



OFFICE OF THE PUBLIC ADVOCATE

**PARENTS WITH A DISABILITY AND CHILD PROTECTION SERVICES**

**AUGUST 2001**

In the past 12 months the Office of the Public Advocate (OPA) has recorded an involvement in 13 cases involving a parent with a disability where there has been a concurrent involvement of Child Protection Services.

Referrals to OPA of such cases are received from a number of sources. Several referrals were made by the Children's Court in instances where a parent with a disability appearing before the court has been identified as needing assistance in securing appropriate legal representation and in understanding communication with child protection workers.

Referrals have also been received from service providers where it has been identified that a parent with a disability may be at risk of losing custody of their child. In such cases there has often been an expressed concern from the service provider regarding the processes by which a decision regarding the removal of the child was being considered.

In at least two cases, the referral was received from Child Protection workers who identified the need for an independent party to be involved to ensure that the parent with a disability understood why child protection services were involved and provide support.

From a review of the cases, the involvement of the guardian/advocate has primarily sought to achieve the following outcomes:

- **Ensure that all options are explored before a decision is made about the custody or removal of a child**

This has included seeking appropriate assessment of the level of ability of the parent to care for their child to inform the decision making process with regard to the potential removal of the child. In at least two cases this has involved the guardian/advocate pursuing a secondary assessment of a person's parenting ability or ensuring they have been able to access the appropriate mother/baby unit. In one instance this resulted in the parent successfully maintaining custody of the child.

- **Facilitate linkages to appropriate services and community supports to enable a parent to maintain the maximum level of access or care for their child**

With appropriate community support, a parent with a disability may be able to provide an adequate level of care for a child. In several instances an OPA advocate/guardian has successfully advocated for the development or provision of unique services which respond to the particular needs of the individual family unit.

- **Ensure that the parent receives appropriate mental health or disability services support to maximise and ensure they have the necessary ability to care for their child**

With appropriate and adequate case management services provided by mental health services, parents who have a mental health issue have been adequately supported to maintain and care for their child without the need for the child to be removed. This involves the ongoing liaison and consultation with mental health services and child protection.

- **Ensure that the person is appropriately supported and assisted to participate in the process**

As mentioned previously, there have been several requests by the Children's court for an OPA representative to attend and assist the parent with a disability in communicating with their legal representative and to make the court process more accessible. Similarly the advocate/guardian has often had an important role in assisting the parent to understand the decisions and processes of child protection workers and to communicate their wishes in such matters.

It is important to note that whilst the focus of an OPA advocate/guardian has been to advocate for the parent with a disability, the rights of the child are always a paramount concern. Under no circumstances would the advocate/guardian advocate for an outcome which would place the child at risk as a consequence of the parents actions.

The Guardian or Advocate would however seek to ensure that a proper assessment and consideration of the needs of the parent with a disability is incorporated in any child protection process.

The attached case studies are provided to further illustrate the complexities and challenges in supporting parents with a disability, and the range of advocacy interventions undertaken by OPA.

## **CASE STUDY 1**

Involves a 46 yr old woman who is a widow and has multiple disabilities. She resides in ministry of housing accommodation and has two children, a daughter aged 10 yrs and son aged 7yrs. Child protection became involved wanting to remove the daughter on the basis that the mother would not allow daughter to have surgery for a hearing complaint.

OPA was requested to assist child protection, specifically to attend a home visit to assist in explaining to the mother the concerns of child protection workers and the school.

The matter went to court and a solicitor was engaged to assist. OPA was again required to ensure the solicitor fully explained the situation and that the mother understood the process.

OPA ensured that Disability Client Services were involved and that they constantly communicated with child protection. The process also involved liaison with the school and other relevant parties to ensure the best possible outcome was achieved for the daughter.

## **Case study 2**

A young mother with a mental illness had a successful birth but suffered quite significant postnatal depression and required mental health involvement, she later became psychotic. Child Protection immediately wanted to remove the child.

The mother was an inpatient at mother/baby unit. Mother/baby unit staff contacted OPA for advocacy with concerns that the child was going to be removed on the basis that the mother could not attend to early morning feeds. The reason the mother was not able to attend to this particular feed was as a consequence of her medication which would cause her to sleep through the feed. Whilst at the mother/baby unit the staff would wake mother for the purpose of the feed.

OPA advocated for services to be put in place to assist mother with early morning feeds. Initially Child Protection were very reluctant to provide the necessary level of support and were proposing to the Children's Court that the child be removed.

OPA ensured that the mother was assisted at home and her particular needs were accommodated. She now continues to adequately mother her child.

### **Case Study 3**

Involved a 28 yr old woman with an intellectual disability who recently gave birth. OPA had an ongoing involvement with this woman and initiated contact with Child Protection prior to the birth due to concerns about this person's chaotic lifestyle and the involvement of a number of men that may present risks to the baby.

OPA has worked to engage Disability Services and to ensure that the woman is not overwhelmed by the Child Protection and Children's Court process. The worker also supported this woman throughout her difficult dealings with the father's family members.

The issues in this case are complex. In an at times hostile environment, there has been substantial cooperation between the three services in support of this woman being given every opportunity to provide a home environment for her child. However at this point the child remains in the custody of the father and his family.