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Submission to the Select Committee on the Children and Young People (Safety and Support) Bill

This Submission is directed to:

Maureen Affleck

Secretary

Select Committee on the Children and Young People (Safety and Support) Bill

Legislative Council

Parliament of South Australia

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About The Reily Foundation Inc

The Reily Foundation Incorporated is an independent, not-for-profit organisation offering free education, advocacy and support to parents navigating the Child Protection System in South Australia.

We are committed to working towards ongoing connection and reunification of families and building parenting capacity by offering practical, solution-focused support, and working with parents to identify and overcome barriers that hinder their ability to care for their children.

Our Mission is working with, and being a supportive voice for, parents navigating the State's Child Protection System, the Reily Foundation aims to achieve the best possible outcomes for children and their families. This is done through our vision of strengthening parenting capacity through practical support, education and advocacy.

Acknowledgement

The Reily Foundation Inc acknowledges the Traditional Owners of Country throughout Australia. We pay our respects to Elders past and present.

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Introduction

The Reily Foundation welcomes the opportunity to provide a submission regarding the Children and Young People (Safety and Support) Bill. Our organisation is dedicated to supporting vulnerable families and advocating for systemic changes to ensure the safety, well-being, and empowerment of children and young people.

This submission highlights key areas of support, potential concerns, and recommendations to strengthen the Bill's objectives and outcomes.

1. Support for a Child & Family Support System

Reily commends the Bill's shift in language to safety and "support", but it is recommended that the Bill should be renamed as the **Child, Young People Safety and Family Support Bill**, which underscores the importance of the family unit, even in complex child protection cases.

This change acknowledges the critical role of families in a child's well-being, emphasising the importance of strengthening and preserving family units through early intervention and support, rather than solely focusing on crisis-driven removals. It aligns with modern best practices that prioritise family preservation and address underlying issues, such as domestic violence or mental health, that contribute to unsafe environments. This shift also reduces stigma for families, fosters collaboration between agencies and communities, and supports cultural sensitivity, particularly for Culturally and Linguistically Diverse families and Aboriginal and Torres Strait Islander families. Ultimately, this broader framework fosters a more preventative, supportive, and trauma-informed system that promotes long-term safety, overall wellbeing and positive outcomes for children.

2. Paramount Principle—Safety of Children and Young People

Reily supports the Bill's assertion that the safety of children and young people is paramount. However, we urge the select committee to highlight that safety must be considered alongside the best interests of the child. Focusing solely on immediate safety concerns, without regard for long-term well-being, may hinder families' ability to make necessary changes with the appropriate support and time.

For example, removing children from a family violence situation may address their immediate safety but removing the perpetrator from the home while supporting the survivor/victim to stay with the children is not only crucial for the child(ren)'s immediate safety but also serves their long-term best interests.

Reily works and has worked with many families with the capacity to change and where, if families had been given the right opportunities in a supportive and timely manner, they could have come together to address both the immediate safety of the child(ren) and their long-term best interests, with minimal disruption or additional trauma.

3. Voices of children and young people to be heard

The legislation does not sufficiently prescribe the need for children and young people's voices to be heard. Reily has been involved in numerous cases where young people have expressed a clear desire to live with their biological family, yet too often children are forcibly placed back into a residential care setting. This approach overlooks the potential of the family to care for the young person, even if changes are needed, and fails to explore whether additional support could enable the family to provide care. It is essential to prioritise the best interests of the child by supporting families in maintaining care and keeping children in their biological family when possible.

Reily has also observed frequent examples of where children and teenagers have used their feet and voices to return to their biological family, who have made significant changes, only to have the threat of law enforcement or have law enforcement forcibly remove these children and young people from their family. Reily is calling for the use of Family Group Conferencing in these situations to ensure that the child's voice is at the centre, but that the family can come together and work in collaboration with Department for Child Protection to ensure that both the safety and best interest of the child/young person is upheld. Using law enforcement to forcibly remove a child, unless the location poses a significant risk of harm, causes unnecessary and ongoing trauma to the child and young person.

4. Recognition of the Stolen Generations and Overrepresentation of Aboriginal Children

The recognition of past policies contributing to the Stolen Generations is a vital inclusion to legislation. However, Reily highlights the urgent need for immediate action to address the overrepresentation of Aboriginal children in care, as emphasised in the *Holding onto our Future* report by Commissioner April Lawrie. Reily strongly supports implementing all 32 recommendations from this report to prevent cultural disconnection and intergenerational trauma.

5. Embedding International Human Rights Frameworks

Reily advocates for the Bill to explicitly incorporate the principles of the:

- **United Nations Convention on the Rights of the Child**
- **United Nations Declaration on the Rights of Indigenous Peoples**
- **United Nations Convention on the Rights of Persons with Disabilities**

Embedding these frameworks into the Bill, would provide robust protections for marginalized groups and uphold children's rights across all dimensions of the child protection system.

6. Independent Advocacy for Children

While Reily supports the inclusion of children's voices in decision-making, we recommend mandating that every child in care is assigned an independent advocate through the Office of the Guardian for Children and Young People. This ensures that barriers, such as age, disability, or trauma, do not prevent their genuine voices from being heard.

7. Family Group Conferencing

Reily welcomes the provision for family group conferencing. We advocate for this to be mandated as the first step for ALL families engaging with the child protection system and recommend that families have access to independent support during this process to ensure equitable participation.

Family Group Conferences (FGCs) have been shown to be effective in South Australia, Australia, and globally in strengthening family involvement in decision-making, improving outcomes for children, and reducing the need for out-of-home care. The recent evaluation in South Australia found that FGCs led to increased family involvement, with many families reporting greater satisfaction with the decision-making process and outcomes. The evaluation highlighted that FGCs fostered stronger family connections and promoted a collaborative approach to addressing child protection concerns. Furthermore, evidence suggests that FGCs contribute to more culturally appropriate and sustainable solutions for children and families.

However, the evaluation also emphasized the need for ongoing support for families after the FGC process to ensure long-term success, particularly for informal carers who may face emotional and psychological challenges. This highlights the importance of continued financial and emotional support to strengthen the positive impacts of FGCs and prevent future harm.

Reily advocates for continued support for families after the conclusion of a Family Group Conference (FGC), emphasizing the importance of both financial and emotional assistance. While the FGC process is effective in engaging families and facilitating decision-making, Reily recognizes that the transition to implementing these decisions can be challenging for informal carers, particularly those providing ongoing care. Many of these carers, often family members, may experience emotional and psychological strain, which can affect their ability to provide stable and nurturing environments for children. Therefore, Reily calls for dedicated funding to support families post-conference, ensuring that they receive the necessary resources and professional support to manage the challenges they may face. This includes access to counselling, parenting programs, and practical support that can sustain the positive outcomes of the FGC and reduce the risk of children being placed in out-of-home care. Reily believes that such comprehensive support is crucial for empowering families to continue to meet the needs of vulnerable children, ensuring long-term success and stability in their care arrangements.

8. Active Efforts to Support Families

Reily strongly supports the concept of active efforts, ensuring that families receive timely, therapeutic, and culturally responsive support tailored to their unique needs. In line with the principles laid out in Scotland's Promise, which emphasizes the importance of giving families the time and resources they need to make lasting, meaningful change, we stress that the current timeline of 3–6 months for families to demonstrate significant change is both insufficient and inconsistent with effective therapeutic engagement. The Promise advocates for providing families with the support necessary to rebuild and strengthen family relationships, ensuring that interventions are not rushed and are truly in the best interest of the child. We recommend extending these timelines to better align with the complexity of family dynamics and to reflect what is realistic, sustainable, and ultimately in the long-term best interest of the child. Families need more than short-term interventions to address the root causes of concerns and to foster lasting change.

8. Domestic Violence Training

Reily supports Bill's inclusion of exposure to domestic and family violence as "significant harm". However, we recommend comprehensive training for child protection workers to prevent victim-blaming and ensure survivors are supported rather than penalized. Our submission to the Royal Commission into Domestic, Family, and Sexual Violence provides evidence of the harmful impacts of victim-blaming practices and recommendations drawn from our practitioners and lived. Reily can provide a copy of this submission upon request.

Reily is concerned that the shift in the legislation, which categorizes domestic violence as significant harm, may inadvertently lead to an increase in victim-blaming, particularly towards mothers and primary caregivers. While the intention behind this shift is to recognize the serious impact of domestic violence on children, there is a risk that victims of abuse could be seen as responsible for failing to protect their children, even when they themselves are trapped in abusive situations. Reily advocates for a careful, trauma-informed approach to ensure that the focus remains on supporting victims, rather than holding them accountable for the violence they have endured. The concern is that without adequate safeguards, the new framework could result in more families being unjustly blamed, further traumatizing those already affected by domestic violence.

9. Independent Review of Decisions

Reily calls for the **Care and Protection Review Panel (CARP)** to be fully independent from the Department for Child Protection. Independent review mechanisms are critical to ensuring fair and impartial decisions, particularly concerning family contact and reunification, to preserve attachment and connection.

Reily supports Division 10, which focuses on the **review of contact arrangements and the circumstances of Aboriginal and Torres Strait Islander children and young people in care**. However, we believe this initiative falls short and reiterate the need for the panel to operate independently from the Department for Child Protection. We advocate for the establishment of a separate, independent body to address all matters related to contact reviews.

An independent panel is also vital in addressing the needs of children and families from diverse cultural and religious backgrounds. This includes recognising and respecting important cultural customs, religious practices, and family structures that play a crucial role in the well-being and development of the child. When decisions are made by an independent body, it ensures that the specific needs and values of these communities are given due consideration, rather than being overlooked or misunderstood due to a lack of cultural competence or awareness within government departments.

For children from religious or culturally distinct backgrounds, upholding their rights means respecting their family's practices and beliefs, such as dietary laws, religious observances, and community involvement. An independent panel can better incorporate these factors into decisions about contact arrangements, placements, and care plans, ensuring that the child's cultural and religious identity is preserved and nurtured. By doing so, the panel would not only support the child's personal development but also contribute to a broader understanding of

diversity, ensuring that decisions reflect the multifaceted needs of children from all backgrounds.

This approach aligns with the broader principles of human rights, ensuring that no child or family is discriminated against based on their culture, religion, or heritage. It helps to create a more inclusive and compassionate system that considers the full spectrum of a child's identity and promotes the child's right to grow up in an environment that acknowledges and celebrates their cultural, religious, and familial ties.

Reily has encountered cases where children who grew up celebrating birthdays, Christmas, and Easter were denied these experiences because their carers did not observe these cultural traditions. This denial could be seen as a breach of human rights, as it infringes on the child's right to celebrate their cultural and religious traditions, which are fundamental aspects of their identity and well-being. According to the United Nations Convention on the Rights of the Child (CRC), children have the right to freely express their cultural identity (Article 30), enjoy family life (Article 9), and develop in an environment that respects their individuality and personal development (Article 29). Preventing children from participating in these traditions can limit their sense of identity, belonging, and personal growth, violating their fundamental rights.

Reily also advocates for the increased ability to request internal reviews for all decisions, as is afforded to other stakeholders, including foster and kinship carers.

Currently, parents lack a mechanism to escalate matters to an independent body because they often cannot meet the internal review threshold. Additionally, SACAT can only hear matters that have already gone through the internal review process. The Ombudsman is limited to addressing issues related to systemic changes in legislation, not individual cases. Over 60% of families Reily works with rely on Centrelink and are unable to access Legal Aid to seek a review of Long-Term Guardianship applications, placements, or the revocation of orders, even when child protection concerns have been resolved.

Reily also highlights the disparity in legal representation for families involved in long-term guardianship cases, where parents and guardians are not afforded legal representation, unlike in adoption cases where such representation is provided. In long-term guardianship, the legal guardian shifts from the Department for Child Protection to the carer, yet the same legal support and opportunities for advocacy are not accessible to the families, which undermines their ability to effectively challenge or navigate decisions that impact their lives and the well-being of the child.

The lack of legal representation for parents in long-term guardianship cases, particularly when a carer has made an application, may be considered a breach of the United Nations Convention on the Rights of the Child (UNCRC). Specifically, Article 12 of the UNCRC affirms a child's right to be heard in matters affecting them, and Article 3 emphasizes that the best interests of the child must be a primary consideration in decisions regarding their care and protection. By denying parents legal representation in such proceedings, it can hinder their ability to advocate for the best interests of their child, potentially violating their rights to a fair hearing and effective participation in the decision-making process.

Additionally, Article 18 of the UNCRC underscores the importance of providing support to parents and guardians to ensure children's rights are upheld, which includes ensuring that parents have access to the legal support they need to challenge decisions affecting their children's future.

The right of a carer to deny access to sibling contact may raise concerns in light of the United Nations Convention on the Rights of the Child (UNCRC), particularly with regard to Articles 9 and 10. Article 9 of the UNCRC asserts that children should not be separated from their parents against their will, unless it is in the child's best interests, and that siblings should be kept together when possible. Furthermore, Article 10 guarantees that children have the right to maintain personal relationships and direct contact with their parents or family members, even if they are separated.

Denying siblings access to each other without considering the best interests of the child, including their emotional and psychological well-being, may violate these rights. While carers are entrusted with the responsibility to ensure the well-being of the children in their care, they must also consider the importance of maintaining family relationships, including sibling bonds, unless there are substantial and justifiable reasons for such restrictions. Decisions regarding sibling contact should always be made with a child-centered approach, ensuring the right to family life is protected and that any limitations are in the child's best interests.

Ultimately, any decision to restrict sibling contact should be made carefully, with judicial oversight, and in a manner that respects the rights of all children involved under the UNCRC and with all parties having adequate legal representation and understanding of their rights.

10. Psychological Assessments

Reily opposes the imposition of fines for non-compliance with mental health or parenting capacity assessments (*Part 7, Section 46*). We recommend families have the right to choose qualified practitioners they trust to foster therapeutic engagement. Additionally, a review of current assessment practices is essential to ensure consistency and fairness across the sector.

Forcing a parent to undergo a parenting capacity assessment or a mental health assessment with a psychologist or psychiatrist, particularly when a penalty is imposed for refusal, could potentially be viewed as a violation of human rights, depending on the circumstances and how it is carried out. The United Nations Declaration on Human Rights and other international conventions, such as the International Covenant on Civil and Political Rights (ICCPR), emphasise the importance of individual autonomy, the right to privacy, and protection from arbitrary interference. In the context of forced assessments, these principles come into play in several ways:

1. **Right to Privacy and Autonomy (Article 12, Universal Declaration of Human Rights):** Parents have the right to make decisions about their own lives and health. Forcing them into assessments without consent may violate this right, particularly if there is no evidence of an immediate and serious risk to the child that justifies the intervention.
2. **Right to Fair Treatment (Article 7, ICCPR):** Individuals are entitled to be treated with dignity and respect, free from coercion, and to have their personal circumstances considered fairly. Forcing assessments without a clear and justified reason may be seen as an infringement on these rights.
3. **Right to Family Life (Article 23, UNCRC):** The UN Convention on the Rights of the Child (UNCRC) asserts that decisions involving children should prioritize the child's best interests and family integrity. In cases where a parent's mental health or parenting capacity is assessed, the process should be fair, transparent, and conducted with the parent's consent, unless there are significant concerns about the child's safety or well-being.

Reily requests that parents be afforded the right and dignity to engage with a psychologist or psychiatrist of their choosing, who are bound by their professional boards and ethical standards. This would allow the parent to engage therapeutically, culturally, genuinely, and safely, ensuring that the process respects their autonomy and supports the overall goal of child welfare. Such an approach would foster trust and cooperation, as opposed to imposing penalties or forcing assessments, which may lead to further harm or mistrust in the system.

While it is essential to ensure children's safety and well-being, any intervention, such as mandatory assessments, should be done with respect for the parent's rights and with safeguards in place to ensure that assessments are reasonable, necessary, and conducted with proper consent. If assessments are imposed without a legitimate and justifiable cause, they could be seen as a violation of human rights. It is crucial that such decisions are made with clear legal guidelines, oversight, and in a manner that respects the dignity and autonomy of the parent, ensuring the balance between safeguarding children and upholding human rights.

The argument that the Department for Child Protection should have the authority to choose a psychologist or psychiatrist for assessments raises concerns of bias. The Department's primary mandate is to ensure the safety of children, which inherently involves a risk-averse approach. This focus on child protection, while crucial, may lead to decisions influenced by a heightened sensitivity to potential risks, potentially skewing the assessment process in favor of outcomes that prioritize risk management over a balanced, impartial evaluation of the parent's capacity. In contrast, external psychologists and psychiatrists, that parents can engage genuinely and therapeutically, who are bound by their professional ethical standards and codes of conduct, provide an independent and wholistic perspective. These professionals are obligated to uphold the rights and dignity of all parties involved, ensuring a more balanced, fair, and objective assessment. Allowing parents to choose their own qualified professionals would better protect their rights, foster a more collaborative and therapeutic relationship, and contribute to more accurate and meaningful outcomes for the family.

11. Statement of Commitment to Parents and Families

Reily strongly supports the inclusion of a **Statement of Commitment to Parents and Families**. This commitment must be co-designed with parents and families, recognising the value of lived experience in shaping effective policies and practices.

Reily commends the Minister for Child Protection for her leadership in establishing the first Direct Experience Group in South Australia, and only the second of its kind in Australia. This innovative approach has provided a platform for parents with lived experience to share their voices directly with the Minister, a significant step towards ensuring that policy decisions are informed by those who have firsthand experience of the system. Reily also applauds the bravery of these parents for using their voices to advocate for meaningful change. The creation of the Statement of Commitment to Parents and Families was a direct recommendation from the Direct Experience Group, reflecting the Minister's dedication to engaging with lived experience in the pursuit of system change. This collaborative effort demonstrates a commitment to shaping policies that truly meet the needs of families and create a more supportive, effective child protection system.

Reily strongly believes that the **Statement of Commitment to Parents and Families** should include a clear commitment to providing **transparent information** and **education** to parents. This would ensure that parents are fully informed and empowered to navigate the child protection system, understand their rights, and make well-informed decisions regarding their children's wellbeing. Transparent communication between parents and child protection services is vital in fostering trust, reducing confusion, and enabling parents to engage meaningfully in the process. Education should be provided at every stage to help parents understand the processes, options, and supports available to them, ensuring equity and fairness for all families, regardless of their background. By including this commitment, the legislation would support the empowerment of parents, promote informed decision-making, and ensure families receive the guidance and support they need to effectively participate in safeguarding their children.

12. Chief Executive must provide a copy of Charter to certain children and young people

Reily believes that every child and young person must have access to an independent advocate through the Guardian for Children and Young People to ensure they are provided with a copy of the Charter and fully understand their rights. It is essential that children are empowered to know their rights and have the means to voice their concerns independently. Reily has encountered numerous instances where parents, have been reprimanded for attempting to provide their children with this vital information. In several cases, parents have been yelled at and told they are not permitted to share the Charter with their children or even the number of the Guardian, even when the children have expressed that they are not being heard. This restriction is concerning, as it limits the ability of parents to support their children in understanding and asserting their rights, particularly when those children feel unheard or unsafe. Parents have very few opportunities to assist their children once they are in care, and it is difficult to understand why they would be reprimanded for providing their children with a safe number to contact if they feel their caseworker or legal guardian is not listening to them or if they feel unsafe in their placement. Reily urges that provisions be made to ensure children and young people are informed of their rights in a manner that allows them to safely and independently seek support.

13. Part 10 Proceedings before the Youth Court of South Australia

The lack of access to legal aid funding for defendants, especially those who must self-represent, can exacerbate the detrimental effects of an unjust or unfair legal process. When a defendant is unable to afford legal assistance to correct errors in court documents or challenge incorrect

claims, such as inaccurate assertions about a disability or mental health condition that have never been formally diagnosed, they may feel compelled to accept court orders as they are, even if those orders are based on erroneous or unverified information.

Reily also highlights that case plans are not always provided alongside signed court orders, leaving parents in a position where they are required to sign orders without a clear understanding of what they must demonstrate to have their children returned. This lack of transparency can lead to confusion and further disadvantage parents, as they may be unaware of the specific actions or requirements expected of them. Without a detailed case plan, parents are left without the necessary guidance to successfully meet the court's expectations, potentially delaying or complicating the reunification process. Reily advocates for ensuring that case plans are consistently provided with court orders, allowing parents to fully understand their obligations and take the necessary steps toward the return of their children.

This situation presents several concerns:

1. **Inability to Challenge Inaccurate Information:** Without legal representation, the defendant may not have the knowledge or resources to effectively challenge inaccuracies in court documents. For example, if a court order wrongly states that the defendant has a disability or mental health condition without a formal diagnosis, they may lack the legal support needed to contest this. As a result, the defendant may be unjustly stigmatized or subjected to unnecessary interventions or restrictions based on unverified claims.
2. **Parents do not have the costly financial means** to obtain assessments from an independent psychologist or psychiatrist, which leaves them at the mercy of the court documents and the assessments provided by the Department, often without the opportunity to challenge or correct potential errors or omissions. This financial barrier further disadvantages parents, particularly when court orders or reports inaccurately reflect their mental health or disabilities, making it more difficult for them to advocate for themselves and meet the requirements necessary to regain custody of their children. As a result, many parents are left with limited options for demonstrating their capacity to provide a safe and stable environment, exacerbating the challenges they face in the legal and child protection systems.
3. **Risk of Harmful Consequences:** Accepting court orders that include erroneous information can have long-term consequences for the defendant. For example, being labeled as having a disability or mental health condition without proper diagnosis can lead to unwarranted social stigma, unnecessary medical treatment, or other interventions that are not appropriate or required. Furthermore, it may impact their ability to participate fully in their own defense or future legal proceedings.

4. **Infringement on Legal Rights:** Every individual has the right to a fair trial, and part of that right includes being able to challenge inaccuracies in legal documents or court orders. When a defendant is forced to self-represent and cannot afford legal aid, they are at a significant disadvantage. This limits their ability to advocate for their rights, defend themselves against unfounded claims, and ensure that any legal decisions made about them are based on accurate and complete information.
5. **Increased Likelihood of Coercion:** When faced with the pressure of self-representation and the complexities of the legal system, many defendants may feel forced to accept unfavorable terms or court orders, even if those orders are based on errors. This may not be an informed or voluntary decision but rather a result of being overwhelmed by the process and not having the necessary support to correct the mistakes.

Reily recommends that support be provided to defendants throughout the court process to ensure they have the necessary resources to advocate directly with the Department for the correction of errors in court documents. This support would enable defendants to provide any additional evidence that can help address inaccuracies and allow the Department to amend the records with an addendum. Organizations with expertise in navigating the complexities of the system, such as Reily, could play a critical role in assisting families at every stage, ensuring that all relevant information is accurately reflected in court orders. This approach would help uphold the integrity of the legal process, protect the rights of defendants, and ensure that decisions made in court are based on accurate and comprehensive evidence. Examples of this support have been demonstrated as successful in producing positive outcomes in Victoria with the “Independent Advocacy and Support” Pilot. Findings included “highly valued by clients, who found it vital support through very distressing experiences” and child protection practitioners that understood the model reports as “highly valuing the service”¹.

It is crucial that parents are provided with avenues for independent review of court orders, as currently, there are no mechanisms for parents to revoke these orders without the agreement of the Department for Child Protection. Many parents do not have the financial means to initiate legal proceedings, and there are no known precedents in South Australia where parents have successfully revoked orders without the Department's approval. This lack of options disempowers parents and places them in a position where they feel coerced into signing long-term orders, often under the belief and wrongfully informed, that they will have the ability to revoke these orders in 12 months. While this advice may not be technically incorrect, there is no evidence of any cases in which parents have successfully had orders revoked without the

¹ Maylea, Chris; Bashfield, Lucy; Thomas, Sherie; Kuyini, Bawa; Costello, Susan; Fitt, Kate & Singh, Meena (2021) Final Evaluation of Independent Family Advocacy and Support (IFAS) pilot, Melbourne: Social and Global Studies Centre, RMIT University. DOI: 10.25439/rmt.14661216

Department's consent. This highlights the need for a more accessible, independent review process that ensures parents have a fair opportunity to challenge decisions that directly impact their family's future.

Division 5 Specified person guardianship orders

While Reily supports permanency and stability for children, including through Specified Person Guardianship Orders, the current process places the onus on the objector to prove that such an order should not be implemented. Reily has found that many parents are unable to access legal aid to object to these orders, even in situations where evidence has been presented showing that the carer is withholding sibling contact or contact with the biological family. Despite providing proof, it has been Reily's experience that Specified Person Guardianship Orders are still granted, leaving biological families without the ability to maintain contact with their children. Under the current legislation, biological parents are potentially not considered an aggrieved party, meaning they have no ability to seek a review of these decisions. The reason that it is unclear whether parents are considered an "aggrieved party" is due to this notion being untested due to the lack of funding afforded to families to commence a proceeding in the Youth Court. Even during the assessment phase, when a Specified Person Guardianship Order is being considered, parents are not allowed to challenge the decision or be considered an aggrieved party. In contrast, a carer is permitted to be considered an aggrieved party during the assessment period, can seek an internal review, and has the right to be heard at SACAT. This same right is not afforded to biological families, creating a significant disparity and barrier for parents, denying them the opportunity to be heard or to advocate for their children's best interests.

Although a party to the proceedings may vary or revoke an order under section 126, Reily is concerned that, due to the inability of parents to access legal aid funding in these proceedings, and the significant costs associated with self-representation, this option has not been realistically available to parents in South Australia. To Reily's knowledge, no parent has successfully challenged an order in these circumstances. The financial barriers to accessing legal representation and the burden of court fees make it exceptionally difficult for parents to pursue these legal avenues, leaving them disempowered and unable to effectively advocate for the revision or revocation of orders that may no longer be in the best interest of their children.

13. Part 3 Administration - (19) Minister may direct Chief Executives of certain State authorities to meet to discuss interagency approach

Reily congratulates and supports the Minister's initiative for an interagency approach to prevent harm to children and young people. Reily recognises the complexities families face in navigating systems such as housing, healthcare, corrections, and justice. Reily has collaborated with families requiring multi-agency solutions to ensure the safety and wellbeing of their children. Even after addressing child protection concerns, housing remains a significant barrier, with children unable to exit residential care and reunite with their families due to the lack of available housing.

Summary

In conclusion, while Reily supports many of the significant changes to the legislation and commends the Minister for Child Protection and the Department for Child Protection for their collaborative efforts with stakeholders, we acknowledge the complexity and diverse viewpoints that have led to delays in advancing the legislation. We urge that the best interests of children remain the central focus, with a particular emphasis on the role of children's villages and communities in supporting government decisions. As highlighted in the parliamentary recognition, all children are valued citizens, and their future is closely tied to the wellbeing of the state. By working collectively and prioritising the safety, education, and empowerment of children, we can ensure that they grow up with the opportunity to thrive, free from harm, and equipped with the skills, wellbeing, and agency to become active, influential citizens. Reily remains committed to supporting these efforts and advocating for a system that truly reflects the needs and rights of all children.

Further information

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