

## **Submission to Protecting Victoria's Vulnerable Children**

### **From the Grandparent Group (associated with the Children's Protection Society, Victoria), April 2011**

The Grandparent Group (hereafter referred to as the GPG) comprises kinship carers who have been meeting, usually fortnightly, for the past six years. Typically, the GPG is attended by up to 10 grandparents. It is coordinated by a CPS-employed family support worker.

GPG meetings are characterised by mutual support, sharing of experiences, and exchange of information (within the group and sometimes through visitors). As indicated below, the GPG is regarded as a vital resource for this group of kinship carers who face exceptionally difficult challenges, and in a number of cases have nowhere else to turn for help.

In making this submission the GPG has drawn upon case histories and 'issues' papers collated over recent years. The GPG has considered the Inquiry's Terms of Reference. This submission inevitably ranges across a number of terms of reference but we hope that this will not reduce its relevance or the weight placed upon our comments.

And finally by way of introduction, the GPG submission set out to be 'solution-focused' rather than problem oriented. However, this has proven to be very difficult. The context within which group members live, and the complex nature of their grandchildren's "best interests", requires an elaboration of issues, constraints and difficulties. Therefore we have articulated these, complemented wherever possible by positive and proactive suggestions. But the latter is not always possible, and we hope that the Inquiry will acknowledge our context and use its own expertise to assist in identifying and advocating other ways forward.

#### **Background**

In almost all cases, GPG members are the principal carers for between one to eight grandchildren, most of whom have been with the grandparent for all or almost all of their lives. All GPG members are female.

Typically, and tragically, the parent(s) of the grandchildren have (or had, in the minority of cases where a parent has died) histories of severe and often multiple addictions, frequently linked with prison terms, CBO's, and mental health issues. Repeated rehabilitation attempts (intended to lead to custody or access rights) have been futile and often counter-productive. Most of the grandchildren have experienced emotional and/or physical abuse during parental (or step-parental or foster) contact. For some grandchildren, the effects of, for example, foetal alcohol syndrome are apparent, as are ADHD, unresolved anger, and fear and reluctance to trust. Developmental delay is common, and in some instances significant special needs are evident.

The grandparents range from the mid-50's to the mid-70's. Most do not have a partner. Financial resources are limited, sometimes severely so. As illustrated below, wider family pressures and conflicts (often related to using children as pawns and sources of money) are common. It is realistic to say that grandparents such as the GPG members face extreme and exceptionally difficult circumstances.

However, the driving motivation, and in many respects the source of strength, for GPG members is the “best interests” of the grandchildren. This is where help is often needed but not always available. A number of issues are summarised below and, wherever feasible, suggestions for improvement and action are noted. Nevertheless, the first set of points below – relating to the impact of attitudes – is one which the GPG keeps pointing out, to little effect, and where perhaps the current Inquiry can underscore the unacceptability of the status quo.

### **Attitudes, and the impact attitudes have ...**

Acknowledgement of the key role and the commitment of the grandparent kinship carer is presently inadequate. Instead of being valued, there are far too many circumstances and contexts in which grandparents are (implicitly or explicitly) put down and patronised. Some attitudes and circumstances which GPG members have confronted are illustrated below.

- Being negatively labelled because “my own child went seriously ‘off the rails’”. Some GPG members report being treated as “part of the problem”, or as people who should bear the brunt of guilt, and hence being less worthy as a person and a carer. As one worker commented sarcastically about grandparent kinship carers, they “want to have a second go at being a parent”.
- Often, in our society being old is equated with decreasing capacity to cope. Sometimes this may be true (though many factors not related to age are also associated with coping capacities). The GPG would argue, with good evidence, that experience and determination, coupled with love and commitment, mean that they are able to ‘cope’ as kinship carers. But the relatively common assumption that age equals decreased capacities creates a double-edged sword for the GPG: “if I do want help, such as occasional respite care, I am afraid to say so because it will be interpreted as ‘she’s too old to cope’ and they [DHS] say they need to look at placing the grandchildren somewhere else”. This is despite the fact that foster carers and other ‘younger’ care givers can access respite without stigma.
- It seems to be a fact of life that an older or elderly kinship carer who takes a stand in the best interests of their grandchildren is often labelled as a troublemaker – or a nuisance to be flick-passed - by child protection authorities, whereas parents who are ‘feisty’ get a more sympathetic hearing (and often financial aid). In one recent case, a grandparent-initiated appeal to the Ombudsman over serious and ongoing child abuse was cursorily dealt with and a response was delegated to DHS, which itself was the subject of the complaint. It was only after appeal that a response – which actually acknowledged the gravity and legitimacy of the original complaint – was received from the Ombudsman’s office<sup>1</sup>.
- GPG members have often been taken for granted, rather than actively supported, by departmental workers at times of crisis. One example is the infant grandchild who

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<sup>1</sup> The GPG does not wish to downplay the significance of the Ombudsman’s Office and some of its initiatives. However – serving as a (probably inadvertent) example of the relative invisibility of the grandparent/kinship carer roles - a recent Ombudsman’s report (‘Own motion investigation into the Department of Human Services Child Protection Program’, 2009, para 75) states: “There are many circumstances in which children involved in the child protection system do not have parents who are able to advocate for their best interests. In such instances, the only voice that can provide advocacy on behalf of children are the professionals involved in their care.” Surely it is not simply a choice between parents or professional. Grandparents and other kinship carers can and do play a key positive role, often under difficult circumstances. Perhaps a phrase like ‘appropriate family members’ should substitute for ‘parents’, but this requires recognition and validation of grandparent/kinship care.

was reported to police by a shopkeeper after being abandoned on the street by an incapacitated (drugs/alcohol) parent, and a subsequent directive from a departmental worker to the relevant grandparent to immediately take in the grandchild – without assistance in areas such as clothing or sleeping arrangements – or else foster arrangements would be made. Such *foster* arrangements do entail support and resourcing which are *not* offered to grandparents (at least in numerous instances with which the GPG is familiar). Being a relative can be a disadvantage. And as one grandparent commented: “I’m useful when I’m useful, the rest of the time I don’t really exist.”

The reader may interpret from these examples that the GPG are complainers, with an axe to grind, and a deep-seated hostility to child protection authorities. This is not the case. The GPG acknowledges the extreme pressure and turnover in child protection, and the consequent short cuts that have to be taken. It is these pressures, rather than inherently malicious or hostile motives, which lead to the sorts of situations described in this submission. At the same time, a further reality is that first casualties in a severely over-stretched system are those perceived as weakest and with least capacity to respond and cause ‘embarrassment’. And grandparent kinship carers are often seen – rightly or wrongly – as falling into this category. By extension, those who suffer are the grandchildren whose best interests the system is intended to serve.

As the Inquiry would be well aware, the GPG is far from alone in illustrating issues such as those summarised above. In doing its own research, the GPG has recently encountered some excellent material which supports and extends its own experiences. Two examples which have been very important, and which provide sustenance to the GPG to “keep going” are:

1. The NSW report Listening to Grandparents<sup>2</sup> (2010) is a compelling and accurate account. After encountering this document, the GPG was motivated to produce a summary entitled, ‘We are not alone!’, a short version of which is contained in appendix A to this submission.
2. A paper and powerpoint presentation, based on kinship carer research, by Dr. Cas O’Neill from the University of Melbourne, articulates similar as well as additional views to those summarised in the present submission. Importantly, it notes positives as well as challenges.

The GPG hopes the Inquiry will access these credible and significant documents.

### **Questions of custody and access**

This is one of the really crucial areas for the GPG. It is a source of frustration and confusion. In many cases, the way in which custody and access related questions are dealt with in practice acts against the best interests of children, notwithstanding ‘good intentions’.<sup>3</sup> We provide some illustrations below.

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<sup>2</sup> Report of the NSW Grandparenting Forum, a joint report of Council on the Ageing and NSW Ministerial Advisory Committee on Ageing, 2010.

<sup>3</sup> As paediatrician Sue Packer observed on the ABC program, Kids at Risk: “The focus has to be on the child. Too often we’ll remove a child for a while, put in a lot of supports for the family on a short-term basis, return the child and it all goes bottom up again. ... and similarly looking at extended family,

- In many cases, GPG members have raised their grandchildren from infancy. They are often referred to as ‘mum’ by the grandchildren. These GPG members provide security, comfort and support.<sup>4</sup>
- Most GPG members either have, or are almost at the stage of obtaining, Permanent Custody Orders. In other cases, guardianship to the Secretary has been granted, thereby enabling custody to be temporarily granted to grandparent carers in cases where DHS is aware of danger in the parental environment.
- However, almost irrespective of the status of custody arrangements, the push for ‘family reunification’<sup>5</sup> seems to take on a priority, even when this is demonstrably against the best interests of the child, as illustrated below.
- ‘Family reunification’ seems to have become the objective for some child protection workers and, often, by the legal system. In principle, the GPG supports family reunification. However, as a matter of fact, there is no case in which grandchildren of GPG members can safely be placed within a parental context for purposes of custody or, in some instances, for access visits.
- ‘Family reunification’ seems to be interpreted as some form of mythical concept of nuclear family, implying a home with parents. But the only realistic stable component for these GPG grandchildren is the home provided by the grandparent(s), and this should be acknowledged as the ‘best interests’ placement.
- It is ironic, but illustrative, that a recent official review of one GPG grandchild whose parent has severe addiction and mental health issues, with a partner who is on the sex offenders register, concluded with the phrase “no return to family anticipated”. The grandchild concerned had lived effectively all her life with the grandparent, along with seven siblings, in a home environment described by child protection authorities and the local school as healthy, caring and stable. It is possible to understand the thinking that says ‘no return to family anticipated’, i.e. parent=family, but it is demeaning to the grandparent concerned and illustrative of the ‘fall-back’, ‘taken for granted’ mentality’ which can characterise kinship care.
- Regrettably, grandchildren are sometimes used by parents as pawns to obtain material benefits, with such benefits often diverted to fund addictions. A corollary has been the threat by parents to seek custody unless grandparents themselves provide financial support. There are numerous examples where scarce financial support has been provided to parents, ostensibly for medical or basic living requirements, which is then subverted to feed addictions by parents and/or their partners.

Most of the preceding comments relate to custody. There are also serious concerns with the way in which access visits and overnights are condoned and conducted. The GPG does support contact and safe access for grandchildren with parents. But this is frequently not possible, in circumstances such as those summarised below. Clearly

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there might be a grieving, worried grandmother out there ... who could provide an excellent home for this child but the system is fragmented and a lot of it does seem to be focused on helping the parent to recover”.

<sup>4</sup> It needs to be emphasised that almost without exception, GPG members acknowledge and value any positive contact between children and their parents, and they go to considerable lengths to buffer and protect their grandchildren from ‘negatives’ associated with parents.

<sup>5</sup> Comments in this section are not intended as a criticism of initiatives such as family group conferencing. The positive potential outcomes of such processes are clear and worthwhile. However, the circumstances in which GPG members and their grandchildren live have gone beyond these forms of remediation or negotiation.

these are not in the best interests of the grandchildren, and systemic attempts to foster access can be damaging.<sup>6</sup>

The most extreme and damaging forms of access visits are those entailing prison visits (typically court ordered). This is illustrated by the following extracts from a detailed multi-year log kept by one of the grandparents. This is an exceptionally distressing example, but it illustrates, first, the trauma to young children (as well as to grandparent carers and to DHS workers), and second, the way in which grandparent carer concerns are dismissed.

“The situation became worse as visits, which XX [the grandchild - a young girl] resisted, continued, including prison visits to her father who XX had previously not seen for 18 months. Her behaviour spiralled out of control. Fortnightly visits to prisons included: Port Phillip, Barwon, MAP, Ararat, Langi Kal Kal. Some of these required hours of travelling time. In XX's case, she had travel sickness, including vomiting.

“A problem was the large number of DHS and VACCA workers who came to collect XX for visits, meaning additional trauma for XX who would hide and scream when ‘strange’ workers arrived to take her away. ....

“Around this time, XX complained of inappropriate touching by her father while she was on a prison visit. She reported this to three people and showed me the ‘private parts’ where she said she had been touched. I reported this to [authority] but they said it couldn’t have happened because prison visits were supervised.

“Later [after a non-prison access visit] XX again told me her father was touching her ‘private parts’ and I reported this to [authority]. I understand there was some sort of investigation but as far as I know, nothing was done. ....

“XX's anger can be illustrated after an access visit to [her father]. When she came home she was volatile, she took presents which he had given her for Christmas and threw them at the wall, she was complaining about her ‘sore bottom’. I felt powerless to help because no-one in authority would believe me and I think XX felt I was letting her down because I couldn’t ‘fix’ the situation.”

In an earlier paper by the GPG, the following comment was made, and it is still pertinent.

“There are many examples of grandchildren being taken by departmental representatives, who are unknown to the child, on visits to parents against the child’s wishes and with harmful and anti-social behaviours being demonstrated on their return. ... It’s hard to deal with multiple representatives of various departments and organisations. For a child who is insecure, being ‘handed over’ to different representatives can be bewildering and frightening, no matter how well intentioned the person is.”

For the grandparents concerned, this issue was summarised as “Watching harm being done, but without a voice”.

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<sup>6</sup> Ongoing research by Professor Cathy Humphreys of the University of Melbourne has identified similar issues relating to trauma suffered by children. The GPG has contributed to this research.

A further example below, is taken from a grandparent's diary. It refers to a grandchild with special needs and a mother with demonstrable addiction and mental health issues which led to the court to order participation in a residential parenting skills program.

“My granddaughter initially had two days of contact where the onus was on us [the full-time carer grandparents] to travel and stay overnight at our expense so mother could have access in a regional area. This left [granddaughter] extremely distraught, over-tired and agitated for days, only to have to do it again ...

“We had to endure the after effects of access for years ... the child would scream for the entire trip and would take two to three days to settle ... the worst time was when the court ordered another assessment in the mother's parenting skill (seven months after the initial one) which required a 10 day stay with mum in the Queen Victoria centre. We had no contact for the entire time and the end result was a child ordered to have a pediatric assessment as she had “shut down and lost all spontaneous reaction”. ... I very nearly gave up. We persevered and after many weeks of loving care we again got a response.”

Obviously not all access visits entail the kind of trauma outlined above. However, there are other access visit issues which are problematic, and which illustrate that the best interests of children are often not served by the simplistic assumption that enabling access is a 'good thing'.

- In an ongoing case, a GPG member has been required to provide access at a local pool for her de facto son-in-law (the daughter having died and the grandmother having testamentary guardianship). On the seven access appointments to date, the father has not arrived within the stipulated time frame. The grandchildren (aged 9 and 12) do not want this access and are afraid of the father. In this case, the grandmother has kept a log of contact between the father and his children over the years. This log illustrates multiple periods of more than a year when there has been no contact from the father, including at Christmas and children's birthdays. The father has been abusive and threatening to the grandparent, usually (but not only) by telephone. The more recent requests, via legal aid, for access visits seem to be linked to a combination of exercise of power, misogyny, and a belief that the (elderly) grandmother's assets will accrue to the children and thence perhaps to the father. The grandmother concerned is obliged to draw upon limited savings for legal representation.
- Almost all GPG members can give instances of access arrangements which are arbitrarily broken or abusive. Overnight access has often been disruptive to the children concerned, with issues relating to inadequate or inappropriate feeding and lack of supervision. In some cases, particularly where the access visit is to a 'group environment', physical and sexual abuse appears to have taken place.
- A particular and common frustration for GPG members is an approach of 'yet another chance' for access. This particularly applies in court-mandated areas such as drug and alcohol testing, and anger management. Failure to undertake these tests, or failing them, is common and does not seem to carry a sufficiently serious sanction to curtail access. This creates uncertainty, and in some cases fear, for grandparents and for grandchildren.

- Because access sometimes seems to be the most important objective, irrespective of the many dramas associated with it, the less important objective is the best interests of the child. Moreover, there are protection and family support workers who can substantiate the claim that the grandparents are the least considered party with regard to problematic access situations, and often bear the brunt of no-shows, abusive situations, and emotional harm to their grandchildren.

The 'bottom line' from these sorts of situations is that the best interests of children are not being served. The status of grandparent carers is under-mined and jeopardised by a system which no doubt means well but which allows disruptive and manipulative situations to develop and continue.

Moreover, as the GPG has written: "The children are not guinea pigs to be used as part of a parent's best interest experiment". 'Experiment' or 'one more try' may be commendable, but not when the probability is that it jeopardises the best interests of children.

At what point do authorities say, "enough, we will place these children in the safe environment available to them through the grandparent, on a permanent basis, and any further, future contact with the parent will be entirely dependent on proven and established 'fitness to parent' markers". To do anything less than this is surely not in the children's best interests.

Where appropriate, it would be very helpful to have an explicit acknowledgment that children do have a safe and caring home with a grandparent/kinship carer, with constant support in areas such as health, education and social development. This home is the one positive core element of these children's lives. It is wrong to regard it as just a sort of fall-back when yet another parental contact initiative fails or jeopardises the children's welfare and happiness.

### **Cumulative harm**

One principle which needs to be more explicitly acknowledged is that of cumulative harm. (The GPG strongly endorses the paper on this topic by Robyn Miller.<sup>7</sup>). Far too often, there has been a pattern of cumulative harm which the 'system' is not able to identify. By cumulative harm, the GPG refers to situations:

- (i) where harm occurs in various ways over time, but where only part of this pattern is visible to the child protection system; and,
- (ii) where harm is occurring in multiple areas at the same time, but the 'silo' approach of the child protection system means that only part of the harm is recognised.

Discussions in the GPG illustrate both of these issues. Often it seems that the 'system' presents only part of a child's story, leading to great frustration on the part of grandparents who know the 'full story' and want this presented. Being able to communicate cumulative harm in a child's story is often something grandparents need to be able to do – often because no one else will, or can. In a number of formal settings, the grandparent carer voice is often neither sought nor heard.

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<sup>7</sup> Miller, Robyn (2007) Cumulative Harm: a conceptual overview Victorian Government, Department of Human Services.

Discussions in the GPG have shown cases where only 'parts' of a child protection situation are made known when decisions are being made. For example,

- In a recent GPG case, recommendations on placement and access by a child protection expert made no reference to the fact that the parent being assessed for placement/access was in fact on the sex offender's register and was currently charged with additional serious sexual offences. This is not a criticism of the 'expert' so much as a reflection on her narrow terms of reference and the limited information to which she had access. That is, the problem is one of 'silos' and lack of effective communication across the child protection system. (This specific case has recently returned to the courts where it is hoped that the full context will be made available.)
- In another case, recommendations on placement were made despite the fact that other children had previously been removed by court order from the family concerned, but this was apparently not known to those making the recommendation.
- The GPG have numerous instances where children's/family court decisions appear to be based on only part of a story, particularly where the extent of drug and alcohol issues is not fully disclosed, and where subterfuges are practised.
- A recent GPG review of court documents for a particular case has illustrated that information available to the court was inadequate. A conclusion was that "the summary of recent events may be accurate but often doesn't include other similar events, thereby under-stating the frequency and level of concern and failing to convey the cumulative harm experienced by a child". But court decisions can only be made on the basis of what is put before them.
- Based on the same review of documents, the GPG concluded that: "Taken overall, it just seems when reading the documents that grandparent carers – their contributions and circumstances – aren't really a central part of the thinking of the people who prepare these reports, and probably not of those who read them either".
- Following a recent change in DHS worker, a grandparent advised the new worker that there was substantial documented background but was told that the new worker wanted to work from a fresh start. Commendable in some ways, but hardly in the interests of a child with an abusive background.
- There is independent evidence (for example from schools and protection workers) that the home environment provided by our grandparent carers is safe and healthy for grandchildren. But this often seems to be ignored, or at least downplayed, when reunification decisions are being considered.
- Family reunification is obviously a desirable goal, but there are many instances cited in the GPG where it is not in children's best interests. Often the only way of illustrating the potential for harm to children is through the knowledge that grandparent carers have.

These are just a few illustrations, and there are many more. The important point is that without a "cumulative" perspective on a child's situation, decision making will suffer, and hence the best interests of a child are not fully taken into account.

For the GPG, the concept of cumulative harm needs to be made more explicit in dealings with DHS and/or the courts. Often, it is the grandparents who are in the best position to explain and articulate 'the whole picture' as it affects a child. Unfortunately, grandparents are



too frequently seen as just part of the back-drop (the 'wallpaper', as the GPG has expressed it) and are not consulted. This has to change. How?

### **The legal system**

The GPG followed with interest, and some degree of hope, the recent review initiated by the Ombudsman's Office and conducted through the Law Reform Commission.

In particular, the GPG supports a shift to a less adversarial system. This must, however, be genuinely and willingly inclusive of those parties who have children's best interests at heart, and whose record in this respect is demonstrable.

The present system of legal aid, and the disposition of legal assistance, clearly requires re-thinking. As indicated in some other parts of this submission, grandparent/kinship carers are often disadvantaged, despite being those closest to children's best interests. Obvious examples include denial of legal aid for grandparents who own their own home and/or have some assets. There are tragic stories of grandparents (not GPG, so far) who have ultimately lost their only significant asset – the home and sometimes superannuation – in pursuing court proceedings. For some parents, who for obvious reasons have no assets, the availability of legal aid can be used a weapon of attrition through extended court hearings, and this in turn becomes a proxy for 'other battles'.

Since these and other pertinent issues have so recently been canvassed, it is to be hoped that the present Inquiry will identify and support reform processes and procedures which are equitable and humane.

### **The education system**

The GPG wishes to make brief comment on some school-related matters.

First, in cases where particular needs or circumstances of grandchildren require extra understanding on the part of schools, the GPG expresses its appreciation to those teachers and principals who have responded to such needs with support and empathy.

These needs are frequently 'low visibility'. They are often the needs of children who are hurting or coping with apparent rejection as a result of a parental situation. These children often have emotional struggles in 'fitting in' but they do not necessarily display the violent or disruptive or scholastically weak signs which alert schools that action and/or special care are needed.

So, one consequence of this low visibility is that, in the experience of the GPG, (grand)children can slip below the radar. For example, one GPG member who cares for seven grandchildren with a variety of environmental and developmental needs, commented, "I have struggled to articulate these issues with teachers and principals but it becomes very emotional and personal – I believe I am seen as wanting 'special treatment', but if they are happy at home why can't they be happy at school? ... I see my guys hitting a brick wall when they reach grade 5 and I don't understand it and don't know what to do about it."

There are initiatives which help. Educational aides in the classroom can be enormously important, but allocation of aide time sometimes seems crisis-driven rather than responding to equally important but lower visibility needs. Childcare is crucial, particularly context

sensitive childcare such as that being delivered through the Children’s Protection Society on a trial basis. This is making an enormous difference in the social and cognitive skills, and the school readiness, of children from especially difficult backgrounds.

### **What are some things that would help?**

This submission noted at the outset that positive and proactive ways forward can be difficult to identify. And sometimes this is just because the pressures and strains of daily coping leave little time and energy to go beyond addressing relatively immediate issues.

However, the GPG did make some suggestions for improvement – listed below – in preparation for a meeting with Victoria’s Child Safety Commissioner<sup>8</sup>. These suggestions re-visit some themes already canvassed. We – the GPG – are optimistic that the Inquiry will identify other proactive measures which will advance the best interests of children.

- i. With regard to court and legal matters, “we need better information on processes, especially when served with a court order. We need someone to sit down and explain how the court works, what my role is (or can be), and what are my rights”. As one grandparent carer said, “no-one told me I could go into court so I sat outside all day” but the parents had someone to advise them.
- ii. There must be improvement to the system which results in multiple care workers turning up to take children for access visits. Multiple unknown care workers leads to trauma in children, both emotional and physical. Just like grandparents need continuity in a support person, so too children need to be able to develop trust in the workers whose care they are placed into. A ‘dedicated’ care worker is needed, not a succession of strangers.
- iii. Similarly, grandparents need a consistent contact person at DHS and/or the other agencies with which they interact – someone who is familiar with the situation, who will listen and who will give priority to children’s best interests.
- iv. A more equitable, accessible and transparent respite care system is needed. Grandparents must have access without it being seen as an admission of “I can’t cope”.
- v. When access is granted to parents, a record needs to be kept of when this arrangement is broken because parents are ‘no-shows’, often at the last minute. This happens a lot and it is painful for grandparents and grandchildren, and wasteful of DHS time (when supervision arrangements have been made). When numerous access visits have to be cancelled, this should have been documented and the access schedule adjusted.
- vi. Similarly, ‘no-shows’ at court should be documented and need to be justified. At present, grandparents frequently attend court to find that matters are adjourned as a result of non-attendance by parents, and this results in great frustration and often cost of lawyer representation as well as cost to the court’s time. ‘No-shows’ at court should

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<sup>8</sup> The GPG does wish to acknowledge the very helpful work which has been done by the Child Safety Commissioner’s Office, as well as Centrelink and DHS, in producing booklets on topics such as: ‘Parenting for grandparents’; ‘Financial support for grandparents and other relative carers’; ‘Legal issues for grandparents’; ‘Needing help in a crisis’; and so on. These are valuable resources but constitute in total a small library, and are not necessarily the most appropriate communication vehicle for people who are often dealing with such issues in a crisis. Sometimes personal communication and advice are most effective, and the initiatives proposed by Grandparents Victoria for ‘grandparent advisors’ and ‘peer support groups’ (both of which have received some Commonwealth funding) may be more effective, with written materials as a resource and supplement. It would be useful to have – as a matter of routine – utilisation and evaluation data on all such initiatives.

disadvantage the person who does not appear instead of just being 'another adjournment'.

- vii. Grandparent carers should always be part of the formal planning process for children. At present, the focus is so heavily on the role of the parent that the person who is actually the full-time carer can be largely ignored when best interests plans are developed. Often, documents refer to parents or foster carers but ignore the role of grandparents.
- viii. Past history should be part of the consideration when considering access and/or custody. It sometimes seems to grandparents that history is ignored: for example, when a parent who has had almost no contact with a child suddenly (and for a variety of reasons) wants custody, but no-one looks into the background.
- ix. Perhaps a designated grandparent/kinship carer Ombudsman is needed?

In conclusion, the GPG hopes that its comments will assist the Inquiry by fleshing out a key element within the child protection system, and through articulating and illustrating areas in which support and change are needed.

We believe that the best interests of many children would be served through acknowledgement of issues which we have raised and by proactive reform measures.

*[GPG contact person: Jan Roberts, Children's Protection Society]*

## **GPG 6.12.10**      *We are not alone!*

In October 2010 the Council on the Ageing (COTA<sup>9</sup>) in NSW published a report - entitled 'Listening to Grandparents' - based on a Grandparent Forum held in 2008.

The relevant NSW Minister endorsed the report and praised COTA initiatives such as the *Raising Grandchildren* website and the establishment of a *Grandparent, Relative and Kinship Carer Alliance*. The NSW government has provided funding for COTA projects that "support and acknowledge grandparenting". COTA itself initiated a Legal Pathways for Older People pilot "that enables grandparents ... to seek timely and free legal advice".

The COTA website has a section (<http://www.raisinggrandchildren.com.au/about.html>), on Grandparents Raising Grandchildren (GRG) which addresses legal and financial issues and avenues, as well as information on support groups? Is there a similar Victorian initiative?

Below are listed a number of themes from the COTA report. **Many of the key themes and recommendations from this report are remarkably similar to those already identified and written up by the GPG.** Consequently, as we read through these themes, should we?

1. Write to COTA NSW expressing support for their initiative.
2. Put together a short GPG report identifying "our themes and priorities" and distribute this to interested parties.
3. Ask questions to bodies such as the Child Safety Commissioner's Office about the extent to which Victoria is tackling issues similar to those identified by COTA NSW and the GPG, perhaps suggesting that proactive steps are needed.

### **From 'Listening to Grandparents' (COTA NSW)**

#### Background and context

- "... ABS figures collected in 2003 show two-thirds of grandparent-headed families relied on government benefits or pensions as their primary source of income: .... This is significant when considering the costs associated with re-establishing and maintaining a household to cater for dependent children, particularly when 47 per cent of grandparent-headed households are lone grandparent families, 93 per cent of these being headed by grandmothers." (P.13)
- "Increasingly, the reasons for the children living with their grandparents are: child neglect/abuse, parental mental or physical health problems, drug and alcohol misuse, imprisonment, relationship conflict and breakdown, long-term unemployment or the death of a parent." (p.12)
- "Grandparents raising grandchildren move through a great deal of emotional turmoil as they witness the trauma and associated behavioural problems of their

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<sup>9</sup> "Age is an issue of mind over matter . If you don't mind ... it don't matter" ~ Mark Twain, taken from COTA website.

grandchildren. They experience grief and often horror due to what has happened in the family.” (P.14)

- “Along with the challenges in their own lives, grandparents may have to deal with traumatised children who come with grief and fear and frequently play out these emotions with behavioural problems. For grandparents with little support, no training and few strategies for dealing with these behaviors, life becomes exhausting.” (p.17)
- “Grandparents attending the forum reported feeling “invisible”, “undeserving”, “voiceless” and “socially isolated” within the community. They felt that the “the system” needed some adjustments to respond to them in more respectful and responsive manner.” (p.6)

### Some selected issues and potential action areas

#### *Respite*

*“I am in desperate need of respite, I get so tired but I’m scared to tell anyone that I need help in case they think I can’t cope.” (p.17)]*

- “Respite is a highly valued support mechanism that contributes to the wellbeing of grandparents who are raising their grandchildren.” (p.8)
- Characteristics of respite should be: “safe, appropriate to the children’s age and provided by people known to and trusted by both grandparents and grandchildren.” (p.17)

#### *Information*

- “Accessible, consistent and integrated information resources are invaluable to grandparents as they navigate through stressful and unfamiliar territories.” (p.15)
- “Information is empowerment and gives you the strength and knowledge to be able to handle the worst of your problems.” (p.24)

#### *Support services*

- “The burden of setting up and running support groups must be removed from the grandparents themselves and placed on appropriately trained and government-funded employees. State and Territory government-funded support groups need to be set up in all areas of the Australian community to provide friendship, information and social support for grandparents”. (p.16)
- “Meeting the needs of grandparents does not necessarily require raising funding levels. Sometimes there are adequate services in place but they need to be more integrated to meet grandparents’ needs.” (p.10)
- “Grandparents called for greater promotion of the availability of mediation services that can assist them when seeking visitation rights. It was also apparent that clarification of the role of Family Relationship Centres, Legal Aid, the Family Court, the Children’s Court and Community Services would be helpful for grandparents ...” (p.7)

#### *Legal (and financial)*

*I made my first step into the legal scene. I went to the Family Court in William Street to attend an information video presentation. I can't explain how dreadful that first day was! There was such an overwhelming sense of pain in that building, that I actually thought I would be ill. So I went outside again for some fresh air and, after a short while, returned to the building to view the video. Lesson number one: try to not be alone when attending the ... the Family Court!" p.25 [Note the role of Court Network to assist such cases.]*

- Grandparents do not feel that the role they play in the lives of children is consistently recognised in legal processes including dispute resolution. ... The voices of grandchildren and grandparents are not always heard in legal processes diminishing the value of intergenerational familial relationships ..." (p.25)
- "The cost of legal representation and the difficulty in accessing Legal Aid that many older home owners experienced were nominated by grandparents as significant hurdles to pursuing custody and visitation through more formal legal channels. Many recounted giving up the fight to be a part of their grandchildren's lives simply due to the costs involved." (p.7) "With access to legal aid means tested, assets included, grandparents on moderate incomes must bear the full cost of legal representation. ... Some told of having to take out mortgages on their homes and of going into debt to pay for legal services." (p.18) "Older people who own their own home can be disadvantaged by the income and assets tests used to assess people's right to Legal Aid." (p.25)
- "Grandparents seek greater access to Legal Aid and pro bono legal services." (p.25)
- "Grandparents raising grandchildren without custodial court orders are not empowered to give permission for medical procedures and school excursions." (p.19)

### *Rights*

- "There was a call for "family rights" to be recognised over individual rights, with an understanding that, while the law can protect grandchildren from harmful relationships with grandparents, it can obstruct grandparents from playing a caring role within the family — to the detriment of the grandchild's development and the quality of life for older people." (p.7)
- "Cases are reported of grandparents having restricted contact with their grandchildren or being entirely deprived of contact due to differing cultural values, child rearing practices and family norms." (p.23)

The summary points above do not do justice to the full COTA report. It addresses in some detail other areas such as "culturally and linguistically diverse" situations and particular aspects of Aboriginal/indigenous grandparenting issues which are relevant to the GPG.

Still, the summary does illustrate the extent to which the GPG experiences are found elsewhere, and the relevance of some of the brief papers produced by the GPG. More generally, it seems that the 'grandparenting/carer' topic is increasingly being recognised as important and an area for further investigation; for example, the Social Policy Research Centre at the University of New South Wales is undertaking a major ARC funded study on 'Grandparents Raising Grandchildren'.