

Healthy Start would like to acknowledge and thank Jeanette Lee of Yooralla, members of Parents with Disability Vic, and Dr Margaret Spencer of the Intellectual Disability Rights Service for their contribution to the development of this Practice Point.

## Practice Point: Advocacy Support During Child Protection Involvement

Being involved with the child protection and court system because you've been told that your child is at risk or might be taken into care can be a highly stressful and confusing time for any parent. Experts say that when parents with learning difficulties are involved in the child protection system, it is particularly important that they are supported by a legal advocate. However, there is limited formal advocacy available, so other professionals involved need to ensure parents with learning difficulties are aware of their rights and are supported to understand the legal process. This Practice Point explains the advocacy role that any professional can take on.

### Key facts

#### What is advocacy?

In broad terms, advocacy for parents with learning difficulties can be defined as speaking, acting or writing, with minimal conflict of interest, on behalf of the interests of a parent or family, in order to promote, protect and defend the welfare of, and justice for, either the parent or family by:

- being on their side and no-one else's
- being primarily concerned with their fundamental needs
- remaining loyal and accountable to them in a way which is empathic and vigorous.

*(Women with Disabilities Australia, 2007)*

Being an advocate is not about voicing your own opinion, it is about ensuring the parent's voice is heard. It is also about being a translator, helping the parent understand and be understood.

Practical advocate support might include helping the parent find the support they need, going to court sessions, helping the parent make and attend appointments, or simply being a non-judgemental ear. The specific type of advocacy that a parent with learning difficulties might need will depend on their individual circumstances.

In Australia, there are a number of highly regarded advocacy groups, including Disability, Advocacy and Information Service (DAIS), Disability Advocacy Network Australia (DANA), Intellectual Disability Rights Service, People with Disability Australia, Reinforce, Working Alongside People with Intellectual and Learning Disabilities (WWILD), Victorian Advocacy League for Individuals with Disability (VALID) and Yooralla.

### What we know

When a parent is identified as having learning difficulties, a referral is often made to child protection services in the hope that this will enable families to access other programs or services. However, it is widely argued that parents instead are faced with a system which discriminates against them, and they are subjected to unwelcome and unnecessary scrutiny of their parenting skills.

Parents with learning difficulties can lack confidence in navigating their way through the child protection system and voicing their concerns. They might also avoid services altogether because of previous negative experiences, or because they are worried that something they say will be used against them. Parents with limited reading and writing skills might also struggle to understand information about the legal process because information is often only available in writing, such as on websites, or in brochures or booklets. It is important that these parents get professional advocacy support.

For advocacy to be successful the advocate needs to be professional, committed and available. If you are trying to work as an advocate in addition to your usual role, lack of time can be a barrier.

It is also important to acknowledge that successful advocacy does not necessarily mean the parent keeps custody of their child. A professional in the UK explains that advocacy “is a success if parents understand what is happening, however, a lot of the time it’s not going to change the outcome”.

### **Practice tips**

Before you take on an advocacy role, you should make sure you have a good understanding of the child protection process. Your role might include (adapted from Ward & Tarleton, 2010):

- Explaining what is happening, and making sure that the parent understands the different roles of the professionals involved in the child protection proceedings. Multiple services are often involved with the family and clarifying who’s who will help the parent to know who to talk to about what
- Making sure everyone involved uses accessible language. Where legal jargon is used, clarify the meaning and check that the parent has understood (see Tip sheet: Checking for Understanding)
- Making sure that the professionals involved become familiar with research that shows that learning difficulties do not predict parenting competence and are not an impossible barrier to learning. You can encourage professionals to examine their own beliefs and assumptions in this area (see Practice Point: Child Protection and Practice Point: Child facts and stereotypes)
- Encouraging the professionals involved to be aware that if previous attempts at parenting courses have been unsuccessful, it is likely to be because the course was unsuitable for someone with learning difficulties, rather than because the parent can’t learn
- Helping parents to speak, or speaking on their behalf, as required.
- Making sure parents have access to reports and time to understand the contents and put forward their own views on them
- Keeping a diary of meetings, phone calls, and conversations for the parents
- Engaging solicitors where necessary and supporting parents to meet them
- Clarifying important messages from the legal team, and checking that the parent has understood them
- Visiting the court with the parent before the hearing to help them familiarise themselves with the location and the procedures
- Going to court during the hearing

- Explaining the advocate’s role to the court, and asking for any special measures that might help the parent, for example, a break in sessions or permission for parents to enter court only when their presence is explicitly required
- Making sure the parent understands that they can contest a decision
- Providing the parent with emotional support (see Readable Research: Narratives of mothers with intellectual disability whose children have been compulsorily removed).

As an advocate for a parent with learning difficulties you have the opportunity to help legal and justice professionals understand what type of supports are appropriate for these parents.

***Want to know more?***

Read the following Practice Points from the Healthy Start website [www.healthystart.net.au](http://www.healthystart.net.au):

- Child Protection
- Learning Difficulties: Myths and Facts
- Tailor Services to Learning Needs
- Check for Understanding
- Parenting Assessment
- Parent Education

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