

Submission by Associate Professor Philip Mendes (Monash University) to House of Representatives Standing Committee on Social Policy and Legal Affairs inquiry into Barriers to Local Adoption

The press release announcing this inquiry drew a correlation between the large number of children currently in out-of-home care (estimated at 46,500 in June 2016 including 16,846 Indigenous children), and the small number of finalised adoptions estimated at 278. The related assumption seems to be that a much larger number of adoptions would significantly reduce the number of children in OOHC. This assumption seems to be reinforced by the recent statements by David Gillespie MP, the Assistant Minister for Children and Families, who constructed the Terms of Reference for this inquiry. Gillespie has publicly asserted the value of placing ‘abused’ Indigenous children into adoption arrangements with white families. Consequently, the first Terms of Reference for this inquiry recommends consideration of ‘Stability and permanency for children in out-of-home care with local adoption as a viable option’.

My response to this TOR is to suggest that in the real world there is no more than a marginal connection between the reasons why an increasing number of children (including disproportionately Indigenous children) come into OOHC, stay in care, and in many cases experience poor life chances once they leave OOHC, and the number of adoptions per year.

This is not to say that adoption is without merit as a solution for **some children** in OOHC given that it may offer greater emotional and legal security and stability than alternative arrangements. However, adoption as a fix-all has major flaws which I also discuss further below in *Publication One*. Firstly, there are serious lessons to be learnt from the major past trauma caused by the more than 210,000 coerced adoptions in Australia. Our former Prime Minister Julia Gillard (2013) rightly apologized for the long-term grief and loss caused to these relinquishing mothers. The Assistant Minister David Gillespie himself has again recently apologized for ‘the lasting legacy of pain’ caused by the ‘shameful practice of forced adoption’ (Gillespie 2018). Equally, some adopted children (to say nothing of their natural parents and extended family) experience ongoing grief and loss associated with the adoption experience (Mackieson, 2015).

Secondly, adoptive placements do not necessarily produce better outcomes than long-term foster care, and can just as easily break down given that children traumatized by abuse and neglect may exhibit difficult and challenging behaviour that places carers under enormous stress.

Finally, large-scale adoption targets for Indigenous children in care ignore the long-term traumatic effect of the Stolen Generations, arguably breach the guidelines of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP), and could potentially decimate children's links with wider Indigenous culture and community (See *Publication Two* below). As noted by SNAICC (2018), the peak body which represents Indigenous child welfare organisations throughout Australia, ensuring the cultural identity and connection of Indigenous children is essential for their well-being.

Recommendations to Inquiry:

- 1) Implement the detailed and informed recommendations of the August 2015 Community Affairs References Committee Senate report into out of home care, pp.275-291, which remain of high priority in order to improve the lives of the large number of children currently in care, and/or about to leave care, or who have recently left care.
- 2) Survey the thousands of existing foster carers and kinship carers in Australia on the range of factors that they consider are of most importance to facilitating positive outcomes for those children currently in their care. Those factors could include a range of program, policy, resource and legal issues including the availability or otherwise of permanent care orders and/or adoption.
- 3) Once the findings are available, request the Productivity Commission to undertake an economic costing of the core needs identified by these carers vis-à-vis the funding currently provided by State and Territory governments.
- 4) Examine why so many children are being born to parents who are not able or willing to care for children. This would include an analysis of the availability of sex education, contraception and abortion in all parts of Australia, including particularly remote and rural areas. It could also analyse whether a licencing system for parents should be introduced.
- 5) Examine why disproportionate numbers of Indigenous children are being placed into OOHC including a geographic break down of states,

- local government areas, and communities. Simultaneously examine the availability of family support and other early intervention services in these areas.
- 6) Consider the suitability of introducing Indigenous-led child welfare and child protection services based on the notion of self-determination as is the case in the USA and parts of Canada.
 - 7) Introduce legislation that requires all States and Territories to extend existing OOHC funding till 21 years for all young people still in care at 16-17 years of age as recommended by the current Home Stretch campaign (See *Publication Three* below), and to monitor outcomes for care leavers via the Looking After Children guidelines till they are at least 21 years of age.

References

Gillard, Julia (2013) 'National apology for forced adoptions', 21 March.

Gillespie, David (2018) 'Commemorating the 5th anniversary of the National Apology for Forced Adoptions', *Media Release*, 21 March.

Mackieson, Penny (2015) *Adoption Deception*. Spinifex, Melbourne.

SNAICC (2018) 'Joint statement from Aboriginal and Torres Strait Islander leaders on the recent media coverage around child protection for our children', 14 March.

Byline: Associate Professor Philip Mendes is the Acting Head of the Social Work Department at Monash University. For the last 20 years, he has been engaged in ongoing research on young people transitioning from out-of-home care. He is a member of the Transitions to Adulthood for Young People Leaving Public Care International Research Group, and has completed a number of major leaving care studies pertaining to youth justice, disability, Indigenous care leavers, and mentoring and employment programs. He is the author or co-author of 12 books including most recently *Young people transitioning from out-of-home care: International research, policy and practice* (Palgrave Macmillan, 2016) and *Australia's Welfare Wars* (UNSW Press, 3rd edition, 2017). Before entering academia, he was a child protection worker in Victoria from 1987-88, and again from 1992-95: Philip.Mendes@monash.edu)