



30 July 2020

Submission to lacsc@parliament.qld.gov.au

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Committee,

Response to Proposed Child Protection and Other Legislation Amendment Bill 2020

Adopt Change is an Australian not-for-profit organisation which exists to ensure every child can grow up in a safe, nurturing and stable family home and that families have the supports required to thrive. We support and educate families, professionals and the community, raise awareness and encourage reform, to enable children to grow up with the benefits of permanency and safety, for positive life outcomes. We support capacity building of families to ensure that vulnerable children are able to remain within their birth family where possible. When that is not safe and possible, we advocate for other permanent options, including adoption where appropriate.

We are working towards a world where all children **grow, learn, play** and **thrive** in a safe, nurturing and stable environment. Paramount to this are 'permanency' options for children that provide stability and a sense of belonging and security.

Currently, there are more than 44,900 kids in statutory care in Australia. 67% of these children have been in care for two or more years. The impact of impermanency is well accepted; research indicates that young people leaving OOHC who have experienced impermanency are significantly more likely to be impacted by homelessness, poor education, poor health outcomes (especially mental health) and are more likely to be involved in criminal activity.¹

Permanency planning is a policy and practice approach now used in all Australian states and territories for children in out-of-home care. The concept is to work as soon as practicable towards permanent restoration with family, or alternative care arrangements that create long term stable relationships and environments for children in which they can thrive and grow. This is based on decades of research demonstrating that a stable and permanent home helps a child to develop secure attachments and bonds, nurtures a strong sense of identity and belonging, and aids the ability to repair from trauma.

¹ Campo, M., & Commerford, J. (2016). Supporting young people leaving out-of-home care (CFCA Paper No. 41). Melbourne: Child Family Community Australia information exchange, Australian Institute of Family Studies. (<https://aifs.gov.au/cfca/publications/supporting-young-people-leaving-out-home-care/outcomes-young-people-leaving-care>)



However, many children in out-of-home care in Australia **experience multiple placement moves**. A study into the placement history of 77 young people who had been in out-of-home care in Victoria and Western Australia found that 40% had experienced between two and five placements, 14% between six and 10 placements, and 32% had moved between placements more than 11 times.²

Despite there being over 44,000 children in out of home care in Australia, only approximately 4,400 children (13%) in out-of-home care exited to a permanency outcome in 2018–19. Restoration, guardianship, adoption and third-party parental responsibility orders are key indicators of permanency outcomes:

- 3,700 children were reunified with family
- 680 children left out-of-home care to third-party parental responsibility orders
- There were 211 known child adoptions, including 142 children known carer adoptions.

It is paramount that more children in care are provided safe, nurturing and permanent homes so that their childhood is one in which they can grow, learn, play and thrive. Being under the care of the Minister (government care) should not be a long-term option but rather a short-term care arrangement for safety and permanency planning. We are pleased to see proposed changes to the legislation in Queensland to enhance the approach to permanency and support this aim.

We refer to the invitation to provide submissions and include our commentary below.

Proposed changes to the Adoption Act 2009

Adopt Change supports the proposed legislative changes.

Proposed changes to the Child Protection Act 1999

Adopt Change strongly supports the proposed legislative changes.

With 8,125 children in the out-of-home care system in Queensland, there is increasing pressure to deliver more permanent outcomes for children at risk, and in our view the proposed changes are of critical importance in reaching this outcome.

By prioritising adoption over long-term guardianship by the chief executive officer, children will be offered legal stability within a family meaning that they have the opportunity to not only survive, but thrive, in a permanent family home rather than being legally parented by the government, typically with multiple moves from home to home, further exacerbating trauma.

The continuum of care hierarchy being outlined in the legislation will provide a clearer framework as a lever for decision making in determining which care option best suits each individual child in care. Attaching timeframes to the framework, will assist in driving timeliness around decision making and the work that needs to take place surrounding that,

² <https://aifs.gov.au/cfca/publications/children-care>



recognising that childhood is fleeting, and the child's best interests should always remain at the centre. It ensures attention is provided to a child's case and a plan is put in place for them that will provide them with the best chance at stability and nurture.

We are supportive of an approach that **reviews children's case plans regarding permanency** who are already in out of home care. Given that there are already over 8,000 children in care in Queensland, we consider that the same priority of permanency should also be offered to those children, not just children entering into care for the first time or those transitioning from an interim order to a long-term order. It is very likely that there are families who have long term care of a child who would like to formalise their commitment by obtaining permanent care orders or an adoption order. This is supported by the recent Australian Institute of Health and Welfare report which identified that approximately 30,300 (67%) of the children in out-of-home care at 30 June 2019 had been in long-term care (for 2 years or more)³, given this we need to ensure these children are given the opportunity to transfer onto permanent care orders or adoption where it is in their best interest.

Further issues for consideration:

1. Adopt Change promotes **Open Adoption** rather than closed adoption, which is the form of adoption being proposed to be included in the care continuum hierarchy. This ensures that a child continues to have a relationship and understanding of their biological family where that is safe and possible. This also recognises the impact of past practices and ensures that the larger community understands that those practices are not being continued.
2. **Integrated Birth Certificates** should be considered to reflect this form of adoption – where both the biological and adoptive parents are recorded on the child's records rather than the provision of a new birth certificate.
3. Adopt Change supports **adult adoption** as an option for people to have agency over their own life and family choices. Children who have been on Permanent Care Orders in out of home care (but not adopted), should have the ability to elect to be legally adopted once they have turned 18. This means that the permanency and stability for this child (now adult) continues not only in the physical sense but also legally. This is also in line with supporting young people over age 18, given that often those years after completing school and transitioning to adulthood are when a child needs the most support.
4. It is important for families who have adopted children to continue to receive **post adoption/permanency supports**. It is important that we set these families up for success and provide resources and information to support them through their journey. Arguably all children who have entered care have suffered trauma to some extent and this often means that children who have experienced time in the out of home care system will need additional supports so that they are both well supported and to avoid them re-entering the care system.

These supports can include counselling and related services, financial supports, telephone helplines and connecting carers to services in their area.

³ <https://www.aihw.gov.au/reports/australian-welfare/child-protection>



New South Wales has implemented some similar changes to bring deliver permanency for children in care. This included in 2018 the New South Wales government made amendments to the Children and Young People (Care and Protection Act) 1998 and Adoption Act (2000) are designed to strengthen Practices to further support permanency for children and young people in NSW. Much work has taken place in government and the sector to implement the changes.

While there are some differences between the states and situations, there are some learnings such as:

- that evidence based support and programs are provided to families of origin, to ensure children and families have the best chance of remaining together safely;
- that family finding and family group conferencing takes place early – to ensure children have family time in place; kinship care options; and family based options rather than needing to move to an unrelated carer;
- the importance of ensuring a range of carers available to provide care for children, ranging from short-term carers to support children until they are able to return home to family; kinship carers; and families welcoming children into their family permanently through Permanent Carer Orders (Guardianship in NSW) until age 18 and Adoption orders (lifelong);
- that these carer families are well supported so that they are able to sustain their role and provide nurture to those in their care, long term;
- that permanency options are pursued concurrently, in a timely manner (with two years bringing accountability and timeliness around decision making and the work that needs to take place surrounding that), recognising that childhood is fleeting, and the child’s best interests should always remain at the centre;
- that the voice and views of the child or young person factors into decisions made for them;
- that end-to-end comprehensive services be available to support families and carer families, so that children can thrive.

We hope that this information assists the committee. For further information from Adopt Change on this submission, please contact us on enquiries@adoptchange.org.au or on my email below.

Finally, we confirm that I would be willing to appear as a witness at the committee’s public hearing for its examination of the Bill.

Best Regards

A handwritten signature in black ink that reads "Renée Carter". The signature is written in a cursive, flowing style.

Renée Carter
Chief Executive Officer
Adopt Change