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Family Inclusive Child Protection Practice: The History of the Family Inclusion Network and Beyond

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This article records briefly the history of the Family Inclusion Network as an organisation that promotes family inclusive child protection practice. Since its inception in Queensland in 2006, Family Inclusion Network organisations have been formed elsewhere and now exist in Western Australia, South Australia, Victoria, Tasmania, Australian Capital Territory and New South Wales. In 2010, developments at a national level saw the formation of the Family Inclusion Network Australia. Most organisations are incorporated and some have achieved charitable status. Each organisation endorses a common set of aims and objectives. There are, however, differences in terms of whether state or territory organisations accept government funding or not, are staffed by professionals or rely entirely on volunteer personnel, and have a capacity or otherwise to provide direct casework services to parents. Some state organisations focus on information and advice services, and legislative and policy reform efforts. All have telephone advice lines and a webpage presence. This article also focuses on a code of ethics for child protection practice and on the contribution parents can make to child protection services, and their rights to do so.

■ **Keywords:** family inclusive, code of ethics, parental rights

Introduction

We start this article by quoting Professor Marie Connolly's heartening and humane view of parents who have harmed a child:

> If parents who have hurt their children are nevertheless valued as humans who deserve the opportunity to work with dignity towards positive solutions to keep their children safe there is no reason not to involve them in decision making. (Connolly, 2010, p. 212)

It was the clear disregard of this set of values and underlying principles by the state child protection system that motivated the development of the first Family Inclusion Network (FIN) in Queensland in 2006 (Clary, Klease, Thompson, Thorpe, & Walsh, 2007). Following that development, and reflecting similar disquiet, FIN organisations were then, at different points in time, developed in Western Australia, South Australia, Tasmania, Australian Capital Territory, Victoria and New South Wales. The ultimate development was the Family Inclusion Network Australia (FINA) that came into being in 2010. The objectives of FINA echo those of FIN state and territory organisations, and were agreed to by state and territory representatives when FINA was formed.

The Australian Evidence

Since the formation of FIN in Queensland there have been at least five Australian studies of parents' experience of the child protection system. The first study, *Family inclusive child protection practice*, was in Queensland (Clary et al., 2007). In a similar vein there is a Western Australian (WA) study, *The experience of parents and families of children and young people in care* (Harries, 2008). There is a further study from New South Wales (NSW) '*Giving a voice to parents*

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of children in out-of-home care' (Holmes, 2009). Another study focuses on indigenous parents and self-identified carers from the Australian Capital Territory (ACT), NSW and Queensland (Ivec, Braithwaite, & Harris, 2009). Finally, the most recent study, *Parents in the child protection system*, is from Tasmania (Hinton, 2013) and the study is accompanied by an international review of programmes and services for parents (Ivec, 2013).

The common themes that arise from these studies are that parents are made to feel powerless by the arbitrary behaviours of child protection caseworkers and their managers. Parents say that caseworkers will not listen to them and consistently show them no respect. They also claim that they are deceived and manipulated by caseworkers. This reinforces concern about the lack of clear, honest and direct communication between child protection caseworkers and parents. A study of the skills of child protection caseworkers (Trotter, 2002) confirms this view, identifying that clarification of the worker's role (in terms of support and use of authority), collaborative problem solving, use of confrontation, and reinforcement of pro-social actions plus relationship skills (empathy, self-disclosure, humour and optimism) significantly contribute to a positive outcome for clients.

In yet another study, two legal academics report on a Queensland-based focus-group study of community-based lawyers and community service workers, whose clients, primarily mothers, interact with the state child protection system. These authors indicate that:

> . . . participants generally stated that mothers of children subject to child protection interventions demonstrate a lack of information and understanding about the relevant processes and laws and an inability to advocate for themselves when dealing with departmental staff. (Douglas & Walsh, 2009, p. 213)

In summary, the mothers are characterised as feeling bewildered, confused and distrustful of the legal process associated with the child protection intervention. Furthermore, in an article that focuses on human rights and cites various studies of parents' views, Hansen and Ainsworth (2009) draw attention to the way in which some of the reported actions of child protection caseworkers violate article 5 ('No one shall be subjected to torture, or to cruel, inhuman or degrading treatment or punishment') and 12 ('No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to protection of the law against such interference or attack') of the *Universal Declaration of Human Rights* (United Nations, 1948). Similarly, article 5 of the *Convention on the Rights of the Child* (United Nations, 1989) ('State Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the member of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention') is ignored.

Organisational Objectives

It was against the above evidence that the aims and objectives for FINA were cast. The objectives underline the FINA banner 'Giving voice to parents with children in the child protection system'. The details follow.

Aims

FINA aims to represent member Family Inclusion Network organisations from states and territories when making submissions or comments to Commonwealth, State or Territory governments or the media, regarding child protection policy, related issues and practices.

FINA aims to support and promote the joint interests of children, their parents and family members when a child or children are in out-of-home care, or are at risk of being removed to out-of-home care in circumstances involving, but not limited to, poverty, destitution, homelessness, sickness, disability, substance use, mental health issues, age and/or a criminal record.

Objectives

According to the FINA Constitution (Family Inclusion Network Australia, 2010):

(a) FINA will ensure the genuine and equal participation of parents and significant others with children in state care in all aspects of the planning, development, implementation and evaluation of child protection practices, based on the lived experiences of this group.

(b) FINA will develop and maintain strong links with Aboriginal and Torres Strait Islanders (ATSI) and Culturally and Linguistically Diverse (CaLD) communities and organisations to ensure the promotion and inclusion of the particular lived experiences of these groups.

(c) FINA will provide support to state and territory Family Inclusion Network organisations as they provide support, information, advocacy, advice and resources to parents and family members involved in child protection systems.

(d) FINA will promote the partnership and participation in local, national and international research on child protection and related issues.

(e) FINA will advocate the UN *Convention on the Rights of the Child* to 'maintain contact and continuity of relationship with parents and family when in alternative care' be upheld.

(f) FINA will advocate the UN *Convention of the Rights of the Child* to 'preserve his or her identity, including nationality, name and family relations as recognised by law without penalty' be upheld.

(g) FINA will advance awareness and understanding of the issues confronting families and children when children are placed in out-of-home care.

(h) FINA will advance the respectful inclusion of parents, families and significant others in all child protection processes, advocating for fairness and due process.

Different Service Models

In this edition of *Children Australia* the article by Thorpe and Ramsden describes the community work approach of FIN Townsville, which is entirely volunteer based. This service model is in contrast to the Western Australian approach, where FINWA employs professional staff and offers direct casework services, primarily in Perth, to some parents. FINWA also provides training for the Department of Child Protection (DCP) staff. All of this is made possible by a DCP financial grant to the organisation. A further contrast is FIN-NSW which provides a state-wide web-based information and advice service (www.fin-nsw.org.au), supported by telephone and e-mail advice services that are maintained by volunteers.

All the state and territory FIN organisations make submissions to their respective committees of inquiry and advocate for child protection legislative reforms. Other states and territories have a different mix of services, based on local resources and circumstances.

Ethics for Child Protection Practice

In 2009 FIN-NSW also developed a code of ethics for child protection practice. This reflects the more policy and reformist approach of that particular state organisation. It was also a response to discomfort with the existing departmental code of ethics (NSW Department of Community Services, 2009), which was viewed as lacking a human rights perspective. The new code, with an emphasis on human rights, also reflects the FINA objectives. It is produced below as another example of work undertaken by one FIN organisation. It can be viewed on the FIN-NSW website (www.fin-nsw.org.au).

Preamble

The FIN-NSW ethical code of practice for child protection (Family Inclusion Network-New South Wales, 2009) aims at transparency in child protection cases. The code protects child protection caseworkers from allegations of unfairness and deception; stops parents from being able to claim that they were not properly informed about the stages in the child protection process; and safeguards 'the best interests of the child', for whom socially just practice, if he/she is removed from parental care, is vital.

This code of ethical practice observes the United Nations *Universal Declaration of Human Rights* (United Nations, 1948) and the United Nations *Convention on the Rights of the Child* (United Nations, 1989).

The singular term 'child' is used throughout this code of ethics. It can refer to more than one child.

The paramount concern at all times is to protect and respect vulnerable people.

Human rights

1. Child protection caseworkers will at all times respect the rights and dignity of parents.
2. This respect will be maintained by the child protection caseworker regardless of any suspicion or reports he/she has that suggest that the parents may have abused or neglected their child.
3. In the course of an investigation a child protection caseworker will never address a parent dismissively or sarcastically.
4. A child protection caseworker will not raise his/her voice to a parent or threaten a parent emotionally or physically in any way that might frighten or humiliate him/her.
5. A child protection caseworker who intends to meet with another agency (e.g., pre-natal clinic) about the need for a child to be removed from parental care must inform, and invite, the parent to all such meetings. There will be no secret meetings.
6. Should an inter-agency meeting decide that a child should be removed at birth from a mother, and that an 'alert' notice[1] to this effect should be placed on the mother's medical file, then the child protection caseworker must inform the mother about this action. At the same time, the child protection caseworker must tell the mother that she has a right to inspect her medical file.
7. If an 'alert' notice is placed on a mother's medical file then hospital staff must be free to discuss this matter with the unborn child's parents.

Legal rights

8. At the first contact with parents a child protection caseworker will inform the parents of their right to legal representation.
9. The child protection caseworker will provide parents with a written statement as to their legal rights.
10. Prior to questioning parents a child protection caseworker must inform them of their right to have a support person with them throughout the investigative process.
11. Until the issue of legal representation and the presence of a support person have been resolved the child protection caseworker will not proceed with his/her investigation.

[1] An 'alert' notice is a notice that tells medical staff that they must inform the child protection authority once a mother gives birth. This then enables a child protection caseworker to attend the medical centre and remove a child from the mother's care.

12. Should the issue of legal representation and support for parents remain unresolved after 'in good faith' negotiations, the child protection caseworker may exercise the power given to him/her by legislation and proceed with the investigation, albeit in the presence of a support person.
13. A child protection caseworker will not take photographs of a parents' dwelling unless he/she has specific permission from the parents, the parents' legal representation or the support person.
14. Should the issue of legal representation and support for parents in regard to photographing a parents' dwelling remain unresolved after 'in good faith' negotiations, the child protection caseworker may exercise the power given to him/her by legislation and proceed with the photographing, albeit in the presence of a support person.
15. Within 24 hours the child protection caseworker will provide parents with a copy of any photographs he/she has taken.
16. In order to ensure transparency in the child protection process, a child protection caseworker will provide parents with a copy of any notes he/she has made, and those of an accompanying worker, within 36 hours of the investigation being undertaken.

Parent–child contact visits

17. If a child is removed from parental care, the child protection caseworker will immediately tell the parents when and where they can next have contact with their child, and for how long. This information must also be provided in written form.
18. When supervising a contact visit between children and parents, a child protection caseworker will make certain that the place where the contact is to occur will be a comfortable, child- and family-friendly setting.
19. A child protection caseworker will not threaten a parent with termination of contact with his/her child before a meeting has been called to resolve any contact visit issues that are causing concerns about the continuation of contact. The parent will be entitled to have a legal representative and/or a support person at any such meeting.

Restoration or reunification

20. Within 48 hours of the removal of a child from parental care, and before any court action has been initiated, the child protection caseworker will provide the parents with a detailed list of the issues that caused the child to be removed, and will indicate in detail what actions the parents must take for restoration of their child to their care to be a realistic possibility.
21. Once the child protection caseworker has provided a list of required actions to the parents, no variations or additions to the list of actions will be made by the caseworker or any other person.
22. If a baby or very young child is removed from parental care and an order is being sought that gives the Minister parental responsibility for the child until age 18 years, the Department's adoption option must be discussed openly with the parents before the Care Plan is filed with the Children's Court.

Court processes

Preamble A child protection caseworker, like an expert witness, has an overriding duty to assist the Children's Court impartially on matters relevant to the case that is being heard.

23. A child protection caseworker will never submit to the Children's Court papers that contain rumour or innuendo about a child's parents. Only substantiated facts are to be presented to the Court.
24. When submitting material to a Children's Court a child protection caseworker will make certain that the material is verifiable and is neither inaccurate nor misleading.
25. A child protection caseworker will not make statements in material submitted to the Children's Court about the parent's medical condition unless they have evidence from an accredited medical expert that confirms this condition.
26. A child protection caseworker will not make statements in material submitted to the Children's Court about the parent's psychological state unless they have evidence from an accredited psychological expert that confirms that this is an issue.
27. Throughout the child protection process, and after final orders have been made, a child protection caseworker will remain courteous to parents and respond in reasonable time to a parent's telephone calls and other enquiries about his/her child.

This code of ethics, if fully observed, will advance the effort to make child protection services family inclusive.

International Correlates

These Australian developments can also be seen as echoing developments elsewhere. In a notable book, *From pariahs to partners. How parents and their allies changed New York City's child welfare system*, David Tobis (2013) details the struggle of parents to make that city's system responsive to the needs of children and parents. He also shows how welfare agencies in that city are now employing parents who have faced the system and changed it, as advocates for the current generation of parents and children who are engaged with child protection services.

Of particular interest, given the FIN-NSW code of ethics for child protection practice cited earlier, is a code of 15 rights of parents affected by child protection services cited in this book (Tobis, 2013, pp. 146–147). They are:

1. I have a right to not lose my child because I am poor.
2. I have a right to services that will support me in raising my child at home.
3. I have a right to speak for myself and be heard at every step of the child protection services process.
4. I have a right to be informed of my rights.
5. I have a right to a meaningful and fair hearing before my parental rights are limited in any way.
6. I have a right to quality legal representation.
7. I have a right to support from someone who has been in my shoes.
8. I have a right to have my child quickly placed with someone I trust.
9. I have a right to frequent, meaningful contact with my child.
10. I have a right to make decisions about my child's life in care.
11. I have a right to privacy.
12. I have a right to fair treatment regardless of my race, culture, gender or religion.
13. I have a right to services that will support me in reunifying me with my child.
14. I have a right to offer my child a lifelong relationship.
15. I have a right to meaningful participation in developing the child welfare policies and practices that affect my family and community.

On both the use of parent advocates and a focus on parental rights, child protection services in Australia lag behind.

Conclusion

Clearly, the professionals and parent volunteers who align themselves with the state and territory FIN and FINA agenda think that parents of children who become involved with child protection services must be recognised as having a contribution to make to child protection services and practice. To that end we can think of no better way to end this article than by citing again the Connolly quotation that was at the beginning of this article:

> If parents who have hurt their children are nevertheless valued as humans who deserve the opportunity to work with dignity towards positive solutions to keep their children safe there is no reason not to involve them in decision making. (Connolly, 2010, p. 212)

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