

Family Inclusion Strategies in the Hunter

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Maintaining connection and building belonging – response to the inquiry into approaches into a nationally consistent framework for local adoption in Australia.

With reference to:

1. Stability and permanency for children in out of home care with local adoption as a viable option
2. Appropriate guiding principles for a national framework or code for local adoptions in Australia.

Terms we will use in this submission.

Parents and family – refers to birth parents and family. The prefix “birth” is used only when this is needed for clarity.

Children in out of home care – in our submission will refer to all children, under the age of 18, who have been removed from their families by statutory child protection authorities, regardless of what legal order they are subject to. For the purposes of our submission this will include children who have been adopted from care.

Statutory child protection agency – refers to the state and territory based agencies responsible for care and protection of the children and with the authority under state and territory based legislation to remove children from their families.

Restoration and reunification – these terms refer to children returning home to the care of their parents and/or family without the ongoing requirement for any form of court order from the children’s court or any other court that has arisen as a result of statutory child protection agency intervention. This submission will use these terms interchangeably.

Relational permanence – occurs when children feel secure and included in their care arrangements – no matter where they are. Relational permanence for children in out of home care means children have ongoing and loving relationships with their families and they know their families are respected and included by anyone else who may be looking after them and to whom they also feel a sense of secure and permanent belonging.

Background and Introduction

Family Inclusion Strategies in the Hunter (FISH) is a collaboration of parents with children in care or with a care experience and child protection and out of home care practitioners. Broader FISH involvement includes parents with experience of the child protection system, workers from a range of agencies and backgrounds, educators, researchers, young people and carers. The FISH leadership group is made up of people and parents with diverse experience and exposure to the child protection and out of home care system in NSW.

More information about FISH can be found at our website at www.finclusionh.org. We are concerned with improving outcomes for children and young people (including increased family preservation and restoration). We promote respectful, meaningful family engagement and inclusion as a pathway to achieving better outcomes and relational permanency. We are a children's rights organisation. At this time, unlike other significant stakeholder groups in the care and protection system, FISH receives no ongoing funding of any kind. We have good relationships and partnerships across the sector and regularly collaborate with out of home care and child protection agencies.

We value the opportunity to make a submission to this inquiry. The voices of parents and family of children in out of home care or involved in child protection intervention have never been sufficiently included in discussions about child protection policy and practice in Australia including adoption. Yet parents and family are vital stakeholders in the system and have a unique and lifelong connection to children and young people no matter how long they remain in care or what legal order they are subject to. All children need their parents love, care and support.

Family inclusion is relevant across all aspects of the legislation and in all aspects of the child protection system.

Our submission will include a general description of what we mean by family inclusion and permanency for children impacted by the care and protection system. It will then respond to the inquiries two terms of reference. FISH is concerned with the child protection and out of home care system and our remarks will be restricted to adoption in this context. We will not address issues pertaining to local adoption of children when the statutory care and protection system is not involved.

What is family inclusion in child protection and care?

In consultation with parents and other stakeholders and drawing on the relevant literature, FISH has developed this definition:

"Family inclusion is the active & meaningful participation of parents and family in the system, in practice and in the lives of children. It requires open, warm, professional relationships aimed at building equity. It is underpinned by respect & trust."

When we do family inclusion – including when children are subject to permanent care:

- Relationships between children and their families are ongoing and have depth;
- Children are more likely to stay at home AND to be restored home after experiencing shorter stays in care;
- Relationships between parents and other stakeholders, including and especially carers, are informal, child focused and have integrity;
- Parents and family are involved in and crucial to decision making with and for children and young people. For example, parents and family are included in decision making about a possible placement;
- Power imbalances between parents, family and other stakeholders are acknowledged and ameliorated;
- Children in care see and know their parents and family in a relaxed and non-stigmatising way;
- Permanency and stability for all children impacted by the system is more likely;

- Children and young people leave care arrangements made by the care and protection systems including adoption with a secure birth family and social support network that is lifelong.

There are several family engagement models and processes already available that have the capacity to help improve the safety of children and young people in care and prevent entry to care including Family Group Conferencing and Family Finding. However these will only have success when there is a family inclusive and restoration practice culture across all aspects of the child protection system including the courts, statutory child protections agencies, out of home care agencies and other related agencies and organisations. Family inclusion is an ethical pathway to better outcomes for children and young people including children being safer and experiencing permanency no matter what the legal order or whether or not restoration occurs. Please see our report *Building Better Relationships*, completed in 2014 for more information about family inclusion and its implications and a research report into parent experiences of the out of home care system “*no voice, no opinion, nothing*”, completed by Ross, Cocks, Johnston and Stoker (2017). Both are annexures to our submission.

What do we mean by permanency?

Permanency for children exposed to the care system is important for us all to prioritise. However, the discussion of permanency has become conflated in Australia with particular court order events or outcomes, such as adoption. Sadly, our discussion about permanency appears to have become separated from restoration and keeping families together as well as from the lived experience of children. This is clearly not in children’s interests. In fact, the best and safest form of permanency for the vast majority of children in Australia is to be raised by their own families. This is recognised by all states and territories in their various legislative frameworks and by the Australian Government’s policy framework. Permanency is something that we can and should achieve for all children. It is not a legal order and is never achieved in a court room. It is about relationships. Just as it is for all Australian children.

We need to put ourselves in the shoes of children and families to improve our understanding of what permanency and stability really means. Ultimately, it is a **lived experience** gained over time in relationship with caring family in a caring community. Permanency for the majority of Australian children is achieved in family life where children are raised by their parents in close connection with extended family, kinship, cultural and community networks. In some cultures extended family play a greater role than others but in all cultures the roles of mother, father and siblings are crucial and central to children’s wellbeing.

For Australian children separated permanently from their parents by the child protection system through no fault of their own, family relationships remain crucial no matter how long they are separated. (Samuels, 2008, Mendes, Johnsen and Moslehuddin, 2012). Children in care need to “belong” to their families – including their birth families and the family they are living with. The term “felt security” has been used to describe this feeling of belonging. Children in permanent care outside their families do better when they feel this sense of belonging and inclusion and when they know their families and their history is respected and embraced by their carers they are living with and to whom they also feel a sense of belonging. (Boddy, 2013, Biehal, 2014).

The opportunity cost of the focus on adoption – safe reunification in Australia

There is very limited research overall into restoration experiences in this country including no evidence that Australia has a high “failed” restoration rate or that there is a “revolving door”, in and out of the care system, that is negatively impacting on permanency.

In fact, just the opposite is more likely. There is good reason to believe there is an inadequate focus on restoration in Australia alongside a risk averse culture that may be keeping children in care unnecessarily. Despite very poor data collection at both a national and state level we have good reasons to believe that restoration rates in Australia are unacceptably low. For example, Marsh, Browne, Taylor and Davis (2017) found that of babies removed at birth in one NSW hospital the restoration rate was as low as 6.6%. Our very low restoration rates alone suggest a high number of children currently in care could have been safely restored but have not been.

Rather than looking primarily into the viability of certain legal outcomes such as adoption to build permanency we would argue for a refocusing of policy, resourcing and practice on *relational* permanence, inclusive of restoration.

Stability and permanency for children in out of home care with local adoption as a viable option

The pathway to permanence for children in the care and protection system needs to begin early, preferably before children enter care. We know from the UN Convention on the Rights of the Child (UNCROC) that children have a right to their families to be supported to take care of them.

As already described, adoption per se does not contribute to relational permanence. It damages children’s identities, contributes to a sense of abandonment and may cause more problems than it solves. The history of adoption in Australia is largely appalling. Adoption has been used to forcibly remove children from poor parents, sole parents, young parents and Aboriginal and Torres Strait Islander parents and give them to (largely white and middle class) parents deemed as more deserving. Children have been commodified and subjected to supply and demand principles in relation to childless families (Quartly, Swain and Cuthbert, 2013). We need to remember that the forced adoption practices of the past were well intentioned. The politicians and others who supported what we now think of as barbaric practices, did so believing they were acting in the best interests of children. In a context of desperate people yearning for a family, it is incredibly difficult to stay focused on what is in children’s interests. There is no place in our child welfare system with our history and current practice for goals to increase the *availability* of children for adoption. This approach and language clearly puts children’s needs secondary to those seeking to adopt them and through acquiring them, to build a family.

Shifting the discourse to relational permanency

The proponents of adoption from care argue that adoption itself contributes to permanency for children. However the research evidence and lived experience of children tells a different story. There is growing evidence that legal orders, including adoption, do not in themselves improve children’s outcomes or contribute to permanency and that adoption disruption rates converge with foster care disruption rates when other factors are taken into account, such as children’s age and level of need (Research in Practice, 2014). Much of the research used in support of adoption comes from places where adoption arrangements are closed – something which we know causes harm and which we have rejected for good reasons in this country. By definition adoption brings loss and severs connections. We know that children who are adopted away from their siblings often lose

these relationships despite the best intentions of their adoptive parents (Meakings, Coffey and Shelton, 2017) and we know that the vast majority of children who enter care do have siblings, often many siblings, and that they are very important relationships for children's wellbeing (McDowell, 2015). If they don't have siblings when they enter care, this doesn't mean they won't have them later – in fact, just as in the past, they almost certainly will.

Boddy (2013) argues that a narrow focus on legal permanence may have worked against permanence and stability for many children in care in the UK. The care system in the UK remains in crisis with increasing numbers of children entering care and is now being subject to yet another review (Community Care, 2017). Family involvement and increasing restoration is likely to be an area where improvements are identified as needed. A recent ethical review of adoptions from care practice in the UK has found that many children and families experienced disrespectful and harsh practice in this context. (Featherstone, Gupta and Mills, 2018). Placing young children with carers who want to adopt them leads to low reunification rates and may, at an early stage, further damage birth parent and family relationships as carers who desperately want to adopt have every reason to highlight perceived failings in birth families and to pursue exclusive parenting roles (Monck, Reynolds and Wigfall, 2004, Chateaufneuf, Oage and Decaluwe, 2017). There is Australian evidence to link stability in care with improved outcomes in young adulthood and this evidence is not linked to any particular legal order. Ongoing and stable connections to family contributes to positive outcomes as adults. (Cashmore and Paxman, 2007, Mendes et al, 2012).

Recent evidence emerging from the UK suggests that legal permanence created by adoption per se is not a significant factor in achieving actual permanence and stability for the many children and young people. In the UK around 5% of children in the out of home care system are subsequently adopted and almost all of these are under 5 years of age. Most are without significant behavioural challenges or extreme pre care trauma. Disruption rates for adoption converge with other children in out of home care as the age of placement increases. (Research in Practice, 2014). Those children who experience trauma before a permanent placement is made are more likely to experience breakdown, regardless of the legal order in place.

Biehal (2014) found that other factors secured permanency – not the legal order. Her research identified particular carer attributes including the willingness of carers (foster and adoptive parents) to fully include children in their families including children's histories and identities. Biehal's work and the work of others (Selwyn, cited in Fronek, 2013) also found that adoption did not reduce the need for ongoing external state involvement with similar proportions of adopted children needing continued high levels of support and review.

Research from the US has found that "broken" adoptions are an increasingly common phenomenon and that policy and legislative adoption targets and mandated timeframes have contributed to the pursuit of legal permanency at the expense of relational permanency and children's interests (Post and Zimmerman, 2012). If adoption from care increases in Australia there is no doubt that disruptions in adoption will also increase at rates that reflect a range of factors – not the adoption order per se.

The payment of fostering allowances to "achieve" adoption – without a focus on children's experiences.

Adoption has been promoted as a way to achieve a normal life for children in care and as a way for children to exit the care system. We would argue it is children's needs and strengths and the needs and strengths of their families and communities that determine their support needs – not the court order they are subject to. Since March 2017 in NSW, the Department of Family and Community

Services has been paying allowances, similar to fostering allowances, to children who are adopted by their foster carers. This allowance has explicitly been put in place to encourage carers to adopt. But what does this say to children and how permanent NSW FACS believes their care arrangements are? Is FACS worried that adoptive parents need to be paid? Is it possible to “buy” permanency? Are these paid adoption arrangements mimicking foster care and making a mockery of the government’s stated policy about adoption? How can we be sure who is benefitting from these payments? These allowances vary according to the needs of children, are tax free and are high by any standard. They effectively pay the costs of raising children throughout their childhood and ensure that child raising does not *cost* adoptive families anything.

Age range	Standard adoption allowance	+1 adoption allowance	+2 adoption allowance
0-4	\$484	\$728	\$962
5-13	\$546	\$819	\$1078
14-17	\$733	\$1097	\$1447

(NSW Family and Community Services, 2017a)

This simplistic understanding of permanence and the pursuit of adoption as an end in itself is gravely concerning and is not in the interests of children and their families.

Do we want forced adoption to be an ongoing part of Australian society?

In recent years, the NSW government has been relentless in its efforts to reduce the need to obtain parental consent when children are adopted from care. (See NSW FACS, 2017 for an example). It is our understanding that many, if not most of the adoptions from care in NSW occur without parental consent –the data remains opaque and practice continues to be shrouded in some secrecy.

When this lack of parental consent is combined with the lack of the consent of children themselves we would argue this is forced adoption. It is difficult to define it as anything else, regardless of the planned or actual openness of arrangements. We know from our own history that forced adoption will cause pain and suffering for families and children and it is unethical. (Quartly, Swain and Cuthbert, 2013).

What is openness in adoption anyway?

At this stage in Australia there is no consensus, or even much discussion, about what we actually mean when we are talking about *open* adoption. There is an urgent need to better understand what we mean by openness and how this is actually experienced by children and their families. Until this happens we should be extremely wary about growing the numbers of adoption from care. In our experience, secrecy continues to be a characteristic of the care system, including when children are adopted.

Little is known about the actual experience of open adoption and almost nothing is known about open adoption from out of home care. Our traditional understanding and practice of adoption in Australia has been founded on consent and the voluntary relinquishment of infants by their parents (usually mothers) to the care of alternate families. This is very different to adoption following the involuntary removal of children from their families and the subsequent adoption of that child, sometimes without consent from family.

Research into open adoption in Australia is very new. But what little research there is suggests that a truly open adoption may be difficult to achieve. Castle (2014) found that even voluntarily relinquishing birth mothers found it very difficult indeed to maintain regular contact and an openness in relationship with their children despite the existence of a post adoption contact plan. There were a range of reasons for this lack of openness including the loss and grief experienced by mothers and the difficulty of maintaining positive relationships with adoptive parents. Little or no support is available to birth parents or children after an adoption order is made.

There has been no research that we are aware of to explore the experience and practice of the openness of arrangements when a child is adopted from out of home care in Australia. However research from the US suggests that open adoptions from out of home care are considerably less open than adoptions that occur privately despite the existence of legislation and rules that requires adoption arrangements to be more open. (Faulkner and Madden, 2012). Simply making a law that says any care arrangements will be open will not achieve openness, let alone relational permanency for children.

Who are the children and their families who are subject to child removal and how do they experience the system?

There are many myths about children in care and their families. One of the most significant myths is the idea that all children in care have been abused by sadistic and uncaring families who do not love them and from whom they need ongoing and vigilant protection throughout their childhood. Of course there are cases of extreme and severe child abuse and neglect that grab the headlines but these remain rare.

In fact, most children in care in Australia have not been sexually, or severely physically abused by their parents. The most commonly substantiated forms of abuse in Australia are emotional abuse and neglect (AIHW, 2017). The experience of neglect and emotional abuse are both linked to social issues like poverty and family violence and are not caused solely by poor parenting or parental actions. (Raissian and Bullinger, 2016, Bywaters, Grady, Sparks and Bos, 2014). They respond poorly to the “blunt instrument” of child removal, regardless of what legal order is ultimately made by the courts.

Social problems and public health issues have become conflated with child abuse and neglect in Australia including addiction, poverty, homelessness, family violence and intergenerational trauma. (Cocks, 2018). These issues do not respond well to investigations and child removal.

Poverty and deprivation characterise the lived experience of families with children in care and children’s pre care experiences. We would argue that poverty is the single most common feature of the lived experience of children who are exposed to care and protection proceedings including being removed from their families. That is, poverty is a more common experience of children in the care and protection system than child abuse. This view is supported by research into inequalities in child welfare intervention in the UK (Bywaters et al 2014 and Morris, Mason, Bywaters, Featherstone, Daniel, Brady, Bunting, Hooper, Mirza, Schofield, and Webb, 2018)

Research conducted in New South Wales (Ross, Cocks, Johnston and Stoker, 2017) explored parent perspectives and experiences of the out of home care system. Parents describe themselves and their children experiencing practices which damage their relationships. Negative experiences have also been reported elsewhere in Australia (Harries, 2008, Hinton, 2013). Despite the long standing availability to practitioners, parents in these studies did not describe being offered family meetings or other models that relied on their participation and many felt restoration was not even assessed.

Parents worried deeply about their children while they were in care. They felt their children's development had been compromised in care by the disrupted relationships they experienced. This study also found that parents with children in care could and did focus on their children's needs – and sometimes did this better than the out of home care system was able to (Ross et al, 2017).

Children in care nearly always want ongoing relationships with their families (Create, 2014). They want to spend time with them in a normal and fun way (Create, 2014, Thorpe and MacArthur, 2016). Although there are times when children need to be protected from particular individuals in their families, most family members of children in care are not dangerous and have the potential to offer children important and enduring relationships.

The following case study is typical of situations and families that we come across in the Hunter Valley of NSW where rates of children in care are high (NSW FACS, 2016).

Sole parent, **Karen**, aged 19 and a care leaver, has a 1 year old son, **Levi**. Karen and Levi's main support is her own mother and aunt who live together in a NSW housing commission 2 bedroom flat. When Levi was born Karen was living with her mother but the crowded situation increased tension in the household. Karen secured alternative housing with the help of an after care service. However she left this arrangement as the flat she was allocated was in a rundown estate with a lot of crime and drug use – it was not a safe place for a young baby. While she couch surfed, Karen left Levi in the care of her mother for days at a time although she saw him often and regularly returned to care for him at her mother's flat, usually for weeks, until tensions rose. Karen's approaches to FACS and the after care service for further help with housing and other assistance were rejected as she had relinquished her flat and had already received her full entitlement of after care assistance. Karen became angry with FACS caseworkers at this response. Keeping housed, making sure Levi was cared for and ensuring she and Levi had the basics to survive became a full time job for Karen.

Karen and Levi's father, **Tom** aged 20, continued to spend time together. Their relationship was characterised by domestic violence. Karen reported some incidents to police but as she regularly needed to rely on Tom for couch surfing episodes she was unwilling to get an AVO against him or for him to be charged. Tom told Karen he wanted to be a good father but didn't know how.

Karen and Levi were offered brochures by FACS and advised to look support services up on websites. Karen and her mother felt angry and upset at FACS about past history and their current approach to Karen's problems. Meanwhile, FACS received, over time, a number of reports about Tom's violence, Karen's homelessness and her time away from Levi. During this time FACS referred Karen and Levi to a placement prevention service. However they never told Karen about the referral and the service was not able to reach her on an outdated phone number provided by FACS.

Eventually, Karen received a phone call from her mother to say that Levi had been removed and placed in care with strangers. She was told his removal was due to her itinerant lifestyle, her homelessness and Tom's violence. He had been removed from her mother as FACS wanted to make sure Karen did not have unsupervised access to him and because of concern about her mother's history. Karen was told within a few weeks there would be no attempt at restoration. No attempt was made by FACS to build a relationship with Tom. FACS did not change their view over the next few months despite Karen visiting her son regularly, receiving positive reports about her time with him and Levi's obvious attachment to her and distress at his loss of her. A referral to an intensive restoration service was denied because it was not the case plan goal. This was despite no assessment being undertaken that Karen knew about. Far from not complying with a case plan, Karen was simply told there was nothing she could do to get her son back. Karen later found out that

the assessment to decide this was based solely on her history and information collected from her file, much of it from before Levi's birth.

Aside from formal serving of notices FACS made no attempt to build a relationship with Tom. Karen was advised by her lawyer to "agree" to the order and make an attempt at a later date to get it rescinded and have Levi returned to her. Karen's contact with Levi was sharply reduced to four times a year in a supervised contact room – further damaging her relationship with him and increasing his trauma. No assistance of any kind was offered to Karen or Tom after Levi's permanent removal.

Karen and her maternal family are not dangerous. They have no history of violence although they have been angry at child protection workers at times. Tom has behaved violently towards Karen but has never been violent to his baby or in the presence of his baby. Tom has a history of family violence himself as a child and no support was offered to him to help him understand the impact of violence on children or on his own life. Karen's connection to Levi was distanced and damaged from the time of his removal. This harmed him deeply. Despite fairly obvious opportunities for help and change and Karen's stated willingness to do whatever she could, neither Karen or Tom were offered services to address the risks to Levi. Karen did not meet his carer until after the court made final orders and it was only then that she discovered that the carer had been unable to have children of her own. Karen worried deeply that any chance of reunification for Levi had been undermined by the carer who was desperate to adopt him.

Karen is right to be concerned. The evidence from overseas suggests that concurrent planning (when young children are cared for by foster carers who also want to adopt them) is linked to very low restoration rates. (Monck et al, 2004)

These two quotes from parents in the Hunter Valley demonstrate contemporary experiences of parents when children are removed (Ross et al, 2017, p.34).

When you do ask for ideas and that from [statutory agency], they seem to close you out ... I've asked a few times 'what is it that you want to see me do so I can have my children back?' And it stops there.

I know what to do now [after two children have been removed]. It's taken me all this time but I know what you expect of me. I didn't get any help from you. I had to learn it all the hard way.

Appropriate guiding principles for a national framework or code for local adoptions in Australia.

Our remarks are restricted to a potential national framework for adoptions of children from the care system. There are a range of ways that families can "acquire" children in Australia including through assisted technologies and surrogacy. Our area of expertise is in the care system and these children face particular challenges in finding relational permanency and felt security. These children need a particular approach to relational permanency that is trauma informed and family inclusive. A uniform approach that can be used across surrogacy arrangements, step parent adoptions and in other circumstances will not be helpful.

Adoption has a basis in consent – it's time to end forced adoptions

Australia has a terrible history in adoptions. It is characterised by pain, loss, grief and damaged identities. Much of the damage done has been caused by secrecy and either no consent or coercive approaches to obtaining consent. Any future use of adoptions from care needs to ensure there is informed and non-coerced consent from both parents unless the circumstances are very

exceptional. The views of children are also important and we support children being able to make their own consent from the age of 12 – but again, this must be informed and non-coerced.

Consent on its own is not enough to prevent forced and traumatic adoptions. Secrecy and exclusion have also characterised adoptions practice in Australia and we would argue that for many children in care, they still do. All permanent care arrangements need to take place in a context of inclusion, ongoing family relationships, and a sense of belonging to both families and felt security. The ongoing role of parents and family must always be respected. Children have a right under the UNCROC to their parents to have an ongoing role and for their involvement to be respected and supported by adoptive parents and others.

Actual adoptions practice from care in New South Wales (where the vast majority of adoptions from care take place) remains extremely opaque. Numbers of adoptions remain low and we understand from our discussions in the sector that adoptions practice varies across agencies in levels of contested adoptions, in family contact arrangements and in interpretations of openness. We understand that consent is more and more frequently dispensed with for young children and the NSW government seems intent on removing perceived barriers to dispensing with consent to the point where dispensation may become a merely technical requirement. See NSW Family and Community Services (2017) for an example. Please also see our response to the NSW FACS discussion paper submitted to FACS in 2017 and available on our website (Family Inclusion Strategies in the Hunter, 2017).

An ethical lens – including children's rights

Our approach to adoption and any permanent care arrangements needs to be developed using an ethical lens, including children's rights. Australia has signed the UN Convention on the Rights of the Child which explicitly links parent and family support to child safety and wellbeing. All children have the right to live safely with their parents who are supported and helped in a caring community. Professor Martin Guggenheim of New York University Law School is an expert on children's rights and author of a landmark book on the topic (Guggenheim, 2005). He argues that a genuine emphasis on children's rights is an approach that supports and includes family. He argues that any attempt to fragment or separate the rights of children away from their families is to fundamentally misunderstand the rights of children.

Children have a right to feel secure and to have their needs met, preferably by their own families and when day to day care is not possible, then ongoing family inclusion is fundamental to ensuring their rights are upheld. By taking this lens we maintain our focus on children and their wellbeing – not adoption which carries such grave risks including the risk of being adult focused as we have learnt so often in the past.

An emphasis on relational permanency and an end to forced adoptions – a child focused alternative to adoption from care.

Instead of a uniform approach to *adoption* we would argue for a consistent and relational approach to permanency that includes appropriate legal orders that do not sever the relationship between family members.

It is already widely accepted that adoption is not appropriate for Aboriginal and Torres Strait Islander children – at least not in its current legalised form. We strongly support the view that Aboriginal and Torres Strait Islander children should not be adopted and agree with the view of SNAICC (Family Matters, 2016).

If adoption from care is not appropriate for Aboriginal and Torres Strait Islander children then it is hard to see why it would be appropriate for other Australian children. As we have already described, the history of adoption in Australia has commodified children and is an appalling history. It is time to find another approach that is child focused and plays no role in the availability or supply of children to people, no matter how much they yearn for them, who cannot have their own. If we make the care system a source of children to childless people, we do so at the grave peril of children and we will repeat the mistakes of the past.

We would support a consistent approach to permanency in and from the care system that includes the option of permanent legal arrangements that are open, do not sever ties with families and that are inclusive of family. Along with a primary focus **on children's rights as described in the UN Convention** the following principles provide a starting point for the development of this approach:

1. Children's interests to be prioritised including their right and need to belong and be part of their family, community and culture
2. Family Inclusion – as described in this submission
3. Relational permanency – as described in this submission
4. Respect for children's names, identities, culture and backgrounds. There should be no legal severing of children's connections and relationships.

We thank you for the opportunity to make this submission. We would welcome the opportunity to respond to questions or provide further information if this is helpful. Please contact Jessica Cocks on 0455 092 960 if required.

Appendices:

- 1) Cocks, J (2018). *If a community values its children, it must cherish their parents. Family Inclusion initiatives in child welfare*, Winston Churchill Memorial Trust, Canberra.
- 2) Ross, N, Cocks, J, Johnston, L and Stoker, L (2017). *No voice, no opinion, nothing: parents experiences when children are removed and placed in care*, University of Newcastle.
- 3) Cocks, J (2014). *Building Better Relationships: outcomes of the family inclusion practice forum*, Family Inclusion Strategies in the Hunter Inc, Newcastle.

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