

Open adoption of children in out-of-home care

Children need stability to fulfil their potential. Open adoption, one of the permanent placement options that must be considered before a child is placed in foster care, can provide stability for a child.

When a child or young person cannot be restored to the care of their parents, and guardianship is not appropriate, open adoption should be sought where it is practical and in the best interests of the child or young person.

Adoption is not usually considered suitable for Aboriginal children, however legislation allows for the adoption of Aboriginal children as a final preference following parental responsibility to the Minister. Importantly, the Aboriginal and Torres Strait Islander Child Placement Principles still apply.

Applications for adoption orders continue to be lodged with the Supreme Court.

The need for change

Evidence shows that open adoption can improve the lives of children and young people. However, despite a significant number of authorised carers expressing interest in adopting a child or young person in their care, adoption has rarely been pursued before final care orders are made – even if it has been raised as a possibility in the care plan.

From 29 October 2014, the permanent placement principles give preference to adoption before the allocation of parental responsibility to the Minister. To support these principles the pathway to adoption has been made clearer and more practical by removing unnecessary administrative burdens.

Changes to practice

Improved family involvement in adoptions

Open adoption embraces issues of identity, openness and the value of a child's cultural and racial heritage. The child may retain links with their birth family and other significant people in their lives where it is in their best interests.

The *Adoption Act 2000* has been changed to increase the involvement of parents in the development of an adoption plan. Even parents who do not consent to the adoption of their child can be given the opportunity to participate in the development of the adoption plan. This recognises parents' interest in planning for their child's future, including decisions about having contact with them and maintaining cultural identity.

Dual authorisation of carers

In the past, a person could be both an authorised carer and a prospective adoptive parent but they had to go through two completely separate assessments to do so. Now, dual authorisation lets a person be authorised for both roles through a single assessment process.

Dual authorisation can reduce the occurrence of a child experiencing multiple short-term placements before being placed with an adoptive family. Where open adoption is the case plan goal, a child placed with carers who are also approved prospective adoptive parents, can form a secure and uninterrupted attachment. This is vital for the long-term stability of a child.

With dual authorisation, the rigour of existing assessment checks will be maintained. It is not compulsory for a person to be dually authorised – it is voluntary. This is particularly important for relative and kin carers and Aboriginal foster carers. Approval as an authorised carer does not result in automatic approval as a prospective adoptive applicant.

Streamlining agencies to offer out-of-home care and adoption services

The reforms incorporate the adoption provisions of the NSW Adoption Standards into the NSW Standards for Statutory Out-of-home Care. Merging the standards allows a more holistic approach and enhances the permanency planning capacity of non-government organisations. This enables more agencies to provide both out-of-home care and adoption services. It is not mandatory for organisations to provide both out-of-home care and adoption services.

Further information

Visit the FACS website: www.facs.nsw.gov.au/safehomeforlife