further communication with me either from The Ministers Office, or any of his agents, despite constant requests. As of this date I have no confirmation that there was an investigation, and indeed the refusal to communicate with me suggests that Minister Hazzard has dismissed anything I had to say. I have no cause to have faith in Mr. Hazzard as a minister.

To sum up, I would like to say that it has been my experience that the imbalance of power that exists between Community Services and the families they become involved with, while at times may be necessary, served, at least in my case and I suspect in many other cases, to destroy rather than enhance the family.

While CS and NGO case workers are highly educated and very well trained professionals, they are, and always will be, dealing with people who are very much at a disadvantage.

Although I have never thought myself to be stupid, the actions taken by this particular case worker threw me into a world that I was unfamiliar with, had no understanding of how to negotiate and had no concept of my rights or the rights of my daughter and my grandsons. Initially I relied on what CS was telling me, had faith they knew what they were doing and trusted the process. That turned out to be my biggest mistake.

I recognise now that the element of shock played a big role in my responses to the situation. For a long time I could not reconcile with the fact that one person could actually believe that it was OK to act in such a manner to another human being, let alone completely disregard the emotional, psychological and physical safety of the children she was meant to be protecting. I kept thinking there must be more to this than I am being told, but no more information was forthcoming, especially from CS who viewed my consistent approaches as aggressive, and lacking insight.

Although I live a fairly average life and have never regarded myself as underprivileged, in this matter I was in that, while earning too much to qualify for Legal Aid, I could not afford the legal representation required to make a good case. I stumbled through representing myself, putting in many late nights and long days, reading through a file that was so personal it emotionally devastated me for a long time. I was unaware of my rights, the processes and procedures and made many mistakes along the way. Although I did initially trust what CS was telling me, I was soon to discover they only imparted information to me that they wanted to and that would give them even more advantage.

In addition to this, every step I made, every time I approached CS with intent to work with them, everything I said was turned to a negative and used against me in court.

I would also like to use this forum to address the issue of costs here.

A modest estimation for the total cost to the taxpayer for the period of two years from removal to court hearing is \$335,000.

(See Document G)

Add to this the ongoing cost of keeping these children in care, plus the medical costs to address John's ear, then this one case alone has diverted resources that could well have been used in a genuine case of ROSH.

In the introduction I mentioned that I am aware that my case is not an isolated case and given that, if another modest estimation of 100 other families having experienced similar circumstances as I have, then for the action alone of having children placed in the care of the Minister would cost the taxpayer in the vicinity of 33 Million Dollars. At a time when there is frequently public calls for more resources to be channelled into child protection, when it is stated that Case Workers are overworked and units are understaffed, would it not make more sense to divert funds spent in such unnecessary actions into those far more vulnerable children and families that need it.

SUGGESTIONS:

My experience has exposed four clear areas of concern that has profound and permanent impact on children, families and society in general. I would classify these areas as:

- The imbalance of power that is weighed heavily in favour of FACS and creates further disadvantage to families that are already disadvantaged:
- The manner in which Children's Court is conducted, including the lack of burden of proof and the secrecy in which these cases are conducted. While this secrecy serves the very important function of protecting the vulnerable children from being identified it also serves to protect the case workers whose presentations to the court are dishonest, and severely restricts birth families ability to seek help outside of the FACS system.
- While acknowledging that in my case there were several case workers that performed excellent work in dealing with this family, it took only one case worker to destroy all the work previously done by her co-workers, and her misuse of power, lack of investigation and misrepresentation to court has had far reaching and permanent impact on this family. A recruitment criterion needs to be addressed to prevent this type of case worker entering the system.
- The lack of supervision of foster carers, which leads to children in care being further traumatised by inadequate and untrained carers.

To redress this imbalance of power several processes could be implemented:

- Upon a family coming under notice of FACS those families should be immediately connected with an advocate that will take care of their rights, guide them through the process and ensure they are given the correct information.

- All meetings to be held by FACS with families to be audio recorded and that recording be made available to all parties at the conclusion of the meeting and be made available to the courts during the proceedings.
- Independent observers attend meetings conducted between FACS and families and these observers to be trained in court processes in order to be skilled enough to judge if those proceedings are being accurately observed throughout those meetings. *I.e. Tracey was informed that if she agreed that her children were in need of care and protection she would have a greater chance of restoration and this would also speed up the proceedings. That in fact was not true and by agreeing to this, FACS were not obliged to establish the need for care and protection.*
- That advocates for the family be present throughout meetings to ensure the rights of the children and the families are respected. That these advocates be trained well enough to be able to interpret and advise the families throughout the meetings to prevent the families' vulnerability being taken advantage of.

To address the manner in which the Children's Court of NSW is conducted.

- Burden of proof must be introduced in to legislation in such a manner that evidence of abuse and neglect must be tendered to the court.
- That an independent body be formed to oversee FACS to operations.
- That this body be charged with hearing complaints from the public and be able to investigate FACS operations even when the matter is before the courts.
- That the complaints made against FACS not be referred back to FACS for investigation.
- That this independent body supply observers in court proceedings to ensure that only facts are presented and that false claims and manipulations of the facts be weeded out of the system.

To address the issue of FACS caseworkers presenting false, misleading or manipulated evidence to court.

- Legislate that FACS staff cannot dispute or overrule or otherwise manipulate any reports made by the specialists or professionals that are much more highly qualified than FACS staff.
- To legislate that all requests for assessments be made to said professionals through the court, and only through the court to ensure that all relevant facts are presented to the specialists and no manipulation of the facts, false accusations or misleading statements be included in those requests for assessments.
- To legislate that FACS staff who do present misleading, false or manipulated evidence to court be prosecuted and disciplined to the full extent of the law as is with the case of perjury and contempt of court in other court proceedings.
- Limit the power of FACS staff to removing children that are only at risk of immediate and significant harm.

- To legislate that the removal of children without evidence of risk of harm be only done through the courts where FACS have to present the written evidence of why the children should be removed and that families have the opportunity to present to the court why they believe the children should remain in the home. This is to be done prior to the removal of the children.
- Parents are provided with equal and full legal representation that is afforded to FACS to redress the balance of power. While FACS is afforded unlimited representation, Legal Aid will only provide a limited amount of representation to birth families while facing these court actions.

Recruitment of FACS caseworkers:

- Caseworkers are recruited from the police force, whose members are highly trained in investigative skills, and who have a more realistic appreciation of the problems faced by the disadvantaged.
- More male caseworkers are recruited in order to break up the predominately female culture of FACS.
- Caseworkers undergo extensive psychological testing similar to those conducted on potential prison officers, to determine their suitability to make decisions that have such profound effects on children and their families.
- As a FACS front line worker myself, and having worked throughout the many and significant changes in the disability sector I have witnessed first-hand the resistance to change in the front line. Managers in FACS must be recruited from those that have understanding, enthusiasm and diligence for following new policies, changing expectations and new attitudes towards old issues.

Recruitment of carers:

- Legislate against public advertising for carers that will eliminate the ads on the back of shop-a-dockets, television, bill boards etc. and have the recruitment process focused more along the lines of job advertisements and have strict interview processes that ensure only those who are child focused get through the initial recruitment phase.
- The recruitment process of carers needs to be tightened up so that children are not placed with inadequate and unskilled carers, prior to these carers receiving the education required to increase their skills and be child focused.