



Adrian Pederick MP
Member for Hammond

House of Assembly
Thursday, 7 August 2014

Statutes Amendment
(Rights of Foster Parents and Guardians) Bill
FINNS LAW

Mr PEDERICK (Hammond) (10:32): I move:

That this bill be now read a second time.

I rise to speak with regard to the Statutes Amendment (Rights of Foster Parents and Guardians) Bill 2014, or Finn's law. My first contact with Monica Perrett—and I note that Monica and Nathan Perrett are here today—was when I learnt that she had won the Barnardos Mother of the Year award. I was extremely delighted to learn that Mrs Perrett, a well-deserved mother in the electorate of Hammond, had received such a prestigious award. Monica's award symbolises the efforts of a caring and nurturing mother, of not only her own biological children but also those she has chosen to foster, which includes little Finn, now deceased, and her granddaughter, currently.

This is a very moving award and is recognition that Monica, a foster parent and mother, was being recognised for her efforts. Monica Perrett is a mum to six children and has been a carer for the aged and disabled for the past 12 years. She is also an active donor to a variety of different charities, especially those working with children or those whose lives are less fortunate. She is also a crusader for people who are unable to speak for themselves and almost single-handedly brought down a nursing home for severe elder abuse.

Little Finn, who Monica fostered, was in fact her nephew; however, in Monica's eyes he was nothing less than her own son. Finn's biological parents allowed Mrs Monica Perrett to become little Finn's carer, until he turned the age of 18 years old, under the guardianship of the minister. Little Finn, when born, was diagnosed with numerous medical conditions, including spina bifida, fluid on the brain and a hole in the heart. Finn, who was born in February 2014 and who entered care in March 2014, was under the guardianship of the minister until the age of 18 years and under the 100 per cent care of Monica and her husband Nathan from March of this year.

In April, Monica Perrett wins the Barnardos Mother of the Year award. In May, Mrs Perrett kisses Finn goodbye to fly to Sydney for the National Mother of the Year awards; 12 hours later, little Finn passes away unexpectedly after an unexpected emergency admission into hospital. There is nothing I can imagine that would ease the pain of a mother or foster parent losing her baby, and on 7 May 2014, the pain felt by Monica and her family was the worst kind which you can only possibly come to terms with through support, understanding and, of course, the ability to be able to say goodbye.

In many cases, the foster parents have been a huge part of a child's life. The current legislation states that only the biological parents are provided with the rights of the child, including details such as reason for passing and funeral arrangements. When dealing with Families SA, Mrs Perrett was denied

any information about her foster son Finn passing, with the reason given that she was not Finn's biological mother.

She was also advised that, although she was granted the right to be the foster parent of little Finn until the age of 18 years, she would not be involved in the funeral arrangements unless the biological parents—her brother and his partner—wanted her to be. Initially, this was not the case, as the biological parents, who lived in Queensland of no fixed address, denied this, and again, you can only imagine what Monica and her husband had to go through for the right to understand the cause of death, any funeral arrangements, and the right to say goodbye.

Currently, when a foster child passes away, all the rights the foster parent or parents had with the child, all responsibility and decision-making ability, go back to the biological parents. This meant that Monica and her husband Nathan were left with no say. This applies irrespective of the child's age and the length of time the child had spent with the foster parent. Monica has described this as a living hell, battling Families SA rules under which biological parents regained first rights to a child when they died, leaving foster parents with no say.

Departments such as Families SA are restricted in their ability to act in accordance with what they may perceive to be fair and reasonable in these circumstances. Currently, legislation, including the Family and Community Services Act 1972, stipulates that there is no requirement for foster parents to be involved in the funeral process. The Births, Deaths and Marriages Registration Act 1996 in its current form does not provide foster parents with the opportunity to be acknowledged and involved in viewing the body or be acknowledged on the death certificate.

In June, Mrs Perrett started a petition to raise awareness of the issues surrounding her battle with bureaucracy once Finn passed away. This petition received approximately 38,000 signatures backing the grieving mother Monica Perrett to convince the government to change procedures when a child in foster care dies. The Families SA chief executive contacted Mrs Perrett, asking to meet with the minister responsible. In the same month, with that meeting Mrs Perrett secured commitments from the Minister for Education and Child Development and the Premier of South Australia to review the changes she has campaigned for on behalf of all foster parents. These commitments included expediting the viewing of a child's body by foster parents and include an addendum to a death certificate to recognise the role of foster parents in the child's life. I believe Monica has heard nothing since from the government.

I remind the Minister for Education and Child Development of her promise made when talking on ABC Radio on 13 June this year, where the minister promised to look into contacting the department of births, deaths and marriages to see if they can add a statutory declaration to each death certificate of a child who dies in foster care acknowledging the foster parents if it is appropriate to do so.

Also, I remind both minister Rankine and the Premier of South Australia of their promise to write to and acknowledge all the foster parents who have been in similar situations, so that their roles as parents in the lives of these children do not go unnoticed or forgotten. The Perrett family fought this issue because they did not want anyone else to suffer like they had, but also they were pushed to action when they finally received Finn's death certificate and discovered that only his biological parents were listed. Monica is not alone in this situation.

There are many other foster parents who will be faced with the same heartbreaking situation in the future if this legislation is not passed by this parliament. There are approximately 1,800 foster parents who will gain new rights as a result of a campaign fought and won by the state's Mother of the Year. I want to see this parliament support the amendments prescribed in the Statutes Amendment (Rights of Foster Parents and Guardians) Bill 2014, commit to increasing the rights of foster families in the

involvement of funeral planning, as well as acknowledging foster parents on the child's death certificate, and also affirm the rights of foster parents and legal guardians.

I again remind the Minister for Education and Child Development and the Premier to follow through on their commitment to see changes made to the current rights of foster parents and guardians. This bill seeks to insert into the Births, Deaths and Marriages Registration Act 1996 new section 38A to allow foster parents and legal guardians to give notice to the Registrar of a person who has died and to amend the definition of a legal guardian to include relatives who care for a child.

Subsections (2) and (3) of proposed new section 38A give the opportunity for foster parents and legal guardians to give notice to the Registrar as soon as reasonably practicable after the death of the deceased in writing in a form approved by the Registrar which includes the information required by the Registrar. All documents will need to be provided in a specified time and to verify, by statutory declaration, information provided for the purposes of the then notice. If the Registrar has received notice under section 38A, and the Registrar thinks it is appropriate in the circumstances, the Registrar may include the name of a foster parent or legal guardian of the deceased in the entry in the Register relating to the death of the deceased.

Finally, the bill proposes to insert new section 47A into the Family and Community Services Act 1972, which will give authority for foster parents to be consulted about the child's funeral arrangements unless the foster parent indicates that he or she does not wish to be consulted. As a matter of custom, foster parents have not been given rights equal to the rights of the child's parents to contribute to funeral arrangements because there will be circumstances where it may not be appropriate for foster parents to be making such decisions, for example, where the child has been in the care of the foster parent for only a short time or the parents have maintained a close and caring relationship with the child.

I urge this house and this whole parliament to support the Statutes Amendment (Rights of Foster Parents and Guardians) Bill giving foster parents and guardians the rights they deserve where applicable. I do this on the three-month anniversary of Finn's death. Let us all support Finn's law.

Debate adjourned on motion of Hon. T.R. Kenyon.