

## Disability, domestic violence a 'catch 22' as Indigenous children removed from mothers, royal commission hears

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The disability royal commission has heard the child protection system is stacked against Indigenous women living with disability. (Supplied: Victorian Aboriginal Child Care Agency)

Babies are being removed at birth from First Nations mothers living with disabilities, the disability royal commission has heard.

Thelma Schwartz, the principal legal officer at the Queensland Indigenous Family Violence Legal Service, has told the Commonwealth inquiry the child protection system is "bleak" and in "crisis".

Giving evidence in Brisbane, Ms Schwartz said she had witnessed the removal of Indigenous babies first hand.

"I would call it a heinous practice," she said.

"It's a system where there is no hope for an individual and it traps people into this cycle that they can't get out of."

The Torres Strait Islander woman, who has worked for the service since 2005, said the system was stacked against First Nations women with disabilities.

She pointed to instances where women in violent relationships were encouraged to reach out for support, but in doing so, would prompt an alert to authorities about the protection of their children.

"She's already on the back foot because of her disability," Ms Schwartz said.

### Key points:

- Disability royal commission hears testimony from First Nations people in Queensland
- One legal advocate says she has witnessed the removal of children from mothers living with disability
- She has called it a "heinous practice" and believes the child protection system is in crisis



Thelma Schwartz says she witnessed the removal of children from mothers with disabilities

"By coming forward and making the disclosure that you've been a victim ... this is now used as a catch 22 for this mother and used against her to remove her kids."

Ms Schwartz said the "sad reality" of her more than 20 years of legal practice was that she had dealt with removal in multiple generations of individual families.

"I have seen and represented grandparents, adults and children who have all had connection with the child protection system unfortunately."

### **'It is a system in crisis'**

In relation to Aboriginal and Torres Strait Islander issues, Ms Schwartz said there was a "sense of inquiry and report fatigue".

"It is a system in crisis and I can't accept that it is a system that is not broken, that does not require to be fixed," she said.

In her evidence, Ms Schwartz referred to recent high-profile cases in Queensland, including the death of four-year-old Willow Dunn who lived with Down syndrome as well as the discovery in May of two autistic teenage boys locked away and living in squalid conditions.

"I cannot accept that we, in a modern society, cannot change trajectories," she said.

"Particularly the appalling trajectory in relation to out-of-home care and over-representation of Aboriginal and Torres Strait Islander people."

Representatives of the Queensland Department of Children, Youth Justice and Multicultural Affairs told the hearing there were 10,200 children in the state in out-of-home care and 43 per cent were First Nations children.

While they admitted there were no firm numbers on children living with disabilities in the system, they estimated it was about 20 per cent.

The disability royal commission hearing into First Nations people with disabilities and their interactions with the child protection system continues until Friday.