



Sisters Inside Inc.

326 Montague Road West End, Q4101
PO Box 3407 South Brisbane, Q4101
07 38445066

Sisters Inside
Submission #2
12 December 2012

The following are the core principles of the Child Protection Act 1999 in relation to child protection are:

- the welfare and best interests of the child are paramount
- the preferred way of ensuring a child's welfare is through support of the child's family
- intervention is not to exceed the level necessary to protect the child
- family participation in planning and decision making for children
- consultation with Aboriginal and Torres Strait Islander agencies in decision-making regarding Aboriginal and Torres Strait Islander children
- children and families have a right to information
- services are to be culturally appropriate
- coordination, consultation and collaboration with families, other professionals, agencies and the community
- accountability of the department.

This is the legal framework guiding the Department of Child Safety in child protection.

Sisters Inside has worked with many criminalised women over the period of its existence around the issues they need to resolve in order to move forward to healthy and satisfying lives for themselves and their children. A central issue for many women has been their interaction with the department of Child Safety. Although sometimes the relationship between the women with whom we work and the Child Safety Officers they are involved with has been one of mutual cooperation in seeking the best outcomes for the children and their mother, frequently this has not been so. Women have come to regard Child safety Officers as adversaries, attempting to separate them from their children rather than allies in establishing a safe environment for their families.

Since the announcement of this Commission of Inquiry, we have spoken to women with whom we are currently working or with whom we retain contact about the objectives of the Inquiry, and whether they would like to describe their interactions with the Department. Some have said that they would be happy to do so. Others have said that, although they would like to, there were impediments to their being able to do so. These included fears that their participation might invite



Sisters Inside Inc.

326 Montague Road West End, Q4101
PO Box 3407 South Brisbane, Q4101
07 38445066

further intervention by the Department into matters that had been considered completed; fear that current interactions with the Department would be adversely impacted by their involvement; the fact that some of the women are currently in prison and therefore have no access to the Commission; and the fact that some women, including some who have had very bad interactions with the Department have moved interstate, and we are no longer in contact with them.

This being so, Sisters Inside is submitting to the Commission of Inquiry, an outline of some of the issues we, and the women with whom we have been working, have encountered. These include:

- Children being taken into care with little or no effort by authorities to provide support for the family in the home. Although removal of the child is said to be an intervention of last resort, our experience has been that this is not always so. Children have been taken into care because it is the view of the Child Safety Officer involved that their accommodation is inadequate, without assisting the family to find accommodation that would be more suitable. Similarly children have been taken into care because of irregular school attendance, with no attempt being made to understand the reason for the irregularity and to address the underlying issues.
- On some occasions, children have been taken into care from birth, in spite of there being no history of child abuse or neglect; sometimes, indeed, it has been a woman's first child who has been taken into care, so she has had no opportunity to demonstrate that she can provide a safe and happy environment for her children, or the contrary.
- When children have been born to women currently serving terms of imprisonment, and that prison has no vacancy for the baby to reside with its mother in prison, the child is placed into foster care. Sometimes, when this happens, women want to express breast milk to be delivered to the baby in its foster home. Often the response of the Department to such requests is to say that they have inadequate resources to facilitate this.
- When women try to retrieve their children from foster care, they often find that the standards they need to achieve in order to get their children back are more rigorous than the standards required to pertain in the foster home. For instance, a child in a foster family might share a bedroom with up to six other children, unknown and unrelated to them, but in order to go back to their own families, they need to have their own bedroom. If the family is in public housing, they can only have a house big enough to



Sisters Inside Inc.

326 Montague Road West End, Q4101
PO Box 3407 South Brisbane, Q4101
07 38445066

accommodate those family members living together. But in order for children in care to be returned to the family, the family has to have housing that will accommodate more family members than currently reside together. Sometimes the Department of Housing and the Department of Child Safety work cooperatively with families and other agencies on such matters, but often they do not.

- Although family participation in decision making for children is mandated, often family group meetings are called with little or no notice, or allowing little or no flexibility for families to find times suitable for themselves and their supporters to allow for meaningful participation.
- Contact visits between mothers and children often seem to be made to suit the schedules of the carers, without due consideration being given to the convenience of the mother and her capacity to meet that schedule. Usually women recently released from prison have very limited incomes; often have onerous commitments to report to probation offices, attend medical appointments, collect medications daily, attend court mandated programs, look for suitable accommodation, look for employment and sometimes also care for other children still in their care. Even under these circumstances their seeking flexibility in contact arrangements is portrayed as lack of interest and uncooperativeness.
- Mothers are told, particularly mothers currently serving custodial sentences, that they cannot have telephone contact with their children, because in the view of the carers it is too distressing for them. This is not backed up by the children themselves. Nor are measures taken to reduce such distress for children at the same time as maintaining contact between mothers and their children.
- Letters, cards and gifts sent from mothers in prison to their children are not passed on, and children's feeling of abandonment is unnecessarily augmented.
- Arrangements made to send mothers photographs, school reports and other items documenting their children's progress are not honoured.
- Decisions are made about children without reference to the wishes of their family, such as schooling, health care, extra-curricular activities, and contact with other people when the mother is in prison.



Sisters Inside Inc.

326 Montague Road West End, Q4101
PO Box 3407 South Brisbane, Q4101
07 38445066

- Mothers in prison are not advised of the whereabouts of their children, without good reason. At times, children have been placed with other family members who have requested that the mother not be informed. Sometimes this is in an environment of family conflict, or even of family violence, where mothers are given less credence than other family members without good cause.
- More Aboriginal and Torres Strait Islander children are being taken into care now than ever before. A great many of these children are placed with non-indigenous families. When Aboriginal carers come forward and ask the Department to be assessed they are only usually assessed as respite carers. The Aboriginal Placement Principle is rarely followed by the Department.
- Communication and cooperation between child protection agencies in different jurisdictions are often protracted and unproductive. We have worked with women in prison who have families interstate willing and able to care for their children, but agreements have not been able to be reached between the different agencies, or arrangements have proved too difficult. Interstate transfers very rarely occur
- There have been occasions when Sisters Inside workers, advocating for individual women and families, and with appropriate authority documents signed and available, have been refused permission to participate in support of the women with whom they are working, or are not heeded when they advise that they are not available at the time set for a particular meeting.
- Although legislation and Departmental policy mandate that events happen within a set timeframe, for example regular reviews of temporary Child Protection orders, these events do not happen, or if they do, neither the family nor supporting agencies are advised.

Debbie Kilroy OAM
CEO
Sisters Inside