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Reimagining a Compassionate Australian Society Through the Voices of Aboriginal and Torres Strait Islander People Exposed to Child Justice Systems in Australia

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Abstract

This Indigenous-led qualitative study explores the lived experiences of Aboriginal and Torres Strait Islander people involved in child justice systems, highlighting both protective factors and systemic challenges. Thirteen participants shared stories that revealed the importance of hope, identity, supportive relationships, and culturally safe spaces in fostering resilience and positive change. These strengths were often developed in the context of significant adversity, including early trauma, systemic racism, and harmful

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institutional responses. Sub-themes were organized under two overarching themes: *Negative Childhood Experiences* and *Positive Influences and Protective Factors*. Findings underscore the need for culturally responsive, strengths-based justice reforms that center lived experience and promote healing, belonging, and opportunities for Aboriginal and Torres Strait Islander children, families, and communities.

Keywords

Aboriginal and Torres Strait Islander people, child justice systems, racism, adverse childhood experiences, intergenerational trauma

Introduction

The over-representation and mistreatment of Aboriginal and Torres Strait Islander children (respectfully referred to as Indigenous Australian children henceforth) in youth detention in Australia, constitutes a significant sociopolitical issue that necessitates urgent attention (Irani et al., 2018). In the June quarter of 2023, the disproportionate positioning of Indigenous Australian children was evidenced by an incarceration rate 27 times higher than that of non-Indigenous Australian children (Australian Institute of Health and Welfare [AIHW], 2024). Further, while Indigenous Australian children represented 6.6% of the Australian youth population aged 10 to 17 years, they comprised a daily average of nearly 60% of the youth detention population (AIHW, 2024).

Children involved in the child justice system in Australia face a higher likelihood of experiencing various negative physical, mental, and developmental outcomes compared to their peers. Mental health disorders, for instance, affect 40% to 70% of young people in the child justice system (Roy, 2016), which is significantly higher than 13.9% prevalence rate reported among 4- to 17-year-olds in the Australian population (Lawrence et al., 2015). Meurk et al. (2019) found that Australian youth in the child justice system face significant vulnerabilities, including higher rates of abuse, neglect, head injuries, psychological stress, and suicide attempts than their peers. Notably, 75% reported abuse or neglect, 44% suffered head injuries, and psychological stress and suicide attempt rates were markedly higher compared to the general youth population (Meurk et al., 2019). Consequently, it is crucial to identify complex needs early in a child's life to prevent unnecessary police contact and prolonged detention periods, thus adhering to international human rights principles (First Peoples Disability Justice Consortium, 2016).

Previous Literature Examining Children's Perspectives

The available literature highlights that children involved in justice systems face significant adversity, systemic failure, and unmet developmental needs. Across diverse geographical contexts, children report experiences shaped by trauma, instability, and exclusion, frequently stemming from early family disruption and compounded by institutional responses. These children frequently grow up in environments marked by poverty, neglect, and unsafe conditions, contributing to criminalization and continued marginalization (Barnert et al., 2015; Simmons-Horton, 2021).

A central theme across the literature is the profound impact of family instability and disrupted caregiving relationships, which often precede justice involvement. Children describe inconsistent parental support, exposure to violence and substance use, and a lack of emotional support—factors that contribute to disengagement from education and community life (Moore & McArthur, 2014; Simmons-Horton, 2021). These early adversities are compounded by systemic responses that fail to provide coordinated, healing-informed, and trauma-aware care. Children involved in both child welfare and justice systems, describe fragmented services, placement instability, and a lack of continuity in support, further eroding their sense of normalcy and belonging (Simmons-Horton, 2021).

Educational exclusion is another critical pathway into the justice system. Children frequently recount experiences of school suspension, expulsion, and social isolation, often due to behavioral challenges that are misunderstood or inadequately supported by school staff (Day, 2022; Moore & McArthur, 2014). For neurodivergent children in particular, the school environment can become sites of labeling and segregation, where their needs are unmet and strengths overlooked. These experiences not only disrupt learning but also reinforce feelings of rejection and alienation, increasing the likelihood of justice involvement (Day, 2022).

Despite these challenges, the literature also highlights the value of strength-based, culturally responsive approaches that recognize the resilience and aspirations of justice-involved children. Studies involving Indigenous and neurodivergent children highlight the value of therapeutic, nurturing environments that foster connection to culture, community, and identity (Day, 2022; Hamilton et al., 2020). Interventions that prioritize positive relationships, role models, and structured support—particularly within families and schools—are critical to breaking cycles of incarceration and promoting recovery (Barnert et al., 2015; Hamilton et al., 2020).

Overall, the available literature calls for coordinated, wraparound services that address the intersecting effects of trauma, poverty, neurodisability, and systemic exclusion. By centering children's voices, the literature advocates for a reimagining of youth justice that is not only rehabilitative but also relational, inclusive, and shaped by the lived realities of the children it seeks to serve.

Within this reimagining, peer mentoring has emerged as a promising yet complex practice. Youth with lived experiences of offending can offer authentic, empathetic support to peers, fostering trust, hope, and engagement (Creaney, 2020). These roles can also support mentors' own identity transformation and reintegration. However, the emotional demands and risks of re-traumatization underscore the need for careful implementation, ethical oversight, and sustained institutional support to ensure safety and effectiveness (Creaney, 2020). This further reinforces the importance of relational, strength-based approaches that not only respond to harm but actively cultivate healing and empowerment.

Emerging research on the role of voice in legal processes further underscores the need to center children's lived experiences in justice reform. Pennington and Farrell (2019) found that children and families often feel disempowered within the legal system, particularly in their interactions with police, where they report misuse of force, lack of accountability, and control over the narrative by authorities. These dynamics foster deep distrust and a sense of voicelessness, with participants expressing a desire to challenge institutional behavior. This highlights the fundamental need to legitimize voice within justice processes—not only as a right, but as a means for restoring trust, equity, and procedural fairness (Pennington & Farrell, 2019). These findings strongly support the need for an Indigenous Australian children's qualitative study, where the act of listening itself becomes a form of justice.

Collectively, these global qualitative studies provide valuable context and insight into the challenges and strengths of children exposed to justice systems. This study addresses a critical gap in the literature by focusing specifically on the lived experiences of Indigenous Australian children in Queensland—a perspective largely absent from existing literature. Its relevance is heightened by recent legislative changes in Queensland that have undermined children's rights in the state. Notably, the *Making Queensland Safer Bill*, allows children to be treated the same as adults in criminal proceedings (Queensland Government, 2024). This study aims to contribute to positive reform by challenging punitive, politically driven narratives such as "tough on crime" and "adult crime, adult time," which continue to marginalize and criminalize vulnerable children. By amplifying the voices of Indigenous Australian children, the study seeks to highlight their

developmental and complex needs and advocate for culturally responsive alternatives to incarceration.

Study Purpose and Research Question

This study seeks to contribute to the limited existing qualitative research that privileges and prioritizes the voices of Aboriginal and Torres Strait Islander people with lived experience of the child justice system. Specifically, the study addresses the research question: How can the voices of Aboriginal and Torres Strait Islander people with lived experiences of the youth justice system support the prevention of incarceration practices of children?

Aim

To voice the stories of Aboriginal and Torres Strait Islander people who have lived experience of involvement with child justice systems. To gain an understanding of:

- current needs and priorities, in terms of improving and maintaining quality of life and wellbeing
- perceptions of protective factors, social capital, and barriers to staying out of trouble with police
- experiences with justice system processes
- perceptions of helpful or unhelpful diversion/programs.

Methods

Qualitative Approach and Research Paradigm

This research aligns with an Indigenist worldview, applying a systemic and relational lens within social justice to promote inclusiveness and emancipate marginalized groups (Romm, 2015; Smith, 2021; Steele, 2021). It engages with decoloniality by resisting colonial logics that oppress Indigenous people through hyper-surveillance, over-policing, and over-incarceration (Paradies, 2020; Smith, 2021). Qualitative research methodologies included transformative epistemology (Omodan, 2020), in concurrence with participatory action research (PAR; Baum et al., 2006), yarning method (Bessarab & Ng'andu, 2010), and a life-mapping tool (Ellem & Wilson, 2010) to collect data and reflexive thematic analysis (Braun & Clarke, 2022). Transformative PAR ensures Aboriginal and Torres Strait Islander people are the primary focus of inquiry and provides collaborative reflections of lived experiences

and priorities to influence beneficial and sustainable self-determined community change to counter youth detention practices (Baum et al., 2006). Indigenist, decolonizing, and transformative perspectives similarly position truth within the contextual reality of historical factors that are external to an individual's cognition (Omodan, 2020). Consequently, the researcher must critically examine "sociality, power and politics in the quest for reality" (Omodan, 2020, p. 37). To authentically seek the truth, it can only be ascertained when knowledge is generated through deep listening, which is achieved via culturally safe yarning methods (Bessarab & Ng'andu, 2010).

Researcher Characteristics and Reflexivity

The research team includes Lorelle Holland who is a PhD candidate at the University of Queensland (UQ); an Aboriginal woman with spiritual and cultural connections to Mandandanji Country; and a registered nurse and researcher with expertise in Indigenous health, public health, and child health. Claudia Lee is non-Indigenous with experience in health research at UQ and clinical counseling expertise in community youth outreach services. Maree Toombs is a leading researcher in Aboriginal and Torres Strait Islander health and suicide prevention and is a proud Euralayie/Kooma woman from the University of New South Wales. Andrew Smirnov is a non-Indigenous public health researcher and educator with expertise in Indigenous health and harm minimization, including a focus on alcohol and other drug use in prison settings. Natasha Reid is a non-Indigenous clinical psychologist with research and clinical experience in Indigenous health, child development, neurodevelopmental disorders, and particularly the prevention of prenatal alcohol exposure and identifying and supporting children and families with fetal alcohol spectrum disorder.

Context

The research participants were recruited from North and Southeast Queensland from youth justice community transition programs, independent Indigenous and alternative schools, and community settings.

Sampling Strategy

Following community engagement and liaison with staff from organizations, a purposive sampling method was utilized to recruit research participants (Palinkas et al., 2015). Research participants were eligible to contribute to the

research if they were of Aboriginal and or Torres Strait Islander descent and had lived experience of involvement with police and or had been in police custody or incarcerated as a child.

Ethical Considerations

Ethical approval was obtained from the University of Queensland (UQ) Human Research Ethics Committee (HREC; 2021/HE002741). To ensure culturally safe research with Aboriginal and Torres Strait Islander Communities, the research team adhered to Indigenist and decolonizing methodologies (Paradies, 2020; Smith, 2021). LH, the first author, engaged and built rapport with Elders and communities over a 3-to-6-month period before commencing the research to determine that the research was considered beneficial and aligned with culturally safe research practices and appropriate community protocols (National Health and Medical Research Council [NHMRC], 2018a, 2018b). Communities received introductory letters, information sheets, and consent forms detailing the research and participation expectations before their yarning interview. Several community organizations in North and Southeast Queensland provided formal approval letters, submitted to UQ HREC. Each participant and their parent or guardian received an information sheet and consent form outlining the research and participation expectations. Questions were answered, and consent forms were signed and verbally confirmed before the yarning interviews (NHMRC, 2007). Participants and their parents or guardians were assured of confidentiality, with names and places deidentified and information stored securely. Each participant received a $50.00 store card as compensation, following the study protocol and ethics approval. Follow-up was conducted the day after the interview to check on their social-emotional wellbeing, adhering to the cultural resilience distress protocol. Audio recordings were deleted after transcription.

Data Collection Methods

Research participants were interviewed in a quiet and private location with an accompanying support person if desired. Data collection occurred over a 7-month period and commenced during May 2023 until November 2023. All yarning interviews were audio-recorded and transcribed verbatim by LH, first author and a professional transcription service.

Yarning as a Data Collection Method

Yarning, an Indigenous research data collection method, ensures culturally safe communication with participants. It includes "social yarning," "research topic yarning," "therapeutic yarning," and "collaborative yarning" (Bessarab & Ng'andu, 2010). Yarning collects storytelling data from participants with lived experiences, reducing power imbalances inherent in Western methodologies. It fosters trust and reciprocal deep listening and authentic knowledge exchange. Yarning was used during the interviews to reciprocally introduce one another and position us within our unique cultures, country, and place. The participant's story was not interrupted when expressing themselves, but the yarning styles moved fluidly dependent on comfort to address the research question. Questions were only used when necessary to guide the story back to research topic yarning style.

Life-Mapping as a Data Collection Tool

Life mapping is a therapeutic data collection method that assists with building mutually reciprocal trusting relationships and rapport by sharing one another's life stories between researcher and research participant (Ellem & Wilson, 2010). Life mapping allows the researcher to reduce power imbalances inherent within Western research processes by being willing to be the first person to share their pre-constructed life story that outlines significant life events chronologically. LH, the first author, shared their own life story using a pre-constructed timeline and colored circles with content describing significant life events, challenges, and strengths within their life. By LH sharing their life story first at the start of the interview trust and comfort was established so that research participants felt more comfortable and less vulnerable revealing their own life story (Ellem & Wilson, 2010). Colored pencils and a large art book were provided to draw their life story on, or they could choose to yarn about their life story rather than drawing it.

Data Processing

All transcriptions of yarning interviews were de-identified by the allocation of a participant number. This process ensured confidentiality and privacy of the identity of the research participants and de-identified transcripts were saved to the university secure data storage system.

Data Analysis and Techniques to Enhance Trustworthiness

Reflexive thematic analysis (TA) values a researcher's subjectivity, positionality, mindfulness, and critical inquiry to influence reflexive research practice and process (Braun & Clarke, 2022). The application of reflexive TA included six phases: (1) dataset familiarization (reading and re-reading the yarning interviews); (2) data coding (the transcriptions were color coded line by line according to responses that addressed research questions and codes were extracted into an excel sheet); (3) initial theme generation (similar codes were placed together to create themes); (4) theme development and review (themes iteratively developed to reflect the significance of expressions and stories generated by the research participants); (5) theme refining, defining and naming (research team contributed to this process to improve collective understanding of theme and sub-theme names); and (6) writing up process (iteratively performed with feedback by research team; Braun & Clarke, 2022). The analysis of the data generated was performed critically by a single PhD researcher and first author (LH), who conducted the interviews. To enhance trustworthiness and maintain credibility of data analysis, the coding process was presented and discussed with all authors and authors contributed to the refinement of the themes and sub-themes.

Findings

Participant Characteristics

Eleven de-identified children (females = 4; males = 7) and two adults (males = 2) of Indigenous Australian descent responded to the recruitment request for research participation. The age of research participants was between 12 and 30 years, with an average age of 16 years. Participants reported a range of offending behaviors, with the majority of offences related to unlawful use of motor vehicles, including car theft and hazardous driving. Two participants received custodial sentences at a young age for minor property offences, such as shoplifting, with their offending escalating over time to include vehicle-related crimes. Seven participants disclosed involvement in car theft, while three reported participation in physical assaults. Notably, one participant described repeated experiences of police harassment despite not having committed any criminal offence. These accounts reflect varying levels of offence severity, from non-violent property crimes to more serious physical altercations, and highlight the complex and often escalating nature of youth offending trajectories.

Due to the ethical commitment to confidentiality and privacy, and voluntary participation, no records were kept that would allow identification of individuals who met the eligibility criteria but did not participate. As such, it is not possible to report the characteristics of the people who were approached but declined participation.

Reflexive Thematic Analysis

Thirteen participants generously and courageously shared their stories, offering vital insights into the lived experiences of Indigenous Australian people who have encountered the child justice system. These narratives provide a rich foundation for understanding the complex social, emotional, and structural factors that shape pathways into and out of youth offending. To reflect the dual nature of participants' experiences marked by both adversity and resilience, themes have been organized under two overarching themes with corresponding sub-themes:

Negative Childhood Experiences

- Exposure to Violence, Instability, and the Need for Safety and Support
- Harmful Interactions with Police and Support Systems

Positive Influences and Protective Factors

- Desire for Change and the Need for Support to Exit Offending Pathways
- Respectful Relationships and Flexible Learning Environments
- Hope, Identity, and the Power of Positive Engagement

This thematic structure enables a clear understanding of how early trauma, systemic disadvantage, and harmful institutional responses shaped participants' pathways into the child justice system, as well as the protective factors that supported their efforts to find alternative pathways and disengage from offending behaviors. The first theme, *Negative Childhood Experiences*, captures the impact of family violence, instability, and distressing encounters with police and support services. These experiences were deeply influenced by intergenerational trauma, socio-economic marginalization, and institutional racism. Participants described being subjected to excessive force, prolonged detention, and discriminatory treatment, which fostered mistrust and reinforced their sense of exclusion.

The second theme, *Positive Influences and Protective Factors*, highlights the role of hope, identity, education, and supportive relationships in fostering healing and positive change. Participants shared stories of transformation, often made possible through access to culturally safe spaces, meaningful

connections, and opportunities for creative expression and achievement. Together, these themes underscore the importance of culturally responsive, strengths-based approaches to preventing the incarceration of Aboriginal and Torres Strait Islander children and affirm the value of centring lived experience in justice reform efforts.

Negative Childhood Experiences Subtheme: Exposure to Violence, Instability, and the Need for Safety and Support

Participants described growing up in environments shaped by complex family dynamics and marked by significant adversity, including family violence, emotional neglect, and instability. These adverse childhood experiences often resulted in feelings of fear, responsibility, and emotional distress, as children navigated unsafe and unpredictable home environments. Many participants assumed caregiving roles at a young age, often in response to the absence or incapacity of adult caregivers. One participant recalled being physically harmed by their father and the protective role their sisters played during the incident:

> *One time he was getting a little angry and he punched me. My sister brang us out to the backyard while my other sister. . . she was the one that calmed him down. Because she was strong and also because she was real smart and knew how to get him to calm down. But he's changed. He's not like that anymore. He's much, much better (P2: male child).*

Another participant shared their experience of being removed from the family home due to family violence:

> *We had domestic violence because of my dad. . . We got put in a refuge. . . Yeah, that was the safe place. . . He was very abusive towards my mum (P3: male child).*

Children often expressed deep concern for their mothers' wellbeing and safety. One participant described the emotional burden of staying close to their mother to protect her, while their sibling lived elsewhere:

> *When I was little, I was the kid to always think I want to be stuck with my mum. . . I don't want anything to happen to her when I'm not around. . . So, I just stuck with my mum while my brother lived with my nan. . . So, my brother didn't really see what I've seen most of my life (P11: female child).*

> *Yeah. My mummy, she still says I'm the one that I kind of looked after her. Because she got on some drugs and stuff too and I had to see her go through all of that there too (P11: female child).*

Participants also spoke about the long-term emotional impact of growing up in unstable environments, often without consistent adult support. One young person reflected on the trauma they experienced and the absence of parental care:

> *I got good memory when I was young. I know anything from the past. I can still imagine that trauma to today. I had bad trauma. . . Seen a lot of shit I don't need to be seeing. I just struggled on my own. Mum didn't really care that much. . . It's just been hard all my life because – I didn't have no one there, I didn't have my parents there. . . (P9: female child).*

Despite these challenges, some participants found safety and care in the support of grandparents:

> *My grandmother and then my great-great-grandmother, they both looked after me (P9: female child).*

Others reflected on the absence of key role models, particularly fathers, and the emotional confusion and grief this created. One adult participant described the normalization of father absence in their community and the strength they drew from their grandmother's care:

> *I always grew up confused, 'Where's my dad?'. . . So many of us didn't have our fathers. . . It was just the norm. . . I had really strong connections growing up with my grandmother. . . She took a lot of that responsibility on (P10: male adult).*

These stories collectively highlight the urgent need for early, sustained, and culturally appropriate support for children and families. They also underscore the importance of safe, stable caregiving environments and the long-term emotional consequences of childhood trauma when such support is absent.

Subtheme: Harmful Interactions With Police and Support Systems

This theme synthesizes participants' experiences with police, legal professionals, detention centers, and support services—systems that were often perceived as punitive rather than protective. Participants described these encounters as distressing, disempowering, and, at times, traumatizing. Their stories reveal a pattern of institutional responses that failed to recognize their age, vulnerability, or need for care. One participant recounted their first encounter with police at the age of 13, describing being held in a police

station for 15 hr without food and without contact with their parent for the first 12 hours:

> *I was in Year 7. First time I ever got in trouble with the police. . . We hijacked a Domino's car. . . and then out of nowhere we just got surrounded. . . I was 13. So, I got arrested and then I got kept in the police station for 15 hours (P3: male child).*

> *Yeah. And even then I told them to ring my mum. . . and they didn't even tell my mum that I was there. . . No food. No. I didn't get fed, no. . . Yeah, they rung my mum after 12 hours after being there (P3: male child).*

This participant also described being removed from a "Police Citizens Youth Club" diversion program after missing 2 days due to illness, despite being told attendance was voluntary. They expressed frustration at the lack of flexibility and support:

> *They're always saying, 'If you don't want to be here, you don't have to come'. . . We told them we were sick. . . and then they said, 'You can't come back unless you show us paperwork'. . . After that they just kicked us out (P3: male child).*

They also reflected on their experience with Headspace, a youth mental health service, which they found unhelpful and disconnected from their actual needs:

> *My mum made me do Headspace. . . Yeah, it was like therapy. I don't need therapy. I'm fine. It's a waste of time (P3: male child).*

Another participant described being handled roughly by police during an arrest, expressing fear and a sense of being treated like an adult despite being a child:

> *You know when they arrest you, they don't know how to arrest you properly. They handle you like a man. . . how they grab you and stuff (P8: male child).*

> *Yeah. And then that's when I tell them, I go at them and say, 'Stop man handling me. I'm just a kid.' And that's when they let go a bit and let me sit there. . . They even put me on the ground before (P8: male child).*

A younger participant shared a particularly distressing experience of being body searched by male police officers in a public park. They were not under arrest but were told they resembled someone police were looking for. The participant expressed a deep sense of violation and mistrust:

> *Yeah, they opened up my shorts and everything. Even my stepsister, and she was on her period. Yeah. A male copper did it too (P5: male child).*

These accounts reflect a broader pattern of harmful institutional interactions that failed to consider participants' age, rights, and emotional wellbeing. Rather than feeling supported or protected, participants often felt criminalized, disrespected, and unsafe. These experiences contributed to a deep mistrust of police and support services, reinforcing feelings of alienation and injustice.

Positive Influences and Protective Factors Subtheme: Desire for Change and the Need for Support to Exit Offending Pathways

Many participants expressed a strong desire to change their behavior and disengage from offending, particularly as they reflected on the consequences of their actions and the harm caused to others. This self-awareness often emerged through personal reflection, life-threatening experiences, or the influence of family members and community programs. Participants described the internal conflict of wanting to "stop stealing cars" while struggling with peer pressure, lack of boundaries at home, and limited access to positive role models or structured support. One young adult reflected on their early exposure to drugs, alcohol, and school exclusion, describing how learning difficulties and negative interactions with teachers contributed to disengagement. They recalled a turning point after a serious car crash they caused, which injured others and led to a deep sense of guilt and a commitment to change:

> *There was one incident with the police. . . I stole a car and tried to crash it. . . I accidentally injured three people. (P6: male young adult).*

This participant later found strength in becoming an uncle, which gave them a renewed sense of identity and purpose. Similarly, another young person described surviving a near-fatal car crash as a passenger in a stolen vehicle, which left them with long-term physical and emotional trauma:

> *I died, then I come back alive. . . If it gets kicked and if it pops, I'll die again. (P8: male child).*

Several participants described how community transition programs provided them with tools to manage peer pressure and regulate emotions. These programs, along with family encouragement, helped them stay on a more positive path:

> *My big brother, he tell me, 'Stop the stuff what you're doing. . . be yourself, don't be like them.' (P7: male child).*

Everyone being good. . . Like good, stay good and that. . . And go to school and that. (P7: male child).

However, the desire to change was often challenged by ongoing exposure to negative peer influences and inconsistent family support. One participant described how their mother's lack of boundaries contributed to continued offending:

I was doing so much crime because she would not care what I would do. . . She would tell me to go out at night and she would kick me out. (P13: female child).

Others described how fear, shame, and the emotional toll of hurting others motivated them to stop offending. One participant recalled the distress of being involved in a violent robbery and the impact it had on their family:

It scared me when I got in trouble over bashing those people. . . I used to hang around the wrong people. . . It was just the wrong crowd for me. (P11: female child).

These narratives highlight the importance of timely, culturally safe interventions that support young people's motivation to change. They also demonstrate the critical role of family, identity, and community-based programs in helping children and young adults navigate away from criminal behavior and toward more stable, hopeful futures.

Subtheme: Respectful Relationships and Flexible Learning Environments

This theme emerged from participants' reflections on their educational journeys, highlighting both the challenges they faced in traditional school settings and the transformative potential of flexible, supportive learning environments. Participants described frequent school changes, suspensions, and expulsions—often linked to behavioral challenges, family instability, and unmet learning needs. All participants reported attending multiple schools, with some unable to recall the total number due to the frequency of moves:

I think six or seven. Yeah, somewhere around that (P5: male child).

I can't remember what the school was called, but I went to multiple other schools (P4: male child).

I went to 10 different. I went to [deidentified school]. . . and I can't even remember the rest (P13: female child).

Expulsions were often the result of verbal or physical altercations, sometimes in response to racism or impulsive behavior. One participant described being expelled after a peer made racist remarks:

What got me expelled from [deidentified school] was this one student was being racist. . . she was saying, 'Fuck Aboriginals. Aboriginals only eat kangaroo. That's what they do and everything. Abo this, abo that' (P1: female child).

The same participant was later expelled from another school after activating a chemical emergency shower in a science classroom:

Oh, yeah. I got expelled there. . . I pulled one of them. . . You just really want to touch it. There's an urge to pull it, and I did pull it (P1: female child).

Despite these setbacks, participants expressed hope and appreciation for alternative education settings, particularly independent flexible schools. These environments were described as more inclusive, understanding, and better equipped to support students with complex needs. One participant shared how their current school was helping them enrol in vocational training at the Technical and Further Education Institute and how the Aboriginal youth liaison officer played a key role in supporting their emotional regulation:

"Because I went to her, because she was like, 'Instead of threatening her, you could pull her aside and say, "Hey, you don't say this". . .' I did that. . . she still didn't listen. . . so I took matters in my own hands and then I got suspended (P1: female child).

Another participant described how their flexible school used restorative practices instead of punitive measures:

Well, in this school you don't get expelled or detention type of thing. You get little meetings with you and that person to fix the problem. . . Yeah. You get four days off, and if it's really bad you get a week off (P2: male child).

Participants consistently described these schools as places where they felt respected, supported, and engaged. They appreciated the ability to choose their learning activities, the patience of teachers, and the incorporation of hands-on and outdoor learning:

> *You pick the work that you want. . . and you make agreements with the teachers. . . What I've been doing lately is this thing called Sudoku, and it's really cool. I understand it more than other things (P2: male child).*

> *We used to go to the beach every Tuesday for geography. . . how does plastic impact the beaches and that? (P1: female child).*

> *We went [deidentified rural town] to this dam. . . and we looked over this cliff and we saw a mad view. . . Yeah, I don't like swimming, but that was rowing and all that (P6: male young adult).*

The quality of relationships with teachers was a recurring theme. Participants valued being treated with respect and described teachers as more like friends:

> *The teachers here, they're more like friends than teachers. . . If you treat them with respect, then they treat you with respect and you become friends with them (P3: male child).*

One participant reflected on their early struggles with speech and reading, and the emotional impact of being removed from class for support. While they appreciated the help, they also felt stigmatized and isolated:

> *I used to go to this old woman because I had a speech problem. . . She could understand me, but no other teacher could understand me (P6: male young adult).*

> *I've already felt special, if I'm being honest. . . No, bad way. . . I didn't like the look that people would give me because I was getting support. . . I always wanted to read (P6: male young adult).*

These stories highlight the importance of culturally safe, flexible, and inclusive educational environments that recognize the diverse needs of students and foster respectful, supportive relationships. Participants' experiences suggest that when schools are responsive and relational, they can play a critical role in promoting engagement, healing, and hope for the future.

Subtheme: Hope, Identity, and the Power of Positive Engagement

This theme evolved from participants' stories of reimagining their futures and finding strength, healing, and purpose despite the pain and adversity they had experienced throughout their early lives. Participants shared how their

identities were shaped by family, culture, and community, and how positive engagement through education, sport, work, and creative expression offered pathways to healing and transformation. One adult participant reflected on the intergenerational trauma of colonization and the legacy of the Stolen Generations. They spoke of growing up in fear and mistrust of government systems, shaped by the stories of their grandmother, who had two daughters taken from her. This participant carried deep resentment toward the systems responsible for the deaths of two uncles in custody—men they saw as heroes in the absence of their father:

> *I looked at them as the ones, these people come into our place, they took our stuff, they lock us up, they take our land, they separate us, they take our fathers away, our mothers, and I looked at them as warriors. I looked up at my Uncles as men that – Again, Robin Hood (P10: male adult participant).*

They described how their early life was shaped by crime and alcohol use, introduced by family members, and how incarceration felt like an inevitable part of life:

> *Growing up with [deidentified family members], the way we expressed ourselves was stealing cars, was robbing houses, was fuck the world because that's all we knew. . . (P10: male adult participant).*

> *I always mentally prepared for jail. That was almost like a given. . . It was almost like a destiny. . . it's that rite of passage in a sense (P10: male adult participant).*

Now living a sober life with their partner and children, this participant works in drug and alcohol outreach services and reflected on the importance of culturally safe healing spaces:

> *A bit of art, bit of music. . . A bit of expression. . . Oh yeah, most definitely. I think that's key. Not just for the kids. You know? (P10: male adult participant).*

Other participants shared moments of pride and joy in their achievements. One young person, involved in a youth justice transition program, recalled receiving a gold medal for English and expressed a love of writing and history:

> *I got a gold medal for English. Captain Cook. . . How he came to Australia to try to claim this land, but then they had a fight with the Aboriginal people, like all the Elders. . . And they called for food and the ship that was coming over*

> *with all the food on it, that broke down in the ocean and everyone died on that boat (P12: male child).*

Another participant described the crippling anxiety they experienced as a result of complex trauma related to early childhood mistreatment by their father. They spoke of spending long hours in hospital emergency departments, overwhelmed by fear and physical symptoms that medical staff struggled to explain. They described feeling invisible and unsupported in these moments, which contributed to psychological distress and thoughts of self-harm:

> *And then I went in there because I thought I was having a stroke. I felt so faint. I was like, 'Someone help me,' and they didn't even help me. . . I've had an MRI on my head, I've had my kidneys checked, my iron checked, my heart checked, everything ever, and it's all good, but my brain cannot accept that it's fine (P13: female child).*

Despite these challenges, this young person found strength through a transition program and the support of a carer who encouraged them to take up competitive sport. They described how sport became a powerful outlet for their pain and a source of pride and purpose:

> *I do sport. . . I do just competing in competitions. I went overseas for a trip with my club because they wanted me to compete there and I came second (P13: female child).*

Participants also spoke about the importance of recreational activities, music, and sport in their lives. Some recalled the joy of school trips to theme parks, while others expressed a desire to complete their education and find meaningful work. One participant found stability and satisfaction in after-school employment:

> *I'm happy to be working in a fast-food outlet. . . front of house. . . barista responsibilities (P1: female child*).

Others shared their dreams for the future:

> *I told Mum and them that I'm going to go to school and be the first one to get an education (P8: male child).*

> *Any sports. Yeah, I'm just a sports kid. . . I played for a football club when I was young (P5: male child).*

> *I probably want to work where my dad works. . . He works with tyres. . . Sometimes, he does deliveries (P4: male child).*

> *Yeah, I probably just want to go work with my older brother. Just get a job (P5: male child).*

> *I've never started a job yet, but I do want to do a job. . . or to care for others. . . or start eyelash and nails (P9: female child).*

These stories reflect the resilience, creativity, and determination of participants to build meaningful lives. They underscore the importance of fostering environments whereby Indigenous Australian children can build positive identities, access culturally relevant supports, and pursue their aspirations with dignity and hope.

Discussion

The purpose of this study was to contribute to the limited existing qualitative research that centers the perspectives of Indigenous Australians with lived experiences of exposure to the child justice system. The study specifically sought to identify ways to prevent child incarceration practices by listening and learning from the stories of participants to develop a comprehensive understanding of: lived experience inclusive of current needs and priorities to enhance and improve quality of life and wellbeing; perceptions of protective factors, social capital, and barriers to staying out of trouble with police; their experiences with criminal justice processes; and their perceptions of diversion or healing programs.

The findings are presented through two overarching themes: *Negative Childhood Experiences* and *Positive Influences and Protective Factors*, each comprising several sub-themes. The first category explores the impact of early exposure to violence, instability, and harmful interactions with police and support systems. These experiences were often shaped by intergenerational trauma, systemic racism, and socio-economic hardship. The second theme highlights participants' desire for change, the importance of respectful relationships and flexible learning environments, and the transformative power of identity, hope, and positive engagement. Together, these themes reflect the complex interplay between adversity and resilience in the lives of Indigenous Australian children and young people exposed to the justice system.

The stories provided detailed accounts that were all interlinked by the enduring negative impacts of colonization and consequent structural racism, discrimination, hyper-policing, hyper-incarceration, exclusion from

education, intergenerational trauma, socio-economic hardship, significant adverse childhood experiences and family challenges. Collectively participants expressed the need for consistent mentoring, structure, love and family support, positive peer and family influences, inclusive, understanding, and flexible education options, and economic stability. These findings are consistent with qualitative research evidence centering the voices of young people exposed to child justice systems (Barnert et al., 2015; Day, 2022; Hamilton et al., 2020; Moore & McArthur, 2014; Simmons-Horton, 2021). For example, in one Australian study undertaken by Hamilton et al. (2020) participants demonstrated extraordinary strength, despite significant childhood adversity, and were able to reimagine hopeful futures and success. However, their stories imparted much suffering and reinforce the need to provide holistic and healing pathways for children, their family and community across the life course to reduce the risk of incarceration, and the criminalization of childhood and complex needs (Holland et al., 2024).

The findings from the current study provide further evidence of the need for State, Territory, and Commonwealth Governments to take urgent preventative action toward the high prevalence rates of child maltreatment that currently impacts 25.7% of 16 to 24 years old in Australia (Mathews et al., 2023). Alarmingly, the prevalence rate of adverse childhood experiences (ACEs) for children exposed to justice systems is much worse at 75% (Meurk et al., 2019). These high rates of ACEs are consistent with the findings of the current study, as all participants detailed significant adverse experiences and how these experiences influenced their behavior, difficulties managing their anger, emotional distress, associations with particular peer groups, and involvement with child justice systems. This further justifies the need to understand the interrelated impacts of childhood trauma with compromised health, economic and educational outcomes, quality of life, and the successful transition into adulthood.

Other previous research has reported that children who have experienced maltreatment have worse educational outcomes compared to children without adverse childhood experiences. Bell et al.'s (2021) study, conducted with primary school aged children born in Western Australia, indicated children with adverse childhood experiences have been reported to be more likely to be suspended at school. This echoes the findings of another study conducted by MacLean et al. (2020) in Western Australia that investigated the relationship between maltreatment, child protection system involvement, and educational achievement among a Year 9 cohort. They found maltreatment and involvement in the child protection system to be significantly associated with low school achievement, intellectual disability, school attendance, parents' level of education, Indigenous status, and being older as notable risk factors.

This was also supported by the findings of the current study where participants described how their ACEs influenced inconsistent care arrangements in which they needed to be cared for by grandparents, and periodically in foster care and residential care environments. Situational crises and family violence negatively impacted their capacity to engage at school and influenced behavioral challenges and consequent suspensions and expulsions. Improved engagement in school and learning outcomes for children with ACEs in the study were achieved through attendance at alternative and flexible learning environments with supportive teachers and Indigenous liaison officers. Flexischools in the Australian context support youth who have been excluded from mainstream education.

A study conducted by M. Shay and Heck (2015) indicated an average of 31.3% of students attending flexischools were Indigenous Australian children; 29.6% of staff were Indigenous; and flexischools were located in low socio-economic areas. The study outlined that flexischools were effective in attracting, welcoming, and supporting youth who were not attending mainstream schools, either voluntarily or under duress (M. L. J. Shay, 2018; M. Shay & Heck, 2015). Flexibility, relationships, cultural competence of educators, connection to culture and nurturing cultural identity, and the implementation of an inquiry-led curriculum were reported to be more conducive in maintaining engagement among young Indigenous and non-Indigenous individuals. Flexischools also generally prioritize acceptance over disciplinary measures, and social justice over structured learning approaches (M. Shay & Heck, 2015). Additionally, Brunzell et al. (2016) highlights the benefits of trauma-informed positive education (TIPE) teaching practice in flexible learning settings to meet the complex needs of students who have experienced violence, abuse, or neglect. TIPE pedagogy enhances a student's regulatory abilities by embedding rhythm, self-regulation, mindfulness, and de-escalation into classroom strategies to improve learning outcomes.

Outcomes beyond education and childhood are well researched across social, behavioral, and health domains. Regarding studies with adult participants, those with multiple ACEs were shown to have an increased risk of substance use, sleep disturbances, severe obesity, chronic health conditions, high perceived stress, poor anger control, and challenges with sexual and reproductive health (Anda et al., 2010; Bellis et al., 2014; V. J. Edwards et al., 2003; Felitti et al., 1998). Participants in the current study described anxiety and crippling somatic responses to trauma and early use of alcohol and other drugs during childhood to cope with ACEs. To enhance childhood stability, safety, and wellbeing, participants described the need for consistent and supportive family environments, community transition programs to learn new skills to stay out of trouble, better access to recreational activities, vocational

job training and employment opportunities, access to therapeutic services, healing centers, and culturally safe drop in spaces provided 24 hours a day, 7 days a week.

It is also known that poverty and socioeconomic background are key predictors of ACEs (O'Connor et al., 2020). Investigating the distribution of childhood adversity across socioeconomic positions and cultural backgrounds is important in assessing vulnerable populations and targeting early life risks. A longitudinal study conducted by O'Connor et al. (2020) is one of the few studies to investigate the intersectionality of socioeconomic position and Indigenous or ethnic minority status within the Australian context. Their study involved collecting data on children's ACEs every two years from 0 to 1 to 10 to 11 years from a birth cohort of 5,107 infants. By the age of 10 to 11 years, more than half of the participants had been exposed to two or more adversities. A greater proportion of children from low socioeconomic backgrounds were exposed to all types of adversity and to multiple adversities compared to those from high socioeconomic backgrounds. Children from ethnic minority or Indigenous backgrounds were four to eight times more likely to be exposed to two or more adversities compared to children of Anglo-Euro backgrounds. Even at higher socioeconomic backgrounds, children from ethnic minority or Indigenous backgrounds were more likely to have had exposure to multiple adversities compared to similarly advantaged Anglo-Euro children. Across all ages, each adversity was more prevalent among children from Indigenous backgrounds compared to those from Anglo-Euro or ethnic minority backgrounds (O'Connor et al., 2020). Not only does this study demonstrate a clear epidemic of child maltreatment across Australia, but it shows the disproportionate rates that Indigenous children are exposed to adversity. These findings are consistent with the study's findings whereby participants described childhood adversity alongside experiences of social disadvantage. Participants described living in poverty, intergenerational crowded housing, a lack of access to recreational pursuits, home computers, transport, and parental unemployment and/or absence of family members due to incarceration.

The effect of ACEs for Indigenous children is not only lifelong but felt across generations due to the historic and ongoing oppressive practices of social marginalization, incarceration, structural violence, and racism. Intergenerational trauma, also known as historical trauma or multigenerational trauma, is defined as the collective psychological and emotional harm that is transmitted across generations (Darwin et al., 2023; K. M. Edwards et al., 2024). It is embedded in the collective and cultural experiences and memories of people who share a cultural identity. The Australian government's explicit strategy of assimilation through forced removal of Indigenous

children (these children now referred to as the "Stolen Generations") from their families and communities throughout the 20th century has been argued as the most crucial assault, leaving a traumatic legacy on Indigenous Australians today (Halloran, 2004). Furthermore, it is estimated that more than one third of all Indigenous Australians today are descendants of the Stolen Generations. The Bringing Them Home National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (Commonwealth of Australia, 1997) identified the forced removals policy to fall within the international legal definition of genocide as the principal aim was the elimination of Indigenous Australians' distinct cultural identities. The policy constituted an abuse of power, breach of guardianship duties, violation of human rights, deprivation of parental rights, and deprivation of liberty (Commonwealth of Australia, 1997). The profound impacts of this practice flow through generations and is prevalent among Aboriginal communities today continuing to impact disproportionate incarceration rates of Indigenous Australians. The continued negative impacts of colonization were voiced by participants through their lived experiences of hyper-policing, hyper-incarceration, hypervigilance by security, death in custody of family members, child removal or fear of child removal, negative stereotypical bullying by non-Indigenous peers, loss of cultural strength and identity and exposure to racialized health, and educational and child justice processes.

Strengths and Limitations

The strength of this study lies within prioritizing the voices of Aboriginal and Torres Strait Islander people exposed to child justice systems. Their stories were collected from diverse community contexts and locations in Queensland inclusive of urban, rural and remote settings. However, some study limitations to consider were that approval was not provided by the Queensland Department of Youth Justice to be able to recruit children who were currently in detention. Future research could seek to capture the voices of children who are currently detained in custody. The participants were more strongly representative of males aged between 12 and 15 years compared to females aged between 14 to 17 years and two adult males aged 18 and 30 years. Future studies could include the voices of younger children with a greater representation of females to provide increased understanding of developmental needs and vulnerabilities of this group.

Conclusion

This qualitative research has shared the stories of Aboriginal and Torres Strait Islander people exposed to child justice systems in Queensland, Australia.

These stories strengthen the case for multi-sectorial and public health responses to address upstream determinants impacting health and wellbeing, which lead to enmeshment with the child justice system. It is critical to support Indigenous and community-led culturally responsive strategies to prevent childhood incarceration practices. To resist childhood incarceration, elimination of the social and political factors that drive systemic discrimination and racism is required. It is necessary to provide healing informed and trauma aware, holistic, compassionate, and inclusive health, education and welfare services, across the life course. Consequently these reforms should identify and support complex physiological, social and emotional needs, specifically including the extensive trauma, and maltreatment experienced by children. Culturally responsive and accessible prevention programs designed and evaluated by the community are urgently needed.

Author Contributions

All authors contributed to the conceptualization of the study. Lorelle Holland drafted the manuscript with contributions from Natasha Reid and Claudia Lee. All authors provided editing and revisions of the manuscript. All authors have approved the final manuscript for submission.

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Ethical Approval and Informed Consent Statements

Ethical approval was obtained from the University of Queensland Ethics Committee (2021/HE002741). Pictorial and age-appropriate information sheets and consent forms were provided and signed by research participants, parents, and/or guardians. Dissemination of the findings outlined submission to high impact journals.

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Claudia Lee is a research assistant at the University of Queensland, having recently graduated with a First Class Honors in Psychology. With a strong foundation in psychology, Claudia has developed diverse research interests as reflected in her contribution to various research projects spanning child development, mental health and youth justice. Her multidisciplinary approach reflects her holistic perspective on understanding human behaviour and the social factors that influence mental well-being.

Maree Toombs is a proud Euralayie/Kooma woman from North Western NSW. Professor Toombs is an accomplished and strategic leader in Aboriginal and Torres Strait Islander health and research with national and international networks in the field of public health. Her work on aspects of social and emotional wellbeing has improved health outcomes for Indigenous people and led to changes in quality assurance and policy changes here in Australia and Internationally. Also, through her book, lectures, research and appointments, Professor Toombs has improved the way people work with Indigenous Australians. She also continues to provide leadership in cultural and ethical guidelines and expertise in qualitative data collection and dissemination.

Andrew Smirnov is a Senior Lecturer in the School of Public Health at the University of Queensland. He conducts teaching and research into substance use epidemiology, health behavior, health promotion, and the prevention and treatment of drug-related harm. Andrew follows a rights-based perspective in his work and has a strong interest in community-based health programs and consumer partnerships for achieving health equity.

Natasha Reid is a Senior Research Fellow and Clinical Psychologist at The Child Health Research Center (CHRC), Faculty of Health, Medicine and Behavioural Sciences at The University of Queensland. Natasha leads the fetal alcohol spectrum disorder (FASD) research collaboration at CHRC and established and leads the UQ Neurodevelopmental Clinic, which provides assessment diagnosis and support for children who have experienced prenatal alcohol exposure and their families.