



THE UNIVERSITY OF  
SYDNEY

# **Open adoption of children in NSW out- of-home care:**

## **General public perceptions and motivation**

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# **Open adoption of children in NSW out-of-home care: General public perceptions and motivation**

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## Executive Summary

In 2017, the Institute of Open Adoption Studies conducted an internet-based survey, with 1,000 residents in NSW. The survey explored perceptions, motivations, and barriers to adopting children from out-of-home care, particularly from foster care<sup>1</sup>.

The NSW Government has been leading a major shift in policy and legislation to decrease the number of children who remain in long-term foster care, and prioritising kinship care, guardianship, or open adoption when restoration is not realistically possible. In addition, the NSW government invested millions in the Adoption Transformation Program, which aims to clear the backlog of pending adoption applications and work to streamline the process of open adoption.

There has been limited research conducted in Australia about people's motivation to adopt children from care. To date, most studies have focused on motivations and barriers for people to become foster carers. For example, in 2004, the NSW Department of Family and Community Services (FACS) commissioned the Social Policy Research Centre to prepare a research report, *The Availability of Foster Carers* (McHugh, 2004). As part of this research, a survey of 450 foster carers was conducted and in-depth interviews undertaken with 30 carers. More recently, Randle et al. (2014) analysed data from a 2009 survey of 756 Australians to investigate barriers within the market of potential foster carers.

Given the current permanency reforms in NSW, the aim of this survey was to assess whether such policy and legislative changes have resulted in growing awareness of adoption from foster care, and motivation to adopt children from out-of-home care across NSW. We note that the scope of this report is limited to understanding the general public's perceptions of open adoption from foster care, so perceptions about guardianship were not explored. The key messages that emerged from the analysis of the survey data are highlighted below:

### Key Findings

- The majority of respondents revealed a high level of awareness of foster care and an understanding that children can be adopted from foster care (between 80-90% of respondents).
- More than half of the respondents had never thought about adoption (60% of respondents) and half (50%) thought it was unlikely that they would consider adopting a child now or in the future.
- There was a lack of understanding about open adoption as practiced in NSW. Few respondents were aware of what open adoption was, what the application process involved and the availability of financial and non-financial post-adoption support.
- There was a view that more people would be encouraged to adopt a child if the application process was simpler and there was better information about the process.
- Nearly a third of respondents would be encouraged to adopt a child from foster care if there was financial support to meet the child's need, and almost a third of respondents



#### What is Open Adoption?

In an open adoption, the birth and adoptive family have access to each other's personal information, to varying degrees, and there is an expectation of contact when it is in the child's best interests.

<sup>1</sup> While the term, *out-of-home care*, corresponds with the language currently used in the family and community services sector, this report will mostly use the term *foster care* instead, which may be more commonly known by the general public, and to reflect the language used in the survey questions.

would be encouraged to adopt if there were support services available for adoptive parents.

- Among the concerns about adoption from foster care expressed by respondents was the misconception that they would have to meet the legal cost for an adoption.
- Almost a quarter of respondents were worried that birth parents could get their child or children back in an open adoption.

### **Conclusions and Next Steps**

Overall, it appears that general public perceptions have some catching up to do. Public perceptions do not yet reflect changes to policy and efforts currently underway in NSW, which aim to increase the number of adoptions from care. From these findings, it appears that targeted efforts are needed to address misconceptions about open adoption, including the process for pursuing an adoption, the legal status of adoptive families and the supports available for children and families.

The past history and practices of adoption in Australia may have contributed to a reticence for public debate and discourse on open adoption. Prior to the mid-1970s, most adoptions occurred as a result of unwed mothers feeling pressured to relinquish their infants due to the stigma of extra-marital pregnancy and the lack of financial support available to single parents (Higgins, 2010; Ross & Cashmore, 2016). These adoptions were kept secret and intended to provide a ‘clean break’ from birth parents (Higgins, 2012). As well as this, protectionist and child welfare policies and practices resulted in the forced removal of Aboriginal and Torres Strait Islander children from their families. It is not possible to state with any precision how many children were forcibly removed, however, the *Bringing Them Home* report estimated that the numbers of Indigenous children removed from their families and communities ranged from 1 in 3 to 1 in 10, depending on the State or Territory, in the period from 1910 to 1970. This is referred to as the *Stolen Generations* (Australian Human Rights and Equal Opportunity Commission, 2012).

In NSW, the Government has implemented a number of policies to avoid a repetition of past practices which had a devastating impact on so many Aboriginal families.<sup>2</sup> Adoption is usually considered as not culturally appropriate for Aboriginal children and the NSW out-of-home care placement principles specify that wherever possible, Aboriginal children and young people should be placed within their birth family, extended family, local Aboriginal community or wider Aboriginal community and culture. Therefore, this survey did not include questions about adoption for Aboriginal children.

Given current NSW Government efforts to increase the number of adoptions from care of non-Aboriginal children, it is important to understand public perceptions and knowledge about adoption and recent policy and practice reforms. Amendments in late 2014 to the *Children and Young Persons (Care and Protection) Act 1998* (hereafter referred to as the *Care and Protection Act*) and the *NSW Adoption Act 2000* (hereafter referred to as the *Adoption Act*) favour adoption over long term foster care for permanent placements of children in out-of-home care, and represent a commitment to promoting positive developmental outcomes for children.

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<sup>2</sup> In recognition of Aboriginal people as the original inhabitants of NSW, this document refers specifically to Aboriginal people and communities. References to Torres Strait Islander people are specifically stated where relevant. It is important to acknowledge the significant differences between Aboriginal and Torres Strait Islander cultures.

There was consensus among respondents that contact allows children to understand why their birth families are unable to look after them, and why contact with them is important for promoting children's identity development. Further, respondents agreed that children still think about their birth family even if they have been with their adoptive family for a long time. It is interesting to note, however, that respondents were largely supportive of birth parents *not* having contact with their child after adoption if they were abusive or neglectful. Respondents were also unsure about several other issues, such as whether contact would help birth parents resolve their grief and if it would be too time-consuming to manage. Clearly then, the efforts to educate the general public should not be restricted to open adoption but also include the circumstances of children in the out-of-home care system, particularly those who are unable to be restored to their birth families.

The Institute intends to use the findings from this study to inform future research, and to address some of the current gaps in evidence and understanding. For example, a qualitative study is underway to explore contact from the perspectives of children, birth parents and permanent families (i.e., in guardianship, kinship care, open adoption or long-term foster care). Another planned study will use action research with government and non-government agencies to trial practices that promote positive relationships between birth and permanent families *in the best interests of children*. The results of these studies will be used to identify resources and casework practices that enable families to build constructive and respectful relationships.

The Institute is also conducting research with the NSW Supreme Court to explore the interpretation of the 'best interest' principle in the context of open adoption. This research examines the way in which Justices of the Supreme Court have interpreted 'best interests' in deciding whether an adoption order should be made for a child who is currently in out-of-home care. The study also examines the orders relating to children's post-adoption contact with their birth family, and support for cultural identity development.

## Report Sections

This report is divided into five sections:

**Section 1** – outlines relevant NSW legislation concerning the process for how children are adopted from out-of-home care, as well as general statistics and trends concerning adoption in Australia.

**Section 2** – provides an overview of the methodology and a description of the 1,000 respondents who completed the survey.

**Section 3** – highlights the key findings and prevailing attitudes of survey respondents.

**Section 4** – compares respondents' *beliefs* about adoption with facts according to the current legislation and practice.

**Section 5** – considers key findings from the survey and discusses their implications for policy and practice.

# Section 1 – Adoption Legislation and Trends in Australia

## Adoption trends in Australia

The overall number of adoptions in Australia have been steadily declining over the past 25 years. This decline is largely due to a very significant reduction in the number of Australian-born children, especially infants, who are available for adoption; this is a result of more effective birth control and decreased birth rates, as well as the availability of financial and social support for children born outside marriage and raised by single parents (Ross & Cashmore, 2016). The rates of intercountry adoptions have also been steadily declining, with a 63% reduction in intercountry adoption across Australia between 2004 and 2013. Factors contributing to this decline include economic and social changes that enable children to remain with their birth family or to be adopted in their country of origin (AIHW, 2017a).

It is notable that *known child* adoptions (i.e., where the child already knows or has an established relationship with the adoptive parent/s) have gradually increased in Australia and comprised nearly two-thirds of all adoptions during 2016-17 (AIHW, 2017a), with adoption by foster carers the most common (70%). The majority of known child adoptions have occurred in NSW, driven by policy and practice changes which aim to provide permanent and stable homes to children in out-of-home care.

## NSW legislation and reforms

*The preferred order for the permanent placement of a child (or young person) is:*

- **Restoration:** the child is returned to the care of their parents when it is determined to be safe to do so
- **Guardianship:** the child is in the independent care of their legal guardian, and is no longer in foster care or out-of-home care
- **Open adoption:** adoption is a permanent order made by the NSW Supreme Court. Adoption transfers the rights and responsibilities for a child from the child's birth parents to the adoptive parents. There is openness to discuss the adoption with the birth family, within the adoptive family, and a relationship between birth and adoptive families can be formed through contact.
- **Parental responsibility to the Minister – final orders:** the child is placed on long term orders in the care of the Minister until the age of 18; this is commonly referred to as long-term foster care.

\*Information adapted from Fostering NSW and the NSW Department of Family and Community Services websites



In late 2014, the NSW Care and Protection Act was amended to emphasise the importance of permanency for children in out-of-home care for whom there is no realistic possibility of restoration to their birth family, and to prioritise other options above that of long-term foster care. The amendments specify a number of placement options for non-Indigenous children. In order of preference, these are:

1. guardianship by a relative, kin or other suitable person
2. open adoption
3. parental responsibility of the Minister until 18 years of age.

For Aboriginal and Torres Strait Islander children, the order of preferences is different, with open adoption a last resort when guardianship by a relative, kin or other suitable person, or parental responsibility of the Minister until 18 years of age are not possible.

The amended legislation made two important changes in an attempt to improve the timeliness of permanency placements for children in out-of-home care. First, specified time frames were introduced for decisions about whether a child should be restored to her/his parents. For children younger than two years of age, the Children's Court is required to make a decision within six months of an interim order, based on the statutory department's assessment of whether or not there is a realistic possibility of restoration. For a child aged over two years, the time period is within 12 months of the interim order. Second, there is a provision for long-term carers to adopt, which streamlines the process for carers who apply to adopt a child or young person in out-of-home care (Cashmore, 2017; Cashmore & Horsfall, 2017). In NSW, a person can be dually authorised as both a foster carer and a prospective adoptive parent (AIHW, 2017a).

The recent reforms to the legislation in NSW, enacted from 2014, have had little time to take effect compared with those in the US and UK (Ross & Cashmore, 2016). NSW, and Australia more generally, has been particularly slow to include adoption within the public child protection system. Further, compared with the US and UK, the rate of adoptions in NSW is still relatively low. For example, during 2015-16, there were 17,800 children in out-of-home care in NSW, of whom 127 were adopted by their carers (AIHW, 2016, 2017b).

### **Adoption of children from out-of-home care**

It should be emphasised that adoption is not appropriate for all children. Adoption is not considered culturally appropriate for Aboriginal and Torres Strait Islander children, for whom placement with kin is preferred. Adoption is most likely to be considered appropriate for children who are in long-term foster care. In NSW, children continue to remain in out-of-home care for long periods of time; for example, 46% of the children in out-of-home care in NSW today have been in care for 5 years or more, and 43% of children leaving out-of-home care are 15 years or older, some of whom age out of the system at 18 years (AIHW, 2017b). Hence, at just 0.7%, the percentage of children adopted from care compared to those in out-of-home care is very low. The comparable figure in England is nearly 6% (DfE, 2017) and the US, 13.1% (US Department of Health and Human Services).

The number of children in out-of-home care in NSW has also been increasing: up from 16,843 to 17,800 in the twelve months between June 2015 and June 2016 (AIHW, 2017b). Such figures suggest that there will be greater need for permanency options for the children who are unable to be restored to their birth parents. The NSW Government's efforts to encourage open adoption as one such option is evidenced by their recent \$24 million investment to fast-track outstanding cases and streamline the adoption process.

Given NSW policy efforts to increase the number of adoptions from care, there is a need to examine whether people are aware of these policy changes. The aim of this study was to understand the general public's perceptions of open adoption from out-of-home care and to explore what factors might motivate or deter them from considering adopting children from out-of-home care in NSW.

The majority of existing research on perceptions and motivation to adopt children from out-of-home care originates in the US and UK. The most consistent factor associated with positive attitudes to fostering and adoption is personal experience with adoption or knowing someone whose life has been touched by adoption (Scott & Duncan, 2013; Tyebjee, 2003). While motivation to adopt is sometimes driven by infertility or is a last resort when assisted reproductive technologies fail (Bausch, 2006), there is growing emphasis on altruistic or humanitarian reasons and the importance of children's welfare considerations in adoption (Malm & Welti, 2010).

In general, public attitudes towards adoption from care in the US are reported to be positive but do not directly translate to increased numbers of foster care adoptions (Dave Thomas Foundation for Adoption, 2013). There are a number of common themes regarding barriers to adoption from foster care (Evan B. Donaldson Adoption Institute, 2002; Khanna & Killian, 2015; Scott & Duncan, 2013), which can be loosely categorised as:

1. lack of knowledge and understanding of adoption and the adoption process
2. concerns about the child and the impact of the adoption
3. lack of information about or availability of post-adoption supports.

The limited Australian research on motivations to foster or adopt a child indicates a number of potential barriers to the adoption of children from out-of-home care. For instance, research by Randle et al. (2014) revealed that people do not consider becoming foster carers because they had not been asked and do not know enough about foster care. Cashmore (2014) suggested that some view the severance of legal ties between child and birth family as inappropriate, particularly for Aboriginal and Torres Strait Islander children, in light of the Stolen Generation and other past adoption practices. Further, the process for adoption is seen to be complex and long, and there are insufficient workers who have the skills to take applications through the Supreme Court. There are also concerns about the level of financial and non-financial support after the adoption, which may be required if the child has experienced early adverse experiences.

A recent survey conducted by Adopt Change in 2015 found, in a sample of 1,014 respondents, few Australians have heard about open adoption or fostering (about 39%), and that as many as 60-75% did not think themselves likely adopt in the future or would never consider it. However, 83% agreed that adoption provides children with a loving home with someone who wants them, opportunities they would not otherwise have, a better life, and brings joy to a family. Prospective adoptive parents cite other barriers to adoption, such as state legislation and family circumstances (Adopt Change, 2017). Nevertheless, the bulk of adoptions from out-of-home care have occurred in NSW and the findings of Adopt Change (2017) indicate that a preference for adoption from out-of-home care over local or intercountry adoption in NSW. It is possible that there is greater awareness of adoption and motivation to adopt in NSW than in the other Australian States and Territories. Therefore, this study attempted to understand the attitudes of the NSW general public towards adoption from out-of-home care, and potential motivations and barriers to adoption from out-of-home care.

## Section 2 – Methodology and Sample

### How was the survey conducted?

The aim of the survey was to explore respondents' views on open adoption and the adoption of children from out-of-home care, or foster care. Questions for the survey were drawn and adapted from surveys that were used in other research studies, including Randle et al. (2014) and surveys conducted by FACS NSW (not publicly released). Questions were generally in the form of Likert scales, in which respondents were asked to indicate the extent to which they agreed or disagreed with various statements<sup>3</sup>.

The survey questions included: awareness of open adoption and foster care, motivation to adopt, perceived benefits of adopting children from foster care, identifying suitable adoptive parents, knowledge of adoption support and training, perceptions and attitudes towards birth families. Additional questions also asked respondents to rate their level of social support and life satisfaction, and requested demographic information (e.g., gender, marital status, education level).

Respondents were recruited via a research panel firm, Research Now, to target a representative sample of 1000 NSW residents (50% male, 50% female) within the following age groups: 18-24 (12%), 25-34 (25%), 35-44 (23%), 45-54 (17%), and 55+ (23%). After the launch of the survey, there were difficulties in reaching the target quota for 18-24-year-old males. As a result, 25-34 and 35-44 age groups were targeted on the basis that these age groups are more likely to be making family and childrearing decisions when compared to 18-24-year-olds and those beyond 45 years of age. The characteristics of the respondents are shown in the table below.

### Who participated in the survey?

Demographic Characteristic	Percentages
Sample	1,030 Respondents
Geography	All NSW 30% urban-city 44% urban-suburbs 26% regional or rural
Gender	53% female 47% male
Age	18-24 years old (6%) 25-34 years old (28%) 35-44 years old (27%) 45-54 years old (17%) 55+ years old (22%)
Employment status	Unpaid work inside home (14%) Full time paid work outside of home (46%) Part time paid work outside home (17%) Self-employed (7%) Volunteer work (2%) Retired (15%)
Education	Year 12 or below (21%) Trade/Apprenticeship (35%) Bachelor's degree or above (45%)
Actively practice a religion	Yes (30%) No (70%)
Average household income (determined by splitting the groups into thirds: low, moderate, high)	Low: less than \$59,999 (28%) Moderate: \$60,000 to \$99,999 (24%) High: \$100,000 or more (34%) Prefer not to answer (13%)

<sup>3</sup> 5-point Likert scales were used with options: *strongly disagree, disagree, undecided, agree, or strongly agree*.

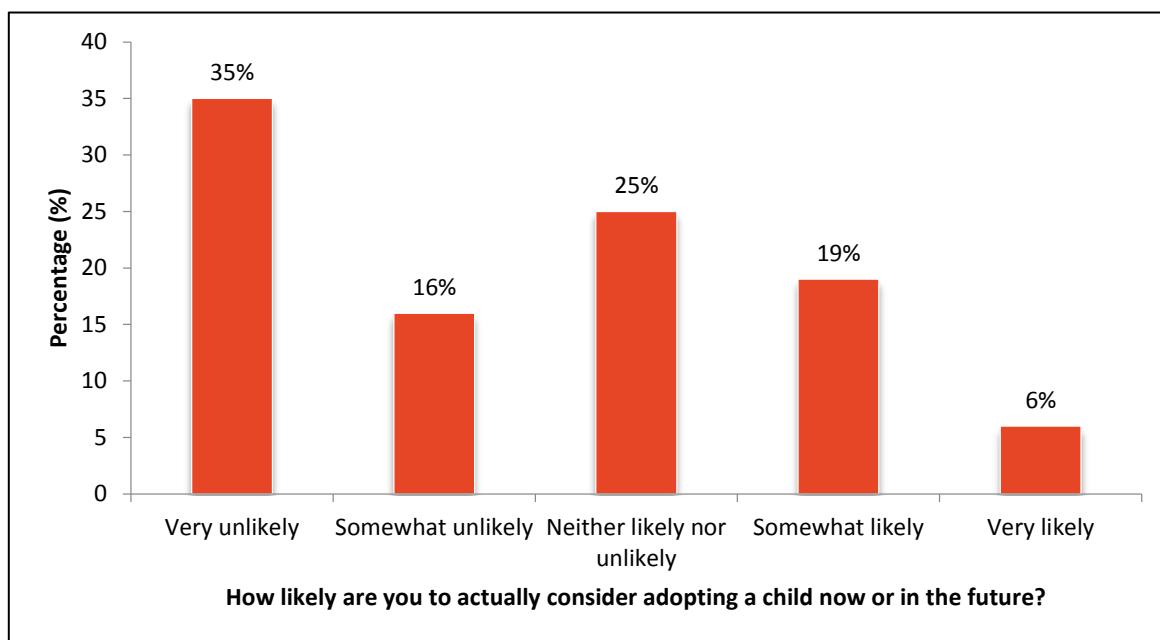
## Section 3 – Key Findings and Attitudes

### Do many people know what foster care and open adoption are?

- 30 respondents (3%) currently have at least one child in their care from out-of-home care
- 61 respondents (6%) had been adopted as a child
- About a third of respondents (33%) have a sibling, relative or friend who had been adopted as a child
- 93% of respondents had very good or some understanding of what foster care is
- 83% of respondents were aware that children can be adopted from foster care
- However, when asked whether they knew what open adoption was, 54% of respondents indicated “no”.

### Are people motivated to adopt a child?

- 60% of respondents indicated that they had never thought about adopting a child
- 25% of respondents were either very likely or somewhat likely to consider adopting a child now or in the future, whereas 35% of respondents were very unlikely (please see Figure 1).



**Figure 1. Percentage of respondents who were likely to consider adopting a child now or in the future.**

### What would encourage people to consider adopting from foster care?

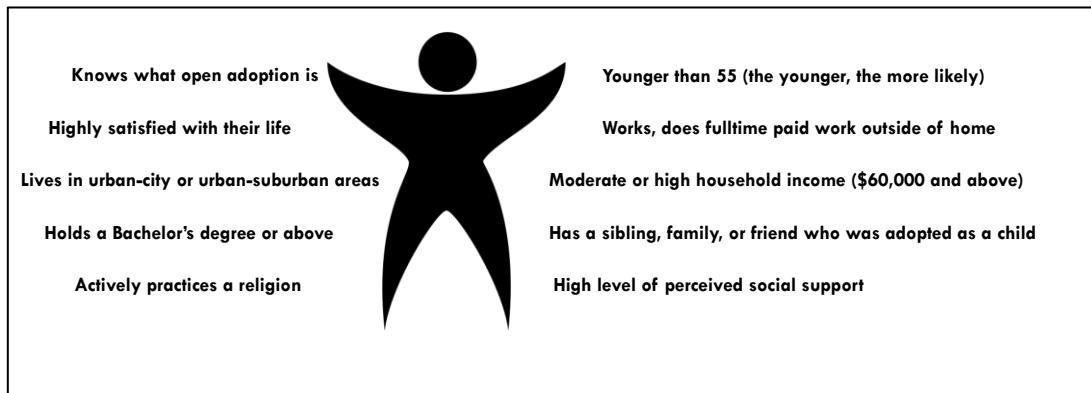
Factors that would encourage respondents to consider adopting from foster care were largely about financial and non-financial supports:

- About a third of participants (33%) noted that the availability of financial support to meet the child's needs would encourage them to consider adopting a child from foster care.
- Almost a third of participants (29%) noted that the availability of support services for adoptive parents would also encourage them to consider adopting a child from foster care.

- Respondents also indicated that they would be encouraged to adopt a child from foster care if the application process was simpler (30%) and if there was better information available about the application process (25%).
- However, for 31% of respondents, nothing would encourage them to adopt a child from foster care.

### Who is more likely to consider adopting?

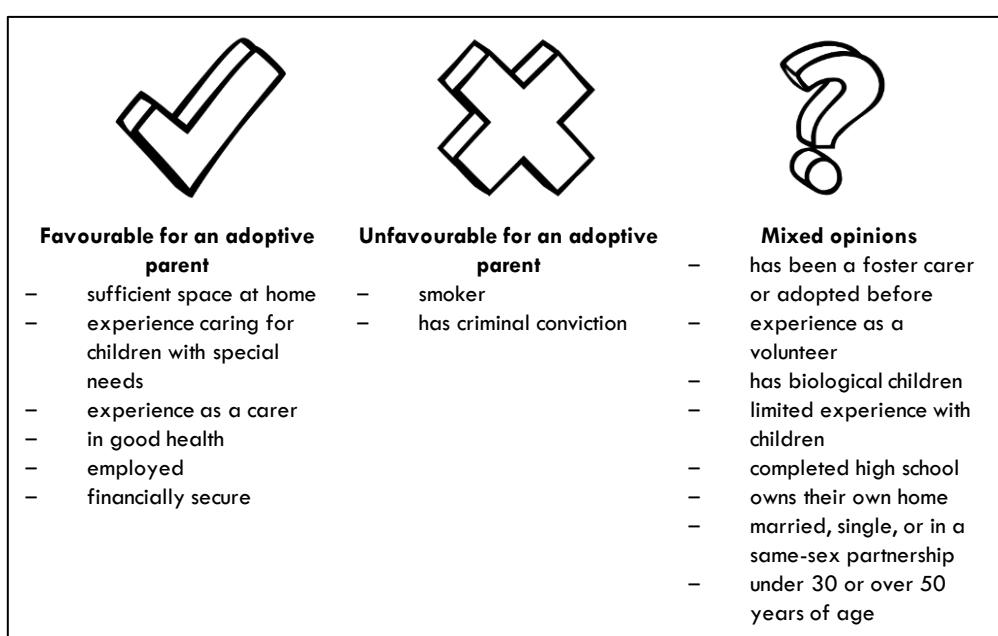
The likelihood of considering adoption was not related to gender or marital status. As shown in Figure 2, a number of factors were associated with greater likelihood to consider adopting a child. Those who were more likely to adopt were:



**Figure 2. Factors associated with greater likelihood of considering adoption.**

### What makes a suitable adoptive parent?

Respondents indicated what they considered to be favourable and unfavourable characteristics of adoptive parents, as shown in Figure 3. Consensus was reached on a number of favourable and unfavourable characteristics, but there were mixed opinions<sup>4</sup>.



**Figure 3. Characteristics that are favourable or unfavourable for adoptive parents, and characteristics which respondents had mixed opinions.**

<sup>4</sup> For the purposes of this survey question, consensus refers to characteristics that were endorsed as either favourable or unfavourable by over two-thirds of respondents (i.e., 66%); mixed opinions relates to endorsements which were less than two-thirds of respondents.

On further exploration, respondents expected that adoptive parents should be ‘good people’ and have good parenting skills, and that gay people and same-sex couples should be allowed to adopt. Respondents did not believe that adoptive parents need to have children of their own, be married, own their own home, or be wealthy. Opinion was divided on certain characteristics; that is, equal numbers of respondents agreed, disagreed, and were undecided about whether adoptive parents were well-educated, had a nice house, or had lots of experience with children.

## Perceptions of birth families

Respondents’ views of birth families and contact were also mixed on a number of issues.



For instance, most respondents agreed that:

- Contact helps children understand why their birth parents can’t look after them (61% agreed)
- Contact is important for child’s identity development (53% agreed, although 38% are undecided)



Most respondents disagreed with the statement that:

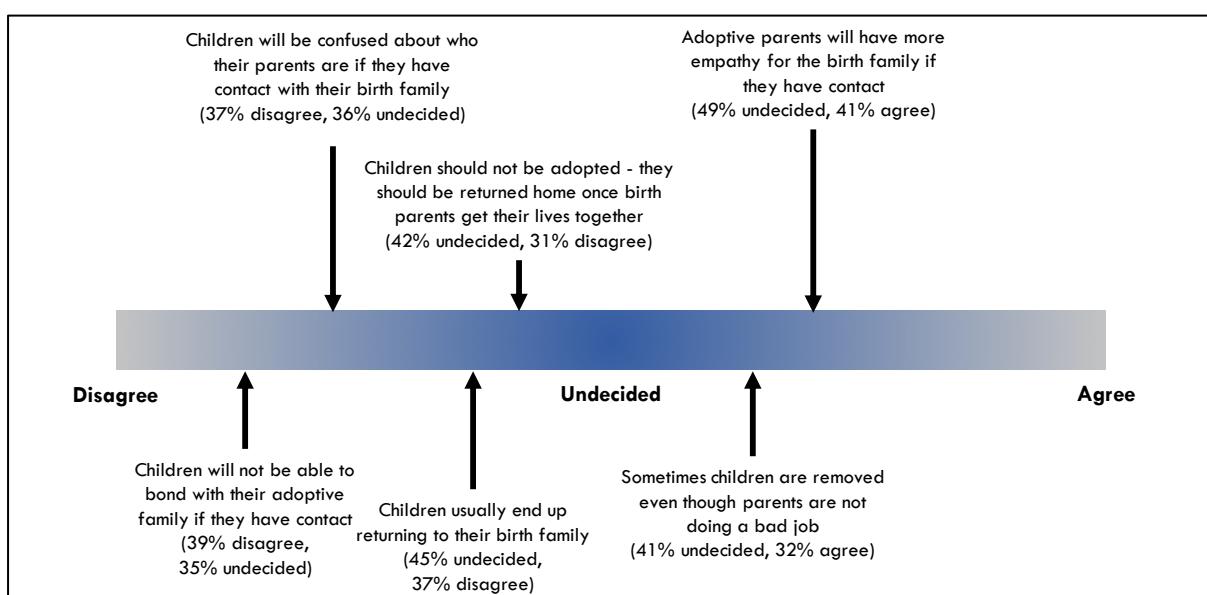
- Children do not think about their birth family if they have been with their adoptive family for a long time (48% disagreed, although 34% undecided)



However, most respondents were undecided on whether:

- Birth parents generally cause emotional harm to their children who have been adopted (54% undecided)
- Birth parents who have contact are less likely to resolve their grief (53% undecided)
- Adoptive and birth families often do not get along (51% undecided)
- It is too time consuming to manage contact with birth family (48% undecided)

Finally, these respondents showed some level of consensus (agreement or disagreement) but were still undecided about particular issues. Figure 4 presents a schematic of these mixed opinions (i.e., where ratio of agree-to-undecided or disagree-to-undecided were similar).



**Figure 4. A schematic of statements in which respondents had mixed opinions**

## Section 4 – Beliefs and Facts

### **Belief: People think open adoption is...**

More than half of the respondents indicated that they did not know what *open adoption* is or were unable to provide a definition for open adoption.



Of the 472 respondents who indicated that they knew what open adoption is and were then asked to provide its definition, only 43% were aware that there is an exchange of information between adoptive and birth families, and/or opportunities for contact with birth family members. In other words, only 20% of the 1000 respondents were able to accurately define *open adoption*.

Other definitions provided by respondents were varied:

- Incorrect or not enough information (8%): “like foster care, not permanent”, “good”.
- Provided a general definition for adoption (9%): “looking after someone’s child who is not your own biologically”, “taking a child in to your family, permanently”.
- Believed that *open* refers to the expanding of criteria to allow a broader range of people to apply for adoption or that any child could be adopted (4%): “being allowed to adopt any child without restriction”, “anyone can adopt”.
- Mentioned local adoptions, which are typically infant relinquishments (1%): “adoption means taking responsibility by taking someone’s abandoned child”, “taking over as parent for someone else’s child they do not want for whatever reason”.

### **What are the facts?**

- In *open adoptions*, birth and adoptive families have access to each other’s personal information, to varying degrees, and there is an expectation of contact when it is in the child’s best interests.
- Open adoption is specified in the NSW legislation and seeks to sustain positive communication between the adopted child or young person, adoptive parents and birth parents, when it is in the best interests of the child or young person.

### **Belief: Adoption is a good alternative for people who are unable to have children**

Respondents in the current survey expressed the highest level of endorsement for the notion that adoption from foster care is a good alternative for people unable to have children via biological means:

- For those “unable to conceive naturally” (34% strongly agreed, 43% agreed).
- For those “whom pregnancy is a health risk” (30% strongly agreed, 46% agreed).

Endorsements were still high, but to a lesser extent, for statements relating to benefits to children adopted from foster care:

- It “would reduce the number of children in need of a safe and nurturing family” (24% strongly agreed, 53% agreed).
- It “provides emotional benefits for the child” (22% strongly agreed, 54% agreed).

### **What are the facts?**

- There is a prevailing belief that adoption provides a solution for those who are unable to conceive. These attitudes may reflect older policies and public values which were prevalent during the 1970s. During this period, adoption was perceived to be a solution for childless couples, illegitimate babies, and single unwed mothers who were thought to be unable to care for their child.

- However, the principles laid out in the Adoption Act clearly state that open adoption is to be a service to the child and not to the parent. That is to say, decisions about adoption orders are made in relation to what is in the best interests of the child.
- As elaborated by Supreme Court Judge, Justice Brereton:  
*"The concept of adoption being a service for the child means that adoption orders are made or declined according to what will best advance the interests of the child, not the interests of the proposed adoptive parents nor, for that matter, the interests of the birth parents. Adoption is not to be seen as a reward for being an outstandingly good foster parent, nor is refusing an adoption order to be seen as an incentive for birth parents to improve their lives or improve parenting capacity."*

### **Belief: Birth parents can take their child back in an open adoption**

About a quarter of respondents indicated that they would be encouraged to adopt a child if they could have confidence the birth parents could not take the child back.

- 42% of respondents strongly agreed or agreed with the statement, "*I am concerned that the child could be restored to his or her birth family*" in relation to concerns about adopting a child from foster care.

### **What are the facts?**

- Only the highest court in NSW, the Supreme Court, has jurisdiction to determine and make Adoption Orders under the Adoption Act. An Adoption Order permanently severs the legal relationship a child has with his or her birth family. A new birth certificate is issued for the child, which records the name(s) of the adoptive parent(s) as the legal parent(s) and the child's new name (if applicable).
- The original birth certificate is kept at the NSW Registry of Births, Deaths and Marriages for future reference. The adopted child should be provided with a copy of their original birth certificate around the time of an adoption order. The child and their adoptive parents are also able to obtain a copy of the original birth certificate at any time after the adoption, which will be marked 'not for official purposes'.<sup>5</sup>
- In NSW, when a child is in foster care, birth parents are able to apply to the Children's Court to vary or amend final care orders and have their children returned to them (under section 90), though these actions are not easy to run and certainly not always successful.<sup>6</sup>
- If children are adopted, however, this option will not be available since adoption severs the legal relationship with birth parents.
- Open adoptions from foster care in NSW are not the same as local adoptions, in which birth parents voluntarily relinquish their child (usually an infant), and often have an opportunity to select potential families to adopt the child.
- Children typically enter and remain in foster care because it is not safe for them to remain in the care of their parents (e.g., due to abuse or neglect), and their parents do not appear capable or willing to provide a safe environment for their child nor improve their parenting capacity. Open adoption becomes an option when there is no realistic possibility of restoring the child to his or her parents, and when guardianship by a relative, kin, or other suitable person is not possible.

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<sup>5</sup> NSW Family and Community Services NSW Adoption Act 2000 (s 57, 59) Mandatory Written Information on Adoption – current as of January 2016.

<sup>6</sup> Section 90 Children and Young Persons (Care and Protection) Act 1998 (NSW); *In the matter of Campbell* [2011] NSWSC 761 (10 June 2011).

## **Belief: Contact with birth family is mostly indirect (e.g., via email, telephone, post) and there is little face-to-face contact in open adoptions**

Respondents understood (between 60-75% agreed) that open adoptions allow children to know who their birth parents are, allow access to their family history, and that contact may occur through indirect channels (e.g., letters, Facebook) and also includes contact with siblings and/or grandparents.

- However, only about less than half agreed that open adoption may involve regular communication (51%) and face-to-face meetings (45%) between adoptive children, adoptive parents, and birth families.



There is a lack of awareness that open adoptions from OOH in NSW often involves regular communications and face-to-face contact with birth family

### **What are the facts?**

- Provisions for contact with birth family in open adoptions differ between jurisdictions. For example, in the UK, contact is mostly indirect and involves agency-mediated letterbox contact; and, in the US, contact can vary widely and arrangements are not legally binding.
- In NSW, when adoption is being considered for a child in out-of-home care, face-to-face contact may already be occurring between child, carers, birth parents, siblings and other family members. Plans for post-adoption contact are mutually agreed to by all involved and written directly into an Adoption Plan. The form and frequency of contact are determined on a case-by-case basis, with emphasis on the child's best interests. The role of the caseworker is to offer support to all parties in building and maintaining positive relationships.
- The Adoption Plan clearly specifies:
  1. Who the child is to have contact with (e.g., birth mother/father, siblings, grandparents, extended family members)
  2. When contact will occur and for how long (e.g., a minimum of 2 hours 4 times per year)
  3. What the contact will involve (e.g., face-to-face, telephone and electronic communication, information exchange via post).

## **Belief: Understanding contact with birth parents in an open adoption**

- Many respondents agreed (53%) or strongly agreed (21%) that birth parents should not have contact with their child after adoption if they were abusive or neglectful.
- However, about half of the respondents were largely undecided on whether birth parents who have contact are less likely to resolve their grief than those without contact (53% undecided).
- Finally, the general public showed some indication of understanding particular issues, but many had mixed opinions about these issues, for example, whether:
  - children will be confused if they have contact
  - children will not be able to bond with their adoptive family if they have contact
  - adoptive parents will have more empathy if they have contact
  - children usually end up returning to birth parents
  - children are removed even though parents are not doing a bad job
  - children should not be adopted - they should be returned home when possible.

### **What are the facts?**

- Post-adoption contact between adopted children, adoptive families and birth families are carefully determined as part of an Adoption Order and take into account a number of factors. Though abuse and/or neglect can be cause for children's removal, children still have a right to, and need to have access information about their birth family. Limited or supervised contact may be decided if it is in the best interests of the child and does not jeopardise his or her safety/welfare. Provisions can be put in place in which contact is mutually negotiated by parties, and children's wishes factored in when they are old enough to express their preferences about contact.

- The research, though limited, suggests that birth parents who have contact are more likely to resolve their grief, and that adoptive parents who have contact will have more empathy for the birth family (Grotevant, Mcroy, Wrobel, & Ayers-Lopez, 2013; Neil, Beek, & Ward, 2013). In addition, research suggests children who have well-managed contact with birth family are not confused about who their parents are and do not have difficulty bonding with their adoptive family (Neil, 2012).
- In the child protection system, removal of the child occurs only when it is clearly established that the child cannot be properly cared for by birth parents and restoration to birth family is first priority for permanency. Adoption orders are only considered for children for whom it is determined that restoration is not a realistic possibility, and the child is unable to be placed in the care of a suitable relative or kin.
- Overall, open adoptions allow children the opportunity to learn and understand their life story, and to value their history and experience as they develop. Such factors are important for developing a positive and healthy identity.

### **Belief: There is not much training or support for parents who adopt from foster care**

- 82% of respondents correctly believed that prospective adoptive parents undergo an assessment and approval process. However, half of respondents (50%) were unsure whether specialised training is completed prior to becoming adoptive parents.
- More than half of the respondents (54%) were unsure whether adoptive parents are responsible for the legal costs of adopting a child from foster care; a third (33%) believed this was true.
- 60% of respondents believed that post-adoption support services are available.
- 46% believed that parents receive payments when they adopt a child from foster care to cover the financial costs of raising that child.

### **What are the facts?**

- All proposed adoptive parents are required to undergo assessment to be approved to adopt. This is an extensive assessment which takes into account a broad range of factors (e.g., age, health, financial circumstances, parenting capacity, relationships, ability to support development of the child's identity and facilitate contact and/or communication with birth family).
- Training seminars are available for prospective adoptive parents which cover many topics (e.g., benefits of open adoption, the legal process, adoption plans and contact).
- When a child is adopted from out-of-home care in NSW, the Department of Family and Community Services makes the adoption application to the Supreme Court and covers the legal costs involved.
- From 1 July 2017, the NSW government introduced an adoption allowance for out-of-home care adoptions. The allowance is means-tested (i.e., paid to adoptive parents who are eligible to receive all or part of Family Tax Benefit Part A).

## Section 5 – Discussion and Implications

The aim of this study was to understand public perceptions and motivations to adopt children from out-of-home care in a sample of 1,000 residents in NSW. State legislation changed in 2014 to reduce the number of children who remain in long-term foster care, and prioritise kinship care, guardianship or open adoption when restoration is not realistically possible. In addition, the NSW government invested heavily in the Adoption Transformation Program to reduce the backlog of pending adoption applications and work to streamline the process of open adoption. As the recent figures and statistics show, it is clear that NSW is leading the nation in this area, with 131 out of 143 carer adoptions nationwide (AIHW, 2017a). Given these efforts, it is timely to investigate whether the general public are aware of these policy changes and assess their current knowledge of adoption practices in NSW.

### Key findings

The results of the survey revealed some important findings, which can be compared to the nationwide survey of public perceptions of fostering and adoption conducted by Adopt Change in 2015. For instance, unlike the findings of Adopt Change, in which 39% of respondents reported not having heard about adoption or fostering, the current survey of NSW respondents revealed a high level of awareness of foster care, and an understanding that children can be adopted from foster care (between 80-90% of respondents). The findings of Adopt Change (2015) also indicated that as many as 60-75% of Australians are unlikely to adopt in the future nor would ever consider it. Similar rates were found in the current survey with NSW residents: 60% of respondents have never thought about adoption and about 50% of respondents think it is somewhat unlikely or very unlikely that they would consider adopting a child now or in the future.

The findings of this study strongly suggest that the general public lacks knowledge about open adoption, and that more information is needed; for instance, about what open adoption involves, the application process, and the availability of financial and non-financial post-adoption support. This is consistent with the findings of Randle et al. (2014), which examined barriers to becoming a foster carer. Randle et al. found that, in addition to personal circumstances (e.g., busy, financial difficulties, lack of physical space in homes), and the degree of commitment being a carer required, other barriers included the fact that nobody had asked them to foster a child and that they did not know enough about foster care.

In the current survey, respondents would be further encouraged to adopt a child if there was better information about the application process and the application process was simpler. In addition, more than a third of the respondents would be encouraged to adopt a child from foster care if there was financial support to meet the child's needs and support services for adoptive parents. In addition, about half of the respondents were not sure whether adoptive parents were responsible for legal costs for the adoption and nearly a quarter of respondents were concerned that birth parents could get their child or children back in an open adoption. These misconceptions could be readily addressed through improved communication, raising awareness about the realities of adopting from foster care, and delivering information about the application process in a clear manner.

### Next Steps

Further efforts are needed to target the general public's perceptions of birth families, especially in relation to the benefits of contact. There is consensus that contact allows children to understand why their families are unable to look after them, that contact is important for promoting children's identity development, and that children still think about their birth family even if they have been with their adoptive family for a long time. It is interesting to note, however, that respondents were largely supportive of birth parents *not* having contact with their child after adoption if they were abusive or neglectful. Respondents were also unsure about several other issues, such as whether contact would help birth parents resolve their grief and whether it would be too time-consuming to manage. Clearly then, the efforts to educate the general public should not only be about adoption, but also about the

needs and circumstances of children in the out-of-home care system, particularly those who are unable to be restored to their birth families.

Overall, it appears that the general public is not aware of the recent changes in NSW to the *Child Protection Act* and *Adoption Act*, or the efforts underway to provide permanency for children by increasing the number of adoptions of children in out-of-home care. Targeted efforts are needed to address misconceptions about open adoption, including the legal finality of Supreme Court decisions about adoption, and about children in foster care and the out-of-home care system. Messaging should outline the importance of contact with birth family and emphasise that adoption now acts as a service to the child rather than the parent. Providing up-to-date information which is accessible and easy to understand, may help to improve public awareness and opinion about adoption, and break down some of the perceived barriers to open adoption.

The Institute of Open Adoption Studies intends to contribute to public knowledge and to promote improved practice among out-of-home care service providers. The Institute will work as a critical change agent to directly motivate cultural, attitudinal and practice change, moving the conversation away from ideology and towards the research evidence. To achieve this, the Institute is conducting a collaborative active practice-research partnership program.

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