

Open Adoption and Cultural Consultation and Planning

Cultural planning is essential for every child who is Aboriginal, Torres Strait Islander or comes from a culturally and linguistically diverse (CALD) background, when they enter out-of-home care (OOHC). Cultural planning helps support the child's development of a healthy and positive sense of identity and belonging.

Cultural planning is an ongoing and consultative process. It does not end when OOHC 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 ensure it meets their needs.

Although adoption changes a child's legal family, it should not sever the emotional connection a child shares with their family, community, or culture. Meaningful cultural planning before an adoption order is made, supports the child to have lifelong connections to their culture, language, and heritage.

Legislation and Cultural Planning

The processes for cultural planning for children in OOHC and who have a case plan goal of adoption, are guided by several pieces of policy and legislation including:

- [The *Children and Young Persons \(Care and Protection\) Act 1998* \(Care Act\)](#) – sections 9, 78 and 83.
- [The *Adoption Act 2000* \(Adoption Act\)](#) – section 8, 32, 35 and 39
- [The *Adoption Regulation 2015*](#) – clause 59
- [*Aboriginal Consultation Guide*](#)
- [*Aboriginal Case Management Policy, Rules and Guidance*](#)
- [*NSW Child Standards for Permanent Care*](#) – standard 4

The Importance of Cultural Identification

Culture encompasses the characteristics and knowledge of a particular group of people, including language, values, religion, roles, customs, communication, social habits, family and community structures, food, music, and arts.

A connection to culture allows a child to build a strong sense of cultural identity that sees them growing into resilient adults, especially if they have had adverse experiences.

When a child first enters care, it is essential you work with the child, family, and their community to identify and understand the child's cultures. Having this knowledge and understanding will impact on every aspect of the child's case planning, including where the child is placed and the best permanent placement option for them.

Open adoption is the last permanent placement option that should be considered for a child who is Aboriginal or Torres Strait Islander, according to the Care Act's [Permanent placement principles](#). Identifying early that a child is Aboriginal, or Torres Strait Islander allows to correctly apply these principles and make sure the child's permanent placement meets their physical, relational, legal and cultural needs.

If, during the open adoption process, a child is identified for the first time as Aboriginal or Torres Strait Islander, this is likely to mean the adoption process will go on hold while cultural planning for the child is done and the Care Act's [Aboriginal and Torres Strait Islander principles](#) and permanent placement principles are applied. It's possible that the result of taking these extra steps, is that an open adoption won't progress for the Aboriginal or Torres Strait Islander child.

If a decision is made to progress an open adoption for an Aboriginal or Torres Strait Islander child, there are specific legislative and policy safeguards that exist to make sure OOHc open adoption best meets the needs of that child.

For more information, see [Foundations of Culture](#), [Foundations of Identity](#), [Working with Culturally And Linguistically Diverse \(CALD\) Communities \(factsheet coming\)](#), [Tips for Working with Culturally And Linguistically Diverse \(CALD\) Communities](#), [Open Adoption and Aboriginal Children](#).

What is Cultural Consultation and Planning?

Cultural planning is the development of strategies to support a child's cultural needs. A key factor to the development of these strategies is cultural consultation.

Cultural consultation involves receiving cultural advice and input when identifying a child's cultural needs. Cultural consultations should include the child's family and kinship network. It can however take place with any person, organisation, or community group that can add value to the child's cultural plan.

Cultural planning is particularly important if open adoption is being considered for a child. After an adoption is finalised, no further casework support is provided and it's the responsibility of the child's adoptive and birth families to help the child develop their cultural identity.

For more information see: [Open Adoption and Cultural Consultation and Planning](#), [Family Connections and Networks – Overview](#), [Family Connections and Networks – Practice Tips](#), [Family Finding](#), [Family Time and Open Adoption](#) and [Open Adoption Process \(Non-Aboriginal children only\)](#).

Cultural Support Plans

A child's cultural support plan should be developed in partnership with child, family, kin and community at the same time as developing their OOHC case plan. The purpose of the cultural support plan is to identify how the child's cultural needs will be met while they are in OOHC.

Make sure the plan captures the unique context for the child and their family/community and is clearly developed around the child's individual needs. The quality of your cultural support plan is reliant on the depth of planning and consultation you engage in.

The child's adoptive and birth families will be responsible for helping the child develop their cultural identity after an adoption order is made. Because of this, the cultural support plan for a child with a case plan goal of adoption must be comprehensive, up-to-date, and incorporate a long-term view of how the child's cultural needs could be met.

When an adoption order application is lodged in the Supreme Court, the child's cultural support plan is included in this application. This will demonstrate to the court everyone's

intention to keep and grow the child's cultural identity throughout the child's life. Essential information from the child's cultural plan can also be included in the child's open adoption plan. An open adoption plan sets out the practical steps that will be taken to keep the child connected to their family, culture, and community. The open adoption plan is also provided to the Court with the adoption order application. It can be 'registered' by the Court which gives it the effect of being part of the adoption order and 'enforceable' by the Court.

It is DCJ to 'register' all open adoption plans for Aboriginal children, as an extra step to ensure they are not disconnected from family, community, and culture. If there are essential elements of a non-Aboriginal child's cultural support plan, make sure these elements are added to the child's open adoption plan and that the Court is requested to register the open adoption plan.

For more information on the adoption process see: [Open Adoption Process \(Non-Aboriginal children only\)](#), [Open Adoption and Aboriginal Children, Working with Culturally And Linguistically Diverse \(CALD\) Communities \(factsheet coming\)](#), [Tips for Working with Culturally And Linguistically Diverse \(CALD\) Communities](#), and [Cultural Plans \(factsheet coming\)](#).

The Carer's Role in Supporting Cultural Supporting Planning

A case plan goal of OOHC open adoption should only be approved where the child's carer has demonstrated they are committed and able to help the child develop a positive cultural identity, without an agency's help.

You will play a key role in upskilling a carer's ability to do this by asking curious questions and helping them create the change in attitude and behaviour needed, for example:

- 'What do you know about the culture, religion and language of the child in your care? What do you think the child will want to know and what are the ways you think you could support them to understand these things?'
- 'Have you thought about your own feelings, attitudes, beliefs and behaviours towards people from the child's cultural or religious background? What impact might this have on the child's sense of belonging and pride in their appearance and culture?'
- 'Do you think there may be times in the child's life when they may experience cultural confusion and/or respond differently to their culture? How might you support them through this?'

- 'Do you think there may be times in the child's life when they may experience discrimination or racism? How might you support them through this?'
- 'How can we best use family time between the child and their family to make it meaningful, build connection, and maintain identity and culture?'
- 'How can I support you in giving the child a 'lived' experience of their culture which can also be recorded in their Life Story Work?'

The Family's Role in Supporting Cultural Support Planning

There is no better place to find out about the child's cultures than their family. It is their lived experience which has and can help inform the child's cultural identity.

You have a role in asking curious questions of the child's family to better understand their cultures, religion, and languages. These questions could include:

- 'I know a little about your culture and/or the country you were born in. Can you tell me more about.....?'
- What language do you speak at home?
- I understand that you and your family and community's experience, as part of Australia's First Nations, may be one of separation, trauma, grief, and loss. What were your experiences?
- I understand that some people from your country of origin, experienced a lot of hardship there and in getting to Australia. What were your experiences?
- Who do you connect with in Australia?
- What does your culture and community mean to you?
- 'Can you tell me about any key religious beliefs or practices you have? What are some holidays and special events from within your culture? Are there places that are important to you that you visit? Are there any significant gatherings you attend with your community?'
- What is about your culture and beliefs that is important for your child to know and/or follow?

You can also encourage the child's carer to ask the child's family curious questions to help build on the child's cultural support plan.

Some parents may not want their child to maintain connections with their culture or community. This can particularly be the case if they have suffered as a result of being part of the culture or community. For information on how to understand and address a

parent's concerns or fears, see: [Working with Culturally And Linguistically Diverse \(CALD\) Communities \(factsheet coming\)](#), [Trauma in Aboriginal Communities, Conversations with Children, Carers and Families - Tips and Guidance](#) and [Difficult Conversations with Children, Families and Carers - Tips and Guidance](#).

Your Culturally Reflective Practice

Culturally reflective practice is vital for all of your interactions with children, their families and carers. Through culturally reflective practice, you can understand how your family, culture and life experiences influence your work. It encourages you to reflect on your casework, decisions, and actions and how they have affected children and their families. This process means you can carry learning and reflection into your everyday practice and be self-aware and conscious of why and how you take actions or make choices.

For more information, see: [Working with Culturally and Linguistically Diverse \(CALD\) Communities \(factsheet coming\)](#).