

# POLICY FUTURES

## *A Reform Agenda*



### By Matthew Wilson

Churchill Fellow 2020

*To investigate innovative court-based approaches to infants in care and protection proceedings – UK, USA.*

## Improving the lifelong trajectory of Australian infants in out-of-home care

### An evidence-based case for a Specialist Infant Court

Infants are significantly over-represented in rates of entry into out-of-home care in every Australian care and protection jurisdiction. Furthermore, First Nations infants are 16 times more likely to enter OoHC than non-First Nations Infants. Traditional adversarial approaches in Australia's care and protection jurisdictions lack optimal efficacy and efficiency. Due to the critical neuro-developmental processes of infancy, where infants enter out-of-home care due to abuse and neglect, they are likely to experience developmental impacts, resulting in adverse longer-term biopsychosocial outcomes extending throughout their lifespan.

Evidence-based specialist infant courts achieve quicker and more sustainable rates of reunification, and a reduction in future abuse or neglect in more than 100 jurisdictions throughout 36 states in the US. Australia needs specialist Infant Courts to provide a viable innovation for a sector crying out for reform.

## Key Policy Recommendations

1

It is recommended that Australia's care and protection jurisdictions invest in evidence-based, solution focussed approaches such as a Specialist Infant Court over traditional adversarial approaches to jurisprudence which fail to contribute to urgent reform within the child protection and child and family welfare sectors.

2

Specifically, it is recommended that funding is provided by the Victorian Government to allow for a three year pilot and evaluation in what is arguably already Australia's most innovative care and protection jurisdiction in the Children's Court of Victoria, building on the successful solution-focussed approaches currently underway in the Family Drug Treatment Court and Marram-Ngala Ganbu.

3

In designing a First Nation's-focussed element of a Specialist Infant Court, it is recommended that ongoing consultation with First Nations communities continue to occur with respect to the development of a model and approach that meets the needs of their families and communities. It is recommended that the design of the elements of a Specialist Infant Court model that address the cultural and community support needs of First Nations participants adopts a First Nations led and self-determined process at a community level.

### For further details, please contact:

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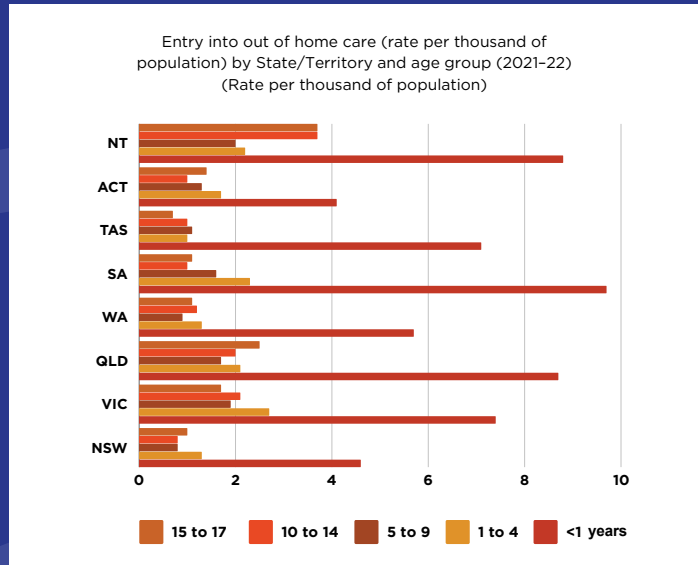
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## Closing the Gap

Infants are significantly over-represented in entry to out-of-home care in every Australian care and protection jurisdiction.

First Nation's infants are **16x** more likely to enter out-of-home care than non-First Nations infants – a worsening problem despite the National Agreement on Closing the Gap's crucial socioeconomic target of reducing the over-representation of First nations children in out-of-home care by **45% by 2031**.



### Why it matters

Due to the critical neurodevelopmental tasks of infancy, infants in out-of-home care are more likely to experience developmental delays, adverse physical health, attachment problems and are more likely to experience adverse longer term outcomes than other children.



### Evidence Base

Evidence-based specialist infant courts in over **100 jurisdictions** throughout the US see:

Infants exit out-of-home care up to **3x** faster than those in traditional justice approaches, and are **5x** times less likely to re-enter.

A significant reduction in future applications relating to abuse or neglect in participant families.



### Current trend



Cost-benefit analysis has found that 75% of specialist infant court costs are mitigated by out-of-home cost avoidance alone, and that further cost benefit is achieved through disrupting life-long, often intergenerational, patterns of dysfunction and disadvantage.