



# **Women's Domestic Violence Court Advocacy Service NSW Inc**

**General Purpose Standing Committee No. 2  
Inquiry into child protection  
Supplementary questions for the Women's Domestic Violence Court  
Advocacy Service NSW Inc  
16 August 2016 hearing**

Maria Le Breton on behalf of WDVCS NSW Inc

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1. **You raised the importance of early intervention (including early legal intervention), noted that Parental Responsibility Contracts (PRCs) are not being used in large numbers to date, and also discussed some models of intervention (eg Cornerstone from New York) to support restoration. Can you elaborate on what good early intervention would look like and what you consider is needed across NSW to deliver it and support family preservation and restoration?**

**Response:**

WDVCAS members have expressed concern at the perceived 'silo' effect whereby services work in isolation from one another when supporting a mutual client. This siloing can result in the provision of inconsistent, contradictory and piecemeal support for vulnerable families. WDVCAS members believe that in order for services to provide the best early intervention and prevention support to families, services must work together collaboratively with a shared, strengths based focus of assisting families to provide safe and nurturing homes for their children. Effective collaboration would also result in a shared understanding of the roles, duties and limitations of each service.

Furthermore, WDVCAS members believe that child protection workers and services should be supported and encouraged to seek assistance for families from specialist services where a need for such specialist support is identified. For example, if children are identified to be at risk from domestic and family violence in their home, child protection caseworkers could refer the family to a domestic violence specialist service or a men's behaviour change program. Such services are well placed to work in collaboration with families and FACS to address issues affecting the family.

WDVCAS members believe that families require easy access to universal and specialist supports in order to prevent difficulties and challenges from becoming child protection concerns. WDVCAS members assert that a lack of available and

appropriate services may result in families reaching a crisis point that sees the children in their care placed at risk of harm.

With this in mind, WDVCAS members suggest that existing services providing support to vulnerable families such as: family support services; domestic violence specialist services; drug and alcohol services; Aboriginal specialist services; CALD specialist services; homelessness services; welfare services; counselling and therapeutic services; legal services; medical and health services and educational services should be invested in so that they may continue to offer vital support to families. Furthermore, if such services have extended wait periods or frequently turn away clients, they should receive further funding to ensure they are resourced to continue their work supporting families.

Specifically in relation to child protection departments within FACS, WDVCAS NSW Inc suggests that early intervention and prevention programs, such as the Strengthening Families program and Brighter Futures, should be re-introduced into child protection departments to ensure the best provision of support for families at risk of a child protection intervention and also to ensure that child protection departments maintain a focus upon prevention and early intervention - not simply crisis management.

WDVCAS members urge the NSW government to consider the possible implementation and evaluation of child protection models such as the Safe and Together model or the Cornerstone model. Such programs utilise a strengths based approach to support family preservation where it is safe to do so.

With regard to Parental Responsibility Contracts (PRC's) and Parental Capacity Orders (PCO's), WDVCAS NSW Inc believe that if PRC's and PCO's are to be used as an aid in creating greater safety for children, families should be encouraged and supported to access independent legal advice prior to committing to such an order to ensure they completely understand the nature of the contract and the possible ramifications should they fail to comply with the order.

Furthermore, WDV CAS NSW Inc suggests that FACS should use caution when utilising PCO's and PRC's to ensure that they are only drawn upon to genuinely assist in addressing safety concerns for children and not used simply as an administrative tool to assist in demonstrating to the court that prior alternative action was undertaken with the family before children were removed from the care of the family.

Similarly, WDV CAS members believe that FACS should ensure that: services which are to be included in a PCO or PRO are available at the time needed by the contracting family; appropriate in all the circumstances to the family; accessible; affordable and offer genuine assistance to the contracting family. If services included in a PCO or PRC are not readily accessible, the family may be set up to fail to meet the requirements of the order or contract.

- 2. With children and young people placed in residential care it was noted (transcript p. 13) that typically there will have been numerous breakdowns of out-of-home care placements by the time they get there. If we're looking at reducing the numbers in residential care it seems that foster care placement breakdowns are a key factor. What would you suggest can be done to try to address this area and improve placement stability in the out-of-home care system?**

**Response:**

WDV CAS members recognise the vital importance of a child's connection to their family and community and therefore advocate that children be placed with family wherever it is safe and appropriate to do so. Potential kinship placements should be sought out by FACS prior to removal of the child if possible. Potential kinship placements should be supported and encouraged. If a potential kinship placement requires assistance in order to be viable, this support should be put in place.

Similarly, where siblings are removed from their family, FACS should undertake wherever possible to place siblings together. The maintenance or creation of sibling

relationships should be highly prioritised. Where it is not possible to place siblings together, foster or kinship carers should be encouraged, supported and mandated to assist the child to maintain very regular contact with their sibling. Members believe that the maintenance of family ties will assist in maintaining stable placements.

WDVCAS members acknowledge the vital work that foster carers do within our communities. WDVCAS members also acknowledge the vulnerability of children in out of home care and the great necessity of ensuring that foster carers and potential foster carers are capable of providing safe and caring homes to children in out of home care.

With this in mind, WDVCAS members believe that potential foster carers should be thoroughly screened and assessed for their suitability as carers. Any allegations of abuse or neglect in care should be swiftly and thoroughly investigated. If any allegation of abuse or neglect is substantiated, the person to whom the investigation relates should be permanently barred from caring for children.

WDVCAS members also believe that foster carers require intensive and ongoing training in: caring for children and young people who have experienced trauma; the effects of trauma upon development and behaviour; assisting children to maintain family contact; responding to challenging behaviours; responding to disclosures of abuse and understanding the role of a foster carer. Such training would better ensure that carers are equipped to provide responsive and appropriate care and supervision to children in out of home care, which would ensure greater stability in placements for children.

Similarly, members believe that carers require ongoing support from FACS or the relevant foster care agency and access to timely professional support should they require such assistance to address issues in caring for children before such issues escalate. Support of carers will in turn support the stability of the placement.

WDVCAS members also believe that where possible and with the consent of the child or young person, therapeutic supports should be put in place for children prior to

their removal from their family. This support could then remain in place and support the child through their transition into out of home care. Such support would assist the child through the traumatic process of removal and assist in providing stability to their placement.

Furthermore, WDVCS members believe that FACS and foster carers should work to provide stability for the child by maintaining their previous routines and supports. This may involve supporting the child to remain in the same school, supporting existing after school activities and assisting the child to maintain existing friendships and social supports. Members believe that a child will be better supported through the maintenance of familiar routines and this will in turn support the stability of the placement.

Alongside this, members believe that FACS should remain in very regular contact with the child in out of home care to ensure the child is safe and comfortable and is able to raise any possible concern or worry before it escalates to a point where it is unworkable for the child to remain in the placement.

- 3. With Parental Responsibility Contracts and Parenting Capacity Orders there is engagement by legal stakeholders to improve the documents and better fit them into caseworkers' toolkit. In the debate on these legislative reforms concerns were raised that contracts and orders in the absence of available and appropriate services could effectively set parents up to fail. Do you have any information or views about ensuring/addressing the availability and appropriateness (including cultural appropriateness) of the services and programs that are likely to be involved with parents and families under PRCs or PCOs?**

**Response:**

As mentioned in response to question 1, in order for PCO's and PRC's to be utilised effectively and respectfully, without setting a family up to fail, FACS must ensure

that: services which are to be included in a PCO or PRC are available at the time needed by the contracting family; services are appropriate in all the circumstances of the family; services are accessible; services are affordable and offer genuine assistance to the contracting family. If services included in a PCO or PRC are not readily accessible, the family may be set up to fail to meet the requirements of the order or contract

Again, WDVCAS NSW Inc suggests that FACS should use caution when utilising PCO's and PRC's to ensure that they are only drawn upon to assist in addressing safety concerns for children and not simply as an administrative tool to assist in demonstrating to the court the provision of prior alternative action before removal or assumption of children from their family. PCO's and PRC's must have a perceivable benefit to offer the family in order to be truly effective in assisting families to address safety issues impacting upon their children.

Furthermore, WDVCAS members believe that families who are open to ongoing support from FACS following the removal of children from their care should continue to receive strengths based, child focused support from FACS to fulfill the obligations of a PCO or PRC and to thereby effectively address safety issues impacting upon their children.

- 4. During another session of the hearing (transcript p. 59) concerns were raised about a tendency in cases where children have been removed relating to domestic violence for a failure or delay in reviewing changes in the family circumstances to address the domestic violence issues and that this means restoration may not be adequately considered as an option. Do you have any comments and recommendations to add from your perspective in response to these concerns?**

**Response:**

WDVCAS members believe that in order for FACS to have a well-informed opinion of the appropriateness and feasibility of restoration of children to the care of their parent in situations where domestic violence was the primary cause of the removal, FACS must remain actively engaged or at least readily accessible to families to have an in-depth understanding of the current circumstances of the family or parent.

Similarly, members believe that FACS should consult and engage with any services supporting the family or parent to assist the parent in addressing safety concerns. Such consultation and engagement will ensure that FACS have a greater knowledge of the family or parents circumstances and any relevant changes undertaken or experienced by the family or parent. Members believe that FACS risk being ill-informed of a family or parents circumstances if they do not remain engaged with the family or the families supports.

WDVCAS members also believe that FACS staff should receive trauma informed training on the impacts and dynamics of domestic violence from a domestic violence specialist. Such training will better ensure that FACS workers are knowledgeable of the many barriers that women face in leaving a violent relationship and will be better placed to assist the woman and her children to find greater safety.

WDVCAS NSW Inc believes that FACS could better support both preservation and restoration in matters primarily involving domestic violence by better engaging the perpetrator of the violence to assist them to cease using violence and to take responsibility for their actions. Such an approach would assist in remedying the current perceived FACS practice of 'mother blaming' whereby the onus of responsibility for changing the behaviour of the perpetrator of domestic violence or protecting the children from the effects of this violence is placed upon the victim of the domestic violence (typically, the mother of the children).

Effective interventions would see the person who is using violence held responsible and accountable for their actions and the victim of the violence supported by FACS to gain greater safety for themselves and their children. The offending parent could be supported to engage in treatment designed to assist them to stop using violence,

for example taking part in a men's behaviour change program. With this shift in focus, FACS could remain available to support the victim of domestic violence following the removal of the children thereby assisting the non-offending parent in creating positive change that could bring about the restoration of care of the children.

WDVCAS members again believe that the availability of both universal and specialist support services is key in assisting parents and families to create the positive change required to have their children restored to their care. Services supporting parents who have had children removed from their care should be adequately resourced to provide timely and accessible support to these families. Supporting families and parents to address safety concerns, is supporting restoration of children to their families.

Specifically, WDVCAS NSW inc believes that families/parents should be encouraged and supported to access legal advice prior to and following from the removal of children from their care. The provision of legal advice would assist families/parents in: understanding and engaging in both the FACS and court process; understanding what is required of them; understanding what avenues are available to them to challenge decisions and understanding their rights and responsibilities.

Lastly, WDVCAS members believe that FACS should undertake regular assessments with families following the removal of children from their care. Such assessment would better ensure that FACS are aware of any positive changes made by the family/parent in addressing safety concerns for the children.