

**national
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week**

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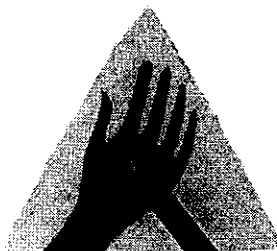
National Adoption Awareness Week (NAAW) is a national not for profit organisation that links together people across Australia, to create open dialogue for everyone interested in, and touched by adoption. The organization is focused on families for children as a priority, and advocates for stability and security for children, in a family unit. NAAW also aims to explore ways of better supporting birth parents, young and adult adoptees, and existing and future adoptive families. NAAW represents the voice of thousands of members of the adoption triad and advocates for ethical transparent adoption practices for children in need of a family.

The organisation's work is underpinned by *The United Nations Convention on the Rights of the Child* which states that the best interests of children should be a primary consideration in all actions concerning children, and *The Hague Convention 1993* which recognises children should grow up in a family environment. It further states that permanency is preferable to temporary measures. The Convention also states; '*it is true that maintaining a child in his or her family of origin is important, but it is not more important than harm or abuse*'.

NAAW wishes to respond to two of the terms of reference raised by the Queensland Child Protection Inquiry, specifically:

- **the current Queensland government response to children and families in the child protection system**
- **the transition of children through, and exiting the child protection system**

In the past two decades there has been a doubling of children in Out of Home Care (OOHC) across the Western Nations with around five in a hundred children in care (Bromfield & Holzer 2008). All current research evidences that it is important that children are placed in stable long term placements as early as possible. In Australia, Sammut (2011) notes that between 2000 and 2010, the number of children who are unable to live safely with their parents, and are subsequently placed in 'residential care' by state and territory child protection authorities, has increased by 56%. Decades of declining numbers of children in residential care have been reversed. The 'residential'



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OOHC population fell to 939 children in 2004-2005 and then doubled to more than 1800 in 2009-2010.

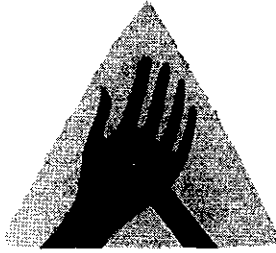
There are a number of theoretical considerations worth keeping in mind when we put the child's best interests in the forefront of an intervention; the early indicators that a child will not be returning to parental care, the age of the child at placement, bonding and attachment and the impact of multiple moves on children in care.

Mulligan (2003) notes that there is a general theme amongst the literature, that the rates of breakdown for children in care increase between the age ranges of 2-5 years of age. Adding to the body of literature that supports the placement of children in a stable placement at a young age, is a study by Potter and Klein-Rothschild (2002) where they found that the children placed before the age of three have the most successful outcomes.

Attachment Theory stands at the forefront of the theoretical understanding of why the early and stable placement of children leads to positive outcomes. Attachment is defined as the enduring and mutually reciprocal bond between an infant and their carer (Bowlby 1988). Attachments are thought to form between an infant and a sensitive, caring and responsive, stable primary caregiver. Attachment patterns are taught to be enduring over the life span. The formation of a positive attachment results in the child forming positive expectations for relationships (Bowlby 1988).

In contrast to the normal developmental progress of attachment, inadequate care can result in poor feelings about oneself and others and negative expectations about relationships (Hanson and Spratt 2000).

Despite all the research that informs us on the necessity of stability, routine, security, and trusted care givers for young children, a Queensland Crime and Misconduct Commission in 2004, found that, before leaving care, 37% of children had four or more placements. The Australian Institute of Health and Welfare. Adoptions 2010-2011, reported that there were only four "known" children adopted in Queensland in 2010-2011. This is despite the fact that in 2011, it was noted that as many as 7,602 children were living in out of Home Care, and for a large number of non indigenous children, there were all the early indicators, from the time of entry into OOHC that the child would



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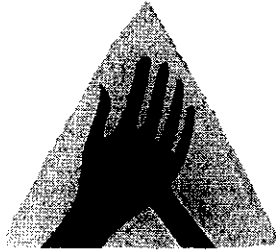
not be returning home. Many of these children entered care as babies or toddlers, as there are approximately 2,000 Queensland children under 4 years of age living in care.

Sammut (2011) notes that, children adopted from care at earlier ages do better on short and long term personal and social indicators, than children who are returned to their parents or remain in foster or residential care. The evidence compiled by Patricia Morgan (1998) from multiple US and UK studies shows that adoption is the tried and tested way to provide alternative homes for children and help reverse the setbacks experienced in early life; the claim that 'children are always better off with natural parents' is wrong.

NAAW supports early adoption planning for children where there are early indicators that they will not be returning to their birth families. Modern practice of open adoption supports a child retaining links with their birth family and their genetic origins, while gaining the security and stability of growing up in an assessed and educated adoptive family. Limited contact with the birth family is written into the adoption order and allows the adopted child to develop their personal identity, while being able to form strong attachments with their adoptive family and having the stability of a single adoption placement.

We strongly advocate for stability planning from the child's first entry into the OOHC system. Where there are early indicators that a child will not be reunified with birth family, i.e. if the parent has previously had their parental rights to another child terminated, where there is severe untreated mental illness, where a parent has seriously harmed another child, or where there is unaddressed alcohol or drug abuse, a child should be placed in a stable long term placement with the ultimate goal being open adoption.

There has been suggestion that Guardianship Orders may be a way of creating stability for children in the OOHC system. At NAAW we do not support the use of Guardianship Orders as being in the best interest of children. The use of Guardianship Orders in Victoria since 1988 has not provided the sense of security for children that an adoption order can provide. Guardianship orders can be contested in court by birth families on an ongoing basis, and this creates instability in placements



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and insecurity for both child and guardian. The constant threat of a Guardianship Order being withdrawn by the court leaves carers feeling insecure about the stability of the placement of the child within the family, and can be a barrier to attachment for the child. Guardianship orders expire when a child reaches the age of 18, leading to some children being transitioned at a vulnerable time in their lives, to transitional accommodation, as there is no longer any existing legal bond between the child and the carers. Under a Guardianship Order, children do not adopt the name of their "parents" who they live with and they can feel they do not have a sense of 'belonging' to the family they are being raised in.

This letter from one of NAAW's carers in the community, highlights some of the damage the current system is doing to children in OOHC, with the following case example, the identity of the child has been changed for privacy purposes:

"We have been fostering a beautiful Girl, Sara for the past 16 years and 4 months. During that time she has wanted to be adopted, so for over 12 + years we thought we were in the adoption process. The agency we Foster through, would have yearly case conferences with birth Mum, extended family, foster family, DOCS etc and would note that Sara wanted to be adopted. Sara's birth mother and extended family were happy with us adopting Sara and so we were told that the request was put into DOCS for the adoption application. We constantly asked how long it was going to be, they kept saying to us that the adoption process takes a long time.

We are now over 12 years down the track. In the meantime Sara has gone to school from Kindy under the name of Sara Jones instead of her birth name because she didn't want to be different to us, her parents. I was also pregnant with my first pregnancy and Sara didn't want to have a different name to the baby. Docs, the foster care agency, her extended family and her birth Mum were happy for Sara to have our last name so she could "belong" and not be different to us. Other than her last name Sara had a feeling of belonging with us as she came to us as a nine month old baby and was and is loved as our own.



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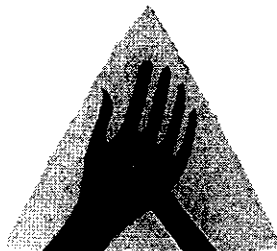
A few years ago we found out that the adoption process hadn't even started so the 9 years of us waiting and asking was all wasted, and we were told we would have to start the process all over again. Sara was devastated, she constantly cried and started to withdraw, she felt like she didn't matter to anyone and she despised the words "ward of the state". We got the process started again, but who knows really as we can't get a hold of any DOCS worker not even the adoption worker. The foster care agency keeps being lied to by DOCS, saying that they sent information when they haven't and then not being able to be contactable to the foster care agency either.

This has impacted Sara greatly as she is now 17 and 3 months and still hasn't got her driver's license because she wants it under the name of 'Jones' not her birth name. She could've already had her license for a year already. Today Sara gathered lots of paperwork together, stat dec's, letter from the foster care agency, copy of the birth certificate, her bank card, school card ID, Medicare card (that's under Jones) etc, etc, and she still couldn't get her license even if she went under her birth name, as she had nothing but the copy of her birth certificate in that name. So either way the poor kid was stuck, she now has to bounce back from another setback.

Sara has her HSC next year, what name will she have to put down? If it's her birth name, the HSC is the only exam that child has done, But Sara Jones has all of her exams even the School Certificate and year 11 exam results.

I would've thought adoption in our own country would've been easy, especially when the child is living in our house from a 9 month old and her birth Mum and her extended family are happy for her to be adopted by us".

Legislation in Queensland makes provision for children to be adopted from care without the consent of their birth parents. The Queensland Adoption Act 2009 provides grounds on which a parent's consent can be dispensed with. If a parent is not, within an appropriate timeframe, willing and able to protect the child from harm and meet the child's need for long term stable care, a court may dispense with a parent's consent for adoption. NAAW believe this option to provide a stable adoptive family for a child is under utilised in permanency planning for children, as can be seen by the extremely low number of children that have been adopted by known carers.



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The success of an 'adoption from care' program can be demonstrated by the New South Wales, 'Find a Family' program run by Barnardos. The program looks at early open adoption placements for young children who will not be restored to the care of their birth family, and has a 90% success rate for children in long term placements. The program provides children with the stability of a single adoption placement to promote bonding and attachment, and to promote healing for children who may have come from a background of trauma and abuse. An adoption program such as the 'Find a Family' program is child focused and relieves the pressure on the overburdened foster care system, and court system by providing a secure and stable placement for a child from early entry into OOHC. There is a dire shortage of foster carers throughout Australia and no more so than Queensland. By providing the option of adoption for a child that will not be restored to their birth family, foster carers will be freed up from long term placements to provide the short term care that is necessary for family restoration, and carers motivated to provide lifelong care to a child will be attracted into a more secure parenting option that allows for an enduring relationship with a child they can commit to for life.

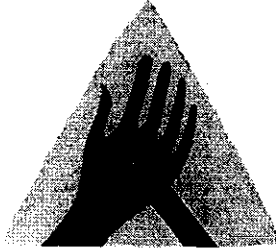
NAAW believes that every child deserves a family and that the best interest of the child should be the premium consideration. If through circumstance a child cannot remain within their birth family, adoption gives a child a permanent loving family. Security, stability and love help mould children into healthy, confident individuals who grow up and in turn give back to their communities.

Queensland has the legislation to provide children stuck in the OOHC system with a secure and stable adoptive family, and NAAW supports a change of practice and policy, and the use of current legislation, to act in the best interest of a child's future.

Sheri Shenker

Chief Executive Officer

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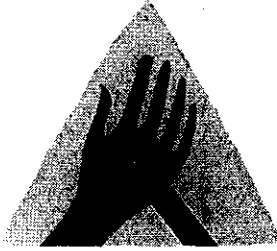
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