



Evidence crucial in supporting institutional abuse claims against DFFH and foster care agencies

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Evidence is the foundation of any successful [institutional abuse claim](#). By thoroughly investigating and compiling records, reports, and witness testimony, we're able to build a compelling case on behalf of survivors of institutional abuse. We understand how difficult it can be to revisit these experiences, and we approach every matter with compassion, confidentiality, and determination.

In this blog, we discuss key types of evidence, including documentation and historical records we pursue when assisting our clients with institutional abuse claims against the Department of Families, Seniors, Disability Services and Child Safety ('DFFH') and foster carers/agencies.

Types of documentary evidence that supports institutional abuse claims

Below are some of the key records we seek to obtain in institutional abuse claims against the DFFH, foster carers and agencies:

Intake and case records

One of the primary categories of documents subject to early review are the intake and case records from DFFH or the relevant agency. In the case of the DFFH, these records will include assessment records and reports from the department, including notes from staff regarding the child's well-being, movement history, and other important information.

Often, these documents will help illustrate and provide context as to the child's environment and their exposure to relevant individuals, which can indicate early signs of risk or concern and whether appropriate action was taken by the department in response

to any concerns.

Placement records

Placement records are important to assist in understanding the environment(s) in which the abuse occurred. A complicated issue unique to institutional abuse claims is uncovering a history of evidence that occurred years ago.

With claims against DFFH, placement history documents are helpful in providing details regarding where the child was placed, who their carers were, and whether there were concerns about the child's safety and wellbeing.

A review of these documents can shed light on potential issues (or failures on the part of the department) involving care of the child, particularly where there are patterns of abrupt changes in placement or documented issues with certain placements.

Reports of abuse or neglect while in care

We seek access to any complaints or reports made about abuse or neglect, whether internally within DFFH, to police, or from other institutions and agencies.

These can include mandatory reports* filed by teachers, medical professionals, or carers themselves. The presence (or absence) of a proper response from DFFH often plays a key role in establishing institutional liability.

* You can read more about this in our earlier blog, ["The role of mandatory reporting in preventing institutional abuse"](#)

Medical records – physical and psychological

We seek medical records, both physical and psychological, for any institutional abuse claim. These records can be extremely helpful in establishing significant changes in psychological or physical health, especially when and if they are corroborated with other critical documents from the DFFH.

Hospital records, GP notes, mental health assessments, and counselling reports can assist in determining the long-term impacts of abuse, which is essential for assessing damages (compensation).

School and education records

Another set of helpful documents is school records, which can assist in highlighting or revealing when a child began struggling or if signs of abuse were suspected or known to any teachers or other staff. Typically, we seek attendance records, behavioural reports, and academic performance reports.

Witness statements

In some cases, family members, friends, or other people may have observed abuse or been told about it. In most cases, there are individuals who can recall how a child's demeanour changed prior to the abuse and following instances of abuse.

We work with clients to gather statements from siblings, foster siblings, former carers, teachers, doctors, and anyone else who can provide information on their experiences of what occurred. In some cases, corroborating evidence from others can be helpful in establishing a pattern of abuse or neglect.

Internal and institutional investigations

DFFH and other institutions, foster carers and agencies can be subject to investigations. This could involve internal reviews or external investigations, for example, [The Royal Commission into Institutional Responses to Child Sexual Abuse](#). These reports can contain helpful findings that support some or many aspects of an abuse survivor's claim.

As the prevalence of historical institutional abuse grows in Australia and the stigma attached to it is slowly waning (although we acknowledge it is still strong), we are seeing more investigations into institutions where institutional abuse is alleged; for example, the [Beaumaris Primary School Board of Inquiry](#) (Victoria) inquiry in 2024 and the [Review into Wolston Park Hospital](#) (Queensland) which commences in 2024.

We continue to stay on top of new inquiries and investigations to identify what elements and information will assist our clients in their claims.

Contact IM Lawyers

IM Lawyers has extensive experience advocating for survivors of institutional abuse, particularly in cases involving the DFFS and foster carers and agencies. We have successfully initiated and settled claims on behalf of individuals who suffered harm while under state care.

If you or someone you care about has experienced abuse while in the care of the Department of Families, Seniors, Disability Services and Child Safety or a foster care provider, we're here to help. Contact us today for a free initial confidential consultation and learn how we can support you on the path to justice and compensation for the harm you have experienced.

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