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House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into adoption

Issue date: 26 November 2018

National approach needed for adoption

With over 47,000 children in out-of-home care, and one of the lowest adoption rates in the world - the Australian Parliament's [Social Policy and Legal Affairs Committee](#) has today recommended that the Commonwealth work with the states and territories to enact a national law for the adoption of Australian children.

Issuing the Committee's report into local adoption, [Committee Chair Julia Banks MP](#) said the differences between adoption laws in Australia's states and territories are a major barrier to more children being adopted in Australia.

"During our inquiry, we heard evidence that Australian children are denied the opportunity of adoption due to the complexity and lack of consistency of legislation across Australia. We also heard that the system is trapping many of these children into an unhealthy cycle. One of the biggest problems facing children in out-of-home care is the lack of permanency. Children are likely to 'bounce around' the system from carer to carer, in some cases experiencing over ten placements. We know that these children have poorer outcomes. They face constant change and instability, on top of the trauma that led them to out-of-home care in the first place.

"This is a national issue that needs a national solution" Ms Banks said.

"This report is about breaking the barriers that are preventing vulnerable children from enjoying the safety, security and wellbeing that a permanent adoptive family can provide.

"The Committee recognises that the best interests and safety of the child are paramount and override all other considerations. When it's not safe for children to remain with their parents or family, adoption needs to be considered a viable option. Childhood is fleeting and children must not remain in situations where their safety or wellbeing is threatened."

The Committee received important evidence from many people who have been negatively affected by past adoption policies and practices. The Committee's report reaffirms that all Australian governments have committed not to repeat these policies and practices. The Committee's recommendations are forward-looking with its focus being on improving outcomes for adoptees in the future. Open adoption is very different to the past policies of forced or closed adoptions that were shrouded in secrecy.

To this end, the Committee recommends that, when it is determined that it is not safe for a child in out-of-home care to be reunited with their parent(s) or placed in the care of extended family, 'open adoption' should be a viable option. Under open adoption, children are encouraged to stay connected with their birth parent(s), with the support of caseworkers and their adoptive parent(s).



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Legal permanency is an integral part of the success of open adoption. With open adoption, children retain a relationship with their birth family and identity. At the same time, they gain a sense of belonging, stability and permanency with their adoptive parents and family.

The Committee's report, presented to the House of Representatives today, also recommends the introduction of 'integrated birth certificates'. Integrated birth certificates include the names of both birth and adoptive parent(s) and are already being considered in many jurisdictions.

Other key recommendations made by the Committee include that adoption be considered before long term foster care or residential care; and that timeframes be set on a child centric basis in legislation for decisions on whether a child may be able to safely return to their birth parent(s).

The report is available on [the Committee's website \(www.aph.gov.au/localadoption\)](http://www.aph.gov.au/localadoption).

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