

Submission to NSW Department of Family and Community Services

*Response to the Issues paper for
establishing an Institute of Open
Adoption*

**Institute of Child Protection Studies
Australian Catholic University**

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Submission to NSW Department of Family and Community Services in response to the Issues paper for establishing an Institute of Open Adoption.

The Institute of Child Protection Studies at Australian Catholic University has provided responses to questions 1-2, 4-9, 12 and 13 in the Issues paper.

About the Institute of Child Protection Studies

The Institute of Child Protection Studies (ICPS), a research centre at Australian Catholic University (ACU), was established in 2005 to carry out high quality research, evaluation and professional development to enhance outcomes for children, young people and families. It was established as a partnership between the ACT government (Community Services Directorate) and the ACU. It is now a nationally recognised centre of research excellence in the area of child, youth and family welfare.

Through its activities ICPS aims to influence policy and practice to improve the outcomes for children, young people and families, to increase their safety, wellbeing and social inclusion, and to prevent/reduce future problems in adulthood such as educational disadvantage, mental and physical health problems, substance misuse, poverty and homelessness. It does this by:

- Conducting and disseminating quality mixed methods research that advances and creates new knowledge, to promote and enhance the protection and well-being of children, young people and families;
- Building new child centred methodologies;
- Building strong collaborations with key stakeholders, including government and not-for-profit organisations, to improve the wellbeing and safety of children and youth through research that directly informs policy and practice;
- Having an active focus on the dissemination of research through multiple avenues including offering training and professional development for practitioners, and
- Providing high level research training for post graduate students.

Summary

We are very aware that worldwide, the goal of providing stable and caring living situations for some children has proved difficult to achieve (Delfabbro, Barber, & Cooper, 2000; Ward, 2009). This is particularly concerning because of the increasing numbers of children in out-of-home care and because such a high percentage of these children are very young.

We are aware of the evidence on early brain development and the implications for early intervention and prevention; not only the importance of family support, parent education and other strategies to prevent children entering care, but for making critical decisions

about placements within time frames that are consistent with the developmental needs of young children (Berrick, Needell, Barth, & Jonson-Reid, 1998; Mustard, 2007; J. Shonkoff & Phillips, 2000). The literature sets out clearly the importance of adequate nutrition and stimulation, the negative impacts of high stress for young children and the implications for long term cognitive, emotional and behavioural development of children who are exposed to prolonged deprivation and high stress (J. P. Shonkoff et al., 2012).

While researchers do not agree on the degree of flexibility of time frames for early development there is general agreement about the need to seek optimum environments in the early years, including stable and settled arrangements, and to reduce stress and maximise development opportunities for children suffering physical deprivation (nutrition and stimulation), attachment disruption and high levels of stress (J. P. Shonkoff et al., 2012).

There is compelling evidence that multiple placements and so called ‘foster care drift’ result in serious relational, emotional and cognitive consequences for children. The literature, overall, reinforces the idea that there are no simple formulas for placement planning. Much of the evidence about what is ‘good’ for children in out-of-home care is still fraught with disagreements over critical time frames, the nature and frequency of contact and how best to ensure that children address identity issues. Further there are clearly substantial individual differences between children and young people, including different configurations of risk and protective factors in their environments.

It is within this context that we note the NSW government’s announcement for an Institute of Open Adoption (IOA). The NSW government is to be congratulated for providing funding for such an Institute. We are, however of the view that the focus specifically or solely on ‘open adoption’ has significant limitations. We would also recommend that the name of the Institute is reconsidered to reflect this point. A research institute that is more fully focused on planning and implementing for permanency, which would include a range of different models of care, would ensure the development of an Australian evidence base and provide a focus for practice change. Open adoption is one key strategy for ensuring children have safe and stable relationships however, as noted in the issues paper, it is not an option or necessarily the best option for all children. It will be critical to ensure that children’s circumstances are carefully taken into account before decisions are made for their long term care. This is essential if the system is to be a more child centred child protection system.

Issue 1:

How should the proposed institute become a leader in the development of best practice for open adoption? In considering this issue, and in order to lead the development of policy and best practice, what are the key matters that should be reflected in the governance documents for the institute?

There are a number of elements that are essential for the development of such an Institute to become a leader in development of best practice for open adoption or more broadly in

permanency planning for settled and stable arrangements for children who are not able to live with their birth families.

1. High quality independent, cross disciplinary research

The proposed IOA would benefit from taking a strong interdisciplinary focus on permanency research. The issue of adoption in the context of the continuum of permanency planning requires a multi-disciplinary approach with child welfare, education, early childhood and psychology researchers able to provide their knowledge of a broader range of evidence, and their different skills and lens. A successful strategy would be to bring together key researchers who can undertake research which aims to transform the field and will contribute to building a more comprehensive evidence base from which to reshape systems that surround vulnerable children and their families – including in this case their adoptive families.

Involving researchers as equal partners from the commencement of the Institute allows any research design issues to be incorporated up front, including measurement of outcomes and facilitating recruitment and informed consent to participate in research studies.

Although we recognise that there have been a number of studies that have considered the perspectives of those most influenced by policy and adoption practice, we would argue that there still remains little research attention focusing on the views and lived experiences of children and young people, of biological and adoptive parents and families. We would therefore suggest that the IOA include researchers with experience in conducting research directly with children, young people, families and parents.

2. Partnerships –actively linking research and policy and practice.

One of keys to the success of the proposed IOA is to pay attention to how research can be effectively used by policy makers and practitioners. The IOA will need to work with partners and others to ensure research is, and can be, used in policy and practice more effectively and will change and enhance practice to ensure children are in settled and stable arrangements that enable them to thrive (Arney, Bromfield, Lewig, & Holzer, 2009). There are a number of key strategies for increasing research use and these should be key strategies used by the IOA. These include:

- Ongoing interaction, understanding and collaboration between research, practice and policy is of critical importance to research evidence being taken up (Arney et al., 2009; McArthur & Winkworth, 2013; Theobald et al., 2011).
- Strong relationships between key players (from policy and practice) to allow researchers to provide timely and purposeful evidence.
- Being ‘knowledge brokers’ of evidence to help facilitate the exchange, synthesis and application of information and to discuss the nuances of application to practice with potential users (McNeill, 2006).
- Active dissemination of research findings – research to practice papers, professional development as well as other more traditional forms of dissemination.

- Carrying out research with the strong voice of those who are most affected, including children.

It will be critical for the IOA to hear directly from stakeholders such as children, young people and their adopted and birth families. For service systems to best respond to children and young people and their families, it must continually develop its understanding of their needs and experiences. Carrying out research on the outcomes of permanency decisions, including open adoption, is one way for policy-makers and service providers to hear about their experiences and to integrate these experiences into policy and practice.

Issue 2:

What are the core activities that should be undertaken by the institute? (i.e applied research etc)

There are strong reasons why the investment in such an Institute should fund a broad range of activities due to the need to progress through research issues around permanency policy and practice. We would argue that the IOA could better carry out this range of activities if the funding base was supplemented by fee-for-service activity. The range of activities might therefore include:

- Applied Research –fill the gaps in what we know about the issues surrounding permanency planning and open adoption specifically in the NSW (Australian) context. (See response to Issue 6 for possible research priorities).
- Research training – to develop future child welfare researchers, and facilitate transfer of knowledge via secondments of practitioners/policy makers in the IOA for short periods of time to carry out specific projects.
- Professional development – the IOA could directly provide training or broker appropriate training on a fee-for-service basis. Research should underpin any training or professional development required to change or enhance practice. This could include more generic training (talking with children) or more specific training (expert assessment required for court decisions).
- Carry out fee-for-service evaluations of programs, for example supporting birth parents after adoption, group work programs for adopted children, training programs for potential birth parents.
- Clearinghouse role - functions might include –
 - collecting and cataloguing information,
 - analysing and synthesizing information
 - disseminating information
 - engaging in public advocacy
 - attracting key international experts to present their research.

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?

It is assumed that the successful organisations who tender for the IOA would be required to be eligible to apply for a range of different sorts of grants. For example philanthropy sources will often limit applications to independent, not-for-profit organisations. Different sources of research funding, such as the Australian Research Council grants, would require University status.

Most universities and some non-government organisations have operated on a 'fee-for-service' model as well as having core funding.

Issue 5:

Should the institute play a role in the evaluation of individual interventions and the provision of expert evidence in individual matters? Why or why not?

Previous research shows that jurisdictions have different approaches to the provision of expert evidence in individual matters (Thomson, McArthur, & Camilleri, 2015). It is critical that all parties have access to expert opinions (The Law Society of NSW 2012). In NSW the Children's Court Clinic is an essential part of the system which has some resources to fund expert advice directly and made available to all parties in proceedings. Although there may be some advantages in the IOA providing expert evidence/assessment, the proposed name of the Institute may lead some to question its independence. One compromise might be that the IOA could have a role in the training and professional development of experts who could be called upon by the Children's Court Clinic. This specialist training may lead to increased pool of individuals available to play this role in the more neutral context of the Court.

Issue 6:

What priority areas of applied research should be addressed by the tender? What needs to be done in the formation of the institute to ensure these specific functions of applied research are to be undertaken?

We are aware that there is currently some research being carried out in NSW examining the outcomes for children who have been adopted from the out of home care system. However historically one of the limits to strong conclusions is that the literature has been developed in a variety of legislative, policy and historical contexts and in different countries (Jackson, 2002). Triseliotis (2002), in his review of the evidence about the comparative benefits of long-term foster care or adoption, remarks on the difficulties involved in making direct comparisons. This is still the case in the Australian context which leads to caution from

overseas research about the outcomes of different permanency options particularly as there are small numbers of adopted children. There are a number of key areas where research is required:

- Longitudinal research which compares children who have been adopted to those in other forms of care and to samples of children in the community. There is an important opportunity to link adoption outcomes to the Pathways of Care research project.
- Research that provides guidance around the assessment processes surrounding permanency decisions based on evidence informed principles that enable decisions to be made on a case by case basis. What evidence is required to develop a Practice Framework for permanency work?
- What is the impact on the outcomes of adoption for children where it has been voluntary vs non-voluntary?
- Research on the impact of transition for children from foster care to adoption to improve processes that minimise trauma/distress for children (and foster carers and adoptive parents).
- Significant lack of knowledge about contact between birth families and adopted children. What are the factors that facilitate the 'best possible' contact experience for children and young people, as well as for birth, adopted families/carers. What is the impact of how 'open the adoption' is and how do these experiences impact on children and young people? How are children and young people's views taken into account over the lifespan about contact/information about birth families?
- How adequate and effective is the current training for foster carers and adoptive parents in preparing them for the adopted child?
- What support do birth parents require to assist in the decision about adoption; what do they require to ensure their role in their children's lives is in their child's best interests? What do other birth family members require in terms of support/information to keep connected to children who have been adopted?
- What are the 'ideal' characteristics of adoptive parents to ensure contact/knowledge of birth family is facilitated for children?
- What are the characteristics of children who are adopted? What is the evidence that children do better if adopted and how much does who is adopted explain the difference?
- What are the experiences of the non-adopted children (ie other siblings of the adopted child and any biological children of the adopting family) and what needs do they have throughout the adoption process?

Issue 7:

How broadly should this term 'open adoption' be interpreted?

Please see comments above which make the point that adoption is one outcome of permanency planning and should be considered on a case by case basis carefully taking into account children's circumstances before decisions are made for their long term care.

Should the institute concern itself with who is adopted and how open adoption occurs?

Yes it would be very important to understand the characteristics of children who are adopted and the processes surrounding the adoption decision to ensure best practice

Should the institute consider the assistance or support needed by those who have been adopted?

Yes, see above. This is an important area of research

Issue 8:

What specific powers to access information and data should the proposed institute have?

It would be important that the IOA has access to information from the Department of Family and Community Services and the Courts as well as from non-government organisations involved in permanency decision making. To measure outcomes for children who are adopted it would be essential to access outcome-type data as well e.g. health, education and other administrative records that would be held by other government departments.

Issue 9:

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

- Partnership between non-government organisation/s and university partners is an ideal model to keep a strong link between research and practice.
- Capacity to partner with other researchers across Australia and internationally – important opportunity to carry out national and international research – demonstration of overseas partnerships.
- Tendering organisations would need to demonstrate expertise in the range of institute activities – demonstrate research to practice and training and professional development expertise, capacity to support research training on for students completing post graduate study in permanency processes and outcomes
- A University partner would be required to ensure formal ethics processes for research carried out by the IOA
- Track record in different methods of research, including research with hard-to-reach populations (including children and families) and examples of research to practice.
- Have current infrastructure in place to enable a 2016 start.

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?

A partnership model requires that all partners involved are clear about the purpose of the partnership. There is no doubt that there is the potential for the non-government service provider responsible for the institute to have different priorities to researchers (or in fact Universities to have different priorities). It will be essential that the governance structure including the partnership is clearly defined and an MOU for example developed. There are a number of issues that would need to be considered. This would include:

- Understanding each other's key business and priorities
- Supporting the need for independent research outcomes. In an area such as open adoption there are a range of views that exist supporting its use or not. Stakeholders will need to understand that researchers will be required to carry out research that is independent and that may or may not reinforce particular perspectives.
- Researchers recognising the impact on practitioners and service users of research and the possible over researching of a relatively small group of children.

Issue 13:

While the institute will be independent of government, should there be connections between the institute and the NSW Government that need to be contained in the documentation establishing the institute and, if so, what needs to be achieved. Are there any other governance issues that should be considered?

ICPS is, like the proposed Institute of Open Adoption, a joint venture between a state or territory government and a research partner. This experience has been a successful model that may provide direction for the new IOA. This model has provided stability and has sustained the ICPS's development. ICPS was initially established by the Australian Catholic University and the ACT government. A sponsorship agreement was struck between ACU and the ACT government that provided five years of initial funding to assist in establishing ICPS. Key features of this agreement included:

- Establishment of an Advisory Board, which includes key ACT government stakeholders, experts and other key industry representatives. The Chief Executive of the Community Services Directorate is the Chair of the Advisory Board
- As part of the initial agreement, ICPS provides resources and training / professional development in matters related to child protection to ACT government staff
- ICPS sits within the ACU structure, which provides the necessary infrastructure and a research environment independent of government

- The partnership provides the ACT government with research specific to the ACT context, and provides ICPS with a collaborative research partner that permits us to conduct in-depth research with a particular jurisdiction
- ICPS provides an annual report of activities and outcomes to the ACT government.

This arrangement has continued success for over ten years and even though ICPS is now largely self-funding thanks to a mix of research grants, commercial research and fee for service arrangements, the ACT government continues to provide funding to ICPS. There is a strong reciprocal research relationship between the two that is underpinned by the formal sponsorship agreement and the ACT government presence on the ICPS Advisory Board.

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