

grandparents
VICTORIA

Anthony Walsh,
Research and Legislation Officer,
Legal and Social Issues Committee,
Parliament House, Spring Street,
Melbourne VIC 3002

Dear Mr Walsh,

Subject: The Children, Youth and Families Amendments Bill 2015 (The Bill)

The concerns expressed in this letter relate to the changes to The Bill made in 2014 and which will come into effect in March 2016. Whilst current Members of Parliament have The Children, Youth and Families Amendments Bill 2015 (The Bill) before them we thought we would take the opportunity to ask them to consider the matters we now raise but which relate to the amendments rushed through parliament in 2014. We take every opportunity available to us to raise these matters, and will do some time into the future.

Primary amongst our concerns is the way The Bill presents the out-of-home care options for children who are taken off their parents. A hierarchy of options is presented. This hierarchy gives first preference to children being adopted outside the family. Then comes permanent care and third preference is given to long term out-of-home care. It is only at the level of this third option that kinship care is given priority. We believe that there should not be hierarchy and that the Bill should list all options with a commitment to deciding on the option best suited to the needs of the child. We further believe that the processes used to decide on the option best suited to the needs of the child must involve members of the extended family, particularly grandparents, and that consideration must be seen to be given to placing the child within its family. If it is decided that the child should not be placed with its family there should be detailed documentation outlining the reasons.

It is already the case that families are talking about legal challenges. We can also see that day when adults who have been placed outside their family as children want to know why this was done. Surely, we have learned through the bitter experiences of so many aboriginal children and the Forgotten Australians put into institutions away from family that this is the worst possible option, certainly not a preferred option.

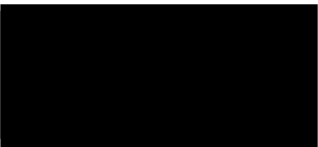
Further, The Bill does not give grandparents a role in any discussion related to trying to support families to stay together. We support efforts as outlined in the Bill to make extended efforts to keep children with their parents, rendering out-of-home-care unnecessary. Grandparents would much rather work to support their families staying together than having to do the work of raising their grandchildren once the family has fractured. Grandparents are willing and able to be part of the reunification and planning process designed to keep families together and are willing to offer practical support. The Bill could easily list grandparents amongst the stakeholders who will be involved in reunification processes. It seems we are adequate enough to raise the children but not to participate in early discussions about keeping them with their parents.

Finally, the Bill ensures that decisions about what happens to children are taken by the Department of Health and Human Services (DHHS) workers with insufficient, if any, reference to the court processes. Such serious decisions must be made by a broader range of people, including the courts and the wider family. Removal of children must remain a legal matter with all the checks and balances necessary to ensure legally proper and sustainable decisions.

At this moment in history the community is perplexed by the inappropriateness of this legislation and is losing faith in the democratic processes that allowed The Bill to get this far. Please note that Grandparents Victoria, which hosts Kinship Carers Victoria (acknowledged by the government as the peak group representing kinship carers), was never consulted about these changes. When DHHS staff told us what was going to be passed we immediately raised concerns but were told no changes were possible. We believe it is possible to achieve a bi partisan and cross community approach to the best interests of children and that it was and is unnecessary to bring in changes stealthily.

We do understand that the processes that lead to the objections listed above were instigated prior to the time of the current government /parliament. Nevertheless we call on this parliament to note our concerns and in time to work to rectify them. The report to parliament currently being developed by the parliamentary inquiry would assist by acknowledging our concerns in ways they were never acknowledged previously.

Yours in shared service to all children in Victoria,


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Grandparents Victoria

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