



Xavier & Zac's story

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Nothing in this story constitutes a finding of fact by the Commission of Inquiry. Instead, these stories have been published to show how people are experiencing the current child safety system in Queensland. Any views expressed are those of the person who shared their experience, not of the Commission of Inquiry.

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1. Introduction

We are Xavier & Zac, approved carers currently part of the Queensland "My Home" pilot program. We are writing to this Commission to detail the systemic failures we have experienced while attempting to secure permanency for our foster son, Child A. We were approached by the Department specifically for the "My Home" program, which was sold to us as a pathway to give permanency to children on long-term orders. We were advised that after 12 months of care, we could apply for a Permanent Care Order (PCO), effectively removing Child A from the system and allowing him to be a permanent part of our family. Child A was placed with us in March 2022. As of December 2025, nearly 4 years later, a PCO has still not been granted. Despite the Department of Child Safety, the Adoptions Department, and the Director of Child Protection Litigation (DCPL) all endorsing the PCO, the system has allowed a flawed court process to hold Child A's future hostage.

2. Child A's Care and Progress

Child A is a child with high support needs, including ADHD, Epilepsy, and Global Developmental Delay. When he came to us, his medical needs were not being adequately met. Since joining our family, we have taken full responsibility for his welfare without reliance on the Department:

- **Medical Success:** Under previous care, Child A suffered frequent weekly seizures. We arranged and funded a private neurologist, and we are proud to report that Child A is now seizure-free.
- **Therapy and Support:** We manage all external appointments, therapies, and health concerns independently.
- **Departmental Support:** It is worth noting that Child Safety failed to conduct their required monthly visits. Oversight is now managed by the Adoptions Department, who have been supportive of the PCO.

3. Systemic Failures in the Legal Process

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The primary failure we wish to highlight is the court system's inability to prioritise the child's best interests over the procedural rights of a birth parent who has been deemed unable to parent.

A. Excessive Delays and Power Imbalance

There have been over 10 court mentions regarding Child A's PCO. Child A's birth mother, who has an intellectual disability, is contesting the order. While we respect the right to legal representation, the system has tipped the balance of power entirely in her favor, despite:

1. Universal Agreement: Child Safety, Adoptions, and DCPL all agree that a PCO is the only appropriate outcome.
2. Incapacity to Parent: It is widely acknowledged that the birth mother cannot look after Child A.
3. Two Independent Reviews: Two separate reviews have taken place, including a court-ordered social assessment, both supporting the PCO.

The Magistrate and the current legal framework appear paralyzed by the mother's contestation, allowing the process to drag on for years while Child A remains in state care.

B. Misuse of Legal Aid and Public Funds

Following the social assessment, which came out strongly in favor of the PCO, Child A's mother's Legal Aid funding was withdrawn for this matter. However, she continues to be represented by the same solicitors who are representing her in a separate case regarding her daughter (who was also removed from her care).

We have serious concerns regarding the potential misuse of Legal Aid funding. It appears that funds allocated for her daughter's case may be being utilised to prolong the litigation regarding Child A. This is a gross waste of public resources that should be directed toward children who are currently at risk, rather than litigating a settled matter where the child is safe and thriving.

4. Operational Failures and Safety Risks

The systemic rigidity has not only caused delays but has also put Child A at physical risk.

During the court-ordered social assessment, specific advice provided by the Adoptions Department and ourselves regarding Child A's personal safety was ignored.

- The Incident: The assessment was conducted in a manner we expressly warned against. As a result, Child A's physical and psychological safety was compromised on the day.
- The Admission: Both Child Safety and the Social Assessor have subsequently noted that the situation should have been handled exactly as we and the Adoptions Department had initially requested.

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This incident highlights a system that values "ticking boxes" for assessment procedures over the actual, voiced safety concerns of the carers who know the child best.

5. Conclusion and Recommendations

The "My Home" program was intended to streamline permanency. Instead, we are trapped in a legal quagmire. The resources currently being poured into this case by the DCPL, Child Safety, and Adoptions are immense and unnecessary. These are resources that are being diverted away from children entering the system who are in genuine danger.

We submit that the Commission considers the following reforms:

1. **Limit Adjournments:** Implement stricter limits on the number of court mentions allowed for PCOs where all departmental bodies and independent experts agree on the outcome.
2. **Assessment of Capacity:** When a birth parent has a documented intellectual impairment and a history of removals, the court must weigh the child's need for stability over the parent's desire to contest, particularly when Legal Aid has already determined there is no merit to the case.
3. **Review of Funding:** An audit should be conducted to ensure solicitors are not cross-subsidising cases to circumvent Legal Aid decisions.

Child A deserves the permanency we were promised in 2023. The system is currently failing him.