

## INQUIRY INTO CHILD PROTECTION

**Name:** Name suppressed

**Date received:** 12 July 2016

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Partially  
Confidential

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3rd July 2016

**The Director**

General Purpose Standing Committee No.2  
Legislative Council, Parliament House  
Macquarie Street, Sydney NSW 2000

Dear Members of the GPSC2,

For the purposes of this submission, I would like to reflect on the following articles from ratified United Nations treaties:

- The Convention on the Rights of the Child states that **“the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.”**
- The Convention on the Rights of Persons with Disabilities (Article 23.4) states that **“In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.”**
- The Universal Declaration of Human Rights (Article 16.3) states that **“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”**
- In addition, the Universal Declaration of Human Rights (Article 19) states that **“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”**

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## Background:

A full account of our history is included with this submission, but is summarised below:

- My wife has quite significant Adult ADHD. She was on the disability pension when I met her. Having been forced to separate, she is again on the disability pension. I would regard the significant nature of her condition a disability.
- In 2010, the department became involved due to my eldest son (then 10) claiming he had been hit all over his body and bitten by his step mother. The department entered and found the house in a messy state (as is symptomatic of ADHD). We cleaned it up, they offered some services to assist, but were very aggressive towards us and our existing social worker so we made a complaint. Then began a 3 month campaign of bullying and harassment until my wife expressed that she felt like killing herself, whereupon she was whisked off to hospital and the children were removed.
- During their time in out-of-home care, our daughter (then 2 almost 3), developed separation anxiety as a result of wanting to return home with us but not being allowed to. Upon her return in 2011, she refused to separate, sleep, say please/thank-you, or toilet train. She also found learning difficult, whereas before she seemed quite intelligent. These issues are still the same in 2016, such that she is still in nappies at the age of 8, and has been quoted as functioning at a kindergarten level.
- In 2015, the department again became involved and found the house in a messy state (as is symptomatic of ADHD). My wife had no choice but to remove herself from the house to prevent the children from being taken into care. The department supported me in looking after the children and I did quite well (to which they would agree). However, when they found out that I did not agree with them over the cause of trauma, they forced a reduction in contact with the mother against my will, thus exacerbating my daughter's separation anxiety. Many complaints were made and subsequently ignored such that in the end I felt that I had no choice but to bring the mother back into the house.
- They assigned us to a parenting capacity assessment. It soon became clear that the assessor had previously worked for the very same department with which we were dealing and it seemed as if it were ploy to scapegoat my wife in accordance with their position. I ceased the assessment, made further formal complaints, which were

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then fed back to the manager in question and the children were removed.

- The matter is currently in court. No mention has been made of the departments conduct or misrepresentation of the facts. The children are still in out-of-home care. Our daughter still cries and screams after she is ripped away from her mother at the end of contact. Our youngest daughter (newborn in 2010, now 5) is reported to be sleeping too much and not wanting to play or get out of bed, to the point where they had to test her blood to see if she had any vitamin deficiencies rather than see the obvious that she is depressed as a result of being separated from her primary attachments.

### **Key issues:**

- **Impact of forced separation from primary attachments on children**
  - I had hoped that our eldest daughter's separation anxiety was unique, but as this now appears not to be the case, I am concerned that current child protection ideology does not address the emotional and psychological impact a forced removal has on the child. In fact, as it would appear that the children were removed as a direct result of my complaint, it seems as if any suggestion that a child is impacted by removal is deliberately suppressed. To get the children back, they have requested that I see a psychologist until I agree with their view.
  - I don't see how removing a child can be considered an appropriate response to a complaints resolution process, nor is removing a child to punish the parents for insubordination (ie, standing up for oneself) as I felt has often been the case.
  - Consider the impact of The Stolen Generation and current Forgotten Australians. Except in cases of active and actual abuse (or deliberate and systematic neglect), is separating a child from its primary attachment ever going to be good thing?
  - There is no mention in the Bible of removing a child from its parent. Given the emphasis God has placed on family, even sacrificing His own Son so that the human family can be reconciled to His family, surely he has placed the concept of family in the hearts of men and the attachment that a child feels for its parent (and vice versa) is more than just emotion. It is an integral part of being human, with all its failings, and to break it is to go against what God has ordained. There is mention of a man and woman separating for a time with the aim of coming back together. This might prove to be a more

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prudent way of dealing with a problem where the circumstance permits.

- The greatest harm done to our children has been as a result of departmental intervention. They claim I am minimising and have no insight, but that is not the case. I am just telling the truth. I am not saying we don't have problems - we most certainly do, but it has either been managed one way or another, or the impact on the children has been limited. Either way, the most significant harm has been a direct result of the children being removed. It may be because our case is misrepresentative of the norm, or it may be that all children suffer the same. I would be interested to see the results of an inquiry into this.

- **Lack of emphasis on preservation of the family**

- Some support was provided to assist with my single parenting, but nothing compared to what was provided to the current foster carer. The primary and most helpful support offered to me was cancelled in early 2016. You can see the difference in my proposed Parent Support Plan, included with this submission.
- The department refused to take into consideration my daughter's diagnosis which had been established by multiple psychologists, instead preferring to blame my wife (with myself complicit) for her difficulties. They excluded any professional who would not hold their view and prevented us from seeking independent advice, instead removing the children to maintain their control.
- The department has consistently refused to accept my wife's diagnosis and recognise the need for her to be supported in her parenting or the children's attachment to her.
- Everything that the department does, all their policies and practices, even their complaints resolution process is all designed to maximise their power over vulnerable parents, who are vilified and bullied without consideration for their humanity. When one is forced to battle against this obvious abuse of power and violation of their basic human right to live without fear, they are punished, humiliated and degraded through the forced removal of their children. The family is never the same. The children are never the same. Everyone suffers. There is no benefit. The Systematic Destruction of Struggling Families must come to an end. There has to be a better way to solve the problem.

- **Lack of transparency/Accountability**

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- There is no oversight of the policies and practices of this government agency. Any organisation or government with power will seek to grow in power without even being aware of it. This is why we have elections, terms of office, rules around public visibility, corporate and government regulations, etc, however this government agency has no such thing in place. In fact, whereas the Police has an independent Integrity Commission, and even the ICAC has an independent Inspector, FACS only has an internal complaints line which feeds directly back to the manager about whom the complaint has been made, opening the door to abuse of power and removing the children as “punishment”.
  - Despite being referred via their website to the Anti-Discrimination Board and ICAC, neither of these organisations has any jurisdiction to act.
  - The department is protected by law, ie, no charges can be brought against them for incompetence or negligence (or more accurately the law makes it not worthwhile for anyone to pursue it).
  - There is no legal aid support for anyone until their children are removed (which is then too late because the children are already emotionally and psychologically damaged, which will remain with them for the rest of their life).
  - If anyone disagrees with the department they are treated as having no insight into the needs of children (whereupon after a campaign of bullying and harassment, their children are removed).
  - **Attitudes towards parents and family**
    - I have often found that the battle I face trying to get the department to meet the psychological and emotional needs of my children exhausting. I don't know if it's because they regard me as stupid, lying or having no insight into my children; or if it's because they regard themselves as having supreme authority and anyone who challenges it obviously doesn't know what they're talking about.
    - I have to make constant complaints about the conduct of the department because they seem completely unable to maintain honesty, integrity and transparency in their dealings with me. These complaints invariably lead to the removal of the children, but given the lack of accountability and transparently, there is no one else willing to act on the children's behalf.

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- I find that as soon as we get to court, none of their behaviour is addressed, as the court only deals with issues that are relevant to the child. It should be that my experience of the department before court should be same as the issues being dealt with by the court, rather than them picking on trivialities and clouding the issues with which we need help. They constantly refuse to provide a list of issues, instead preferring to rely on speculation and assumption to make their case. I feel that in both 2010 and 2016 if they had just worked with me instead of against me, the children would have suffered less trauma.
  - Because there is no restraint on the conduct of these workers, it appears that all they need to do is cause an issue to justify court action. Therefore it is in their best interest to bully and harass, or misrepresent the truth, or oppose rather than work with so when the parent reacts, or things go wrong they can get it to court. The only question I have is why? If they truly cared about or acted in the best interests of the children, they should seek the exact truth and work with a family to achieve the best possible outcome. Being adversarial and oppositional is counter-productive and damaging to everyone involved (except for themselves it would appear - maybe it is helpful for their career? Certainly the more unpleasant ones are higher in rank than the ones who are more rational and objective).

### **Recommendations:**

- Ultimately, I would like to see a system in which no child is removed. Instead, inject whatever services are required to maintain placement with the parents (or current primary attachment).
  - The provision of in-home care worked very well for us and was probably the only service that provided some benefit. However, the primary role of any in-home carer should never be to care for the children. It must be to assist the parent to parent effectively. This in-home “assistant” therefore should be able to help with a wide range of matters, including home organisation, transport, etc, rather than just child-minding as this will help to prevent the parent’s capacity to parent from “slipping” and help them to build on their strengths. Over time it might become clear what other services are required or will assist.
  - The current emphasis on perceived “parenting capacity” and “insight into the needs of children” and/or “minimising of child

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protection concerns”, really means one has to agree with the department (even if they’re wrong) or one loses their children. I would regard this as a violation of Article 19 of the Universal Declaration of Human Rights.

- With an in-home assistant (full time or otherwise), this “need” to agree with the department is removed as there is effectively in-house “supervision” and/or “assessment” taking place.
- It should not matter if a parent requires this service full-time or long-term. If that is what is required, then as a society that has chosen to support the disabled and those in need, then that is what should be provided.
- The cost of in-home care, especially when multiple children are involved is substantially less than what is currently required per child for foster care placement!
- If a removal might be required, NO child should be removed without going through a court process first so both sides can be properly examined before irreparable damage is done to the child
  - If there is an immediate risk of (significant) harm, then the child should be able to be removed for a VERY short time whilst the in-home service is being put in place or the problem is being solved.
  - Or, if there is risk of a perpetrator of actual abuse, then that perpetrator should be removed so the rest of the family has time and space to recover or the truth can be figured out BEFORE the child’s attachment is threatened. BUT the children and the remaining parent should always be listened to and their view sought after, rather than being determined by the department. The desired concept of “the family” by those who remain should always be sought (with support) and not be interfered with by the government.
- There MUST be provided a social worker, advocate or consistent Legal Aid representative from the moment the department becomes involved. Since the department is not able, this person could then explain to the parents what the problem is and what needs to happen to fix it, or if it is not possible to fix due to disability, how it can be properly managed to appease the department. In this way, there will be no more childhood trauma over silly things, like disagreeing with the department or standing up for oneself or others by making a complaint.
- There MUST be established a truly independent body to ensure that the Convention on the Rights of the Child is properly and appropriately applied and all the bullying and harassment that cloud



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the real issues are removed. There needs to be somewhere where parents can go to ensure their case workers are conducting themselves appropriately. The damage done to the child is too great when something goes wrong because of their consistent and ongoing inability to work with parents.

- There should exist VERY clear guidelines about what constitutes adequate parenting and for what reasons a child can be removed rather than the current subjective arrangement. This should be presented to parents and solutions explored for fixing the problem, rather than the current approach of interrogation, blame, guilty before proven innocent approach that appears so prevalent within this agency.
- Above all else, they should listen to the children and what they are saying. They shouldn't be manipulated through clever interview techniques to support the department's agenda. Seek to understand what the children want and seek to accommodate their requests. If the children want to be with their mother, then all efforts should be made to support it. That's what I did and the children were removed.
- To change the culture of the organisation, instead of being rewarded for the destruction of a struggling household, they need to have a meeting after each removal and ask the question, "What could we have done differently to prevent this child from coming into care?"

### **Conclusion:**

Removing a child from its primary attachment causes significant psychological and emotional harm which impacts the child (and parent) for life. It is not accepted by current departmental ideology and is actively suppressed where it is found. This is not acceptable and needs to change.

The overwhelming & unregulated power that this government agency has over vulnerable members of the community is obscene. What they do with those powers is abuse and violates the basic human rights of the child (and the parent). Laws should be such that it should not even be possible for this to occur.

As a family, we have suffered much at the hands of the department, the children especially. There is nothing that can be done about that now, but at least we can prevent significant harm from being done to other children when they are ripped out by their roots.

There is a better way. Solve problems in our community instead of creating them. Change this government department from a seek & destroy facility into a search & rescue operation. Keep families together as a priority, not just in word, but also in practise.

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Good luck.

Sincerely,