

PART III

FACTORS CONTRIBUTING TO YOUTH HOMELESSNESS

CHAPTER 8

FAMILIES UNDER STRESS

Some people often say these kids leave home. But in most cases, home leaves them.'

INTRODUCTION

81 While it is true that many children who leave home do so for very brief periods with no real intention of staying away permanently, many others leave because they have little choice and no real opportunity of returning. Their reasons for leaving are serious and complex and, for many, family reconciliation is impossible.' For many others, however, the crisis could have been avoided or reconciliation attempts, skillfully and sensitively assisted, could be lasting and successful. In this and succeeding chapters we examine the major reasons for children and young people leaving home 'prematurely', that is to say, without secure and adequate alternative long-term accommodation arranged and although they have little chance of finding such accommodation. We then detail some programs directed at bolstering and supporting the family and its capacity to care adequately for its children. The Inquiry considers that such programs are of critical importance in the prevention of child and youth homelessness.

8.2 In evidence submitted to the Inquiry two major approaches emerged concerning the description and analysis of the underlying causes of children and young people leaving home without viable alternatives. These were well summarised by a witness in Melbourne:

The first group [of persons working in the field] saw homelessness primarily in terms of relationship breakdowns, problems in the family, that type of thing, and they strongly favoured support programs. The second group saw structural issues as the main cause of homelessness and a way to overcome this through social action and concerted involvement in the policy area with a view to changing structures.'

83 An example of an analysis of the first type was given by a Darwin witness who stated:

Some of the factors that cause or encourage children to leave the family homes before they are ready for independence [are]...marital breakdown...physical neglect, sexual abuse, sibling conflict, often arising from reconstituted families. ..There is drug and alcohol abuse and increasing solvent abuse. Another reason...is the inability of the child to function in the school system.'

In contrast, the Central Highlands Regional Director of Community Services in Victoria submitted that:

Homelessness is a product of society rather than an individual failing. It exists hand-in-hand with unemployment, inadequate incomes (especially for young people and sole parents) and a lack of family supports.'

84 While some witnesses and submissions focused on one approach or the other, the majority identified causes falling into both. We agree that:

Both views had a great deal of credence, and what was needed was a sense of balance. I think that both groups sort of had different ends of the same stick...⁶

Some witnesses, indeed, argued that family tensions, dysfunction and fragmentation are often causally related to economic and other structural factors. The impact of family poverty is a subject we examine in Chapter 9, Family Poverty and Isolation.

85 The Inquiry received evidence that children and young people leave home because they find family conflict intolerable, are rejected or even evicted, are subject to physical, sexual and/or emotional abuse within the family home, have been ill-served by welfare intervention, need to leave in order to have a reasonable chance of finding work, leave because they are a drain on family finances or because they desire independence. From most evidence it was clear that a complex variety of factors usually precedes the decision to leave. The Inquiry was given, for example, the following case history:

She was, if you like, the product of a broken home. Her parents had divorced. Both parents had remarried. She had found herself, as an adolescent, an uncomfortable member of these new family groupings that were forming. She had been both physically and sexually abused by a step parent and had tried to commit suicide. She, in response to that, had been institutionalised in psychiatric care. ..but she emerged from that and once again came to be a resident of the [youth refuge])

86 A 1982-83 Melbourne study found the desire for independence to be a major cause of young people leaving home. Young people leaving in order to search for work might become homeless, but this was particularly likely when the expression of the desire for independence exploded into major family crisis.¹

There is little doubt that many young people leave their parents' home to escape the tensions and fights within the home.'

Family fragmentation and reconstitution often well into unbeatable conflict for the young person, and sometimes into outright rejection by one or both parents.¹⁰

87 While evidence presented to the Inquiry supported the above as a significant cause of children and young people leaving home 'prematurely', several emphases have changed significantly. In particular, physical and/or sexual abuse appear to have affected a very large proportion of homeless youth. Rejection and neglect also feature prominently.

8.8 In Sydney the Inquiry was given the following description of homeless youth attending one service:

Many are coming from institutions. ..from gaols, remand centres, psychiatric hospitals and children's homes. There are runaways that have left home for any number of reasons including to escape physical abuse, emotional abuse, sexual abuse. They are from broken families and they are from families that have not provided a role model that is socially acceptable, for example, parents that are alcoholic."

In Fremantle the Inquiry was told that the causes of homelessness include:

...matters such as family breakdown, particularly when associated with physical, sexual and emotional abuse, the increasing difficulty to survive economically, increased pessimism about the future, rapid change and the inability to cope with change, desire for values of material well-being to the detriment of personal well-being."

INCENTIVES TO LEAVE HOME

89 The Inquiry was also presented with some evidence of young people leaving home for the sake of others in the family. O'Connor, for example, reported that one of his respondents had left so that her mother could sustain a relationship with her new husband. Others claimed to have left to ease family finances."

8.10 Several witnesses claimed that the existence of refuges and the availability of Federal income support encourage some children and young people to leave their homes for frivolous reasons.

There is no real need to worry really if you can't get a job, after all the Government will tell you in their Priority One homeless allowance leaflet that if you don't like it at home they will pay you to live away."

Another witness stated:

...I am honest enough to realise my salary will not provide [my son] with the same funds welfare is giving him now...I feel [he] will not return home now as he has had a good taste of his own money, clothes provided, a different and easier life-style than if he returns..."

8.11 These witnesses generally cited rejection of family values as the reason many children decide to leave home: the desire to live with a boyfriend, to smoke, not to work, to take drugs or alcohol, not to assist with household chores, and so on.¹⁰

We are not going to help our young people by saying to this generation, 'Do your own thing, don't worry about family and moral values. Go out and roam the streets and bunk down on the floors or in the beds with other boys and girls!'"

8.12 A small proportion of young people may leave home for these kinds of reasons. The evidence given in every State and Territory, however, established that far more serious and complex reasons are usually involved. A Children's Court lawyer told the Inquiry that, in his experience:

...it is nonsense to suggest that young people will leave a functional family simply to achieve independence. In my experience, children run away from home or leave home, or place themselves away from home...largely because the level of dysfunction within the family is too great for the child to bear.'

Another witness stated:

I do not believe there is any kid who has ever run away from home without an extremely good reason. No kid with a happy home life, a comfortable environment, a safe environment and a loving environment is going to run away from that...'

8.13 Barnardo's Australia, in its submission to the Inquiry, recognised that while adolescents may be prepared to detach from their families by running away and refusing to return:

...this will still only happen if their reasons for leaving home (such as incest, violence or neglect of their needs) are strong enough to override their remaining attachments to the family and the various benefits of remaining at home until reaching a more appropriate age for leaving."

In another submission the Inquiry was informed of a recent study in which 40 homeless young people were questioned about their self concept, adjustment/maladjustment, value systems and perceptions of their parents. Their responses were compared to those of 40 young people still living at home. The study found:

Parents of the homeless group were perceived as being more controlling and punitive, and less supportive, than were parents of the young people still living at home.⁷¹

As O'Connor reported from his study of 100 homeless children and young people:

It is clear from the young people's accounts that leaving home was not the result of a whim; rather, their stories are reflective of ongoing and deep-seated difficulties."

REUNITING CHILDREN WITH FAMILIES WHERE POSSIBLE

8.14 Other witnesses expressed concern that welfare and social workers tend to accept uncritically the young person's views about his or her family situation, an attitude which can hinder efforts to reunite the family.

In the youth services field...it seems that there is a reluctance to consider the point that a young person's needs and interests may be best served by seeking to restore him/her to the family situation. Perhaps this is because of ignorance of issues and problems in adolescent behaviour as a critical developmental stage. Whatever the reason, it seems that there is a tendency simply to accept a young person's presenting attitudes to the family situation at face value. This is a disservice to young people in that it ignores their rights and exposes them to increased risk of continuing homelessness."

And:

It is disheartening to see the misery caused to the parents of children who have been encouraged to leave home because some social worker has given far too much credence to the adolescent's unrealistic perception of the family situation."

8.15 Both from the evidence presented and inspections in each State, the Inquiry observed that few refuges had the resources actively to assist a homeless young person to resolve his or her family problems. The recent appointment of detached family counsellors in New South Wales and Western Australia is, therefore, an important first step towards early family reunion. In spite of their lack of time and resources, some youth services have emphasised family reunion where possible as being in the best interests of the children concerned. The Wollongong Youth Refuge in New South Wales, for example, reported that 30% of residents in 1987-88 had left to return to their families, a 'very positive' outcome.

Having the extra resource of a family counsellor at the refuge has assisted in the process. We believe sincerely that many parents need understanding and support through difficult times with their children when they do leave home and that we do assist in family reconciliation wherever possible."

The Inquiry supports this view. In Chapter 18, Accommodation Services, we draw attention to programs which take effective account of the need to achieve a reconciliation of the young person with the family if that is at all possible.

FAMILY CONFLICT

8.16 The Inquiry was informed that 'family conflict features strongly in most studies of young people leaving home'.²⁰ For example, the National Committee for Evaluation of the Youth Services Scheme found in 1983 that of those young people in youth accommodation whose last permanent residence was with the family, 78% had experienced some form of conflict. For under-16-year-olds, the figures were 86% for males and 89% for females. r¹ O'Connor found that many of the 100 homeless children and young people interviewed had left 'negative and damaging relationships with parents and caregivers'," and that:

Even where other reasons were presented as the primary causative factor, severe family conflict was a secondary or compounding factor."

Moreover, many of the young people in O'Connor's study explicitly defined homelessness in terms of fractured family relationships."

8.17 The many significant factors in family conflict include the young person being unemployed, having an unemployed father, living with a step-parent, as well as lack of closeness to parents. The Victorian Youth Accommodation and Support Services Project found that the majority of requests for assistance it receives are from young people experiencing family conflict: mostly young people who are unemployed, from unstable families or situations of domestic violence.' A young homeless witness in Adelaide, when asked why young people leave home and go out onto the streets, replied:

Just to get away from hassles at home. Most of it starts at home. Parents fight between each other. That all gets taken back out on us. I think the main problem is alcohol. Father comes home and has a disagreement and belts into you. The only choice you've got is to leave home or keep getting bashed..."

8.18 For children from non-English speaking backgrounds, cultural conflict can be a serious matter: with the parents demanding adherence to cultural and traditional Mores while children seek to adopt the attitudes and behaviour of their peers. One young homeless person stated:

My dad bashes my two brothers and me. Last time I had two black eyes and bruises. My dad's really strict, really violent. He's still living in the 1940s in Cyprus."

8.19 -Value clashes, of course, affect most families and are not confined to those of non-English speaking background:

The problems in family breakdown are not only monetary ones but social as well. Young people need to leave home and establish their own identity. Parents need to be given space to develop their own lives separately from their children. If the parents are unemployed and they have adolescents unemployed at home the situation sometimes becomes intolerable. Often the parents impose strict conditions on the young people which they reject and often rebel against. A breakdown occurs which leaves the parents feeling angry and guilty and the young person leaves with no income, support or secure housing to go to."

FRAGMENTATION AND RECONSTITUTION OF FAMILIES

8.20 One youth service in Queensland identified the fragmentation of the family as 'by far one of the biggest contributing factors to youth homelessness'."

Family break-ups often send many youths into situations of homelessness, either temporary or long-term. From our observation, one frequent consequence of the family break-up and its effect is particularly on young girls between 15 and 18 years of age.. Mum and Dad break up; Mum.. has a

relationship with a de facto and they share the family home. The de facto...is often in conflict with the daughter and Mum says to daughter, 'Look, I want to get a new life together — you'll have to leave'. And we are seeing a lot of young girls forced into the streets because of situations like that.

821 In Perth the Inquiry was told that 'about three-quarters of the young people coming into Home Sharers [a refuge] were from single-parent or blended families'."

Readjustments are always required in such situations. Old relationships are disturbed and new ones, about which the young person may have little or no choice, have to be established with an adult and, in many cases, with children. There are however some situations which are unlikely to 'settle down' or to be resolved in a way which allows the young person to continue to live at home. These include instances where there is extreme hostility between the parent's new partner and the young person, and the young person is subject to constant verbal abuse, denigration or threats of physical violence."

822 An analysis by a Kings Cross youth refuge of the reasons for leaving home of 150 clients between 1981 and 1983 found that 42% had been 'thrown out' and another 48% had left after an argument or problem. Some 44% of the second group described a bad step-parent relationship." A Mildura youth accommodation project stated that family breakdown 'is present in the history of 99% of the young people using our service'.

Young people usually end up the ones on the receiving end in a family breakup. The usual scenario is, parents split, they find new partners and the children do not like or want the new 'parent', they fight then either leave home or are forced to leave."

In Darwin the Inquiry was told:

...there are a growing number of single parent, step-family and natural family situations, particularly in Darwin. without adequate support systems. Families may experience relationship difficulties between various family members, have difficulties coping with teenagers' emotional needs, be affected by alcohol abuse or have been the product of sexual abuse and maltreatment themselves."

823 Other evidence presented to the Inquiry also supports recent research findings that repartnering of parents is a significant factor in children leaving home. In a 1984 study concluded by the Australian Institute of Family Studies it was found that, by age 17, 45% of young people whose parents had separated and either remained single or repartnered had left home compared with only 26% of young people whose natural 'parents were both present.'" Of the 100 homeless young people interviewed in O'Connor's study, 40% were members of reconstituted or step-families and another 26% were from single parent families." Conflict with step-parents was a consistent theme in interviews with these young people.' The accounts of conflict were permeated by themes of dispossession, of a sense of no longer belonging or being wanted by the family and of living on the margins of The family."

NEGLECT

824 Rejection, whether or not linked to parental repartnering, and whether active or passive, was a regular theme in evidence submitted. The Inquiry often heard of young people leaving home because of a lack of parental concern, a lack of supportive communication, a lack of involvement between parent and

Some kids come from families who just simply do not care; do not give a damn; do not care that their 10-year-old has run away from home."

The Inquiry was told that lack of parental concern is often related to alcohol or substance abuse by the parent(s)."

825 The Inquiry heard evidence of a number of cases of outright rejection of children by their parents resulting in their homelessness. For example:

A fourteen year old schoolboy was brought in to us [an accommodation service] off the street one night by the police. His parents...decided to take a fortnight's holiday on the Gold Coast. They didn't want to take the boy and did not trust him to stay in the house on his own. So they locked him out and expected him to live for the two weeks in the street"

A second case was described as follows:

A schoolboy lived in a family where there were constant arguments and bickering. He went on a school camp for two weeks. When he returned home he found the house completely empty of furniture. The family had moved interstate and hadn't let him know.

These cases, while appalling, were by no means the only examples of such adult irresponsibility.

826 On the other hand, of course, difficult children may place extraordinary pressures on parents and families leading to their rejection and eviction. One homeless young person told the Inquiry that he had been 'a really abusive child' whose mother, bringing up her family mostly alone, eventually had to ask him to leave because he was 'affecting the whole family'."

ABUSE

827 A large number of individuals and organisations gave evidence that physical and sexual abuse "are major factors motivating many children and young people to leave home." An Alice Springs women's refuge reported that about 60% of clients (65% of all clients were aged between 12 and 25) entered the refuge as a result of domestic violence.⁵⁴ A school counsellor at a Palmerston, Northern Territory, high school identified 58 homeless students in one school of only 350 students. 62% of these homeless young people said they had been abused or neglected.'

828 Of the 100 young people interviewed for O'Connor's study, 'most had been subject to physical punishments and often unprovoked assaults' from a young age."

It was only when the abuse was particularly excessive, or when the young person reached an age where they were no longer prepared to accept the ongoing assaults, that young people left. It must be stressed that where abuse precipitated the decision to leave, it was because of repeated abuse rather than one unfortunate incident where tempers were frayed"

829 The Young Women's Housing Shopfront, a referral and information service in Melbourne operated by the Young Women's Housing Collective, handles 30 to 40 enquiries each week, 80% to 90% of which are from girls and young women who state that they want to leave home because of some form of physical, emotional or sexual abuse."

830 The Inquiry was presented with- various estimates of the proportion of Australian children subjected to sexual abuse at some time before reaching adulthood. It was suggested in evidence that the figure is one in four for girls " and one in six to nine for boys.""" Many witnesses linked sexual abuse of children to the phenomenon of increasing youth homelessness. In Brisbane the Inquiry heard that 'almost half of the young women referred to the Youth Advocacy Centre for accommodation are incest survivors'.""

831 In Cairns, north Queensland, evidence was given by the director of one accommodation service for girls and young women that:

...most of our girls have experienced incest from a very early age, quite a number of them from preschool years, most of them from primary school years. The majority of these girls have actually been raped by their stepfathers, some of them by their fathers, or by their mothers' boyfriends."

This witness later confirmed that most of the 100 young women aged between 11 and 19 who had stayed at the shelter during 1987 were victims of incest"

832 A refuge worker in Port Hedland, northern Western Australia, told the Inquiry:

I would estimate that half of the young women that come and stay. ...are there directly as a result of an incest situation or a sexual abuse situation.'

A Victorian welfare service for young women submitted that sexual abuse was a major factor in female homelessness." The Inquiry heard that of 555 young women residing in the Western Port Youth Refuge in 1986-87, 109 (19.6%) 'were victims of incest, rape and sexual assault predominantly associated with members of the family and in the home environment'; while another 113 (20.4%) had experienced physical violence, again most often in the home.""

8.33 In Port Augusta, South Australia, the Inquiry was told that, of approximately 35 female residents in one shelter in 1987, 'there was only one we could safely say was not sexually abused' and 'we have had several sexually abused boys as well.'" In Hobart a worker at a young women's refuge stated:

...I would say 90-97% perhaps of the young women that we have worked with over the last ten years have been sexually abused. Sexual abuse is probably the major reason why they have come to the shelter."

In O'Connor's study, 28 (18 female:10 male) of the 100 young people interviewed reported that they had been sexually abused before leaving home."

8.34 Evidence was given by one witness that abused children from non-English speaking backgrounds may be less likely to complain or leave the home:

The concept of actually leaving home at 16 because your father sexually abuses you, or for whatever reason, and going to a government employe,e...and saying, 'I want to live in a group home' or something like that, is completely alien to kids from a lot of...ethnic groups...The situation has to be pretty bad for them to do it...I have seen a number of girls that definitely should be out of the home situation and do not leave:⁶

Several witnesses also stated that there is a high rate of physical and sexual abuse of girls and young women in some Aboriginal communities. A witness from the Yuddika Child Care Agency in Cairns, for example, stated that many of the Aboriginal children assisted are '13 and 15-year-old girls with babies that are victims of incest.'" A witness from the Northern Territory Women's Advisory Council stated:

The main thing is that violence towards Aboriginal children is now greater than it ever was., .That was unheard of a few years ago."

8.35 It is quite clear from this and other evidence presented to the Inquiry that physical and sexual abuse of children is widespread in our community. All segments of the community experience stresses to some degree, whether they be the stresses of modern life which we all face, or the exceptional stresses which must be experienced in Aboriginal communities in their often destructive contacts with non-Aboriginal society and the cultural conflicts faced by both Aboriginal and ethnic communities in Australian society. While limited resources meant we could not delve into the causes of child abuse or the means by which it may be prevented — and we will not, therefore, deal with those issues in detail in this Report — we must record our profound concern at the inadequacy of efforts which have been made to deal with the abuse of children within the home. The substantial link between child abuse and ultimate homelessness is, in many cases, beyond question.

RESPONSE BY STATE WELFARE SERVICES

8.36 In all States the evidence submitted indicated that resources devoted to detecting and preventing child abuse and to protecting the victims are meagre; that it is 'either not picked up or is left to drift by the legal and welfare systems.'" The Inquiry heard evidence that much sexual abuse of children and adolescents remains hidden. There was criticism of the efficacy of State child protection measures and even evidence of young people being returned to abusing families without support or rehabilitation, often because their version of events was not believed or properly investigated." An officer of the Victorian Police has recently suggested that only 10% of cases of child abuse are even reported." Lack of coordination results in many children and their families 'falling through' the welfare net, leading to further abuse or risk of abuse.

8.37 Country regions are particularly under-resourced as the Inquiry heard, for example, in Port Hedland, Western Australia. The sole child protection worker in the north-west of that State reported that three other positions were unfilled with the result that:

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...if we have a situation of incest, the facilities here for anyone to be treated in terms of counselled, having been a victim,...having been a non-abusing parent,...having been a perpetrator, are non-existent:⁶

8.38 Indeed, although child protection work is now a major focus of welfare departments throughout Australia, those departments are under-staffed and offices often lack the expertise and resources to offer the services needed.⁷⁷ As a result, State welfare authorities are increasingly unwilling to take responsibility for children and young people who would seem to be in need of care and protection. In Victoria the Inquiry was told, for example:

Increasingly there is a reluctance to use existing legislative methods as a form of intervention in the 14-18 year age group?"

It seems clear, moreover, that protection and support services have not kept pace with the dramatic increases in reported child abuse cases. (In Victoria between 1981 and 1988, there was a 300% increase in the number of child abuse cases reported to the Department of Community Services.⁷⁹ Over the same period, notifications in New South Wales rose from 1,500 in 1981 to 22,983 in 1987." Nationally, at least 34,000 cases of child abuse were reported during 1986-87 and about 60% (20,400) were confirmed.")

8.39 The Inquiry heard evidence in all States that State welfare authorities are under-resourced, under-staffed and often ineffective. Evidence was given indicating that intervention by welfare authorities could actually increase a child's chances of becoming homeless. Evidence was also given of a reluctance to intervene, even in the interests of children. In Tasmania the Inquiry was told:

Because of severe understaffing and already saturated workloads, child welfare officers are avoiding wardship as an option for 15 and 16-year-olds except in extreme circumstances and have made it clear...that they can only assist non-wards if they muck up and run foul of the legal system."

8.40 In Victoria, the Inquiry was told, departmental reluctance to intervene extends to those authorities charged with intervention in child abuse situations. They are less likely to intervene when the young woman concerned is 15 to 18 years of age." Child protection units are unable to deal adequately even with the referrals they receive. The Inquiry heard evidence that many court supervision orders are not allocated to a responsible worker due to a shortage of resources in the State welfare authorities, with the result that intervention in the lives of individuals and families is not matched by the delivery of appropriate services!" One young woman's evidence illustrates the practical consequences of such inadequacies:

I left home when I was 11 years old because my father was sexually abusing me. My mother did not believe me, so I went to a friend's place.

The police took me to community services (Queensland).. .I am a Ward of the State of Queensland.

...At 15 years old, they finally found me a place to stay."

In New South Wales the Inquiry was told of the lack of emergency welfare services, even in the major centre of Newcastle!"

8.41 In a report to the Inquiry, the Brotherhood of St Laurence summarised the national situation. Substitute Care of children in the custody of the State has traditionally been the ultimate intervention available in families which are unable to cope with their children. The guardianship option, which usually preceded a placement in care, has declined considerably, however, and is now used very much as a last resort. On 30 June 1987 there were 12,112 State wards in Australia, a significant decrease since 1972:⁸⁷

In 1987 there were 35% fewer children in guardianship than in 1980 and 55% fewer than in 1972 ...While guardianship orders have been decreasing across all States, in some States a variety of lesser orders such as supervision orders have increased. In Victoria for example, this has been seen to reflect the Children's Court 'recognition of the importance of maintaining children in their family and community environment with support'...rather than any decrease in the needs of the children. In other States, for example Western Australia, all orders have decreased. The decrease in guardianship orders where need has not decreased has important implications in the area of the reduction of State responsibility."

8.42 The policy of the majority of States and Territories is now that guardianship orders making children wards of State should be used as a last resort and for a limited period of time, and that family

reunion should be a priority. For example, keeping children and young people in their own community is the stated policy of the Victorian Department of Community Services. That Department says its aim is to have in place a comprehensive range of services at a regional and local level for those requiring various forms of care and guardianship by the end of 1990." The Western Australian Department of Community Services has stated that in recent years it has consolidated a policy of removing guardianship from parents only as a last resort, preferring to provide supports to the families concerned. The policy is for guardianship, when used, to be for as brief a period as possible."

8.43 This trend is also reflected in the major non-government agencies which traditionally accommodated children removed from their families, or whose families were unable to support them, in large institutions. The trend to deinstitutionalisation, which characterises State welfare authorities' policies in the 1980s, is also a feature of the traditional non-government welfare agencies' services. However, the Inquiry was told that many such agencies are not establishing smaller facilities but are leaving the youth accommodation field altogether."

8.44 Homelessness, then, is often an option forced upon neglected and abused children by the failure of State welfare authorities to intervene — either at all, or adequately — to protect them. It is important to note here that in most jurisdictions welfare authorities do have powers to assist children and families without going to the lengths of making the child a ward and, indeed, without obtaining any court order whatsoever." These powers, however, are purely discretionary and do not create any entitlement for a child or family. Legislation in some jurisdictions provides that courts are not to make orders committing children to the care of the State if this can be avoided by providing assistance to the family. However, there is no power for courts to order that this assistance should be provided. In Victoria, Queensland and the A.C.T., applications for assistance may only be made by parents or a person responsible for the child and not by the child directly. South Australia and Western Australia do not specify any procedure.

8.45 Recent legislative and administrative changes in New South Wales seem likely to place children in that State at greater risk. One reported change involves the sale, as a cost-cutting measure, of some 15 small homes for State wards, with some residents being sent instead to a large institution." In the Inquiry's view, this is a backward step and is unlikely to be in the interests of the children involved.

8.46 A second change involves the former power of the New South Wales Department of Family and Community Services to extend assistance, including accommodation, to children. Under the Children (Care and Protection) Act 1987, children could be given such assistance on their own application if aged 14 years or more, and on the application of a parent or person responsible, if under 14.⁹⁴ These provisions were repealed in 1988, however, together with a provision enabling the Department to extend temporary refuge to a child." The explanation given for these changes focused on a different provision: that authorising 'temporary care arrangements'.⁹⁶ Under a temporary care arrangement, parental rights and responsibilities for the care and custody of a child can be temporarily transferred to the State without the need for a court order. In such cases, therefore, there is good reason to require parental consent. The Minister, however, took the view that the provision enabling the Department to extend assistance was a 'backdoor' way of allowing a child to avoid the requirement of parental consent applicable to temporary care arrangements."

8.47 It appears, on the material available to the Inquiry, that the provisions enabling the giving of assistance were entirely different in purpose and effect. They did not involve any change in the legal status of the child, or affect the legal rights and responsibilities of parents. Encouraging children to remain with or return to the family is an objective which the Inquiry fully supports. However, to deny assistance to homeless children, in some cases in desperate need, is not an acceptable means to this end.

8.48 It is disturbing that so little attention is paid to the services and assistance required by families to support their children themselves and by children who are at serious risk from domestic violence or child abuse. A youth service in Logan City, Queensland, reported to the Inquiry that:

Government departments in the area are constantly under-resourced, unable to service many families and consequently only offer minimal service delivery. For example, the waiting time at the Department of Child Guidance, the only counselling service for families with behaviour problem children, is at least

three months. It is also of grave concern that the Department of Family and Youth Services is unable often to meet its statutory responsibilities with respect to child protection complaints within 24 hours. A further consequence of this situation is its preoccupation with investigative child protection work and a very low priority on preventative programs for at-risk families and children."

8.49 In two States — South Australia and New South Wales — programs have recently been designed specifically for adolescents in crisis. (We mention these initiatives in Chapter 3, Developments Since the Inquiry Began.) The Inquiry considers that the available evidence clearly establishes the need for such programs if conflict and abuse are to be averted and families are to be assisted to deal effectively with the difficulties faced during adolescence.

COMMUNITY-BASED SERVICES

8.50 The Senate Standing Committee on Social Welfare in 1985 emphasised the importance of community-based services in preventing family breakdown. The Committee recognised:

the need for governments to attach greater importance to the development of primary preventive programs aimed at overcoming or minimising the precipitating causes of family breakdown and subsequent relinquishment of children to substitute care. Preventive services of a primary nature are most effectively applied at the local community level...the objective of this approach is to promote the well-being of the family through the development of local networks of supportive and preventive services with maximum community participation and control."

8.51 The Inquiry also received submissions concerning the need for early intervention services for adolescent-family conflict to offer 'an effective preventative measure'.¹⁰ Adolescence is naturally a crisis period in the lives of children and their families. The difficulties experienced can be exacerbated by family poverty, youth unemployment or the lack of real opportunities for meaningful work in the future, difficulties at school, absence of an extended family or community to assist the parents through the crisis, and lack of accessible services in the community, including counselling, to assist the family.¹⁰¹

...many young people's recommendations for dealing with homelessness related to the family... They suggested that more energy be invested in helping families understand young people.m

Several of the accommodation models we describe in Chapter 18, Accommodation Services, particularly Bayside Adolescent Boarding Incorporated (BABI), focus on adolescents at risk and take this preventative approach.

CONCLUSION

8.52 The Inquiry considers that the evidence presented raises serious and urgent questions concerning the States' responsibilities for children in need of care and protection and, since guardianship is no longer seen as a generally satisfactory way of fulfilling these responsibilities, whether the States are fulfilling these in more successful ways or are merely opting out. These issues are also raised in Chapter 10, Children in the Care of the State. State welfare authorities, poorly-resourced by State governments, have generally not been able to fulfill their statutory responsibilities by providing adequate resources for this

particularly vulnerable group of ^{children} **8.53** There is a clear need for preventive services to be provided to families as part of an effective strategy to attack youth homelessness, among other matters. Barnardo's Australia submitted to the Inquiry that:

Family Support Services should be available to vulnerable families so that they are assisted with the tasks of child rearing. Such services should include adequate child-care, holiday, and afterschool programs and the use of respite care...¹⁰⁴

There is also an urgent need for the establishment of services which effectively acknowledge the importance of the family and of reconciling children who have left home with their families if this is possible and appropriate.

There is a need for services specialising in supporting adolescents and their families in staying together as a viable unit that can adjust to the changes that adolescence brings for both the teenage child and the parent(s).

The Inquiry strongly supports that view. It must be said that Many of the existing services, particularly a number of youth refuges, do not place sufficient emphasis on this consideration.

Notes

1. J. Hopp, Jesus People Perth, *Transcript* at 649.
2. S.110, Youth Accommodation Association (NSW), at 4.
3. G. McLimont, Homeless Persons' Council (Vic), *Transcript* at 950.
4. S. Healey, NT Education Department, *Transcript* at 1629.
5. S.97, Central Highlands Youth Accommodation Coalition (Vic), at 17.
6. G. McLimont, Homeless Persons' Council (Vic), *Transcript* at 950.
7. K. Ferdinand, Fusion Australia Launceston (Tas), *Transcript* at 1524.
8. N.?. Low, B.W. Crawshaw and S. Mathews, *No Fixed Address* (Outer East Youth Needs Group, 1984) at 59.
9. *Id.*, at 64.
10. *Id.*, at 66-67.
11. J. Brown, Sydney City Mission, *Transcript* at 139.
12. S. Boyle, Youth Legal Service (WA), *Transcript* at 712.
13. I. O'Connor, *'Most of us have got a lot to say and we know what we are talking about' Children's and Young People's Experiences of Homelessness* (1988) at 71.
14. S.20, P. Neilsen, at 1.
15. L. Burgess, *Transcript* at 1501.
16. E. Walters, International Federation of Parents for Drug-Free Youth, *Transcript* at 1154-1155; H. Bentinck, Parents Who Care, *Transcript* at 1847; S.20, P. Neilsen, at 1.
17. S.20, P. Neilsen, at 1.
18. H. Carmichael, Victorian Legal Aid Commission, *Transcript* at 1038.
19. L. Hart, Bowden and Brompton Community School (SA), *Transcript* at 1352.
20. S.64, Barnardo's Australia, at 4.
21. S.130, P Turley, at 1.
22. O'Connor, *op cit* at 42.
23. S.99, Family Action (Vic), at 4.
24. E. Walters, International Federation of Parents for Drug-Free Youth, *Transcript* at 1156.
25. N. Clay, Wollongong Youth Refuge (NSW), *Transcript* at 1797.
26. S.49, Australian Institute of Family Studies, at 37.
27. *One Step Forward* (1983) Appendix 1, at 41.
28. O'Connor, *op cit*, at 53.
29. *Ibid.*
30. *Id.*, at 35.
31. S.91, Youth Accommodation and Support Services Project (Vic), at 8.
32. Anon., *Transcript* at 1329.
33. Victoria, aged 16, quoted in S.34, Essendon Youth Accommodation Group, at 9; and *Transcript* at 936.
34. S.16, Bunbury Youth Accommodation Project (WA), at 8. 35. J. Boulenez, Teen Challenge Brisbane, *Transcript* at 256.
36. *Id.*, at 257.
37. C. Tompkin, Anglicare Perth, *Transcript* at 633.
38. S.49, Australian Institute of Family Studies, at 43.
39. S.13, Homeless Children's Association (NSW), at 2.
40. S. 108, Sunraysia Youth Accommodation Project (Vic), at 3-4.
41. H. Burgess, Committee for the Establishment of a Special Youth Residential Facility (NT), *Transcript* at 1600.
42. S.49, Australian Institute of Family Studies, at 39.

43. O'Connor, *op cit*, at 19.
44. *Id*, at 57.
45. *Ibid*.
46. J. Boulenez, Teen Challenge Brisbane, *Transcript at 257*; G. King, Gold Coast Youth Service (Old), *Transcript at 367*.
47. K. Swanton, *Transcript at 367*.
48. E. Coates, WA Department for Community Services Port Hedland, *Transcript at 803*; D. Lange, Broome Youth Accommodation Council (WA), *Transcript at 853*; B. Jowle, Karratha Drop-in Centre (WA), *Transcript at 788*.
49. S.98, Youth Accommodation Project (Maroondah) Inc., at I.
50. *Ibid*.
51. P. Sulky, *Transcript at 831*.
52. Child abuse has been defined as 'the portion of harm to children that results from human action that is proscribed, proximate and preventable' as that definition distinguishes it from other social, economic and health problems: D. Finkelhor and J. Korbin, 'Child Abuse as an International Issue' (1988) 12 *Child Abuse and Neglect* 3, at 3-4.
53. E. Teixeira, *Transcript at 95*; J. Brown, Sydney City Mission, *Transcript at 139*; Tony, *Transcript at 142*; K. Swanton, Sydney Health Service, *Transcript at 150*; G. King, Gold Coast Youth Service (Old), *Transcript at 367*.
54. E. Tyson, Women's Community House Alice Springs (NT), *Transcript at 1772*.
55. J. Bailey, *Transcript at 1654*.
56. O'Connor, *op cit*. at 49 (emphasis added).
57. *Ibid*.
58. K. Lyall, Young Women's Housing Collective Melbourne, *Transcript at 1022*.
59. C. Penn, Youth Advocacy Centre Brisbane, *Transcript at 229*; M. Anderson, Rape Crisis Centre Canberra, *Transcript at 602*; S. Healey, NT Education Department, *Transcript at 1630*; J. Boulenez, Teen Challenge Brisbane, *Transcript at 258*; S.66, Frankston Community Health Service (Vic).
60. 1:6- S. Healey, NT Education Department, *Transcript at 1630*; 1:7 - S.66, Frankston Community Health Service (Vic); 1:8 - H. Mahoney, Western Port Regional Youth Housing Group (Victoria), *Transcript at 1080*; 1:9 - J. Boulenez, Teen Challenge Brisbane, *Transcript at 258*.
61. C. Penn, Youth Advocacy Centre Brisbane, *Transcript at 229*.
62. S. Bayliss, Cairns Anglican Youth Service (Old), *Transcript at 495*.
63. *Id*, at 499.
64. T. Campbell, House 64 Port Hedland (WA), *Transcript at 782*.
65. S.97, Central Highlands Youth Accommodation Coalition (Vic), at 12.
66. J. Perham, Western Port Youth Refuge (Vic), *Transcript at 1105*.
67. W. Hansen, Balyarta Youth Accommodation Service Port Augusta (SA). *Transcript at 1431*.
68. K. Robinson, Annie Kenney's Young Women's Shelter Hobart, *Transcript at 1504*.
69. O'Connor, *op cit*. at 29.
70. N. Fabrier, NSW Education Department, *Transcript at 44*.
71. D. de Busch, Yuddika Child Care Agency Cairns (Old), *Transcript at 490*.
72. B. Pearce, NT Women's Advisory Council, *Transcript at 1768*.
73. S.81, Bethany (Child and Family Support), at 2.
74. O'Connor, *op cit*, at 130-131.
75. Paper presented to the Bicentennial Family Law Conference (Melbourne, March 1988).
76. E. Coates, WA Department for Community Services Port Hedlund, *Transcript at 806*.
77. See, eg, L. Wheatman, Cessnock Youth Refuge (NSW), *Transcript at 1958*; W. Hansen, Balyarta Youth Accommodation Centre Port Pine (SA), *Transcript at 1428*; V. Dwyer, Bidwell Youth Emergency Accommodation Unit Mt Druitt (NSW), *Transcript at 133*.
78. S.97, Central Highlands Youth Accommodation Coalition (Vic), at 12.
79. D. Stone, "'Protected' Children Die by Abuse" setting out details of a report by the Victorian Society for the Prevention of Child Abuse and Neglect (author: C. Goddard), 30 May 1988 *Australian* at 3.

80. 'A Case of Government Neglect', setting out details of a Sydney City Mission report, 1 Aug 1988 *Northern Star* at 4.
81. J. Allender, 'National Drive on Child Abuse Demanded' 5 July 1988 *Australian* at 14.
82. J. Chisholm, Youthcare, Anglicare (Tas), *Transcript* at 1492. •
83. S.93, Central Highlands Youth Accommodation Coalition (Vic), at 13.
84. S.94, H. Carmichael, Vic Legal Aid Commission, at 12.
85. S.112, Bankstown Workers with Youth Network (NSW), at 18.
86. L. Wheatman, Cessnock Youth Refuge (NSW), *Transcript* at 1958.
87. J. Taylor and O. Burston, *Children and Young People Leaving Care* (Brotherhood of St Laurence, 1988) at 15.
88. *Children and Young People Leaving Care, op cit*, at 15. Percentage reduction in population under guardianship between 1972 and 1982 by State: Senate Standing Committee on Social Welfare, *Children in Institutional and Other Forms of Care*, (Parliamentary Paper No. 324/1985) Appendix 4, Table 5:
- | | |
|-----------|-----|
| NSW | 31% |
| Vic | 48% |
| Qld | 7% |
| SA | 62% |
| WA | 52% |
| Tas | 42% |
| NT | na |
| ACT | 21% |
| AUSTRALIA | 39% |
89. *Children and Young People Leaving Care, op cit*, at 29.
90. *Id.*, at 30.
91. S.150, L Cooke, at 1: 'In 1984 there were 18 family group homes in Queensland, 12 of which were located in Brisbane. Today there are five in Brisbane and three in country areas.'; S.81, Bethany (Child and Family Support), at 1: 'The lack of good long term alternative/substitute care in Barwon has been caused by the reduction in number of facilities, 5 out of 13 family group homes closed by one agency and a facility run by the Salvation Army for 25 children and young persons (at time of closure) shut.'
92. Community Welfare Act 1987 (NSW), Pan 4; *Community Welfare Services Act 1970* (Vic), s.16; *Children's Services Act 1965* (Old), s.41; *Community Welfare Act 1972* (SA), s.10(1)(f); *Child Welfare Act 1947* (WA), s.10A; *Children's Services Ordinance 1986* (ACT), s.8; *Community Welfare Act 1984* (NT), s.8.
93. 'Teenage "family" homes to be sold', 6 Nov 1988 *Sun Herald*.
94. Section 13.
95. Children (Care and Protection) Amendment Bill 1988 (NSW), Schedule 1(2).
96. Children (Care and Protection) Act 1987 (NSW), s.14.
97. Children (Care and Protection) Amendment Bill 1988 (NSW), Explanatory Note.
98. P. Searle, Youth and Family Services Logan City (Qld), *Transcript* at 307.
99. *Children in Institutional and Other Forms of Care* (Parliamentary Paper No. 324/1985) at 15.
- 100.S.99, Family Action (Vic), at 2.
- 101.*Ibid.*
- 102.O'Connor, *op cit*, at 272, 274.
- 103.*Children and Young People Leaving Care, op cit*, at 50.
- 104.S.64, Barnardo's Australia, at 2. See also, S.112, Bankstown Workers with Youth Network (NSW), Appendix C, at 5.
- 105.S.64, Bamardo's Australia, at 2.