

Family Inclusion Network (FIN) Qld. (Townsville) Inc.

Submission on the Child Protection and Other Legislation Amendment Bill 2020

to the Legal Affairs and Community Safety Committee,
Parliament House, August 2020. Ph: 3553 6641 Fax: 3553 6699
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INTRODUCTION

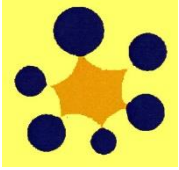
Family Inclusion Network Townsville (FIN Townsville) exists to support families and children when Child Safety becomes involved in their lives. It is a Parent-led, self-funded, incorporated registered charity using a community social work approach. Volunteer *Resourceful Friends* and Parent Advocates work to ensure that parents and family members have access to the information, support and advocacy which they require to actively and equitably participate in child protection processes.

FIN Townsville committee is making this submission in response to the introduction into the Queensland Parliament on 14th July 2020 of "A Bill for an Act to amend the Adoption Act 2009 and the Child Protection Act 1999 for particular purposes". The objectives of this Bill are to:

1. enhance the approach to permanency under the *Child Protection Act 1999*;
2. clarify that adoption is an option for achieving permanency for children in care, as part of the suite of alternative long-term care options available; and
3. clarify the importance of and promote alternative permanency options for children under a long-term guardianship order to the chief executive.

In response to these objectives, it is important to state unambiguously that FIN Townsville is NOT in favour of adoption as it has existed through the 20th century until now. Arguably, adoption has become a process to meet the needs of adults as adopting parents rather than an appropriate way to meet the needs of children unable to grow up with their First parents.

In the view of FIN Townsville, adoption should only be considered an option for children in state care in VERY



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exceptional circumstances when, for example, First parents and grandparents are all deceased, or First parents and grandparents freely consent to an adoption order and specify whether or not the adoption should be a closed (exclusive) or open (inclusive) arrangement. Thus, in relation to **Objective 2**, FIN Townsville considers adoption should be a last resort for ALL children in long term state care NOT only for Aboriginal and Torres Strait Islander children.

Accordingly, FIN Townsville is strongly in support of **Objective 3** and favours alternatives to adoption which are far better suited to the values and norms of 21st century Australia where, for example, people conceived with donor sperm or ovum, or through surrogacy, have been given the right in many jurisdictions to knowledge of their genetic heritage and the right to make and retain contact with their origins.

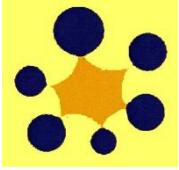
With regard to **Objective 1**, FIN Townsville is NOT in favour of enhancing the approach to permanency if it entails a shift of emphasis from the need to enhance prevention of child maltreatment and early appropriate, adequate and effective support for and with families who come to the attention of Child Safety Services. Most such families live in poverty and many have housing issues or are homeless (Bennett, Booth, Gair, Kibet & Thorpe 2020). The unrelenting stress of living in poverty can easily result in domestic and family violence, mental ill-health (especially depression and PTSD), and/or can lead to problematic substance use for escape, comfort and, sometimes, added income. Given the very common background of poverty, it is NOT appropriate to remove children into state care leading to permanency arrangements without first making herculean efforts to support families with both structural/material and personal issues and, in the interim if necessary, to go to great lengths to secure kinship and/or culturally appropriate alternative care arrangements.

In the view of FIN Townsville this is the primary responsibility of Child Safety Services which should not be skimmed or foreclosed in favour of pursuing permanency approaches. To this end, the proportion of Child Safety resources invested in prevention and family support should be massively increased with a consequent reduction, over time, in the resources which need to be devoted to tertiary level services, including long term permanency arrangements. This was a significant recommendation of the Carmody Report of 2013 which since then, sadly, has not yet been implemented to the necessary high level

Before presenting the reasons for the position taken by FIN Townsville, it should be noted that, in referring to a child's "First parents", FIN Townsville is asserting that the rights of a child's original, biological/psychological parents, grandparents, and wider family members (ie their First family) should be regarded with the same recognition and respect as is now accepted should be accorded to First Nations' peoples.

Reasons for FIN Townsville's position

1. Closed adoption is an outdated 20th century social policy which, in the 21st century, is being replaced by OPEN forms of long term care for children unable to stay in the custody of their First parents – including Open Adoption and Open Long term Guardianship. The reasons for these latter developments stem, in part, from the views of adults who were placed in closed adoption as children. As adults, including many who were happy in their adoptive home, adoptees have lamented:



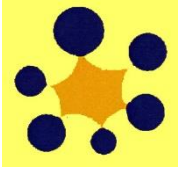
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- 1.1. the deceit entailed in replacing their original birth certificates with an adoption certificate thereby denying them the unfettered right to knowledge of their biological origins.
- 1.2. their lack of knowledge of their First parents, of their First extended family, and their First culture. As adults, many have gone to great lengths to research their origins and renew contact with members of their First family. This is as true for non-Indigenous adult adoptees as for Aboriginal and Torres Strait islander members of the Stolen Generations.
2. Furthermore, many adults who were adopted in the 20th century were not totally happy in their adoptive families:
 - 2.1. some feeling a “lack of fit”
 - 2.2. some being pressured by expectations - resenting the drive of their adoptive parents to “own” them or mould them
 - 2.3. some being emotionally neglected or physically or sexually harmed.
 - 2.4. and many resenting the dishonesty of adoption and lack of transparency

While a majority of adoptions of children from care may be “successful” in terms of not breaking down, research in the UK has found a very large need for ongoing placement support in order for them to avoid breakdown (Selwyn, Wijidasa & Meakings 2014). A similar outcome can be achieved through long term Guardianship, without changing a child’s identity and Birth Certificate, without denying them unfettered knowledge of their origins, and without sentencing them to ongoing existential angst and “genealogical bewilderment”, as outlined under points 1 and 2.

Furthermore, provision of necessary and appropriate ongoing support services for all long-term placements, entirely undermines any temptation for the state to think that increasing adoption would reduce government expenditure.

3. Many adults who were adopted, together with parents who had to place their child for adoption against their wishes, consider that adoption as a social institution is driven by adults who are either unable to have their own children (or more of their own children) and want to create or enlarge their own families; or are driven by a self-serving form of “altruism” to “save” or “rescue” disadvantaged children. Either way, it is argued that adoption as a social institution is driven and shaped more by the needs and interests of adults rather than the needs of young children, which more appropriately could be met by more truly child-centred long-term legal arrangements, which value (rather than trample on) a child’s First family heritage.
4. Many parents with young children in care who are unable to change their lives around within the time frames specified by child protection law and child safety services, nonetheless go on to become responsible capable adults over a longer time frame. Thus, in time, they become able to provide love; a sense of belonging and connection to family, community, culture, and country; and ongoing positive relationships and support with their children as they grow into young adults. This is a powerful reason why Open long-term Guardianship is a preferable arrangement to adoption. In Family Inclusion Network Townsville there are several parents right



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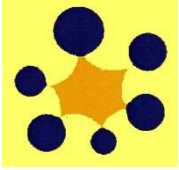
now who, since they lost their children into care, have over some years managed, for example, to relinquish problematic substance use, overcome physical and/or mental health challenges, started to forge “new careers” for themselves through obtaining TAFE or University qualifications, gained well respected employment in business or the human services, and/or developed new healthy adult relationships. Each of these now more fulfilled adults is well able to play a part in their children’s lives which, in turn, can be enriched by an expansion of supportive relationships. And a more stable First family in no way means children or young people have to give up relationships with their long-term guardians. They can have both.

5. There is considerable merit in long term options being available which are not a “one size fits all” model. For example, were appropriate:
 - 6.1 flexible care could be considered – including shared, part time care. This might particularly be appropriate when a parent’s physical disability or occasional mental ill health is an issue.
 - 6.2 planning for long term stability could (FIN Townsville would argue should) include the continuing active involvement of First parent(s) in contact, planning, decision making etc.
 - 6.3 possible reunification permanently - even after many years, as children get older and this is their choice. Children are not like china objects which have no say on which shelf they are placed. They have rights to have a say in their lives. Rights which should be respected, especially as they become young people in their teenage years.

CONCLUSION

FIN Townsville understands that the impetus underlying the Child Protection and Other Legislation Amendment Bill lies with recommendations promoting adoption in the Coroner’s Report on the death of Mason Lee. In the view of FIN Townsville, a blanket recommendation for adoption of children taken into care under the age of three is completely inappropriate. With hindsight, clearly, Mason Lee should have been in care if only there had been sufficient appropriate checks by the numerous Child Safety workers involved. To present adoption as the solution to prevent further deaths is rather missing the point if Child Safety continues to ignore children in need and not do a good enough job. Moreover, the vast majority (probably 95%) of children who enter care on two-year custody orders are nowhere near as seriously at risk as Mason Lee was. For many of this overwhelming majority, intense family support could enable them to either return to their First family within the two years or be placed in kinship care with extended family. Grandparents are desperate for Child Safety to include them in case planning and be accepted as viable placement options (Gair, Zuchowski, Munns, Thorpe & Henderson 2018).

FIN Townsville has grave concern that enacting this Amendment Bill will lead to less effort being invested into family support and a concomitant premature focus on permanency options. Furthermore, with the possibility of greater opportunities for adoption there may be increasing clamour from prospective adoptive families, with



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subtle pressure on Child Safety Services to remove more babies at birth or in early childhood, thereby heralding a new generation of forced adoptions. Children entering state care should not come to be seen as an avenue of supply for infertile couples and others looking to adopt.

With respect to the Coroner, in the view of FIN Townsville, the adoption pathway is not the way to go in the 21st century. Instead, what is needed is far greater emphasis on effective family support, backed up by more **inclusive** options for long term out of home care, with the same order of priorities/preferences for Aboriginal, Torres Strait Islander **and** non-Indigenous Australian children. To do otherwise would seriously disadvantage non-Indigenous children and their First Families.

In summary, FIN Townsville parents and grandparents hope that there will be:

1. No adoption of children from state care
2. Definitely no closed adoption
3. **No forced termination of parental rights** with a view to securing adoption, including open adoption.
4. Only very limited use of open adoption in circumstances where it is the First parents' first preference, when their parental consent is given freely, and when grandparents' support is also forthcoming.
5. If/when open adoption is pursued, **ongoing support must be available** for adoptive parents, children and natural parents, as proposed in a practice model developed from the findings of a longitudinal research study of open adoption by Beth Neil and colleagues at the University of East Anglia (Neil, Beek & Ward 2014).

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