

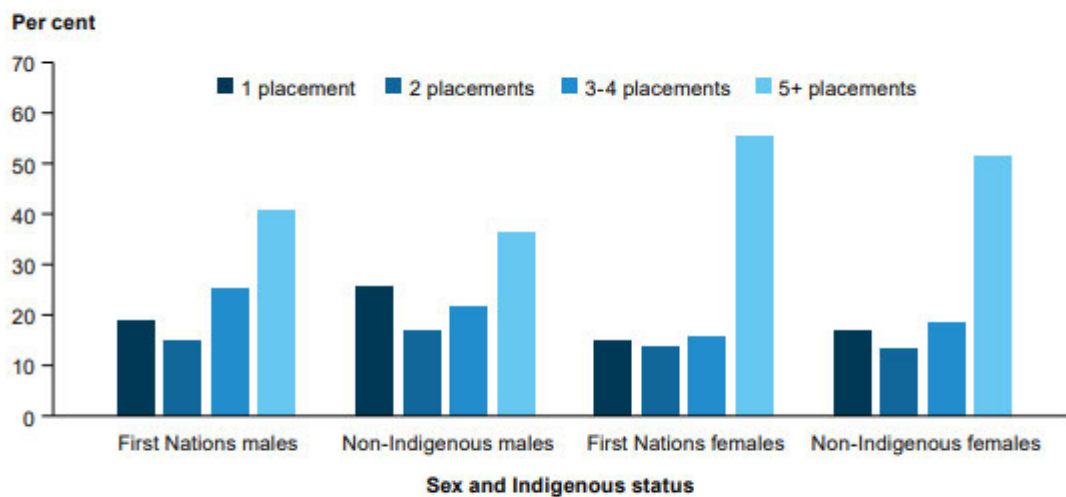
Submission:

1. Given that 73% of Queensland young people under youth justice supervision in 2022 -2023 had an interaction with the child protection system in the 10-year period, when will the Crisafulli government act on providing young people with permanent long-term guardians or adoptive families in their early (0y-5y) years?

S. 5BA (4) (c) and s62 *Child Protection Act 1999*



Figure 3.9: Proportion of young people in detention during 2022–23 who had been in out-of-home care in the 10 years between 1 July 2013 and 30 June 2023, by number of placements, Indigenous status and sex



Notes

1. Young people under youth justice supervision during 2022–23 who had an interaction with the child protection system between 1 July 2013 and 30 June 2023 were included in the analysis.
2. The number of placements excludes respite care.

Source: Supplementary Table S17.

Young people under youth justice supervision and their interaction with the child protection system 2020–21

2. Given that some indigenous children desire to be adopted by their long-term or permanent guardian, when will the discriminatory Queensland legislation in respect of First Nations children, ie. “it is the preference for the child to never be adopted” be changed?

s. 5BA (2) (e) Child Protection Act 1999



Figure 2.4: Proportion of young people under youth justice supervision during 2022–23 who had an interaction with the child protection system in the 10 years from 1 July 2013 to 30 June 2023, by state and territory and Indigenous status



Notes

- Variability in the level of overlap for child protection and youth justice among the states and territories may be due to variation in legislation, procedures, policies and practices in each jurisdiction, relating both to youth justice and to child protection, or to differences in need among the various populations.
- Young people under youth justice supervision during 2022–23 and young people who had an interaction with the child protection system between 1 July 2013 and 30 June 2023 were included in the analysis.

Source: Supplementary Table S2.

Young people under youth justice supervision and their interaction with the child protection system 2020–21

Executive Summary

- 1) Allow **all Queensland children** on long-term guardianship orders the option to achieve **life-long belonging through adoption** to their legal or permanent guardian (if it is the child's desire to be adopted) s. 5BA
- 2) **Long-term guardianship and permanent guardianship** decisions for a child are **taking too long**.
- 3) Currently, it is the **third preference for a child to be adopted** s. 5BA (4) (c) except **if the child is an indigenous** child s. 5BA (2) (e) in which case it is the **preference for the child never to be adopted**.

Note: All references are to the Queensland legislation - Child Protection Act 1999 unless otherwise stated.

Adoption

- A. Allow all Queensland children on long-term guardianship orders the option to achieve **life-long belonging through adoption** to their legal or permanent guardian (if it is the child's desire to be adopted) s. 5BA (2) (c)
- i) **Adoption would create a greater bond** between the child and the adoptive parent due to its permanent legal relationship.
- ii) Adoption to the legal guardian (if able and willing to do so) will bring other **real and tangible advantages for the child** (belonging to a family for life, inheritance, etc).

I. Family Genograms

- B. A child's **genogram needs to be researched and recorded in the first year** of in-take.
- i) Child Safety Officers and Indigenous agency staff tasked with investigating and creating the **genogram for a child were unable to do so after five years of reportedly trying to do so.**
- ii) Important family of origins connections and relationships were **established within one hour once the task was taken on by the foster parent.**
- iii) **Kinship could not be assessed** due to extended family members not being identified through the genogram process
- iv) **long-term guardianship** to a suitable person **could not be progressed.**
- v) **Other State Child Protection agencies do not share information** easily about a child.
- vi) In many instances the **child is the third generation in the Child Protection system** and decisions for their long-term welfare took up to seven years. Information is not shared or known between agencies.

II. 1st Preference is for the child to stay with the family of origin

C. The **first preference** is for the child to be **looked after by the child's family**;

- i) **Shorter time limits on supporting alcohol or drug-dependent family of origin parents** with a history of mental illness is needed because it is harming the child when the **rights of the parent are trumping the rights of the child**. **Five years is the child's entire early childhood years**.
- ii) Child safety **support parents for years who are in and out of court for criminal activity**, subject to DVOs and have no intention to change
- iii) Child safety **support parents providing information without substantiation**, e.g. false information about the child's indigenous heritage

III. Kinship Care or Guardianship to a Suitable Person is 2nd Preference

D. The **second preference** is for the child to be cared for under the **guardianship** of a person who is a member of the child's family (**kinship**) or **another suitable person**.

- i) Child Safety Officers and **delegates gave serious consideration**, for a period of over two years to **placing three little girls under the age of 2.5 years with an illiterate, unemployed, paternal uncle (Kinship) with unstable accommodation and close relationships with family with a history of paedophilia** and only stopped considering the application for Kinship when the Minister for Child Safety intervened.
- ii) Often **kinship family relationships are strained and estranged for long periods with** short periods of reconciliation.
- iii) There **needs to be a time-limit of one year to establish a kinship care arrangement** for the sake of the long-term stability, best interests and wellbeing of the child.

IV. Delegates lack of Urgency to decide for legal guardianship

- E. Child Safety's **lack of urgency to find kin**, a long-term or permanent is damaging the child for life.
- i) The child is at the **mercy of the decision-makers** due to **inadequate protocols around the child's file management** when there is staff turnover and new and often inexperienced staff allocated to the child's file.
 - ii) It took between five and seven years before a long-term guardianship order was granted to a suitable person due to **waiting for approval from the family of origin parents**.
 - iii) The legal guardian and the child had **over fifty (50) people involved** – child safety officers, foster care agency support workers, public guardian, indigenous agency workers prior to the legal guardianship order being made.
 - iv) **Child safety officers do not seem to be able to recognise some kin would not be a good option** due to the kin's circumstance (unemployed, homeless, illiterate, close friendships with relations who have paedophilia criminal convictions).
 - v) Each **child is just a name** because of the **constant change in staff** in all child protection agencies (child safety, foster care support agency, indigenous agency, public guardian).
 - vi) The stress on the child due to the uncertainty is extremely high for a child in Out-of-Home Care.
 - vii) The child is on **'high alert' that a change is imminent** because of the instability of case file management, agency staff and the inability of the delegate to make a decision.
 - viii) It is **difficult for the child to trust**.
 - ix) **Promises** made by child safety staff are **broken** regularly
 - x) Many a **child has been moved from a stable and loving foster family** to be near the family of origin parent even after having been settled in a placement for ten years.

V. Legal guardianship decisions are taking too long

F. Long-term or permanent guardianship decisions for a child is taking too long and not being made in a timely manner.

- i) It is well known that the **first five years of a child's life is crucial** for development and lays the foundation for cognitive, social, emotional, and physical development.
- ii) **Permanency and stability** are central to the **best interests and wellbeing** of all children. s. 5B (m) and Schedule 1 Charter of rights for a child in care (a)
- iii) **Belonging Being and Becoming** is not being achieved for a child in Out-of-home care and taking years longer for a child placed on a long-term guardian order to a suitable person.
- iv) The child's development and learning are **set back for life** and only progresses once the child feels confident of their place in the family. This is **not complete under a long-term or permanent guardianship** order and can only be properly achieved through adoption. S. 62(6).
- v) **The child is set up for failure** by the lack of urgency in decision-making and the child's need for emotional security and stability is ignored. s. 65AA(5)(b).
- vi) **The child is always a target** because their social, emotional, cognitive, and physical development have been damaged due to the invasive processes of child safety and other agencies and the lack of urgency around decision-making.
- vii) The child **struggles to make meaningful friendships** due to ongoing uncertainty in their circumstances and the **damage caused by the disruption in the early years**.
- viii) The child's **circumstances are always having to be explained** to others and privacy is not afforded to the child. s.25 Qld Human Rights Act 2019.
- ix) The child is **flagged as vulnerable for life** even when in a stable and loving home.
- x) The child has been **conditioned to be a 'public object'** due to the high number of people in and out of their life

VI. Annual Contact is not used for the purpose intended

- G. Child Safety **annual contact** with the child's legal guardianship is **used for means other than the purpose intended**. s.51VA (2) and (3).
- i) The legislations states that the **legal guardian must allow** Child Safety to have **contact with the child once annually** to give the child an opportunity to "make comments or queries about, or ask for a review of the child's case plan," if requested. s. 51VA (4)
 - ii) **The child has the right to decide not to participate** s. 5E (2) (b) and privacy s. 25 Qld Human Rights Act 2019.
 - iii) Child Safety is **combining the contact with the child and legal guardian** even though some information sharing is inappropriate to share in front of the child.
 - iv) The child safety officer has been trained (Child Safety Practice Manual) to believe that they have **a right to put leading questions to the child during annual contact to obtain private information** including holiday destinations, responses when in a heightened emotional state, extra curricula and cultural activities undertaken. [Schedule 1 Charter of rights for a child (o)]
 - v) This is done to assess whether the **guardian is meeting its obligations** contrary to the purpose of the annual visit. s 79A
 - vi) The child also needs to be told regularly about the charter of rights and its effect, and the obligations of the legal guardian thereby creating a **culture of distrust and an invisible wall** between the child and the guardian. S74A (a) and (c).
 - vii) It is **questionable that a child safety officer has the requisite skills** to ascertain that the legal guardian is meetings its obligations.

VII. Legal guardian and child can be exposed to danger from insisting on connection to family and culture

- i) The **legal guardian is the parent**. s. 11 (1).
- ii) The **legal guardian has the powers, rights, and responsibilities in relation to the child** that would otherwise have been vested in the person having parental responsibility **for making decisions about long-term care, wellbeing, and development of the child**. s. 13 (c).
- iii) Child Safety Practice Manual **instructs the officer to make sure** that the legal guardian is continuing to meet their obligations to tell the child's parents where the child is living and to facilitate contact between the child, parents, family members and other significant people s 80.
- iv) If a family of origin parent has verbally complained about wanting more contact with the child, the Child Safety Officer **seems to ignore** the family of origin's **known criminal activity, domestic violence, drug and alcohol dependencies, mental health challenges, paedophilia)** and **question the decisions made by the legal guardian about contact**.
- v) Child Safety Practice Manual **instructs the officer to discuss how the long-term guardian is meeting the child's cultural connection needs**. s. 79A (c)
- vi) A local family has been advised **verbally and in writing, during annual contact an assessment needed to be made** about whether the child's connection to family and culture of origin is being preserved despite the child's case plan noting that the **culture of origin is not certain**, physical threats being made to the legal guardian and **active DVOs in place for the family of origin parents and some extended family**.
- ii) Where the Children's Court order has not exempted that the family of origin parents know where the child is living, the **legislation requires that information about where the child is living is given** to the family of origin parents, **even when the parents having a long criminal history, DVOs, mental health issues**, drug, and alcohol related dependencies. This **exposes the child and legal guardian unnecessarily to risk**. S. 80(1)(a) and (b) and Child Protection Practice Manual 3-Mar-23 p. 20.

VIII. Adoption is the 3rd Preference for the child

- H. Currently, it is the **third preference for a child to be adopted** (s. 5BA (4) (c) except if the **child is an indigenous child** s. 5BA (2) (e) in which case it is the **preference for the child never to be adopted**.
- ii) It is difficult for a child with **Aboriginal or Torres Strait Island heritage to express a wish to be adopted** and right to self-determination s 5C (1) (a) and views about what is in their best interests s 5B (n) and 5E (2) (a) – (h).
- iii) The legislation **gives the decision about the best interests and wellbeing** of an indigenous child over to **delegates working at indigenous agencies completely disconnected from the child** and the child's mob. s. 5G and 5H.

IX. The finite relationship and invisible wall set up through legal or permanent guardianship

- I. An **invisible wall is created in the mind of the legal guardian and the child** when the legal relationship is finite.
- iv) The **time-finite arrangement** of a long-term guardianship order is **worrying for the child**.
- v) The **child worries about what will happen at the end of the long-term guardianship order at 18 years of age** because this is the date when the legal-guardian ceases to be their guardian. S62 (6)