



Fifty years ago the Australian Government had a policy of forcibly removing Aboriginal children from their homes forever and giving them to white foster parents....

...this, in the belief that it would be better for them. CLARE SWINNEY examines whether CYFS staff are being overzealous in separating children and parents, and repeating the mistake of:

the
stolen

GENERATION



“I feel powerless and don’t think I’ll ever get her back”

You asked me how I felt,” her voice blurts out, as if she is about to burst from insurmountable anguish, “I can tell you now. I feel so angry and full of resentment when I think about the injustice and unreasonableness of CYFS’ actions. It’s so difficult to deal with the loss of *Anna. (* denotes name changed) I feel powerless and don’t think I’ll ever get her back.”

*Maria Taylor is a forty-four-year old single mother whose relationship with her only child, a 10-year-old girl, has been severed by Child, Youth and Family Service (CYFS) staff, like the umbilical cord that once joined them.

Well intentioned politicians have placed the Children, Young Persons, and Their Families 1989 Act (CYF 1989 Act) on a pedestal, allowing this law to override others, denying ba-

sic human rights to all except children. Consequently, CYFS is the most powerful organization in this country, and a few say that it’s like a modern-day Gestapo, able to make decisions to uplift children and thereby decimate families, without even having to produce concrete evidence of abuse.

The definition of a child in need of care or protection by CYFS does away with a need for evidence: The child is being harmed or likely to be harmed, (whether physically or emotionally or sexually), ill-treated, abused, or seriously deprived or the child’s development or physical or mental or emotional wellbeing is being, or is likely to be, impaired or neglected.

Naturally Maria is devastated, and like others in her predicament, she’s shocked it’s occurred due to actions

of a government department whose reputed aims are to strengthen and support families, and help those with problems overcome them. Indeed, the CYF 1989 Act makes it clear children should only be removed from parents as a last resort.

CYFS mission

CYFS’ WEBSITE HIGHLIGHTS its brilliant goal: to build an environment where child abuse won’t be tolerated. Indeed New Zealanders have been forced to face the uncomfortable fact that tragic real-life situations are occurring in their own neighborhoods and that they must take responsibility. It’s a big task. CYFS receives over 20,000 notifications of alleged abuse each year. And sadly, in the last decade 87 children were slaughtered at the hands of abusers. In fact Kiwinesia has

PHOTOS: Clare Swinney/ Ian Wishart (all pictures featuring children posed by models)

one of the highest rates of child death due to abuse amongst developed countries.

And we've become particularly sensitized to the problem by a series of children's little faces in the media in recent years; children whose deaths have been described in brutal realism. Who can forget the haunting photo of four-year-old James Whakaruru smiling a few weeks before he was killed? And horrific pictures of his battered corpse? The shocking reality of how vulnerable our children are has been etched into the tapestry of our nation's psyche. Indeed when we heard details of how James had been brutally killed by his mother's partner, 21-year-old Benny Haerewa in April 1999, we collectively reeled in horror when we discovered that a mere two-and-a-half years earlier Haerewa had been sentenced to 9 months imprisonment, with 6 months supervision for sadistically assaulting the same defenseless little boy. And not only did it appear that Haerewa had been unrelenting in his diabolical cruelty, it was evident that he'd been given a free reign to be so by the boy's own mother. We all learnt how callous a mother can be.

James' mother, 20-year-old Te Rangi Whakaruru, who'd also viciously kicked and beaten her son, failed to call emergency services when Haerewa was thumping and whacking her son to death. Instead, we heard that she behaved obliviously - preparing a meal and going for a drive. Yet the judge treated her lightly at the time of her sentencing, saying that she might have been a victim of battered women's syndrome. The media wasn't so convinced and the public got the message that mothers can be manipulative, neglectful, unmerciful and shouldn't be trusted.

The ugly story was a public relations nightmare for CYFS as Te

Rangi had made it apparent she wished to live with her son's abuser again and so a judge advised CYFS to check on James at least once a week for a month following Haerewa's release from prison.

CYFS did not.

Te Rangi had simply pretended to have disassociated herself from Haerewa in early-1997 and a CYFS social worker, who only checked up on James *once*, believed the boy to be at a safe distance from Haerewa, in spite of warnings from Te Rangi's mother. Case closed.

once bitten...

IT'S PERHAPS A CONSEQUENCE of widely publicized deaths of children such as James Whakaruru, Hinewaoriki Matiaha a.k.a. Lillybing, Delcelia Witika, Anaru Rogers, the Poli and Ratima children, Craig Manukau, Tiffany, Holly and Claudia Bristol, that blindly trusting parents is no longer politically correct, just as questioning CYFS when children are taken away from parents isn't.

However, there are some that feel truly wronged and believe the pendulum at CYFS has swung too far in the name of safety. According to John Tonson, Christian Heritage Party candidate for Palmerston North and Director of Parents Against Negative Intervention by CYFS, (PANIC), while CYFS and the Family Court system are there to do what's in children's best interests, in some cases the contrary is occurring.

"Immense emotional, psychological and often physical harm is being inflicted," he says.

Tonson, a 54-year-old real estate agent, formed PANIC on 9 July 1998 after receiving a phone call from a parent aggrieved by CYPS. (CYPS was relabelled CYPFA in January 1999 and then this renamed CYFS in October 1999). This call he says, changed his life.

"Since then we've been informed of over 150 cases by parents or grandparents in which CYFS is believed to have taken children without reasonable cause. In these cases, the State is interfering with its busy-body social workers removing children and often this intervention is totally destructive. Only a few have been returned to their homes. The number of current cases PANIC is aware of, for which the parents are still fighting with good reason to get their children back, is a little over 100.

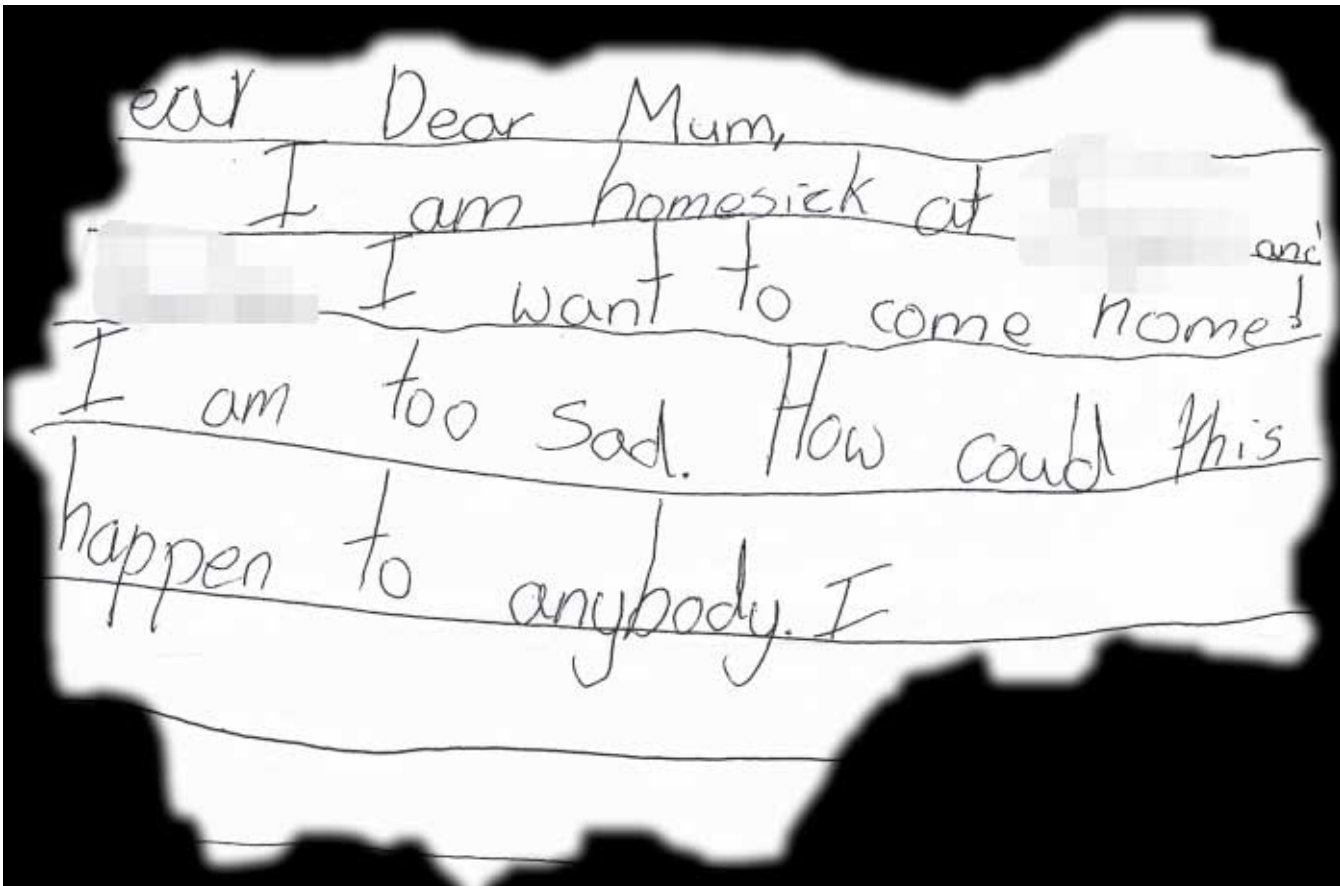
"These families, instead of being strengthened, are being torn apart - parents made to feel like criminals, when they've done nothing wrong. Whole families are being massively disempowered. I believe they can better solve their own problems, sometimes with a little help."

higher suicide rate

ONE IN 1000 CHILDREN between the ages of 12 and 17 years killed themselves within a year of coming into contact with CYFS the *Dominion* reported, (30/5/2001). This compares with a rate of 1 in 15,000 of those of the same age who committed suicide in the rest of the population. While it is obvious CYFS is dealing with at-risk children in the first place, clearly the intervention of CYFS has failed to save those children and may even have pushed them over the limit.

"In 1999, there were approximately 23,000 notifications of suspected abuse or neglect and about 10,000 of these were initially investigated, but found to require no further action. That was, I hope good investigative work. However, sometimes it's not," says Tonson.

"Last year 6 youngsters in CYFS care found their situation so intolerable they killed themselves. PANIC knows of 3 teenagers who committed self-harm, and luckily they're now OK. One of these is counting



a heartfelt plea from Anna, Part 1

down the weeks for when she becomes 17 years old, so she can return home. Plus, we know of children who're running back home or trying to," he says.

Maria Taylor's daughter is one of the ones who ran home. She did so on Mother's Day, a day on which she was denied the right to contact her mother by CYFS. A letter Anna wrote about the incident states:

"Dear Mum, I ran away to our house and the side verandah door was open and you were not there. So I went to Foodtown and the police took me back. I want to come home. I am very distressed. And I am crying. I Love you More than the universe. Love From Anna XXXXX"

Tonson believes that in light of growing evidence about the traumatic impact of removing a child from its parents, CYFS must change

its policy and expend fewer resources on Family Court lawyers' fees and significantly more on investigative work by social workers who take the time to really listen to parents and children.

"All too often parents are simply being dismissed by CYFS as being liars if they suggest CYFS has made a mistake. If CYFS actually spent the time to find out the truth, so much taxpayer money and suffering would be saved. For when a child is removed by CYFS without reasonable grounds for his or her safety, the very act of removal from Mum and or Dad may be the worst kind of abuse the child will ever suffer. Just as is the continuing separation from parents and often, from brothers and sisters."

The Peter Ellis case demonstrated children's propensity to lie and adults' inclination to believe them.

Kiwi battler, *Robyn Brown, who lives with 5 children and her husband in Huntly, intends to compile a book about CYFS cases in which children are allegedly wrongfully removed. She says: "CYFS is so powerful it's almost impossible to get some accountability. Someone, somewhere has got to stand up against it. If they do, I think people will come out the woodwork and tell their horror stories.

"I suffered under their power. In July 2000 I received a call from the court to pick up an application to the court by CYFS for wardship of my 16-year-old adopted daughter, who's been in 4-5 foster homes in 14 months. The application was written by a social worker who'd never even met me, who'd been informed by teachers who'd only spoken to me for a few minutes.

“The daughter had accused me of bruising her on five occasions, locking her in her room for an entire weekend without food and so on. All complete fabrication, and if anyone from CYFS had taken the time to investigate, they’d only need to ask one of the many people who came to visit that Easter weekend. Any one could have told CYFS she wasn’t locked in her room. She’d surprised all and sundry the whole time, out commiserating with everyone else in the dining room. The child was a compulsive liar. So what do we suppose CYFS people base their investigations on? The premise that children don’t lie!”

The daughter was removed by CYFS and Robyn says she has a feeling of unfinished business, as the stigma of being judged an abuser without verification or proper evidence hangs over her and there’s no avenue to seek justice.

John Tonson asserts: “I’ve found CYFS’ reasons for removing children may be due to an inappropriate response to false allegations, a parent asking for respite care for a limited period of time, a teenager making a false complaint about parents or a custody battle between separated parents. The majority of people who’ve contacted PANIC have been victims of false allegations, and these have originated from, for example, a malicious ex-spouse or partner, a disgruntled child or neighbours. Also, professionals or concerned family members refer some family situations to CYFS, not expecting that children will be removed from their parents outright.”

Maria Taylor was one of these unlucky ones.

“In March there was a knock at the door,” she begins, “Two people stood there - a social worker with one other. One said: ‘Hi [Maria] we’re from CYFS.’ I asked for ID, which only one presented, so I asked them to leave.

When they wouldn’t, I said they *had* to leave and informed them I was going to call the police if they didn’t. I then went inside to phone the police and they left. Following this visit, I received no letter, no telephone call - nothing from CYFS to warn me of what was imminent.

“On a Monday, 11 days after this first visit, at 10.20am, another two from CYFS appeared. Only one had ID, so I said: ‘You must’ve heard from the others who came here before, I don’t want to have to go through this all over again and ask you 3 times. I just want you to leave.’ The older one walked right up to me aggressively and said: ‘If you don’t talk to us, we’re going to take your daughter off you’.

“I repeated 8 times that I believed they were trespassing, asking them to leave - but they didn’t. Thus, I felt exceedingly threatened. Looking back on it, their conduct was audacious given that CYFS stress the importance of setting boundaries, as these two certainly weren’t respecting mine. The intimidating CYFS worker repeated that she was going to take my daughter off me. After 5 minutes of this stand off situation, they left,” maintains Maria.

“I tried to write a letter to their superior at 12.30pm, but was shaking so much I couldn’t. I felt so terrorised, I went to complain to the Community Constable. He said he’d go and talk to CYFS about their trespassing. When I returned home, the aggressive social worker telephoned. I addressed the issue of her trespassing the day before. I told her she was not above the law and that I was very shaken by her visit. I said I wanted to discuss that issue first. She said: ‘That’s not the issue I need to discuss. Would you rather I went to Court?’

“I said I’d rather deal with her senior. She said she was the senior. She said she wouldn’t start work on the Court papers for another hour and said: ‘If you’ve rung me by 12.30pm...’

“I said: ‘No,’ as I didn’t wish to deal with her - I wanted to discuss the matter of my daughter with someone else, to which she replied she had nothing more to say to me, then said goodbye.

“On the same day, I wrote a letter to CYFS asking that they provide me with the information which was leading them to pursue me so determinedly and asked them if they were going to Court. Then on Friday I rang CYFS Area Manager to air my concerns. He listened and said he’d get back to me on Monday. However on Monday he was sick. And to my horror, on that same day, I was served with an appli-



grundig

quicken

cation by CYFS to the Court for removal of my daughter,” says Maria.

“On Tuesday I tried to get hold of the Area Manager again, but he was still away. So on Tuesday at mid-day, I phoned the Site Manager. She stated that if I agreed to bring my daughter in for an interview, CYFS *wouldn't* go to Court, unless their staff found something amiss during our interview.

“In order to avoid the expense and stress of court, I agreed to go in for an interview, even though I didn't consider it necessary, as I knew there'd been no abuse and regarded it intrusive to [Anna.] The Site Manager said she'd arrange it with the social worker and get her to get back to me to arrange an appointment. I waited, yet by 4.30pm no one had had the decency to get back to me, so I rang the Site Manager again. She said: “I've spoken to the social workers and they're adamant it should go to Court.” The hearing was the following day.

(*Investigate* viewed affidavits, letters and documents pertaining to this case.)

Taylor, who carries a series of Family Law books on her desk, says she was utterly aghast CYFS would go directly to Court without giving her *any* opportunity to correct the circumstances which they deemed so unsafe for Anna.

“After all,” she says, “This is a government department reputed to remove children as a last resort. It's as if the damage of removing children is being underestimated, trivialized. I've real fears [Anna] may become a suicide statistic and it's really hard on parents too. There's a 55-year-old woman who lives nearby who had her child taken by the English version of CYFS 30 or so years ago and it's the first thing she mentioned when I met her. She still goes on about it. In my opinion, CYFS is *overly* concerned with

To Mum.
I WANT
TO Go home
and live at
home just as
life ~~is~~ was
before this all
happend. I love you. From [redacted] xxx

safety, so much so, it's to the detriment of some children.”

Maria has not seen Anna for over 6 weeks and is only allowed to talk to her for 20 minutes a week by phone.

So what was CYFS' reason for removing Anna outright? Maria offers: “Two days before CYFS first visited I was in my daughter's bedroom putting her to bed and my flatmate, [*Carl Mutu], who'd been drinking, came in to complain to me that [Anna] had turned the bathroom

light off. I didn't know until later that he'd been in the bath and had to get out to turn the light back on and was put out by this. I didn't want to hear him out because I wanted to put [Anna] to bed. When I wouldn't listen to him, he threatened that I could ‘get the bash one day’ and said: ‘You're going to get your house burnt down.’

“This was the last straw - I was fed up with him and wanted him to move out. At the time I noticed he had no pants on under the long sin-

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there's a high staff turnover because of the lousy pay and the stress. **We haven't got many experienced workers** to teach newcomers how to do things properly

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glet he was wearing. I told him to leave the room or I'd call the police. He didn't leave, and as the phone was right beside me, I phoned police control. I told the police my flatmate was in my and my daughter's bedroom. I said: 'He's got no undies on and he won't leave her bedroom. He's telling me he's going to bash me, not right now but at some stage, and he's going to burn down my house.'

Maria says: "The police were concerned for my daughter and asked me several times if he'd approached her. I informed them he hadn't, and I told them I'd been with my daughter the entire time and he'd a long singlet on that covered his genitals. I didn't regard him as a threat to [Anna] sexually at all. It wasn't a sexual incident at all.

"The police said: 'If you don't want us to attend that's fine – it's your call'. I said I'd leave it. However, the police *did* come that night and later contacted CYFS, believing Anna to be at risk of abuse."

Like a grim version of Chinese Whispers, which is so often the case when Police or social workers start taking statements from people, a letter the police sent to CYFS misleadingly states that Mutu was in the daughter's bedroom 'with his pants down.' An intention to sexually abuse Anna is in that prose.

Maria grumbles: "I couldn't correct this error at the time, as the police didn't supply me with the letter until 2 months later and CYFS wouldn't show it to me. CYFS said that I don't recognize how dangerous [Mutu] is. Yes, I did phone the police, but the whole incident is overdone. I'm told I must be covering for [Mutu], the implication being that perhaps I'm a victim of battered women's syndrome. I'm not, but they won't hear the truth."

Mutu had been a flatmate for 10 months in the large house Taylor owns. This tall, lanky, tattooed man in his late-forties, whom Taylor has known since April 1995

spoke to *Investigate* and disclosed his extensive criminal record. Some 123 convictions, including some for burglary, driving while disqualified, driving while drunk, three for assault and one in 1975 for sexual intercourse with a girl under 16, for which he was fined \$35. It's alleged the sex was consensual, Mutu was 21, he didn't realize the girl was under 16 as she was tall and living away from home. There were no other sexual offences on his police record.

Furthermore, Mutu was jailed in late-1999 for driving while disqualified. Notably his Conditions of Release didn't state that he's to stay away from children. Maria asserts: "He's not an angel, but, he wasn't a father to [Anna] - he was a flatmate. I didn't leave [Anna] alone with him. Not because I didn't trust him, but because I regarded [Anna] as my responsibility at all times."

What would account for this type of CYFS response to Taylor? *Investigate* asked Joan Ashton (not real name), a veteran social worker with 16 years experience on the frontline:

"Sometimes the information obtained could be better, but workers often operate out of necessity on incomplete and partial info. What do you do when a serious situation has been alleged? Wait until you have all the details? I can see the headlines: 'Social workers do nothing while children suffer.' The media does not serve us well. Also I question whether a legal-dominated Family Court system, which costs a fortune, and seems to be for highly paid lawyers' to play games sometimes, is the best approach for care and protection. The French system of investigatory magistrates might be better. Plus the value of just sitting down and listening to someone can't be underestimated. It has *huge* potential for saving the taxpayer money in future."

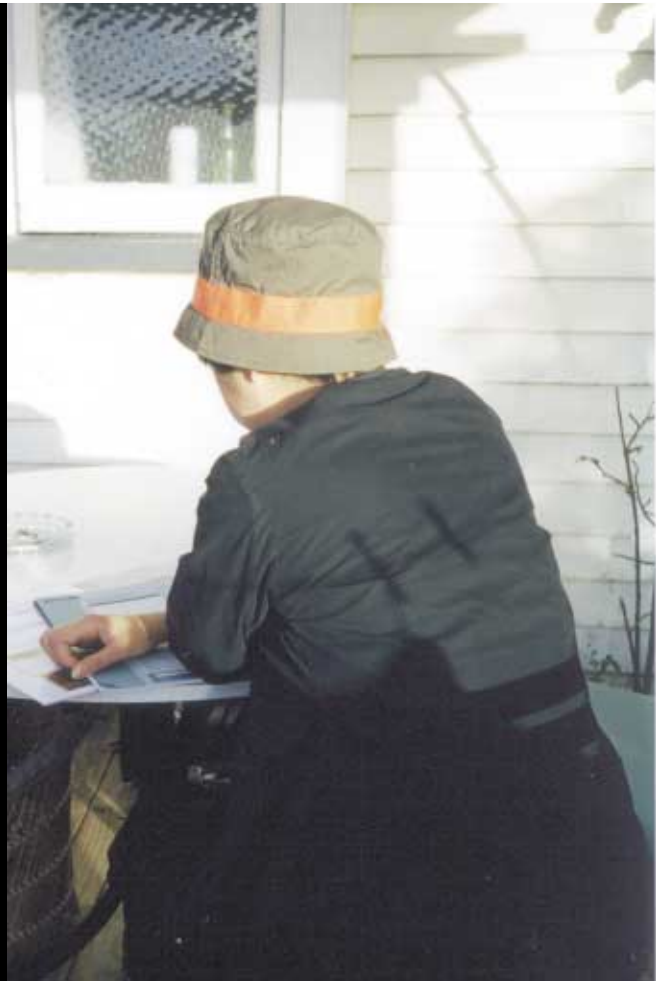
RIGHT: Maria Taylor, like her daughter, mourns the void

Taylor's CYFS' file is approximately 1000 pages long and comprises psychologists' reports, letters' from lawyers and transcripts of social workers' conversations with her. A woman in Christchurch says her own CYFS' file constitutes 900 pages of transcripts. Indeed a lot of the cost of care and protection is being eaten up in professionals' reports and little appears to be spent on counselling and listening to people say what's really going on.

"We've got our priorities wrong in New Zealand," says Ashton. "It's a fool's paradise. We pay rugby players, tax lawyers and newsreaders a fortune, and say we care for our children, but pay our social workers a pittance. While the intellect is there in CYFS, the institutional memory is not, as there's a high staff turnover because of the lousy pay and the stress. We haven't got many experienced workers to teach newcomers how to do things properly, and CYFS has been restructured so many times, people come and go without being held accountable. Head Office has been restructured so often, it's in a state of paralysis.

A problem in the CYF 1989 Act for parents' seeking accountability is that Section 438 overrides the Human Rights Bill, by suffocating the media's freedom of expression. It prohibits publication of names of those involved in CYFS cases, and court proceedings unless permission from the Court's obtained. While this is not a problem for parents *per se*, three people interviewed by *Investigate* argue that without media scrutiny, corruption and inept practices are able to flourish. "Mould can grow in the dark," was one comment.

Maria Taylor cynically offers, "There's a pretence that the system is all set up in the name of defending the child. Everything is set up to defend the social workers' actions, and the Minister of Social Welfare. If a parent



abuses their child or even if it's believed they might abuse their child, they can be hauled into Court and penalised. As far as I'm concerned, CYFS should be in the same position. As far as I can see, they violate the child abuse laws more than anyone else."

Indeed, while few can deny CYFS is desperately needed in order to protect our vulnerable children, there are disenchanted parents who wish to challenge the soullessness of CYFS decisions, decisions they say put CYFS in a league with child abusers.

The unwelcome burden of having to defend the Department from unfriendly fire falls on veteran journalist turned CYFS media advisor, Stephen Ward:

"We always place the best interests of children first and this sometimes means we remove them from their caregivers because of actual harm or the risk of being harmed. It's hardly surprising in such emotionally charged

CASE STUDY ONE: CAREER CRIM DAN DUDSON

New Zealand's best-known reformed burglar, 55-year-old Dan Dudson, who now works for NZI insurance educating the public in ways to enhance home security, has strong views about the impact that removing a child from loving parents has on possible development of criminal behavior. Dudson was himself removed from his adoptive parents, Mr and Mrs Dudson, at the age of 13 years and sent to Auckland's Owairaka Boys' Home for seven months for "wagging school."

"I found it was the beginning of a long nightmare. I was told all my problems would be fixed, then social workers tried to turn me against my parents by telling me they should never have had me. Essentially, my stay there became an exercise in marking time and becoming more disturbed.

"Materialistically-speaking



Owairaka was the nicest institution I'd been in, but staff were told not to get involved with us and to keep it emotionally sterile, thereby reducing us to psychological tumbleweed. I was happily innocent until I met a boy whose mother played with him

every morning and then had sex with him and a boy who'd kicked 200 chickens to death. A doctor gave me an injection in my backside every fortnight. I thought I was in a mad house. If anyone escaped we were all punished and made to do

circumstances that allegations surface that we've acted without good cause, particularly if caregivers deny causing or threatening harm. But it's important to remember that we only remove children as a last resort. Under Section 13b of the CYF 1989 Act, we're obliged to keep children with family wherever possible. Generally, we can only take a child into care if the Family Court approves.

"Parents are able to challenge our decisions in the Family Court. Legal aid is available if parents cannot afford their own lawyer. They're also able to take up complaints directly with CYFS management, the Ombudsman, the Minister of Social Services or Commissioner for Children. So there are plenty of 'checks and balances' available if parents believe we're removing children unjustly. Ultimately it's for the Courts to determine whether sufficient grounds exist in support of our actions."

But while the checks and balances may be there in principle, it's alleged they're not there in practice. Taylor says because she owns her own home she can't get legal aid,

so represents herself as she can't afford a lawyer. She's been writing her concerns to the Minister of Social Welfare, Hon. Steve Maharey. Maharey's Press Secretary, Michael Gibbs, told *Investigate* that the Minister has a Private Secretary to receive complaints about CYFS, who asks the Department to comment on the complaint and then take whatever action is necessary. According to Robyn Brown, Maharey is not at all receptive to people's concerns.

"I've read letters people have received from him. He obviously sends queries down the ranks, gets a biased report from the Area Supervisor or Case Manager. There is no independent inquiry or serious thought. And the person who sends the letter is left feeling like they're banging their head against a brick wall. The checks and balances are not there. It's a *serious* deficiency in the CYFS system. Accountability's not there."

What does CYFS' media advisor say to PANIC's allegation that CYFS places too little value on the parent-child bond?



star jumps and push-ups for an hour. Overall I felt very confused and all it achieved was to further entrench my disorientation and depersonalize me, as I didn't know why I was there, who I was and didn't have my parents' support and guidance to

help direct me. In retrospect, I was being mentally molested. It was devastating and I'll never forget much of what happened. Ironically they never addressed my problems with schooling - they caused more and in particular, I believe became a launch-

ing pad for a criminal career spanning more than 38 years, comprising 140 burglary convictions and 9 years in prison," grumbles Dudson.

CYFS' Owairaka Boys' Home, which is in Prime Minister Helen Clark's electorate, with its accompanying gymnasium, meeting house and acres of playing fields was closed in 1990 to save taxpayers money, yet paradoxically has been left vacant for vandals to ransack. Today it is an absolute shambles.

"This was an unforgivable waste of resources," rails Dudson. "New Zealand needs more such children's homes, but ones with well-resourced social workers who have time to really listen and when appropriate, cultivate and embrace relationships between children and their parents, certainly more so than those whom I encountered."

"Nothing could be further from the truth. We'll do everything possible to maintain the parent-child bond. Social workers often feel like they're damned if they do, damned if they don't - they often face people who're angry over a decision to remove a child, but equally they can face people's wrath if they don't remove a child and they're harmed. Juggling the complex issues involved if deciding to remove a child is a difficult job. It requires the assessment of future risk and no one is ever going to predict the future exactly. However, social workers have the task of making such difficult decisions. They're given the skills they need to make those decisions through good training and regular supervision of their work."

An example of the tough calls social workers face comes in the case of the convicted wife-basher who was paroled and allowed to return to the home of the woman he bashed, and whose parole officer gave him a "second chance" after he later saw the woman with black eyes. The man went on to kill the woman after getting his "second chance".

Former clinical psychologist and National Party spokesperson for Social Welfare, Bob Simcock offers: "Too many children are being removed without proper cause, just as too many are being left in unsafe environments. We need better resourced and more skilled social workers. We need social workers who've the time, experience, and skills, to make the hard decisions on the basis of evidence, and to review those decisions when new evidence emerges." This doesn't seem to be happening in some cases. New evidence is being ignored.

Investigate asked Ward if CYFS is being careful to avoid a "political scandal" akin to James Whakaruru's case. "There's been no change in our policies regarding taking children into care as a result of James' tragic death. What we've done, in line with the Commissioner for Children's report into his death, is improve inter-agency co-operation to help ensure children like James don't slip through the cracks. Also, there are several initiatives being implemented to help avoid putting children into out-of-family

care. Under our *New Directions* strategy we're taking a careful look at how we can better identify and develop the strengths of families under stress to help them care for their own children more. An extra \$2.2 million was made available in the last Budget and is helping us employ more specialist social workers to work with children in care – it's expected these extra staff will help us reunite children with their families quicker where this is possible."

However, according to Simcock, CYFS' decision-making processes may not improve: "Current reductions in the numbers of unallocated cases at CYFS have been achieved by increasing the workload of each social worker by more than 10%. If social workers were making poor decisions in the past, it can only get worse, now that their workload has been increased. The only way to reduce the number of bad decisions is to improve the skills and resources of social workers, so they can make better decisions."

How often do CYFS' staff uplift children from their parents only to place them in dangerous situations? Ward asserts: "As you'll know, there've been some high-profile cases where children have been harmed or committed serious offences when placed with a CYF-approved caregiver. It's always shocking to us when a child is hurt or when a young person hurts someone else, especially if some oversight on our part has contributed to the situation. In those cases we've publicly apologized."

"However, these cases need to be kept in context. In [the year ending June 2000], for example, we received 27,245 care and protection notifications. 132 of these, less than 0.5% of the total, involved children in Child, Youth and Family-approved care situations. Out of the 132 notifications, 32 cases of abuse or neglect were substantiated. So, yes, sadly abuse and neglect can occur in caregiver families. We take such cases very seriously. But it should be remembered that there are around 4000 children in CYFS' care at any one time. In October last year there were 4024 children in care. On 4 November this year there were 4384. The rise is associated with extra demand for care placements because of additional social stresses being faced by families, not as part of any policy change on CYFS' part."

Investigate interviewed Maria in her home for a total of over 10 hours. She's a Buddhist, who says she's never abused drugs, or alcohol, has no criminal convictions, no history of mental illness and worked as a library assistant up until she had her daughter.

James Papali'i of Mangere East Family Services Centre, a senior social worker with 13 years experience, including 6 years with CYFS, has been assisting Taylor in a professional capacity with her CYFS case:

"It could be strongly argued that the process of removing the girl wasn't done in line with the CYF Act.

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In October last year there were 4024 children in care. On 4 November this year there were 4384. The rise is associated with extra demand for care placements because of additional social stresses

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Before CYFS went to Court they should have tried mediation with the mother, as there was obviously a serious problem with the relationship between the mother and the social worker. Also, the mother-daughter relationship hasn't been helped. And since the removal I've seen CYFS isolate the girl from her mother. Everyone working in favour of the mother trying to get her daughter back has, in my opinion, been pushed away by CYFS. I've never witnessed this approach before."

Does Papali'i think CYFS has made an error? "There's no right and wrong. Have you seen the mother and daughter together? She's a beautiful girl who has a beautiful relationship with her mother and I strongly believe [Anna] should be at home with her." Indeed, it's clear how much Maria loves Anna and that every day is another in a relentless struggle to see her returned.

CYFS plans to send Anna to Australia to live with Maria's brother, a move Maria strongly objects to. "When CYFS took my daughter, the wrong person was removed. Why couldn't CYFS have stood back and waited to see if I'd ask my flatmate to leave before they took her from me?"

This is about the dangers of not listening and being too ready to dismiss what parents have to say as untrue. If we can afford to have systems in place to ensure children being abused don't fall through the cracks, why can't we have suitable procedures in place to ensure parents wrongly accused don't also? The cost to those who have become victims of CYFS is far too large to ignore.

* In accordance with Sec. 438 of CYF 1989 Act names have been changed to protect the identities of the families involved.

CASE STUDY TWO: SUSAN HIND'S STORY

The **social workers stopped at *McDonalds*** in order to improve their moods *en route* to the CYFS caregiver's home. **This backfired.** In the restaurant the 11-year-old shouted: **"Help us! We've been kidnapped!"**

Christchurch resident *Susan Hind, whose two boys, now 8 and 11 years old, were taken from her in July 2000, asks: "How could the Minister of Social Welfare let this happen?" Hind wrote numerous letters to CYFS, sometimes on a daily basis, to complain about the manner her boys were being treated in their foster home. Plus, she's forked out over \$31,000 in legal fees in order to try and get them returned - only to feel she's banging her head against a brick wall.

Susan's an intelligent, articulate 33-year-old, who earns around \$40,000 per annum. She says her children were neither abused nor neglected by either her or their father and she believes she can provide far better for them than their CYFS' caregiver is able.

So why were the boys removed? "I split up with my husband last year as he'd been violent towards me - *not* the children - and I got a Protection Order. After their father left, the boys were very upset and the teachers noticed they were playing up, lashing out and weren't happy at all." Natural reactions to a separation, according to the booklet released in late-November by Relationship Services: *Through Children's Eyes*.

"After several months of separation, I was on night duty at work and decided to invite their father home for a week, as he'd just returned from Wellington and was looking for a house in Christchurch. I

thought he could use our house while he searched for a new place and thought it'd make the boys feel better seeing their dad. Also, it was the perfect solution for me as it was saving me the cost of a nanny for a week and giving her a well needed break."

The first night the boys' father was there, there came a knock on the front door. There stood two social workers, with three policemen. They had a warrant to remove the children, as the boys were deemed to be at risk. It was known that some months previously their father had been violent towards the mother and he was considered to have a drinking problem. However, the father was in control of his problems and the boys were happy to have their father back says Susan.

The two children were literally taken kicking and screaming from the home. The social workers stopped at *McDonalds* in order to improve their moods *en route* to the CYFS caregiver's home. This backfired. In the restaurant the 11-year-old shouted: "Help us! We've been kidnapped!" Naturally, patrons were perturbed and requested explanations from the entourage, as well as to see their IDs. Legalized kidnapping Susan called it - and a traumatic experience for her children.

Susan says there was a lack of investigation to see how the family was really getting on. She maintains the social workers had neither visited the

home nor met the children. She says there were no grounds to indicate the children were likely to suffer serious harm from their father.

Since the uplift, the 11-year-old has run away from his caregiver's twice and travelled the several kilometer trip home on foot. The parents are still battling with CYFS' staff, who don't want to talk to the couple. Susan said she's had supervised access to the boys, which she finds a humiliating experience. "The children always ask to come home and I see signs they've been seriously negatively affected by separation."

CYFS asked for a restraining order against the father. The judge denied this, but CYFS refused the father supervised access anyway says Susan. "There's no process of checks and balances for an out of control Social Welfare department," she asserts.

"CYFS intervention has hardly been in the best interests of my children," she claims, telling *Investigate* her boys have been made to do paper rounds by the caregiver and have had untreated cold sores on their lips, for which she's spent around \$70 on cream for. Signs, she says, her boys should be back with her.

"So much has happened," Susan says forlornly, "I wanted to be mother of the century. I had huge hopes and dreams for my children. *Investigate* only has tiny dots in a huge picture."