

Children's Court of Western Australia

Report in support of protection application

Protection and Care of Children
Children & Community Services Act 2004

File number: 123./2022

Filed at: Perth

Filed on: 23/5/2022

Full name of child(ren)	Date of birth
Darren Smith	21/01/2012
Jane Smith	26/01/2013
Sarah Smith-Munster	05/05/2021

Previous protection orders

Have there been previous protection orders in relation to this child?

Yes – date of order: No

Is the child in provisional care? Yes No

s 37 warrant Since: 20/05/2022

Child protection worker preparing the report

Full name	Stephanie Ann Worker
Care team	Intensive Family Support (IFS) Team One
District office	Perth
Office address	121 Main Street Perth WA 6000
Telephone	

Factors impacting on parenting (tick appropriate boxes)

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Family violence | <input checked="" type="checkbox"/> Drug/alcohol use | <input type="checkbox"/> Mental health |
| <input type="checkbox"/> Neglect | <input type="checkbox"/> Home environment | <input checked="" type="checkbox"/> Medical needs of child |
| <input type="checkbox"/> Sexual abuse of child | <input type="checkbox"/> Physical abuse of child | <input checked="" type="checkbox"/> Emotional abuse of child |
| <input type="checkbox"/> Other (specify) | | |

Reasons the child has come into care

Set out the reasons why the Department has brought the child into care now, including a summary of the department's historic involvement (if any), and details of any specific incidents of concern.

Background to Department intervention

Darren, Jane and Sarah were taken into provisional protection and care pursuant to section 37 of the Act on 20 May 2022.

Darren Smith DOB 21/01/2013 ("Darren") and Jane Smith DOB 26/01/2013 ("Jane") and Sarah Smith-Munster DOB 05/05/2022 ("Sarah") are the children of Jennifer Smith whose DOB is 17/05/1986 ("Ms Smith") and Mr Stephen Munster whose DOB is 04/04/1982 ("Mr Munster").

Intervention was required due to the immediate risk of harm to Darren, Jane and Sarah as a result of family violence and drug misuse by Ms Smith and Mr Munster.

The Department has assessed that Darren and Jane have each suffered significant harm as a result of

being exposed during the past 18 months and Sarah since her birth, to family violence including emotional abuse, perpetrated by Mr Munster towards Ms Smith. Sarah is also likely to suffer significant harm as a result of being physically abused from the violence. The violence has increased in frequency and severity over the past six months, culminating in Mr Munster inflicting significant injuries to Ms Smith, which required her to be hospitalised.

Mr Munster has refused to engage with this Department or other support services to address his violent behaviour.

Mr Munster has continued to use violence towards Ms Smith and expose his children to these assaults in spite of Ms Smith's protective actions.

Both Ms Smith and Mr Munster have admitted occasional use of methamphetamines.

Mr Munster has continued to use violence towards Ms Smith and expose his children to these assaults in spite of Ms Smith's protective actions.

Ms Smith has breached a safety plan developed during the pre-birth planning process by exposing Sarah to family violence and not doing urinalysis when requested by the Department, using methamphetamines and not attending Sarah's medical appointments.

On 7 July 2021 Crisis Care referred Ms Smith and her children to a women's refuge after a referral was made that Ms Smith had been assaulted by Mr Munster. Ms Smith told me the family had moved to WA from SA in 2020.

Between November 2020 and December 2021 the Department received four domestic violence incident reports relating to assaults perpetrated by Mr Munster against Ms Smith:

On 2 February 2022 the Department received a Domestic Violence Incident Report ("DVIR") that, while Ms Smith was holding Sarah with Darren and Jane watching, Mr Munster punched Ms Smith in the face with a closed fist, kicked her legs and lunged at Ms Smith and Sarah with a knife, cutting Ms Smith near the top of her arm.

On 12 February 2022 the Department assessed that Mr Munster caused significant harm in relation to the emotional abuse of Sarah, Jane and Darren through exposure to family and domestic violence as a result of the incident reported on 2 February 2022. Between 30 November 2021 and 20 May 2022 Ms Smith has worked with the Department to safety plan and has left her home to go to refuges when threatened by Mr Munster with violence, however this has not reduced the severity or frequency of Mr Munster's violence towards her.

Between 2 February 2022 and 20 May 2022 four safety planning meetings were scheduled (14 February 2022, 27 February 2022, 10 March 2022 and 3 April 2022). Mr Munster was invited by letter to each of these meetings and Mr Munster did not attend any of the meetings.

On 10 March 2022 I attended the second pre-birth signs of safety meeting with Ms Smith, Team Leader Jenny Frost ("Ms Frost") and Fiona Stanley Hospital senior social worker Fiona White (Ms White"). Ms Smith said she had not used methamphetamine for the last four weeks. Ms Smith agreed to do urinalysis when requested by the Department.

On 3 April 2022 I attended the third pre-birth signs of safety meeting with Ms Smith, Team Leader Jenny Frost ("Ms Frost") and Ms White. During this meeting Ms Smith admitted she had not done any urinalysis as requested but committed to starting when requested from that day.

Recent incidents

On 7 May 2022 Sarah was discharged from Fiona Stanley Hospital (FSH) to Ms Smith's care in accordance with a safety plan agreed to at the pre-birth meeting on 3 April 2022 which included not having contact with Mr Munster and doing urinalysis when requested.

Ms Smith was asked to do urinalysis on 15, 22 and 29 March, 12, 19 and 26 April and 10 and 17 May 2022.

Urinalysis was not completed on any of these dates except on 17 May 2022. This test was positive for methamphetamine.

While at FSH Sarah was found to have hearing problems and a referral was made to Princess Margaret Hospital (PMH) ENT for assessment and management. Ms Smith failed to attend medical appointments for Sarah at PMH on 15 and 17 May 2022.

On 20 May 2022 the Department received a report from Alice Brown ("Ms Brown"), Refuge Worker at Pat Thomas House, that Ms Smith had been seriously assaulted by Mr Munster and taken to Fiona Stanley Hospital ("FSH").

On the same day I consulted with Team Leader Jenny Frost ("Ms Frost") and the District Director John Anderson ("Mr Anderson") and he approved taking the children into provisional protection and care pursuant to section 37 of the Act based on my assessment that Darren, Jane and Sarah were at immediate and substantial risk.

On 21 May 2022 I visited Ms Smith accompanied by Adrian Evans, Senior Constable, WA Police ("Senior

Constable Evans”) at FSH, where Ms Smith had been taken for medical treatment. She advised me that she took the children to see Mr Munster because they had asked to see him. Ms Smith said she and the children were near Mr Munster’s car when he became angry and Mr Munster then punched her repeatedly in the head, rammed her head against the inner car door frame and scratched/clawed at her eyes and face, and choked her. He then pulled her and the children out of the car and drove off. Ms Smith and the children walked to Pat Thomas House and staff called an ambulance. On 21 May 2022 I spoke with Senior Constable Evans and he advised me that Mr Munster has been charged with aggravated assault occasioning bodily harm. Mr Munster was released on bail on 21 May 2022. Mr Munster was also in breach of protective bail conditions that had been put in place when he assaulted Ms Smith in front of the children on 1 February 2022. On 21 May 2020 I received information regarding the injuries to Ms Smith from Senior Social Worker Michelle Jones at FSH which confirm that the assault caused Ms Smith to sustain a fractured eye socket requiring surgery, concussion, various facial and body injuries as well as marks on her neck consistent with strangulation. On 23 May 2022 I met with Mr Munster who said he didn’t understand why he couldn’t look after the children and told me that he believed that the incident was a one off and that he “would never do anything like that again”. Mr Munster said that Ms Smith “knows it was her fault for leaving the home” and he was just worried about not seeing the kids again. He has also not done urinalysis when requested. On 23 May 2022 I contacted both Jane and Darren’s teachers at Ashton Primary School who advised that there had been a deterioration in Jane and Darren’s behaviour over the last six months. I spoke to Darren’s teacher, Ms Maria Simpson, who said that Darren had been suspended twice already in term two for aggressive and violent behaviour including calling other children ‘useless cunts’ and instigating fights. Ms Simpson also said she had heard Darren telling another student that “my mum will probably die soon, and I will go to live with my aunty”.

What supports have previously been provided by the Department to assist the parents to change behaviours and meet safety goals?

The Department has helped Ms Smith with a referral to a refuge for her and the children and has tried unsuccessfully to get Mr Munster to engage with family violence services .

What steps have the parents taken to address the safety goals (if known)?

Ms Smith did go to a refuge with her children and did partially comply with safety plans agreed on through attendance at signs of safety meetings.

What the parents can do to start addressing safety concerns

What behaviours would the Department need to see from the parents?

No incidents of violence by Mr Munster towards Ms Smith; both parents following a safety plan to ensure the children are not exposed to family violence again

What the Department can do to assist the parents make these behaviour changes?

The Department can assist Mr Munster and Ms Smith to make these changes by clearly planning what is expected of them and supporting them to reach each goal. The Department can link them with suitable culturally appropriate support services and programs to increase their capacity to be able to meet all of the children’s needs.

Placement of the child

Where is the child currently placed?

Departmental foster care with Aboriginal general foster carers

What steps have been taken to find a suitable family placement or culturally appropriate placement?

A family member was suggested by Ms Smith as a potential carer but after initial discussions with the Department she opted not to proceed with assessment

What can the parent do to help find a family placement?

Ms Smith and Mr Munster need to meet with the Department and provide the Department with the names and contact details of suitable family members to be assessed as possible carers.

Contact

What are the current contact arrangements?

Supervised contact with Ms Smith twice a week. Supervised contact with Mr Munster fortnightly. Contact arrangements are to be reviewed monthly

What needs to happen next for contact to occur or to change (ie to commence contact, to increase contact, change to a venue outside the office, or to progress to unsupervised contact?).

Ms Smith will need to show that she will comply with safety plans to move to unsupervised and more frequent contact and also for unsupervised contact to occur, to have clean urinalysis results for three weeks.

Mr Munster will also need to have clean urinalysis results for three consecutive weeks and engage with services before unsupervised contact will be considered.

Child's connection to culture

Please describe the cultural groups the child identifies with and how connection to that culture is proposed to be maintained. Include details of consultation with family, elders, the Department's Aboriginal Practice Leader and others that has occurred or is proposed to occur.

The children are Whadjuk Noongar from the Perth area. It is proposed the Department will meet with family members identified by Ms Smith and Mr Munster and the Aboriginal Practice Leader as soon as possible.

Report signed by (signature):

Child protection worker name:
2022

Date: 23/5/2022