

***The needs of parents and family  
members with children in the care of  
child protection services in the  
Australian Capital Territory (ACT): A  
pilot study***

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## **EXECUTIVE SUMMARY**

Families with children in care require a complex range of services encompassing a number of different professional disciplines. The use of services can be viewed as an active coping behaviour (Gerhardt, 1979). Within theories of stress and coping, professional services can be viewed as possible moderators of distress (Folkman et al, 1979). Those who draw on support from services adapt more successfully to their situation than those who do not have access to such resources. Successful adaptation is generally defined in terms of better mental health. This means that families who can draw on services effectively will, therefore, have increased capacity to contribute to the well-being of their family. With this in mind, it is useful to have services which are responsive to needs of these families when self-coping mechanisms falter.

The ACT Government has developed a number of programs, including a variety of parenting services<sup>1</sup> and services for children and youth.<sup>2</sup> In addition they have developed the principles for child centered practice, the 'schools as communities' initiative,<sup>3</sup> and the ACT Charter of rights for children and young people in care.<sup>4</sup> There are also resources aimed to inform kinship and foster carers.<sup>5</sup>

All of these programs seek to support children and their families although it is reported that the success of these programs has been mixed, presumably due to the complex and multifaceted nature of the needs of families with child protection intervention. It is apparent that there is a gap in services to address the specific needs of parents and family members who have had their children removed to out of home care by child protection authorities. Currently, the provision of support and advocacy services to these parents and family members is undertaken by social workers and support workers within agencies where parents may access their service for other concerns, for example homelessness, drug and alcohol or mental health problems.

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1 [http://www.parentlink.act.gov.au/parenting\\_guides](http://www.parentlink.act.gov.au/parenting_guides)

2 [http://youth.act.gov.au/cms/media/dhcs\\_yp\\_proof\\_3.pdf](http://youth.act.gov.au/cms/media/dhcs_yp_proof_3.pdf), and

[http://www.dhcs.act.gov.au/ocyfs/services/turnaround\\_program](http://www.dhcs.act.gov.au/ocyfs/services/turnaround_program)

3 [http://www.dhcs.act.gov.au/childandfamilycentres/files/Schools\\_as\\_communities\\_schools.pdf](http://www.dhcs.act.gov.au/childandfamilycentres/files/Schools_as_communities_schools.pdf)

4 [http://www.dhcs.act.gov.au/ocyfs/act\\_charter\\_of\\_rights](http://www.dhcs.act.gov.au/ocyfs/act_charter_of_rights)

5 [http://www.dhcs.act.gov.au/\\_data/assets/pdf\\_file/0019/155035/Foster\\_Carer\\_Handbook.pdf](http://www.dhcs.act.gov.au/_data/assets/pdf_file/0019/155035/Foster_Carer_Handbook.pdf)

The information collected in this report has been undertaken on behalf of the Family Inclusion Network in the Australian Capital Territory (FIN ACT Inc.).<sup>6</sup>

The organisation and its members have raised the following issues:

1. Parents and family members are unable to access dedicated support and advocacy services to assist them to effectively navigate child protection services in the ACT.
2. Social and support workers who work with families with specific needs struggle to provide support and advocacy for parents with children in care, in addition to their primary service delivery.

In response to these observations and in line with the Australian Government's Child Protection Framework 2010, the purpose of this research is:

1. Through a questionnaire filled in by service providers, assess the areas of service delivery required by families involved with Child Protection Services in the ACT.
2. From phone interviews with staff of these services, provide a qualitative analysis of their views on the capacity of these organisations to deliver specific support and advocacy for families involved with Child Protection Services in addition to their roles.
3. Using the results from both of these sources, to establish whether there is a need for dedicated support and advocacy services in the ACT for families involved with Child Protection Services.

## **Method**

Data were collected using a tick-box questionnaire which aimed to collect non-identifying statistical information. The information collected included personal information, accommodation type, primary needs, child protection

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<sup>6</sup> <http://www.finact.org.au>

information, previous care experience, referral source, identified supports, income and other agency involvement.

Two non-government service providers in Canberra who, in the course of their work have exposure to families with child protection interventions volunteered to take part in the study. Over a six month period from 1 March to 1 September 2010, the organisations collected these data along with their standard data at client intake. One service (Service A) provides support to individuals and families experiencing homelessness, and the other (Service B) provides support to clients experiencing alcohol and other drug misuse.

The questionnaire data were analysed using the Statistical Package for Social Sciences (SPSS) program.

This research project is a pilot for a planned larger study at The Australian National University.

### **Sample**

There were 31 data records from an unknown number of total clients accessing the two services. Clients were identified as having Child Protection Services interventions either pre removal (for example, a woman might access a homelessness service after coming under departmental scrutiny for living in a vehicle), or post child removal (for example a woman might access a service after having her children removed due to domestic or family violence).

Of the sample of 31 clients:

- ❖ 96.8% were female, and 3.2% were males.<sup>7</sup>
- ❖ Respondents' ages ranged between 18 – 47 years.
- ❖ For 87.1%, relationship status was single and 12.9% were married.
- ❖ 32.3% identified as Aboriginal and Torres Strait Islander.
- ❖ 6.5% identified as from culturally and linguistically diverse backgrounds, with 3.2% requiring the use of an interpreter service.

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<sup>7</sup> In three cases, both parents attended the service. In these situations, the mother was considered the primary carer.

- ❖ The number of children ranged between 1 and 6, the mode being 2 children (32.3%).

The representation rate of Aboriginal and Torres Strait Islander families accessing services is consistent with their over-representation in general child protection statistics.

## **Findings**

### ***1. Child protection information***

Care and protection orders are legal or administrative orders or arrangements which give child protection authorities some responsibility for a child's welfare. The level of responsibility varies with the type of order or arrangement. These orders include interim/temporary assessment or appraisal orders, guardianship or final orders until the child is 18 years, relative/kinship care orders, or supervision orders. Interim and temporary orders allow either:

1. an appraisal in order to assess whether a child is in need of care and protection which may include temporary transfer of parental responsibility to the Department's Chief Executive. These orders last for four weeks, with the potential for one extension of a further four weeks; or
2. An assessment order to enable the Department to arrange for a care and protection assessment of a child or young person. Assessment orders last 10 weeks, with one potential extension for no longer than a further eight weeks.

The departments involvement might take the form of total responsibility for the welfare of the child (for example, guardianship or final orders); or responsibility for overseeing the actions of the person or authority caring for the child (for example supervision orders).<sup>8</sup> In addition, an Enduring Parental Responsibility (EPR) order could be granted to a third party. An EPR order transfers all of the Chief Executive's parental responsibilities, including residency, to a nominated carer. Upon the granting of an EPR order, the

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8 For more information see: Australian Institute of Health and Welfare (AIHW), Child Protection 2010 and the Children and Young Peoples Act, 2008, and [http://www.dhcs.act.gov.au/ocyfs/services/care\\_and\\_protection](http://www.dhcs.act.gov.au/ocyfs/services/care_and_protection)

Chief Executive has no further involvement in the child's life, and the carers are responsible for making all decisions for the child. No families in this study were identified with EPR orders.

The majority of parents had children who were currently on protection orders. A small number of parents still had care of their children but had or were experiencing some level of child protection intervention under a supervision order arrangement. For example, they may have been referred by child protection services to early intervention programs such as parenting support or education services.

83.9% of respondents had children on child protection orders. Of these:

- ❖ 32.3% were on Temporary/Interim Orders
- ❖ 54.8% on Guardianship/Final Orders
- ❖ 16.1% Relative/Kinship Orders
- ❖ 16.1% Supervision Orders

16.1% had no orders but were under the scrutiny of child protection services either pre- or post-care.

In interpreting these data it is important to note that the particular types of orders do not sum to 100% because some families had multiple children on different orders. For example, one person had children on three different types of orders for three different periods of time ranging from supervision orders through to 18 year orders. In addition, their children were living in arrangements which covered both Kinship and Foster care.

Reported care living arrangements were as follows:

- ❖ 48.4% of the children in out of home care are in Kinship Care and 32.3% are in Foster Care.
- ❖ Of the children in out of home care, 9.7% had been placed in care in another state (all in New South Wales).
- ❖ 21.4% were at home.
- ❖ There were no children identified as being in Residential Care (such as group homes with paid staff).

48.4% of respondents had been granted legal aid. Only 16.1% had a lawyer. Parents are generally allocated duty lawyers on the day of presentation to court for child protection hearings. These lawyers usually only provide immediate representation and only occasionally do parents continue with the same lawyer in future hearings. 50.2% of respondents either did not have legal aid or the question was unanswered. Presumably, this means that some parents had no legal representation in their child protection proceedings.

## ***2. Previous care experience***

Almost half of those who had sought assistance from the two services had had some previous experience with care, with 48.4% being removed for some period of time as a child. One client's child is fourth generation in care.

- ❖ 35.5% spent time in care as a child.
- ❖ 12.9% grew up in care.
- ❖ 9.7% had parents in care.
- ❖ 9.7% had siblings in care.
- ❖ 3.2% had grandparents in care.

## ***3. Other agency involvement***

Families with children in care often require a complex range of services encompassing a number of different professional disciplines.

- ❖ 58.1% accessed alcohol and other drug service involvement.
- ❖ 54.8% accessed child and family service involvement.
- ❖ 48.4% accessed a legal service.
- ❖ 32.3% accessed intensive family support service involvement (Child Protection Services).
- ❖ 16.1% accessed a domestic violence service.
- ❖ 12.9% accessed a mental health service.
- ❖ 12.9% accessed Aboriginal and Torres Strait Islander health services.
- ❖ 9.7% accessed other Aboriginal specific services.
- ❖ 6.5% identified support from an unspecified agency.

#### **4. Housing**

Most of the client group either lived alone or resided in a Supported Accommodation Assistance Program (SAAP). SAAP services are transitional supported accommodation and related support services which aim to assist people who are homeless or at risk of homelessness to achieve the maximum possible degree of self-reliance and independence, for example refugees.

- ❖ 25.8% lived in SAAP accommodation.
- ❖ 25.8% lived in their own homes with SAAP outreach (in-home transitional services following a period of time in SAAP accommodation).
- ❖ 16.1% lived with family members.
- ❖ 12.9% lived in shared housing.
- ❖ 9.7% were homeless.
- ❖ 9.7% lived with their children.

It is of note that this question did not separate accommodation type, (for example private rental or public housing), and the question of who people resided with, (for example nuclear family, extended family or friends). The results, therefore, do not conclusively answer either question as a result. This will be amended for the next phase of the research.

#### **5. Income**

The majority of respondents received income from Centrelink (80.7%), with 12.9% reporting no income, and 6.5% reporting receiving a wage.

#### **6. Service Referral**

The majority of respondents were self-referred to the organisation.

- ❖ 58.1% of respondents self-referred to the organisation.
- ❖ 29% of respondents were referred by another non-government organisation.
- ❖ 19% of respondents were referred by a government agency, most commonly the Housing, Health and Child Protection Services.

- ❖ 9.7% of respondents were referred by a hospital.
- ❖ 9.7% of respondents were referred by a friend.
- ❖ 9.7% of respondents were referred by the police.
- ❖ 9.7% of respondents were referred by the courts.
- ❖ 6.5% of respondents were referred by family.
- ❖ 3.2% of respondents referred by a health centre or GP.
- ❖ 3.2% of respondents referred through an unidentified means.

29% of respondents reported multiple referrals.

### **7. Primary Needs**

Respondents often reported seeing complex needs. Among the families presenting as clients, 93.5% identified multiple support needs and, in addition, needs relating to caring for their children and negotiating child protection services. These needs related to what are commonly recognised as basic human requirements such as shelter, family, safety and general aspects of daily living. Identified needs are as follows:

- ❖ 67.7% were in need of housing
- ❖ 61.3% were in need of legal assistance in dealing with child protection
- ❖ 58.1% were in need of support with children
- ❖ 51.6% in need of life skills support
- ❖ 51.6% in need of counseling
- ❖ 35.5% were in need of medical attention
- ❖ 9.7% of psychiatric assistance
- ❖ 9.7% had other unidentified needs
- ❖ 6.5% were in need of culturally specific services.

### **8. Identified supports**

The majority of respondents identified their clients' main supports as non-government organisations. Identified supports were:

- ❖ 71% reported non-government organisations as their primary support.
- ❖ 48.4% reported family as their primary support.
- ❖ 48.4% reported friends as their primary support.
- ❖ 25.8% reported doctors as their primary support.

- ❖ 22.6% reported counselors as their primary support.
- ❖ 6.5% reported church as their primary support.
- ❖ 6.5% reported unspecified supports.

80.6% of respondents reported more than one support.

### **QUALITATIVE DATA**

In addition to collecting quantitative data, a small number of qualitative interviews were conducted with workers in the two organisations that participated in the pilot study about their experiences supporting clients with child protection intervention. Specifically, workers were asked what they felt the challenges were when working with clients with multiple needs and had child protection intervention. Issues to do with resourcing, competency, collaborative working relationships between agencies, and emotional stress on workers were central issues raised. A key issue workers faced was having the time to adequately respond to the complex support needs of clients with child protection intervention. Workers reported that the needs of clients already extended their capacities, and involvement with child protection services added an enormous workload.

Workers felt that supporting clients effectively with child protection involvement with court appearances, child protection care planning meetings and case conferences, preparing and supporting often distressed clients, and legal appointments is a fulltime job on its own. As a result of these challenges, workers reported that often child protection intervention issues slipped through the cracks despite their best endeavours, because there were simply inadequate resources to deal with them. As described by one worker:

“Many of our clients are impacted by homelessness, mental health and drug and alcohol issues and their lives are complex and crisis driven. Our first priority is to assist clients with the immediate crisis, and an exit point into sustainable and affordable housing. We also support clients with a range of other issues, to the best of our ability. However, when a family has child protection authority involvement, it can be difficult to offer the intensive support that is required around this particular issue, partially because of time/resource constraints,

and partially because the child protection system is big, unwieldy and non-transparent. Our experience is that, even with our very best efforts, the support around this issue for families is often ineffectual against the system. To add to the complexity, there is no dedicated service to assist clients with this issue.”

In addition to the issue of staff resources, workers also expressed concern about whether they had the knowledge and skills to best support clients in their dealings with child protection services. In order to effectively support clients, a comprehensive understanding of the Children and Young People’s Act, other legislations such as Human Rights, and an understanding of court procedures and terminologies are all critical to achieving good and fair outcomes for families; however these were identified as mostly outside a worker’s direct area of expertise.

Lack of collaborative working relationships between agencies was also identified as a key challenge. Workers expressed the sentiment that child protection authorities are often obstructionist in their dealings both with parents and their advocates, fail to respond to communications effectively, if at all, do not accurately represent situations, and fail to follow through on stated courses of action. As a result, there is a lack of trust between parents, community service workers and child protection authorities. In one worker’s opinion, this inhibits working relationships and ultimately a positive outcome. They described:

“Providing support and advocacy in this context is particularly challenging because we are fighting for fair and basic human rights for parents and their children within a system that is adversarial and unfair. If CPS workers were to engage with agencies in a proactive manner and consider that we also hold the view that children's interests and safety must be paramount at all times, and that we are regarded with some professionalism, then this would be a much more informative process for parents and the family as a whole”.

In addition to resources, competency, and effective working relationships, supporting clients through this process was identified as emotionally draining for staff of both the organisations who participated in this study. This was

seen as particularly difficult for workers because it is a significant pressure on top of an already predominantly demanding role. As a result of this stress, one worker shared that often other workers prefer not to work with CPS, and therefore only do what they have to. Ultimately, therefore, these challenges lead to less than optimal outcomes for parents, children and community service workers.

## **DISCUSSION**

Families with children in care require a complex range of services encompassing a number of different professional disciplines; this is consistent with the findings of this pilot study. The particular needs of families identified by the organisations include: housing security, legal assistance and needs associated with parenting their children; all of which related to negotiating and understanding child protection processes.

### ***Housing Security***

Almost 70% of clients identified a need for housing. The most recently collected data on homelessness in the ACT shows that 1,364 people are homeless (ABS, 2008). As outlined by the Australian Institute of Health and Welfare, 'homelessness is a complex issue, involving more than just a lack of housing' (AIHW, 2011). Some factors that appeared to increase the risk of homelessness for the people who participated in this study are poverty and low incomes, a lack of affordable housing, poor mental health, drug and alcohol misuse and family and relationship breakdown.

A lack of affordable housing in the ACT is attributed to an ever increasing rise in the cost of renting privately, shorter private rental leases, a decreased availability of public and private rentals and long public housing waitlists. In 2009, 2,600 ACT residents were on public housing waiting lists, with only 600 people being newly accommodated in public housing (ABS, 2010). For families whose children are removed, a loss of income is incurred, which often means that they are forced to move out of private accommodation thus increasing their risk of homelessness. When a family is dependent on housing for having their children returned to them, they can get into a situation of "no kids - no home; no home - no kids". Fundamentally, all of these dynamics not

only contribute to homelessness but are also key contributing factors for child removal.

### ***Legal Assistance***

A high level of need in negotiating child protection interventions was identified by respondents. A primary issue is access to adequate legal services. It was reported that most parents receive notices of court action 72 hours prior to a court appearance. This leaves little time to apply for legal aid, find and then effectively consult with a lawyer. Respondents reported that acquiring legal assistance often took place in the courthouse on the day of proceedings. This raises a myriad of procedural fairness issues for families. Tyler proposes that willingness to accept legal authority is strongly linked to the way people perceive and evaluate procedural justice and the courts (Tyler, 2008). In addition he contends that procedural justice elicits cooperation (Tyler, 1990). For example, authorities may not be able to provide what people want in terms of desired outcomes because it may be harmful to someone else; however, they can show respect through abiding by due process and ensuring people have a voice and an opportunity to tell their side of the story. Tyler essentially argues that procedural justice does more than give authority legitimacy: it is likely to lead to shared values which, in turn, then lead to cooperation and compliance with the law (2008).

The challenges in confronting the legal system were a preoccupation in the qualitative interviews. Organisations said their clients saw the legal and court systems they confronted as overwhelming, confusing and alienating. The powerlessness expressed in the qualitative analysis related not only to the court proceedings but to the entire legal process. Many studies from around Australia have identified a lack of transparency, arbitrary and shifting requirements, and unrealistic tasks as common aspects of families' experience with child protection systems (Harries, 2008; Mullighan, 2008; De Maio et al, 2006; Ford, 2007; Forde, 1999; Woods, 2008; Family Inclusion Network, 2007). Add this lack of transparency and arbitrary requirements to the complexity of the specific knowledge required around the legislative processes of child protection, the results of this pilot study suggest that continuing not to provide support and advocacy services for parents with children in out of home care is a human rights and procedural justice issue

which cannot continue to be ignored. Community service organisations reported being challenged in their engagements with the legal process. As identified in the qualitative analysis, in order to effectively support clients a comprehensive understanding of the Children and Young Peoples Act, other legislation such as Human Rights, and an understanding of court procedures and terminologies are all critical when working with families. However, such knowledge and experience is often outside a worker's direct area of expertise.

### ***Parenting and life skills***

Engagement with authorities and organisations was particularly complicated by limited life skills, which inhibit informed decisions, effective communication, coping and self-management. These skills are not only critical for clients' engagements with procedural justice in the child protection process, but also in their day to day lives. Supporting clients with limited life skills is key role of these organisations. It is also an important role for the children of clients accessing services; to ensure they receive the education, stability and resources they require to lead future full and productive lives. Furthermore, for both parents and their children, support with life skills is also important for the development of social and family connectedness.

In an attempt to address the multi service requirements of young people the ACT government has developed the turnaround program. Turnaround Program ACT embraces the principles of wraparound services which are currently aimed at young people with multiple needs in care (Wyles, 2007). The service appears to be at the latter end of the cycle of care and protection rather than as an early intervention program for families. The data collected in this pilot study also suggests that this program is not currently being used in the early stages of child protection interventions. Wraparound services have proven successful in creating positive outcomes for young people in key life domains (RPR Consulting 2002). Given the extensive, multiple and complex needs of families identified by the respondents in this pilot study, it is useful to consider a wraparound model of services, including an independent, dedicated support and advocacy service to assist parents and families understand and negotiate all aspects of the child protection process

fairly. It is essential this be done in a way which builds on the strengths and capacities of families, and in addition, in a way which cultivates respectful relationships between parents and family members, community service agencies and child protection workers.

### ***Challenges for workers***

In the qualitative discussions a lack of collaborative working relationships between agencies and child protection authorities was identified as a key challenge. Workers expressed the opinion that child protection authorities do not accurately represent situations and often fail to follow through on stated courses of action, inhibiting an effective working relationship between community organisations and child protection authorities. The findings in this pilot mirror the preliminary finds in a recent survey which examined the perceptions of third parties dealing with child protection authorities around Australia (Ivec et al, 2011). This national survey found that only 21% of participants felt that child protection authorities told the truth in their discussions with them, 45% said that child protection authorities withheld information for no apparent reason, and only 22% said that they felt that child protection authorities listened to the views of their workers (Ivec et al, 2011: 15). Fostering trust and respect between community service organisation and child protection authorities is essential to creating fair and equitable outcomes for parents, their children and their families.

### ***Previous child protection experience***

Finally, almost half of the participants (48.4%) had experienced some level of child protection intervention in their own childhoods. The poor outcomes for children who have experienced out of home care are well documented (Morgan Disney, 2006; Mullighan, 2008; Woods, 2009). This raises interesting questions about whether the state, when it has previously been the parent, needs to think and act differently in potential or actual removal of the children of these particular families. The state needs to consider more thoughtfully its responsibilities as a 'grandparent' to a new generation of children who have captured the attention of child protection authorities.

## **CONCLUSION**

The findings in this pilot study indicate that families with children in statutory care require a complex range of services encompassing a number of different professional disciplines. The main findings are that housing security, access to legal services and life skills development are significant factors that affect this group.

Of the 31 families identified with child protection intervention, 54.8% had children on guardianship/final orders till 18 years, indicating they will be dealing with child protection processes over an extended period of time. However, the study showed that often families have limited life skills for making informed decisions and effectively communicating with statutory authorities. Moreover, they are not well equipped to negotiate procedural justice in the child protection process and, equally important, to effectively develop social and family connectedness. The study found that this group relied heavily on community service organisations to assist them negotiate the child protection system, as there is not a specific service currently performing this role.

Although the ACT government has developed a number of programs, it is apparent that the specific needs of parents and family members who have had their children removed are not included in these service provisions. The study finds that the two participating organisations struggle to provide child protection advocacy and support to parents and family members in addition to their own service provision, and that their time and resources are clearly stretched to capacity. This pilot study strongly suggests a need for a dedicated support and advocacy service for parents and family members experiencing child protection interventions.

The next step is to roll out this pilot to collect data from a number of agencies across the community sector. The potential for conducting similar research in other jurisdictions is and will continue to be explored with interested parties in the government and non-government sectors.

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