

DHS, Victoria, lashed as foster mother regains children

By Maris Beck of The Age, Melbourne, Thursday, 12 January 2012

The Department of Human Services showed an "adversarial, 'win-at-all-costs' attitude, the likes of which I have rarely seen", said the magistrate.

A foster mother wept in court yesterday as a magistrate ordered she be reunited with her long-term foster children and berated the Department of Human Services, which he said psychologically harmed the children by removing them against their will almost 11 months ago.

The Children's Court magistrate said the department had shown an "adversarial, win-at-all-costs attitude, the likes of which I have rarely seen" and had done "whatever it could" to prevent the return of the children to their foster mother.

The children, who had been in their foster mother's care since 2007 and called her "Mum", were removed last March after the department disagreed with her on issues such as her attempt to enrol the children (some of whom are intellectually disabled) in a special school, and the carer disagreed with the department's view that the children should be prescribed Ritalin, a drug for attention deficit disorder.

The magistrate said the children were "suffering ongoing emotional harm" since the removal, in which the court previously heard the department had arrived unannounced at their school and taken them under a police guard to live almost 200 kilometres away, with their carer permitted infrequent and supervised contact.

He recommended the children, aged seven to 11, go back to their carer immediately, ordered the guardianship of the department's secretary be extended only until February 13, and ordered the department to apply to place the children in the foster mother's permanent care.

The magistrate said the department's attitude was "now so hostile that ongoing involvement of the department in their lives is contra-indicated".

In defiance of the non-binding recommendation the children's return be immediate, counsel for the department said they would not be returned yesterday. The department was considering its rights of appeal.

The magistrate, who had earlier in the hearing noted a recalcitrant attitude by the department, told it that if it did not return the children, it could be considered to be causing ongoing harm and be open to Supreme Court action.

He ordered it to pay some of the carer's court costs, a total of \$1760, to cover three "fairly small" instances in which he deemed the department had acted irresponsibly or mischievously to prolong proceedings.

Speaking outside the court, the carer said the children were "my angels" and the magistrate's order "meant everything" to her.

The children's lawyer said it was disappointing the department had not agreed to hand them back immediately and they would suffer as long as they were away from their foster mother.

A department spokesman said it was "reading the judgment very carefully and we will act in the best interests of vulnerable children". Identities of those in the case cannot be published for legal reasons.

LISA Inc Comment: This is a very traditional attitude of this totally out of control government department. The 'power over people' attitude, is very similar for people with disabilities and their families. Vulnerable people suffer in the hand of the power hungry, captive market, secure employment, no need for customers or customer service, public servants. Successive ministers have totally failed to reign-in the overwhelming and ever growing power of this out-of-control juganaught!

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