



OUTLINE OF EVIDENCE OF MIKALA**

FEBRUARY HEARINGS 2023

23 FEBRUARY 2023

Note: my story was originally published as part of a submission by Victoria Legal Aid to the Yoorrook Justice Commission dated 15 December 2022 (Doc ID NUT.0001.0039.0030), using the same pseudonym.

I. BACKGROUND

1. I am a Gunditjmara woman living on Wadawurrung country.
2. Over my life I have had involvement with the child protection system both as a child who was removed from my parents at 18-months-old, and as a parent who had my child taken away.
3. I want to be able to share my story with Yoorrook Justice Commission and the public in the hope that I can help change the system and also help other children and mothers involved in the child protection system.
4. Despite my trauma, I have turned my life around and am now studying a Certificate IV in Community Services so I can help to advocate for families facing removal of their children. I want to be able to help to offer families the support that I didn't get.
5. The child protection system is broken and in need of repair.

II. REMOVAL AS A CHILD

6. I have a lot of underlying trauma that I deal with daily because of the decisions made about me when I was a child.
7. I was taken away from my mum at 18-months-old because of drug abuse. I was the third child, with my two older siblings removed at 6-months-old and 7-months-old. I would have expected that by the third child they were aware of the issues and would have removed me sooner, but they didn't.
8. My mum was an active heroin user when she had me, and when I was born I was put in a humicrib whilst I suffered from withdrawals from heroin.
9. Initially the Department placed me with my Nan. Before I was born, I am told that one of my aunties was sexually assaulted by one of my Dad's uncles. Because of this, my Nan kept me completely from my Dad and his whole side of the family. I was never allowed to meet my Dad. I now know that on one occasion, my full-blood sister (who I never knew I had) called my Nan's house phone to speak to me, but my Nan lied about me being there, and hid me away from her. This has impacted me right into adulthood.
10. The Department doesn't properly consider the appropriateness of a placement when it is with another family member. The Department placed me with my Nan and then stepped out of the picture - there were no ongoing check-ins, or assessments on whether the placement was appropriate. I faced significant trauma from being kept apart from my Dad and his side of the family. I had a number of behavioural issues because of this trauma, and at points was misdiagnosed with mental health issues and incorrectly medicated. My Nan was not able to manage this trauma, or give me the support I needed. It wasn't until the last few years when

I saw a psychiatrist at BADAC and was told I had been misdiagnosed and that I had no underlying mental health issues and required no medication. I had just faced significant trauma.

11. I didn't know I had a full-blood sister until I was 17 years old. The day before my Dad's funeral was the first time we ever spoke. I met her on the day of my Dad's funeral. That same day I met my Dad's side of the family, most of whom didn't even know who I was.
12. I never met my Dad. The first time I saw him was at the viewing room at his funeral. I remember walking into the viewing room and seeing my Dad in a coffin and saying to him, "Just say something." But he didn't.
13. I didn't know about my Aboriginality until I was 24 years old, because this was on my Dad's side, and I never knew my Dad or his family until then.
14. I used to see normal family dynamics in shopping centres, with a mum, a dad and a child, and wonder, why couldn't I have that?
15. To this day, I am still trying to build a relationship with my Dad's side of the family, but I just don't know where to start. I don't have a relationship with my sister because we are just two different people, who got raised in two different families and have different morals and personalities – how do you recover 18 lost years? I have tried time and time again to force something that just isn't there. My removal as a child has impacted my familial relationships my entire life, and left me with underlying trauma as an adult that I just can't seem to work through.

III. REMOVAL OF MY CHILD

16. I was in a violent relationship in the past, and my eldest child was taken away from me at birth. We stayed in hospital for 10 days – most of this was a "social" admission for the purpose of the Department assessing me, and trying to find a placement for us.
17. At first, we were placed in a kinship placement where I could stay with my child. We were placed with my cousin, and another cousin and his partner were also living at the house so there were a lot of people there. We were there for not even a month. We faced a number of issues. Every time I needed to go out, if I wanted to take my child, the rules meant that my cousin had to accompany me. She regularly refused to do so, so I couldn't go out, or I had to leave my baby behind. When I left him behind, my cousin had no idea what she was doing. She gave him tap water at two weeks old, and started feeding him formula at inappropriate intervals when he was being breast fed and this caused breast refusal problems for me.
18. We then moved to my cousin's dad's house for a week or two, but I was a long way away from my home, without any supports and felt isolated. The people I was living with were constantly tearing me apart as a mother.
19. Again, the Department saw family placement as a viable option without actually considering the appropriateness of the placement, or determining if the relevant people were capable of helping to raise a child or helping me be a mother.
20. In my case, the kinship placement caused me stress and interfered with me being able to bond with my child. There were no boundaries and my family members interfered with my ability to parent. At one point, I felt like everyone was having an opportunity to bond with my baby except me.
21. The concept of kinship placement could work well. It allows parents to remain with their children, but there needs to be planning and structure, putting supports and boundaries in place and making sure they are effective and working. There also needs to be proper consideration of if the family members are suitable to take on the kinship role.

22. After the kinship placement, we went to Tweddle for 10 days. Before I went to Tweddle, I received a diagnosis that I had retained products in my uterus, and needed to have a D&C to clean my uterus out. The Department was fully aware of this, but still signed me up to start at Tweddle. I was in so much pain, and that affected a lot of my judgement. I didn't get the surgery I needed until I finished my time at Tweddle.
23. Some parts of the Tweddle program were helpful – they gave us tips on how to correct a tight muscle in my child's neck, some general parenting tips, and it gave me an opportunity to properly bond with my child without having lots of people around like we had in the kinship placement.
24. However, for most of the time there, people followed me around and assessed every tiny thing I did. Every time I gave my baby a bottle, changed a nappy, had tummy time, I had to notify them. I didn't feel that I was there to get assistance as a parent, I was there for them to assess me. This was particularly challenging for me because I was in so much pain, I could have used some help rather than feeling like I was under threat of assessment.
25. I would have benefited significantly from a support program and assistance, not from criticism and assessment. Had I had the support I needed and not been in pain, I would have been able to properly demonstrate my capabilities as a parent and may have avoided having my child taken from me.
26. When we came out of Tweddle, my child was immediately taken from my care. At the time he was about five months old.
27. I still clearly remember the Department of Human Services coming to get us from Melbourne to drive to the Magistrates Court at Ballarat and I looked my son in the eyes and told him, "Mummy will see you soon." By the time I got to the DHS office at 5 o'clock, my baby was already gone.
28. From the age of about 5 months' old, my child then went through three different placements in three months. This meant we were in and out of court constantly for that three-month period. At first, he was placed with my Dad's side of the family, despite me repeatedly telling the Department that this was not a good idea. The Department justified this by saying they were desperate, and it was an emergency placement, but they didn't only use it for one or two nights in the short-term, they tried to extend this "emergency placement" as long as possible.
29. Eventually we found the right fit for my baby and he lived fulltime with Aunty until he was about 2 years' old.
30. When my child was about 2 years' old, we started the transitional phase where he spent some nights with his dad. All my baby knew at that point was living with Aunty and so it was hard for him to have to leave her. The Department provided no support in managing this. I watched my baby be ripped out of Aunty's arms, screaming like he was being murdered. I told the Department that this would traumatise him, but the Department said it had to be done, it is court ordered, so it has to be done. They offered no assistance with the transition. Watching my baby scream blue murder for his Aunty was gut wrenching. It would make me physically sick afterwards.

IV. INCARCERATION

31. I became pregnant with my youngest child whilst I was still fighting to get my eldest child back.
32. When I was pregnant, I was incarcerated for a period of four days at Dame Phyllis Frost Centre. I was incarcerated as a result of breaching an intervention order against my child's father when I was attempting to communicate for the purposes of co-parenting. I was trying to make arrangements relating to my child and his father breached me on the intervention order because there was no exception on it to allow for co-

parenting. My child's father was trying to make me look bad and took advantage of the fact the Court had not included an exception for co-parenting arrangements.

33. Whilst I was incarcerated, I was very unwell and potentially having a miscarriage and asked for medical attention. It took 48 hours to even get a nurse to see me.
34. I told staff at the prison that I may need to go to a hospital, but this request was ignored, and the only medical care I was provided was being seen by a nurse.
35. I had another life on board that needed to be considered, but it wasn't.
36. I went straight to hospital by myself as soon as I was released. The prison put me in an Uber home, and I went straight from my house to hospital. I still now think about how lucky I am that my baby held on until I got out and got to hospital to get the treatment I needed. Because of my four days incarcerated, I nearly lost my baby.
37. After my short period of incarceration, I was treated very differently by the Department. I was treated like a criminal.

V. REUNIFICATION

38. Three months after I got out of prison, when I was almost seven months pregnant with my youngest child, the Department held an Aboriginal Family Led Decision Making meeting. This meeting resulted in the Department deciding they would pursue a non-reunification decision – that my child was not being reunified with me and would go 100% to his dad. The Department had only given me three months to meet their requirements. I was in the process at the time of trying to prove to the Department that I was complying with all requirements and engaging with my supports, attending a program at Berry Street, but this wasn't enough.
39. Following the non-reunification decision, I put in an appeal. The Department had 28 days to respond, and they took 8 months to get back to me, only to tell me no. Following this, my support network all had my back and helped me take it to court, where we ended up getting 50:50 custody. The Department couldn't justify their non-reunification decision.
40. The involvement with child protection traumatised me, and it traumatised my children. We deal with this trauma on a daily basis – my three-year-old wonders where he might be going next, and who is going to come to take him away. There are days where my baby just wants to cry – he doesn't understand his feelings and emotions after the trauma the Department put him through. There is heartache every time I think about what me and my family have gone through.
41. Within the child protection system, your experience all comes down to the individual worker you are allocated, and how they want to approach things. From my experience, they interpret the guidelines and protocols in a way that justifies the approach they want to take. Treatment within the system is inconsistent.

VI. LACK OF SUPPORT PROVIDED

42. Through the child protection process, the Department never asked what they could do to help, or what support we needed.
43. When my child was transitioning back to home, there was no assistance for overnight contact. This was a difficult and potentially traumatising time for him, and sufficient support and counselling was not in place. When he was transitioning home, we were reliant on the assistance of Independent Family Advocacy and Support (IFAS) to support us as a whole family unit. My advocate at IFAS was my biggest asset when it

came to the family, supporting me, and putting in referrals where needed. None of this came from the Department.

44. The Department never offered me any direction. They raised protective concerns for me and my children but didn't resource supports or make referrals. They never told me what they needed from me in order to stop my child from being removed, or for me to get my child back. If they had been willing to work with me, to tell me what I needed to do to have my child stay with me, I would have done what was needed to get my baby back. I would have done anything just to get my baby back.
45. I have had to find and engage my own supports separate from the Department. I attended an 18-week positive shift program through Berry Street, where I have now been asked to enter that space as a mentor for other people. The Berry Street coordinator calls me a poster child for the program because I've done so well – all I needed all along was that support.
46. The Department could have provided this support to me instead of removing my child. My child could have avoided the trauma of losing his parents and I could have avoided the trauma of losing my child.
47. My kid was taken away from me for the wrong reasons and where there was no need for it.

VII. RESILIENCE AND TURNING MY LIFE AROUND

48. I worked my heart out to get to where we are now, and now my baby is home. He is safe and is where he needs to be. My message to other families going through this is that no matter how much the system tries to kick you in the guts, it is achievable.
49. I am now studying a Certificate IV in Community Services as I hope to work in a field where I can help people and advocate to keep families together that need to be together. I have been through what other families are going through now, and I want to be able to show them, you can get through this. If I can help to give a family a sense of direction when it comes to child protection, I'll know I have done my job.
50. I now wake up every day and think, is this a dream? I have my children, I have my family, I'm studying and getting married. I never saw this life for me, but it's here.

VIII. AREAS FOR REFORM

51. The Department acts in a way that is about appearances, and about statistics, not about the welfare of the child. I see families with many issues that still have their children. I have an intellectual disability, and got wrongly accused of certain things because of my situation of domestic violence. Because of this, my child was taken away from me when he shouldn't have been. The Department needs to listen to families and their needs, and take these into consideration. In many cases, offering support will be sufficient to prevent the need for removal.
52. I was able to turn my life around because of the supports and referrals available to me, as well as my own resilience. If the Department offered support and programs, and considered what they could do to help a family stay together, a significant number of removals could be avoided. My kid did not need to be taken away, I just needed some help.
53. The Department also needs to offer significantly more support services when it comes to transitioning children between homes. Children involved in the child protection system have already suffered significant trauma. Tearing them away from the adults they have bonded with as babies and toddlers without providing support systems and counselling is going to exacerbate this trauma.

54. Placing children with other family members may sometimes be a viable and appropriate option. However, the Department still needs to consider if that person is in a position where they are able to raise a child and offer support to the parents. There should be extensive assessments around that family member and what they can bring to the table. There also needs to be ongoing check-ins when children are placed to make sure it is suitable.
55. The Department should also be transparent with parents on what they need to do in order to prevent removal, or to get their children back. The Department should work with parents, and provide them with direction and support to help them to be in a position where reunification can occur.
56. I also felt that I was treated differently as someone with an intellectual disability, a domestic violence survivor, and someone who had been incarcerated. I was judged on these factors, not on my ability to be a good parent to my children. The Department needs to listen to families and their needs, and not judge based on initial perceptions.