

15 June 2023

Anne Hollonds
National Children's Commissioner
Australian Human Rights Commission
By email: youthjusticereform@humanrights.gov.au

Dear Ms Hollonds

Youth justice and child wellbeing reform across Australia

Thank you for the opportunity to provide a submission on this topic.

Legal Aid NSW assists many children and young people with legal matters. Our criminal law division provides specialised advice and representation to children and young people involved in criminal cases in the Children's Court. Through our family law division Legal Aid NSW provides specialist advice and representation for children in care and protection cases before the Children's Court. Our Children's Civil Law Service (**CCLS**) provides a targeted and holistic legal service to young people identified as having complex needs, particularly those in out of home care (**OOHC**).

Factors that contribute to a child's involvement in the youth justice system

A history of OOHC

A history of residential OOHC is a common theme identified by our lawyers as a factor contributing to a child's entry into the youth justice system. This observation is supported by research which has shown children in OOHC are over-represented in the youth justice system both internationally¹ and in Australia.² In Australia each year, around 3.2% of all children are assisted by child protection systems,³ however these children make up around half of those appearing before the NSW Children's Court.⁴ The experience of OOHC has been found to result in criminalisation above and beyond the influence of factors caused by trauma and associated behavioural problems.⁵ This occurs by way of a 'care-criminalisation' process, by

¹ See, for example; Stanley E 2017. From care to custody: Trajectories of children in post-war New Zealand. *Youth Justice* 17(1): 57–72 & Ryan JP & Testa MF 2005. Child maltreatment and juvenile delinquency: Investigating the role of placement and placement instability. *Children and Youth Services Review* 27(3): 227–249.

² See, for example: Legal Aid NSW 2011. *The drift from care to crime: A Legal Aid NSW issues paper*. October. Sydney: Legal Aid NSW, McFarlane K 2010. From care to custody: Young women in out-of-home care in the criminal justice system. *Current Issues in Criminal Justice* 22(2): 345–353, Malvaso CG & Delfabbro P 2015. Offending behaviour among young people with complex needs in the Australian out-of-home care system. *Journal of Child and Family Studies* 24(12): 3561–3569. DOI: 10.1007/s10826-015-0157-z, Ringland C, Weatherburn D & Poynton S 2015. *Can child protection data improve the prediction of re-offending in young persons?* Crime and Justice Bulletin no. 188. Sydney: NSW Bureau of Crime Statistics and Research AND Wood J 2008. *Report of the Special Commission of Inquiry into Child Protection Services in New South Wales*.

³ Australian Institute of Health and Welfare, Child Protection Australia 2020-2021, 15 June 2022, Available here: [Child protection Australia 2020–21, Summary - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2020-21-summary)

⁴ Kath McFarlane, 'Care-criminalisation: The involvement of children in out-of-home care in the New South Wales criminal justice system' (2018) 51(3) *Australian and New Zealand Journal of Criminology* 412, 421

⁵ See, for example Carr N & McAlister S 2016. The double-bind: Looked after children, care leavers and criminal justice. In P Mendes & P Snow (eds), *Young people transitioning from out-of-home care: International research, policy and practice*. London: Palgrave Macmillan UK: 3–21, Shaw J 2016. Policy, practice and perceptions: Exploring the criminalisation of children's home residents in England. *Youth Justice* 16(2): 147–161, Staines J 2016. *Risk, adverse influence and criminalisation: Understanding*

which children in OOHC are arrested for behaviour that would usually result in a disciplinary response from parents and not a youth justice response from police officers. We have observed some OOHC service providers use the youth justice system to attempt to show children in their care that there are consequences for their behaviour, regardless of the inappropriateness of this approach.

In 2016, to try to address this issue the *Joint Protocol to Reduce the Contact of Young People in Residential Care with the Criminal Justice System (Joint Protocol)* was introduced.⁶ The *Joint Protocol*⁷ is a partnership between the NSW Department of Communities and Justice (DCJ), funded service providers and the NSW Police and provides child protection, youth justice, police and residential OOHC staff with directions on how to respond to children who may exhibit difficult, complex, or offending behaviours and prevent their unnecessary criminalisation. We acknowledge the positive steps made in this area however despite the implementation of the *Joint Protocol* in 2016 a recent study confirmed what our solicitors have observed; children in OOHC continue to be inappropriately criminalised for behaviours that occur in the OOHC environment.⁸ In our experience knowledge of the *Joint Protocol* is limited, which may be impacting its effectiveness. We recommend increased training around the *Joint Protocol* for both police and the OOHC workforce.

This same Australian study looked to the UK for ways Australia can address care-criminalisation.⁹ A range of measures introduced in the UK sought to move away from a sanction-based, punitive mode of responding to children to a restorative justice approach. The use of repeated diversion, a national policy framework and investment in cultural change have led to a significant decline in the number of children from OOHC appearing in the UK courts. An important aspect of the UK model is recognition of the need for a partnership between residential OOHC providers and the police at a local level. In a particular UK county significant work was undertaken to build relationships at a local level, and this led to no new children entering the youth justice system from the OOHC system over a two-year period.¹⁰ This result shows the importance of local relationships and engagement between residential OOHC providers and police. In NSW we have observed that relationships between police and residential OOHC providers are often strained, with police feeling their time is being wasted by continuous callouts for minor matters, and residential OOHC providers feeling police are 'failing the children' and providing staff with inadequate support.

Another important aspect of the UK model was a focus on building the skills of the residential OOHC workforce. In NSW this workforce generally has limited training and is highly casual. In the UK, carers were trained in social pedagogy and were taught skills that they could deploy to better manage situations and de-escalate conflict.¹¹ In doing so, they sought to shift the narrative from one based on control and social order to one focused on sharing responsibility

the over-representation of looked after children in the youth justice system. London: Prison Reform Trust, Stanley E 2017. From care to custody: Trajectories of children in post-war New Zealand. *Youth Justice* 17(1): 57–72

⁶ *Joint Protocol to Reduce the Contact of Young People in Residential Out of Home Care with the Criminal Justice System* (2019). Available at: <https://www.facs.nsw.gov.au/download?file=585726>.

⁷ We note that QLD produced a similar protocol and practice guidelines in 2018 titled: *Joint protocol to reduce the contact of young people in residential out of home care with the criminal justice system* and the associated *Practice Guidelines Reducing Preventable Police Call-outs to Residential Care Services Guide 1*. In 2019 NT produced the *Protocol for Police Contact with Children Living in Therapeutic Residential Care* and then VIC in 2020 released the: *Framework to reduce criminalisation of young people in residential care*. No other Australian states or territories have produced similar protocols to date.

⁸ Emma Colvin, Alison Gerard, Andrew McGrath, Children in out-of-home care and the criminal justice system: A mixed-method study. *Report to the Criminology Research Advisory Council Grant: CRG 22/16–17* September 2020, page 27

⁹ Emma Colvin, Alison Gerard, Andrew McGrath, Children in out-of-home care and the criminal justice system: A mixed-method study. *Report to the Criminology Research Advisory Council Grant: CRG 22/16–17* September 2020

¹⁰ Emma Colvin, Alison Gerard, Andrew McGrath, Children in out-of-home care and the criminal justice system: A mixed-method study. *Report to the Criminology Research Advisory Council Grant: CRG 22/16–17* September 2020

¹¹ Social pedagogy is a holistic approach towards children's experiential learning. It is about constantly creating and providing opportunities for learning through interaction with children, joint activities, being in a relationship and connection to others. It is concerned with holistic learning, wellbeing and happiness, empowerment and relationships.

with children to achieve a safer care environment.¹² The UK model also involved greater oversight and accountability when children in care were criminalised. Individual cases of children in OOHC who are still being criminalised are monitored, reviewed and reflected upon by a multi-agency panel.¹³ This oversight and reflective practice is not present in NSW.

A history of complex trauma, mental health issues and/or disabilities

Complex backgrounds of trauma for children can often lead to health issues. Children in OOHC are more likely than non-care children to experience mental health conditions¹⁴ and disabilities¹⁵ (particularly neuro-disabilities, including Fetal Alcohol Spectrum Disorder (FASD)).¹⁶ ¹⁷ It is estimated that, on average, 17% of children in OOHC are living with FASD, a rate that is 19 times higher than the general population.¹⁸ Children with cognitive disabilities are particularly susceptible to contact with the youth justice system as they experience trouble with memory, attention, impulse control, communication, difficulties withstanding peer pressure, controlling frustration and anger.¹⁹

Concerningly, in Legal Aid NSW's experience, there is a high prevalence of children with undiagnosed disabilities being criminalised. A recent study found that for 29% of children with intellectual disability in the youth justice system, this disability was only diagnosed after they became involved with the criminal justice system.²⁰ In our experience, it is often not until Legal Aid NSW funds a medical report for the purpose of court proceedings that a diagnosis is made. A lack of diagnosis excludes access to programs and services that could improve support and reduce criminalisation. We recommend free diagnostic services be made available for children showing problematic behaviours at a much earlier stage. We also recommend universal screening for neurodevelopmental and cognitive impairment of children in contact with the youth justice system and the establishment of pathways to the NDIS for this cohort. Once a diagnosis has occurred these children should be provided with intensive, holistic, therapeutic services.

Disengagement from education

Engagement in education reduces the risk that a child will become criminalised.²¹ A lack of engagement with education (sometimes for many years) is a common characteristic of children who end up involved with the criminal justice system. Often these children have been regularly excluded from school due to suspensions for behavioural problems that stem from complex trauma, mental health conditions and/or intellectual disabilities (discussed above).

¹² Emma Colvin, Alison Gerard, Andrew McGrath, Children in out-of-home care and the criminal justice system: A mixed-method study. *Report to the Criminology Research Advisory Council Grant: CRG 22/16–17* September 2020, page 50

¹³ Emma Colvin, Alison Gerard, Andrew McGrath, Children in out-of-home care and the criminal justice system: A mixed-method study. *Report to the Criminology Research Advisory Council Grant: CRG 22/16–17* September 2020, 51

¹⁴ Emma Colvin, Alison Gerard, Andrew McGrath, Children in out-of-home care and the criminal justice system: A mixed-method study. *Report to the Criminology Research Advisory Council Grant: CRG 22/16–17* September 2020, viii

¹⁵ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Violence and Abuse of People with Disability at Home* (Issues Paper, 2 December 2020) 5, citing Royal Commission into Institutional Responses to Child Sexual Abuse, *Contemporary Out-of-home Care* (Final Report Vol 12, 2017) 59, 123, 217. Also see Australian Institute of Health and Welfare ('AIHW'), *Child Protection Australia 2019–20* (Report, Child Welfare Series No. 74, Cat. no. CWS 78, 2021).

¹⁶ McLean, S., & McDougall, S. (2014) Fetal alcohol spectrum disorder: Current issues in awareness, prevention and intervention. CFCA Paper No. 29 Published by the Australian Institute of Family Studies, December 2014

¹⁷ FASD is a diagnostic term for severe neurodevelopmental impairments caused by alcohol exposure before birth. FASD affects the ability to think, learn, focus attention and control behaviour and emotions. People with FASD can be impulsive, often have low self-esteem and mental health problems and an inability to predict the consequences of their actions-Telethon Kids Institute, *Fetal Alcohol Spectrum Disorder (FASD)*, <https://www.telethonkids.org.au/our-research/research-topics/fetal-alcohol-spectrum-disorder-fasd/>, viewed on 14 December 2022.

¹⁸ Lange S., Shiel, K., Rehn, J., & Popova, S. (2013). Prevalence of Fetal Alcohol Spectrum Disorders in Child Care Settings: A Meta-analysis. *Pediatrics*; 132: e980-e995.

¹⁹ Cunneen C, (2017) *Arguments for Raising the Minimum Age of Criminal Responsibility*, Research Report, Comparative Youth Penalty Project, University of New South Wales, <http://cypp.unsw.edu.au/node/146>, p. 10.

²⁰ Susan Baidawi & Rosemary Sheehan, 'Cross-over kids': *Effective responses to children and young people in the youth justice and statutory child protection systems*, Final Report to the Australian Institute of Criminology Criminology Research Advisory Council, CRG03/15-16, December 2019.

²¹ The Victoria Institute, *Education at the Heart of the Children's Court Evaluation of the Education Justice Initiative* (Final Report, December 2015) 2.

We suggest that the various education departments review their policies and procedures relating to student behaviour and suspension and consider whether a greater focus could be put on investigating and addressing the causes of problematic behaviour. This could include improving communication between education, child protection, and health to facilitate screening of and treatment for children at an early stage when they first show signs of complex trauma, mental health or disabilities. We note that the NSW government recently made positive changes in this regard by updating its 'Student Discipline in Government Schools Policy' and that it is currently conducting a review into its student behaviour policies and procedures.

Option for reform: Raising Australia's minimum age of criminal responsibility

Research consistently demonstrates that the youngest children in the justice system are most often Aboriginal and/or Torres Strait Islander children, those with disability, and those who are involved in child protection systems.²² In Australia, the minimum age of criminal responsibility is just 10 years of age.²³ This is inconsistent with international human rights law. The UN Committee on the Rights of the Child has provided guidance to state parties on an appropriate minimum age of criminal responsibility that is in compliance with the United Nations Convention on the Rights of the Child (**UNCRC**). In the 2018 General Comment, the UN Committee on the Rights of the Child noted that 12 years should be considered the absolute minimum and regarded this as still low. The Committee encouraged State Parties to increase their minimum age of criminal responsibility to at least 14.²⁴ There is considerable evidence in the fields of child development and neuroscience which indicates that maturity and the capacity for abstract reasoning is still evolving in children aged 12 to 13 years due to the fact that their frontal cortex is still developing, therefore children below the age of 14 are unlikely to understand the impact of their actions or to comprehend criminal proceedings.²⁵

In 2005²⁶, 2012²⁷ and again in 2019²⁸ the United Nations Committee on the Rights of the Child specifically reviewed Australia's compliance with the UNCRC and recommended Australia raise its minimum age of criminal responsibility 'to an internationally acceptable level'.²⁹ There have been four other recent UN bodies that have recommended raising the minimum age of criminal responsibility, being the United Nations Committee against Torture,³⁰ the United Nations Special Rapporteur on Rights of Indigenous People³¹, United Nations Committee on

²² Susan Baidawi & Alex R. Piquero, 'Neurodisability among children at the nexus of the child welfare and youth justice system', (2021), vol 50 (4), *Journal of Youth & Adolescence*, pp 803-819.

²³ *Crimes Act 1914, s4M & Criminal Code Act 1995, s7.1.*

²⁴ UN Committee on the Rights of the Child, *General Comment No. 24 (2011), replacing General Comment No. 10 (2007): Children's Rights in Juvenile Justice*, 1.

²⁵ United Nations Convention on the Rights of the Child, General comment No. 24 (2019) on children's rights in the child justice system (18 September 2019), 22

²⁶ UN Committee on the Rights of the Child, *Consideration of reports submitted by States Parties Under article 44 of the Convention: Concluding Observations - Australia* (20 October 2005), CRC/C/15/Add.268.

²⁷ UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under Article 44 of the Convention – Concluding observations: Australia* (28 August 2012), CRC/C/AUS/CO/4.

²⁸ UN Committee on the Rights of the Child, *Concluding Observations on the combined fifth and sixth period reports of Australia*, 30 September 2019, at 48 (a).

²⁹ UN Committee on the Rights of the Child, *Concluding Observations on the combined fifth and sixth period reports of Australia*, 30 September 2019, at 48 (a).

³⁰ In late 2022 the United Nations Committee against Torture released its concluding observations on the sixth periodic report of Australia. The report notes the committee is "seriously concerned" about the "very low" age of criminal responsibility in Australia. The report recommends Australia bring its child justice system fully into line with the UNCRC including by raising the minimum age of criminal responsibility, in accordance with international standards- *Concluding observations on the sixth periodic report of Australia*, United Nations Committee against Torture, 38(a)

³¹ In her 2017 visit to Australia, the United Nations Special Rapporteur on the Rights of Indigenous People noted that the 'incredibly high rate of incarceration of Aboriginal and Torres Strait Islanders, including women and children, is a major human rights concern'. She was particularly concerned about the incarceration of Aboriginal and Torres Strait Islander children for mostly relatively minor non-violent offences and noted "It is completely inappropriate to detain these children in punitive, rather than rehabilitative, conditions. They are essentially being punished for being poor and in most cases, prison will only aggravate the cycle of violence, poverty and crime. I found meeting young children, some only twelve years old, in detention the most disturbing element of my visit". As recommended by the Committee on the Rights of the Child, the Special Rapporteur urged Australia to increase its minimum age of criminal responsibility- Tauli-Corpuz, V, 'End of Mission Statement by the United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz on her visit to Australia' (2017), 10.

the Elimination of Racial Discrimination,³² and the United Nations Global Study on Children Deprived of Liberty.³³ Despite strong comments by multiple UN bodies, Australia is yet to take action on this issue and is therefore failing to protect the rights of these vulnerable children. Legal Aid NSW argues that raising the minimum age of criminal responsibility is an important tool in protecting the rights and wellbeing of children and diverting them away from the youth justice system.

Other options for reform

For many children, involvement in the youth justice system is not an appropriate response to problematic behaviour as it further damages and disadvantages already traumatised and vulnerable children and has little deterrent effect.³⁴ While young people commit a disproportionate amount of crime, most will not go on to offend throughout adulthood.³⁵ This general trajectory of juvenile offending highlights the importance of a diversionary response to most offending by young people. Diversion provides a “swift and economically efficient response to offending, which is often non-serious and transient in nature”.³⁶ It can also minimise the “criminogenic effects of formal justice system contact as a result of negative labelling and stigmatisation”. Diversion can also provide an opportunity to address underlying risk factors that may cause or contribute to offending behaviour in young people. We consider that diversion from traditional criminal justice processes should be accompanied by an investment in interventions. In NSW, such investment should include:

- Increasing the type and number of offences that are able to be diverted under the *Young Offenders Act 1997* (NSW) and equivalent acts across Australian jurisdictions to allow more children to receive police cautions and other diversionary options.
- Expansion of diversionary programs such as Youth on Track.³⁷
- The expansion of youth drug and alcohol rehabilitation services and the development of diversionary treatment programs similar to the Magistrates Early Referral Into Treatment (**MERIT**),³⁸ appropriately adapted and resourced for children across Australian jurisdictions.
- The expansion of Youth Koori Court.³⁹ This is particularly important given statistics across Australia consistently show a gross over-representation of young Aboriginal

³² They noted the higher risk of indigenous children being removed from their families and placed in alternative care and expressed its ‘deep concern’ at the high proportion of indigenous children in the criminal justice system, some at a very young age. The Committee was also concerned about the conditions in which these children were held, noting its concerns extended not only to the Northern Territory. The Committee called upon Australia to raise its minimum age of criminal responsibility- United Nations Committee on the Elimination of Racial Discrimination, ‘Concluding observations on the eighteenth to twentieth periodic reports of Australia’, (8 December 2017).

³³ Although not specifically aimed at Australia, the 2019 Report of the Independent Expert leading the United Nations Global Study on children deprived of liberty recommended that States should establish a minimum age of criminal responsibility which shall not be below 14 years of age. The Report also recommended that State Parties should prioritise restorative justice, diversion from judicial proceedings and non-custodial solutions- Report of the Independent Expert leading the United Nations Global study on children deprived of liberty (2019), 109.

³⁴ Royal Australian College of Physicians, Submission to the Council of Attorneys General Working Group reviewing the Age of Criminal Responsibility, February 2020, p. 3.

³⁵ For example, a 2015 BOCSAR study of a subset of the young offenders’ population in NSW across 10 years found that over 42% of the cohort had no further contact with the criminal justice system, and just over 17% had only one reconviction in the 10 years following their first contact. The study cautioned that “the risk, speed, and frequency of reoffending was not universal and risk factors such as gender, age of first contact, sentence at first contact and Indigenous status all influenced the likelihood of reconviction”- Jason Payne and Don Weatherburn ‘Juvenile reoffending: a ten-year retrospective cohort analysis’ (2015) 50(4) *Australian Journal of Social Issues* 349.

³⁶ Troy Allard, Anna Stewart, April Chrzanowski, James Ogilvie, Dan Birks and Simon Little, “Police diversion of young offenders and Indigenous over-representation”, *Trends and Issues in Crime and Criminal Justice* No. 390, Australian Institute of Criminology (March 2010), p1.

³⁷ Youth on Track is a program helping young people reduce their risk of re-offending or committing more serious offences. The program works with the young person, their family, non-government organisations (NGOs), caseworkers, and members of Youth Justice, to help a young person make better decisions about their life- [Youth on Track | NSW Government](#)

³⁸ The Magistrates Early Referral Into Treatment (MERIT) program is a voluntary, pre-plea program for adults appearing on charges before the NSW Local Court who have issues related to their alcohol and other drug use- [The Magistrates Early Referral into Treatment \(MERIT\) Program \(nsw.gov.au\)](#)

³⁹ The Youth Koori Court is an alternative process in the NSW Children’s Court for dealing with Aboriginal and Torres Strait Islander young people who have pled guilty to, or have been found guilty of, a criminal offence. It involves identifying relevant risk

and Torres Strait Islander children in the youth justice system⁴⁰ and studies have found Aboriginal and Torres Strait Islander children are more likely to be prosecuted than diverted by police, compared with their non-Indigenous counterparts.⁴¹ Legal Aid NSW considers that the Youth Koori Court has considerable benefit in diverting and supporting young Indigenous offenders, and addressing their risk of ongoing involvement with the criminal justice system.

Given the importance of these issues, a national approach that provides leadership would be beneficial. We argue the first steps could involve a government led national review of the interaction between child protection and youth justice with a view to considering what is working and what needs to improve.

Thank you again for the opportunity to provide a submission. If you have any questions or would like to discuss this matter further, please contact [REDACTED], Senior Law Reform Officer, Strategic Law Reform Unit, at [REDACTED].

Yours sincerely

[REDACTED]

Monique Hitter
Chief Executive Officer

Enclosure:

- Attachment A: Case study- Ali's story
- Attachment B: Case study- Conrad's story

factors that may impact on the young person's continued involvement with the criminal justice system and monitors appropriate therapeutic interventions to address these risk factors- Children's Court of NSW, *Practice Note No 11: Youth Koori Court*.

⁴⁰ In Australia in 2022 Aboriginal and Torres Strait Islander children made up 49 per cent of the youth detention population, despite making up just 6 per cent of children aged between 10 and 17 years- Australian Institute of Health and Welfare, Youth Detention population in Australia 2022, 13 December 2022, Available here: [Youth detention population in Australia 2022, Aboriginal and Torres Strait Islander people - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au/reports/youth-detention/youth-detention-population-in-australia-2022)

⁴¹ Weatherburn, D., & Thomas B. (2022) The influence of Indigenous Status on the issue of police cautions. *Journal of Criminology*, 0(0). See also Clare Ringland and Nadine Smith, "Police use of court alternatives for young persons in NSW", BOCSAR Crime and Justice Bulletin No 167 (January 2013), p10.

Attachment A- Case Study

This case study involves a child who exhibits all of the features discussed above (a history of OOHC, undiagnosed disabilities and disengagement from school). He was charged and placed into youth detention at a young age, before being released and having his charges withdrawn due to the discovery of his severe disability and his inability to understand the court process.

*Ali's story*⁴²

Ali is a 12-year-old Aboriginal boy residing in OOHC in a group home. He has not attended school for over a year. Ali had a traumatic childhood and both of Ali's parents are now in custody, charged with a serious crime.

Ali was arrested by police and charged with the intimidation of an OOHC worker. The allegation was that Ali said to the carer, 'leave me alone or I'll kick you'. Ali spent a night in detention before being released by the court to return to the group home. Within hours Ali was arrested again for pushing a worker and damaging the windscreen of a staff car. He was refused bail and spent 10 days in custody.

Legal Aid NSW arranged for a psychological assessment. Ali was diagnosed with FASD and assessed to have the cognitive ability of an 8-year-old. He was found to be unfit to be tried and the charges against Ali were dismissed unconditionally.

⁴² This case study has been deidentified.

Attachment B- Case Study

This case study provides an example of supports put in place for young people who are referred to the Youth Koori Court. The young person was assisted to access these supports by Legal Aid NSW's Children's Civil Law Service. The supports this young person received were aimed at risk factors identified as impacting on his offending behaviour.

*Conrad's story*⁴³

Conrad is a young Aboriginal man who was removed from his family due to concerns around substance abuse, transience and neglect. Conrad and his siblings were placed with his grandparents, but the placement broke down, resulting in the children spending time in foster care, crisis accommodation and residential out-of-home-care. Most of Conrad's placements have broken down because his carers were unable to provide the therapeutic care that his complex needs require.

Conrad has often had to couch-surf with friends or sleep on the streets, where he has been exposed to further violence and alcohol and drug use. He has also spent time in juvenile detention, which he has indicated was often preferable to sleeping on the street. He also has had interactions with the child protection system as a young parent, with his own child removed from his care.

Conrad struggles with drug and alcohol issues, as well as mental health issues which has included incidents of self-harm. His homelessness has impacted on his education, employment, contact with his child and ability to maintain professional appointments to address his drug use and mental health. His experiences have also engendered a mistrust of welfare agencies.

Conrad was referred to the Youth Koori Court. With the assistance of Legal Aid NSW's Children's Civil Law Service he has been referred to Alcohol and Other Drug (AOD) counselling, as well as mental health services to ensure that he received sufficient support around his mental health and risk of suicide. Legal Aid NSW's Children's Civil Law Service has also provided Conrad with care coordination and facilitated cross agency collaboration between numerous government and non-government agencies working with him. This has included assistance with Conrad's debt, accommodation, Centrelink and family law issues. As Conrad has now commenced seeing an AOD counsellor, the Children's Civil Law Service is helping him to set up a Work and Development Order (WDO) to satisfy his outstanding fine debt.

⁴³ This case study has been deidentified.