



National Inquiry into Local Adoption 2018
Prepared by Relationships Australia SA

Prepared by:
Nikki Hartmann, Nicola Gawlik PhD
and Lindy Brinkworth

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1 Introduction

Relationships Australia SA (RASA) welcomes the Inquiry into Local Adoption in Australia (“the Inquiry”) conducted by the House of Representatives Standing Committee on Social Policy and Legal Affairs.

Our submission draws heavily on a substantial body of knowledge and experience arising from our service provision, and is significantly enhanced by the valuable insights provided by our client groups into the long-term effects of separation from birth families. RASA has particular expertise in the first of the Inquiry’s two terms of reference: *‘Stability and permanency for children in out-of-home-care with local adoption as a viable option’*. This term of reference is the primary focus of our submission.

RASA understands the motivation for the Inquiry to be primarily about enhancing children’s stability, safety and positive identity. The Inquiry though is also partly driven by the interests of adults who want to adopt children and seek legal certainty about these relationships.

This submission explains RASA’s position as:

- The best interests of the child are paramount and will *not* be met by denying information to the child.
- All parties to out of home care or adoption require support, some of which will be provided by service organisations such as RASA, and this support can be most effective when there is openness about history and circumstance.
- Belonging and stability are important to children’s positive development, but adoption is only one option among others, and not necessarily the best option.
- Stability and permanence are important to children of any age, and the earlier in a child’s life this can be secured the better.
- Parenting is stewardship and love for a child, not ownership, so the legal arrangement is not the most critical factor in positive family-making relationships.
- Adoption should not be a default position and should only be considered when other alternative care arrangements are unfavourable to the child.

2 About Relationships Australia SA

RASA is an independent, non-profit community organisation with over 60 years’ experience improving the emotional health and wellbeing of vulnerable and disadvantaged children, youth, adults and families. We use a range of service methodologies including casework, advocacy, information and referral, support, community education, community development, counselling, mediation and professional training. We provide a broad range of support services in the areas of family relationships, children’s services, problem gambling, mental health issues, domestic and family violence, and HIV and blood borne viruses.

RASA has been the provider of the South Australian government’s Post Adoption Support Services since 2006, and the Forced Adoption Support Service (funded by the Australian Government Department of Social Services) since 2015. Additionally, since 2012 we have been the South Australian provider of Post Care Support Services to adults who were in State or out of home care as children. We also operate the Find and Connect Service for Forgotten Australians and Former Child

Migrants who grew up in orphanages, foster care, children's homes or other institutions in Australia in the last century.

In the 2016/2017 financial year our Post Care and Find and Connect service provided support to 407 clients, and a further 609 clients were assisted by our Post Adoption and Forced Adoption Support Services.

3 Key Concepts For Adoption Policy

3.1 Best interests of the child

The best interests of the child must be paramount when determining best practice for adoption. Adoption should be first and foremost about the needs of the child for a safe, stable and permanent home with which to grow and thrive, not about the wishes of adults to create exclusive relationships with children.

Adoption and out of home care are both areas of policy that are heavily regulated. There is a risk that the quest to achieve the best interests of the child can be compromised when trying to balance the interests, needs and rights of others involved. The right of a birth parent who is unable to keep their child safe should not trump the needs of the child to grow up in a safe and secure environment. Neither should the desires of those wishing to adopt trump the importance of the birth parent - child relationship, legally or otherwise. For the child concerned, while their desire may be to remain with their family of origin, if it is not safe to do so, then the State needs to take decisive action to put the child's immediate needs at the centre of any decision-making. Importantly, these needs are not static, but change as children grow, and this needs to be taken into consideration when making plans about a child's future.

3.2 Lessons from the past: avoiding prejudice and moral judgement

We firmly believe in learning from history, and the importance of being informed by the impact of past adoption practices. Successive parliamentary inquiries and government-sponsored research have highlighted the devastating impact of past legislation, policy and practice in Australia that underpinned the forced adoption of infants born to unwed mothers (Higgins, 2010; Kenny, Higgins, Soloff, & Sweid, 2012; Parliament of Australia, 2000; Parliament of Australia, 2012). Historically, children's best interests have not always been paramount when formulating adoption policy. None have suffered more from past child protection policy than the Australian Indigenous population, who experienced the permanent removal of so many children from their communities, some of whom were adopted into non-Indigenous families (Commonwealth of Australia, 1997).

Despite an abundance of evidence demonstrating the shortcomings of such past approaches, vestiges of this still influence contemporary thought around adoption practices. In our view, it is critical that the best interests of the child must always be front and centre.

3.3 Protection of other vulnerable parties

While being mindful that the best interests of the child must be paramount in considering any adoption plan, it is also important to consider the issues for other parties to adoption. These include the vulnerability of birth parents who are unable to provide a safe and stable home for their children. Their inability may be due to their complex issues such as mental illness, cognitive impairment or other circumstances directly related to poverty, trauma or family violence.

This is particularly important when considering the Inquiry's first term of reference. While achieving sustainable and significant positive life changes is not easy, such changes are nevertheless possible. The circumstances of birth parents can alter over time so that they become capable of 'good enough' parenting and meeting their child's needs. The court is obliged to consider the likelihood of change over the longer term in deciding the length of guardianship orders or applications for adoption.

Adoption is the most radical of all family law orders. No other order so fundamentally changes the legal status of its subjects for a lifetime. Its effect is to rewrite the legal relationships between three parties with implications for the wider family circles of those involved (Hallahan, 2015). Such an important and long-term act should not be taken without factoring into the decision-making the situation and views of birth parents and birth family wherever possible. The emotional consequences of not doing so can be devastating and long lasting for birth parents and families, and of course, adoptees.

3.4 The need for support

Given the profound nature of adoption and the long-term effects on the people directly and indirectly affected, support needs to be available. Support is needed at the time when adoption is considered, when an adoption occurs and also over the subsequent years and even into following generations as adoption impacts on individuals, families and relationships over time.

For example, hereditary health issues may become apparent for adopted people and their children; birth parents and adoptees may experience ongoing complicated, disenfranchised and compounding grief that becomes more painful during other life events; and adoptive parents may need support, advice and counselling regarding parenting children with complex histories. With adoption, there is always loss, and for children who already face the loss of their birth families, the further severing of this through adoption may compound their already disenfranchised grief¹.

Where families have been separated by adoption in the past, post adoption support is needed to address issues of: identity and belonging for adopted people; grief and loss for adoptees, birth parents and their family; assistance in the discovery of information about other birth family members; and search and reunion assistance that fosters positive ongoing relationships among those affected. The impact of these issues is such that post adoption support services are needed across the life course.

Post adoption support services should be available in each state to support the child and their respective birth and adoptive families to have relationships that are child focussed and take into account the notions of the child's right to know and maintain relationships with their birth family where it is safe to do so.

¹ Disenfranchised grief can occur when circumstances are such that the individual's grief is judged illegitimate or inappropriate by either the griever or the social environment, regardless of their intensity or duration. It has been described in the context of relational distance from the deceased that is considered too wide (e.g., nonfamily member, or unrecognized affective ties), the characteristics of the bereaved individual are considered to exclude them from experiencing grief (e.g., the young and the elderly), or the circumstances of the death are thought to make grief illegitimate. Importantly, this may prevent the griever from receiving the benefits of social support. (Doka, 2002, 2008)

4 Children in Need of Out Of Home Care - Best Interests of the Child

The following section identifies key factors that have special relevance in deciding best interests for a child. The factors apply to decisions about children who are to be adopted or placed in out of home care.

4.1 Permanency and stability

Permanency and stability are widely recognised as vital to a child's positive life outcomes (AIHW, 2016; Cashmore, 2014). Essentially, family stability creates opportunities for children and young people to develop secure attachments with their caregivers. This may take time for those whose previous relationships have been characterised by trauma. Repair from trauma (and in turn developing secure attachments) is supported when children are aware of their history. This knowledge helps them to develop a realistic sense of who they are and how they came to be in the world. The needs of the child will change as they grow and develop, as will their thoughts and reflections on decisions that have been made for them. Having knowledge about their birth families can often be stabilising for children who have been adopted. This stability can be further improved by establishing contact arrangements between adopted children and their birth families where it is safe to do so.

4.2 Attachment

Relationships with others are formative experiences for all humans. The experiences of early relationships children have with their caregivers matter greatly. If a child has a responsive, consistent and caring parent who provides them with love, nurturing, care, and structure, the child feels safe and develops a sense of secure attachment, which in turn predicts good social and emotional outcomes later in life (Ainsworth, Waters, & Wall, 1978; Bowlby, 1969, 1982; Howe, Dooley, & Hinings, 2000; Jordan & Sketchley, 2009; Main & Solomon, 1986)². However, if their parent is not nurturing and is unresponsive to them then that child is at risk of developing a poor attachment. Poor attachment in infancy predicts much less favourable social and emotional outcomes for the child (Berk, 2000; Cassidy, 1994; Cassidy, 2013; Mikulincer & Shaver, 2012).

During adolescence, personal development leads children further away from those who protect them to explore intimate relationships, and to develop a sense of belonging in a wider community. Research is beginning to show that attachment is integral in helping adolescents achieve autonomy from parents and is important for the quality of ongoing peer relationships, social acceptance and functioning romantic relationships (Allen, Moore, Kupermine, & Bell, 1998; Black & McCarthy, 1997; Donovan & Jessor, 1985). Attachment to parents has also been associated with a range of indices of wellbeing, including high self-esteem and low anxiety (Armsden & Greenberg, 1987; Paterson, Pryor, & Field, 1995).

Children who have experienced multiple separations from caregivers and numerous changes in out of home care placements come to expect rejection and separation. They have learnt to not form

² Note: much of this research is embedded in Anglo-Celtic communities and is therefore heavily laden with cultural conditions, including emphasis on parents, especially mothers, being the primary caregivers.

attachments to others in order to avoid the pain of losing yet another relationship. They may actively resist any attempt by the caregiver to become close, thereby protecting themselves from yet another rejection, although in reality this can contribute to further placement breakdown and rejection (Munro & Hardy, 2006). Children who have multiple out of home care placements struggle greatly with making and keeping friends and as they grow older, they are at risk of their relationships being permanently damaged due to destructive, fear-based behaviours. Thus, the reason why stability is crucial for children and young people in out of home care is that it increases/creates their opportunity to develop secure attachments with the caregiver (Government of Queensland, 2011).

4.3 Repair from trauma

Trauma can occur when a child/young person feels intensely threatened by an event in which he or she is involved or witnessed and is often followed by serious injury or harm. Almost all children in out of home care have experienced some level of trauma, and this has been a reason that they have not been able to live with their birth family.

This trauma affects children and young people differently at different ages. Until recently, the full impact of trauma on children and young people whose histories have resulted in removal to out of home care has not been fully understood. Research on brain development reveals children who experience trauma are likely to be continually stressed, which can heighten their cortisol levels and diminish their stress regulation mechanisms. However, stress effects can be buffered by positive relationships, suggesting that children need a secure attachment relationship if they are to heal/repair from this trauma (Harden, 2004; Schore, 2001; Shonkoff & Phillips, 2000). We are coming to understand more about adoption-related trauma, and we will discuss this later in the submission.

4.4 Identity

Understanding the truth about themselves, their birth family, and their life story is important for children in out of home care (or adoption) in order to develop a healthy sense of identity, or even just to satisfy deep curiosity (Grotevant & Von Korff, 2011). In RASA's experience, adoptees will often describe a deep yearning for knowledge about who they are, in the context of biological and genetic family history.

Openness, in terms of the level of contact between placement and birth families following placement or the extent to which placement is openly discussed within the placement family, provides important additional information (potentially both positive and negative) about the self and others. The information requirements at different ages are far from well understood. It is necessary to ensure that information provided is age appropriate since young children may not yet understand the complex reasons why they were removed from their birth parents, or they may have difficulty accepting what are likely to be traumatic stories (de Rosnay, Luu, & Conley Wright, 2016).

One significant change in adoption practice that has occurred over the last four decades is the shift away from an expectation of confidentiality towards an expectation of openness in adoption. Although it is relatively early days in terms of assessing the impact of this change, RASA is confident that it represents an improvement on the secrecy practises of the past. The challenge for adoptees, and their birth and adoptive families, has been to rework what contact entails (Neil, Beek, & Schofield, 2003). Currently how contact can best meet the child's needs in terms of his or her identity when the child becomes the legal child of the adoptive parents is unclear (de Rosnay, Luu, & Conley Wright, 2016). It is also important to note that issues of identity among adoptees are not always dependent on whether or not a secure attachment was developed with the adoptive family

(Kenny, Higgins, Soloff, & Sweid, 2012). The desire to search is strong for many adoptees, regardless of the strength of connection they feel to their adoptive families.

Conversely, children placed in out of home care not under adoption usually continue to have contact with their birth parents in supervised and home visits. These children deal with the fact that they belong to two families in a context where the relationship between the two families is of utmost importance to child identity development (Cummings, Schermerhorn, Davies, Goeke-Morey, & Cummings, 2006). How contact can best meet the child's needs depends on well researched contextual factors, including frequency and regularity of contacts, a positive attitude by the foster parents, professional support, contact preparation and planning, time since the beginning of placement, and the emotions experienced by the child (Browne & Maloney, 2002; Hunt, Waterhouse, & Lutman, 2010; McWey, Acock, & Porter, 2010; Moyers, Farmer, & Lipscombe, 2006; Neil, Beek, & Schofield, 2003; Sen & Broadhurst, 2011).

5 Adoption

5.1 Early age stability

Some studies suggest adopted children are more likely to experience adversity and are less able to recover from behavioural, psychological, and emotional difficulties compared to children who have not been adopted (French, 2013). Adoption, however, can act as a suitable intervention to improve developmental outcomes for children who are unable to live with their birth families, compared to those who remain with them, such that they do catch up to their non-adopted peers (Evan B. Donaldson Institute, 2009). Notably, studies suggest that the younger the child is when they are adopted, the better their adjustment (Barth, Berry, Yoshikami, Goodfield, & Carson, 1988; Rees & Selwyn, 2009; Sharma, McGue, & Benson, 1996).

Studies also seemingly show that children adopted in their first year have the same ability to form secure attachments as non-adopted children, but the attachments of those adopted after 12 months were significantly less secure (Cederblad, Hook, Irhammar & Mercke, 1999; van den Dries, Juffer, van IJendoorn & Bakermans-Kranenburg, 2009). Furthermore, if/when adopted children finally make contact with their birth mothers, the likelihood of continued frequent contact with and attachment to their birth mother (even while being attached to the adoptive mother) correlates strikingly with the age at which the adoption took place (Howe, 2001).

It is important to note, however, that these outcomes are not dependent on age at adoption per se, but early age stability. That is, the earlier the child is placed in stable care, regardless of the type of care (i.e. adoption or out of home care), the better the outcomes. Delay in moving them to stable, long-term placements continues to be harmful to them, whatever their age. (Biehal, Ellison, Baker and Sinclair, 2010; McSherry, Malet, & Weatherall, 2016)

5.2 Children and adults must be assisted to deal with loss and trauma

RASA's practical experience shows that those involved in adoption, particularly adoptees, experience early loss and trauma that impacts the rest of their lives. Adoptees experience complex and sometimes significant effects regarding their adoption, and managing adoption-related trauma often requires specialist counselling and support.

Adoption, in and of itself, creates challenges for adoptees to navigate throughout their lives, regardless of the strength of the relationship they have with their adoptive families. This needs to be

considered in the context of planning for the future care of children in need of alternative family placements.

Trauma informed practice underpins the work of our post- and forced adoption services, and our support is conducted alongside clients to address their concerns in a sequence suitable for their situation and readiness. Clients are supported in their search for family and information and are advised of the possible outcomes. We provide access to fact sheets on the RASA website, and other information to enable clients to understand the possible impacts and outcomes of searching. Those who are searching often need support along the way, and experienced staff respond to clients in a way that maintains their hope of reunion, whilst at the same time assisting them to be prepared for outcomes that may not meet their expectations.

Therapeutic counselling and case management is provided for those affected by adoption, to assist them to work through their adoption related trauma, and this includes working with children and young people. When supporting young adoptees, knowledge about their past is important to them, and they are supported to know about their history in age and developmentally appropriate ways.

5.3 Confidence in identity and belonging

In RASA's experience, the lived reality of adoption can be more accurately described as a state of enduring ambiguity regarding post-adoption relationships. Overlooking this aspect of adoptive family life can have potentially damaging consequences. Adults in our service tell us that they continue to be confused about their identity and where they belong, and amended birth certificates can compound this with a sense of their identity being fraudulent. This tends to flow on to affect the future generations. Growing up in a family where there are no genetic mirrors can create confusion and isolation, even for those who report strong and loving connections with their adoptive families. "Issues of identity, attachment and abandonment among adoptees do not appear to be solely dependent on whether or not a positive and loving environment was provided by the adoptive family" (Kenny, Higgins, Soloff, & Sweid, 2012, p. 121).

5.4 Openness in adoption

The degree of openness within an adoption has, in recent years become a focus for research. Powell and Afifi (2005) suggest that three contextual factors associated with the openness of adoption need to be considered. The first relates to the amount of birth family contact and adoption information provided to adoptees; secondly, the openness of the adoptive family about adoption; and finally, the circumstances of the adoption and placement.

Over time, and across cultures, adoption has swung between being open and closed. Importantly, it is appropriate to acknowledge that there are different interpretations of what constitutes "open" adoption. In general terms, open adoption usually meant that the child's move to another family was often done openly with the child's original identity sustained and that it was not uncommon for both birth and adoptive parents to know each other and to keep in contact (Brodzinsky, 2005; Sullivan & Lathrop, 2004).

From the 1920s, in much of the western world at least, greater secrecy and anonymity surrounded adoptions. The belief by those government departments, agencies and churches called upon to administer adoptions increasingly favoured a policy of confidentiality in which birth parents and adoptive parents were prevented from meeting to share information. It was not uncommon for all records of the adoption proceedings to be kept secret and for amended birth certificates to be issued to the adoptive parents. This emphasis on secrecy was influenced by the "clean break"

theory (personality development in babies is informed by environment rather than genes). However it is unquestionably the case that moral conservatism played a significant role in the policy of adoption secrecy. In later years, birthmothers and adoptees led the push to have adoption records opened, stating ‘birth mothers have a right to know what happened to their children’, and ‘adoptees had the right to know about their birth family and heritage’.

In recent years, the pendulum has swung away from closed to open adoptions (Brodzinsky, 2005; Marshall & McDonald, 2001). While definitions vary, the emphasis undoubtedly focuses on critical aspects of the adoption process being open. The question that needs to be asked however is – how open is open? Here Brodzinsky (2005) offers some insight distinguishing between “open adoption” and “openness” in adoption. Adoption is considered open when adoptive and birth families share identifying information as well as a level of communication between both parties that may or may not involve the child. By contrast, openness in adoption is a broader, more encompassing construct that has more to do with intrapersonal, interpersonal and systemic process underpinned by a commitment to the exchange of communication both informational and emotional. As Brodzinsky (2005, p. 151) states”

...what is primary for healthy psychological adjustment is the creation of an open, honest, non-defensive, and emotionally attuned family dialogue not only about adoption-related issues but in fact about any issue that impacts upon the child’s and family’s life...this is the essence of openness in adoption as well as one of the critical factors underlying the variability in adoption adjustment for adopted children and their parents.

5.5 Stewardship, not ownership

The child-centred approach to adoption views parenthood as stewardship, not ownership. Thus, if the parent is a steward, (s)he has the responsibility to provide for the needs of the child, not merely a right to claim association based on legal connection. Children are substituted for adults as the bearers of rights, and adults strive to make better decisions for and about children while acknowledging the complex family structure of adopted children. Here, children are not simply chattels belonging to the parent, but have fundamental interests of their own that may diverge from the interests of the legal parent. This approach to adoption may, for instance, involve blending the adoptive and biological families into an extended family unit, as opposed to the nuclear family model (Boskey, 1995; Hawkins-Leon, 1996; Woodhouse, 1996).

There is some evidence that participatory approaches to decision making about placements result in more stable long-term living situations for children (Kiely, 2005; Lupton and Stevens, 1997). The evidence is mounting that the views of young people and children have to be taken seriously in order to achieve placement stability and is emerging as a strong predictor of placement stability (Schofield, 2003; Triseliotis, 2002). Article 12 of the *United Nations Convention on the Rights of the Child* (United Nations, 1990) has been influential in placing children’s participation in decisions that affect them on the policy agenda (McNeish & Newman, 2002). This includes decisions about contact with birth families (Schofield, 2003).

6 Child Protection in SA and Adoption of Children from Out of Home Care

In South Australia in the past twenty years there have been five Royal Commissions or government Inquiries into child protection and safety. The most recent of these, the Child Protection Systems Royal Commission (the Nyland Royal Commission) was established in 2014 to investigate the adequacy of the child protection system in South Australia (Government of South Australia, 2016). Commissioner Nyland delivered her final report in 2016. The report contained 260 recommendations.

The SA government released its initial response to the Royal Commission findings in November 2016. It proposed a sweeping reform agenda, starting with the development of new child protection legislation to replace the *Children's Protection Act 1993*.

Children entering care through the child protection system usually have a history of trauma, deprivation, abuse or neglect, and have special needs arising from this background. Their need for security and stability is critical. Sadly, all too often they have been placed in out of home care characterised by instability, compounding adversity and disadvantage (Sammut, 2014, as cited in Hallahan (2015); Tregeagle & Voight, 2014, as cited in Hallahan (2015)).

Commissioner Nyland, while observing the many shortcomings of the out of home care system, did not view adoption as the solution:

Adoption is no panacea for the current shortage of suitable care placements for children who cannot remain with their families of origin. The fact that there is a cohort of families who are interested in starting or growing their families through local adoption, and who may relieve placement pressure in the care system, is irrelevant to the question of a child's best interests (Government of South Australia, 2016, p. 369).

In a nutshell, the Nyland Royal Commission considered 'other person guardianship' to be the first choice for children in permanent stable out of home care placements rather than adoption. Recommendation 157 of the Royal Commission findings reflects this conclusion:

[The State Government] consider the question of adoption where that is in the best interests of the child and an Other Person Guardianship order would not be appropriate. (Government of South Australia, 2016, p. 157).

Associate Professor Lorna Hallahan also reached a similar conclusion in her independent review of the *Adoption Act 1988* (SA) undertaken for the SA government in 2015. She formed the view that adoption of children from care should be a last resort option, commenting specifically that "...immediate safety must not take such a compelling focus that consideration of longer term needs around belonging and identity formation are compromised" (Hallahan, 2015, p. 62).

6.1 Other Person Guardianship

Other Person Guardianship (OPG) is a legal option that can provide additional stability and permanence in out of home care placements. The option has been available in South Australia for some years, but, as noted by the Nyland Royal Commission, has traditionally been underused. The Youth Court has the capacity to place a child who is the subject of child protection proceedings under the guardianship of their carer until age 18. This is an alternative to the usual option of

placing the child under the guardianship of the Minister. The consent of birth parents is not legally required but is encouraged.

There is little in the way of evidence to demonstrate the efficacy or otherwise of OPGs in SA or other Australian jurisdictions where similar mechanisms are available. However, a similar system known as Special Guardianship (SG) operates in the United Kingdom, and has been the subject of favourable research reviews, though it is early days.

SG orders have not diminished the use of adoption. Instead, it has made a particular and valuable contribution to the range of permanent placements that are available for children. Findings on short-term outcomes are encouraging. Most children are reported to be thriving, have made quite strong attachments, are making good developmental progress, and appear to be well integrated within the family network. The prognosis is better where the pre-existing bond between child and guardian is strong, and when children are younger at placement. A minority of children, many of whom were teenagers when the SG order was issued, have highly complex needs (i.e. learning disabilities, mental health problems and/or serious emotional and behavioural difficulties) and tend to have poorer outcomes. (Boyer, Wilkinson, & Gadsby Waters, 2015; Bowyer, Wilkinson, Tapsfield, Gadsby Waters, & Corrick Ranger, 2015; Selwyn & Masson, 2014; Selwyn, Wijedasa, & Meakings, 2014; Wade, Sinclair, Stuttard, & Simmonds, 2014)

RASA is supportive of this approach. The OPG option will never be one that is suitable for all children and young people in long-term out of home care, but it may be the best solution for many. Sadly, the emotional scarring and consequent behavioural traits of a number of these children and young people means that their care planning needs to be rigorous and individually assessed to meet their specific needs. In cases where a long-term placement outside of their birth family is appropriate, RASA is of the view that OPG is more likely to support the child or young person's development in a manner that is consistent with the best practice principles discussed in this paper.

7 Conclusion

RASA believes that the most important factor to drive policy formulation in the adoption and children protection arenas must always be the best interests of the child. Inherent in this position is the notion that parenting is stewardship and love for a child, not ownership. Stability and permanence is important to children of any age, and the earlier in a child's life this can be secured the better.

When the circumstances are such that a child cannot remain with their birth parent(s), adoption is only one option among others, and not necessarily the best option. We strongly caution against policies that propose adoption for children in out of home care as a default position.

RASA's position, which we consider to be suitably supported by research, is that in most cases, the best approach for a child needing out of home care is a care arrangement that does not sever that child's tie with their family and biological cultural history and promotes openness in the provision of information about this history to the child. We do not suggest that adoption be abolished, but rather that it should be a last resort option for a small cohort of children. RASA encourages greater use of OPG orders wherever relevant and possible as an alternative to adoption.

Adequate support must be made available to the various parties who are impacted by both adoption and the out of home care of children, and monitoring placement outcomes should also be undertaken for those children in adoptive families.

8 References

- Ainsworth, M. D. S., Blehar, M. C., Waters, E., & Wall, S. (1978). *Patterns of attachment: A psychological study of the strange situation*. Hillsdale, NJ: Erlbaum.
- Allen, J. P., Moore, C. M., Kupermine, G. P., & Bell, K. L. (1998). Attachment and adolescent psychological functioning. *Child Development, 69*, 1406-1409.
- Armsden, G. C., & Greenberg, M. T. (1987). The inventory of parent and peer attachment: Individual differences and their relationship to psychological well-being in adolescence. *Journal of Youth and Adolescence, 16*, 427-454.
- Australian Institute of Health and Welfare (AIHW). (2016). *Permanency planning in child protection* (Child welfare series no. 64. Cat. no. CWS 58). Canberra, Australia.
- Barth, R. P., Berry, M., Yoshikami, R., Goodfield, R. K., & Carson, M. L. (1988). Predicting adoption disruption. *Social Work, 33*, 227-233.
- Berk, L. (2000). *Child development* (5th Edition). Boston: Allyn & Bacon.
- Biehal, N., Ellison, S., Baker, C. and Sinclair, I. (2010) *Belonging and Permanence: Long-term Outcomes in Foster Care and Adoption*. London: BAAF.
- Black, K. A., & McCarthy, K. (1997). Adolescent females' security with parents predicts the quality of peer interactions. *Social Development, 6*, 91-110.
- Boskey, J. B. (1995). The Swamps of Home: A Reconstruction of the Parent-Child Relationship. *The University of Toledo Law Review, 26*(4), 805-853.
- Bowlby, J. (1969). *Attachment and loss, separation*. New York: Basic Books.
- Bowlby, J. (1982). ATTACHMENT AND LOSS: Retrospect and Prospect. *American Journal of Orthopsychiatry, 52*(4), 664-678.
- Bowyer S., Wilkinson J. , & Gadsby Waters, J. (2015). *Impact of the family justice reforms on front-line practice phase two: special guardianship orders* (Research Report DFE-RR478B). Retrieved from <https://www.gov.uk/government/publications/family-justice-review-special-guardianship-orders>
- Bowyer S., Wilkinson J., Tapsfield, R., Gadsby Waters, J., & Corrick Ranger, H. (2015). *Special guardianship: qualitative case file analysis* (Research Report DFE-RR497). Retrieved from <https://www.gov.uk/government/publications/special-guardianship-qualitative-case-file-analysis>
- Brodzinsky, D. M. (2005). Reconceptualizing openness in adoption: implications for theory, research and practice. In D. M. Brodzinsky & J. Palacios (Eds.), *Psychological Issues in Adoption: Research and Practice* (pp. 145-166). Westport, CT: Praeger.
- Browne, D., & Moloney, A. (2002). 'Contact irregular': A qualitative analysis of the impact of visiting patterns of natural parents on foster placements. *Family Social Work, 7*, 35-45.

- Cashmore, J. (2014). Children in the Out-of-Home Care System. In A. Hayes & D. Higgins (Eds.), *Families, Policy and the Law: Selected Essays on Contemporary Issues for Australia* (pp. 143). Melbourne, Australia: Australian Institute of Family Studies.
- Cassidy, J. (1994). Emotion regulation: influences of attachment relationships. *Monogr Soc Res Child Dev*, 59(2), 228-49.
- Cassidy, J., Jones, J. D., & Shaver, P. R. (2013). Contributions of Attachment Theory and Research: A Framework for Future Research, Translation, and Policy. *Development and Psychopathology*, 25(402), 1415–1434.
- Cederblad, M., Höök, B., Irhammar, M., & Mercke, A. M. (1999). Mental Health in International Adoptees as Teenagers and Young Adults. An Epidemiological Study. *J. Child Psychology and Psychiatry*, 40(8), 1244.
- Commonwealth of Australia. Human Rights and Equal Opportunity Commission. (1997). *Bringing them home: National inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*. Retrieved from https://www.humanrights.gov.au/sites/default/files/content/pdf/social_justice/bringing_them_home_report.pdf
- Cummings, E. M., Schermerhorn, A. C., Davies, P. T., Goeke-Morey, M. C., & Cummings, J. S. (2006). Interparental discord and child adjustment: Prospective investigations of emotional security as an explanatory mechanism. *Child Development*, 77(1), 132–152.
- de Rosnay, M., Luu, B., & Conley Wright, A. (2016). *Young Children's Identity Formation in the Context of Open Adoption in NSW: An Examination of Optimal Conditions for Child Wellbeing*. Sydney, Australia: The University of Sydney, Institute of Open Adoption Studies.
- Doka, K. (2002). Disenfranchised grief. In K. Doka (Ed.), *Living with grief: loss in later life* (pp. 159–68). Washington, DC: The Hospice Foundation of America.
- Doka, K. J. (2008). Disenfranchised grief in historical and cultural perspective. In M. S. Stroebe, R. O. Hansson, H. Schut, & W. Stroebe (Eds.), *Handbook of bereavement research and practice: advances in theory and intervention* (pp. 223–40). Washington, DC: American Psychological Association.
- Evan B. Donaldson Adoption Institute. (2009). *Beyond Culture Camp: Promoting healthy identity formation in adoption*. Retrieved from http://adoptioninstitute.org/old/publications/2009_11_BeyondCultureCamp.pdf
- French, Q. Y. S. (2013). Adoption as a contingency of self-worth: An integrative approach to self-esteem in adopted individuals. *Adoption Quarterly*, 16(2), 128–152.
- Government of Queensland. Department of Communities, Child Safety Services. (2011). *Permanency planning: Practice paper*. Retrieved from <https://www.communities.qld.gov.au/resources/childsafety/practice-manual/pppermanencyplanning.pdf>
- Government of South Australia. (2016). *The life they deserve: Child Protection Systems Royal Commission Report, Volume 1: Summary and Report*. Retrieved from

https://agdsa.govcms.gov.au/sites/g/files/net2876/f/complete_report_child_protection_systems_royal_commission_report.pdf?v=1494388953

Grotevant, H. D., & Von Korff, L. (2011). Adoptive identity. In S. J. Schwartz, K. Luyckx, & V. L. Vignoles (Eds.), *Handbook of identity theory and research* (pp. 585–601). New York: Springer.

Hallahan, L. (2015). *Discussion Paper: Review of the South Adoption Act 1988*. Retrieved from: <https://www.childprotection.sa.gov.au/sites/g/files/net916/f/adoption-act-review-report.pdfz>

Harden, B. J. (2004). Safety and stability for foster children: A developmental perspective. *The Future of Children*, 14(1), 31-47.

Hawkins-Leon, C. G. (1996). The Indian Child Welfare Act and the African American Tribe: Facing the Adoption Crisis. *Brandeis Journal of Family Law*, 36, 201–218.

Higgins, D. (2010). Impact of past adoption practices: Summary of key issues from Australian research. *Australian Journal of Adoption*, 2(2).

Howe, E., Dooley, T., & Hinings, D. (2000). Assessment and decision-making in a case of child neglect and abuse using an attachment perspective. *Child and Family Social Work*, 5, 143-155.

Howe, D., Shemmings, D., & Feast, J. (2001). Age at placement and adult adopted people's experience of being adopted. *Child and family Social Work*, 6, 337-349.

Hunt, J., Waterhouse, S., & Lutman, E. (2010). Parental contact for children placed in kinship care through care proceedings. *Child & Family Law Quarterly*, 22, 71-92.

Jordon, B., & Sketchley, R. (2009). *A stitch in time saves nine. Preventing and responding to the abuse and neglect of infants*. Retrieved from: <http://www.aifs.gov.au/nch/pubs/issues.html>

Kenny, P., Higgins, D., Soloff, C., & Sweid, R. (2012). *Past adoption experiences: National research study on the service response to past adoption practices* (Research report No. 21). Melbourne, Australia: Australian Institute of Family Studies.

Kiely, P. (2005, February). *A longitudinal evaluation of family group conferencing*. Paper presented at the 9th Australian Institute of Family Studies Conference, Melbourne, Australia.

Lupton, C., & Stevens, M. (1997). *Family outcomes: Following through on family group conferences*. Portsmouth: University of Portsmouth, Social Services Research and Information Unit.

Main, M., & Solomon, J. (1986). Discovery of a disorganized/disorientated attachment pattern. In T. B. Braxelton, & M. W. Yogman (Eds.), *Affective Development in Infancy* (pp. 95-124). Norwood NJ: Ablex.

Marshall, A., & McDonald, M. (2001). *The many-sided triangle: Adoption in Australia*. Carlton, Vic.: Melbourne University Press.

McNeish, D., & Newman, T. (2002). Involving children and young people in decision-making. In D. McNeish, T. Newman & H. Roberts (Eds.), *What works for children* (pp. 107-126). Buckingham: Open University Press.

- McSherry, D., Malet, M. F., & Weatherall, K. (2016). Comparing long-term placements for young children in care: Does placement type really matter? *Children and Youth Services Review*, *69*, 56-66.
- McWey, L. M., Acock, A., & Porter, B. E. (2010). The impact of continued contact with biological parents upon the mental health of children in foster care. *Children and Youth Services Review*, *32*, 1338-1345.
- Mikulincer, M., & Shaver, P. R. (2012). An attachment perspective on psychopathology. *World Psychiatry*, *11*(1), 11–15.
- Moyers, S., Farmer, E., & Lipscombe, J. (2006). Contact with family members and its impact on adolescents and their foster placements. *British Journal of Social Work*, *36*(4), 541-559.
- Munro, E. R., & Hardy, A. (2006). *Placement Stability – A review of the literature*. Loughborough: Centre for Child and Family Research.
- Neil, E., Beek, M., & Schofield, G. (2003). Thinking About and Managing Contact in Permanent Placements: The Differences and Similarities Between Adoptive Parents and Foster Carers. *Clinical Child Psychology and Psychiatry*, *8*(3), 401–418.
- Parliament of Australia. NSW Legislative Council Standing Committee on Social Issues. (2000). *Releasing the past: Adoption practices 1950–1998* (Parliamentary paper: No. 600). Retrieved from <https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryReport/ReportAcrobat/5540/Report.PDF>
- Parliament of Australia. Senate Community Affairs References Committee (2012). *Commonwealth contribution to former forced adoption policies and practices*. Retrieved from https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2010-13/commcontribformerforcedadoption/report/index
- Paterson, J., Pryor, J., & Field, J. (1995). Adolescent attachment to friends and in relation to aspects of self-esteem. *Journal of Youth and Adolescence*, *24*, 365-376.
- Powell, K. A., & Afifi, T. D. (2005). Uncertainty management and adoptees' ambiguous loss of their birth parents. *Journal of social and Personal Relationships*, *22*(1), 129-151.
- Rees, C. A., & Selwyn, J. (2009). Non-infant adoption from care: lessons for safeguarding children. *Child Care Health Dev*, *35*(4), 561-7.
- Schofield, G. (2003, January). *The research overview*. Paper presented at the Stability in Foster Care Seminar, Royal Academy of Engineering, Westminster.
- Schore, A. (2001). Effects of a secure attachment relationship on right brain development, affect regulation, and infant mental health. *Infant Mental Health Journal*, *22*(1-2), 7-66.
- Selwyn, J., & Masson, J. (2014). Adoption, Special Guardianship and Residence Orders: A Comparison of Disruption Rates. *Family Law*, *44*(12), 1709–1714.

- Selwyn, J., Wijedasa, D., & Meakings, S. (2014). *Beyond the Adoption Order: challenges, interventions, and adoption disruption* (Research Report DFE-RR336). Retrieved from http://dera.ioe.ac.uk/19933/1/Final_Report_-_3rd_April_2014v2.pdf
- Sen, R., & Broadhurst, K. (2011). Contact between children in out-of-home placements and their family and friends networks: A research review. *Child and Family Social Work, 16*(3), 298-309.
- Sharma, A., McGue, M. K., & Benson, P. L. (1996). The emotional and behavioural adjustment of United States adopted adolescents: Part II. Age at adoption. *Children and Youth Services Review, 18*, 101–114.
- Shonkoff, J. P. & Phillips, D. A. (2000). *From Neurons to Neighbourhoods: The science of early child development*. Washington, DC: National Academy Press.
- Sullivan, R., & Lathrop, E. (2004). Openness in adoption: Retrospective lessons and prospective choices. *Children and Youth Services Review, 26*, 393–411.
- Triseliotis, J. (2002). Long-term foster care or adoption? The evidence examined. *Child and Family Social Work, 7*, 23–33.
- United Nations. (1990). *Convention on the Rights of the Child*. Retrieved from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>
- van den Dries, L., Juffer, F., van IJzendoorn, M. H., & Bakermans-Kranenburg, M. J. (2009). Fostering Security? A Meta-analysis of Attachment in Adopted Children. *Children and Youth Services Review, 31*, 415.
- Wade J., Sinclair I., Stuttard I., & Simmonds, J. (2014). *Investigating special guardianship: experiences, challenges and outcomes* (Research Report DFE-RR372). Retrieved from <https://www.gov.uk/government/publications/investigating-special-guardianship>
- Woodhouse, B. B. (1996). A Public Role in the Private Family: The Parental Rights and Responsibility Act and the Politics of Child Protection and Education. *Ohio State Law Journal, 57*(2), 393-430.