



Special Projects
Safe Home For Life
Department of Family and Community Services
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Thank you for the opportunity to make comment on the Issues Paper regarding establishing an Institute of Open Adoption. We have addressed most of the issues raised in the Issues Paper (albeit some very briefly due to time constraints) and would welcome the opportunity to discuss our responses in more detail, should that be of assistance.

The NSW Committee on Adoption and Permanent Care Inc ("the Committee") is a non-profit organisation, with membership comprising government and non-government agencies, support groups and individuals interested in, involved in, or affected by adoption and permanent care or related issues.

Issue 1: How should the proposed Institute become a leader in the development of best practice for open adoption?

The Committee believes one of the key aims of the proposed Institute should encompass research, along with sector and community education and development. The Committee believes that in order to be recognised as a leader in the field, it would be preferable for the Institute to associate itself with a leading university and/or NGO so as to raise the Institute's public profile and reputation. Further, that the Institute creates networks and links with current practitioners, the Supreme Court, service users and those whose lives have been directly touched by adoption.

In order to establish itself as a recognised leader, the Committee feels a strong public/sector presence comprising of advertising, media interviews/campaigns, e-bulletins, webinars, attendance at interagency forums and the like would assist in developing recognition as a leader.

Issue 2: What are the core activities that should be undertaken by the Institute?

The Committee believes the model identified in the Issues Paper from the Hadley Centre in the UK and Texas Christian University in the US would encapsulate the range of activities the Institute would be required to undertake. Such as:

- Research – This would be one of the primary activities for the Institute in order to study both current and past open adoptions. It is important that the research is theoretical as well as

practical, ensuring the academics and experts are not driven solely by theory but also reflect a strong understanding of what is currently occurring throughout the process of adoption by speaking directly with the various professionals involved.

- Education and Training – Once the Institute has conducted the research and established itself as an expert in open adoption (admittedly this will take some time), it is important that education and training is delivered far and wide to the sector and community. This would include frontline FaCS workers (i.e. Caseworkers and Manager Casework) who are developing Care Plan's and taking applications to the Children's Court with a view to adoption, NGO staff, as well as appropriate legal personnel within the Children's Court and Supreme Court. It is acknowledged that professionals within the child protection and OOHC field need further education and training, as it would appear that not all have sufficient knowledge and understanding about open adoption. It is important that adoption is seen amongst professionals, parents and the wider community as not a failure but a genuinely worthwhile alternative care model for some children.
- Resources – While conducting its own research, the Institute could become a hub for a wide range of open adoption resources, which professionals, families and children could freely access and use. The Institute should also be able to direct people affected by adoption at any stage of life (including many years post adoption) to appropriate support, resources and care so as to acknowledge that adoption is a lifelong issue.
- Systematic Reviews, Evaluation of Programs and Individual Interventions – It is important that the Institute review both Supreme Court judgements in NSW, and decisions coming out of other states and abroad as well as speak to the professionals and clients involved in open adoption. This is also essential given the dynamic nature of adoption practice and the present law which is constantly being added to with the increasing number of OOHC adoptions. These Supreme Court judgements influence the preparation and content of subsequent applications for adoption.
- Expert Advice – This has been especially lacking in NSW and it is envisaged that a pool of experts could be called from the Institute to provide advice and evidence in both Children's Court and Supreme Court adoption hearings. These experts may also be able to conduct assessments and provide independent expert reports in the more complex cases before the Children's Court and Supreme Court, particularly in terms of providing research based evidence regarding adoption outcomes and recommendations about appropriate contact arrangements.

Issue 3: What is the most appropriate service delivery model for the proposed Institute to achieve its objectives and why?

The Committee believes that the Institute needs to be a combination of an NGO and a research body (i.e. a University), and agrees that being independent from FaCS is important. It is believed that the association with a combination of a research body and/or recognised NGO will assist in validating the Institute's reputation as a 'leader' in the field, more so that being a new sole Institute without any credibility. The Committee also feels that if the Institute is a separate body to FaCS, then it will be seen as independent from Government policy.

Issue 4: What needs to be included in the tender process so the Institute is in a sound position to receive funds from a combination of philanthropy, grants and fee for service?

The Committee believes the Institute needs to receive recurrent funding and is concerned about the proposal that the NSW Government will only provide seed funding to establish the proposed Institute and that following its establishment the Institute will need to remain financially sustainable.

As a result of the NSW Government's Child Protection Legislative Reforms it was decided to increase the emphasis on adoption as a permanency option for children, therefore it seems unreasonable to expect a non-government organisation to financially sustain the Institute which will ultimately benefit NGO's, the wider community and FaCS staff with its expertise. Whilst we agree that the Institute should be independent and not part of FaCS, it does seem unrealistic to expect an NGO to rely on

philanthropic funds (especially in today's financial climate), grants and fees to run the Institute long-term. It is also important to note that the size and credibility of any NGO associated with the Institute, as well as the strength of the partnership with a well established university, would also be necessary to maximise philanthropic opportunities over time.

The NSW Children's Court Clinic have some similar functions to the proposed Institute (i.e. they provide independent expert assessment reports and evidence in Children's Court proceedings), however since their inception they have been fully funded. Therefore it does seem inconsistent to expect the proposed Institute to work from a completely different business model and be faced with the constant challenge of deriving income from philanthropic grants and fees, moreover with no financial assurances that the 'experts' can remain employed. If the Institute wants to retain experts in the field, they will need the security of knowing they have an income. These are dilemmas the NGO sector know too well, and the Committee questions whether it is a financially viable business model. The Committee feels strongly that the Institute is important to establish and the NSW Government should consider a commitment to a recurring funding model, particularly as the role is primarily a research and development role there is an emphasis on long-term results and not an expectation that outcomes will be driven by individual cases.

Issue 5: Should the Institute play a role in the evaluation of individual interventions and the provision of expert evidence in individual matters?

Yes, as mentioned earlier, the Committee believe having a pool of experts from the Institute who could conduct assessments and reports in complex contested adoption cases before the Supreme Court would assist FaCS and the NGO's who have carriage of OOHHC to adoption cases. The pool of experts could also extend to servicing the Children's Court.

Issue 6: What priority areas of applied research should be addressed by the tender?

The Committee would like to see an emphasis on research about the following: -

- Appropriate contact arrangements with birth family members and what happens with contact following the adoption,
- Adoptive placement stability and differences in outcomes for those children placed for adoption, in comparison to those restored home or those remaining in the OOHHC system.
- The unique needs of adopted children and the associated support needs for adoptive parents. Adoptive families are expected to utilise universal services post adoption, as autonomous parents. For many families this does not meet their needs as many professionals do not understand adoption, let alone Open Adoption. This assumption that universal services will be more than sufficiently belies the significant difference of raising someone else's child and having to build a relationship with the child's birth family, which can be complex and difficult to navigate.
- Research which captures the voices of adopted people, in both childhood and as adults given the Court and professionals seek to act in their best interests both now and in later life. Further that adoption is a service for children, not adults.
- Birth Certificates and Adoption Information Certificates and how adoptees have their identity recorded.
- Research focussed on impacting changed practice in child protection and frontline casework staff will be important so that adoption is considered as a priority area of consideration when they are developing Care Plans for children (especially young children) before the Children's Court).

Furthermore it is important that the research on open adoption is retrospective, as open adoption has been occurring in NSW for several decades and there are a lot of examples of good practice to be recognised as well as lessons learnt from past and current cases.

Issue 7: How broadly should this term 'open adoption' be interpreted?

The issues paper supplies a definition of open adoption as providing opportunities for the child to honestly understand their background, develop relationships with people who are likely to be significant in their life, assist in the development of their identity and remove elements of the unknown

and of mythologising about what the child's birth family was like. The Committee supports this definition.

However the child also needs the opportunity to bond with their adoptive family, and be allowed to form strong and stable attachments. Open adoption should not be interpreted so broadly as to imply a type of co-parenting arrangement, where contact is so frequent as to disrupt these attachments and the parenting autonomy of the adoptive parents.

The term 'open adoption' needs to be actively promoted and broadly used in order to educate the sector and wider community about the vast differences in current practice when compared to the era of closed adoption. This is essential to culture change and shifting attitudes within the sector and the wider community about open adoption in its current context.

Issue 8: What specific powers to access information and data should the proposed Institute have?

In order to be able to conduct efficient research as well as deliver appropriate training, the Institute will have to have access to information and data within the sector. It is believed the Institute should have access to FaCS and NGO data.

Issue 9: What structural elements should be included in the tender specifications and why?

Independence of the Institute is essential to its credibility and success. It cannot be an interest group nor a voice for parties with an agenda. Clear statements around purpose, ethics and governance are required.

Issue 11: What specific matters need to be dealt with to allow the proposed Institute access to and maintenance of security of all requisite information and data for the undertaking of the applied research?

A memorandum of understanding could be developed after consultation between the Institute and adoption service providers to enable the Institute to have access to all Adoption Service provider files. This would allow for the inclusion of NGO files in reviews and research. Confidentiality, privacy and de-identification will be necessary given the sector and numbers of adoptions are relatively small and therefore more likely to be recognised. It may be necessary to include some sort of legislation in order for data to be made available to the Institute from adoption files from the various agencies due to conflicts with privacy legislation.

We acknowledge this as being of great importance for FaCS (or other government departments), as release of information will not be possible if there is no guaranteed security that meets privacy law standards. The purpose and goals of the Institute cannot be achieved if they cannot access government files.

Issue 12: What issues need to be considered to ensure a healthy partnership between the researcher and non-government service provider responsible for the Institute?

The Institute may well be auspiced by an NGO however the Institute would require a Board of its own and governance that is independent.

Yours sincerely,

Lisa Vihtonen – Chairperson, NSW Committee on Adoption and Permanent Care Inc

In consultation with the Committee's Legislative Review Sub-committee:

- Jodie Mollison, Vice Chairperson, (Principal Officer, CatholicCare Adoption Services)
- Damon Martin, Treasurer (Manager, International Social Service Australia)
- Jane Adams, Committee Member, (Counsellor, Post Adoption Resource Centre)
- Angela Thomas, Minutes Secretary, (Adoptions Team Leader, Anglicare Adoption Services)