

General Purpose Standing Committee No. 2
Inquiry into child protection
Supplementary questions for Barnardos Australia
16 August 2016 hearing

1. You discussed open adoption and the importance that adoptive carers “embrace the child’s family in order to preserve the child’s birth identity”.
- a. Noting this importance of identity and connection, is there a statutory definition or standard for open adoptions?

There is no statutory definition or standard for open adoptions. The Adoption Act 2000 has as one of its objects: “to encourage openness in adoption” (S7(g)) but does not define “openness”.

Section 46 of the Adoption Act 2000 requires an Adoption Plan to be filed as part of an application to the Supreme Court for an adoption order; this Plan sets out arrangements for contact after adoption. S46(1) defines an Adoption Plan as:

“adoption plan” is a plan agreed to by two or more of the parties to the adoption of a child that includes provisions relating to:

(a) the making of arrangements for the exchange of information between the parties in relation to any one or more of the following:

(i) the child’s medical background or condition,

(ii) the child’s development and important events in the child’s life,

(iii) the means and nature of contact between the parties and the child, and

(b) any other matter relating to the adoption of the child.

- b. If not, what definition or principles for open adoption does Barnardos use, eg what sort of arrangements about contact, involvement and information sharing are sought and how effectively are these achieved?

Barnardos has been practising open adoption for over 30 years and believes that “open adoption” means that the child is raised in the full knowledge of their adoptive status, with access to information about their history and family of origin. This will involve a mutual exchange of information between the child’s adoptive family and birth family and some degree of contact.

Researchers differentiate between “Communicative Openness” (ongoing adoption-related conversations that occur with the adoptive family) and “Structural Openness” (actual contact that

occurs). Brodzinsky (2006)¹ and Von Korff and Grotevant (2012)² found that contact leads to conversations, which is associated with greater self-esteem and development of a healthy adoptive identity during adolescence and into young adulthood. Studies have shown that communicative openness is the most important factor for adoption identity and that contact in itself does not promote good outcomes.

Barnardos has an emphasis, both in our adoptive carer training and assessment, on the importance of both structural and communicative openness. We will not proceed with an assessment of applicants who are not committed to this principle.

From the beginning of a placement, the prospective adoptive parents are involved in helping to develop the child's Life Story Book and take an active role in organising and facilitating contact; this allows for the development of a relationship between members of the two families. It is expected that the prospective adoptive parents will have sole responsibility for contact by the time of filing the adoption application in the Supreme Court and, to facilitate this, the parties usually exchange email addresses and/or mobile telephone numbers.

Frequency of contact is established according to the child's age and relationship with their birth family. This needs to be at a level that assists the child with knowledge of their birth family and their identity, but is manageable for all parties and does not interfere with the child's attachment to their new family³, which we believe should be the primary consideration. An analysis of twenty six years of adoption involving 210 adoptees from 141 birth families has shown that more than 75% of adoptees had 2 or more visits per year with their living primary birth parent, with 46% having similar contact with their secondary birth parent. Current Adoption Plans that have been approved by the Supreme Court typically recommend 4 contacts per year with each parent/significant person, with a range of 2-12 visits. The frequency of contact is determined by the current level of contact and through consultation with all parties.

c. Are there barriers and limitations in the extent to which openness is achieved, and what could be done to promote better outcomes in this sense, especially when adoptions from out-of-home care may have occurred without consent?

We understand that contact is a complex and changing arrangement in the life of a child and believe that the Courts need to make orders which are flexible and reflect the fact that needs and requirements of the adoptee, adoptive family and birth family will change over time. Rigid contact arrangements, which do not allow for such changes, are likely to prove difficult to achieve throughout the years and particularly when the adoptee is in adolescence.

¹ Brodzinsky, D. (2006) "Family Structural Openness and Communication Openness as Predictors in the Adjustment of Adopted Children." *Adoption Quarterly*, 9:4, 1-18

² Von Korff, L. and Grotevant, H. D. (2012). "Contact in Adoption and Adoptive identity Formation: The Mediating Role of Family Conversation." *J Fam Psych* Jun 2011. 25(3): 393-401

³ Barnardos Australia Child Welfare Decisions Practice Paper2 "Decisions on contact in open adoptions" (2014).

Adoption applications to the NSW Supreme Court are made with the parents' consents, the child's consent (if over 12 years) or where the parent's consent has not been given. While most parents of children in foster care are not willing to give consent to their child's adoption, it is our experience that if they are happy with the placement and care of their child, and have an established relationship with the prospective adoptive parents, they are unlikely to contest the Adoption Application. Most want their child to remain in the placement, but do not want their child to think they have "given them away". Approximately 76% of our applications to the Supreme Court are either with all required consents or where the parent has not given consent but is not actively opposing the application. When a birth parent wishes to actively oppose an Adoption Application, which is their right, we encourage them to do so, noting that the Supreme Court may make an order which dispenses their consent. 24% of our applications were contested at court: 10 by both parents; the rest by 1 parent, with the other parent giving consent.

One of the strengths of our adoption program is the capacity of workers to assist in the development of positive relationships with birth family members and between birth and adoptive family members. There is a focus on honest, transparent work with both birth and adoptive families, with an emphasis on early consultation and provision of information, and facilitation of the development of mutual trust, respect and co-operation between the parties.

Barnardos has been able to support birth parents, even in contested matters, and relationships between birth and adoptive families have generally not been adversely affected by lengthy adoption proceedings and Court hearings, with ongoing contact continuing after the making of the adoption order.

Attachment:

Barnardos Australia Child Welfare Decisions Practice Paper2 "Decisions on contact in open adoptions" (2014).

Child Welfare Decisions Practice Paper 2

Decisions on contact in open adoptions

Practice Paper 9 on Permanency Planning discussed Barnardos' commitment to Open Adoption, where there is ongoing contact between the child, birth family and adoptive family. This paper follows on by exploring issues in working towards successful contact; it is concerned with decision-making about who contact should be with, the type and frequency of contact and how to establish contact.

Decisions about contact are always made with the needs of the child as the first priority. Within Barnardos the bulk of contact arrangements are face to face and, when the parties feel comfortable, unsupervised. However, there are other options, such as exchange of letters and photographs and various social media, such as email, skype and, for older adopted children, Facebook.

This paper will consider two different situations: firstly, adoptions which follow on from a period of long-term fostering in which some contact arrangements have been in place; secondly, adoptions of babies and toddlers where there has been little previous relationship between the birth family and child. Whilst decisions should always prioritise the child, social workers do need to consider the needs of the adoptive and birth families. We will not be involved after adoption takes place.

Research into Open Adoption is scant, with little Australian or UK material or long-term experience of the importance or impact of contact over time (MacDonald and McSherry 2011, Neil, 2008). Barnardos' experience is that adolescent adoptees are much happier when Open Adoption has been achieved. Open Adoption has many benefits including:

- The child has an improved sense of identity
- The child is likely to have life-long continuity of a coping family

- Helps the child feel more secure; the child does not have to feel "abandoned" or sever ties
- The child feels more ordinary (belongs) in society
- The child feels secure
- Adoptive parents have a greater sense of satisfaction (enhancing their sense of entitlement to the child)
- Biological siblings maintain integrity and connection

Decisions about frequency and with whom

The amount of contact with various members of a birth family should not create undue stress on the adoptive family and should enhance the child's attachment to their new family. A wide range of people need to be considered in determining contact with siblings and grandparents are particularly important. Financial arrangements and past arrangements need to be considered at the outset.

A general guideline for the frequency of contact would be contact with the child's birth parents or other significant people 3-4 times per year (Macaskill 2002.) However, workers should also consider the type of contact regime if the child has been in care and the age and importance of past relationships to the child.

Arrangements that are made prior to the adoption generally continue, however changes in the child's wishes and the family's needs may require flexibility. Studies in the United Kingdom shown contact does not usually fall off after the first year (United Kingdom Department of Health, 1999).

Age of the child is an important consideration. When a baby is adopted, contact may be less frequent. Younger children have different contact needs than older-age adoptees. They will generally not need so much contact because their primary attachment is to their adoptive family.

Contact with siblings can be very important to a child over time; however, UK studies show that there can occasionally be problems. Contact with siblings is critical to a child, as these are often the most long-lasting relationships the child will have with birth family members. The establishment of regular sibling contact must be seen as a priority for the adopted child's ongoing sense of identity. Workers should pay close attention to situations where a sibling may still live with birth parents and 'secondary contact' may not be wanted. If there are logistical problems when a sibling is placed with other carers, the carers must be chosen who will support sibling informally. In some situations, children may not want to see their sibling particularly if there was abuse between siblings or problems because of a parent favouring one brother or sister over another (United Kingdom Department of Health 1999).

Contact with grandparents is frequently a very positive experience for the child. Grandparents have often played an important nurturing and stabilising role in the child's early childhood and may have assisted in caring for the child. Grandparents who are able to accept that neither they, nor the child's parent, are able to care for the child, can support the adoptive placement and endorse the adoptive parents' role as the child's new parents.

It is often expensive for adoptive parents to maintain contact arrangements and this aspect needs to be considered when recruiting carers.

Decisions about types of contact

Face-to-face contact is the type of contact supported by NSW legislation and the Supreme Court. However, given the ubiquitous use of social media, it is likely that children and families will be able to exercise autonomy about contact and that the contact arrangements may change over time, independent of the contact plan. More distant forms such as letters, photographs and cards may be considered.

Supporting contact

Each individual's situation will require unique resolution. In most situations, even when adoption proceedings are contested, agreement is reached between adoptive and birth families about contact after adoption. Balancing the needs of all of those concerned involves significant and sometimes conflicting issues. The needs of the child and stability of placement should dominate ongoing contact arrangements.

Work with children

Post adoption, children are dealing with issues of new attachments and developing a healthy sense of identity as an adopted child (Neil 2008). For most Barnardos' children, loss and separation are not usually as critical as the impact of trauma and neglect. Contact can play an important role in resolution of these issues.

Children can request not to have contact with birth parents but this needs to be looked at in context and the nature of the reasons explored. Sometimes less confronting types of contact, such as email, can be used. If children continually say 'no' when they are very young, there may be good reasons for ceasing contact. When children are 10 years old, they have the right to make their own decisions regarding contact.

Work with adoptive parents

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The idea of ongoing contact within adoption may come as a considerable surprise to potential adoptive parents and it is important that the agency is raised early and the rationale explained fully (Logan 2010). Early preparation may be helped by meeting other adoptive parents who have been able to establish workable contact arrangements and by talking with young adoptees about how important contact was for them.

Despite understanding the reasons for Open Adoption, adoptive families may find the practical implications and emotional toll to be more difficult than they assumed (Logan 2010). Adoptive parents describe young children's lack of interest in maintaining contact; and the adoptive parents themselves feel a threat to their identity and parental status. They may resent the destabilising impact of contact on children and the problem of birth families expecting ongoing involvement in significant events or in gift giving (United Kingdom Department of Health, 1999). Notwithstanding these concerns, it is Barnardos' experience that most adoptive parents understand the benefits of ongoing contact for the child and are able to facilitate positive contact arrangements.

Work with birth parents and family

Work with birth parents should begin at the initial discussions about adoption and must be realistic; the promise of contact must never be used to encourage compliance with a care plan of adoption.

The needs of the birth family are important but always less so than the needs of the child and the stability of the adoptive family (Smeeton and Boxall, 2011). Birth parents should understand the importance of ongoing contact of some type with the child - as a way of the child understanding their past, and, for older children reassurance to them of their birth family's wellbeing.

Work towards contact may be significantly different, depending on whether parents accepted the adoption; that is, whether the parents agreed to dispensation of their consent, or disagreed and contested the arrangements set out for the child. For birth parents themselves, contact may provide

comfort and a better chance of resolving grief and loss. Birth parents feel challenged to understand their role as biological, not psychological, parents (Neil, 2008). For some birth parents there will be difficulty in ongoing adjustment to adoption and, in this situation, workers may have to be as encouraging as possible.

Where contact is not productive

Barnardos is not funded to undertake support post-adoption; however, where this is necessary, very limited assistance will be offered to the child, adoptive family and birth parents. Support often means practical problems for workers with busy caseloads and this should be discussed in supervision. At times, 'conferencing' situations may be desirable to identify the perspectives of all three parties of the 'adoption triangle'. Referral to external agencies should be actively considered.

Research shows that contact involving children who were young when adopted appears to be less problematic (Neil, 2008). However, older age adoptions may experience difficulties. These include hostility or rejection by birth parents and problems when children and birth families do not know how to relate to one another. There may also be situations in which children may respond to problems brought about by past abuse, or may lack emotional resources to cope with stressful situations. Birth parents may have ongoing problems which affect their ability to maintain contact (Neil, 2008).

Conclusion

Maintaining contact is usually important for the development of a child's identity and emotional authenticity and can boost a child's self-worth by helping them cope.

It needs to be acknowledged that Open Adoption does not "resolve" the issues faced by the parties to adoption and can create new challenges. Therefore, when determining the level of contact, the age and needs of the child should be taken into account.

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Successful contact is dependent on open and honest conversations and consultation with all parties from the commencement of the child's adoptive placement. There should be early preparation of adoptive parents and the views of the child must be considered. Arrangements should be flexible and should not evolve in an ad hoc manner.

References

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