

CALL FOR SUBMISSIONS

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD.



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Call for Submissions - United Nations Convention on the Rights of the Child

The Tasmanian Government and the Federal Government of Australia are, in our opinion, in contravention of the United Nations Convention on the Rights of the Child.

PREAMBLE

In the preamble to the Convention it states that "childhood is entitled to special care and assistance". However, in Tasmania the majority of grandparent carers are unrecognised by government for financial support and other benefits.

The children being cared for by formal carers have come into their care through Child Protection and/or stressful court proceedings. Remuneration to this group is not the equivalent of that paid to foster carers in spite of the indisputable fact that the outcomes for children in the grandparent and kin carer group are very positive.

On the other hand, some of the children of informal carers have been more or less dumped by Child Protection with grandparents or other relatives, quite often with only the clothes they are wearing and without financial or other forms of support. Others are being cared for after the death of a parent, some have been placed with the grandparent by their mothers (or fathers) as they can no longer care for them. Many are unaware to what is available to them and have no prior knowledge of applying for the minimal support that may be available.

The Australian Human Rights Commission -The children's right report 2017

This chapter discusses what we know about child harm in Australia, and about ways of keeping children safe from harm, with a particular focus on children and young people in organizational settings.

Understanding child harm in Australia Chapter 4

4.2 of the children's rights report 2017 P 191

Child harm can take many different forms. Harm can include child maltreatment — including emotional, physical and sexual abuse, and neglect.

It can also take place in a variety of settings, including family contexts, early childhood environments, schools, clubs and residential care.

These differences mean that we face challenges in gaining a comprehensive picture of the extent and nature of harm experienced by children across Australia. This also means that our measures to improve child safety must take account of the different experiences of children, and the context in which they take place.

Although child harm takes a variety of forms, the most comprehensive statistics are those relating to child abuse and neglect in the family. Abuse and neglect are some of the most serious forms of harm to children. “

KRK Response Continuing harm is still an occurrence in the informal kinship home where there is no formal protection under the “Child protections Act 1999”. Informal carers have no protection when they are subjected to malicious demands from often drug affected children threatening the safety and well-being of the grandchildren (those in care). This fear and concern for the children, particularly those in informal care, often translates into a home where an environment of emotional fear is felt by not only the carer but the children. Carers are often advised to allow access to natural parents through informal processes prior to obtaining court orders, which is a lengthy and financially crippling process.

Whilst investigation whether informal orders should be in place, by the state, children have no rights to be denied access to parents who have neglected them in the past and who continue to cause harm by often not turning up to informal or supervised access. Does disappointment and broken promises not cause emotional harm?

The stress continues in the home as decisions are made whether to re traumatize the children in giving them access to their parents, often after the lengthy periods of time when the children have been settled and just beginning to feel safe.

Informal kinship carers have reported helplessly watching children in their care facing broken promises, threats to be taken away from the safety of their current care, impromptu phone calls and other media contact from natural parents , which is quite heart breaking.

The majority of Kinship Carers would love to mend their fractured family relationships if they could be assured of the safety of the children in their care.

The reason we are bringing this to your attention is to highlight the fact that no formal support for informal carers does flow on to the prevention of harm to the children.

Child Safety services deem the children to be safe when under kinship care while prevention of external harm is ignored.

Often research submissions are not taken with informal carers in mind and many are unaware of the processes to be heard.

In the Victorian Newsletter 'The Kinship Carer' No. 156 of June 7.4t7, an article by Neelima Choahan concludes with the following:

One kinship carer has been looking after her granddaughter since 2006. The carer, who can't be named for legal reason, said when her granddaughter turned four, the kindergarten notices signs of abuse and symptoms of drug withdrawal and called the department.

But when the grandmother could not be reached, the toddler was left with an aunt.

"There was nothing provided, she was basically just dumped at (my daughter's) doorstep," the grandmother said.

"There was no support. Basically, the child was handed over and that was it. Full stop. Close the door and go away."

After two weeks, the grandmother was forced to step in, but struggled to cope financially,

"DHHS never informed me of my rights to any financial support whatsoever, it was left up to me to do it," she said.

Grandparents for a variety of reasons may not wish to engage with Child Protection. Some live in fear of physical violence from drug addicted children and their partners and struggle on their own to rear their much loved grandchildren. Some of these children have foetal alcohol syndrome, serious behavioural problems and

separation anxiety, issues that require psychological knowledge they do not have and for which most of them receive no professional assistance. The reason they remain informal is to maintain a low profile in the hope that they can avoid abusive confrontations with their grandchildren's parents.

Incredibly, geography also played a part in this discrimination: for 25 years a clothing allowance was paid by the Tasmanian government for children being raised by their grandparents. This allowance only applied to children in the south of the state. How this extraordinary piece of legislation was passed beggars belief. 25 years later the matter was raised with [REDACTED] who succeeded in making the allowance available to North and North-Western Tasmania as well as the south. Shortly thereafter the clothing allowance ceased for the whole state.

For a period approximately \$28/fortnight was the amount paid to assist grandparents raising grandchildren. However, that allowance ceased too and is no longer available. A window opened for a short time and the Federal Government paid an allowance of a little of \$500 to informal grandparents but it quickly closed and only those in receipt of the allowance in the short time that one could make application continue to receive it.

As can be seen by these examples, some children in this extremely wealthy country of ours are more equal than others.

ARTICLE 2

Perhaps because traditionally grandmothers cared for children who could no longer be cared for by their parents, the problem has been largely swept under the carpet by, historically, male dominated parliaments. However, we have moved on and it is time that Australia placed a greater value on its children and that governments, both State and Federal, ensured that all children in out of home care were treated equally, without the unnecessary discrimination between foster carers (who receive .. per child), case workers and other forms of support, formal carers (who receive less financial support and less of other forms of support than foster carers) and informal carers (most of whom receive little or nothing). Surely kinship care whether formal or informal by

relatives who love and have a relationship with the child is preferable to foster care where a relationship and trust have to be built over time.

There is no training, assessment, support or oversight for our informal carers. They are not enabled or supported to meet the needs of children and young people in their care. Policies, procedures and practices are focussed on attracting more foster carers and on the increasing use of kinship carers (formal) while the largely unrecognised silent majority of grandparent and kinship (other close relatives) carers in Tasmania are getting on with the job of caring for these beautiful, damaged and needy children.

CLUSTERS OF RIGHTS

General measures of implementation art.4,42,44(6))

Definition of the child (art.1)

General principles

non-discrimination (art 2) - Both formal and informal grandparents and relative carers are discriminated against by both State and Federal Governments in the delivery of financial support and other support services detrimental to the care, wellbeing and future of the child. However; in the state of Tasmania 80 per cent of grandparent and relative carers are informal and therefore fly under the government's radar.

Best interest of the child (art 3) - It is a fact that the child's best interests are served by being placed with a grandparent or relative carer where possible because, in the case of both formal and informal kinship carers, there is already a bond of love and trust between the children and the carer/s. The child's best interests are paramount to the grandparent or relative carer.

Civil rights and freedoms

measures to promote physical and psychological recovery and social reintegration of child victims (alt 39) - As stated previously it is vital that measures be taken to provide professional

support to all children in out of home care. This is vital as most of the children suffer from various conditions and forms of trauma, e.g., physical, psychological or sexual abuse, foetal alcohol syndrome, malnutrition, attention deficit disorder, attention hyperactivity disorder, physical disability, intellectual disability, phobias, paranoia, etcetera, and come from backgrounds that include murder, accidental death, abandonment, drug addiction, alcoholism, violence.

Family environment and alternative care

separation from parents (art. 9) - There is evidence that infants feel the loss of a parent. In one case, an overtly affectionate grandchild of 11 months withdraws all affection from the grandparents for several months following the loss of its mother. Time and patience on the part of the custodial grandparents overcame the heartbreaking problem for both the grandparents and the infant.

Special protection measures

The government has an appalling attitude to children outside their country of origin seeking refugee protection. No child should have to live in detention centres anywhere much less outside Australia. The government should resettle genuine refugees together with their children. The family, where possible, should not be separated.

Unaccompanied asylum-seeking children should be assimilated into the community as quickly as possible. Australians have big hearts.

It is almost certain they would be quickly absorbed into Australian families or; preferably, into their ethnic groups within the Australian community.

The views of children and young people have not been included for several reasons, inter alia:

1. Efforts to determine their views may have resulted in emotional distress or a sense of insecurity.
2. Lack of time and resources.