

INQUIRY INTO CHILD PROTECTION

Name: Name suppressed
Date received: 27 September 2016

Partially
Confidential

Dear Ms Dunn and Committee Members:

I regret for the delay in making submissions to the committee, literally on the last day of sessions, but I was only made aware of its existence two days ago by a friend. I am a foster carer with Family and Community Services and have fostered a sibling group of seven children from the same mother, two different fathers since April 2006 to date. Two since have been discharged from the care of the Minister since turning 18. These two older children have aboriginal heritage.

BACKGROUND

I am now a full time foster carer seeking full guardianship of the five younger children in my care. Our family is united, strong, loving and tight knit unit, and ongoing harassment, intimidation and disruptions

by FACS to our family unit, and in particular in relation to the welfare and well being of child 2, warrant for me to seek full guardianship.

The family consists of the following members:

Child one, (1) born on the . She came into care at age 8 suffering from severe PTSD, bulimia, anorexia, depression, and had been severely neglected and abused since birth. She is now 19 and has given me permission to make submissions which contain details of her experience in care and with FACS.

Child two, (2) born on the was in my care from age 7-14, was removed following a false allegation made against her, and placed in the care of FACS and later an NGO She suffered severe PTSD, epilepsy, and several other behavioural issues. She has given me permission to provide you with her personal details. When removed from my care, she was at the height of her recovery and her therapist was horrified when she was removed.

Child three. (3) born on the currently attends a private school fully paid by me and is in year 7. She is a well adjusted child and has a great future ahead of her.

Child four, (4) born on the attends a private school funded by me and is in year 6. She is well adjusted, intelligent and has a great future ahead of her.

Child five, (5) born on the attends a special support unit within a public primary school. She suffers from a syndrome which make her be dependant of care for life.

Child six, (6) is the twin of child 5, attends a public school and is in year four. He is well adjusted and happy, and has a passion for building.

Child seven, (7) was born on the _____ suffers from Alcohol Fetal Syndrome and is in year two at a private school funded by me. He has made great progress since attending his current school, and has gone from being diagnosed with severe development delay, to being a totally normal, happy, well adjusted and sociable little boy.

Each and every child in my care has suffered trauma at the hands of FACS in addition to that suffered at the hands of birth family members and associated persons.

I personally have suffered pain and suffering and trauma as a result of FACS actions over the years but in particular their actions on the _____ when they sought to remove the children from my care, and they would have succeeded had it not been for my immediate instinctive reaction of driving to the Supreme Court of NSW, and stopping their actions.

The public in general, has suffered great financial loss as a result of choices made by FACS over the years. I calculate they have lost in excess of a quarter of a million dollars in legal fees.

At a time when I was prepared to care for the children and devote all my time and attention to their wellbeing, that money should have best been spent in supporting me and other carers in caring for children.

Since coming into my care, the children have experienced nothing but love and affection and the best possible parenting from myself.

EXPERIENCE OF TRAUMA BY EACH CHILD

Child 1 had experienced great trauma prior to coming into care.

Since coming into care, FACS exposed her to the following:

-a JIRT investigation conducted in respect of her maternal uncle's sexual abuse spanning over many years was so badly conducted that no

charges were laid. Knowing that he was out free and mixing with her many cousins caused her anxiety and pain.

-a DNA test on paternity of her birth father was delayed for a one and half year period in spite of her therapist informing FACS this was causing her great anxiety.

-the separation at birth from her youngest seventh brother caused her pain and suffering at not having him with her and the fear he may be placed long time in the care of someone else and not with her and her five other siblings. No proper efforts were made by FACS to place the baby with our family from birth in spite of my notifying them since the birth mother fell pregnant that our family wanted the care of the baby.

-from 2008-to mid 2010 child 1 was subjected to court processes during proceedings for the care of child 7 instigated by me during which time assessments and other disruptions occurred.

-from 2011-2012, FACS subjected the family to great disruptions and harassed Child 1 a number of times by lying to her, by her listening to a conversation which caused her pain when a case manager did not hang up the phone properly, by coming to our house when she was alone in the house and insisting in her giving access when she refused it amongst others.

-in 2013, to be precise July, FACS, without prior preparation, assessment, consultation with her therapist, sought to take her and her siblings from my care by using force, and such was her trauma, that she sank into a deep depression for months which prevented her from studying and functioning on a daily basis. For many months she had to have therapy counselling at a time when she had not needed it for many months prior. As a result she experienced severe anxiety, depression, PTSD, and to this date has needed on going therapy.

-FACS failed to provide her with continuity of care vis a vis having had multiple case workers over the years, too many to count.

CHILD 2.

-suffered severe trauma prior to coming into my care. This included long term sexual abuse by more than one perpetrator, rape, physical and emotional abuse and neglect.

-a JIRT investigation on the long term sexual abuse by an uncle did not result in charges being laid.

-in spite of evidence of long term physical abuse by her birth mother and step father, no charges were ever laid.

-in spite of evidence of the child being raped at a tender age by her mother's boyfriend's father, no charges were ever laid. The mother failed to report the incident at the time but later admitted being aware of the abuse, yet no recognition of the event nor an apology to the child has been requested. The perpetrator is still at large.

-a behaviour management plan prepared by an NGO and FACS jointly without consultation with the child, her psychologist or myself imposed restrictions on the child which according to her psychologist caused her harm. FACS ignored her psychologist advise and insisted on it being implemented. This included locking the child in her room at nights, placing locks in her windows, treating her as a child sex offended when she only offended before turning 10 and not after.

-she was removed from a loving, caring, supporting family unit with myself and her siblings, and sent to:

a) a house with her siblings grandparents who gambled and taught her to gamble and go to clubs, alienated her from her family and encouraged her instead to mix with her ICE addicted birth mother and

ICE addicted father both of whom caused her harm, and stopped her from having contact with us fact which caused her to become suicidal.

b) when she ran away to us, FACS sent the police, and sought to remove her siblings from me with the excuse she posed a threat to her siblings though enough evidence existed to the contrary and I had given a written undertaking she would be fully supervised by me while assessments were undertaken and decisions made.

c) when removed again from me and forced to return to FACS care, she was placed with her father whom FACS knew was using at the time and who lived with his elderly parents. Ample evidence suggested this was a detrimental placement.

d) when this placement broke down within a short period, she was placed with an aunt who lived close to the perpetrator of many years of sexual abuse of children 1,2,3 and possibly 4. Child 2 was exposed to this perpetrator with FACS knowledge, and such was her fear and anxiety that to cope with having to face him almost daily she was forced by birth family members to withdraw the allegations she had made against him and this caused her emotional and psychological harm.

e) when that placement broke down within three or so months, she was placed with several other carers all for short periods of time, and in a brief period of four years she had a total of around 11 placements and 21 case workers.

f) when court clinicians suggested her removal from my care had caused her severe harm, FACS failed to take steps to reinstate her into our family unit and instead perpetuated a series of lies which birth family members had forced her to tell about me and which were total fabrications. Having been forced to fabricate lies about her placement with me caused her emotional harm as she knew them to be untruths.

g) FACS and later encouraged her to have unlimited and unsupervised contact to her birth mother and family, all of whom have dependencies, high levels of child abuse, teenage pregnancy, substance abuse, violence, and dysfunction are the order of the day, She has followed this path herself having been encouraged by both FACS and case workers to have follow this path contrary to the advice of court clinicians and psychologists who expressed grave concern for her long term well being if she was not restored to our family unit.

h) the message sent to this child that the several perpetrators who sexually abused her as a child are all free and none have been charged, has caused her trauma. She was sexually interfered with by her biological father, step father, her mother's boyfriend's father, and she also accused her birth mother of interfering with her. She later alleged she was raped while in the care of her siblings grandparents and sexually and physically abused while in the youth residence ran by and into which she was placed from 20014 until she turned 18. While in that youth residence she was introduced to alcohol, smoking and drug use by other young people residing there.

i) she ran away several times, around four times back to my care, and each time the police was sent and she was forcefully taken back to FACS care.

j) in Children's Court proceedings for her care which concluded in 2014, about four weeks prior to the final hearing, this child was told the following words by her then case worker:

if you say in court that you want to live with your foster mum, (me), we, FACS, will remove your siblings from her care."

The child was forced to say she did not want to return to my care which resulted in the presiding judge having to consider her then expressed wishes under duress and she remained in the care of FACS.

k) the child continued to deteriorate while in FACS care, developed a series of mental health issues and illnesses she did not have while in my care, which included severe depression, anxiety, bi polar tendencies, personality disorders, suicidal tendencies.

l) her therapist of four years was concerned she may be suffering from Stockholm Syndrome following her removal from me but this was not properly investigated. FACS instead insisted in her being treated for an alleged abuse while in my care which never took place. This justified their actions in having removed her in my view and now the view of other experts.

m) FACS insistence to this date that she is a threat to her siblings when there is no evidence that this child perpetrated over the years, causes her harm. FACS has allowed her to reside with other much younger children, placed her in an institution with _____ where she was the oldest and she lived with 11, 12, 13 year old girls, yet the message she posed a threat of sexual harm to her siblings not other young people have caused her pain and suffering and severe harm.

m) alienation from myself when in the words of her therapist "her foster carer has become her rock" has caused her harm. This alienation continues to this date.

THE FIVE YOUNGER CHILDREN

Experienced pain and suffering when their much loved sibling was removed from the family unit without preparation or warning. For years they expressed missing their sibling and expressed concern about the life into which she was exposed.

They experienced trauma on the day their sibling returned to our home and FACS sought to remove them from my care when the attachment to me was very strong and they had been with me

practically since birth with child 3 coming to my care at age 2 ½ child 4 at 1, child five at ten months from hospital, child six at age three months and child seven at age 1 ½.

They experienced a disruption to their studies and education when they learned FACS had gone to their schools seeking to remove them from my care.

FACS sought to break a strong attachment and a totally functional family unit where the children were thriving and doing well.

TRAUMA CAUSED TO ME

Prior to me becoming a foster carer, I was a solicitor for close to twenty years, family mediator, and real estate agent.

If FACS in my opinion were not doing what was in the best interest of the children, I would tell them in writing. I have been told by two case workers over the years: "the Department does not know how to handle you." And on another instance "the Department is not used to carers who have the capacity to sue as you do."

I have been a single foster mother of first four highly traumatised girls, then twins one with a severe disability joined the family, then the seventh was born and I had to sue to ensure he was not separated.

Now that the two older ones have become adults, the younger children have grown, I face yet another battle to get the care of what I consider my grandchild, the child of child 2, who FACS will no doubt seek to remove from her.

Some of the allegations I put in writing against FACS over the years:

-to a case manager: "I gave you written views which you had no right to not place on file because they disagreed with you. It is not right to be selective as to what information goes on file. Your job is to ensure

all material I present you with about the children is placed on files.” This case manager had not placed a report by me on file as it criticised her.

-it is negligent of FACS to separate the seventh baby from his siblings. It ought to support me in my efforts to get his care, and comply with its obligation to ensure he grows up with his siblings not with strangers.

-FACS has not taken all necessary steps to ensure the seventh baby remains with his siblings, and he could one day allege negligence against them for not doing so.

-FACS and JIRT did not do a good job in investigating the allegations of sexual abuse of an uncle by the two older girls. Instead, they believed the perpetrator!! File notes of the JIRT investigations are pathetically poor and indicate this to be true.

-FACS did not give the children the message that domestic violence is not acceptable, when birth family members who hit the children with wooden spoons, metal sticks, threw them down stairs, hit their heads against walls and toilet basins, exposed them to violence, were not admonished for their actions.

-FACS should support me as carer, not encourage as they did, the making of false and misleading reports none of which were substantiated.

-FACS did not pay me appropriate carer allowances for child 2 who needed constant supervision and was a very high needs child. No extra supports were given to that child nor to myself as her carer.

-FACS was negligent in not supporting child 1 by acknowledging they believed her allegations against her uncle. Instead they gave her the message that the birth family preferred that as the uncle had not been charged, then no abuse took place, therefore she must be lying. This

caused her and to this day has caused her pain and suffering. FACS ought to have recognised their inability to properly prosecute a perpetrator which the evidence indicates abused the three older girls.

-FACS was negligent in over assessing our family. It is a well known fact if you speak out against them, they will retaliate by over assessing you and seeking to find some mental health issue or faults in the placement. We were as a family assessed on average of one and half times per year with the excuse that I had applied for another child, or the mother had filed a S 90, or I filed for the care of child 8. Such over assessing was not good for the children or myself and could have been prevented or minimised.

-FACS misrepresented again and again actual facts. They would enter details in their file memos more designed to cover their tracks than to reflect the truth. Given I constantly accused them of negligence, they did an excellent job of demonising me and purporting there were faults in the placement. Time and time again over the years I had to resort to the unusual method of getting independent evidence often under oath to prove they were telling untruths.

-they withdrew my carer plus on allowance for a child with a severe disability and ignored my appeals to reinstate it. The case worker who took this measure had not like me giving evidence that I was concerned about child 2 residing in _____ where ICE is rampant, and she (the case worker) lived in that area. I found myself with an allowance drastically reduced as a result.

-when the management of the files was transferred to an NGO for an eight month period and they insisted on a very damaging Behaviour Management Plan for child 2, I refused to sign the BMP based on the child's medical team telling me in writing this was not in her interest. FACS was forcing me to sign it and I told them they were negligent

and the child's psychologist had said so. I asked for some changes and their response was to allow the NGO not to proceed with the contract.

-when the NGO withdrew from managing the files, I suffered great financial loss and lost my house as a result. Their allowance was much greater than FACS. In view of this I had purchased in trust for the children a bigger home. When the NGO withdrew after they were accused by child 2's psychologist of negligence, I was no able to maintain my mortgage repayments and I loss over \$500,000.

-when I asked FACS to support me in my application to retain the NGO as they had breached their statutory obligations to provide the children with continuity of care, they failed to do so and instead supported the NGO who by then gave unsatisfactory excuses as to why they were withdrawing.

-during prolonged court proceedings I accused FACS of in effect perjury as they would twist and change facts more designed to cover their tracks, than to put the children's interest first. Often they would not present evidence that should have been presented, instead always seeking to focus on me and making me look bad as I dared challenge their ways. This is all in court transcripts.

-when I challenged their decisions, I would be portrayed as not willing to work well with them, when in fact an examination of the children's files will show I always responded promptly to all communications, provided them with reports on children's progresses, attended to all appointments needed, attended to all meetings, and went over and above my duty to ensure they were well informed and engaged.

-I had to sue FACS to keep child 7 with the family, to seek to retain the NGO but I erred in this case by not getting legal advice, to keep the children in my care on the day they tried to remove them, to take the children on a well deserved holiday when they suffered trauma at FACS hands, to try and keep the care of child 2, to force them to

respect the children's wishes to use my surname, to force them to allow me to send the children to private schools when they were refusing though I was paying, and more.

-I did not get any respite whatsoever for a nine year period. A single mother with seven children all with high needs, and not respite offered!! It was only in 2015 when there was a change of office from
(which office caused me the majority of the heartache) to
that I was granted respite by way of support in
allowing me a trip overseas. I must add my experience with the
office of FACS has been very positive, not so with

-I could add other important points but given the lateness of the submissions I am not able to do so at this point.

CONCLUSION

Foster carers need more supports. While the children and I have been lucky that I was able to turn to litigation to force the Minister to put the children's interest first, this luxury is not available to many children or carers.

FACS has to be more accountable in their decisions. They sought to disrupt attachments of seven children without basis or foundation. The one child who they succeeded in disrupting the attachment is the only child, now an adult, not doing well.

FACS in my opinion seeks to cover their errors by falsifying information in file memos, reports and court documents seeking to demonise those who speak against them,

FACS will harass those who speak against them by seeking or alleging they have mental health issues. I was forced to undertake more than one psychiatric assessment in the hope they could find something

wrong with me. Luckily this was not the case as I do not have mental health issues.

FACS totally ignored crucial medical evidence given by not one but several expert witnesses in the Children's Court in relation to child 2, and continued to separate her from our family. As a result the child continued to experience psychological, emotional and social harm. FACS encouraged the child to be alienated from her family and now this child has put in writing that FACS and _____ encouraged her to be alienated for years and make false accusations against me,

Child two in recent months has in effect reinstated regular contact with our family, and has made great progress including stopping self harming.

FACS traumatised the children in my care and myself without basis or foundation, and their actions continue to cause harm as the children have recovered from their trauma largely but still express anxiety at they coming to take them from their family as they sought to do in July 2013 and as they did to one of their siblings, child 2.

It is my personal view FACS and the child protection system needs immediate reform. Children must be protected from harm and abuse at a much earlier stage, drug addicted, mentally ill and alcoholic parents must understand children should be immediately removed. Carers must be more supported and Legal Aid should be made available to carers to be able to protect themselves and the children in their care better.

The Child Protection System should be federalised, and more efforts made by the Federal Government to protect our children from abuse.

Children should not be moved from foster carers as they currently are, without preparation, the advice of experts, without better options open to go to. My children were going to be separated and sent to

worse conditions had FACS been successful in taking them from me as they tried to do.

The court system should be amended so there are more mediation facilities and emphasis on conciliatory processes.

Many times I would attend court, and would face legal representatives for birth parents, FACS, yet I, the carer, did not qualify for legal aid and had to represent myself. I still at times needed legal advice and it cost me thousands of dollars to fight to keep my children together, in good schools, even had to litigate to take them on a much needed well deserved trip. I had to fight a Section 90 for restoration by the mother, and later learned much to my horror, that the same case manager who had caused our family such trauma, had advised her to do so at a time when she was still using ICE and was unable to care for the children.

It is my view the State Government should assist foster carers with cheap housing loans, as it is difficult and challenging for many carers to become full time parents without an income and yet pay mortgages at a high interest rate. Carer allowance is to be spent on the children and is not designed to assist with housing expenses such mortgage payments.

I would be happy to testify if not in this Committee in future Committees. I would be happy to provide further information should the Committee require it, and I am informed by child 1 and child 2 they would be happy to participate and make their own submissions should the need arise.

Kind regards