



**Grandparents Raising Grandchildren Trust New Zealand's
Submissions to the
Modernising Child Youth and Family Expert Review Panel
for 22 September 2015**

*Te Tautoko i nga Mātua Tupuna, me nga Mokopuna.
Te Ao mai rano, aianeī, a muri ake nei.
Supporting grandparents and grandchildren.
Our past, present and future*



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The Expert Review Panel

10 September 2015

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Modernising Child Youth and Family Expert Review Panel

1. Introduction

- 1.1. Thank you for the opportunity to present these submissions on behalf of grandparents raising grandchildren in New Zealand generally, and the Grandparents Raising Grandchildren Trust NZ (GRG) as a provider of support services to them.
- 1.2. GRG's vision and purpose is to provide support services and a community where full-time grandparent and whanau/kin caregivers are empowered to provide a safe, secure and nurturing home that protects and promotes the well-being and development of the children in their care.
- 1.3. While GRG is not a front-line service provider, over 95% of the families GRG works with have the children in their care because of a family breakdown due to serious issues with their parents. Usually drug/alcohol abuse, mental illness, violence, physical/sexual abuse and neglect; all of which has put the children's physical and psychological development at risk.
- 1.4. The picture painted for these families is not that of the often-held, warm and idyllic vision of what some believe it is like for grandparents and grandchildren living together. By contrast these caregivers and the children live daily on "struggle-street," in extremely difficult and challenging circumstances. At their age and stage in life grandparent caregivers struggle with legal and financial challenges as well as the economic, psychological and physical strain of raising these children on limited resources. Over half of these children also have physical/psychological disabilities and problems¹ with higher rates of special needs and greater challenges for their caregivers than is the case in the general population.

¹ GRG Research Study 2005: "Grandparents and other Relatives Raising Kin Children in Aotearoa/New Zealand." <http://www.grg.org.nz/site/grg/files/GRG%20Publications/GRG%202005%20Research%20Report.pdf> and GRG

- 1.5. Over the past 14-plus years that GRG has been working directly with grandparent caregivers it has acquired experiential knowledge of the particular issues they face putting GRG in a unique position to help them. GRG support services are a life-line to the many grandparent member families we support. This community has high needs and yet there is still limited recognition of the uniqueness of the challenges they face amongst government and NGO agencies and professionals. We want to change that and our objectives are therefore to:
- Provide support, advocacy, education, training, guidance and information resources on the issues they face as a grandparent caregiver;
 - Facilitate support for these caregivers from other organisations in the community that can help them;
 - Heighten awareness of the needs of these children and their caregivers within the wider community;
 - Longer term to help and support caregivers to achieve better life-long outcomes for their children; and to
 - Facilitate change in the legal and regulatory environment to ensure that full-time grandparent and whanau caregivers receive appropriate support from the Government and NGO community service agencies so that collectively they can act in the best interests and welfare of the vulnerable and at risk children in their care.
- 1.6. It is noted that the Expert Panel’s Terms of Reference anticipate consideration of various aspects of the operation of Child Youth and Family services in practice including its relationships with contracted service providers. This document therefore summarises GRG’s perspective and observations on:
- 1.6.1. What Child Youth and Family is mandated to deliver at law to support families with vulnerable and at risk children who are/have been in need of care and protection;
 - 1.6.2. Where the “support” from CYF in practice is inadequate or non-existent for these families;
 - 1.6.3. The impact of that dysfunction in the CYF system on these families; and
 - 1.6.4. Some recommendations for improvements to the way in which CYF delivers its child protection services.
- 1.7. The attached Appendix contains GRG carer’s actual comments from our Facebook page² with feedback on their experiences and attitudes towards CYF.
- 1.8. Also included with this material is our DVD “*Telling it how it is: The Reality*”. This is a short DVD we have produced from footage at one of our Grandparents Raising Grandchildren Picnics. This annual event is a rare opportunity for GRG member families in Auckland with young and teenage children to come together with other GRG families in the region. It

and Research Study 2009: Grandparents and Whanau/Extended Families Raising Kin Children in Aotearoa/New Zealand – A View Over Time; by Jill Worrall
[<http://www.grg.org.nz/site/grg/files/GRG%20Publications/GRG%202009%20Research%20Report%20-%20A%20view%20over%20time.pdf>]

² <https://www.facebook.com/grg.org.nz?fref=ts>

enables them to forge strong bonds, have a sense of belonging and realise they are not alone as full-time grandparent caregiver families and that there are others walking the same path as them. Often the children get 'lost' in our thinking when we read generically about the "trauma" they have suffered before they have come into grandparent/whanau care and we encourage you to view the faces of the children concerned as they are among the ones who our collective thoughts and decisions will ultimately impact upon.

2. The Law

2.1. The reasons why children are in grandparent or kin/whanau care varies widely as do the legal pathways through which they have come into their care. However for this purpose our focus is on the pathway in which Child Youth and Family is involved at some point.

2.2. The Children Young Persons and their Families Act 1989 (CYPF Act) is the cornerstone of the State's involvement or oversight of a child or young person's life when there are circumstances warranting the State's involvement.

2.3. The object of the CYPF Act³ is to

*"promote the well-being of children, young persons, and their families and family groups by [inter alia] **assisting** parents, families, whanau, hapu, iwi and family groups.."*

2.4. The principles⁴ guiding the powers conferred under the Act; include *"the principle that, wherever possible, the relationship between a child or young person and... their family... **should be maintained and strengthened.**"*

2.5. Section 13 of the Act is particularly relevant as it sets out the guiding principles to be applied in circumstances where **children are placed in care and are deemed to be "in need of care and protection"**⁵. These principles include those that are pertinent to the financial assistance and support necessary to provide care for these children within the wider family/whanau and are stated as follows:

- **the primary role in caring for and protecting a child or young person lies with the child's or young person's family, whanau, hapu, iwi, and family group, and that accordingly—**
a child's or young person's family, whanau, hapu, iwi, and family group **should be supported, assisted,** and protected as much as possible⁶
- **where a child or young person is considered to be in need of care or protection,** the principle that, wherever practicable, **the necessary assistance and support should be provided to enable the child or young person to be cared for** and protected **within his or her own family, whanau, hapu, iwi, and family group.**⁷

³ Section 4, Children Young Persons and Their Families Act 1989

⁴ Section 5, CYPF Act

⁵ Sections 14 and 67, CYPF Act

⁶ Ibid; 13(b) (i)

⁷ Ibid; 13(d)

3. Child Protection Law in Practice – The failure or lack of “necessary assistance and support” for children in grandparent/whanau care

- 3.1. Since its inception 25 years ago, considerably more children who cannot be raised by their parents are instead raised in grandparent or kin/whanau care, rather than in foster or state care institutions. To this extent the CYPF Act is working as in most cases it is maintaining a child’s links with their whanau. The research on foster versus kin care also clearly demonstrates that there are better longer-term outcomes for children in kin care than in foster care.⁸
- 3.2. However in our experience these longer-term positive outcomes for children in grandparent/kin care are often in spite of the involvement of the State and not because of it. For the children who are most vulnerable and at risk when they come into their grandparents’ care, there is either a complete lack of support and assistance or the support falls short of what is necessary despite what is mandated by the legislation. This is causing ongoing considerable hardship and negative consequences for the children and their families in the months and years that follow.
- 3.3. In these cases the circumstances for the child or young person could be identical to that of a child or young person uplifted and placed in foster/state care. i.e. The ongoing needs of these children extend far beyond that for which children in normal circumstances would require because of the circumstances leading them into care⁹. For example these include the violence/sexual abuse, neglect or trauma they have suffered in the care of their parent(s), and they may have ongoing physical or mental disabilities and/or behavioural problems or attachment disorder requiring specialist and professional input at considerable financial cost.¹⁰
- 3.4. In some cases the children themselves have become perpetrators of violence or sexual abuse putting them, other children and even their caregivers at further risk. Yet they are too often not receiving any of the kind of support and assistance they need because they are not or no longer classified as “in need of care and protection.”

⁸ Refer Literature Review, *ibid* note 1

⁹ Judith Morris: *Understanding attachment issues in children affected by breakdown of primary parent relationships, abuse and neglect*. [2009] In a clinical population, such as referrals to a Child and Adolescent Mental Health Agency, about 50% of children have disorganised attachment, categorised as Reactive Attachment Disorder exhibiting trauma responses when suffering overwhelming anxiety

¹⁰Ibid at p.9 “Children with serious attachment problems need skilful nurturing and strategic management of behavioural problems and perhaps also individual psychotherapy – and these elements need to be brought together in an integrated treatment programme.”

[<https://secure.zeald.com/site/grg/Judith%20Morris%202009%20-%20Understanding%20Attachment%20Issues%20in%20Children.pdf>]

3.5. How and why does this happen? In reality there is a practice we call the “**Sideward Shuffle.**” This practice occurs in a number of ways and we have found it has increasingly become the “norm” for grandparent caregivers. For example:

3.5.1. A grandparent caregiver notifies CYF of their concerns about their grandchildren. In the course of that the grandparent is encouraged to apply for parenting orders under the Care of Children Act 2004 (COCA). Presumably the social worker has assessed the concerns as low risk. No investigation or follow up occurs. There may be no further involvement of CYF and the CYPF Act has no jurisdiction unless there are further notifications or concerns raised involving CYF;

3.5.2. We are also aware of situations where CYF have contributed to the legal costs to support a grandparent or kin/whanau caregiver’s application for a parenting order through the COCA or the previous Guardianship Act process in order to remove a child from a situation of risk;

3.5.3. A notification is made by the grandparent or some other concerned party to CYF. An assessment is made that a Family Group Conference ought to be held. The decision is made at the FGC for the children to be in the care of the grandparents/whanau carer and a Whanau Agreement is made.

3.5.4. A decision is made by CYF to place the children under the care of the Chief Executive, interim orders are made, an FGC is held and the children are placed in the interim care of the grandparents. Initially some support is offered in accordance with the legislation and indeed some grandparent carers may be /or have been in receipt of “board payments” similar to those received by foster carers, however these are typically of short duration. Either orders are then sought under COCA with the support of CYF or in some cases longer term orders are made for the grandparents to have (or share with the Chief Executive) guardianship and custody of the children. However in most cases the financial support from CYF merely precedes the transition to a Homes for Life placement and the Unsupported Child Benefit at which point any extra assistance for expenses for therapy/medical or other necessary costs terminates leaving the grandparent carer once again left to struggle to support and meet the ongoing needs of the children with insufficient resources.

3.6. In the first three scenarios above the children have not been deemed to be “in need of care and protection” ironically because the grandparents and kin/whanau carers step up to care for these children and give them a safe, stable and loving environment in which to live. Had they not done so, it is reasonable to predict that in the absence of any other suitable “whanau” caregiver to take them on, the children would be placed in foster care.

3.7. In fact and of ongoing concern to us is the number of grandparent caregivers who have reported to us over the years that CYF staff have engaged in what can best be described as ‘emotional blackmail’ tactics to induce the grandparents to take on the care of the children

with statements like “If you do not take on the children they will be placed in Foster Care and you will never see them again.”

- 3.8. In each of the first three scenarios the families are typically left to struggle alone to deal with the impact of the abuse suffered by the children and their physical/mental health needs such as Post-Traumatic Stress Disorder, anxiety and attachment disorders, mental health and delayed physical and emotional development and other physical and psychological problems (e.g. Foetal Alcohol Syndrome, ADHD, ADD, Autism and Asperger Spectrum Disorders) and there has been no inter-Agency/NGO support referral offered.
- 3.9. Service and support orders¹¹ are theoretically available for the necessary assistance and support of the child or young person, but in practice these are rarely if ever offered and where the Sideward Shuffle is employed, the child does not get assessed as being at risk and in need of care and protection so the jurisdiction of the CYPF Act is avoided often at the behest of the social worker performing the initial risk assessment.
- 3.10. In our view, this Sideward Shuffle approach fails these vulnerable children and sets their caregivers up for failure. The lack of early intervention to provide effective wrap-around support for these families from CYF and NGOs –then leads to downstream negative consequences for the children, higher churn rates and notifications and more complex problems. We believe this dysfunction within the CYF child protection system may be due to:
 - 3.10.1. Risk assessment guidelines that are inadequate or not followed properly;
 - 3.10.2. Caseload issues for the screening social workers and high frontline staff turnover;
 - 3.10.3. A lack of awareness, understanding and adequate training for social workers on the sorts of longer term issues the caregivers will face; and
 - 3.10.4. A lack of awareness and understanding of the NGO organisations in the community that can assist and provide tangible help for the caregivers.
- 3.11. Even in cases where CYF have been involved in obtaining orders for the care of the children under the CYPF Act and made a placement with the grandparents/whanau carers there is a “Sideward Shuffle” approach taken with a lack of necessary support and assistance for the caregivers and their families. For example the complaints we frequently get are:
 - 3.11.1. CYF staff fail to supply the *Caregiver Manual* to caregivers and fail to make them aware of their entitlements to support the children;
 - 3.11.2. CYF staff fail to advise caregivers of the other organisations in the community that can assist them with their needs and they feel left literally “holding the baby” with no idea where to turn for help;
 - 3.11.3. CYF staff unduly pressure grandparent/whanau caregivers to provide supervised access within their own homes which places unnecessary stress upon the caregiver and compromises the safety of their home for them and the children.

¹¹ Sections 86 and 91 CYPF Act

- 3.11.4. CYF fail to pay or are late to pay for fees for extra costs for the children when CYF have agreed to fund them.
- 3.11.5. CYF never return calls and the caregivers are left feeling in limbo;
- 3.11.6. CYF staff are too hard to get hold of and/or are constantly on leave;
- 3.11.7. CYF staff say one thing and do another;

4. The impact of this dysfunction in the CYF system on these families

- 4.1. In our experience there are too many cases where the Sideward Shuffle approach is wrongly employed with the effect that at risk and vulnerable children are being put in the care of their grandparents who aren't equipped or resourced to deal with the serious issues and needs of the children at an early stage of their caregiver journey.
- 4.2. Downstream we are experiencing an increase in the number of grandparents who are reporting that their grandchildren are physically violent towards them as they reach their teenage years – despite being in “safe” and nurturing homes for many years. These children are angry, many are depressed, self-mutilating and suicidal and all have a history of early childhood abuse and neglect from their parents. Despite the efforts of their caregivers to get help from mental health services etc., there has been little or no professional help made available to these children for years. Sadly they are on track to being among our worst crime, mental health and prison statistics.
- 4.3. With the growing numbers of grandparents raising grandchildren (on average we have 45-50 new members each month) these issues are not going away and there is a real sense of urgency for the CYF child protection system to make the necessary changes to ensure there is real and effective help for these children and their caregivers at an early stage before the the issues become too complex, it is too late and/or the damage to these individuals in our society is irreparable.
- 4.4. Recent examples where CYF have failed grandparent caregivers and their children:
 - 4.4.1. CASE A: involves a grandparent member who had their 13 year old grandson placed in their care. They duly enrolled him in school and allowed him to ride his bike around the local parks. They were advised much later that this child is a ‘sexual predator’ and that he is not allowed to leave their property unaccompanied by an adult. They were given no support or treatment options for him.

Surely this is a breach of CYF’s statutory duty to inform the caregivers of the child’s past and disposition and provide the necessary assistance and support to this family and ensure that measures are taken to prevent any harm coming to other children or the child himself?
 - 4.4.2. CASE B: CYF placed two young grandchildren with their grandparents. The grandfather noticed sexualised behaviour by the grandson against the younger grand-daughter.

He notified CYF who then moved the grandson into a foster home. The grandfather has regular access to the grandson at the foster home in another city. There are other young children being cared for in the foster home. The grandfather enquired whether the foster parents were aware of the child's sexualised behaviour. He was horrified to learn that CYF had failed to inform the foster parents. He is worried sick for the safety of the other children in the foster home.

Here is another example of a breach of CYF's statutory duty of care to inform the caregivers in both instances of the risks to other children and measures to ensure safety.

- 4.4.3. CASE C: Unlike the above two cases cited which involve current GRG members, this case is a composite case and representative of the hundreds of cases GRG deals with each year for which we employ a full-time Field Officer who specialises in income support issues. The scenario is one where the grandparents are informed of a family group conference with CYF at which they are encouraged to take on the care of the grandchildren. They agree. They are not advised of the support services available to them from NGOs like GRG or that they are probably eligible for the Unsupported Child Benefit. This failure extends not only to the Social Workers involved in the placement, but also the Work and Income staff who may deal with a grandparent caregiver's subsequent application for income support in light of the extra mouths to feed. It is too often the case that weeks, months or even (in some cases) years later that they are informed of their eligibility to apply for this financial support. The problems experienced by the grandparent caregiver in establishing their eligibility¹² is compounded by the lack of any documentary evidence or support for their application showing that a "family breakdown" is why the children are in the grandparents' care. Even where Social Workers have been helpful and written letters supporting the grandparent's application for the UCB the Work and Income staff have refused to accept that – in some cases responding with "They do not tell us what to do!" The lack of inter-agency cooperation between CYF and W&I makes it that much harder for the grandparent caregiver to access necessary support and assistance to care for the children.
- 4.4.4. CASE D: A Great-grandmother has her grand-daughter's 9 year old son in her care. He has serious behavioural issues and violent tendencies. He requires a teacher aid in the classroom to manage his behaviour which is funded by the Ministry of Education until 12pm each day. Because of the distraction and disruption her great-grandson causes in the classroom the school refuse to allow him to remain in the class when the teacher-aid goes home and his great grandmother must collect him from school at 12pm each day. This has meant that she has had to give up her business and regular work to care for him and rely on income support benefits. She is struggling to cope with his violent outbursts and physical assaults against her and has sought help from CYF. Their response is that they can't help her unless he is in CYF care. She is reluctant

¹² [Section 29 Social Security Act 1964](#)

to “hand him over” to CYF because of past experiences. Her grand-daughter (the mother of the child) was placed in foster care and ended up as a prostitute. She questions: why is the support not available unless the child is “under CYF?”

5. Recommendations for Improvements to the CYF Child Protection System

- 5.1. Child Youth and Family suffers from a poor image and reputation amongst caregivers and in our experience most grandparent caregivers are fearful of having any involvement with CYF or have no faith in the service making decisions that are in the best interests of the children¹³. In our view this is a major obstacle to CYF’s efforts to establish a sound child protection service that addresses and meets the needs of vulnerable children and families and measurably reduces the disturbing statistics around child and infant mortality/injury at the hands of violent and abusive family members or parents.
- 5.2. More effective collaboration between CYF and NGO agencies working directly with the families would assist in identifying the particular needs of the children, their caregivers and families in each case. GRG is aware of the Differential Response Coordinator model being used in Auckland CYF offices and we have presented on the work of GRG to a number of them in Auckland to better inform them of the support services GRG offers to grandparent/whanau caregivers
- 5.3. We have found that where the DRC process is used there is a better flow of information between our agency and CYF that can help the family involved. Unfortunately this process is not used by all Social Workers and we still receive enquiries and referrals directly from them and many of them appear completely unaware of the DRC process. More work needs to be done around establishing protocols and proper referral processes for CYF to NGO support agencies contracted to the MSD. This is important for accurate CYF reporting as well as ours and for accountability reports.
- 5.4. But where the “rubber hits the road” is the resources needed to provide the necessary assistance and support to these families and to make sure that organisations are working collaboratively together with each family. To this extent there are further obstacles in the way of establishing a child protection service that really works that also need to be addressed in our experience:
 - 5.4.1. As discussed earlier the current CYPF Act limits the jurisdiction of CYF and its ability to provide (either directly or through contracted NGOs) the “necessary support and assistance” to children who are “in need of care and protection”. Those children and families that fall outside that distinction or who have been dealt with by the “Sideward Shuffle” described above are left without the necessary support. It may be necessary to amend the CYPF Act to enable the necessary support and assistance where there has been a notification that falls short of the test in section 67 requiring the Chief Executive’s

¹³ Refer to Appendix for feedback from grandparent caregivers as an example of this sentiment.

oversight, but where it is clear that the caregiver and children need support and assistance.

5.4.2. In GRG's experience, caregivers who are supported in the early stages of their caregiver journey and who participate in caregiver training programmes are better equipped to deal with the challenges they face with the children. They are more likely to know where to get help from professionals or community based organisations like GRG and access their help. However they also need to be better resourced financially with income support that recognises their "carer" status akin to that of foster carers so that they can access professional help and services for the children who need it.

5.4.3. NGO's like GRG are uniquely positioned to assist grandparent/whanau caregivers and do more to work collaboratively with other agencies to provide a wrap-around service for the families concerned but the lack of proper funding and resources to employ more qualified Field Officer staff on the ground means that our current resources are overstretched. With increased accountability requirements there is also a concern that without sufficient funding going forward, our ability to meet the needs of our clients is also compromised. We are hopeful that out of the current review of CYF's operations and the Community Investment Strategy going forward these issues can be resolved and result in positive changes for the children and their families in future.

6. If the Expert Panel has any further questions or requires further information arising out of this submission please let us know.

Yours sincerely,



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APPENDIX

Below is a list of carer's comments from our face book page (copied and pasted) from <https://www.facebook.com/grg.org.nz?fref=ts>

- As I have said many times, the last conversation i had with cfs ended with me saying "i know why kids die in this country". My grandson was bounced around a dozen homes by the time he was 15 months old. Now we have custody and he has stability but not without us having to fight cfs.
 - My personal experiences with cyfs has been very poor... Poor communication, poor follow through. They need a major, major overhaul. Its true, no wonder our children are dying.
 - blaming the parents is extremely broad & hundreds of cases are different...its just as hopeless as blaming the social workers. Its the system that needs tweaking, too many are falling through the cracks.
 - - you need to take your rose colored glasses off & never put them back on again. CYFS lost focus of their role from the first day it was created.
- * and theyve only just discovered this now !!!!! But they have been losing and abusing kids since CYFS was created.
- Well before CYFS was created actually failed even when it had the title children in Social Welfare Care and that was in the 1940's
 - we are still fighting cyf for our grandson which they remove from our town without a court warrent . And have been fighting for nearly 4 years ,
 - All I can say is CYFS uses legal child abuse that is all
 - The government / cyfs would be better off opening boarding school type facilities or bringing back larger group homes for kids than trying to place kids within family homes and all the ensuring drama heartbreak and angst that goes with that situation. . though that sounds more rigid and un/pc kids would probably do a lot better in the long term rather than bonding with a person that isnt going to be able to stay in there lives
 - I too am fighting Cyfs for custody of my grandson. The brother to the grandchild that I already have custody of. Very slow progress. Bring on court.
 - This isn't news it's been going on for years has to be the most incompetent govt dept ever
 - Exactly the emotionally traumatise these children to the point of abuse then have the cheek to call it legislation
 - People often say to me "Don't you find it very stressful looking after a little one again". My answer is always "Yes she can be hard work but she is a walk in the park compared to Cyfs." Even Lawyer for child has commented on the treatment handed to us. They really do some

horrendous things and call it care for the child. They make it so much more difficult than it needs to be.

- I found quite a few cyfs workers incompetent. Some even telling me how sorry they felt for the parent, when it was because of that parents actions that brought cyfs into that familys lives. Workers who even decided that I was unfit to take care of our new born granddaughter even though I was cleared by my doctor. have lots of whanau support and myself and her grandfather are already raising her two full blooded brothers. Now she is in Wellington being raised by the parents brother and sister in law, (why? because they own a house), who has changed her name and will not let us or her brothers see her or have any contact at all. We own our own home too but the workers "assumed" we didnt. Cyfs definitely need to make changes. In alot of areas and the workers need to stop playing god.

- Cyfs care more about the process than the kids ...but they should start earlier it shouldn't take 9 complaints to get any action. It should only take one, and they should help first instead of ripping the kids away. And they need to learn to communicate

- They have been this bad for 20 years its well past time for change

- Only those who have been thru the system know what its like. Only those who have been thru the beatings and bashings in these homes and institutions will truly know the truth because in the 60's and 70's if you made it known that you were bashed by carers, you are also branded a Liar! So best thing keep QUIET....Shhh.....or else

- [Grandparents Raising Grandchildren Trust New Zealand](#) We hear you Jayne frown emoticon (((HUGS)))

- Anyone who has had any dealings with CYF knows how damaging they are There is no caring concern or proper support from the people who run and work in that place. Just an accusatory dictatorship of people who dont give a shit

- Loosing ones retirement funds through lawyers in the Family court system and then having to raise the children until 18 with no support or very little financially. Cases dragged out in the Family Court costing more and more money

- What never ceases to amaze me you as a good law abiding citizen step up for your abused grandchildren and then S/Workers turn on you and cause so much stress because they are believing drug addicted parents who can lie at the drop of a hat and you are struggling with very traumatised children and ongoing financial issues plus aggressive s/w.

- Every child deserves a parent, but not all parents deserves a child...