

The Reily Foundation Inc.

Submission to the Inquiry into the application of the Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children in South Australia.

September 2022

1. What would you like to tell the Commissioner about your experience with the removal and placement of Aboriginal children in South Australia?

Our experience in working with families navigating the child protection system is that there was no family conference that occurred prior to removal. The under utilisation of family-led decision making via a Aboriginal Controlled Corporation or other NGO (such as Ngartuitya Family Group Conference Service run by Relationships Australia is very evident with the families we work with. Parents have a very small amount of time when children have been removed to understand the child protection concerns prior to signing the 3 month investigation/assessment order as well as be part of the process of identifying acceptable family friends that could support the children and for them to be assessed. If these discussions were had in a family group conference as soon as there were concerns of safety of children families could be engaged to make decisions that would be for the benefit and mitigate the trauma of removal or actually avoid children needing to be removed in the first place. In the cases we have worked with, out of a sample of 50 families, only 1 family was referred to DCP led family group conference. However even in this case the baby was able to avoid removal from birth as a family led plan could be put forward for review.

The Contact Arrangement Review Panel is also an internal agency within DCP making decisions on contact that only uses DCP case notes to review contact arrangements. Parents have no ability to put their case forward for review.

Genograms are also not done in each case to identify potential family members that could care for children.

2. How were Aboriginal family and community involved in discussion and decisions about the care and placement of the child(ren)?

In our experience there has been very little discussion with parents and family regarding the care and placement of children. Parents do not have enough time in the trauma of removal to be engaged in conversations to identify family and friends that are supportive and known to the children. In one of the cases a child was removed and placed with an Aunty but due to her family situation of having an infant also, the child was removed and placed in foster care with a non-

Aboriginal family. As the child is now moving towards an 18 year order, the situation has changed for the Aunty however DCP will not re-assess the situation that has changed because the little boy has been in the care of the foster carer for 12 months.

DCP in this case refused to organise a family group conference even though the foster carer is supportive of the child moving back into the care of his family.

3. In your experience what worked well?

Family Group Conferences when they are applied using an external non government agency such as Ngartuitya Family Group Conference Service, it is producing good outcomes of children remaining in the care of their parents and family making plans on working together to support the wellbeing and safety of these children.

4. In your experience what didn't work well?

The inability of DCP to change the direction that they had taken and explore alternatives. The power imbalance that exists in all decisions being at the direction of DCP with no external agency to ensure transparency and accountability. The lack of time that is provided to families to understand the expectations and be able to engage with the tasks that are required to address the child protection concerns. Parents are provided with 3-6 months to understand and address the child protection concerns.

5. What do you think can be done to improve things?

Parents being provided with a separate organisation such as ours to help them to understand what is expected and explore all avenues that would help them be successful in identifying family and friends that could support their children to ensure they are placed in a supportive environment while they are addressing the concerns. An organisation such as ours can also advocate to ensure that all principles are applied, including the Aboriginal Placement Principle ensuring that all sections have been explored and applied. Parents need support and guidance to ensure that they have all the tools, support and education required to make informed decisions.

6. Is there anything else you would like to tell the Commissioner?

Although the Aboriginal Placement Principle in the Legislation might not need to be amended, the lack of transparency and accountability that occurs needs to be changed. All children that have been identified at risk, should be involved in a referral being done to a separate agency such as Ngartuitya

Family Group Conference Service to conduct a family group conference. This needs to be imbedded in the legislation and not left to the discretion of DCP to make these decisions. Decisions to scope carers needs to also be taken out of the decision making of DCP and provided to a NGO which is not paid by the Minister for Child Protection portfolio to ensure that they are able to assess extensively without any interference by DCP. Contact Arrangement Review Panel needs to be an external agency and parents need to be provided with the opportunity to be able to put their case forward. Genograms need to be done on each child and parents need to be supported by an external not for profit to ensure that they are able to make informed decisions on where their child will be best placed and supported whilst they are addressing the child protection concerns.

More funding needs to be allocated to Early Intervention Family Preservation including Family Group Conferencing to avoid them coming into contact with DCP.