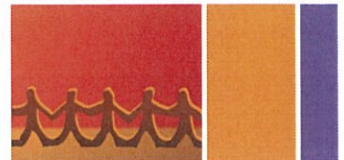


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**Permanent
Care and
Adoptive
Families**



Victorian Law Reform Commission
3/333 Queen St,
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Dear Adoption Team

Victorian Law Reform Commission consultation on the modernisation of the Adoption Act 1984

Thank you for providing an opportunity for our organisation to have input into your consultation.

Permanent Care and Adoptive Families (PCA Families) is the trading name for Post Placement Support Service (Vic) Inc. PCA Families is a state-wide, not for profit, incorporated and member based organisation. Our Board of Directors have lived experience of adoption and permanent care, and our Patron is Emeritus Professor Dorothy Scott OAM.

The primary interest of PCA Families is to provide long term support to families created through adoption and permanent care. We have been delivering high-impact, early intervention, education, and support services to our primary interest group since 2003, and up until 2013 we also delivered these services to families providing kinship care and foster care.

Best interests of the child

The 'mechanics' of how to achieve the 'best interests of a child' would be complex to include in legislation. This may work against flexibility. Important issues to consider for a child are:

- Protection against harm and violence of any kind.
- Minimum number of placements to reduce instability
- When considering placement in a permanent family: the importance of potential (and actual) relationships with siblings, as these are likely to be the longest relationships in life. If there are serious concerns about placing siblings in the same family (such as if there is a history of violence between them), then the children need to be placed in families where there is a willingness to co-operate with each other (as well as reasonable geographical proximity), so that the children grow up knowing their siblings.
- Contact with parents, grandparents and other biological relatives needs to be facilitated in the fullest sense at all stages whilst taking into account the total number of contacts on order and the implications for the child and adoptive family. This may mean providing birth relatives with transport etc. There does, however, need to be a provision for flexibility when the stress of contact proves too much for some children with the desire for contact variation during different stages of childhood.

In general, good will, consultation and flexibility should form the bedrock of the 'best interests' principle.

As an example where flexibility was not apparent- PCA Families was involved in a case where a locally born child was placed with a family. The birth mother subsequently had a second child twelve months later and the child was not placed with the same family as the first child (only been with the family for a year). The best interests of both children would clearly have been served by being raised in the same family and yet this did not occur, solely because there were 'rules' to be followed.

We note that the best way to more closely ensure that decisions are made in the best interests of a child is to appoint a child's advocate (see Guardian Ad Litem system in the UK). Alignment to child protection policies and practices with regards to definitions of "best interest of the child" would be preferred.

The assessment process

We are not aware of any research which conclusively links assessment with outcomes. Having said that, it is clearly in a child's best interest for an assessment to occur, if mainly to eliminate parents with a criminal history involving violence and/or sexual offences. Assessment is also ideally a process through which the potential parents are supported to consider all aspects of their lives (including their own backgrounds) and how these will impact on their parenting and children.

All potential parents should be police checked on an Australia-wide basis and every effort should be made to obtain police checks for those who have lived overseas.

In addition it may be appropriate to require multiple personal references as it is currently fairly easy for potential parents to find at least two people to vouch for their good character and suitability for adoption.

Contact and communication with the family of origin after an adoption

In general, contact with family of origin is in a child's best interests, although there are of course exceptions to this in situations where there has been violence and/or sexual abuse. However, even then, some children may still wish to have limited contact with family members, albeit in strictly monitored ways.

Currently, it is reasonably common when contact is written into the Adoption Order, for this to nevertheless diminish within a fairly short time, usually because the birth parents are not available. This may be because it is just too hard for them to see their children in another family, or for geographical and financial reasons.

Birth family members and adoptive family members may need considerable support in maintaining contact and this should be mandatory as it is highly likely to be in the best interests of the child.

Should the court be able to put conditions on an adoption order in a broader range of circumstances if it is in the best interests of the child?

Yes, to these circumstances - as long as support for contact (as discussed above) is included:

- The court has dispensed with the consent of a parent but it is in the best interests of the child to have contact with the parent or with relatives of that parent
- Consent was given but the adoptive parents and the birth parent giving consent have not agreed about contact or exchanging information about the child.
- If there is a need for limiting the type of contact due to adverse effects on child. Then this needs to be supported by the child's psychologist who has had regular established contact with child.

Changing a child's name

In general, a child's given name should not be changed and, taking into account age and understanding, children should always be consulted about a change of name. If a child expresses a strong wish about his or her name, this should be followed. However, flexibility is needed in that children have sometimes

been given most unusual names by their biological parents which could lead to bullying and ridicule by peers. In addition, children who are adopted from overseas sometimes have names which sound inappropriate in Australia.

Birth certificates of adopted people

Current birth certificates are clearly incorrect in that they imply that the child was born to the adoptive parents.

This is a contentious issue amongst many adopted people, with two distinctive schools of thought. Some adopted people do not want their identity to stand out as different from anyone else and therefore want their birth certificates to be the same as the non-adopted population. However, others believe that their relationship with biological family members (as well as adoptive family members) should be reflected in official documents.

A solution to this dilemma might involve the provision of a choice of document which best reflects an individual's circumstances and wishes. Obviously only one document of *primary legal* identity could be chosen, with the choices being to reflect both the family of origin and the family of adoption on the birth certificate, OR maintain the present system in which the adoptive family only is recognised (although in this latter situation, an ancillary document with family of origin details could also be available). Either of these options could have full legal status.

We note that some adopted adults (e.g. those who have experienced a troubled or disrupted adoption) would prefer to return to their original birth certificate, with no mention that an adoption has taken place. These wishes should be respected.

Post-adoption support

Permanent Care and Adoptive Families (formerly the Post Placement Support Service) was established to provide support to all families formed through adoption and permanent care (whether through kinship care, foster care or direct placement). It should be noted that there is no stated government commitment or funding to provide post placement support to adoptive families.

Children and young people who need alternative families have already experienced real adversity in their early lives. The consequent harm to their development and their ability to make and sustain relationships is often profound. Many experience ongoing adjustment challenges that undermine their ability to be in a family. These challenges are likely to resurface again and again, as they mature.

Despite this, many children and young people will heal from previous traumas and flourish, completing their educations to become caring, competent adults. However legal permanence does not of itself result in wellbeing. There are significant risks that the promise of a happy and stable permanent family may not be realised.

Studies in Australia and internationally suggest the rate of formal breakdown or disruption can be significant. The emotional as well as financial costs for all involved are high.

We therefore strongly support increased requirements in the Adoption Act to provide professional and peer support to adoptive and permanent care families. This should include preventive work, early intervention, ongoing education and crisis support.

Support must be routinely available if the policy promise of a stable permanent home is to be delivered. The need is ongoing but especially includes key points known to carry particular risk including the teenage years and during transition to adulthood. This is not only during the early years of placement. It must be ongoing with key points including the teenage years and during transition to adulthood, in recognition of the delayed psychological development caused by early neglect and abuse.

Children who come through local and intercountry adoption should also be fully recognised as having the same early childhood trauma history as those coming through the child protection system and have the right to access the same educational and mental health supports.

Support should be provided through the following:

- Specialist organisations such as Permanent Care and Adoptive Families, which has a strong emphasis on professional, educational and peer support. It is important to recognise that many families, when experiencing difficulties, do not seek support from the organisations which placed the children with them.
- Placement agencies need dedicated resources to prepare families well for the lifelong commitment to parenting a troubled child; and to support them post-placement until legalisation of the placement.
- Professionals, such as social workers, psychologists, psychiatrists and others, need specialised training in the needs of troubled children and the impact of their behaviour on adoptive and permanent care families.
- Resource and training packages need to be available to those having first contact with the childhood issues related to permanent care and adoption trauma especially GP's , teachers and the education system.
- Medicare number established for assistance for these families so they are able to access the appropriate support recognising that many of these children need multiple supports-tutors, speech and Occupational therapists and psychologists . Many of these children do not respond to conventional "talk therapy" and require creative therapies – these services also need to be supported.
- Funding packages for parents to access own support and valuable training from organisations such as PCA families.

Peer support is highly valued by parents not least because it can help reduce feelings of isolation and inadequacy. Peer support offers an important, independent and relatively inexpensive avenue for delivery of credible, non-judgemental information, education, referral and advocacy for families.

Contact is often lost over time with placement agencies or workers. Delivered both by appropriate professionals and other parents sharing similar experiences, peer support can offer holistic consumer oriented services delivering 'co-designed' programs that make a real difference.

Finally, I would like to refer you to our Background Paper: The Potential of Permanent Care 2015 (attached). There you will find discussion on adoption studies in relation to overseas experience and post placement support.

Kind regards


BRENDA CARMEN
CHIEF EXECUTIVE OFFICER