



A Guide to Understanding the South Australian Child Protection System

Why are children removed?

Information for parents developed by parents



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Who put the information in this booklet together?

This resource has been developed by Rachael and Mary and members of the **Family Inclusion Network of South Australia Incorporated (FIN SA)** and the **Child and Family Welfare Association of South Australia (CAFWA-SA)** and funded by the Community Benefit Grant of South Australia, Department for Communities and Social Inclusion.



My name is Rachael. I became involved with the child protection system in South Australia when my children were removed from my care. The powerlessness we experience as 'one of those parents' coupled with the confusion of the system and its processes is something that hinders our way back to our children. I have helped put this booklet together with the hope that parents, their families and friends can have a source of information that will help them to understand how and why certain things are done by Families SA and where help can be found for *you*. I am also currently studying Social Sciences at Flinders University and am the Co-President of the Family Inclusion Network in South Australia. Stay Strong.



My name is Mary and the second eldest of four children. My family migrated from the Philippines in 1989. I grew up in country SA and studied Psychology at University. I am passionate about protecting children and ensuring that they get the best start in life. I believe that by working and empowering parents and families, we can do this. My research looks at what helps and what doesn't help parents from contacting their children who have been placed in out-of-home care, with a particular focus on the role of emotion and motivation.

Family Inclusion Network of South Australia is committed to helping parents and significant others understand and be included in the child protection process.



Child and Family Welfare Association of South Australia represent the organisations that provide services for children, young people and families in South Australia.



For further information about this booklet, please contact the Family Inclusion Network of South Australia by emailing:
finsouthaustralia@gmail.com

Important Numbers

(To place on your fridge)



Some Family Support and Early Intervention Helplines and Services

Child Abuse Report Line:	131 478
Crisis Response Unit:	131 611 (4pm – 9am Monday – Friday, 24 hours on weekends and public holidays)
Alcohol and Drug Information Service:	1300 131 340
Legal Helpline:	1300 366 424
Parent Helpline:	1300 364 100
Lifeline:	131 114
Domestic Violence Helpline:	1800 800 098
Adult Mental Health Service:	131 465 (emergency assistance)
Healthdirect Aust.:	1800 022 222

Anglicare:	08 8305 9200
Centacare:	08 8210 8200
Aboriginal Family Support Services:	08 8212 1112
Good Beginnings:	08 8255 2108
Adelaide Central Mission:	08 8202 5111
Save the Children:	08 8338 1777
Salvation Army:	08 8397 9333
Uniting Care Wesley:	08 8202 5886
Relationships Australia:	1800 182 325
Drug and Alcohol Services:	08 8274 3333

Aboriginal and Torres Strait Islander Helplines and Organisations:

Metropolitan Adelaide

Yaitya Tirramangkotti (Aboriginal Child Abuse Report Line):	131 478
Families SA:	08 8226 8800
Aboriginal Family Support Services:	08 8212 1112
Aboriginal Drug and Alcohol Council (SA):	08 8362 0395
Karpandi Women's Centre :	08 8231 2850
Kumangka Aboriginal Youth Service:	08 8340 4499
Aboriginal Health Division:	08 8226 6344
Kura Yerlo Centre – Child Care:	08 8449 7367
Nunkuwarnin Yunti of SA:	08 8406 1600

Aboriginal Health Provider Network Australian Indigenous HealthInfoNet:
<http://www.healthinfonet.ecu.edu.au/?gclid=CKDqiITpoKkCFQbSbgod9SFduw>

Regional/Country South Australia

Aboriginal Family Support Services:	08 8641 0907 (Port Augusta) 08 8683 1909 (Port Lincoln)
Pika Wiya Health Service:	08 8642 9999 (Port Augusta)

What is the aim of this booklet?

The aim of this booklet is to:

- Discuss some of the reasons why children are removed from their home or family.
- Promote the advantages of parents working with Families SA to protect children's safety and well-being.
- Give parents, and extended families involved with Families SA relevant information and links to services that can help them be actively involved in what is happening to their family.

This resource aims to increase the knowledge and answer some of the *HOW, WHO, WHAT* and *WHY* questions parents may have as they go through the child protection system and process.

When children are removed, parents have the right to request urgent LEGAL ASSISTANCE by calling 1300 366 424.

This resource is intended to provide general information only and therefore may not meet the specific needs of culturally and linguistically diverse and Aboriginal and Torres Strait Islander children and families.

The information in the booklet is NOT legal advice and also does not guarantee that you will be reunified with your child or children.

FIN SA acknowledges that the information provided in this booklet is accurate as at August 2011.

“Being involved with the child protection system and having your child or children removed from your care has to be one of the most devastating things to happen to anyone”.

“Knowledge is power and by having an understanding of what is happening to you and your family you are able to better participate in the child protection process”.

**Legal Services Commission of South Australia:
THE LEGAL HELPLINE
1300 366 424
Monday to Friday 9:00am – 4:30pm**


How can I best use the booklet?

- You do not need to read this book from front to back or all at once.
- Look through the contents page and find something that you can relate to or want to know more about. Start there.
- Keep it somewhere handy and read it as you need or want to.
- Ask somebody to read the information with you (family member, relative, Families SA Worker, Family Support Worker).
- To keep things simple the word CHILD is used in place of children.

The coloured boxes on the pages are real statements from other parents talking about their experiences in the child protection system.

The red boxes at the bottom of the page show the phone numbers of services and organisations that you could contact for help and more information. At the front of the booklet is a list of services and phone numbers that you could pull out and stick on the fridge for easy access.

We understand that reading is not everyone's "thing" but don't be put off by the amount of information. Don't be afraid to ask someone, especially your worker, to explain things until you understand them!



“Rather than wasting time fumbling along with no clue as to what is actually happening, when you have some understanding of the processes you will be able to get on with what needs to be done to secure your child’s future, whether in your care or not in your care”.

NOTE: Always seek legal advice regarding your particular circumstances. This is a basic guide only.

Why are children removed in South Australia?

Children have a right to be safe from harm. 'Harm' generally means to injure, damage or hurt. Children have a right to be safe from physical, emotional and sexual abuse, neglect and unsafe environments. (Also see definitions of abuse, neglect and attachment on page 9).

Children may be removed if their safety and wellbeing are threatened by parental issues such as:

- Fighting yelling, anger and violence in the home.
- Drug misuse/abuse or alcoholism.

"Your child or children are generally removed or taken away because of concerns related to their safety. It may be to remove them from potentially dangerous situations and environments such as fighting in the home, drug and alcohol abuse, lack of supervision, children not provided with the basic needs of food, shelter and medical treatment. These all impact on the way children grow up – how they feel about themselves, how they physically grow, cope, how they learn and do at school and how they relate to others".



Children may also be removed if their safety and wellbeing are threatened by parental issues such as:

- Neglect (children not having enough food, living in dirty conditions, or not being supervised and cared for, leaving children alone or 'dumping' them on others, not spending time together. These things give children the message that they are unloved).
- Mental Health (Depression, Anxiety, Personality Disorders).
- Gambling Excessively, for example can lead to depression for the parent, poverty and possibly neglect, such as leaving children unattended for hours.
- These are just some examples and the reason or reasons your child may have been removed from your care may be different. **The common thing is, that your children were considered to be unsafe and at risk of being harmed.**



Definitions of child abuse and neglect

- **Physical Abuse** – behaviour or action that causes physical pain or injury (ranging from minor bruises to severe fractures or death). *Examples include extreme punishment or discipline of the child, hitting, shoving, shaking, pushing, kicking, slapping or even biting a child.*
- **Emotional or Psychological Abuse** – behaviour or action that attacks a child's emotional development and sense of self-worth – so how the child sees his or her self. *Examples include child hearing Mum and Dad fighting and arguing, or the parents being overly critical and cold to the child, name calling, put downs like 'you're so stupid' etc., teasing, providing no love, support or guidance.*
- **Sexual Abuse** – behaviour or action where a person (who is more powerful than the child or young person) uses his or her power to involve a child in sexual activity) including sexual exploitation. *Examples include sibling abuse, a parent or other trusted adult in the child's life who manipulates and forces the child to engage in or submit to inappropriate touching, masturbation, rape or using a child in any way for sexual gratification including taking pornographic or naked pictures of a child or having pornographic material within the home and on display. These are criminal offences.*
- **Neglect** – inability of parent, guardian or other caregiver to provide for a child's basic needs such as food, shelter, education and medical treatment. *Examples include a child who is sick but is not looked after properly, or a child who is obviously hurt but no medical attention is sought by parents/care givers. A lack of supervision due to substance abuse impacting on parents ability to appropriately or adequately supervise, lack of food, nowhere to call home or home is considered dangerous to child, a lack of love or negativity towards child and has severe expectations of child, severe inattention to child and exposing the child to violence, drugs and alcohol abuse are all forms of neglect.*

All of the above points give Families SA a reason to check on or investigate, or if needed remove a child from their home.

"I remember thinking my drug addiction had no effect on my kids. They were fed, clothed, loved. After they were taken away I began to realise how wrong I was. When I did take my eldest daughter to school she would run home after to make sure I was still alive. She was terrified of leaving me alone in case I overdosed. She was only 9 years old".

What is child protection?

Basically it's all about keeping children SAFE.

Everybody has a role to protect children in the community.

The legislation (or law) that advises the Courts, Families SA and the community about what to do with child protection issues in South Australia is The Children's Protection Act (1993, 2006).

The main purpose of the Children's Protection Act is:

1. To ensure that all children are safe from harm.
2. To ensure as far as practicable that all children are cared for in a way that allows them to reach their full potential.
3. To promote caring attitudes and responses towards children from all parts of the community so the need for appropriate nurture, care and protection (including protection of the child's cultural identity) is understood, risks to a child's wellbeing are quickly identified, and any necessary support, protection or care is promptly provided.
4. To recognise the family as the primary means of providing for the nurture, care and protection of children and to accord a high priority to supporting and assisting the family to carry out its responsibilities to children.

"While Families SA have the power to remove children and place them in care, their first concern is the protection of children and keeping families together when possible".

To see the full Child Protection Act (1993) go to:
<http://www.legislation.sa.gov.au>

In the search box type in 'Child Protection Act'.
Click on Children's Protection Act (1993) (Current) in PDF Format

What Families SA think about before taking action?

The first question Families SA will ask about is:

IS THE CHILD SAFE AT HOME?

Families SA will also consider the following:

1) What is in the *best interests of the child*?

- What are the issues that may be leading to harm of the child?
- What does the child need?
- How can we help parents resolve these?
- What other supports are available for the family to remain or become a safe home?
- Who else needs to be involved?
- Are the police needed?

“You have to be honest with yourself. If you need help, get it! Do whatever it takes to give your children the strong and confident identity that kids get when they grow up in loving and nurturing families. Even if you were robbed of this when you were a child, don’t pass it on to yours. Make your legacy to your children about knowing what it feels like to come from a safe loving family”.

2) The *child's interests are most important* (which means they are considered before the parents' interests). Considerations are given to:

- Trying to keep a child within their family, when possible.
- Not removing a child unnecessarily from a community where connections have already formed.
- The need to preserve and strengthen relationships between the child and their parents, grandparents and extended family (whether the child is residing with their family or not).
- The need to encourage racial, ethnic, religious, spiritual and cultural identity, community values and traditions from which the child was born.
- Allowing the child, who is capable the opportunity to express his or her own views on what they feel is in their best interest.
- Not interrupting the child's education or work.

3) In relation to an Aboriginal or Torres Strait Islander child, the Aboriginal and Torres Strait Islander Child Placement Principle must be observed. For further information see "What is the process for Aboriginal and Torres Strait Islander children" on page 30.

**For more information about Families SA go to
<http://www.dcsi.sa.gov.au/>**

What is the child protection process?

The child protection system or process is complicated and the journey is different for each parent, child and family. There are different stages as outlined in the diagram below.

"Your experience through the process is up to you. Are you willing to change for your children? Whatever may be wrong, are you willing to seek the help you need and make it better?"

Child Abuse and Neglect Notification is made.

A notification means that Families SA have been contacted by you, or someone concerned about you and your child, to request that Families SA make an assessment of the concern.

Investigation and Assessment

This is when Families SA will first make contact to meet with you to discuss the concerns raised. This will involve you talking to a Families SA worker about the care, safety and protection of your child, to discuss things which are troubling you, and to seek permission to discuss your situation with other professionals who may be able to help (See page 16).

If the assessment of your child shows that they need care and protection from harm, neglect or abuse

When this happens, action will need to be taken to ensure the child's safety. This may occur whilst the child is in the home but if things are really serious, the child may need to live in out-of-home care or alternative care (i.e. live with a relative or family member or foster carer) (See page 19 and 20).

If the assessment of your child shows that they do not need care and protection from harm, neglect or abuse.

Sometimes Families SA can continue working with the family and see what they can do to support the family or the case may be closed.

Making Decisions

If a decision is made by Families SA that your child needs to live away from home for a while, they may make an application for a Care and Protection Order. Before such an Order is made, you can attend a Family Care Meeting (See page 24) to talk about what is happening for your family and plan for your child to be reunified home. These meetings are coordinated by the Care and Protection Unit which is separate from Families SA (See page 24).

Care and Protection Order

During this time, when your child is under a Care and Protection Order, Families SA will develop with you a case plan of things to be achieved within the time that Order is in place (also called the Case Plan). This plan will set out what steps need to be taken for the child to be reunified back home or to no longer be involved with your family. This usually happens when the child is living away from the family home (See page 23 and 24).

Long Term Out-Of-Home Care

If a child is not able to be reunified home due to ongoing concerns about his or her safety, then a long term plan will need to be made. This can be under a long term Guardianship Court Order and plans will be made to ensure that the child and their biological family continue to have regular contact and understanding of their cultural background (See page 26).

CHILD REMOVAL CAN OCCUR AT ANY TIME

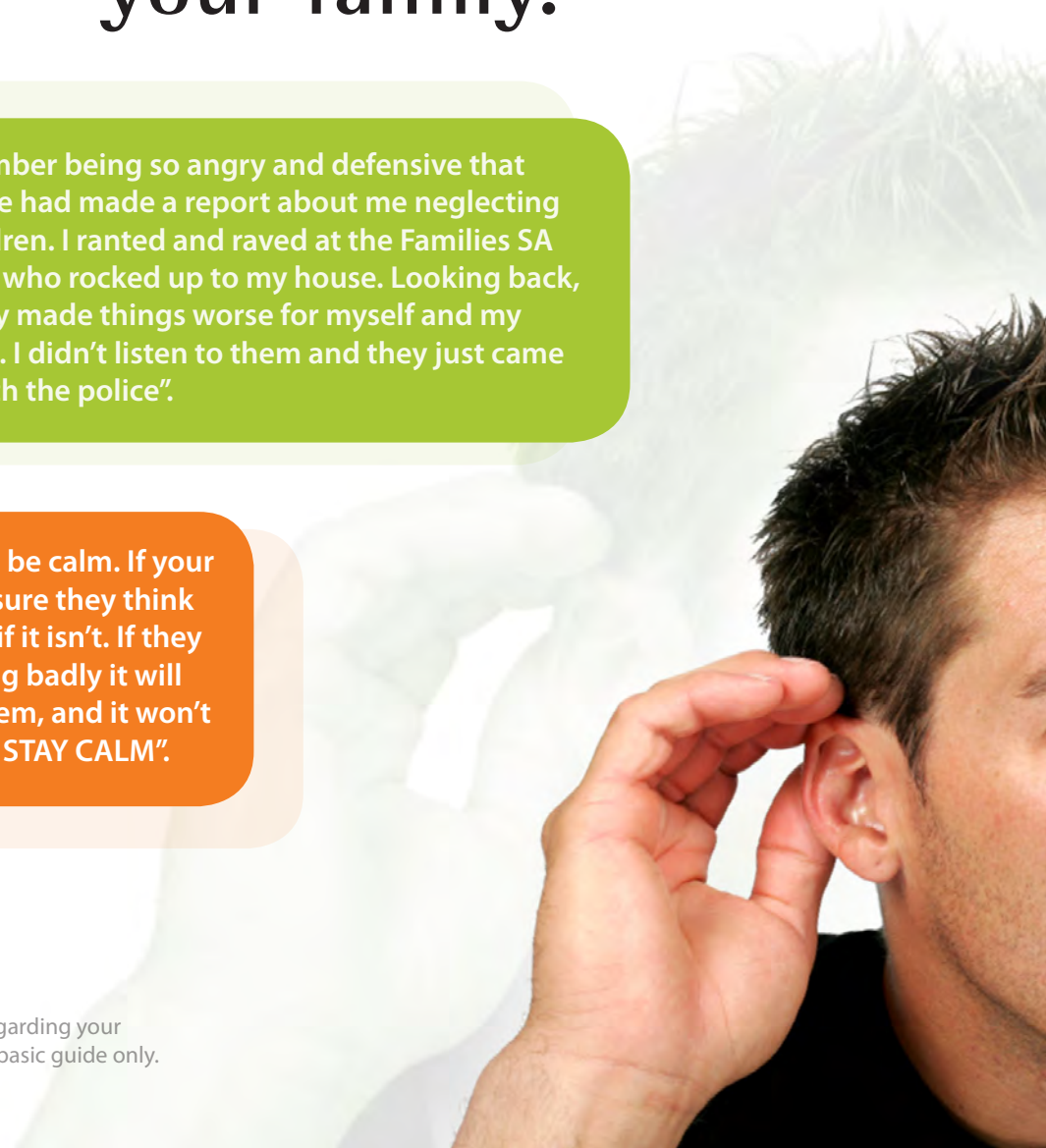
What to do when Families SA first make contact?

- Families SA may contact you by telephone first to arrange a meeting OR
- Families SA may just show up depending on the concerns they have about the risk of harm to your child.
- Families SA can bring police officers especially if there are concerns of a criminal nature, prior history of violence and for their own safety.
- Families SA will want to talk to you and your child to find out what has been going on.
- They will definitely want to SEE your child to make sure they are okay.

**Stay CALM and
listen to the CONCERNS
FAMILIES SA have about
your family.**

“I remember being so angry and defensive that someone had made a report about me neglecting my children. I ranted and raved at the Families SA workers who rocked up to my house. Looking back, I actually made things worse for myself and my children. I didn’t listen to them and they just came back with the police”.

“Remember, it’s better to be calm. If your children are there make sure they think everything is okay, even if it isn’t. If they see you upset or behaving badly it will be more traumatic for them, and it won’t look good for you either. **STAY CALM**”.



What are my rights as a parent?

As a PARENT, you have RIGHTS.

At the time your child is removed, YOU HAVE THE RIGHT:

- To ask the Families SA worker to write down their names and phone number and that of their boss.

IF YOU CAN, TRY AND WRITE DOWN WHO SAID WHAT, WHAT THEY SAID AND WHAT THEY SAY THEY ARE GOING TO DO.

- To ask questions.
- **Not to answer incriminating questions** (questions that may get you into trouble with the law) without legal advice.
- To ask for relevant paper work including warrants or court orders if your children have been removed.
- To ask for time to think and **SEEK LEGAL ADVICE IMMEDIATELY.**
- To ask for someone to help you or have a support person with you.
- To ask for Families SA to put in writing what they expect you to do.
- Not to sign anything until you have had time to think and asked for advice.
- To be told if Families SA contacts and visits your child at school or child care facility unless telling you will interfere with a criminal investigation or put the child at further risk of serious harm.
- To be told as soon as practicable that your child has been removed from your care if taken when you are not around (If your child is removed from school, then at least one parent must be informed).
- To attend court (even if you are told you are not required to).

“While you have rights as a parent, you need to remember that children also have rights. They have a right to be safe and to be protected – Making sure that children are safe and protected from being hurt and harmed is Families SA’s priority”.

Do I have to let Families SA into my home?

Legally you do not have to let workers from Families SA or Police into your home **UNLESS** they have a

- Search Warrant
- BUT Families SA can let themselves in by force if necessary and using the police if they suspect there is a child at risk of serious harm.

It may be best to let FAMILIES SA in and discuss the issues of CONCERN.

Families SA are not always right, but they have an obligation by law to protect children from harm and to investigate families that have been reported as abusive or neglectful.

The **Police and Families SA Workers** can also search your home (or where ever the child is at the time) and take things that they may consider as evidence of abuse or neglect. This can include taking photographs or video footage of your child's living conditions. However, they **MUST** give you a **RECEIPT** for anything that they take from your home.

Can Families SA Investigate My Pregnancy?

- **YES.** Families SA will usually investigate a pregnancy of a person with current or prior history of involvement with the child protection system or due to notifications that are received during a pregnancy that warrant a follow up by Families SA.

Can Families SA take my baby as soon as it is born?

- **YES.** Families SA can take a baby as soon as it is born especially where there is a prior removal of a child and the parents have not made the necessary changes to have that first child returned to their care.

What makes Families SA Investigate?

Families SA will investigate because:

- 1) Child abuse or neglect 'notifications' or reports has been made to them and/or
- 2) They have concerns that a child has been harmed, is suffering harm or there is a serious risk of harm occurring.

What happens during the Investigation Stage?

During the **Investigation Stage**, Families SA workers will start looking into how your child is being treated and what life is like for them. They will want to see how you interact with your child and how your child responds to you.

Families SA look for common indicators of child abuse and neglect such as in the definitions on page 9.

The *purpose of an Investigation* is to:

1. Assess the **risk of harm** and safety of the child.
2. Ensure that further action is taken to **protect the child**
3. And if **possible** decide together with the parents and family what action will be taken

If Families SA decide that children are '*at risk*' (of harm, abuse and neglect), they may apply to the courts for an *Investigation and Assessment Order*. This will allow them to investigate further (for example; call in psychologists and doctors to make assessments, and interview family members and relatives) and the *children may be removed* while they do so.

"I knew I was under Investigation, so I kept moving from place to place, women's shelters and friend's houses - knowing they were coming. Running and hiding was not the answer. All it did was give them a reason to suspect that my son was not safe or being looked after by me. If I didn't hide, they could have helped me better my situation before removing my son".

Why is my parenting being questioned?

Parenting refers to the process of raising and educating children to ensure they get the best start in life. This involves caring for them, nurturing them, loving them, teaching them and protecting them.

When Families SA get involved, most often there is an issue with parenting and the safety of children.

ASK YOURSELF HONESTLY

- *Is my child safe from harm?*
- *Is my child exposed to dangerous situations?*
- *Is my child being fed properly?*
- *Is my child living in a clean and secure home?*
- *Is my child being supervised or watched over properly?*
- *Is my child missing lots of school? (This is often an indicator that something is not right at home)*
- *Is my child happy and confident with me?*
- *Does my child come to me for comfort when he/she is scared or hurt?*

If your answers are NO to any of these then you should seek some parenting support or help. It is important that you seek the help you need rather than rely on Families SA to provide it. If you do this, you are being proactive (which means being active and seeking supports you need to make changes rather than relying on Families SA to do it for you).

It's time to take a good look at YOURSELF and what is going on in your LIFE.

- Every parent has difficulties at one time or another.
- Parenting is a hard job to do.
- Parenting is a learning process. Be open to learn new ways.

"Families SA always had an issue with our lack of parenting skills and insight. Find a good parenting class, aimed at parents with kids in care and do it, you'll be glad you did. You can learn and get support from people going through similar situations at the same time".

- **We usually** parent our children in similar ways to how we were parented, because we live what we learn. For example, if you grew up with violence in the home, then the violence becomes 'normal' for you. This is nothing to be ashamed of, but it is something that needs to be changed, so that the cycle is not passed on and continued to your children, and then to their children and so on.
- **Remember too that children learn what they live.** If a child lives with violence, hate and hostility, he/she learns to fight.
- **Every parent** gets frustrated and angry at some point, however there are different ways of dealing with the stress. If you have difficulty controlling your anger and frustration or have some other parenting issues then you need to learn new ways to deal with it.
- **Increasing your parenting skills** will be a crucial part of what Families SA will want parents whose children have been removed to do.
- **Families SA can help you find a suitable parenting course.**
- Parenting courses are usually run by non-government organisations and provided free of cost to you (or Families SA can help you with the cost).
- Parenting courses can help you understand how your actions affect your children. They can give you new strategies to help deal with the day to day business of parenting.

Some Family Support and Early Intervention Helplines and Services:

Crisis Response Unit:	131 611 (4pm – 9am Monday – Friday, 24 hours on weekends and public holidays)
Alcohol and Drug Information Service:	1300 131 340
Legal Helpline:	1300 366 424
Parent Helpline:	1300 364 100
Lifeline:	131 114
Domestic Violence Helpline:	1800 800 098
Adult Mental Health Service:	131 465 (emergency assistance)
Healthdirect Aust.:	1800 022 222
Anglicare:	08 8305 9200
Centacare:	08 8210 8200
Aboriginal Family Support Services:	08 8212 1112
Good Beginnings:	08 8255 2108
Adelaide Central Mission:	08 8202 5111
Save the Children:	08 8338 1777
Salvation Army:	08 8397 9333
Uniting Care Wesley:	08 8202 5886
Relationships Australia:	1800 182 325
Drug and Alcohol Services:	08 8274 3333

What is parent-child attachment?

Attachment is a word that you will hear often (especially from social workers) as you go through the child protection process. A lot of us parents think it means how we bond to our babies however that is not the case. It is so much more than that.

Attachment is about the child and how they learn as babies to 'attach' or 'connect' to the person who cares for them. *This means that the child learns from you as the parent whether he/she can trust you to be there to meet their needs of love, warmth, identity, cleanliness, food and shelter.* If these needs are met on a regular or consistent basis, the child will develop a sense of trust and security and a positive attachment will form (This can be with Mum, Dad or anyone who consistently cares for her/him). The parent-child relationship will be one of affection, warmth, satisfaction, trust and not much conflict. A parent and child will enjoy spending time together, communicate freely and openly, support and respect one another, share similar values and have a sense of feeling positive about the future.

If those needs are not met often enough or the parent responds to the child's cries with either anger, fear or is cold and distant, the child will be confused and scared. The child learns not to trust, will not feel secure and lead to a negative type of attachment. Either way, **attachments determine how the child relates or connects to people in their life.** The process starts when babies are very young. So if your baby is removed from your care and is under 1 year of age, Families SA will be in a hurry to make sure the baby gets the opportunity to positively attach to someone.

A **secure attachment** in infancy lays the foundation for healthy and competent development later on in life. Without it, your child may have trouble forming relationships with others, display behaviour that doesn't consider others, lack confidence, enthusiasm and persistence that is needed to do well at school, work and life.

Learning about attachment theory is an important step to understanding your relationship with your child. Ask your social worker to help you find the information and to help you understand it.

For more information on attachment:
<http://www.earlychildhoodaustralia.org.au/pdf/rips/rip0704.pdf>

NOTE: Always seek legal advice regarding your particular circumstances. This is a basic guide only.



What happens after the Investigation?

Firstly if there are no concerns for a child's safety after the initial investigation then Families SA will close the case.

If there are serious concerns for the child's safety they will be placed in out-of-home or alternative care. This will be under either a **VOLUNTARY** agreement with the parents **OR** a **COURT ORDERED CARE & PROTECTION ORDER**.

There is one type of voluntary agreement that is used in child protection cases, that does not require a court hearing. This is called a Voluntary Custody Agreement or VCA.

Voluntary Custody Agreements (or VCA's)

A VCA is used when there are safety concerns for a child and the child needs to live elsewhere until the concerns are resolved or fixed and the PARENTS AGREE TO THIS.

This means the parents will work in partnership with Families SA to resolve the safety concerns for the child with the goal of the child being returned to the parents.

- A VCA must be in writing and signed by both parents. If this is not possible Families SA will record the reason why.
- A VCA is a short term agreement. The total period cannot exceed more than 6 months.
- A VCA can be terminated at any time by agreement between parents and Families SA.
- If Families SA does not agree to the termination of the VCA they can apply for a care and protection order from the court.
- Other court orders such as a **Care and Protection Order** can override or cancel out the VCA (see section on court orders page 26).
- The very important part of a VCA is the '**Case Plan**'.

Some parents have stated that they have been tricked or forced to sign a VCA.

SEEK LEGAL ADVICE IMMEDIATELY. Check 'What are my rights as a parent?' on page 14.

"Sometimes Families SA will request you to sign a VCA when they feel the children are 'at risk' of harm. You CANNOT be forced to sign but if the kids are in danger of harm, Families SA still have the power to take your children".

My child has been removed from my care – Where is he/she?

Children who have been removed from parents are placed in out-of-home care. Out-of-home care or alternative care refers to the different types of living arrangements for a child when he/she is unable to live safely at home. While your child is in out-of-home care, their rights are protected by the Office of the Guardian and Young People.

Where ever possible, Families SA will try and find a relative or someone your child knows to look after them while they are unable to live at home. This may include grandparents, or aunties and uncles. This is called Relative or Kinship Care.

If that is not possible, your child will be placed with someone else to care for your children. This is called Foster Care. Foster carers are kind and caring people who want to help children, parents and families. Foster carers are screened by Families SA and have undergone police and criminal checks. Foster carers will make a home for your child in their home. Foster families often become another family for your child. However, you should not think that your child is replacing you as their family, though it may feel that way. Foster carers look after our children when they need somewhere safe to go. This can help birth parents by giving them some time to make the changes they need while knowing their child is safe and cared for by someone who has been trained to care for children.

Some kids will go to Residential Care which is a group home where residential workers look after a small group of kids. Your child may be placed in a residential care home because Families SA cannot find another carer for your child at the time, so that siblings can stay together or so that your child can receive special help.

Support for Children and Young People In Care:

Kids Helpline:	1800 551 800
Police:	000 (emergency) or 131 444
Crisis Response Unit:	131 611
Crisis Response Unit (Reverse Charge):	8124 4424
Youth Health Line:	1300 131 719
Youth Health Line (Mobile Users)	8303 1691
CREATE Foundation:	1800 655 105

Office of the Guardian for Children and Young People:
<http://www.gcyp.sa.gov.au>

How to work smartly with Families SA workers?

YOUR RELATIONSHIP WITH FAMILIES SA WORKERS IS VERY IMPORTANT.

- Put the effort in to talking with your Workers.
- It is hard to work with someone that you see as responsible for taking your child away and it is good to acknowledge this and then move on.

DO NOT GET HUNG UP ON ARGUING WITH THE WORKER OR FAMILIES SA.

- When you are hung up on arguing with them it is very hard to move on with what should be happening and delays the process of you making the changes needed and working to get your child home.

SHOW RESPECT AND USE YOUR ANGER IN A POSITIVE WAY.

- Be smart and treat your worker with respect. This will get you further than arguing or blaming them. Even if you are angry at Families SA, use your anger in a smart way. Use it to motivate you and make the changes you can to be the best for your children. This means **WORKING TOGETHER** with your worker. After all you both should have your children's best interests in mind.
- Families SA workers have power. You know that from having your child removed. If you cannot get along with your workers you will be seen as unreasonable.

So what do they expect? What can you do about that? You can help yourself by working **WITH**, rather than against them. If you keep on abusing them (workers) your behaviour can be used against you. This will make it harder for you to fix anything.

"In the beginning I hated my workers, not personally but because they represented the loss of my kids. My anger was getting me shut out. My Social Worker would walk out of our meetings again and again because I was behaving badly. I would abuse her and not even listen. I learnt the hard way. Every time I did this, she stopped my access visit for that day because they said I was too angry and could not control myself. I soon had to learn to sit down and shut up if I wanted to see my kids. As soon as I started being more respectful things moved along like they hadn't before. We started to make some progress".

REMEMBER: Sometimes we (parents) forget that we are not Families SA target clients. Their real client is our child, not us. This can make us feel as though they are not listening to us or care about how we feel. The worker is usually hearing us but thinking about what we are saying from the child's point of view.

BE PROACTIVE (which means being active and seeking supports you need to make changes rather than relying on Families SA to do it for you)

- Time is ticking! What you do every minute, every hour and every day is so important and will determine how long you child stays living away from you. Focus on the things that you need to do to get your children home.



“Life isn’t easy and can be like a rollercoaster – up and down. Asking for help does not make you any less of a person; it makes you smarter because you learn new and different ways of handling things that come up. For example learn new strategies to deal with your anger. Shouting, punching doors and throwing things DO NOT HELP!”

ASK YOURSELF HONESTLY:

- *Does being proactive mean learning how to deal with my anger? Where can I go to talk to somebody about this? Who can I call?*
- *Does being proactive mean learning new ways to relate to my children because the way I am doing things now is not working?*
- *Does being proactive mean getting help with my relationships because fighting doesn't seem to solve anything?*
- *Does being proactive mean getting some support because I have been feeling really rotten and down lately?*
- *Does being proactive mean admitting myself to rehab?*
- **Treat your workers how you expect to be treated.** You will get better help this way than if you continue to fight with them. If you have been treated unfairly then there are proper ways to deal with it. Firstly try speaking with the Worker’s Supervisor. If the response is not what you expected then perhaps you need to go further. Before you do this have you tried as much as possible to get along?
- **This is not about 'sucking up' to Families SA or about 'giving in' to them either.** It is about acting like an adult and showing that you are reasonable and responsible. It is also about getting the most out of your worker. These people are equipped to **HELP** you. It is up to you to want that help.

Families SA Customer Service Officer can discuss concerns, explain your rights & options

8226 6930 or 1800 003 305

Or Health and Community Service Complaints Commissioner www.hcsc.sa.gov.au

08 8226 8666

What are Family Care Meetings?

Before Families SA make an application for a Care and Protection order they need to make a referral for a Family Care Meeting. These meetings are run by the Care & Protection Unit, which is NOT a part of Families SA.

Family Care meetings are about EVERYONE working TOGETHER for the BEST outcome for the CHILDREN and their FAMILY.

This is a really important chance for you as a parent and your family, grandparents, uncles, aunts to discuss the issues with Families SA and others who may have had contact with your child such as a Child Advocate (who is someone not connected with the family but can speak on behalf of the child). A 'facilitator' (someone who runs the meeting) is a neutral person who makes the meeting fair for all involved. You will have a chance to be involved in the decisions about the ongoing care and protection of your child.

Things that may be talked about:

- Access/contact with your child
- Support services for you and your children and
- What Families SA will do to support you and your children?
- If everyone can agree on what needs to be done you may avoid going to court.

"The hardest part of a Family Care Meeting is hearing things that you don't want to hear. It made me feel ashamed and angry. However, the Coordinator was very supportive to me and my family, and gave us time out when we were upset or angry. The best thing was working out the CARE PLAN that finally gave us some direction and made us feel part of the process not just that it was being done to us but that we were involved. We finally felt we were getting somewhere".

REMEMBER: Anything said in the meeting cannot be used in court except the actual document called 'The Care Plan' and the decisions made in it.

Family care meetings are usually held before families go to court however when a child is deemed at serious risk of significant harm an Investigation & Assessment Order or a Care & Protection Order can be sought before the Family Care Meeting. The court may adjourn the matter so that a family care meeting can be held.

What are some of the court orders that could be made?

If the allegations of child abuse and neglect are substantiated and you do not agree to a voluntary placement or agreement, **YOU WILL HAVE TO GO TO COURT**. Court orders are confusing because there are different types of orders. Some of the orders are described below but remember that there are others that could be made by the courts. Get more information from your Families SA worker, Legal Helpline or Family Support Worker.

Investigation and Assessment Orders

If there is information or evidence that a child is at risk of abuse and/or neglect, the court can grant an *Investigation and Assessment Order*.

Investigation and Assessment Orders can be accompanied by other orders such as:

- An **Examination and Assessment Order** which involves having your child looked at and spoken to by professional people like Medical Doctors or GPs, Child Psychologists and other people who specialise in working with children like a Child Advocate or someone not connected with the family but can speak on behalf of the child or children.
- A **Drug Assessment Order** (for parents/guardians) can only be used for illicit drugs, so not for alcohol and cigarettes. The assessment is usually carried out by a person from Drug and Alcohol Services SA (DASSA) and you can expect to be drug tested at any time.
- A **Parental Capacity Assessment Order** can be carried out on any adult who has the responsibility of caring for the child or children. They are used to assess if the person responsible for the care of a child has the ability to actually parent in a positive way and is safe for children to be around. This assessment may be carried out by Doctors, Psychologists, and Social Workers and may include criminal history checks.

TIPS FOR APPEARING IN COURT

1) Make sure you always turn up to any proceedings involving your children if you want a say in what happens.

2) Have legal representation (use Legal Aid, get a list of names and numbers of child protection lawyers at the youth court).

3) Make sure you know what is being said about you in the paperwork (go through with your legal representative).

4) Do not speak without consent from the judge (this can be hard especially when you hear things that hurt your feelings or pride or you disagree).

5) Be patient and wait for your chance to be heard.

- An Order Granting Custody of a Child to the Minister.
- An Order that Ceases a Person from Living with the Child.
- An Order that Stops Someone from Contact with the Child and any additional order the Court thinks fit.

REMEMBER: A person named on any of these orders who fails to comply is guilty of an offence for which the maximum penalty is 3 months imprisonment.

BE PREPARED. "Being in court and hearing all the 'bad stuff' that's being said about you and your problems is one of the hardest things to go through. You hear stuff that makes you want to yell out and say that's not true! Try hard to avoid this impulse to call out, it just really annoys the judge and makes them look at you in a not- so- good way. It's in your best interest to show as much respect for the court system as possible. The last thing you want is to be thrown out before the proceedings finish. If this happens YOU miss out".

Care and Protection Orders

Care and Protection Orders are granted by the court if the child is considered 'at risk'. When these orders are granted due to drug abuse the court can order the parents (or anyone else who lives with or cares for the child), to undergo treatment for drug addiction and periodic drug testing.

- A Care and Protection Order (CPO) is usually granted for 12 months
- A second CPO can be granted after the first one is due to expire if the child is still in need and the court thinks that parents are not ready for reunification.
- If the parents are not ready for reunification and are in fact not working towards reunification a Guardianship Order to 18 years will be sought to ensure stability in the child's life.
- A Guardianship Order means that the state will have the responsibility of caring for your child until they are 18 years old.

Referral and Support Services (Legal Issues,
Housing, Domestic Violence:

Women's Information Service of SA:

08 8303 0590

Men's Information and Support Centre:

<http://www.misc.com.au>

Important information about Court Orders and working towards bringing your children home

- Court orders are about the safety and stability of your child. They are designed to protect your child from harm. They are always about what is in the best interests of the child.
- It is up to you to make the necessary changes in your life if you want your child back home with you. These problems can take time to resolve, so the quicker you identify and acknowledge them, the quicker you can go about solving them and getting your children back.
- The courts realise these issues can be complicated and take time which is why the care and protection orders last for 12 months.
- If in that first 12 months you have made good progress and are working towards reunification, the court may grant another 12 month order to ensure your child's placement while you continue to make the changes needed.
- If on the other hand you haven't made any or little progress then Families SA will seek a Guardianship Order and the court will grant it. Children need stability and the courts recognise the importance of this and that is why the orders are made for as long as they are. This aims to ensure that the children have the proper resources and services while under care of the Minister.

"You need to make your mind up quickly about what you want. Do you want your kids back or do you think they are better off in someone else's care? Families SA try to get children stable quickly. So if you've decided to work towards having your child returned, work as quickly as possible to do so. If you are unable to show that you are taking steps to change, Families SA MUST look at the option of long term care for your child elsewhere. If this happens, don't give up. You should always try to remain an active participant in your child's life".

REMEMBER: Once the State has Guardianship of your child until age 18 it is very difficult to get your children back. Once the child has lived in a stable environment for a long time the court will only consider moving the child if it is in the child's best interest.

Tips about getting children back home from parents who have been through the system

- 1) Face the issues that caused removal and accept that things could be better for your child and your family.

ASK YOURSELF:

- What happened?
- What was it that led to my child not being safe or cared for?
- Why are Families SA involved?

- 2) Most issues have solutions.

Whether it is illicit drug use, a parenting issue or domestic violence, there are ways to solve these problems. It takes a lot of effort and support. Unfortunately we realise some circumstances are harder to fix than others like mental health issues, a medical illness and sexual abuse.

ASK YOURSELF:

- *Can I fix it?*
- *What would help me fix it?*
- *What am I good at (strengths)?*
- *What do I need to work on?*

- 3) You have a chance to change.

If Families SA are involved because of drug abuse, too much alcohol which fuels fighting in the home around the kids, discipline problems, parenting issues and family breakdown – you have a chance to change to ensure that your child grows up in a secure, safe and loving environment.

ASK YOURSELF:

- What do I need to change in my life to make sure that my child grows up in the best possible way?
- What can I do to be better for my child?

MORE TIPS FROM PARENTS

- Stick to agreements and plans.
- Turn up to access visits on time and straight.
- Show insight into your own problems and how they affect your child.
- Be willing to learn new concepts and make necessary changes.
- Keep a support network in place and use available resources to help you.
- Turn up to appointments on time and be consistent.

4) Use the Families SA system the way it was intended – to help secure the protection of your child.

Except in extreme child abuse and neglect cases, Families SA workers know that children are better off with their families. Families SA want changes in place so that you are in the best position to be able to support your child be the best they can be and reach their full potential.

Use Families SA resources as a way to provide you with the services and support that you need to make the changes that will help to reunite your family. There are many different services that can be used and your caseworker can help you to find the right ones for you.

Doing all these things will certainly put you on the right track.

However, each individual case is different and no one can assure your family reunification until the things or issues that brought your child into care have been sufficiently dealt with.

Children grow up quickly and the Courts and Families SA will want to ensure stability for your child as quickly as possible. So you must also work as quickly as possible to get the help you may need that will lead to your child coming home.

MORE TIPS FROM PARENTS

- Do not make promises to your child such as “You will be coming home to Mummy soon”. This is damaging to your child’s psychological wellbeing and may be giving them false hope which also causes problems for the carer.
- Get help from the services out there – not because you have to but because you want to. This attitude will make a big difference, and surprisingly your life starts to feel less chaotic once you start to deal with your issues.
- Grief counselling was very helpful to deal with the removal and loss of my child. Forgiveness is a big part of moving on. Once I was able to forgive myself, I began to heal.

REMEMBER: All children have the right to grow up in secure, safe and loving environments nurtured by parents and caregivers who can support them be the best they can be and reach their full potential.

You are NOT making these changes for Families SA or the courts, you are doing it for your children, yourself and your family’s future.

What is the process for Aboriginal and Torres Strait Islander Children?

Aboriginal and Torres Strait Islander (ATSI) are seven times more likely to be removed from their families and placed in care. The **Child Protection Act (1993)** has specific guidelines for dealing with Aboriginal and Torres Strait Islander children and families.

The **Aboriginal Child Placement Principle** recognises the importance and need to work with Aboriginal and Torres Strait Islander children and families about child protection in a culturally appropriate way. The principle recognises the importance of connecting Aboriginal and Torres Strait Islander children to their family, community and culture. This means where possible placing a child with extended and immediate family and finding a carer who can maintain the child's connection to his/her family and culture.

The Principle recognises that before any decisions can be made about the future of Aboriginal and Torres Strait Islander children that:

- 1) A recognised ATSI organisation is consulted and involved in the decision making process (eg. Aboriginal Family Support Services) and
- 2) Appropriate traditions are respected and considered.

There are Principal Aboriginal Consultants and Aboriginal Family Practitioners that work in Families SA that can support you and put things in place to ensure that your child is reconnected to family, community, country and culture. Some of these are:

- Aboriginal Identity Planning
- Developing the Child's Genogram
- Aboriginal Life Story Book

Aboriginal and Torres Strait Islander Helplines and Organisations:

Metropolitan Adelaide

Yaitya Tirramangkotti

(Aboriginal Child Abuse Report Line):

131 478

Families SA:

08 8226 8800

Aboriginal Family Support Services:

08 8212 1112

Aboriginal Drug and Alcohol Council (SA):

08 8362 0395

Karpandi Women's Centre:

08 8231 2850

Kumangka Aboriginal Youth Service:

08 8340 4499

Aboriginal Health Division:

08 8226 6344

Kura Yerlo Centre – Child Care:

08 8449 7367

Nunkuwarrin Yunti of SA:

08 8406 1600

Aboriginal Health Provider Network Australian Indigenous HealthInfoNet:

<http://www.healthinonet.ecu.edu.au/?gclid=CKDqiITpoKkCFQbSbgod9SFduw>

Regional/Country South Australia

Aboriginal Family Support Services:

08 8641 0907 (Port Augusta)

08 8683 1909 (Port Lincoln)

Pika Wiya Health Service:

08 8642 9999 (Port Augusta)

How to work smartly with your carers?

In most cases, you as the parent may not have any contact with the carer looking after your child. Families SA do not freely give the contact details or any information about the relative or foster carers because of privacy and safety reasons.

If you are fortunate enough to have contact with the carer,

Your **RELATIONSHIP** with your **CHILD'S** carer is very **IMPORTANT.**

As hard as it may be, encourage your child's relationship with the carer because it will ultimately benefit your relationship with your child. Speaking badly about the carer to your child does not help and actually makes things harder for them.

- **Treat the carers of your children with respect.** You may be upset, sad and angry that your child or children are living with them but remember they have been involved by Families SA because of concerns of child abuse and neglect. After all, both you and the carer/s should have the children's best interests in mind.
- **Develop a positive relationship with your children's carer** so that you can talk and communicate openly about any concerns you may have about your children. For example, some parents have a communication book used after each contact or access visit.
- If you have any concerns about the carer of your children, talk about them with your Families SA worker.



PARENT feedback on the booklet

This questionnaire is for finding out how you found this booklet titled *'Why are children removed in South Australia? A guide to understanding the South Australian child protection system and process'*. The questionnaire is designed to provide feedback to the developers and will be used to improve future resources.

After using and reading the booklet, please complete these forms and post using the stamped envelope provided.

1. FUNCTIONALITY

1.1 I found this booklet easy to use and follow.

1	2	3	4	5
Strongly Agree				Strongly Disagree

1.2 The booklet was useful in informing me what happens in the South Australian child protection process.

1	2	3	4	5
Strongly Agree				Strongly Disagree

1.3 I learned about what child protection is.

1	2	3	4	5
Strongly Agree				Strongly Disagree

1.4 I learned what Families SA are about.

1	2	3	4	5
Strongly Agree				Strongly Disagree

2. USABILITY

2.1 I found the booklet 'Why are children removed in South Australia? A useful tool as I attempt to find my way through the child protection system.

1	2	3	4	5
Strongly Agree				Strongly Disagree

2.2 Using this booklet/resource helps me or has helped me when deciding about the issues to consider as I experience the child protection process.

1	2	3	4	5
Strongly Agree				Strongly Disagree

2.3 I would recommend the use of this booklet 'Why are children removed in South Australia?' for other parents and families involved with Families SA.

1	2	3	4	5
Strongly Agree				Strongly Disagree

3. CONTENT

3.1 The content of the booklet was easy to understand.

1	2	3	4	5
Strongly Agree				Strongly Disagree

3.2 The content of booklet was written in a way that helped encourage me to learn more about the child protection process and what was going on for me and my child or children.

1	2	3	4	5
Strongly Agree				Strongly Disagree

4. OTHER COMMENTS

Please comment how the booklet could be improved for parents involved with the child protection system (Families SA).

THANK YOU! YOUR FEEDBACK IS MUCH APPRECIATED!

- Stamped Envelope Attached Here -