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Adopt Change Position Paper on Domestic Adoption

ISSUE

There are 15,000 children who have been in out of home care (OOHC)¹ for two or more years in Australia and are not in relative or kinship placements. These children have been removed from abusive or neglectful situations, and having been in foster or residential care arrangements for two or more years, reunification with birth family is unlikely.

There is an extensive body of research, some of which is highlighted in this paper, that indicates that a lack of permanency is detrimental to a child's development and future prospects, particularly for children who have experienced trauma, as all children in care indeed have. In light of this, if reunification or placement with kin is not possible, adoption is another pathway to permanency for a vulnerable child. However, in Australia, only 209 Australian children were adopted in 2014-15, with only 56 of these adoptions being from OOHC². There are a number of barriers which mean that the number of Australian children entering the out of home care system is growing disproportionately to the shrinking number of adoptions that take place each year.

IMPACT

There is a large body of research showing that children in temporary or institutional care are more vulnerable to self-harm, substance abuse and suicide^{3,4,5} as a result of an increased experience of emotional abuse and physical abuse⁶ and a lack of permanency. Furthermore, people who have had an experience with impermanent care are more likely to experience homelessness⁷, poor education and health (particularly mental health) outcomes⁸, and are more likely to be involved with criminal activity⁹. A US research project of 701 adoptees in the US found that better relationships between

¹ Out of home care includes foster care, kinship care, residential care and independent living. For the purposes of this paper, impermanent OOHC does not include kinship care.

² AIHW (2015) *Adoptions Australia 2014-15*, Child welfare series no. 62. Cat. no. CWS 56. Canberra: AIHW

³ Sawyer, M., Carbone, J., Searle, A. and Robinson, P. (2007) 'The mental health and wellbeing of children and adolescents in home-based foster care' in *The Medical Journal of Australia*, 186 (4) 181-184.

⁴ See <https://www.childwelfare.gov/topics/systemwide/mentalhealth/>

⁵ See Tarren-Sweeney, M. (2008) 'The Mental Health of Children in Out-of-Home Care', accessed at http://www.medscape.com/viewarticle/575410_3

⁶ Australian Institute of Family Studies (2014) 'Effects of child abuse and neglect for children and adolescents', accessed at <https://aifs.gov.au/cfca/publications/effects-child-abuse-and-neglect-children-and-adolescents>

⁷ Flatau, P., Conroy, E. et. al. (2013) *Lifetime and Intergenerational Experiences of Homelessness in Australia*, AHURI Final Report No. 200, Melbourne

⁸ McHugh, M. and Pell, A. (2013) *Reforming the Foster Care System in Australia: A New Model of Support, Education and Payment for Foster Parents*, Berry Street and UNSW, accessed at <http://www.berrystreet.org.au/Assets/2583/1/ProfessionalisedFosterCareSystemfullpaper.pdf>

⁹ As above

adoptive parents and adoptees correlated with less chance of truancy, substance abuse, school suspension or contact with the police¹⁰.

It is widely regarded that permanency and meaningful adult attachment are necessary for a child to experience a normal developmental trajectory, and so disruptions to this often have the adverse effects mentioned above¹¹. Therefore, it is imperative to consider permanency options for children who are unable to remain with their birth families at as early a stage as possible¹². Australian child protection policy and practise often fails in this regard, as evidenced by the high number of children in out of home care for long periods of time and the multiple placement moves experienced in the process.

Furthermore, with the practise of adoption decreasing consistently in Australia for the last 30 years, there is a decline in skilled practitioners in this area. This is exacerbated by the perceptions around past practises of forced adoption and rights of birth parents, as modern adoption practises receive little attention in tertiary curricula for social workers.

POSITION

Adopt Change advocates for every child to have the opportunity to grow up in a permanent, loving family, and adoption must be a legitimate option when considering permanency for vulnerable children. We advocate for systems and processes that meet the needs of vulnerable children, with resources to make decisions that prioritise their best interests. The mission of Adopt Change is to raise community awareness, encourage reform and empower all Australians to ensure that all children have a permanent, loving family.

Adopt Change advocates capacity building of families to ensure that vulnerable children are able to remain within their birth family where possible. Via a clear hierarchy of care, reunification and kinship placement should be pursued wherever it is safe and possible for the child. Evidence indicates that decisions around a child's permanency need to be made in a timely manner, and whilst every effort for reunification and kinship placement must be pursued, children benefit from the implementation of clear timeframes around decision-making. Adoption should be a permanency option available to children once reunification and kinship placement options have been explored.

Adopt Change advocates for legislative and policy reform in the areas of adoption and child protection, and that policy makers and legislators must draw on the evidence base to develop systems that are child-focussed and that genuinely meet the needs of the vulnerable children they seek to protect. We also believe that the voices of children must be heard in the decision making process in order for decisions to truly meet their needs and best interests.

In addition to legislation and policy, Adopt Change believes that attention needs to be paid to attitudinal reform for all stakeholders – government, the sector, the judiciary and the community at large – to remove this as a barrier to adoption being made

¹⁰ Pike, G. (2014) *Adoption Rethink*, Women's Forum Australia

¹¹ See Tarren-Sweeney, M. (2015) *Developmental Child Welfare – Protecting the Development of Children Who Are in Need of Care*, webinar available at <http://www.adoptchange.org.au/OnlineandMultimedia>

¹² See webinar by Associate Professor Michael Tarren-Sweeney (2015) 'Developmental Child Welfare – Protecting the Development of Children Who Are in Need of Care', accessed at <http://www.adoptchange.org.au/OnlineandMultimedia>

available as a permanency option. Furthermore, the systems in place need inbuilt transparency to all parties throughout the entire process – birth families, children, carers and prospective adoptive parents.

We condemn the past practise of forced adoptions, where women were coerced into giving up their babies, and we acknowledge the emotional legacy this damaging practise has left behind in a generation of birth families and their children. In learning from these past mistakes, Adopt Change supports existing open adoption principles, whereby contact is maintained with birth families wherever safe and possible to do so, and children have access to their birth history and information.

WHAT WE ARE CALLING FOR

Systemic reform

- Adopt Change wishes to see decisions made in a child’s best interests, with adoption included as a **genuine permanency option** for vulnerable children. This will require policy to set out clear care pathways and a care hierarchy as a framework within which to make decisions in the best interests of vulnerable children.
- Development of **evidence-based** adoption, foster care and child protection policies and practice nationwide using **Australian data** and independent research and evidence.
- A **national adoption framework** that streamlines and harmonises legislation, policy and practise between states and territories, including the ability for single people and same sex couples to be eligible to apply for adoption.
- Each jurisdiction to include clear **care hierarchies** that prioritise permanency for children. As in NSW¹³, a suitable hierarchy of permanent care would be Reunification > Kinship > Adoption > Foster care. A clear care hierarchy set out in each state and territory’s child protection policy would ensure that all parties in the child protection process – children, birth parents, case workers, carers and prospective adoptive parents – are aware of the pathways to care, and are able to make decisions in a child’s best interests via a clear framework.
- Clear and appropriate **timeframes** around decision making for children, to ensure that all parties to the care of that child are able to make decisions for that child’s permanency in a timely manner, to minimise further trauma that impermanency can cause. Whilst most states agree to 12 months of reunification being pursued¹⁴, this is an area where there is a lack of evidence to support how long these decisions should take. Ultimately, the system must be responsive to a child’s needs.
- **Transparency** throughout the case management process for birth parents, children, carers and prospective adoptive parents. This includes transparency around the pathway a child’s case could and is anticipated to take, as well as transparency around the status of a child’s case. This could be maintained via an online portal, which updates prospective adoptive parents on timeframes, as well as any documentation that is required as a part of the process for foster care and adoption.
- Encourage **attitudinal change** around adoption and out of home care through the sharing of positive stories, as well as removing barriers to adoption in the

¹³ See http://www.facs.nsw.gov.au/about_us/media_releases/media_release_archive/gabrielle-upton/sweeping-reforms-to-child-protection-in-nsw-take-effect

¹⁴ See, for example, NSW:

http://www.facs.nsw.gov.au/_data/assets/file/0018/302472/3355_FACS-SafeHomeForLife_PermPlacePrinciples.pdf

current systems. Negative views of adoption have a detrimental impact on a child's self esteem. Research shows that people are receptive to the notion that adoption is an important way of forming a family in today's society¹⁵.

- Adopt Change supports **open adoption**. Maintaining contact with birth family wherever possible and safe is important for a child's identity formation and access to personal history.

Capacity building of individuals and the sector

- Investment into resources to help **build the capacity of at-risk individuals** to parent their biological children, including Indigenous parents and their communities.
- **Build the capacity of case workers** and professionals to ensure that permanency planning and adoption maintains the safety and best interests of children as a matter of priority.

Service development

- A national **Centre of Excellence** in pre- and post- adoptive support, to provide services to adoptive families and children nationwide.
- In each state and territory, the ability for **birth certificates** to include an addendum that incorporates both the child's adoptive and birth family history. Each state's registry could provide the option for select information or all information to be made available to the adopted person on the birth certificate document.
- The development of sophisticated **data capture** and **case management** systems by state and territory departments and non-governmental adoption agencies, so that national data can be captured and shared transparently in annual AIHW child protection and adoption reports, and data gaps filled.
 - Include the capture of data on the **outcomes** of children once they leave the OOHC system

¹⁵ See Adopt Change/Forward Scout report (2015) *Modern Families: Attitudes and Perceptions of Adoption in Australia*, accessed at <http://www.adoptchange.org.au/Research>