

## **INQUIRY INTO CHILD PROTECTION**

**Name:** Ms Kelly Samways

**Date received:** 12 July 2016

---

Monday 27th June, 2016  
Child Protection Inquiry

My name is Kelly Samways and I have been a case manager in OOHC for over 7 years and also a long term foster carer. I would like to make a submission to the inquiry re child protection. I understand the inquiry is more general and covers a range of topics and any inquiry into making the system better is a good thing.

I would like to raise the topic of magistrates and the court system as this is a major issue within the system. Currently children are having to wait long periods of time before cases are being heard and children are having to wait in temporary placements. The child is then returned to parents, kincare placements or into long term foster care. I understand the latest push is to have children restored to birth families, unfortunately many times this is not possible and children are being shuffled back to parents, only to be removed again as parents are not competent and the children are put back with different carers, and are more damaged.

I would like to address the issue of long term orders and the amount of birth family contact that magistrates are giving birth parents. I have just been to a foster care forum and the overwhelming complaint by foster carers was the amount of birth family contact magistrates are giving birth families.

For a lot of foster carers monthly and bi monthly visits from birth families seem to be the latest norm handed down by magistrate's plus special occasion visits, including birthdays, christmas, mothers days, fathers days. This can work out to be up to 15 times a year that birth families are seeing their children. Many long term foster carers look at the children in their care as "one of their own" part of the family ect. How can a child settle into a family when so much contact is being given to birth families. Please note that foster children have long term orders until they are 18. Foster families enrol children into schools, include them in their greater family and many want to go on and adopt the child. How is the family supposed to get on with things when magistrates are making these kinds of arrangements.

There is no mandatory number of visits across the board that magistrate's have to give, it is getting ridiculous. I understand it is important for children to have birth family contact and for adoptive children to be in open adoptions but the frequency of the decisions that magistrates are making seems to be so out of touch with reality.

Please note by the time magistrates are making these decisions, Fac's and NGO's have worked with the birth families and have tried many times to help and direct to get birth families up to capacity before the court cases, yet still the families have been deemed not capable to have the children full time, then magistrates give these birth families massive amounts of contact.

I think there needs to be an overhaul in the court systems in regards to long term foster care contact decisions, at the very least there needs to be a mandatory across the board decision about birth family contact and the amount a birth family can have. I understand there is always special circumstances but 4 visits per year including special occasions, this can also include phone calls and letters.

The other issue in long term foster care is section 90's, this is where at any time during the long term fostering can parents apply to have the children back. This is very unsettling for

children and for foster carers. There needs to be a time limited option for birth families to be able to apply for this.

Children need to be given the opportunity to bond and attach with their new families and for many children under two, adoptions need to be the priority, and once again how can children be adopted into families yet birth families are seeing the children once a month, which seems to be very common.

### Some alternative Solutions

Mandatory 4 visits for birth families across the board, unless special circumstances

The decision for long term foster care be taken out of the court and magistrates a new panel system could replace this. The panel could be made up of Fac's, NGO's and child protection. It could still be a hearing, but this would rapidly increase the system so kids could be settled quicker and not be in temporary foster care for months on end.

The decision for birth family contact in open adoptions be made by the adoptive family. The adoptive family makes all the other decisions for the child, so why wouldn't the amount of birth family contact be made by them also.

Section 90's be a time limited option in long term foster carer, (only an option for the first 3 months) this gives the child and the foster carers a sense of settledness. That the parents can't at any time apply to have the kids back.

Thanks for taking the time to read this submission, I have tried to make it short and to the point, so I have not included research, but hope to have bought some new ideas and thoughts. I would be happy to discuss anything further.

Kind regards  
Kelly Samways