

Submission to the Commission of Inquiry into the child safety system

From an experienced [REDACTED]

20/02/2026

Court processes

(This is an expansion on legal processes only in my previous submission)

Recommendations

- DCPL be abolished and necessary functions either given to OCFOS or returned to Service Centres.
- Child Safety Officers resume being Applicants for Child Protection Orders.

Background of submission writer

In [REDACTED] I returned to [REDACTED] break. My work in [REDACTED] began in [REDACTED]. From very early on, before it became emphasised, one of my goals was permanency for children. Child safety is a challenge of letting parents and children choose solutions while ensuring safety and well-being. This includes being flexible in how goals are achieved, e.g., whether a parent ceases drug misuse through rehab, medication or by their own will-power is irrelevant, what works for them and the child is what matters.

Pre-Carmody

Prior to the recommendations of the previous inquiry in Child Safety (Carmody) were implemented each Child Safety Service Centre had a Court Coordinator. Sometimes these were solicitors, sometimes staff who had been Child Safety Officers who had a good aptitude for court work and had been given additional training. Court coordinators provided advice to staff in the Service Centre, quality assured the applications and affidavits etc and attended court. For matters that became contested or were more complex court services in Brisbane was consulted.

My experience is that this system worked well. [REDACTED] the Court Coordinator had been CSOs that received additional training. The court coordinator was respected by the local magistrate for the quality of the work and her representation.

Post-Carmody

The Carmody recommendations included the creation of OCFOS and DCPL, with DCPL being the applicant for Child Protection Orders (CPO). The aim of these recommendations was to:

- i. make the legal process more parent friendly
- ii. make the court process faster and

- iii. reduce perceived conflict of interest of CSOs working with parents and applying for CPOs and help them maintain a working relationship with parents.

The result was the system was less parent friendly, slower and more work for CSOs, and made no difference in CSO – parent relationships. I will deal with each in turn.

- i) If anything the changes made the process less parent friendly. Now parents were faced with a strange face in the court room who had limited knowledge of the case. [REDACTED] Now they see only a stranger representing Child Safety.
- ii) The changes made the court process slower and increased the workload of CSOs. Instead of consulting a court coordinator about an application and affidavit who was in the same Service Centre, there is a stream of emails going back and forth from an office somewhere in the city. Instead of a Court Coordinator returning an affidavit with suggested changes and being able to work with a CSO in-person, in particular with less experienced CSOs, affidavits are returned by email sometimes weeks after being sent to DCPL. Meanwhile, I have seen CSOs being frustrated because they have kept asking DCPL for feedback on an affidavit. In frustration the CSO sends in signed and witnessed copy of the affidavit to meet a deadline, only to have DCPL reject it. [REDACTED]
- iii) How stupid do people think parents are! It does not matter who the applicant is, parents know it is the CSO, with their Team Leader and other local staff, who have made the decision in regard to whether a CPO be applied for and what sort of CPO. It is still the CSO who serves the application and affidavit on the parents. Even if someone else did, the parents know it is the CSO who wrote it, gathered the evidence, who witnessed how the parent has or has not addressed child protection concerns. Who the applicant is makes zero difference to the relationship between CSO and parent. A good CSO will explain to the parent that the affidavit will likely contain information they disagree with and upset them, and that they should consult with a lawyer, have a support person with them and invite the parent to raise any inaccuracies or confusing material with the CSO. [REDACTED] CSO involvement in court processes and being the applicant or not does not cause issues and can in fact benefit the working relationship between CSO and parent.

Additional issue

In regard to court, the most difficult issue is the assessment of if the child is a child in need of protection and if the parent is willing and able to ensure the safety, wellbeing and best interests of the child. That expertise and evidence is with Child Safety Officers, Team Leaders and other Service Centre staff. It is these child protection decisions that are the

difficult ones. Child Safety Service Centres have the resources, experience and knowledge to make these decisions.

The law is more straight forward. Following section 59 of the Child Protection Act and other sections is not rocket science. Templates for applications and affidavits are provided to follow. We used to have court coordinators who locally could QA applications and affidavits. In the past, for more difficult situations Court Services could be consulted.

It needs to be remembered: Court work belongs in service centres. OCFOS, DCPL or whatever legal service is provided, is there to support Service Centres.

Conclusion

The current system with OCFOS and DCPL is unnecessarily complex and bureaucratic. It has resulted in a slower, less parent friendly system that creates more work for Service Centre staff for no improvement in outcomes.

While it may not be possible to go back to court coordinators, OCFOS would seem to undertake some of those roles and could provide more assistance to Service Centres in undertaking court work.

Service Centres need to be trusted with their expertise in child protection and their knowledge of families in their catchment. Any legal services are there to assist Service Centres in the legal work that ensures from their child protection expertise.