Can we afford to ignore open adoption in our search for stability and better life outcomes?*  

Fast Facts

- Barnados provide family support, restoration foster care and kin care support to 11,000 children each year.
- There are a small number of children who will always require long-term care.
- The number of adoptions from care in Australia is miniscule at 70\(^1\).
- Adoption gives children a true sense of security, safety and belonging\(^3,4\).
- Adoption has a 3% post-adoption breakdown rate\(^4\).
- Barnardos adopts approximately half of the children in their NSW Find-a-Family program.
- In NSW, on average, it takes Barnardos around 3 years to finalise an adoption.
- Adoptive parents are generally older, in longer term relationships and home owners. Infertility is a frequent motivation.
- The average lifetime costs of a case resulting in adoption is $230,000 versus $688,000 for a child aging out of care\(^9\).

Despite a passionate commitment to family support, kin and restoration care, Barnardos Australia has come to understand that there are a small number of children who will always require long-term care and that approximately half of Barnardos children living permanently in foster care will be best off in open adoption. International evidence, and limited local research, confirms this view. Yet the number of adoptions from care in Australia is miniscule at 70\(^1\) with Barnardos currently undertaking a quarter of all Australian adoptions from care. This paper will describe our practice and research base; and question barriers to open adoption which affect Australian children’s welfare.

1. Barnardos Australia

Barnardos is a NSW and ACT non-government agency which works to keep families together, is very cautious about children entering care but when this occurs, Barnardos works hard for stability. Our Children’s Family Centres provide family support, restoration foster care and kin care support to 11,000 children each year. Our approach to out-of-home care is unique in Australia in that we keep two distinct out-of-home care programs: restoration foster care/kin care, and, a specialised program of long-term care/adoption. When children must enter care, our foster care programs have high stability rates: 65-70% in the long-term care program\(^2\). However, despite this, our research shows us that there is still something missing for children – placement stability is important but children must also have ‘felt security’.
2. Why is open adoption important?

For many children only adoption gives them a true sense of security, safety and belonging. Adoption does provide much greater placement stability for children: foster care breakdown rates are stubbornly high around the world and this compares poorly with adoption which has a 3% post-adoption breakdown rate. Furthermore, children tell us that they never feel entirely safe or really belong until they are adopted and they are socially recognised as being a legal member of their new family.

Barnardos now adopts approximately half of the children in our NSW Find-a-Family program: 76% of the children under five years of age and 28% of the over five year olds. The average duration in Find-a-Family is 5.2 years and it is currently taking us an average of 3 years to achieve an adoption.

3. Factors which influence the ease of open adoption

In NSW, Barnardos uses a sequential decision making system; involving the Children’s Court which makes the decision on long-term care, and, subsequently, the Supreme Court which makes the decision on adoption. Legislation allows the Children’s Court to dispense with a parent’s consent to adoption including on the grounds of the child’s stable relationship with their carer/s and children over twelve can consent to their own adoption. There are timeframes for decision making about the care plan in the child welfare legislation (6 months for children under two, twelve months for older children) in child welfare legislation. Eighteen children were adopted in 2015/16, 21 in the first six months of this year and over twenty waiting for adoption orders.

State legislation does make a difference to the ease and efficiency of adoption. We also undertake adoption in ACT however this is through ‘concurrency planning’ which currently has a longer timeframe. We have made recommendations to the ACT government that there should be legislative change which shifts away from proof that abuse and neglect has occurred (as this is distressing and onerous).

In considering the Queensland situation we have suggested to Government that they consider legislative change to the Adoption Act 2009 to allow children’s consent, and, acknowledge children’s relationship with current carers as the basis for adoption.

The children adopted through Barnardos have frequently suffered very significant neglect or abuse, with emotional and behavioural damage often being further compounded by placement instability. In our current study for the Australian Open Adoptions Outcome research over half our research group suffered significant behavioural problems with a third having diagnosed mental health problems. Education and employability remain outstanding problems. Yet we are able to find adoptive parents for these children. Infertility is the greatest motivation and parents are generally older, in longer relationships and home owners.

4. Barriers to open adoption

What then are the barriers to adoption? Many workers are concerned about lessons from past inquiries related to Stolen Generations, Forgotten Australians and Forced Adoptions. We agree with many of these lessons: there should not be forced adoptions, the Indigenous community should be left to determine their own policies given the impact of trauma in their communities, and children should not be separated from their culture. However, we do not agree that preservation of biological relationships should be the primary goal when this principle leaves many children to live effectively without any family, with a poor sense of identity, with stigma and known poor outcomes. Barnardos argues that, instead, we should take the lessons from these inquiries of listening to children and of ensuring that children have a family to belong to.
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Third party orders are insufficient as they can be legally challenged (and thus disrupt placements) and terminate at age 18.

State legislation makes a difference to the ease and efficiency of adoption.

In NSW, legislation allows the Court to dispense with a parent’s consent to adoption including on the grounds of the child’s stable relationship with their carer/s and children over twelve can consent to their own adoption.

NSW has timeframes for decision making about the care plan in the child welfare legislation.

Adoption legislation that requires proof that abuse and neglect has occurred can be distressing and onerous.

The Indigenous community should be left to determine their own policies.

5. How open adoption works at Barnardos

Our adoptions are:

- open – involving contact between children and parents and extended family members
- for non-Indigenous children (except in rare exceptional circumstances)
- only for children who effectively have no family or possibility of restoration
- based on careful regard to parents’ legal rights
- positive for abused and neglected children’s identity

Barnardos believes that children who cannot live with their biological/gestational families should have the opportunity to live with an intentional, social family. Ultimately we weigh children’s rights to development more highly than adults’ rights to the option of ‘getting their lives together’ (and which too often does not happen). We believe that we need to listen to what children and the research tell us.

Many workers believe that third party orders are a good compromise position as they do not involve legal transfer of all parental rights but give slightly more assurance to a child. Barnardos rejects this position as third party orders are legally challengeable (and we have seen too many placements disrupted because of a child and carers fear of legal challenges), and, terminate when the child is 18. Ultimately, only adoption gives that legal certainty to children of a “family for life” - only then do children and adoptive parents feel secure in their relationship.

Using the combination of an earlier entry age and shorter duration for cases resulting in adoption, combined with lower care level requirements at younger ages, the lifetime program cost (including direct care costs and loaded careworker costs) for an average case is approximately $230,000 for a case resulting in adoption compared against $477,000 for those exiting for reasons other than adoption and $688,000 for those aging out of the program.

Further research findings of the Australian Open Adoption Outcomes study will be available in 2017 on the life outcomes of adoptees and the best age to consider adoption.
READ FURTHER:

6. Rosnay, M. D., B. Luu and A. C. Wright. (2016) *I guess I was an accident at first but then I was chosen. Young children’s identity formation in the context of open adoption in NSW: An examination of optimum conditions for child wellbeing.* Sydney.
7. A summary and key findings paper based on Rosnay et al ‘Young children’s identity formation in the context op open adoption in NSW’ is available from Institute of Open Adoption Studies, The University of Sydney esw.ioas@sydney.edu.au

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In NSW, 77% of young people had three or more placements Cashmore, J. and M. Paxman. (2006) ‘Wards Leaving Care: Follow up five years on.’ *Children Australia*, 31(3), pp. 18-25.


This rate of foster care changes will probably increase as a growing number of children are destined to spend more time in foster care – many children are entering care young and remaining for the long-term. On 30th June 2015, there were 12,293 children under one in care and an additional 8,443 children under five (Table A.34) and over 30,000 have been in care two years or more.