Christmas without the kids

Losing children through the child protection system

Cas O'Neill

Longitudinal research in Victoria is exploring the experience and support needs of birth parents[1] and grandparents, children, permanent parents, teachers, social workers and therapists in situations where the children have been permanently removed from their birth families by the child protection system. The research is now halfway through its second three-year phase.

This paper details the findings for ten birth parents, most of whom have been involved in the study for at least three years. The findings are presented through themes of loss, role, boundary, power and support. The research provides clues as to how professionals can offer support to these parents. What the parents want is little enough – for their stories to be heard without blame; to be consulted about their children's future; and to be offered the possibility of meeting up with parents who have similar experiences.

[1] The term 'birth parent' is used here simply to distinguish this group of parents. It is not intended to diminish their role as parents.

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> You be in my shoes – I got those kids taken off me for 15 months – I still don't know what the hell they were taken off me for – they were dragged from the school – I went to pick them up and they'd gone. I rang up the police and they were there and the police said 'why don't you get your arse down the bloody cop shop'. I didn't hit the children ... the house was clean, they had clean clothes, plenty of food. OK, I admit I was using drugs, but I was not nasty on drugs – I'm more calm when I'm on drugs than when I'm not on drugs. (Birth mother)

The experience of being part of a family from which children have been permanently removed for protective reasons is enormously painful. It is both an everyday loss and a long-term loss because, however much contact there is between the birth family and the permanent family, the child who has moved to another family on a permanent basis is unlikely to ever again be part of his or her birth family in the same way.[2] Although the child is likely to remain a psychological presence in the birth family, the social reality is that he or she is no longer a child, grandchild, sibling, niece, nephew or cousin living with that family, and the family boundaries must be recreated to reflect this (Charlton, et al. 1998; Fravel, McRoy & Grotevant 2000; Neil 2003).

Research on the experience of birth parents, particularly those who have lost their children as a result of protective intervention, is relatively sparse (Rushton 2004). Early parental accounts and professional research on what it was like for parents to have their children in foster care emphasised their sadness, guilt and shame, as well as the difficulties involved in maintaining a relationship with the children (Jenkins 1981; McAdams 1981). More recent research has reinforced these findings (Jackson 2000; Klaassen & Cary 2005), at the same time as focusing on ideological notions of 'good' and 'bad' mothers (Smith 1993; Voigt 1986; Wilkinson 1986) and the fact that birth fathers often escape the stigma of being labelled a 'bad' parent (Jackson 2000).

[2] While young people in these situations do in fact sometimes return to live with their birth families at a later stage, the relationship can never be what it might have been if the child had stayed.

Parents who come into contact with government organisations on protective grounds are, not surprisingly, more likely to report life stresses, depression, loneliness and weaker informal supports than those from similar backgrounds who have not had this contact (Gaudin et al. 1993).

These circumstances are often ignored by professionals due to 'the fundamental attribution error ... the tendency to underestimate the impact of situational factors and to overestimate the role of dispositional factors in controlling behaviour' (Ross & Anderson 1990, p. 135, cited in Munro 1996). There are often also significant system barriers which act to prevent children returning to their biological families (Petr & Entriken 1995) and families in crisis may have little understanding of what they can do to regain custody of their children (Klaassen & Cary 2005; Schatz & Bane 1991).

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Ryburn (1993, 1994a) discusses risk assessment (of birth parenting ability) as being shaped by legal and Court processes and as the search by professionals for 'objective' measures. He asserts that professionals undertake a risk assessment *about* (not *with*) someone, ie, there is no interactive process, but instead a collection of data leading to judgements and conclusions.

Ryburn therefore questions whether the purpose of professional intervention is to help or to monitor failure, and states that risk assessments often ignore the wider family context. Parents may not understand that the professional role has changed from one of helping to one of assessing, and the subsequent adversarial process further decreases the possibility of the birth family's acceptance of support. The process of undertaking a risk assessment tends to lead to a black and white outcome in which the relinquishing family is almost always depicted negatively (Ryburn 1993, 1994a).

Ryburn's report on discussions with members of twelve families whose children had been removed for protective reasons (Ryburn 1994b) details the lack of clarity about the social work role; the seeming impossibility of renegotiation once decisions had been made; the selectiveness of evidence (as well as false evidence) cited in legal proceedings; and the lack of information about their children – all of which the families endured in the process of losing their child (see also Charlton et al. 1998).

When these parents were asked what would have made a difference to the process (even with the same outcome), they responded with statements which indicated that they would like to have been treated with respect, believed, and given clear information, and they would like social workers to have asked how they were (Ryburn 1994b).

These findings have also emerged in other research (Hatch 1997; Jackson 2000; Mason & Selman 1997), as has the issue of marital stress during, and following, protective investigations (Cleaver & Freeman 1995).

Although the professional literature details recent attempts to empower birth parents through professional support and counselling (Mason & Selman 1997), the establishment of partnerships between parents and professionals (Harrison & Masson 1994; Sinclair & Grimshaw 1997), involvement in peer support groups (Klaassen & Cary 2005; Levin 1992), and involvement in the training of foster carers (Gilchrist & Hoggan 1996), there is still a long way to go in this area (Lindley 1997; Sinclair & Grimshaw 1997).

Peer support for this group of parents appears to be sparse, both in Australia and internationally, with some notable exceptions. For example, Charlton et al. (1998) describe a series of support groups set up by After Adoption in the UK (see also Jackson 2000). Recent work undertaken in Queensland by Mercy Family Services has also used a groupwork model to enable parents to better understand, and negotiate with, the child protection system (Klaassen & Cary 2005). There have also been two (albeit short-lived) lobby groups set up in Victoria in the 1990s which have represented them (Hatch 1997; Mendes 1998).

THE STUDY

THE SAMPLE

This paper presents the experiences of ten birth parents – six birth parents (including two step-parents) who took part in the first three-year phase of a longitudinal research project from 1995-8 and are continuing to participate; and four birth parents who are taking part in the second three-year phase of the same study from 2003-6. The research has explored the support needs of birth parents and grandparents, children, permanent parents (adoptive, permanent care[3], long-term foster and kinship carers), teachers, social workers and therapists in situations where the children have been permanently removed from their birth families by the child protection system.

[3] Permanent care is a care option in Victoria, within the provisions of the Victorian Children and Young Persons Act 1989 (currently being reviewed). A Permanent Care Order gives a child permanency without changing the legal relationship between child and birth family.

Two of the birth parents who have participated in the study have mild intellectual disabilities, one (who has since died) was physically disabled and one is involved in substance abuse. The other parents have no disabilities. I have not met with the birth parents of all the fifteen children in the study as some were missing or dead, one refused to meet with me and another has a serious mental illness.

METHODOLOGY

During the first three-year phase of the study, I talked with the birth parents at regular intervals – usually three times per year. In the second (current) phase of the study, which is concentrating more on the children and young people's experience as well as the needs of kinship carers, I am talking with the birth parents less often – about once a year.

All of the semi-structured interviews have been tape recorded and a detailed summary is subsequently sent to each participant asking them to check the content. Thematic analysis of these summaries has then been undertaken using the qualitative analysis software tool, Atlas-ti for Windows.

The findings are presented here through themes of loss, role, boundary, power and support.

Loss and despair

The sense of loss in the families who have participated in the research is overwhelming. The houses and flats I have visited are in Ministry of Housing areas, where there is a high proportion of young families with children. However, with the exception of one family where three half-siblings (of the child who had left) remain with their parents, these homes are bereft of the usual clutter of children, save for a few photographs. Beds, bedding, toys and clothes have gone elsewhere:

> I want my children, I'm not giving them up, they're mine – it's not a home without them – it's nothing – I got rid of the kids' beds ... I couldn't keep looking at those bunks. (Birth mother)

In addition to the experience of loss in the present is the sense that it will go on into the future, and that it will be particularly painful at times when families are culturally and symbolically expected to be together:

> When I see children running round playing with their mothers, that really hurts. Christmas time I'm not looking forward to ... I'm not even going to put up a Christmas tree, I'm just going to cook a roast for Christmas dinner, that's it – it's not Christmas without the children. I'll buy them some Christmas presents, but that's it. (Birth mother)

The most extreme expression of despair encountered in this research has been suicide. One birth mother killed herself during the study (before she had been contacted about taking part in the research), while two others have talked openly about suicide as a choice which was being, or had been, actively considered:

> I might go to hell and I might not ... at the moment I'm just frightened ... maybe I'm just about ready to go to the cliff – to the edge of it – I've had enough, I'm tired – I know I said I'm going to fight this, but I'm getting weaker now ... it's been going on too long – I can't cope any more. (Birth mother)

Role

In addition to the loss of the children in the present and future, there is also the loss of the role which all parents take on to varying extents when their children are born. When children leave, parents must adjust not only to the loss of the daily parenting role, but also to being viewed as bad parents, or even non-parents, within the community. This is an extraordinarily difficult task and one for which there may be few mentors:

> I don't know which corner to turn to – I'm like a lost little puppy at the moment ... I'm nothing without those kids, Mrs Nobody without my family. (Birth mother)

These parents see themselves as being outsiders in almost every realm of their lives. They talk in terms of being outside the boundaries of their own extended families, employment, lifestyle and friendships.

Boundary

All of the parents and step-parents in this research have experienced living on the edge of a public-private boundary, with their private lives being exposed to public scrutiny over many years, either because they have been 'in care' themselves as young people or because they have been part of the criminal justice system.

> As a young person she was in trouble with the cops, she'd had social workers for years. (Protective worker)

These parents see themselves as being outsiders in almost every realm of their lives. They talk in terms of being outside the boundaries of their own extended families, employment (none of the birth parents in this research have paid work), lifestyle and friendships. This is a process which seems to have increased inexorably year by year, with layer upon layer of violence (committed against them, as well as by them), rejection and isolation.

Although it was not one of the aims of this research to explore what had happened earlier in the parents' lives, they have nevertheless given some hints about how their outsider status has arisen. For example, one birth mother said:

> I was abused by my brother ... (and) I was raped when I was 16 years old ... I told my sister 6 months later and my Mum found out, but the cops didn't do anything about it ... people just do whatever they like – that's what I gotta put up with – all my life.

The boundary within which these parents see themselves is circumscribed, either containing just themselves or, at the most, themselves and a partner and children. Even when they live with family members, their sense of isolation in the community is profound. A birth mother said:

> As soon as someone shows me affection, I completely switch off – I don't like people getting close to me – I think 'what do they want from me?' – I haven't got nothing to give, I've got no money,

while a stepfather (the alleged abuser of the child who had left the home) said:

> The rest of my family, (I) tried keeping in contact, sending cards and that, but gradually no one bothered returning the cards, so we just gave up ... I'm a very cynical person now, I don't trust anybody – the only person I rely on is S. (birth mother) and the kids, that's the only people I care about.

These parents have not only had their children taken by the state, but the responsibility for the removal, as well as for being the cause of harm to their children, has been largely attributed to them personally ...

A further boundary theme is evident in the way some of these parents talk about the children leaving their homes. In the adjustment required to redefine the family without the child, a re-drawing of boundaries is necessary, a process which sometimes means moving to another place.

> T. (birth mother) is thinking of renting out her house and renting in (country town), where she says she feels happy, but she doesn't know if the Ministry (of Housing) would allow this. (Summary of discussion with birth mother)

A stepfather has been most eloquent about this process, talking about the process of exclusion of the child who has left the family:

> She [half sister] doesn't know him – B. [half brother] doesn't say anything because we don't like to talk much – he's not going to come back, so it's just best really, so we don't mention him.

In later discussions, the same stepfather said:

> It's all resolved now. Sooner or later the visits will get less and A. [his wife, the birth mother] will end up not seeing him and everybody will go their own ways.

Talking about his decision that the other children should not have contact with the child, he also said:

> He's not part of the family, they don't know him ... they're only half brothers and sisters ... he's got his life and they've got theirs.

Power and control

While themes of power and control have been apparent in the discussions with all participants in this research, they are most obvious in the discussions with birth parents. These parents have not only had their children taken by the state, but the responsibility for the removal, as well as for being the cause of harm to their children, has been largely attributed to them personally, rather than any part of it to their environment. They talk about not being believed, about having no choices and about having no control over what has happened.[4]

> She felt so disempowered, because she's got an intellectual disability. She's so used to adults telling her what to do and them always being right and her always being wrong that, of course, when the doctor said to her 'you're not pregnant', she said 'OK, I'm not' and she went home. So she actually delivered the (second) baby at home ... she didn't know what was happening. So that was really sad. (Permanent care worker)

> We went to a solicitor to get some sort of advice and no one seemed to be willing to ... even went to a Legal Aid, (but) they couldn't help. They said they'd be representing him [the child]. Everyone seemed to be on his side ... they believed everything he [child] said ... she [his wife, the birth mother] was told to sign the voluntary form or else be taken before a bloody magistrate. So, some voluntary! She was treated like a real criminal, sign up or else. (Stepfather)

One birth mother said:

> I go to see them at CSV [Victorian state welfare department, now the Department of Human Services] – I don't really know what they're doing – I've just had it –

[4] Paradoxically, these parents are seen by some professionals and relatives as having too much power – to appeal decisions, to have children returned to their care on multiple occasions and to upset children routinely by missing access visits. One birth grandfather said, 'This has been dragged out so long because A. and C. (birth parents) had their rights'.

> CSV are running my life, they're wrecking my life, I don't feel I'm in control any more, they just want to take my life right over,

and:

> I can't find it (the letter about access times) – if I don't find it, I won't see my children,

and:

> ... wait, time, time, wait – I just want answers like they're coming home or they're not coming home ... I'm sick of waiting for other people ... I just want to get on with my life.

With the exception of the birth mother who has an intellectual disability (and who had actively chosen permanent placements for both her children), these parents say that they have little real idea as to why the children have been removed from their care, as the quote at the beginning of this paper shows. The formality of the language used in the written documentation, which birth parents receive from the state welfare department (regarding the children's removal and subsequent placements), may not be conducive to an understanding of why the children have been removed. However, there appears to also be a strong element of not wanting, or being able, to understand, possibly because it is too painful. This was emphasised by a solicitor who, referring to her client's seeming lack of understanding of why her children had been removed, said:

> She's the most unconscious person you can imagine.

Although the issue of consent (to adoption or permanent placement) has only been hinted at by birth parents in this research, it has nevertheless been commented upon by other research participants, such as an adoptive parent:

> To this day, I'm still not convinced that E. [birth mother] is 100% certain what she's done. I think she just thinks we're looking after her little girl and that she can have her back at some stage.

Informed consent is also an important issue for professionals, as the following two very different quotes, made about the same birth parent, show.

> T. [birth mother] signed the form, and I talked about it with her. It wasn't just like she signed something she didn't know about. She pretends she can't read, (but) she can. She can't read fast and she certainly would make lots of spelling mistakes when she writes, (but) she can read. And certainly I've never known of a situation where she's ever been made to sign things that she doesn't understand. That's what we have to do as workers, is go through stuff with her. (Protective worker, who has known this birth mother since she was a teenager)

> T. [birth mother] became involved in Children's Court proceedings and had had a consent for a Permanent Care Order for B. [child] put in front of her – and she signed it without really knowing what it was, and the matter was then listed for a further hearing in the Children's Court, at which time this consent order was going to be proffered to the court. And I think quite by chance one of the Legal Aid workers down at the Court was talking to B., and she said, 'I don't consent, I want to be with mum' ... then when we asked T. about it, she said, 'Well I didn't know that I'd said she could go into permanent care'. (Solicitor)

One of the defences parents use to cope with their lack of power and choice appears to be to attribute blame elsewhere (which may, of course, be realistic at times) – to the police, the state welfare department and the carers of their children. For example, one birth mother said:

> Why me, why does it always have to be me, why can't people leave me alone? I just want to be settled and enjoy my life with the children – is that asking for much? ... I don't deserve this, I really don't, I don't deserve what's happening to me.

She also said (about her daughter's previous foster mother):

> She's the one who got me in this mess ... I think she's a dog ... I blame her for everything.

... these parents say that they have little real idea as to why the children have been removed from their care ...

For one family, these feelings of powerlessness have been subtly exacerbated since the child has been in placement with the permanent parents. Differences in class, finances and resources are seen as hurtful by the birth mother and have been actively resented by the stepfather.

> If we could have we would have afforded to buy him [child] different things that he wanted, but at the time we couldn't ... now where he is, he gets spoilt rotten. But I can't do anything about it. It doesn't really worry me that much now. I'm getting used to it. (Birth mother)

> He's [child] getting psychological treatment, isn't he? He's getting counselling, he's just getting so much. (Stepfather)

Ultimately, the only way in which this group of parents can regain power in their own eyes is to refuse to do something:

> Right towards the end of the pregnancy, she [protective worker] still wanted me to go and see him [child] once a week. So at the end of May, I called it quits for the visits until after I'd had her [new baby]. I just needed time to put my feet up and relax, and I wasn't getting that time because I had to go – and it was hard. (Birth mother)

The exception

In my discussions with birth parents in this research, there is one birth mother who, although she has continued to grieve for the loss of her two daughters (one of whom is a participant in this study), talks as though she has maintained control and choice during the relinquishment process for both children. This is despite the fact that she has a mild intellectual disability and has herself experienced a background of alternative care and abuse.

This mother's disability is evident in the childlike way she talks about the sadness she feels when her older daughter doesn't see her as 'Mum':

> D. [birth mother] has got used to F. [child] calling her D., although she'd still prefer 'Mum' – 'she's only young yet, it's still confusing for her ... when she's older, she'll probably call me Mum'. (Summary of discussion with birth mother)

Nevertheless, the fact that her experience of relinquishment is substantially different to other birth parents in this research is unlikely to be totally due to her disability. It seems that there are three themes which have contributed to this situation.

On the whole, however, birth parents talk about receiving scant support, despite the huge amount of effort which professionals appear to put into maintaining these families; and even though the casual observer might well have seen a considerable amount of support, both practical and emotional, in some situations.

Firstly, even though she has a mild intellectual disability, she was able to recognise fairly early on in her first child's infancy that the daily needs of her child were beyond her and that she wanted to be an active participant in the choice of permanent parents and the amount of contact. In the process which followed, she believes that she has been given a great deal of control. Although there is regret for what might have been, there is also a sense that she has done what was right for her:

> I tried with both my girls – I admitted I couldn't handle everything and I wasn't very good at it, but I gave them a chance in life.

Secondly, this birth mother has never expressed a sense that she has felt negatively judged in any way by the professional supporters who have been in contact with her. She has often talked about the kindness she received from social workers and foster parents and this was backed up by the warmth which they in turn have expressed about her. Her social worker said:

> A lot depends on the relationship you can build up with that person.

Significantly, although she has received a great deal of practical support from workers, foster parents and friends, it has been the emotional support that she has valued most:

> She [social worker] really listens and she really understands ... I can really talk to her about anything and she doesn't criticise me or nothing.

Nevertheless, it is acknowledged that it was probably easier for professionals to treat her with kindness and dignity than it would have been if her children had been similarly neglected, but she had not had an intellectual disability. Her social worker referred to this when she said:

> I think probably it's more the ones I've worked with who have had intellectual disabilities I have given that extra support to. But I guess I probably do it more than other workers anyway.

Thirdly, this birth mother's boundaries are broad, encompassing the two permanent families of her daughters with an easy generosity. She is full of praise for both sets of parents, saying things like:

> She just took great care of H. [child], I couldn't have asked for anyone better to have taken really good care of H.

While this latter theme may be intrinsic to this mother's personality, and while it is true that she made an active choice to relinquish both children, it is also likely that the process of relinquishment was eased by her experience of a sense of control, of being heard and of not being judged, together with the considerable degree of kindness and respect shown to her by her social workers and the foster and permanent parents of her children.

Support

On the whole, however, birth parents talk about receiving scant support, despite the huge amount of effort which professionals appear to put into maintaining these families; and even though the casual observer might well have seen a considerable amount of support, both practical and emotional, in some situations.

> While D. [birth father] firstly said that he doesn't receive any support, he later talked about Home Help and Meals on Wheels, the doctor who comes weekly to see his wife about her medication and the friend who drives him [hundreds of kilometres] to visit the children for access. (Summary of discussion with birth father)

> There's been a huge array of supports she's had over the years. And I believe she knows as well as anybody how to access the welfare system, but she's not been able to sustain any counselling. (Protective worker)

When support has been discussed by these parents, it is within a context of the birth parent having very low expectations. For example, a birth mother sees a social worker as supportive simply because she always picks her up for access and 'wasn't pushy'.

While they have undoubtedly moved on in their lives to some extent since the children have left, there is a continuing sense that the loss of the children has sharply emphasised the parents' existing outsider status.

As a group, birth parents have also been far less likely than any other participants in the research to talk about family support and, when they do talk about it, it is with a considerable degree of ambivalence:

> I've got a sister who lives over in [next suburb] – I haven't seen her for seven years, (Birth stepfather)

A therapist, whose practice involves seeing many birth parents, also commented on this:

> She's [birth mother] used the mother a bit ... One week she'll hate her Mum and her Mum hates her and the next minute it's OK. So it's very ambivalent relationships with all her relations. I think she's always seen them as very critical of her ... but how many other clients is it a lack for too? So in a sense she's not an exception. If I was looking at the support networks for any of my clients, I'd almost be quite surprised if they did have family support. (Therapist)

Birth parents in this research also find it hard to think about support from friends, almost as if the very idea of support had long ago ceased to be important, expected or even possible. This is symbolised by the sparse way in which they have answered my questions about whether they have received any support. For example, one birth mother thought that a friend had been 'sort of' supportive 'because she knows all the problems we've had'.

Nevertheless, when asked what she would have liked in the way of support, a birth mother answered that she would have liked contact with another family who:

> ... had a child taken away from them and that. It would have been a lot easier to talk to someone like that.

The final thought on birth parents and support belongs with a very vulnerable birth mother who said, as an aside, that she was a volunteer parent in her (remaining) son's school, helping children with their reading. This came as a surprise to me and I realised then how our discussions, which had largely been about the child who had left her family and the events which had precipitated his removal, had allowed me to concentrate on the sadness in her life, instead of seeing a more rounded picture.

Conclusion

The research undertaken with these birth parents confirms the findings of other research, discussed earlier in this paper. While they have undoubtedly moved on in their lives to some extent since the children have left, there is a continuing sense that the loss of the children has sharply emphasised the parents' existing outsider status.

The challenge for professionals in contact with birth parents who have lost their children for protective reasons is to offer support in a way which can be accepted. There are clues in the accounts of the parents in this study as to how this might be achieved. What the parents want is little enough for their stories to be heard without blame; to be consulted about their children's future; and to be offered the possibility of meeting up with parents who have similar experiences. ❖

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