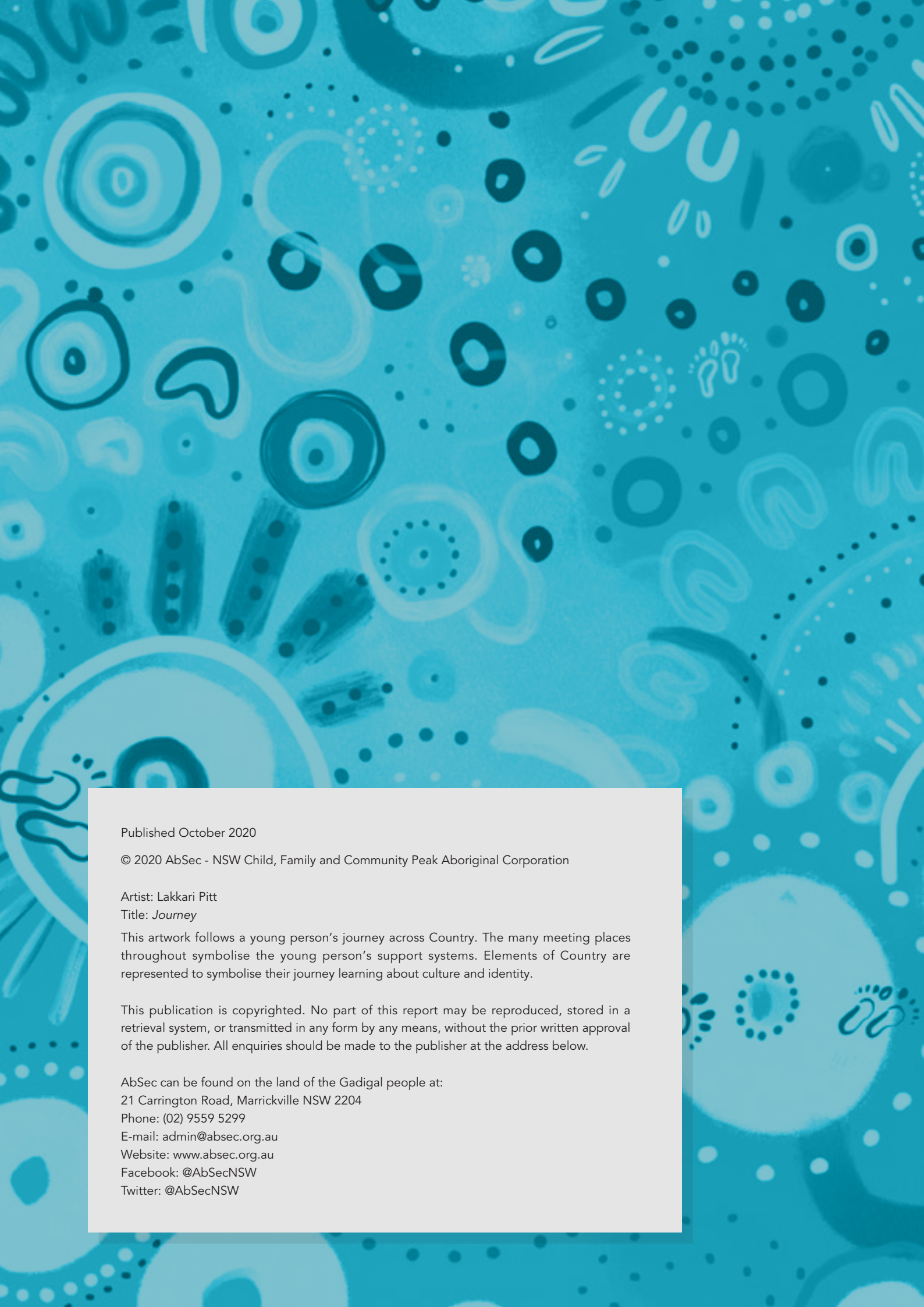
Hearing the voices of Aboriginal people in child welfare

CASE STUDY REPORT

OCTOBER 2020

NSW Child, Family and Community Peak Aboriginal Corporation
AbSec



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Artist: Lakkari Pitt
Title: *Journey*

This artwork follows a young person's journey across Country. The many meeting places throughout symbolise the young person's support systems. Elements of Country are represented to symbolise their journey learning about culture and identity.

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Contents

About AbSec 3

Executive Summary 4

Hearing the voices of Aboriginal people in child welfare 5

What We Heard 6

- Need for Aboriginal family supports 6
- Importance of Aboriginal organisations and practitioners 9
- No support for "self-placement" 10
- Importance of Aboriginal organisations and practitioners 10
- Keeping Aboriginal kids with family and community 11
- Inadequate supports in out-of-home care 17
- Culture and identity are critical to wellbeing 22
- Aboriginal-led solutions 27

Conclusion 32

About AbSec

AbSec - NSW Child, Family and Community Peak Aboriginal Corporation is the peak Aboriginal child and family organisation in NSW. AbSec is committed to advocating on behalf of Aboriginal children, families, carers and communities, and to ensure they have access to the services and supports they need to keep Aboriginal children safe, with the best possible opportunities to fulfil their potential through Aboriginal community-controlled organisations

Central to this vision is the need to develop a tailored approach to Aboriginal child and family supports, delivering universal, targeted and tertiary services within communities that cover the entire continuum of support and reflect the broader familial and community context of clients. Such services and supports would operate to mitigate risk factors or vulnerabilities, thereby reducing the need for more intensive or invasive interventions.

Our vision is that Aboriginal children and young people are looked after in safe, thriving Aboriginal families and communities, and are raised strong in spirit and identity, with every opportunity for lifelong wellbeing and connection to culture surrounded by holistic supports. In working towards this vision, we are guided by these principles:

- acknowledging and respecting the diversity and knowledge of Aboriginal communities;
- acting with professionalism and integrity in striving for quality, culturally responsive services and supports for Aboriginal families;
- underpinning the rights of Aboriginal people to develop our own processes and systems for our communities, particularly in meeting the needs of our children and families;
- being holistic, integrated and solutions-focused through Aboriginal control in delivering for Aboriginal children, families and communities; and
- committing to a future that empowers Aboriginal families and communities, representing our communities, and the agencies there to serve them, with transparency and drive

Executive Summary

Aboriginal families continue to be disproportionately affected by statutory systems that separate children and young people from their families. While these systems ostensibly operate in the best interests of children, outcomes achieved for children following statutory intervention are poor, with outcomes for Aboriginal children and young people particularly poor[1]. The voices and experiences of Aboriginal people are not sufficiently heard in systems' reforms, with simplistic conversations about safety, intervention and permanency creating a narrow and flawed understanding of both the challenges facing Aboriginal children and families, and the solutions aimed at achieving substantive change.

In early 2019, AbSec engaged with a number of Aboriginal families and communities affected by the Department of Communities and Justice, and invited them to share their experiences and perspectives of this interaction, and what it means for the safety, welfare and wellbeing of Aboriginal children, families and communities. Throughout these conversations, a number of common themes emerged.

We heard that Aboriginal people and families continue to be subject to systems and frameworks which perpetuate child removals, rather than work with families and communities in the best interests of Aboriginal children. Aboriginal people spoke about the lack of holistic, community-based supports for families, and a system that failed to adequately engage Aboriginal families and communities to find solutions that keep Aboriginal children safe and support them to thrive. We also heard that while the system often exercises authority over Aboriginal children, families and communities, there are also few supports for Aboriginal children and young people once Department of Communities and Justice have removed them from their families.

Overall, there was a sense that despite the numerous reforms over the last two decades since *Bringing Them Home,* there has been little meaningful change in the way that statutory authorities systemically approach Aboriginal children and families. Key issues of Aboriginal self-determination, family and community participation in decision making, the implementation of the Aboriginal Child Placement Principles, and the need to realign the child protection system to focus on prevention, early intervention and support for families remain at the forefront for Aboriginal communities.

This report aims to elevate the experience of Aboriginal peoples within the system and provide a basis to drive change. The sample case studies that have been developed and included in this report, are intended to communicate to the wider public the experience of Aboriginal children, families and communities within the system. All case studies developed under this engagement in 2019 inform this inaugural report, presenting key themes and common issues raised through our engagement with Aboriginal communities, urging policy and practice reforms to promote the safety, welfare and wellbeing of Aboriginal children and young people.

AbSec has argued for broad systemic change, including the establishment of an empowered Aboriginal Child and Family Commission, building a strong, holistic child and family sector for Aboriginal children and families, investment in responsive Aboriginal-led supports for Aboriginal families, and refocusing current, ill-fitting approaches in favour of Aboriginal-led solutions. These solutions, emerging from our ongoing conversations with Aboriginal young people, families and communities, seek to improve the experience of Aboriginal children and families with the child and family system, empowering Aboriginal families and communities and enabling better outcomes through local Aboriginal-led solutions.

1 Tune, D. (2018) *Independent Review of Out of Home Care in New South Wales – Final Report.* Accessed from https://psa.asn.au/wp-content/uploads/2018/06/TUNE-REPORT-indep-review-out-of-home-care-in-nsw-ilovepdf-compressed1.pdf

Hearing the voices of Aboriginal people in child welfare

The voices of Aboriginal people are often marginalised in public policy conversations about Aboriginal children and families, particularly those families doing it tough to overcome the challenges they face and support their children to thrive.

The dominant narrative is relatively straightforward. Aboriginal children are more likely to be reported at risk of significant harm, and are more likely to be removed from their families. Further, having been removed from their families, Aboriginal children tend to stay in care longer, and are less likely to be returned home. This deficit focus frames the conversation in terms of dysfunctional Aboriginal families and communities, requiring the desperate intervention of the state to rescue Aboriginal children from harm that is inherent in our communities.

AbSec rejects this narrative. Our communities acknowledge the higher rates of poverty and disadvantage inflicted upon Aboriginal communities, and the impact this has on family functioning. However they also describe a system that, despite the clear lessons of past policies and practices, continues to be focused on intervention and removal, the exercise of statutory authority over families and the imposition of external, non-Aboriginal "solutions" that continues an ongoing cycle of harm. Our conversations with Aboriginal communities demonstrate the strength within our communities and the resilience inspired by our culture. Our communities demonstrate through their actions and advocacy that they are proactive in working towards the safety, welfare and wellbeing of all children, despite having few resources to do so. They describe the struggles they face to be heard in proposing local solutions, to participate in decision making and the delivery of the tailored supports Aboriginal families need for their children to thrive.

That the disproportionate impact of the statutory system in the lives of Aboriginal families continues to grow, and the outcomes achieved for Aboriginal children are poor relative to their non-Aboriginal peers fundamentally supports the perspective of Aboriginal communities. Without urgent change, driven by and for Aboriginal communities and based on the voices and perspectives of Aboriginal people, these poor outcomes will continue. Through understanding the experiences and perspectives of Aboriginal people affected by the statutory child protection system, a better understanding of the challenges, and likely solutions, can emerge.

AbSec spoke to more than fifty Aboriginal young people, families, Aboriginal and non-Aboriginal carers, practitioners and community members who have had either direct or indirect experience with the Department of Communities and Justice, from metropolitan, regional and remote communities. AbSec informed all participants of the purpose of the conversation, and then talked through their experiences, with a focus on both elements that contributed to positive outcomes for Aboriginal children and young people, as well as challenges or barriers. These narratives were then reviewed to identify common themes. This conversation provides a foundation to better understand the challenges of systems and practice as it affects Aboriginal children and young people, their families and communities, and outlines a different way forward.

Note: All carers and children in case studies are Aboriginal unless stated otherwise. Some case studies have been de-identified to respect the privacy of children and families, or developed to reflect the broad experiences of practitioners, families, carers or community members. Some names have been changed to protect identity. Case studies may refer to the Department of Communities and Justice (DCJ) by its former names; Family and Community Services (FACS) or the Department of Community Services (DOCS).

What We Heard

Need for Aboriginal family supports

> We heard that there are insufficient supports to assist Aboriginal children and families to address risks and support families.

Aboriginal communities have been calling for a universal support system that strengthens networks of care and optimises community supports so that children can thrive. Communities envision a service system that is holistic and culturally embedded, where supports are offered before more intrusive child protection approaches are needed.

We heard of numerous factors resulting in Aboriginal families not receiving early intervention and prevention supports, including a lack of service availability, remote locations and the impact of intergenerational trauma.

> "...more... early intervention with a lot of the families. Like... not to take the children away, but to help the family as a whole [to], try and rehabilitate themselves and learn how to live healthily as a family.

Early intervention and preventative approaches are vital to safeguarding the wellbeing of Aboriginal children, by allowing families every opportunity to address risks that may exist. However, many reported difficulty in accessing services and supports to work with parents and families, even where services do exist.

> "It's got to be a holistic approach. You've got families, where they need help, the kids are at risk, [but] you've got to stop traumatising the kids and start pulling the parents up and getting them help, and showing them that you've got these kids, you need to start being a parent ... you've got rehabs, it's all there, it's just not being co-ordinated properly to get the help parents need.

For some, there was a sense that key supports are not provided to parents prior to removal, or following removal to work towards restoration and reunification. Rather, access to some supports was only offered through the justice system.

> "The sad thing is the only help they get if they're on drugs... is when they go to jail.

Similarly, there was a lack of flexibility across the system, with rigid compliance to bureaucracy forming a barrier to achieving positive outcomes for Aboriginal children and families. Engagement was experienced as authoritarian, rather than collaborative and supportive of families, aligned to their individualised needs.

> "You can have all these policies and procedures and boundaries, all you want, but if you haven't got empathy, and you haven't got [an] understanding of our community, then really, how can you help our community? How can you get the required help that our community needs, like grief and loss counselling, drug and alcohol support, mental health support, routines with children? All of that sort of stuff, that's so strict. In this sort of environment, you need to be flexible. Everything is so rigid within the welfare system. There is no flexibility. It's their way or the highway. So things really need to change and more flexibility needs to come into the system and more support and help for families in keeping them together.

Put simply, supports must be prioritised over removals, which were not seen as an effective or suitable solution, but merely as a means to perpetuate the cycle of trauma.

> "It just feels like it's a cycle that ... gets passed down and passed down... If someone could run programs on life skills...on how to help the family stay together as a unit. [It would] make it easier for us, instead of taking our kids away.

Tracey's Story

Tracey Sauerbier wears two hats in her work with Aboriginal young people; she provides support as a Wellness Facilitator for Marathon Health, and kids come to her for guidance as a youth pastor at the local Hope Church.

"My heart is for a safe community and a safe environment," Tracey says. She's deeply committed to her community in Condobolin, a town of around 3,500 people in Central West NSW, where more than one in five residents is Aboriginal.

As a Wiradjuri woman, Tracey's people have been the custodians of this land for tens of thousands of years.

> When children grow up with community, their roots go deep. Our roots go deep with each other...

"When children grow up with community, their roots go deep. Our roots go deep with each other," Tracey says. "And if you take a child out of the community you're taking life from them as well, in a way."

Tracey is a big advocate for keeping Aboriginal kids safe in their own community and culture.

"If you take them to a different community, it's not the same as where it's their land. You take them from Country, it's just not the same.

"And you strip them of their identity when you're taking them out of a community and placing them into another community, or even more so if it's in a non-Indigenous family."

Kids in out-of-home care have already lost a lot, they don't need to lose any more than they need to.

Tracey is all too familiar with the out-of-home care system – a system which currently impacts on the lives of Aboriginal children at 11 times the rate of non-Indigenous kids. While Tracey was growing up, her parents were carers for kids who couldn't safely stay with their own families. Some of those kids were her cousins.

She describes a big and loving family, where people had their problems but everyone looked out for each other.

"My mother's family, they have eight – four brothers and four sisters. They looked after their children's children, so they were always a big, close-knitted family. And if there was a family that needed help, the aunties and uncles would take the children – so they pulled together to help," Tracey says.

"When kids were going to be taken off their parents, my parents raised them until their family got on their feet, so I've had a lot of cousins come in and out of our home."

Tracey says her parents did their best for the kids in their care, but they didn't receive enough help from the system to address the complex trauma and mental health problems that hid beneath the surface. Some kids would arrive at the home and start running away, or kick and punch people.

"I think because my parents were really good carers and really loving towards our cousins, they really took them in as their own and raised them as their own," she says. "But when the children came into my home, into my parents' home, Mum and Dad dealt with a lot of issues that they weren't equipped to deal with."

Some of those cousins have now had their own children who have entered the child protection system. Tracey believes there was a missed opportunity to provide effective counselling all those years ago to stop the pattern of trauma.

"It's just like a cycle, it goes around and around again. There needs to be more mentoring and early intervention with a lot of the families – not to take the children away but to help the family as a whole, to try and rehabilitate themselves and learn how to live healthily as a family," Tracey says.

She would love to see more early intervention and family support services in Condobolin, using the strength of culture to support Aboriginal kids.

"Aboriginal children need Aboriginal parents, but they need the support as well – kids who've been removed from their home need a lot of support with counselling and psychological help. They've had traumatic lives and then they're put into something that they don't understand."

From where she stands, Tracey believes the child protection system "isn't working at all" for Aboriginal kids, especially for the many kids who are placed away from community and kin.

"They need to be around Indigenous families where they're connected to culture – it's probably not exactly like their own home, but it's similar," she says.

> "I feel that there wasn't enough assessment with the children to get the help that they needed. Like, they had a safe place to stay and they were being cared for and fed and clothed and loved, but there was a lot of issues that weren't dealt with, and so they carried that through to their relationships as they grew up."

Importance of Aboriginal organisations and practitioners

The important role of Aboriginal Community Controlled Organisations, and Aboriginal practitioners, in engaging with Aboriginal families was consistently noted.

> When … I have issues, the mainstream isn't helping me and I'm looking for strategies, and that's from our own mob or the extended community where I live and Aboriginal people and organisations to find ways to make things better.

The cultural and community knowledge and expertise of Aboriginal practitioners and organisations was seen as an important asset in working effectively with Aboriginal children and families. This includes helping families and carers to feel more comfortable in engaging with supports, identifying family and extended family networks to support family preservation, or to ensure children who are unsafe at home are still able to remain within their extended families and communities. The positioning of Aboriginal practitioners, in the context of broader social judgment of Aboriginal parents and families, was seen as an important factor.

> [It's] their ability to connect and understand, and there's no shame factor. I'm sure when I walk in there compared to them, they're ashamed straight away, and afraid I'm going to judge. It's not my job to judge them. It's my job to support them and advocate for them. But it's much easier to hear that from an Aboriginal worker, than it is to see it from a white person's perspective, and I think that's something they can rely on, [someone] who's Aboriginal, who knows the families, who knows the community, and who's engrained in the community…

More broadly, particular practitioner skills were seen as critical to effectively supporting families across the continuum of support. This included grief and loss, disconnection, the ability to build responsive relationships, and to be led by families about the supports they need for children and young people.

> It's imperative that staff do have some sort of experience of grief and loss, rejection, a sense of disconnection. How can you empathise and understand what a family is going through, if you have not experienced it, in your own life?

> …I feel comfortable with my caseworker at the moment. I can ring my case worker about twelve o'clock and talk to her about a problem I have, and she'll talk with me. That sort of confidence to have someone, is really good.

> …I reckon DOCS should go in and sit down with these carers and say okay, what do you need in your home for your children, how can we help you? That's what they should do but they don't do it. All they do is they go in and [say] I'm the boss, that's it, you do what I do, you know, what they say goes.

Timely access to relevant information, including policies and how to access needed supports was also identified as a key issue.

> What I care about, is that they know what they're talking about, and they know how to give support, all the help, all the information that I need, and if they can't do that, then what's the point?

> …you don't know what's [in] their policy, they won't tell you. But if you find out from someone else, and keep on their back, then they've got to abide by that information that we get. Aboriginal people have got to find out the hard way. There's no one to come and talk with us and tell us, this is what you're entitled to.

> I have probably spent more than two years without caseworkers or without help, or without any backup.

> They only let so many people know, whether it's non-Indigenous or Aboriginal that have got kids in care, what they're entitled to, or what they can do for us. We don't know about it. We hear it off other people.

No support for "self-placement"

Seventeen-year-old Janaya* and her two younger siblings, Robert* and Naomi*, were in the care of their maternal aunty who lived on the North Coast.

Janaya witnessed her aunty assaulting Robert, and was so traumatised she called her paternal grandmother, Laura*, who lives in the Riverina region.

Laura, who was already caring for two other grandchildren, travelled to the North Coast to support Janaya and took her to speak with her Caseworker at the Department of Communities and Justice (DCJ) to make a statement about the abuse that Janaya witnessed. Janaya decided to move permanently to live with Laura and her cousins in the Riverina. Soon after, Robert and Naomi visited Laura during the school holidays and expressed a wish to move in as well.

With the history of abuse, DCJ started the process of making Laura the authorised carer of Robert and Naomi. Janaya was not part of this process, perhaps due to her age and already being with Laura. DCJ deemed Janaya's decision to move as a "self-placement".When a young person "self-places" their place of residence is not deemed to be authorised by DCJ. With a total of five grandchildren now in her care, this had significant financial consequences for Laura.

Although she was eligible for establishment payments and extra financial help for Robert and Naomi to help cover the costs of their transition to her home and new schools, this support was not available for Janaya due to her "self-placement".

Laura is a knowledgeable and long-term carer, but she was unaware of these rules. DCJ staff never advised her about the financial impact of Janaya's categorisation of "self-placement" and they did not include her in the authorisation process with Robert and Naomi.

Laura also approached DCJ to cover half the cost of enrolling the children into a workshop for coping with trauma. When it came to pay, there was no agreement, and Laura was left with the bill.

"It is not easy to follow information on the DCJ website. Keeping carers ignorant can make for very reduced workloads for Case Workers. Unfortunately, situations such as Laura's are often a significant money saver for DCJ. The young person is safe in kinship care but DCJ is under no obligations to provide financial assistance," states AbSec Project Manager, Sharyn Roche.

At a vulnerable and stressful time when she was suddenly caring for three more grandchildren, Laura was failed by a complex system with arbitrary loopholes and decision-making.

Intensive therapeutic care fails vulnerable teenager

Ben* is a vulnerable 14-year old living in the far-west of NSW. When he was a young child, his doctors prescribed Ritalin for Attention Deficient Hyperactivity Disorder (ADHD).

Ben was sexually abused by his father. As a result, he has a significant lack of trust in all authority figures, including doctors, teachers, carers and social workers, and lashes out when he cannot understand things.

He has been in and out of various foster homes due to his challenging behaviour. The Department of Communities and Justice (DCJ) placed him in an alternative care arrangement in a motel.

There are political and ethical objections to young people being placed in motels rather than care, but this living arrangement suited Ben. It provided a quiet space for him to heal in his hometown, close to kin. He was also supported by an Aboriginal-led organisation at the time. Although he did not attend school, he started going to the gym to work off his excess energy.

*Names have been changed to protect the privacy of individuals.

Despite the progress Ben was making, the DCJ decided to move him, against his wishes, to an Intensive Therapeutic Care (ITC) facility. ITCs are based on a model of care imported from the United States, that sees up to four young people of similar age with high needs living in residential care. Ben begged not to go to the ITC, but his wishes were ignored. He was moved to a town he did not know.

ITCs are supposed to help young people recovering from the most severe forms of trauma, neglect, abuse or adversity. Sadly, Ben's progress not only stalled in this environment, his previously challenging and counter-productive behaviours returned. He only lasted six weeks before he became violent, assaulting the workers and punching holes in walls.

Ben ran away from the ITC and when case workers found him, he was returned to an alternative care arrangement in a motel. DCJ Case Workers, perhaps unaware of the sexual abuse, then considered and discussed getting Ben back in contact with his father who was coming out of prison. This disturbing development caused great confusion and anxiety for Ben.

"The people who ran the ITC were watching Ben all the time, there was no therapy involved because he feared the doctors. The psychologist who assessed Ben said that the experience in the ITC put his recovery back by 18 months," reveals Michelle Kelly, AbSec Executive Leader, Commissioning and Quality. "Unfortunately, the actions of DCJ, and the cost-cutting drive to get Ben out of an alternative care arrangement in a motel, put him more at risk."

There was no planning for Ben in the ITC to keep him connected to his culture.

"These models of care do not always allow for any adaptations to suit Aboriginal young people or families," explains AbSec Project Manager, Sharyn Roche. "Often for Aboriginal young people whose care arrangements are not thoughtfully considered, in light of their culture and specific situations, there is added trauma and disconnection. Many Aboriginal young people who have negative care experiences end up transitioning out of care into Juvenile Justice rather than to positive and productive independent living arrangements."

Ben's story shows that current one-size-fits-all systems and theories designed by non-Indigenous people, such as ITCs, often fail Aboriginal children and young people. This is especially true for ITCs that do not recognise the cultural importance of staying on Country.

Keeping Aboriginal kids with family and community

> Aboriginal communities understand the need to keep children safe, and through our conversations it was noted that communities are deeply motivated to care for their kids and prevent removals from broader family and community networks if children cannot remain safe at home.

Where Aboriginal children and young people enter care, we heard about the significant efforts from families to engage with DCJ and ensure that Aboriginal children remain within their family, community and culture. There were concerns that not enough is being done to work with families, either to keep children safely at home, or to ensure they remain within their broader families. This reflected past experiences, and the deep wounds suffered by individuals, families and communities that continue to be felt.

> "Aboriginal children belong in their communities with their family, culture and language. Many kids go through the system and come out with no family connection, no access to their language and culture and the cycle repeats for them and their children.
>
> If you take a child out of the community, you're taking life from them as well in a way – and [if] you put them in another community, even if it is a different Indigenous community it's just not the same as, their land. [If] you take them from Country, it's just not the same.

> …they know of the people that were taken from here, from the mission and the struggles that those people have had. They do not want any of their kids going into care and the community will go to every length to keep kids here.

> You strip them of their identity when you're taking them out of a community and placing them into another community or even more so, if it's in a non-Indigenous community, that's stripping them of so much.

Extensive family-finding is needed to identify potential homes for children with their family, kin and community. This could also identify other people in the child's life who may form part of a supportive network for the child going into the future. Ultimately, there was considerable concern that the placement hierarchy that is central to the Aboriginal Child Placement Principle was not adequately implemented by DCJ, including DCJ disregarding advice that a child was an Aboriginal child and choosing not to identify children as Aboriginal, or ultimately disregarding the stated hierarchy.

> They didn't even give me a thought…The little girl should have come to me, I'm her great aunty…

> DOCS is doing the wrong thing by not checking the background of each child and different families. Who is this little child related to?

> When [we] questioned compliance with Section 13 of the Act, [their] response was that [the caseworker] didn't believe [the child's] mother was Aboriginal, therefore it did not apply.

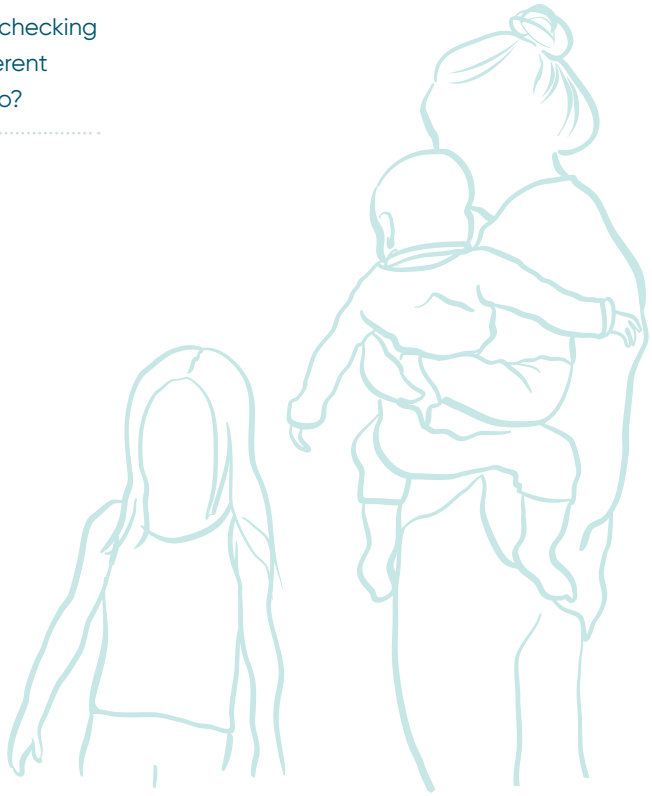
> …under any circumstances there's always some person who's willing to foster a child until they're ready to go back to their parent.

A kinship carer talks about her struggles being approved to take on the care of her relatives so that they can remain with family:

> We went and done all the right things… you know all that stuff [about] how you get that working with children check, and all the things they wanted us to do. And then they just phoned us up and said "No you can't take the boys." So you know that cut us down…

Similarly, many saw the focus on 'permanency' as creating a barrier for Aboriginal children to return home.

> If your kid gets taken away, your kids get adopted out. What government thing is there for these kids to come home?



'I was one of the lucky ones': Cody's story

Cody McGrady Miller can still clearly remember the day he was removed from home, eight years ago.

"I'm still traumatised from it and I know I'm traumatised, because I can recall the date of removal," he says.

"I can tell you the day. What the weather was like. Where I was going. What I was doing. What colour jeans my sister was wearing, down to the last detail. The type of car that pulled up."

> "I'm still traumatised from it and I know I'm traumatised, because I can recall the date of removal..."

Cody and his younger sister were heading off to a youth group on a Friday afternoon, rushing to the car in the pouring rain. As Cody's sister ran, she slipped over and got mud on her clothes, so she went back inside to change while their mum kept the car running in the driveway.

As Cody's sister stepped back outside, other cars pulled up: a paddy wagon followed by a white Camry, holding police officers and child protection workers. Then chaos broke out.

Cody's mum told him to stay in the car and hide, but the 12-year-old boy didn't listen. Curious, he jumped out of the car, and the police officers identified him.

"They gave us a total of two minutes to go in and get our stuff and say goodbye to Mum," Cody recalls.

"We didn't stick to the timeframe so it got a bit rough. The police put my pregnant [older] sister up against the wall and restrained her, and I remember them grabbing us by our arms and throwing us in the back of this car and being escorted back to FACS [the Department of Family and Community Services office] by police, with Mum following in the car behind us, and not knowing where we were going.

"We sat in this office for hours in a little room by ourselves, just me and my sister. No one told us what was happening or what we were doing. There was a window in the room and I could see downstairs, and I could see Mum and my sisters arguing with these workers."

It's not the first time Cody has told this story; he's a proud Aboriginal youth advocate, and is used to speaking out so that today's kids don't go through what he experienced. But even now, he gets choked up when he recalls that rainy Friday.

Childhood with Mum and Dad

Cody was born in Bowral in regional New South Wales, the second-youngest of eight children to a

Kamilaroi and Guringai man and a non-Indigenous woman. His mum had been very young when she began having kids, and both parents had their fair share of problems.

"Dad had a real issue with alcohol and it made him very violent towards Mum," Cody says.

"Growing up, it was good that I had my brothers and sisters, but now I realise that my situation wasn't the same as everyone else. I thought that the things I went through and the things I saw and experienced were just normal, and that was happening in other kids' homes too, until I was old enough to start going to sleepovers."

When Cody was three years old, the family relocated to Liverpool in south-west Sydney. It was a move that changed his life in many ways: most significantly, it put him in contact with his Aboriginal aunt and grandmother.

Cody bonded strongly with his aunty and nan right from the beginning, spending almost every day in their company.

"I was lucky. My grandmother played a big role in my life; I used to lay back with her in bed and she would teach me language. She taught me culture and family. So I had a different upbringing to my brothers and sisters. I was always connected to Nan and my aunty, so I was different," he says with a laugh.

"I was lucky. My grandmother played a big role in my life; I used to lay back with her in bed and she would teach me language. She taught me culture and family....

"I was very proud. I spoke my mind and said what I wanted to."

Cody's close relationship with his aunt and grandmother drove a rift between him and his mum, who didn't understand the role of kinship in Aboriginal families and felt her role as mother was under threat. Unfortunately, it also led him to grow apart from his older siblings.

Cody's grandmother told him stories of her childhood, growing up on the mission in Euraba, now known as Toomelah.

"When people don't understand intergenerational trauma, well, we see it with our Elders and it impacts us," Cody says.

"I remember Nan expressing that fear with me of people knocking on the door and to be wary of who I let into her house and things like that, because she was worried about the role of government and what they could potentially do. So yeah, she carried that fear with her forever."

That family history was front-of-mind when Cody had his first encounter with DCJ – then known as DOCS, the Department of Community Services.

It was another occasion where the adults and authorities in Cody's young life let him down. Instead of discreetly pulling him out of his Year 5 classroom, child protection officers and the school principal came to the door and announced to the entire class: "Cody, can you come out here? DOCS are here to see you. They want to interview you."

Cody knew who DOCS were and what their visit meant. He was intimidated by the two women who came to interview him, dressed in formal business attire.

"I sort of understood what I would say in that interview would potentially have me removed, so I didn't really give them much information about what was happening at home," he said.

"I was protecting myself because of what I thought: DOCS remove you and then you go to a white family, and that's it."

Teenage years in kinship care

The next time child protection authorities visited Cody at school, he was in Year 8. A lot had changed: his dad had left the family after another fight with his mum, who soon had a new, non-Indigenous partner.

This time, the people who pulled him out of class were more sensitive to the situation, and Cody was willing to talk. It wasn't much longer until the paddy wagon and the Camry arrived on that rainy Friday.

As Cody and his younger sister waited in the little room at the DCJ office, their aunty was desperately pulling strings to bring them home to her place for the night. At the time she worked for the

I always say I was one of the lucky ones to be placed in kinship care because I was able to stay with family.

Department's Child Protection Helpline, but it wasn't until she asserted her position that she was given the chance to care for the kids.

A temporary care arrangement was made while Cody's mother and her partner went through court proceedings. Cody's mum was given an ultimatum: leave her partner (who was determined to be a risk to the children's safety) or lose the kids. She chose the latter.

"So it was set in stone that we were going to be in the care of the Minister [of Family and Community Services] until [we turned] 18. My aunty and uncle were my carers. I was so lucky that I wasn't taken," Cody says.

"I always say I was one of the lucky ones to be placed in kinship care because I was able to stay with family. When I do get sad, it's because I know that there's so many of us [other Aboriginal kids] that didn't get the opportunity that I did."

Cody's younger sister also came to live with their aunty and uncle, and one of his older sisters joined them for a while. The other siblings were young adults by this time and went on with their lives independently.

While Cody enjoyed a great relationship with his aunty, uncle, grandmother and cousins, his relationship with his mum started to deteriorate. He continued to have contact visits with her, but there was no going back after her decision to give up the kids.

"We don't have a mother-son relationship, which is sad," Cody says. "I do wish it was different, but she made the choices she did. And hopefully one day she'll be able to see that, and see that all we wanted was our mum.

"I felt that she didn't want me. So that's our relationship."

These days, Cody is repairing his relationship with his dad, who he's also still in contact with.

"I always had a good relationship with Dad. I was frightened of him, of course, because he was Dad! But we had a good relationship outside of his drinking and drug use," he says.

"Now that he's got grandkids and things like that, it's sort of his second chance at it, and he's an amazing pop to them. I appreciate him for that and what he does for them."

Coming home to Country

Cody is 20 now and lives in Tamworth, on the traditional lands of the Kamilaroi people.

"I've been back and forth from Tamworth since I was a young boy," he says. "When I started school, I went there on holidays because it's on traditional Gomeroi Country. It was always somewhere where I felt that I was safe and I had good family up there."

(Gomeroi is a shortening of Kamilaroi, which is also often spelled Gamilaraay).

When Cody was 18, he travelled to Narrabri, a bit further north, to attend a family funeral with his grandmother.

After the funeral, his Nan didn't want to come back to Sydney. That was unusual. A few days later, she was admitted to hospital in Tamworth, where she passed away a few months later – at home on her Country.

Before her passing, the family had one last, big Christmas around her deathbed. Cody recalls gathering in the hospital with aunts, uncles and cousins across five generations.

"Spending Christmas in the hospital at Tamworth Base was probably one of my most memorable Christmases," Cody says. "We all brought up curries and cooked dampers and all that sort of stuff.

"The staff of the hospital said they'd never seen so much mob, ever. We were sleeping in the interview rooms and sleeping in foyers at the hospital. Hundreds of us."

After that experience, Cody moved to Tamworth to live on Country. Being an active member of the community is important to him; he's now a Youth Ambassador with AbSec, helping to inform youth-led policies for a better child protection system. One of the Youth Ambassadors' recent projects has been to talk with NSW Police about their involvement removing kids from their homes – because Cody doesn't want any other young person to go through the traumatic experience he had.

"[The child protection system] still has a long way to go. It still resembles a lot of past history within the removal process," he says.

"I remember becoming so emotional the first time I watched *Rabbit-Proof Fence* because even though that happened so many years ago, the similarities between what happened there and what happened with me and my sister and that process of removal, it's still the same. The quick 'snatch and grab', throw them in the car and away they go.

"I don't think the system is changing. I think if anything, it's going backward."

Cody staunchly opposes changes to legislation introduced in November 2018, which give NSW child protection authorities additional powers to dispense with parental consent for adoption of kids in out-of-home care. The amendments also make it harder for families to make necessary changes in order to safely bring their kids back home after removal.

These reforms follow a national trend in child protection toward looking at adoption as a way of dealing with kids in out-of-home care.

"When I think of adoption, that's where you turn white, basically. Because it's never been a part of us, and we've had things in our families around if a certain family member can't care for their child, another family member would, and that's how it's always been.

> So what needs to change? How do we build a better future for the next generation of Aboriginal kids in the child protection system? [Listen] to us!

"Government is the one who sets the criteria. They're the ones that say, these are the reasons why a child should be removed, so they say that the parents are unfit. Basically what adoption says to me is that they don't believe that our families are capable.

"Even though they say they do, they don't acknowledge our kinship systems and respect the roles that our Elders have in community."

So what needs to change? How do we build a better future for the next generation of Aboriginal kids in the child protection system?

"Listening to us! The ones that have lived it, that have gone through it," Cody says. "And it's not just young people of today, it's our Elders, our Stolen Generation Elders that have been through it.

"At the end of the day, the ones that are the leaders of today in our governments, eventually they'll go off wherever they want to go, and we're the next ones and I think that they shouldn't be building a future world around what *they* want.

"It should be about what the next generation wants, because that's the world that we're going to be living in."

Inadequate supports in out-of-home care

Aboriginal communities were also deeply aware of the poor outcomes achieved by the Department of Communities and Justice following the decision to intervene in Aboriginal families.

Young people noted the enduring impact of removals, and the lack of adequate supports provided in out-of-home care to adequately meet their needs.

> I was given the opportunity to speak [to a counsellor] and I did, once, and never went back. It was probably due to lack of understanding. It wasn't catered to me and my people's experience, so I felt that the counsellor couldn't understand where I was coming from.

Unresolved trauma is linked to the ongoing cycle of dysfunction and disadvantage in Aboriginal communities:

> As far as I know there wasn't [enough support] and then it's gone through a cycle. So now the children that my mum looked after, they've had children and they're going through the same cycle, if that makes sense. I feel like if something had been put into place when my parents had them [the children], and they were assessed and had counselling and they had every support that they needed to just rebuild their lives they would have been able to know how to build their own family stronger and healthier and [then] when things came up, they would know how to deal with it. But it's just a cycle. It goes around and around again...

> So many in care have massive behaviour problems... these children need grief and loss counselling. These children need trauma counselling... these children have anger over the fact that they did not have a choice in being taken away. They had no choice [about] where they were being taken to. They're grieving. We all know that when you're grieving, you get angry and you go through all these emotions... and it's not getting addressed. There's an underlying, festering consequence of child removal.

Community said that the understanding, flexibility and assessment of children and families dealing with trauma is often disregarded, overlooked or wrongly assessed, with the supports provided too simplistic or superficial to make a meaningful difference for children, young people, and their families.

> ...there wasn't enough assessment with the children to get the help that they needed further. Like, they have a safe place to stay and they were being cared for and fed and clothed... but there were a lot of issues that the children had dealt with that were not dealt with, and so they carried that through to their relationships as they grew up. So I guess what I'm saying is I think there needs to be more assessments of the children in exactly what they need...

> There was no help from the behaviour side of it, they'd run away and lash out... but that goes back to children that have been traumatised... that sort of stuff [psychological help] was never offered to them or even suggested that that's what they needed.

> Aboriginal children need Aboriginal parents but they need the support as well. Children that have been put in these positions, they really need psychological help. They've come from traumatic lives and then they're put into something that they don't understand. They need to be around Indigenous families where they're connected to culture...

> [DCJ need] better communication and to let people know that they're there to help in whatever circumstances. If a child needs counselling, come and talk with the parents or the grandparents and say, this is what we could do.

Some presented these supports as rigid and formulaic, rather than considering the specific needs of Aboriginal children and young people, and providing tailored, timely supports. There was little follow up to explore whether "supports" were achieving wellbeing goals.

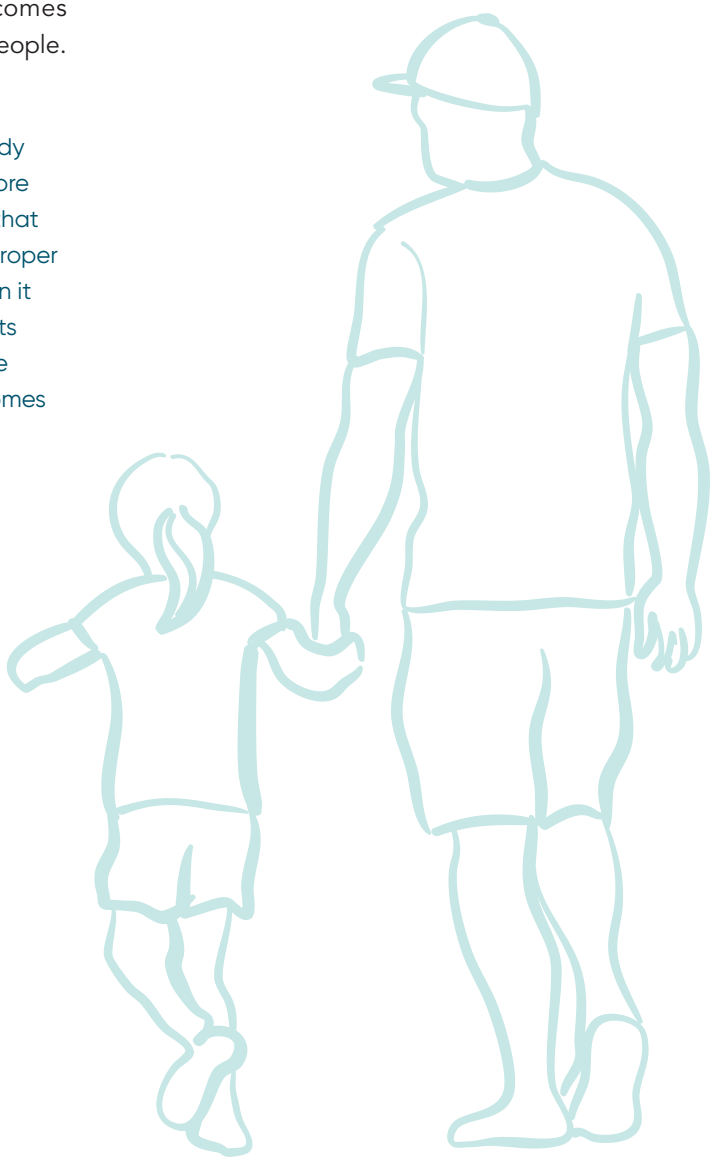
> Nothing really. They got me a counsellor. They said it was mandatory, I had to do it... Never really spoke to her, never really opened up. And at that point I was self-harming. I was very depressed...
>
> I tried counselling, none of that really worked and DOCS didn't really follow it up.

There was a view that a failure to adequately support Aboriginal children and young people in out-of-home care was a key driver in placement breakdowns, contributing to the instability and poor outcomes experienced by Aboriginal children and young people.

> You can't walk away from those situations 'cause of breakdowns, 'cause you've already got dynamics and then you're throwing more children with traumatic backgrounds into that dynamic. It just doesn't work without the proper support networks around them. We've seen it time and time again, where the placements are breaking down as the children become teenagers, because the trauma always comes to the forefront as they get older.

Further, there was a concern that the recent focus on permanent care orders would further contribute to instability, given the withdrawal of ongoing supports that children and young people need to thrive.

> I found out that being a guardian and being a foster care mum are two different things, because being a foster carer, you can get things off them [DCJ] like what the kids need. But when you're being a guardian you can't. All they give you is a payment. You can't get nothing because I've tried to get help for the kids with their schooling with like, one-to-one [support], or to pay for a tutor or computer or something like that. It didn't happen.



How Jill created a family for those who needed it most

Please be aware that this article contains sensitive themes including sexual assault. Consider your own support needs before reading.

It was no surprise to anyone when Jill Bower became a carer – it seemed like her calling.

"Some people grow up wanting to be a nurse or a doctor. I always wanted to take care of little kids, so it was just a natural thing to happen."

Jill is a Wiradjuri woman from Bathurst. She's a pillar of her community, having helped establish the local Kelso Community Hub, where Elders chat and eat sandwiches, teens drop in after school, and parents bring their babies for health checks. She was also involved in setting up AbSec's carer support line, which offers free advocacy, advice and referrals to carers of Aboriginal kids.

For all Jill's important work out in the community, arguably her greatest impact has been within the walls of her home, where she's welcomed more than 100 children dating back to the 1970s. She first became a kinship carer when she stepped in to look after a nephew. Since then, she's had some kids arrive at the drop of a hat for short-term emergency visits, while others have stayed and truly become part of the family.

A daughter by any other name

Katie* came to live with Jill when she was just six weeks old. Her biological mother had previously had twins who passed away at birth, and the arrival of a new baby brought back trauma that left her struggling to cope. She happened to be good friends with Jill, who again stepped up to the plate.

Weeks turned into months, which turned into years. Katie stayed with Jill. She's now 22 and although she still speaks with her biological mother, she considers Jill her mum.

"I was never looked at as anybody other than her child. She brought me up being hers. I didn't even know things were through DOCS until I was 16," Katie says.

> "Mum's real big on culture ... She always made sure I knew where I come from and knew some language."

(Katie and others in this article refer to the Department of Communities and Justice (formerly Family and Community Services or FACS) by its old name, DOCS. This is common among Aboriginal people.)

Katie also had a strong bond with her biological dad, who she saw regularly while in Jill's care. Sadly, he passed away last year.

As a proud Aboriginal woman, Jill knew how important it was for Katie to have a strong foundation in her culture as she grew up.

"Mum's real big on culture," Katie says. "She always made sure I knew where I come from and knew some language. I grew up with it, so it's just upsetting to see so many other kids that don't even know what tribe they come from. It's sad."

* Name changed to protect identity.

Amy joins the family

Amy* was one of those kids who wasn't so lucky. She was taken from her family when she was five and still struggles to maintain a relationship with her mum, who comes into her life for a couple of months at a time and then disappears.

Unlike Katie, Amy didn't find a stable care placement, instead moving between several homes and never with Aboriginal carers. She says she mostly learned about her Aboriginal culture at school, until she came to live with Jill.

"Kids grow up and they don't have any idea about [their culture]. I'm learning stuff off Jill now, but even with that, she's from a different tribe and different Country to me, so that's still not my culture. It's all different," Amy says.

"DOCS marked me down as Aboriginal, but I didn't even get a Confirmation of Aboriginality from them. There was no cultural stuff. Even to this day I probably can't tell you very much about where I'm from because I haven't learnt that. And that's been up to me to learn. I haven't had it through DOCS. No cultural plan, nothing."

Amy is 20 now and spent her whole childhood and adolescence in care. She's travelled a rough road. She was sexually assaulted a few years ago at a house party that went wrong. Although the Minister for Family and Community Services was her legal guardian at the time, Amy says the department failed to offer her adequate support.

"I tried counselling but none of that really worked and DOCS didn't really follow it up. I couldn't do a court case, it was just too distressing," she says.

"They said counselling was mandatory, I had to do it. So me and the counsellor just drove around and looked at houses because her and her partner were looking to buy a house. I never really spoke to her, never really opened up. At that point I was self-harming, I was very depressed. All my carers did was buy me vitamin E oil, or buy cream to clear up the scars."

Amy was later placed with carers who she had built a good relationship with, with her even coming to see the male as a father figure. But when compensation funds came through after the rape, she overheard her carers talking about getting their hands on the money. She left the placement.

Yet another carer sexually harassed Amy and continued to make inappropriate phone calls and to send letters to her, after she had left his care. She says when she reported this to DCJ, the response she received was that this person was no longer a carer, so nothing could be done. The harassment was never reported to police.

When Amy was finally old enough to leave care and begin living independently, she found that little help was available. She says she was told she wasn't entitled to the supports that had been listed on her leaving care plan. Thankfully, she found her way to Jill and her family.

"It's just bullshit, it just messes you up. So I've completely forgotten all about DOCS now. I don't ask them for help. That's it, I'm better off doing it on my own, without them."

"They need to be tougher on carers so you don't have creepy old guys. And put mental health stuff in place, because I reckon most kids in DOCS would have some sort of PTSD or something. They've been through trauma and instability."

Jill gets sick and Katie becomes a mum

Amy and Katie both say the child protection system isn't working for Aboriginal kids. Six years ago, Jill became so ill that she had to be placed on life support. Katie was suddenly thrust into the role of caregiver and household manager.

"Most of her responsibilities fell on me as the oldest," Katie says. "But even when Mum was sick,

* Name changed to protect identity.

I didn't see DOCS. You only ever see them when they were dropping a kid off and picking a kid up."

"Mum was in hospital on life support so I couldn't really go speak to her about anything. I didn't know where to go, who to talk to. I didn't have any food, didn't have nothing."

DCJ responded to Jill's illness by removing two younger children from her care. A worker brought one of the children a six-year-old boy, to say goodbye to Jill just after she emerged from surgery. This led to a traumatic scene where Jill, still heavily medicated, reacted with horror to the news that the kids were being taken, while they looked on.

"Mum was chucking herself around the bed, trying to get out of the bed," Katie recalls. "She was still doped up. They still had the catheter down her throat. She was trying to scream out for the kids and we sat down and watched it all."

In the following years Jill and Katie never stopped fighting to bring the young boy back home, even going through the courts. It wasn't until Katie had her own daughter that the ruling suddenly changed: she could become a carer.

"We asked them [DCJ] what their reason was, and it was because I had a baby and if I can be a mum, then I can look after him too," Katie says.

Community count on each other

Jill says this story is sadly reflective of her decades of experience as a carer with DCJ.

"I can honestly say to you that I've never had one positive experience, not one, with DOCS," Jill says.

She's had children removed from her care only to be placed in motels; kids who have developed addictions to cigarettes and drugs while in the system; kids who've been placed in her home without any support for their complex needs and behavioural problems.

She is particularly scathing about the lack of cultural support provided to Aboriginal kids in care. "The only way this community finds out about anything is Vicki [from AbSec] sends me emails and I'll give out any information that I think's relevant for our kids.

"Katie, my daughter, she's been with me since she was six weeks old. Did they ever send her on a cultural camp? Ever asked us if she wanted to go to a camp? Did they ever ask us if she wanted to do anything culturally? Dance?"

"Everything she learned, she learned from me because I took kids in this community out on camps and taught them. DOCS never did anything. They never did nothing, not a rotten thing. That's why people are so angry."

Instead of counting on DCJ, Jill says her family and community count on each other.

"We rely on each other, I guess. If Marcia [another community member] needs help, the children give me a ring or whatever and I'll go and do what I can. We have our own network to help one another because it's not easy caring for kids."

These days, Jill's family is doing a little better. Jill's health still isn't great, but she's getting by. Katie is kept busy looking after her daughter, who is now three. She's thinking about studying to become a police officer. Amy isn't yet sure what she wants to do; she still struggles with nightmares and flashbacks of her sexual assault, but she feels safe now, living in Jill's home.

As for the changes that need to be made to the system, Katie says: "Give Aboriginal kids back to their home, their family, after you've gone through and made sure everything is all safe and all good. If not the mother and father, then maybe the kid has sisters, aunties, or an Aboriginal carer is available."

Jill agrees that it's vital for Aboriginal kids to have Aboriginal carers, wherever possible.

"White carers know how to meet their physical needs.. They can make sure they go to school and that they're clothed and bathed and they're loved even, but they cannot meet their cultural and spiritual needs and that's the end of it. There's no way they can get around it," she says.

"I cannot give white kids their culture, because I don't live it, I don't know it, so I can't give it to them. I can't give a Chinese kid their culture because I don't live it, I don't know. So how can white carers give Aboriginal kids their culture?" Culture and identity are critical to wellbeing."

Culture and identity are critical to wellbeing

> Culture, identity and belonging were consistently raised as a key issue by all who participated in our community consultations. Aboriginal communities emphasised the role of kinship carers, alongside the broader role community have in raising kids.

Culture contributes to an Aboriginal child's identity as it affirms their place within their kinship systems, connects them with their community and contributes to overall wellbeing and a sense of belonging. If Aboriginal children and young people aren't supported to remain connected to their culture, they are often left with no cultural identity.

> It's about attachments to culture and identity and having a sense of belonging within the community, a child isn't raised solely by parents, they're raised by communities... aunties, uncles, grandparents.
>
> It gives them a sense of belonging. It gives them identity. They're a part of a full community and when they're taken out of that community their belonging is gone. Their identity is gone. Their attachments... parents, grandparents, aunties, uncles, siblings, friends, teachers... the list goes on.
>
> ... even to this day I probably can't even tell you very much about where I'm from because I haven't learnt that. And that's been up to me to learn, I haven't had it through DOCS no cultural planning, nothing.

Culture was consistently identified as an important factor in building identity and resilience. An interview participant spoke about their culture and what it means to them:

> Being Aboriginal is the proudest thing in my life ... my culture means a lot, 'cause when I was young grew up around it... I was taught it, and it made me so proud to see how far we've come to this day.

Those who participated in AbSec's consultations reiterated that Aboriginal children in out-of-home care seldom have effective and practical cultural care and support plans. This is concerning as only one in three Aboriginal children in care, are placed with their Aboriginal family/kin, while one in four are placed in non-relative, non-Indigenous care[2]:

> I don't know how many cultural plans I've written over the years I've been involved with kids, but you cannot force a carer. A non-Aboriginal carer cannot be forced to do that. So, if they say I'm taking the kids to NAIDOC once a year, that's it. I mean that's laughable...

Cultural supports are essential for Aboriginal children and young people in out-of-home care. Aboriginal children should be continuously exposed to their culture:

> They didn't know anything at all. They didn't know their connections to communities, they didn't know their language, they didn't eat Aboriginal food, they knew nothing at all. They were actually surprised by how many kids at [the] camp were related to them ... just seeing the looks on their faces put it in perspective for us, these kids need this, they really do need it.
>
> It's amazing just what sitting on a riverbank down the weir or whatever will do for you...

2 In 2019 35.6% of Aboriginal children in out-of-home care were placed with their Aboriginal family or kin, while 25.7% were placed with non-Aboriginal, non-relative care (either home-based or residential care). See Productivity Commission (2020) *Report on Government Services.*

It was emphasised that connection to culture is about more than knowledge, but it requires carers to impart a lived experience of what it is to be Aboriginal.

Some carers made the point that they are not in a position to support children of other culturally and linguistically diverse backgrounds to develop their cultural identity. Rather, children need to be with those who identify with their cultural group, with their community, in order to develop their identity and connections that contribute to lifelong wellbeing.

Community members expressed the differences between Aboriginal and non-Indigenous cultural practices and ways:

> Look, a lot of [non-Indigenous] people think they know what they're doing but they don't actually know... non-Aboriginal people have got their ways, so there's two different lives here. It's just not on because they're going to clash.

Carers have a responsibility to maintain Aboriginal children and young peoples' connections to family, community, culture and Country. Those who participated in AbSec's engagement said when Aboriginal children are placed with Aboriginal carers, this happens naturally:

> It's very important. [For] a lot of kids in care, if they're with non-Aboriginal families, they lose all that with no family connection, with no access to their language or their culture... So I feel that it's very important and I'm sure others have said if we have our kids in our community, at least we're all looking after them.

'Kids need to be back in community': Amanda's story

Amanda King is the Aboriginal Education Officer at Menindee Central School, near Broken Hill in Far West NSW. As well as working with kids in out-of-home care at the school, Amanda has worked with Kutanya Cultural Camps, a program which gives Aboriginal children in the child protection system a chance to get back to Country during the school holidays.

The camps were started by a local – a young Aboriginal man – and now they happen five times a year.

"Had these not started, there's kids that would have been leaving care who wouldn't have had a clue [about] who they were or who their people were. Those kids are blacker than me but didn't really know that they were black Aboriginal-like. It was just mind-blowing," Amanda said.

At the camps, the kids and teens do cultural activities like traditional cooking and learning language. They also create their family trees and identify their relatives.

"They didn't know their connections to communities, didn't know about the language, didn't eat Aboriginal food, they knew nothing at all [of their culture]," Amanda said.

"They were actually surprised by how many of the kids that were at the Kutanya camp were related to them."

"Just seeing the looks on their faces put it in perspective for us, like these kids really do need this. They need to be back in community."

The camp is just one example of how Menindee locals look out for one another. At the time we spoke to her, Amanda was about to open her doors to the children of one of her cousins, who was going through a tough time. She told us about another young boy in Menindee who had lived with his grandmother, because his mother was in prison. Sadly the grandmother passed away, so then the little boy went to live with his aunty.

Even though he was still with family, the whole community looked out for him. It's pretty easy living in a small community; everyone knows everyone and they help each other because we want the best for every kid.

Amanda says the Aboriginal parents in Menindee are devoted to their kids, even when they themselves are doing it tough – like right now, during the water crisis affecting the beloved Barka (the local name for the Darling River).

"Menindee kids do a lot of things but parents do miss out on a lot because they give everything to their kids. We don't get a lot of help with kids going away, or getting stuff given to them for the community."

The environmental damage to the Barka has had a major impact on kids and families in Menindee. The fish deaths and the resulting smell mean that children can no longer play along the river banks or take part in traditional, cultural activities.

'Looking for a better life for children is looking at the families first': Jade's story

Jade Naden is a Wiradjuri and Gumbaynggir woman from Nambucca Heads, on the NSW mid north coast. At just 18 years old, she's an early childcare worker, a Youth Ambassador with AbSec, and a proud advocate for her people and culture.

Jade says her path wasn't always clear. She left high school in Year 11 and watched some of her peers lose their way. For a while she felt that she was destined to do nothing with her life, but it was the strength of culture that pulled her through.

"Being Aboriginal is the proudest thing in my life, to know that that's my people. It made me so proud to see what we've actually done and how far we've come to this day," she says. "It taught me that no matter what, I can still get up and do what I want."

Jade realised that her passion lies in helping kids, particularly Aboriginal kids. Since she was 17 she's been working at an Aboriginal preschool. She's the youngest staff member there, but her youth helps her connect with the little ones.

At the moment, Jade's focus is on completing her diploma in childcare and advocating for Aboriginal youth through AbSec. She is staunchly opposed to recent changes to the law in NSW that clears the way for more adoptions of Aboriginal children from out-of-home care. Across Australia, Indigenous children are 11 times more likely to be removed from their parents by child protection authorities.

Jade doesn't hold back her words, she thinks the push towards adoption is the "stupidest" move in a while. "That shouldn't have been put in place at all," she says.

Under the new laws, parents of children in out-of-home care will have a two-year time limit to resolve the issues that caused their removal. Beyond this deadline, they will no longer have any chance of bringing their kids back home.

Yet the factors that cause children to be removed from their families – especially Aboriginal children – aren't easily solved. They're often related to poverty and intergenerational trauma. Services to address these issues are often not available or have a lengthy wait list.

"You've got kids and mothers and fathers that are trying to fight for their kids to come back, but now there's a chance they'll get adopted," Jade explains. "They've worked so hard to get where they are, and then all of a sudden, the kid gets adopted."

Sometimes children just need family, even if they're aunties, uncles, grandparents, or cousins.

Jade has never been in the child protection system herself, but her father was an out-of-home care caseworker while she was growing up. Jade attended cultural camps where she met and befriended several kids in out-of-home care, and was shocked by what she learned.

"It actually ruined their life being removed from their families, and being moved [between care placements] ruined it even more. I met a couple [of kids] who couldn't read, couldn't write."

The kids attending the camps often had little knowledge of their cultural heritage. Amid the sadness, it gave Jade hope to see the smiles on their faces when they got to connect with Country and learn traditional arts and skills.

"I grew up knowing all this stuff and it's sad to see that they didn't even know what culture they come from or what we used to do."

In her work as an AbSec Youth Ambassador, Jade has continued to interact with Aboriginal young people who've been through the child protection system. She thinks the system continues to be "really harsh" in its treatment of Aboriginal children and families.

"It breaks my heart to know that this is happening in a world that's really advanced," she says. "It shouldn't be happening in these times."

So what needs to change?

Jade says the solutions lie with families. She points to her own family, an extended network of relatives and community members who all look out for each other, and she says that many kids in the system have that same network back home.

"They need families. They just can't be passed off to any living human that applies to become a foster carer," she says. "Sometimes children just need family, even if they're aunties, uncles, grandparents, or cousins."

Under the Aboriginal Child Placement Principle, child protection authorities are meant to place Indigenous children with family or kin before looking for placements outside of their community. But Jade has talked to enough Aboriginal young people to know this doesn't always happen in practice.

"Looking at a better life for the children is looking at the families first," Jade says. "Stick to a family that's going to willingly show them their culture and who they are."

Aboriginal-led solutions

There was a clear preference for Aboriginal-led solutions, and the need to place the child and family system in Aboriginal hands.

Aboriginal families and communities have a right to participate in decisions which affect them. However, many expressed that Aboriginal families are often excluded from the decisions directly impacting their children. There was a strong sense that current approaches still reflect those of the past.

> DOCS offers more policing than support. Let a group of Aboriginal people say what's going on, because Aboriginal people understand Aboriginal people.

> It's still got a long way to go. It still resembles a lot of past history within the removal process. I remember becoming so emotional the first time I watched ***Rabbit Proof Fence*** because even though that happened so many years ago, the similarities between what happened there and what happened with me and my sister and that process of removal, is still the same. The quick 'snatch and grab' throw them in the car and away they go.

> For the question 'Is it working?', well the new laws [that] they've passed around...[with] forced adoptions, is not working. We've told them for years, that forcibly removing Aboriginal children and then placing them into permanent care with non-Indigenous carers [won't work]. I don't think it's changing, I think if anything, it's going backwards.

Consistently, the way forward was seen to be in Aboriginal communities, and the need for governments to listen to the experiences of Aboriginal people, and support Aboriginal-led solutions.

> Listening to us. The ones that have lived it. That have gone through it. It's not just the young people of today, it's our Elders, our Stolen Generations Elders that have been through it...

It's important that Aboriginal communities are empowered in designing, developing and delivering policies, programs and practices that impact on the care and protection of their children and young people:

> We [Aboriginal people] work together trying to find solutions and supporting each other in different processes in order to achieve better outcomes for our kids. Resources and framework strategies, are what we need to do, and I honestly think that the government should stop trying to control that type of stuff and put those things into Aboriginal hands. We're competent. We're educated. There are many strong educated people that are quite capable of taking these things on, but we're still being micro managed. Constantly.

> I think that their [DCJ] intentions are probably well meaning, but I feel that they've lost sight, they don't have the resources. I don't believe they have the cultural competency whatsoever in dealing with our kids...

> I think that our cultural needs and our issues escape the frameworks of the mainstream system. It's dominated by colonial ways, measures, and strategies...

> I believe that our issues are our business, it should be harnessed by Aboriginal organisations, with Aboriginal caseworkers. Aboriginal people that understand. They know what's going on, and therefore, people would feel more comfortable rather than being put under the microscope and having a white dominated system that says they know how to fix the problems, 'cause they're creating the problem.

Keeping families together: A successful program

The importance of Aboriginal organisations and practitioners supporting families in crisis

Aboriginal people living in the Clarence Valley region of NSW understand the devastation of family separation all too well. The region has a high incidence of Aboriginal child removal by child protection authorities.

One program that is striving to turn around these shocking statistics is the Clarence Valley Intensive Family Based Service (IFBS) in Grafton.

Established in 2014, Clarence Valley IFBS is run by the Bulgarr Ngaru Medical Aboriginal Corporation, an Aboriginal community-controlled organisation. It is one of five IFBS initiatives in NSW and is funded by the Department of Communities and Justice (DCJ). Since its inception, Clarence Valley IFBS has worked alongside over 165 families.

Clarence Valley IFBS provides a range of services to support Aboriginal families at imminent risk of having their children placed in out-of-home care by DCJ. Their goal is to alleviate child welfare, wellbeing and safety concerns, and keep Aboriginal families together, where possible. They also assist parents who are in the process of having their children returned to their care.

"It is particularly important for Aboriginal children to stay within their family structure. Not only for themselves but culturally as well," explains Ray Nean, Manager of Clarence Valley IFBS. "If you remove kids from their home, that can be the last nail in the coffin for the parents. We want to break the cycle."

Through intensive hands-on support, three caseworkers at Clarence Valley IFBS work directly alongside families, in the family home, to resolve issues that impact on child development and safety.

Caseworkers use a road-mapping technique to help families identify their problems, their values, their support network, and aspirations for the future. They also help families develop task sheets and work with them to complete the tasks.

"We're here to work with the families, walk along beside them, offer strategies and suggestions. We're able to get in there, five days a week, mornings, afternoons, evenings," states Ray.

"IFBS caseworkers work only with two families at a time, which allows our caseworkers to be available for families and properly address their needs. It is a proud moment for us when we see families moving forward and growing."

Lisa, an Aboriginal woman from Grafton with seven children, is just one of the clients who have benefited from the intensive support offered by Clarence Valley IFBS.

"We got referred to IFBS. I have no parents anymore. I don't know where to start from. IFBS have been great support. I wouldn't have got through the hard times without IFBS," she reveals. "They keep getting you up, and on your feet to get going. Same with the children."

"They help support my kids with the boys club in the afternoon. My third son has brain injuries. There are lots of doctors' appointments. They even help me get to my appointments. They are fantastic. I couldn't ask for a better service."

The active, consultative approach with Aboriginal families, and the organisation's keen understanding of the ongoing impact of colonisation, is the key to their success.

"It's not that long ago my father and grandmother were taken and put into a home. The families that I work with have all been touched by colonisation and trauma. It is these traumas that impact on their parenting abilities and coping strategies," describes Cindy Lesley, caseworker at Clarence Valley IFBS.

> "It is particularly important for Aboriginal children to stay within their family structure. Not only for themselves but culturally as well."

Clarence Valley IFBS also uses a process called 'trauma trails' to help families talk about their life and problems through objects.

"To empower people, you have to understand their story. Sometimes people can't put into words what they want to say. Finding objects that reflect their stories makes it easier for people to talk," explains Cindy. "People gain an understanding of their trauma, just by saying it out loud. By stepping through that trauma in a safe place, they have a better understanding of who they are."

Clarence Valley IFBS also use parenting programs, music therapy, art therapy and a self-esteem group to help families explore their trauma and address safety concerns. They organise cooking days and grocery shopping to educate parents about the importance of nutrition and will also work on budgeting skills with families.

Clarence Valley IFBS works closely with the local DCJ office to share information and ideas. For DCJ, having an Aboriginal community-controlled organisation delivering an IFBS in the area has helped rebuild trust with Aboriginal communities.

"Aboriginal communities respond really positively to this program," states Sharyn Fowler, Manager Client Service, DCJ, Clarence Valley. "People often approach us, wanting to work with IFBS. It is incredibly powerful and life-changing for a lot of families. Generationally, we are setting the basis for change for Aboriginal families, so that they are better resourced, and they know where to get help."

The IFBS intervention model is based on the Homebuilders approach developed by the Institute for Family Development in the United States. This model is the oldest and best documented intensive family preservation program in the US. The Institute of Family Development worked with the IFBS programs, DCJ and AbSec to ensure flexibility in the delivery of the IFBS model that incorporates cultural considerations for the Aboriginal families that are referred to the programs.

The success of Clarence Valley IFBS shows the importance of placing implementation of such models in the hands of Aboriginal people with the backing of strong, Aboriginal-led organisations.

Case study

"I didn't want the little girl to go into the foster care system. My family... I love my family and I think that family should be with family, whenever possible."

It was this core belief of the importance of family that motivated June* to become a carer for her niece, and later, her nephew. Now, as they come towards the end of their high school journey and look toward the future, June reflects on her experiences as an Aboriginal kinship carer.

June took on the care of her niece in 2001, because she didn't want her niece to be lost to the child protection system. And while there were times of struggle, she was committed to meeting her niece's needs. Some years later, her nephew also needed care, and June naturally put up her hand. This presented a new range of challenges for the household, and June put her career on hold and gave up a secure job to be at home for the children, and to support them with school and extra-curricular activities.

"I gave that [job] away in order to take on the responsibility of caring for the kids, because otherwise it wouldn't have happened," June said.

Through it all, June remained a strong advocate for her niece and nephew. However, there was very little support and interaction from the Department of Communities and Justice (DCJ), with the onus placed on her to navigate the system to find the support she needed. As an Aboriginal kinship carer, June felt like a second-class carer, left to struggle needlessly, despite a range of provisions apparently being available that would have supported the kids to thrive.

"My kids are missing out on entitlements that would benefit them" June said. "We're struggling when the provisions are there, and I'm having to fight and advocate through the system in order to try and meet those needs for these kids that they're supposed to be caring for."

As a kinship carer, the lack of supports to navigate family relationships, or to connect her children to culture and Country, placed particular pressure on her ability to meet her children's needs. Family relationships in particular became strained, with no support from DCJ to help manage the new complexities, resulting in a breakdown of the relationship with her sister.

"On my side, the relationship broke down between my sister and myself, that type of thing, because of the care, so that's non-existent now," June said.

June felt that being with an Aboriginal agency might have provided the assistance that was lacking, it could have supported her to navigate those difficult conversations with her family.

* Name changed to protect identity.

"Because you're having to meet those responsibilities and there's nobody else there to negotiate or navigate any family stuff with. Conversations that perhaps would take place if you're in with an Aboriginal organisation," June said.

Despite these challenges, June felt that as an Aboriginal kinship carer, she was best placed to strengthen her children's connections to their family, community, and culture, including connecting them to Country as much as possible.

"It's important for the kids to be able to go back and see family regularly which I've been able to do occasionally, but it's hard financially, when I'm having to go to school, and the finances just aren't there," June said.

Her experiences as a carer have made her deeply concerned about the sort of future that the statutory child protection system is achieving for Aboriginal children and young people.

"We've removed the kids, and then when they turn 18 we just let them down… And the reality is, that at 18, our kids need their family," June said. June emphasised the importance of ongoing support and oversight to make sure that Aboriginal kids are properly cared for and supported to retain and strengthen their connections to family, community and culture.

"Especially when they're not maintaining those connections, kids getting out, are lost, with nowhere to go, and then that's how you get the interaction with the criminal justice system," June said.

After almost 20 years of being involved in the child protection system, June had a straight forward assessment – that the system is not working for Aboriginal children and families.

"I think that our cultural needs and our issues escape the frameworks of the mainstream system."

Rather, June noted that her experience and understanding of the child protection system is one that is still dominated by colonial approaches, and she questioned the basic competency of the statutory system to deliver for Aboriginal children and families.

"I feel that our issues get lost within the broader system."

And while June accepts that the intentions of DCJ might be good, the impact on Aboriginal communities has been devastating.

"I think that their intentions are probably well meaning, but I feel that they've lost sight, they don't have the resources. I don't believe they have the cultural competency whatsoever in dealing with our kids, or even with myself," June said.

The ongoing negative experiences of Aboriginal people with the child protection system created a sense of fear for many Aboriginal families, reflecting the lived experiences of their families and communities. June saw that Aboriginal organisations and practitioners had an important part to play in working towards solutions, as they understand the context and experience of Aboriginal people and communities.

"I think that our cultural needs and our issues escape the frameworks of the mainstream system."

"We have fear and even if we have nothing to fear, we still fear," June said. "Like I fear, and I'm there doing the right things, but I fear speaking out would then jeopardise a placement and things like that. I believe that our issues … our business … should be harnessed by Aboriginal organisations with Aboriginal Case Workers. Aboriginal people that understand. They're part of this experience. They know what's going on, and therefore, people would feel more comfortable rather than being put under the microscope and having a white dominated system that says they know how to fix the problems, 'cause they're creating the problem. They're creating the problem."

June valued the contribution and difference Aboriginal organisations make within her community in working for Aboriginal children and families.

"…when I'm negotiating and I have issues, the mainstream's not helping me and I'm looking for strategies and that's from our own mob or the extended community. Where I live and Aboriginal organisations and people to find ways to make things better."

"We work together trying to find solutions and supporting each other in different processes in order to achieve better outcomes for our kids. Resources and framework strategies, that's what we need to do, and I honestly think that the Government should stop trying to control that type of stuff and put those things into Aboriginal hands. We're competent. We're getting educated. There are very many strong educated people that are quite capable of taking these things on, but we're still being micro managed. Constantly."

June felt that the system's care and commitment to Aboriginal children was one-dimensional, and lacked the substance and follow-through to really achieve positive outcomes for Aboriginal children and young people.

> "Put it into Aboriginal hands, because we know what's best for our kids. We know what they need. We know how to fix the problems"

"[The department] removes the kids and [says] we'll put them over there and we'll just leave them. So on a piece of paper, it looks like … oh we've done the right thing by the kids, put them [somewhere] safe, we'll throw a payment out too … doesn't matter where that goes to … instead of looking to see whether they're being cared for correctly, or even whether they're meeting their obligations."

"Like I said to the Department the other day, your Ministerial responsibility ends when they're 18. Mine lasts a lifetime." Ultimately, June had a simple message for improving the child protection system for Aboriginal children.

"Put it into Aboriginal hands, because we know what's best for our kids. We know what they need. We know how to fix the problems, but we're not getting any support in doing so."

Conclusion

The voices, experiences and perspectives of Aboriginal people are often marginalised in reforms to the child and family system, despite the disproportionate and highly intrusive impact of this system on Aboriginal children, families and communities. In our conversations with Aboriginal young people, families, carers, practitioners and communities, we heard strong messages about the importance of prevention and early intervention, of keeping children within family and community networks, and the importance of culture in lifelong identity, belonging and wellbeing. Aboriginal community organisations, and Aboriginal practitioners, were seen as indispensable in driving effective Aboriginal child and family services in the best interests of Aboriginal children and young people. Their stories are captured to influence and inform the change that is needed in this system.

Overall, we heard that many see the system as perpetuating harmful past policies. For many, it remains a deeply colonial system that destroys Aboriginal families, communities and culture. Even where it was accepted that the intentions of decision makers were good, it was felt that they lacked the understanding and cultural competency to achieve positive outcomes for Aboriginal children. Aboriginal children and families continue to bear the brunt of outdated systems, policies and practices that police, rather than support, families.

We also heard clearly about what needs to occur, with the focus on the importance of empowering Aboriginal communities to drive local solutions. This is consistent with AbSec's proposals to shift towards Aboriginal-led commissioning approaches, to build a state-wide network of holistic, Aboriginal child and family services, to invest in Aboriginal-led approaches to prevention and healing, and refocus existing approaches to more appropriately meet the needs of Aboriginal children and young people, their families and communities. This booklet will be the first in AbSec's series that aims to shine a light on good and poor practices, as an attempt to educate and change this system for the betterment of all Aboriginal children and families.

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