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Mr 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)

Mental Health for the Young and their Families is an organization of professionals and consumers and carers in the child development and mental health field formed for the express purpose of advocating for important improvements in this field.

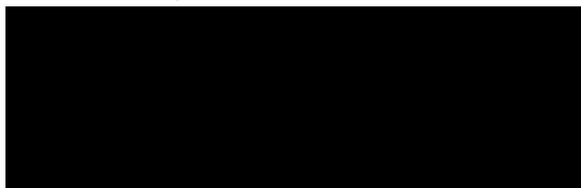
MHYFVic strongly supports the principle of ensuring early permanency planning for children whose parents are seen to be incapable of the necessary nurturance and parenting for their healthy development. The Bill is aimed at achieving this goal, and MHYFVic therefore gives in principle support. However, there are two serious practical issues with the Bill in its present form, which lead us to object to the implementation of the Act unless these can be resolved. These are the inadequacy of the assessment process and the lack of judicial oversight.

The Bill proposes that the recommendation for permanent placement be made by a worker whose expertise is in Child Protection, not in the psychological assessment and management of families exhibiting dysfunction. The serious lifelong consequences of removal of children from their families of origin (lessons already amply demonstrated in Adoption Legislation reform and in the Stolen Generation) demand that such action only be taken after a major effort has been undertaken to remediate the family and expert evidence is provided to indicate that the family is incapable of responding. Neither of these criteria are required by The Bill.

The Bill proposes that Children's Court magistrates do not have the power to oversight the justice of recommendations for permanent placement. This is such a serious decision that natural justice demands that the evidence on which it is based is able to be appropriately judged. Protective workers should not be prosecutors, judge, and hangman. They simply do not have sufficient expertise.

MHYFVic believes that The Bill requires amendment to ensure that a major attempt at remediation is mandated and that adequate assessment is undertaken to give evidence to a judge that the family is unlikely to improve before permanent care orders can be made. A MHYFVic representative would be available to give professional evidence to the enquiry if this is required.

Yours sincerely,



Professor Jolyon Grimwade,
President, MHYFVic,
Head of Clinical Services, The Cairnmillar Institute.