

30 June 2023

Ms Anne Hollonds
National Children's Commissioner
Australian Human Rights Commission

By email: youthjusticereform@humanrights.gov.au

Dear Ms Hollonds,

National Children's Commissioner's Consultation on Youth Justice and Child Wellbeing Reform Across Australia

1. Women's Legal Services Australia (WLSA) thanks the National Children's Commissioner for the opportunity to provide feedback on Youth Justice and Child Wellbeing Reform across Australia.
2. WLSA acknowledges the overwhelming and disproportionate harm and loss experienced by First Nations people in both the criminal justice system and the child protection systems. These systems have been scrutinised for decades, with no visible improvement in the experience of First Nations children and young people.
3. A genuine commitment and priority to First Nations led reform is long overdue. All laws, policies and procedures must be continually reviewed and amended to ensure that they are culturally safe, inclusive of First Nations Law and customs, committed to self-determination and not perpetuating further harm through structural racism.

About WLSA and our work in the Child Protection system

4. WLSA is a national network of 13 specialist women's legal services in each State and Territory across Australia, specifically developed to improve women's lives through specialist legal representation, support, and advocacy.
5. Women's legal services provide high quality free legal services, including representation and law reform activities, to support women's safety, access to rights and entitlements, and gender equality. We seek to promote a legal system that is safe, supportive, non-discriminatory, and responsive to the needs of women. Some of our services have operated for almost 40 years.
6. Women's legal services primarily assist women with legal matters in the areas of family violence, family law, child protection, and victims of crime compensation, with some services also assisting with migration law and employment and discrimination law. Most of our clients are victim-survivors of family, domestic and/or sexual violence who are likely to require assistance across multiple areas of law, alongside wraparound, holistic non-legal support, to achieve safety for themselves and their children.
7. Women's legal services have specialist expertise in safety and risk management, maintaining a holistic and trauma-informed legal practice, and providing women additional multidisciplinary supports, including social workers, financial counsellors, trauma counsellors, and cultural safety workers, to promote long-term safety outcomes.

8. WLSA's advocacy work aims to ensure that reforms to laws and policies do not entrench gender inequality or gender-based discrimination, or unfairly impact on women experiencing violence and relationship breakdown. Our feedback to this consultation is informed by a feminist framework that recognises the rights of women as central.

Correlations between childhood trauma, child protection engagement and the criminal justice system.

9. Child protection jurisdictions throughout Australia are in a state of crisis. The number of children removed from their family of origin and entering the out-of-home care system continues to grow. This is not merely a reflection of population growth, with the rate per thousand of population increasing year on year.
10. There is a strong correlation between out-of-home-care (OOHC), the criminal justice system and lifetime disadvantage.¹ Child protection-involved youth face increased risk of criminal justice system contact.² These "crossover children" experience earlier police involvement and more serious criminal justice sanctions.³
11. In 2019, the Victorian Sentencing Advisory Council examined the child protection histories of 5,063 Victorian children who were sentenced or diverted between January 2016 and December 2017.⁴ Over 1 in 3 children had been the subject of a child protection report. Of those children sentenced to a custodial order: 1 in 2 were the subject of a child protection report, 1 in 4 were the subject of a child protection order and 1 in 5 experienced residential care. Aboriginal and Torres Strait Islander children were over-represented in every sentence type and child protection category. Girls were over-represented among children who had been the subject of a child protection order, compared with the overall population of sentenced and diverted children.
12. Crossover children typically have multiple adverse childhood experiences, including parental separation or divorce (88% of children), family violence (74% of children), household substance abuse (69% of children), household mental health issues (50% of children) and household criminal justice system involvement (41%).⁵ The vast majority of children are known to the Child Protection Service before their first offence and the majority of children experiencing out-of-home care commit their first offence during, or after, being placed in care.⁶ As the Victorian Sentencing Advisory Council notes 'this finding suggests that, while the experience of trauma and maltreatment is likely to be a causal factor in children's offending behaviour, the experience of care itself may be a contributing factor for many children'.⁷
13. The Committee on the Rights of the Child in General Comment No 10: Children's rights in juvenile justice emphasises that prevention must be a key element of any juvenile justice policy.⁸ Prevention includes "requir[ing] State parties to provide the necessary assistance to parents (or other caretakers),

¹ Australian Institute of Health and Wellbeing. (2012) 'Children and young people at risk of social exclusion: Links between homelessness, child protection and juvenile justice', Canberra.

² Kath McFarlane. (2010) 'From care to custody: Young women in out-of-home care in the criminal justice system', Current Issues in Criminal Justice, Vol 22(2).

³ Susan Baidawi. (2019) 'Crossover Children: Examining Initial Criminal Justice System Contact Among Child Protection-Involved Youth', Australian Social Work.

⁴ Sentencing Advisory Council (2019) 'Crossover Kids': Vulnerable Children in the Youth Justice System, Report 1: Children Who Are Known to Child Protection among Sentencing and Diverted Children in the Victorian Children's Court

⁵ Baidawi, S. and Sheehan, R. (2019). 'Cross-over kids': Effective responses to children and young people in the youth justice and statutory Child Protection systems. Report to the Criminology Research Advisory Council. Canberra: Australian Institute of Criminology.

⁶ Sentencing Advisory Council (2010) 'Crossover Kids': Vulnerable Children in the Youth Justice System, Report 2: Children at the Intersection of Child Protection and Youth Justice across Victoria.

⁷ Ipid, p. xvi

⁸ UN Committee on the Rights of the Child, General Comment No 10: Children's Rights in Juvenile Justice, 25 April 2007, CRC/C/GC/10 at paragraphs 15-21

in the performance of their parental responsibilities”, including positive obligations “even more [so] on the promotion of the social potential of parents”.⁹

14. When parents have themselves been the subject of significant risk of harm reports when they were children, WLSA believe child protection and support services have a higher duty of care to support them to care for their children.

Recognising the distinct and related needs of adult and child victim/survivors

15. Family violence is a key factor contributing to lifelong trauma and disadvantage for Australia’s most vulnerable children. Children affected by abuse and neglect, including experiences of domestic or family violence (DFV), often experience immediate and long-term adverse effects on their physical, emotional, and social development.
16. It is well recognised that ‘recovery from DFV is a long-term process that extends beyond the initial crisis response. The support and recovery needs of victim-survivors do not end when an abusive relationship or its immediate violence ends. Equally, the perpetrator’s behaviour may shift over time and manifest in post-separation abuse. Recovery requires the identification of support needs and access to a range of services and support mechanisms tailored to the needs of the victim-survivor child and/or parent’.¹⁰
17. WLSA acknowledges the importance of funding services to work directly with children and young people. We also draw attention to the importance of ensuring that systems and services support adult victim/survivors to escape the cycle of violence and provide a safe home environment for their children.

Ensuring the best interests of the child remains paramount

18. Over the last 5–10 years, state and territory Governments have implemented statutory timeframes to achieve reunification/restoration of children with their birth family. The intent of these provisions is to promote timely permanent care arrangements for children who are unable to live with their birth parents.¹¹
19. While permanency planning is an important aspect of child protection policy and practice, the requirement to achieve legal permanency within a specific timeframe has a punitive effect on children and families where parents are unable to access appropriate culturally safe support to address protective concerns and promote timely reunification.¹²
20. The making of permanent care orders does not guarantee a child or young person will have access to a safe, stable home.¹³ The trauma of child removal and harm frequently experienced by children in out of home care provide compelling reasons to maintain a reunification case plan where there are prospects of success.
21. Rigid time limits that restrict the discretion of the Court to order reunification in the best interests of the child undermine fundamental human rights. Children have the right not to be separated from their parents except where necessary for the best interests of the child. The right of the child who is separated from one or both parents is to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests, which must include

⁹ Ibid at paragraph 19.

¹⁰ Pfitzner, N., Meyer, S., Helps, N., & McGowan, J. (2022). *Stronger Together: Strengthening families to improve outcomes for children*. Monash University.

¹¹ Wright A, Cashmore F, Wise S, Tilbury C. (2022) Comparative analysis of third party permanency orders legislation in Australia

¹² Commission for Children and Young People. (2017) ‘...safe and wanted...’: Inquiry into the implementation of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014.

¹³ Victorian Legal Aid. (2020). ‘Achieving safe and certain homes for children.

prioritising the safety of children and adult victim-survivors.¹⁴ Where it is in the best interests of the child to continue a reunification case plan, the child's rights should be upheld.

22. WLSA advocates for the permanency provisions in each jurisdiction to be reviewed to ensure the best interests of the child remain paramount.

Supporting mothers at risk to care for their children

23. Removal of children from the care of a non-offending parent exacerbates the profound physical and mental health impacts of family violence, often with long-term effects on child development and wellbeing. Supporting mothers affected by family violence and/or other risk factors to be safe and protective caregivers and/or to have regular and meaningful contact with their children is therefore critical to child safety and wellbeing.
24. Despite growing awareness of family violence, the child protection system continues to place responsibility on victim-survivors to protect their children from violence rather than holding the perpetrator to account. In practice, child protection services remain focused on risk identification rather than supporting mothers to improve their parenting capacity or address protective concerns.¹⁵
25. Child Protection services often fail to integrate support for the victim/survivor parent or engage in problem solving with affected family members, particularly mothers. Research shows that 'while mothers are deemed unsafe or unable to care for their children due to concerns around mental health, AOD and/or other parenting issues, fathers with a documented history of DFV rarely face the same level of scrutiny'.¹⁶
26. Mothers engaged with child protection services rarely have access to support services required to address their child's therapeutic needs. Mothers at risk are sometimes held responsible for failing to manage adolescent violence in the home and other challenging behaviours caused by family violence and trauma. These challenging behaviours often escalate once the child or young person is removed from parental care however access to supports needed to reunify parent and child victim-survivors remains limited.
27. Prioritising child safety and wellbeing requires a major shift across child protection systems nationally to ensure a strengths-based approach and facilitate access to comprehensive and timely supports for parents and children. Partnering with mothers to address protective concerns and minimise risks to children in parental care will help reduce the number of children entering care services and enable more children to be safely reunified with their family of origin.
28. While child protection services are the jurisdiction of states and territories, collaboration between the Commonwealth and the States and Territories to achieve nation-wide consistency in best-practice responses to family violence, including in child protection, would considerably improve the likelihood that children remain in the care of a non-offending parent.
29. Child-focused, trauma-informed responses to family violence require integrated systems that recognise the enduring significance of family and kinship ties for children, including where a child is unable to remain in, or be returned, to parental care.

¹⁴ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations

¹⁵ Pfitzner, N., Meyer, S., Helps, N., & McGowan, J. (2022). *Stronger Together: Strengthening families to improve outcomes for children*. Monash University.

¹⁶ *ibid*

30. WLSA advocates for:

- policy action and investment to support a renewed focus on embedding best-practice responses to family violence across the child protection system; and
- earlier intervention to address socio-economic disadvantage and minimise the need for child protection intervention before it occurs.

Misidentification and post separation abuse

31. The misidentification of women as perpetrators of family violence remains a complex and pervasive issue. The consequences for mothers and children can be devastating. In some cases, children are removed from a mother's care and placed in the care of the abusive parent or paternal family members with the perpetrator having ready access to the child or young person despite heightened safety risks.
32. Placement of children in the care of the perpetrator also occurs in the context of post-separation abuse. Gendered parenting norms, combined with a deficit approach to risk assessment, mean that the mother's parenting capacity is often the focus of attention while evidence of ongoing coercive control and systems abuse by the perpetrator is overlooked or downplayed by child protection services.
33. WLSA advocates for State and Territory Governments to work with key agencies, including Community Legal Centres, Aboriginal legal and family violence services, Legal Aid, Police, Courts, and Child Protection authorities, to implement systems to promptly rectify misidentification of victim survivors where it occurs.

Early legal assistance for families at risk

34. WLSA advocates for parents/primary caregivers to have access to early legal advice and assistance to support family preservation and reduce the number of children removed from parental care. Such support must be culturally safe, domestic violence and trauma informed, and strengths based.
35. Early legal support helps ensure parents have relevant information about child protection processes, understand issues of concern and how these can be addressed, engage effectively with child protection and are provided with access to relevant support services.
36. Access to early legal advice and other support can be crucial in supporting family preservation. Families experiencing trauma and disadvantage face communication and practical barriers that can lead to unnecessary child removals. Having access to early legal advice and support from independent and trusted community legal services helps parents to overcome these challenges.
37. Access to early legal advice when a primary caregiver may not be able to care for their child, but there is another family member who is appropriate and available, could mean a matter is diverted to the family law courts rather than waiting for the matter to escalate to the Children's Court and the removal of a child from their family. The benefit in these circumstances is there is an increased likelihood that the child will stay with family members instead of going into "care".
38. We refer to an external review of the legal aid scheme in British Columbia.¹⁷ The recommendation given the highest priority in this review was the creation of child protection clinics to provide legal and other support to help parents before child protection concerns escalate to removal of children from their care. This recommendation was made in recognition of the power imbalances parents experience when children are removed from their care by the state. Noting the over-representation of Indigenous

¹⁷ James Maclaren QC, [Roads to Revival: An External Review of Legal Aid Service Delivery in British Columbia](#), January 2019, Recommendation 15,

children in out of home care in British Columbia, the report particularly acknowledges the power imbalances experienced by Indigenous families.

39. WLSA advocates for Government investment in early legal assistance for children and families in the child protection system, including funding for Aboriginal Legal Services, Aboriginal Family Violence Prevention Legal Services and specialist Women's Legal Services.

Preventing removal of infants at birth

40. Children aged 0-4 have the highest rate of receiving child protection services and enter out of home care in significantly higher numbers than children or young people in any other age group.¹⁸ Without targeted and effectively intervention to prevent infant removals, Australia's most vulnerable children will continue to experience adverse outcomes across developmental, social, and psychological domains throughout their lifetime.
41. System collaboration is key to overcoming siloed service provision to families with complex needs, and to addressing structural and systemic factors that undermine child safety and wellbeing.¹⁹
42. Health justice partnerships embed legal help into healthcare services and teams to improve health and wellbeing for:
- individuals, through direct service provision in places that they access;
 - people and communities vulnerable to complex need, by integrating service responses around client needs and capability; and
 - vulnerable populations through advocacy for systemic change to policies and practices that affect the social determinants of health.²⁰
43. Outcomes achieved through existing health-justice partnerships demonstrate that early legal assistance, together with therapeutic supports, assist mothers experiencing complex trauma to address protective concerns and enable newborn babies to remain safely in parental care.
44. WLSA advocates for:
- Community led, culturally safe, trauma-informed parenting and other support programs to help mothers address issues that may lead to the removal of their children; and
 - Health justice partnerships to enable legal issues to be identified early and provide integrated service support and appropriate referrals to address complex need.

Together from the Start Health Justice Partnership (Vic)

Together from the Start is an early support model, established by Monash Health and Women's Legal Service Victoria, that assists pregnant women experiencing family violence provide a safe and healthy environment for their baby from birth. Together from the Start is a holistic service, providing access to ongoing legal assistance

¹⁸ AIHW, Child protection Australia 2020–21

¹⁹ Pfitzner, N., Meyer, S., Helps, N., & McGowan, J. (2022). Stronger Together: Strengthening families to improve outcomes for children. Monash University

²⁰ Health Justice Australia, Health justice partnership (2018) available at <https://www.healthjustice.org.au/wp-content/uploads/2018/12/Health-Justice-Australia-HJP-definition-summary.pdf>, Health Justice Australia, *The rationale for health justice partnership: Why service collaborations make sense*, (2018) available at <https://www.healthjustice.org.au/wp-content/uploads/2018/12/Health-Justice-Australia-The-rationale-for-health-justice-partnership.pdf>

as well as health, social work and financial counselling supports. WLSV lawyers build collaborative relationships with child protection to ensure the entire care team works together to empower mothers to address protective concerns and keep newborns safe.

Independent evaluation found Together from the Start has been a successful partnership. The majority of women who access ongoing legal assistance, where DFFH had been notified, are discharged from hospital with their newborn baby safe in their care and support services in place. When WLSV lawyers are involved in client care-team meetings with child protection and other support services, at-risk mothers are more likely to be discharged from hospital with their babies safe in their care and support services in place. Where removal is necessary, legal advice and therapeutic support during pregnancy helps mothers to identify suitable placements prior to birth and negotiate safe contact arrangements to maintain the mother/child bond.

Access to housing support

45. Family violence is a leading cause of homelessness²¹ and a lack of safe and affordable housing can leave women at risk of child protection engagement.
46. Women who stay in violent relationships often do so to protect their children from the perpetrator rather than leaving their children alone with the perpetrator. Yet children who are exposed to family violence are at risk of being removed by child protection authorities. If women leave violent homes with their children, children are also at risk of removal as a result of homelessness.
47. Further, once children are removed from their mother's care, accessing safe and affordable housing for the mother and children can be challenging and impact on whether children are restored to their mothers/primary caregivers. Assessments of social housing applications appear to be based on the parent's current circumstances, such as whether a child is in their care at the time.
48. Access to secure and affordable long-term housing is an essential pillar of child safety and recovery from violence. Prioritising victims-survivors of family violence and their children and providing appropriate accommodation when, for example, a parent is seeking to have their children returned to their care, is critical.
49. WLSA advocates for:
 - urgent and sustained investment in specialist family violence accommodation, while continuing to expand social and affordable housing stock; and
 - priority access to social housing if a parent can provide evidence which demonstrates that the lack of appropriate accommodation is impacting their ability to have children restored to their care.

Keeping mothers out of prison

50. Sexual, domestic and family violence are often the pathway to prison for women and a key risk factor in the removal of children from their care. Family violence is also a leading cause of homelessness for women and children and a lack of safe and affordable housing can leave women at risk of imprisonment.

²¹ Australian Institute of Health and Welfare (2022), Specialist homelessness services annual report 2021-22

51. Having a parent or primary carer in custody is detrimental to children and young people. There is a growing understanding that having a mother in custody has a much greater detrimental impact on the development of a child than having a father in custody.²²
52. The incarceration of First Nations women, and particularly pregnant women and women with caring responsibilities for children, should be a last resort. Flexible and accessible, non-custodial alternatives to prison should be available throughout all States and Territories, including in rural, regional and remote areas.
53. During sentencing, courts should consider primary caregiving responsibilities for children and young people, any history of violence experienced and any history of mental health and substance abuse. This is consistent with the United Nations Bangkok Rules.²³
54. Women need access to specialist legal and therapeutic services in custody to ensure that the patterns of violence and risk are safely explored and addressed. The opportunity to maintain continuity of care of children is essential to prospects of retaining children post release. The Mothers and Children's Program in NSW illustrates some of the benefits to children that can be achieved by providing integrated legal and therapeutic support to women engaged with the criminal justice system.
55. WLSA advocates for holistic and gendered support to divert women away from the criminal justice system and enable mothers serving a custodial sentence to maintain a meaningful relationship with their child.

Mothers and Children Program (NSW)

Women's Legal Service NSW assists pregnant women and mothers in prison, advocating for their children to be in their care in prison through the Mothers and Children Program or in residential drug and alcohol rehabilitation programs with their children. Part of this advocacy includes assisting the judiciary to understand pathways of women into prison who have experienced child sexual abuse, sexual assault and family violence, as well as advocating that imprisonment of primary care givers should be a last resort, consistent with the United Nations Bangkok Rules.

WLS NSW works closely and in collaboration with other services who provide intensive case management support as well as with Corrective Services through the Mothers and Children Program and with Child Protection.

Through this collaborative approach, mothers have been able to care for their children in prison through the Mothers and Children program and some mothers have been able to enter and, have successfully graduated from, residential rehabilitation treatment programs either with their children staying with them in residential rehabilitation or their children being restored to their care following successful completion of residential rehabilitation. A key part of these programs involves strengthening parenting capacity which strengthens the parent-child relationship. Where children are with their mothers, this has been a very important opportunity for children to form and/or maintain a meaningful attachment to their mothers. The birth of children, and being supported to care for their children, can also be a strong motivator for women to address criminogenic risk factors.

Where babies and other children are not able to be with their mums in custody, the program helps pregnant women and primary caregivers to identify family members and other possible carers early and help them

²² Stacy Tzoumakis et al, "Parental offending and children's conduct problems", AIC Trends & Issues in Crime and Criminal Justice, No 571 March 2019, p. 8

²³ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, E/2010/30 adopted by the UN General Assembly on 21 December 2010, Rule 41(b) accessed at: <https://undocs.org/A/RES/65/229>

advocate to Child Protection for assessment for placements to be undertaken before the birth of their child and for contact with their children and maternal relatives and community. This may result in a Family Group Conference to identify issues of concern and how these can be addressed by the family and community members.

Raising the Age

56. The current minimum age of criminal responsibility in Australia of 10 years of age harms children, and in particular Aboriginal and Torres Strait Islander children. Incarceration at a young age is inconsistent with children's wellbeing and development and contributes to poor life outcomes, including sustained engagement with the criminal justice system and increased risk of suicide.
57. The principle of diversion is well-accepted and embedded at pre-court, post-sentence and post-conviction levels of the justice system. Cautions, diversions and a focus on therapeutic programs are particularly important for children and young people to reduce cycles of imprisonment from an early age. Recent inquiries have highlighted that more can be done to improve the diversion of young people.²⁴
58. WLSA advocates for:
- all jurisdictions to raise the age of criminal responsibility from 10 to at least 14 years old in line with the United Nations Convention on the Rights of the Child; and
 - increased use of cautions and court-based diversion and access to therapeutic programs, treatment and rehabilitation to divert young people away from the criminal legal system.

Saadiya's Story

59. Attached to this submission is a client case study provided by Women's Legal Service Victoria that illustrates a number of systemic barriers for mothers experiencing family violence and impacts on child safety and wellbeing. This case study highlights the many missed opportunities for early intervention and the important role played by specialist legal services in empowering victim-survivors to address protective concerns. It demonstrates the importance of embedding family violence response best practice to give children the best chance of thriving in parental care.

If you require any further information regarding this submission, please contact Erin McCoy at

Yours faithfully,

Lara Freidin
Executive Officer
Women's Legal Services Australia

²⁴ Armytage P., Ogloff J. (2017). *Youth justice review and strategy: Meeting needs and reducing offending*. Melbourne, Australia: Victorian Government.; Legislative Assembly of NSW. (2018). *The adequacy of youth diversionary programs in NSW, law and safety committee report 2/56*. Sydney, Australia: NSW Parliament.

Saadiya's Story – A family violence case study

Background

Saadiya, a victim-survivor of family violence, was unable to access crisis support despite proactively seeking assistance through the child protection system. If she had been able to access the help she needed, further child protection intervention may not have been necessary.

Saadiya separated from her partner in early 2020 after years of physical and psychological abuse. Following the separation, Saadiya contacted child protection services on several occasions to request respite care as she was struggling to care for two young children on her own and needed to attend appointments with her psychologist. Saadiya was assessed by the crisis assessment team and was referred to a relevant support service. However, due to a long wait list, that service was not able to assist her when she needed it. Child Protection advised the client that respite care was unavailable. Saadiya's mental health continued to deteriorate due to trauma and ongoing coercive and controlling behaviour by the perpetrator.

Several weeks later, one of Saadiya's children was injured while she was intoxicated. Saadiya called an ambulance, triggering a report to DFFH. DFFH removed both children because of protective concerns relating to Saadiya's mental health and use of alcohol. A full exclusion intervention order protecting Saadiya and the children from the father was in place at the time. The children were placed in the care of their paternal grandparents and had ongoing contact with the perpetrator who lived in the same household. Saadiya, however, had limited face-to-face contact with the children as the paternal grandmother was required to arrange and supervise contact and did so inconsistently. When she did bring the children for contact, the paternal grandmother pressured Saadiya to reconcile with the perpetrator.

Legal Assistance

Saadiya was first referred for legal assistance through the duty lawyer service at the Children's Court. Saadiya was determined to have her children returned to her care. She engaged well with AOD services, secured suitable accommodation through a family violence service and established a safety plan. Her mental health stabilised rapidly with medication and therapeutic support. However court proceedings were adjourned due to Covid 19 and DFFH was reluctant to revise its assessment. As a result the children remained out of her care for several months. Saadiya's lawyer advocated for the children to be returned to their mother's care as Saadiya had made significant progress in addressing protective concerns. Saadiya's lawyer also sought conditions requiring the father to engage in a men's behaviour change program and AOD counselling. DFFH opposed these conditions because the perpetrator advised his drinking was under control.

At the first conciliation conference, Child Protection services supported the father's proposal for a 50/50 shared care arrangement even though he had never been directly involved in caring for the children and there was extensive evidence of family violence including police reports, two family violence intervention orders and assault charges. At a second conciliation conference, Saadiya and her legal representative were successful in getting Child Protection to acknowledge the impact of the perpetrator's violence and Saadiya's improved mental health. The parties agreed to a time-limited order for 70/30 shared care, with Saadiya as the primary carer. The children were reunited with their mother and DFFH withdrew the protection application, leaving it to the parties to obtain parenting orders through the Family Court.

The children remain in Saadiya's care full time. The perpetrator father has subsequently re-partnered and has no interest in caring for the children. Family law orders are no longer required as the father has no desire to be involved in the children's lives. Child protection relied on the perpetrator's advice for several months and advocated for the children to be placed in his care instead of working with Saadiya to address the impact of trauma on her parenting capacity. However, access to legal assistance and Saadiya's proactive engagement with support services during Covid 19 enabled her to take significant steps towards recovery and resume care of her children.