

Considering Open Adoption For Non-Aboriginal Children

Open adoption is one of the permanency options available to a child or young person (child) in out-of-home care (OOHC). Deciding which permanency option is the right choice for a child can be complex. There are several factors you will need to think about when considering open adoption.

See [Foundations of Open Adoption](#) for information about the history of adoption policy and practice in Australia and the shift to contemporary, open adoption practice.

The adoption of Aboriginal children is a complex, contentious issue and deeply hurtful for many people. Adoption is the last permanent placement option that should be considered for Aboriginal children. The Learning Hub has a fact sheet [Open Adoption and Aboriginal Children](#) which sets out, in detail:

- how to apply child placement principles to determine the best permanency case plan goal for an Aboriginal child, and
- the more rigorous process you must follow if your agency is considering the open adoption of an Aboriginal child.

When Should Open Adoption be Considered for non-Aboriginal children?

Open Adoption of a non-Aboriginal child in OOHC should be considered where:

- restoration to either or both parents is not in the best interest of the child or young person
- all relative or kin placement options have been exhausted and/or are not considered appropriate - this includes family finding. See: [Family Connections and Networks - Overview](#)
- guardianship to a family member or to another suitable person (a member of the child's kinship group or their carer) is not in the best interest of the child or young person
- the child wants to be adopted
- the child's parents request their child be adopted

- the carers are the only day-to-day parents the child ‘knows’. The carers demonstrate a willingness and ability to meet the child’s health, education, social, cultural, emotional and behavioural development needs, without caseworker support, during their childhood and beyond
- the child is being supported by their carer to develop an identity that incorporates the history and cultures of the child’s family
- the child is being supported by their carer to have meaningful relationships with family without casework support
- adoption best reflects the established relationship and attachment between the child and carers, and the carer's commitment to the child
- the trauma the child has experienced means that adoption will help them feel the safety and belonging needed to trust, learn, and develop meaningful relationships with others.

When considering open adoption, always remember:

- casework, like cultural plans, family time plans and Life Story Work, need to be up to date prior to adoption being considered, to avoid delays in achieving permanency
- the best interests of the child, both in childhood and later life must be the main consideration
- adoption is a service for the child, rather than the right of an adult hoping to adopt them
- the child has to be supported to know and have access to their family and culture
- the child’s given name or names, identity, language, and cultural and religious ties should, when possible, be identified and preserved
- the making of an adoption order must be clearly preferable to any other action that can be taken by law.

Examples of When Open Adoption and Requires further Consideration and Consultation

Adoption will not be the right permanency goal for every child who can’t with their family. In some cases, additional consideration and consultation will be required when making permanency decisions. For example:

- If a child is recently removed and their parents make significant progress toward the goals in their Family Action Plan.

- If a child is settled and thriving with an aunt, uncle or grandparent,
- If a child is settled and thriving with a carer, and neither the child nor carer is seeking adoption.
- If a child is part of a sibling group and their siblings do not have a case plan goal of adoption. Once that child is adopted, they are no longer legally related to their siblings.
- If an Aboriginal child who cannot return home, is thriving with kin or carers.

For more information see: [Permanency Planning Overview](#), [Guardianship or Open OOHC Adoption](#) and [Open Adoption and Aboriginal Children](#).

Legislative Framework

Open adoption is governed by various legislation and policies. The [Adoption Act 2000](#) [Adoption Regulation 2015](#) '. The Adoption Act' governs all adoptions in NSW.

Other governance that should be considered in open adoption include:

- [Child and Young Person \(Care and Protection\) Act 1998](#) 'Care and Protection Act'
- [NSW Child Safe Standards for Permanent Care](#)
- [Permanency Case Management Policy](#)
- [Aboriginal Case Management Policy](#).

Permanency Placement Principles

Section 10A of the Care and Protection Act sets out the permanent placement options available for children and young people in NSW. The permanency hierarchy guides decisions about how to achieve a suitable, stable, and loving environment for a child.

The Permanent Placement Principles ask you to consider placement options in order, from the least to the most intrusive action for a child and their family. As you move through the order, the principles also ask you to think about whether each option could best meet the needs of the child. The principles direct you to consider open adoption last for an Aboriginal or Torres Strait Islander child. For more information about applying the principles for an Aboriginal child, see [Open Adoption and Aboriginal Children](#).

Permanency Hierarchy
for Aboriginal and Torres Strait Islander children



Permanency Hierarchy
for non-Aboriginal and Torres Strait Islander children



In practice, you will need to understand and consider the benefits and limitations of each permanency option, to know which option is best for each child.

What is your Permanency Bias?

We all have values, beliefs, assumptions and bias that are shaped by our own worldview, developed through our personal and professional experiences.

Like lots of other decisions you'll make, considering permanency for a child in OOHC is likely to trigger your assumptions and biases, whether this happens consciously, subconsciously or unconsciously.

Depending on your experiences, you may believe that open adoption provides a child with a great opportunity to receive the consistent love and security that a lifelong order offers.

You may believe that open adoption is an outdated model of care, and that restoration should always be available to be considered for a child.

You may sit somewhere else on the spectrum of views about open adoption.

Your permanency assumptions and biases will have an impact on your decision making and relationships with a child, their family and carer.

To make the best permanent placement decision for each child, you need to:

- Be willing to discuss and explore your permanency assumptions and biases with your colleagues and managers. Group reflective practice is a great opportunity to safeguard practice by creating a work culture of openness and critique.
- Check these assumptions and biases against current adoption legislation, policy and practice. Do they align? Do they conflict?
- Get help from permanency experts, such as Permanency Coordinators and Adoption Caseworkers.
- Revisit your assumptions and biases as you gain knowledge and experience in permanency planning for children.

Please see the following factsheets for further information: [Reflective Practice](#), [Reflective Practice - Practice Tips](#), [Group Reflective Practice](#).

Involving the Child, Family and Carer when Considering Adoption

From the time you start working with a child, their family, and carers, you need to be honest and transparent about the possibility of all permanency pathways, including open adoption. This approach shares the power of decision making, gives people the information they need to make informed choices, and alleviates some worries about what might happen. Giving everyone involved information about open adoption, allows them to explore and discuss their hopes and fears for the future.

Cultural Planning and Consultation

Cultural planning and consultation is essential for every child in OOHC who is Aboriginal, Torres Strait Islander or comes from a culturally and linguistically diverse (CALD) background. Cultural planning and consultation helps support the child to develop a healthy and positive sense of identity and belonging. It also gives power to a child's family and community to help decide the best permanency option for a child.

Cultural planning and consultation does not end when open adoption is being considered for a child in OOHC. In fact, it is a key time for you to work on a child's cultural support plan and to understand how and if their cultural needs can be met if they are adopted.

Cultural consultation will involve you speaking directly with the child's family, kin, other significant people in the child's life, community organisations, or peak bodies to understand:

- how adoption is viewed in the child's cultures
- how adoption might impact the child's cultural plan

- how adoption might impact on a child's cultural identity
- how the child's family, kin and community can continue to support the child's cultural identity after they are adopted
- how the carer can support the child's cultural identity after they are adopted.

A child's cultural plan will be lodged with their adoption order application in the Supreme Court. The judge can then understand how their cultural needs would be met after an adoption order is made. Important aspects of the child's cultural plan can also be added to a child's open adoption plan. When an adoption plan is 'registered' in the Court, the details in the plan form part of the legal order and are enforceable.

Your organisation may have internal consultation options that can help you, such as an Aboriginal or Culturally and Linguistically Diverse (CALD) caseworker.

For more information see [Tips for Working with Culturally And Linguistically Diverse \(CALD\) Communities](#), [Aboriginal Consultation Guide](#), [Open Adoption and Cultural Consultation and Planning](#) and [Family Time and Open Adoption](#) and [Open Adoption and Aboriginal Children](#).

Permanency Coordinators

Consulting with a DCJ permanency coordinator is a vital step when considering open adoption for a child. They will help you explore the child's unique story and circumstances, and what each permanent placement option has to offer, to help make a decision about the best-case plan goal for a child. Permanency coordinators and adoption caseworkers can share the tools needed for you to discuss adoption with everyone involved.

For more information see [Who Are the Permanency Coordinators](#), [Permanency Planning Overview](#), [Three Permanency Orders Compared](#) (factsheet coming soon) and the [Open Adoption Process \(non-Aboriginal children only\)](#).

Adoption Caseworkers

Make sure an adoption caseworker is included in your discussion about open adoption for a child. You can find an adoption caseworker by contacting DCJ or an Accredited Adoption Service Provider (AASP).

Lodging an adoption order application in the Court can only be done by DCJ or an AASP. If you work for a PSP service provider who is not an AASP, your agency will need DCJ or an AASP's help to progress the adoption and lodge the application in Court.

A DCJ or AASP adoption caseworker will help you identify if adoption is a reasonable permanency option for the child and support you through every step of the adoption process.

As the primary caseworker, it's important you support the child, family and carer, particularly in this initial planning phase, when hopes and fears will rise to the surface for everyone.

For more information, see [Open Adoption Process \(non-Aboriginal children only\)](#).

What does a child, carer and family need from me while open adoption is being considered?

Considering open adoption for a child is likely to be a stressful and uncertain time for the child, their carer, and their family.

The support you offer will depend on their unique needs, hopes and fears, strengths and challenges. You can best support them by:

- Being equipped with knowledge and understanding about open adoption. If a child, carer or parent has a question you can't answer, consult with a permanency coordinator or adoption caseworker.
- Actively listening and appropriately responding to the worries or challenges the child, their parents or carers are experiencing.
- Helping them understand the worries and challenges of other parties in the adoption process.
- Remaining open and transparent throughout the adoption process.

For more information see: [Relationship Based Practice](#), [Supporting a Parent through the Adoption Process](#), [Supporting a Carer through the Adoption Process](#) and [Supporting a Child through the Adoption Process](#).

Proposing a Case Plan Goal of Adoption for a non-Aboriginal Child

After you have explored and consulted, you may decide that open adoption is the best case plan goal. If this is the case, your next steps will be:

1. Hold a worker's meetings with the adoption caseworker, permanency coordinator, and your manager to discuss the child's needs, including: updating their Life Story Work and

cultural plan, reviewing family time arrangements (including all siblings and family finding) and the family's views and wishes about permanency for their child. You and the permanency coordinator will identify any outstanding casework tasks and decide who is responsible for them.

Tip: It's common for casework at this stage to reveal new information and possibly exciting new opportunities for the child. This could include family finding that identifies significant family members, which might change family time arrangements and a child's cultural plan. Exploring these opportunities might slow down the adoption process. They may stop the adoption process altogether, for example, if family finding reveals the child is Aboriginal. You will play an important role in supporting the child, their carer and family during this time of change and uncertainty.

2. Confirm the carers interest in adoption, discuss the process with the carer and child and provide them with information about open adoption, including the mandatory written adoption information (MWI), [Open adoption - mandatory written information for children and young people in out-of-home care](#), if the child is 12 years old or older. The carers are then invited to a [Preparation for OOH Adoption Seminar](#).

3. You and the adoption caseworker will meet with both the child's parents, all siblings (where possible) and other significant family members. You will let the family know that open adoption is being considered for the child, explain the process and implications as well as explore their worries and hopes.

- the MWI ([Open adoption - mandatory written information for parents of a child in out-of-home care](#))
- [Reviewable decisions following application to adopt](#)
- Legal Aid NSW [Are there plans for your child to be adopted](#)
- [Information for siblings about their brother or sister in care who is being adopted](#)
- Encourage participation from the parents using [Family-Led Decision-Making processes](#).
- [Ernesto Sirolli discusses his attempt in sharing his agriculture knowledge with an African community to learn afterward he had not listened to them. Click on this link to reflect on the work we do in PSP with families around family-led decision-making.](#)

Please see the following factsheets for more information: [Sharing Risk and Shifting Power in Family Group Conferencing](#) and [Relationship-Based Practice](#).

4. If it's appropriate to move to the next stage, your permanency coordinator will hold a Permanency Consultation with you, your manager, the adoption caseworker, and the DCJ delegate (delegate is the Child and Family District Unit Manager Casework for non-Aboriginal children and the Director Community Services for Aboriginal children).

5. A case planning meeting is held with all parties including the child (where age-appropriate), family, significant others, and carers to discuss the proposed change to the child's case plan goal. You'll then prepare and submit a new case plan with the goal of adoption, to be approved by the DCJ Manager and DCJ delegate.

For more information, see: [Open Adoption Process \(non-Aboriginal children only\)](#) and [Foundations of Open Adoption](#). For information about the process for Aboriginal children, see [Open Adoption and Aboriginal Children](#).