

12 May, 2011

Protecting Victoria's Vulnerable Children Inquiry
GPO Box 4708
MELBOURNE VIC. 3001

SUBMISSION TO THE INQUIRY

Subject : THE RIGHTS AND TREATMENT OF KINSHIP CARERS AND THE CHILDREN IN THEIR CARE.

I am writing to this inquiry to voice my concern at the conduct and operation of the Department of Human Services in regard to the Department's treatment of kinship carers and the children that they care for.

After watching a friend and employee's battle with the Department over the last 5 years I have done a little research and discovered that the treatment she has received is not some 'one off' clash of personnel but the usual mode of conduct for DHS when dealing with kinship carers, often grandparents. Australians not in this difficult position would not believe that these family members are systematically threatened and harassed by the Department that most would assume is there to help them. I have observed this firsthand.

The majority of Australians would believe that kinship carers are people who have generously stepped in when other family members have been unable to care for their children. A wonderful and selfless option taken by responsible people. I have now spoken to others in the same position and discovered that foundations have been set up to combat this absurd situation. The saddest part is that one foundation was set up in 1998 and nothing has changed. I have been seething since reading research that states these problems in detail, as things stood in 2004.

From research by the Mirabel Foundation, 2004, "From the earliest beginnings of child welfare practice it seems that the welfare of children has not been the Victorian government's priority. Policies promoting minimum intervention, family preservation and deinstitutionalisation can result in children remaining in abusive and unsafe situations. The role of a child welfare system is to prevent the abuse of children and to intervene when children are at risk of abuse. This can only be achieved when the rights of the child are paramount and children are protected from incessant reunification plans with parents whose drug use takes priority over their parenting role."

To the silent majority, this would seem to be plain sense. This is not so at the DHS where 'reunification' appears to be the most cost effective way to remove a case from it's books. The puzzling part for me is the disgraceful treatment of kinship carers who are constantly treated as criminals themselves and reminded that they are only 'caring for the children' with no legal leg to stand on, while the Department has custody and the right to remove the children if the carers don't do as they are told. A terrifying and constant threat to people just trying to ensure the safety and wellbeing of their family.

The wishes of the children and their carers are ignored. Documentation supplied to DHS supporting the carers is routinely lost or not presented at court hearings. Constant DHS demands place lifestyle restrictions on the carers and children while the birth parent is not required to follow any directives at all.

As I have documented, this system is not set up to protect the children. The stress that it causes the kinship family and the children, who have no certainty at any stage - and this can go on for over a decade - is immense and could be seen as abuse caused by the DHS.

Most simply put custody for parents whose children have been removed because of their drug use should not be revisited until the parent is drug free. This is not currently the case. The department has drug screens and knows the drug status of the parent but it does not care or consider this to be a problem. The fact that drugs are illegal alone means the parent is involved in criminal activity. If the parent is still using drugs nothing has changed. The carers and children deserve better than to be in a state designed form of limbo indefinitely.

The case that I have observed involves a child who has been in their grandmother's care, thriving and safe. The child's mother is still using drugs and living with a drug affected boyfriend who is not allowed access to his own children. This is a very common situation encountered where parents use drugs. The Grandparent carers and the children in care are continually punished for the misdeeds of the addicted parent/s.

Unfortunately this case is not even close to as tragic as many others. These children have the same basic rights as any others. The right to feel safe at home is as basic as it gets. The right to feel secure once they have found some sanctuary in the home of a relative surely follows. At present the barrier to these rights is the DHS.

What action is required ?

- A first step that would help these families is to simply change the current guidelines to give some certainty – even for a short period - to the carers. If a drug user is still using illegal substances their gaining custody should not be an option. A set term that the drug user must remain ‘clean’ – for example a year – would be a pre-requisite to their applying for custody. This would stop the constant legal merry-go-round that is so soul destroying and expensive for the kinship carers. It may even influence the birth parents to stop their drug use as opposed to the system which currently facilitates it.
- A complete and public review of the policy and motivation of the DHS. Nothing short of a revolution in process and application of guidelines will see any change instituted. If the DHS policy is not acting in the best interests of it’s clients and society it is way past time for change.

It could be argued that the huge turnover of staff at the coalface of the DHS is due to decent people being unable to follow and unwilling to implement the DHS policy – quit or don’t ask questions. Why would social workers with any conscience want to harass carers and leave children at risk ?

If caseworkers are spread so thinly and they are not seeing many children in acute need why have they the time for constant surveillance of carers where there is no dispute that the children are being well cared for ? Anecdotally I have assumed the same situation as has been discovered in NSW. If there is no Department investigation of a situation they can also claim no responsibility in cases of extreme abuse. Turning a blind eye should not remove the DHS duty of care to children where they have been notified of abuse – whether or not they chose to investigate.

If a society is rightly judged by how it treats it’s most vulnerable members then it is time that the Victorian child protection system began to truly act first in the interests of children who are unable to protect themselves.

State sponsored victimisation of the people who have come forward to provide a home and security for these children must stop. It is the least that they deserve.

Yours Faithfully,

Mrs Karen Fox.

Contacts / References

The Mirabel Foundation
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Attachment (1) -

Kinship Carers as signatories to this submission.

WE THE UNDERSIGNED KINSHIP CARERS SUPPORT THIS SUBMISSION WHICH REFLECTS OUR EXPERIENCE WITH THE DEPARTMENT OF HUMAN SERVICES.

IMMEDIATE ACTION TO RECTIFY THE TREATMENT OF KINSHIP CARERS WHICH RECOGNISIES THEIR FUNDAMENTAL IMPORTANCE IN THE SYSTEM MUST BE IMPLEMENTED BECAUSE WITHOUT KINSHIP CARERS THE SYSTEM WILL COLLAPSE.

THE CHILDREN'S SAFETY AND SECURITY MUST ALWAYS BE THE FIRST AND PRIMARY CONCERN OF THE DEPARTMENT THAT REPRESENTS THEM.

Signed :

NAME

SIGNATURE

Lucinda Munn

Lucinda Munn

Carol Steepe

C. Steepe

Ray Curran

Linda Elliot

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