

Supporting a Parent Through The Open Adoption Process

Before the open adoption process begins, it's essential to have early conversations with parents and families about all permanency options:

- Show empathy and understanding of the parents' grief and loss.
- Ask them if they have any questions about these legal possibilities.
- Ask family members what they hope for their family and future, and how they see you being able to help them achieve this.
- Use words and concepts that family members will understand; explain anything that they are unsure about like 'restoration', 'guardianship' and 'adoption'.

Practice these conversations with your manager, colleague or in group supervision.

The open adoption process can bring out a range of emotions for a child's family, particularly their parents. They may experience:

- a resurgence of the shame, grief, loss, and anger about their child being removed from their care
- similar feelings that adoption will end any chance of their child returning to live with them
- worry about whether family time will change or end after an adoption order is made
- worry that Department of Communities and Justice (DCJ) or a Permanency Support Program (PSP) service provider will no longer be involved in ensuring the wellbeing of their child
- a sense of closure and relief that DCJ or PSP service provider is no longer involved
- confusion about how an adoption order could be made if they choose not to consent to their child's adoption
- worry that their child will have a new identity after adoption and that the names they gave the child, and which have meaning to them, will be removed
- worry that their child won't have the same legal status or see or get to know their brothers and sisters
- positive feelings about what adoption is providing for their child.

Parents may experience these feelings even if they choose to consent to their child's adoption. The following is a mother and father's reflection about their child's adoption, which took place under our country's previous closed adoption policies and practice:

Mother:

The process of adoption never ends. There is a lifetime knowledge that your child exists out there – somewhere. You pray so hard that all is well.

There is a fine balance to be found where grief, pain and loss do not outweigh the hope for the safety, life and future of the child you brought into the world. And there is nothing you can do to protect them.

Submission 88

Father:

I wonder whether he wants me to contact him. I have got to live with the misery of having my son, my flesh and blood, not knowing that his father did love him and did care about him. I have to live with wondering whether he is alive or dead. (9.28)

- [The Standing Committee on Social Issues 'Releasing the Past' Adoption Practices 1950 – 1998 Final Report](#)
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Our contemporary adoption legislation, the *NSW Adoption Act 2000*, says that parents have a right to be involved in decision making about whether their child is adopted, and how the child should remain connected to their family and cultures, if an adoption order is made.

Being involved in the open adoption process gives parents the opportunity to:

- be part of, and feel empowered they took part in planning for their child's future
- demonstrate their active involvement to their child
- be supported to continue to develop a relationship with their child and their child's carers

- be supported to create a narrative to talk to their child about adoption.

Keeping parents engaged in the process requires you to be empathetic, non-judgmental, and committed to supporting a positive relationship between the parents, the carers, and the child. For more information see: [Relationship Based Practice, Supporting a Child Through the Open Adoption Process, Supporting a Carer through the Open Adoption Process and Family Time and Open Adoption.](#)

Establishing a Child's Paternity is Important

It is not uncommon in out-of-home care (OOHC) to work with children and families in circumstances where the child's father is not known or the father doesn't have an ongoing relationship with the child. Ideally, family finding at the time the child came into care will have identified and located their father. If this didn't happen or wasn't successful, ongoing searches, and active casework for the child's father must occur through the open adoption process, right up until the time the adoption order application is filed in the Supreme Court.

Beyond the benefits of a father and his child having the opportunity to develop a relationship, there are particular reasons why a child's father should be found before an adoption order is made, wherever possible.

It enables the father to:

- be added to the child's original birth certificate, if not already included,
- test out how family time works for his child, himself, and his extended family
- help plan for the permanent care of his child
- provide information and connection that will help build his child's cultural identity
- help develop an adoption plan that will meet his child's needs
- formally consent to, or contest the adoption of his child, if he chooses.

This opportunity also enables the child to experience their father's involvement in all these aspects of their life.

Even if a father can't be physically located, there are significant benefits to the child in knowing his identity and having him added to their original birth certificate before an adoption order is made. It is the best way to make sure the child, and father can gain identifying information, and search for each other after an adoption order is made. It also enables the child to have a full record of their birth story.

There are three ways a father's name can be added to a child's birth certificate:

1. The father and mother sign the '[Adding a parent's details to a birth registration](#)' form from the Registry of Births, Deaths or Marriages (Registry), confirming the child's paternity.
2. A parentage DNA report determines paternity - If the father is located, encourage him to undertake a DNA test from a laboratory recognised by the Registry. If he is the father, you can apply to the Registry to have his name added to the child's birth certificate.
3. A parentage Court Order can be sought at the same time as the adoption order, where there is sufficient information on file to presume a man to be the father under law. If the father is not willing to do a DNA test or cannot be located, it's important to document as much information about the father as you can learn. This information can be used to ask the Supreme Court to make a 'declaration of parentage order', which means the father's name may be able to be added to the child's original birth certificate.

More information about adding a father's name to a birth certificate can be found on the [Registry of Births, Deaths and Marriages website](#).

Talking to Parents about Open Adoption

The way you engage with parents will influence how involved they will be in the open adoption process. Being prepared for conversations will help you stay focused yet open to talking and listening.

The use of reflective, open-ended questions can be helpful. They can also be beautiful contributions to the child's Life Story Work. Questions like:

- What are your hopes for the child's future?
- What do you think the child needs to achieve all that you want for him?
- When you think about the child's life right now, what is it you would like him to feel and have?
- Who do you think does, or could, care for the child with love and give him a great future?
- What things do you want to make sure the child does not miss out on?
- What are your biggest fears or worries for the child?
- What does culture mean to you and your family?
- What values do you have about raising children that you think are important?
- What values would you like the child to grow up to have?

Some tips for talking to parents about permanency and open adoption include:

- Meet in a neutral space where the parents feel more comfortable and away from offices (unless there are safety concerns).
- Offer hospitality – offer tea or coffee at the beginning of the meeting and let the parents speak about any immediate concerns (which may not necessarily be related to the child) so they can free their minds to focus on the issues to be discussed.
- Use active listening. Though your priority is the needs of the child, parents deserve the opportunity to be heard and understood.
- Acknowledge when you can or cannot do what a parent is requesting and explain why.
- Apologise when needed – such as for past practices or delays in process.
- Acknowledge strengths – in what ways are the parents and broader family able to meet the needs of their child through the adoption process?
- Use “I” statements and specific examples – focus on the needs of the child and move away from blame.
- Don’t fight every battle – parents may, understandably, be upset during these conversations. If you can, let smaller issues, like swearing, go and redirect to focusing on the child’s needs.

Prior to talking with parents about open adoption you can seek support from your DCJ Permanency Coordinator or an Adoption Caseworker. For more information, see: [Difficult Conversations with Children, Families and Carers - Tips and Guidance](#).

Mandatory Written Adoption Information (MWI)

The [Mandatory Written Information on open adoption: For parents of a child in out-of-home care](#) (MWI) is the document that parents must be given so they have a clear understanding about what it means for their child to be adopted.

The MWI:

- defines key words
- explains what open adoption is
- explains what adoption plans are
- describes the key steps in the process

- explains the emotional and legal effects of adoption, for everyone involved
- informs parents of their rights and where they can get more information.

The MWI is a valuable tool that will help you facilitate clear conversations with parents and families about adoption. The MWI must be provided to parents at least 14 days before they give their formal consent to adoption. Parents of an Aboriginal or Torres Strait Islander child must also be provided with - [Written Information on adoption. Additional information for Parents of an Aboriginal Child in Out-of-Home Care.](#)

Mediation

Legal Aid NSW provides an adoption mediation service when a parent is worried about adoption for their child and discussions with your agency and DCJ or an Accredited Adoption Service Provider (AASP) has not resolved these worries. A meeting is arranged by a trained mediator for the parent, a support person for the parent, the carer, and PSP service provider. The mediator will remain impartial and help everyone work out what things can be agreed upon, and what things can't.

Legal Aid mediation can occur when a parent is entitled to receive Legal Aid assistance, and the parents and carers are willing to participate in mediation. Speak with your adoption caseworker about arranging Legal Aid mediation as early as possible in the open adoption process if a child's parent is struggling with worries or has expressed a wish to contest an adoption application for their child.

Mediation can be particularly effective in helping everyone involved negotiate an adoption plan, and post-adoption name for the child, that meets everyone's needs. More information can be found on the Legal Aid NSW website: [When kids in care are adopted.](#)

OOHC Open Adoption Assessments

The OOHC open adoption assessment process is likely to be a time of stress and uncertainty for a family.

Parents may worry about things like:

- sharing personal information with someone (the assessor) they don't know very well

- re-experiencing the shame, loss and grief associated with having to talk about their history and the reasons their child is no longer in their care
- personal information of theirs being in a report that will be shared with the child's carer
- assuming the adoption of their child is a certainty now the case plan goal has changed to adoption and the assessment has started.

You can support a parent through the OOHC open adoption process by:

- being equipped with knowledge about the process, for example, being able to reassure a parent that personal information and sensitive information not related to the adoption decision, will be redacted from the copy of the assessment report given to the carers
- explaining the purpose of the OOHC open adoption assessment and its place in the adoption process
- actively listening and appropriately responding to the worries or challenges they 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: [OOHC Open Adoption Assessment](#), [Open Adoption Process \(non-Aboriginal Children Only\)](#), [Supporting a Carer through the Open Adoption Process](#) and [Supporting a Child through the Open Adoption Process](#).

Parental Consent to Adoption

Some parents will want to consent to their child's adoption. They may have developed a good relationship with their child's carers and feel confident in their ability to love and nurture their child forever. They may feel confident the carer will support positive family time between themselves and their child after an adoption order is made. For some parents who had their own negative OOHC experience as a child, OOHC open adoption may be the preferred option for their child.

For those parents who wish to consent, the process is as follows:

1. If a child is under 12 years and has a case plan goal of OOHC open adoption, their parents will be asked if they wish to formally consent to the adoption. If a parent chooses not to give their consent, it is possible for an adoption order to still be made for a child in OOHC, because parental responsibility for the child rests with

the Minister responsible for DCJ. The Minister can consent to the child's adoption. The Supreme Court can decide to dispense, in other words, not require, a parent's consent in these circumstances.

2. If a child is 12 years and over, the child can consent to their own adoption and parental consent is not required. In this case, parents are still encouraged to help develop the open adoption plan and let the adoption assessor know how they feel about the adoption.
3. Before a parent can give consent to their child's adoption, they must receive registered adoption counselling. This provides an opportunity for the registered counsellor to feel confident the parent understands the emotional, legal, and financial changes that will take place after an adoption order is made for their child. The parent must receive registered counselling at least 72 hours and no more than 30 days before signing consent.
4. If the child being adopted is Aboriginal or Torres Strait Islander, the parent must also be offered Aboriginal or Torres Strait Islander Adoption Counselling. An Aboriginal or Torres Strait Islander worker would discuss Aboriginal or Torres Strait Islander customs and culture and views on adoption with the parent. If the parent declines to receive Aboriginal or Torres Strait Islander Adoption Counselling, they must have been given the Aboriginal or Torres Strait Islander Written Information 7 days prior and provided a written acknowledgement they understand the information, prior to giving their consent.
5. A parent has the right to change their mind and revoke their consent up until 30 days after they sign the consent documents. You can help the parent to sign the 'Revocation of Adoption Consent' form or write a letter that clearly states that the parent wants to revoke their consent. This is then forwarded to the Adoption Clerk at the Supreme Court of NSW. If a parent revokes their consent, the Court can be asked to dispense with their consent, in particular circumstances.

Many parents, however, will not want to consent to their child's adoption. Their feelings of grief, loss, shame, and worry may form the basis for deciding not to consent. Some parents will believe that restoration is still a possibility and the right decision for their child. Some parents will worry that consenting will indicate to their child that they 'gave up' on the idea of restoration or do not love them. Some parents may not be able to give consent due to intellectual or psychological challenges.

Some parents will choose to express their opposition through not consenting to the adoption. Others will want to take the extra step of formally contesting the adoption order being made in the Supreme Court. For more information, see: [Open Adoption Process \(non-Aboriginal Children Only\)](#), [Open Adoption and the Court](#) and [Open Adoption and Aboriginal Children](#).

Support Services for Parents and Families

Parents may need referrals to services to support them during and after the OOHC open adoption process. Consider giving parents information about service such as:

- [Post Adoption Resource Centre NSW \(PARC\)](#): a government subsidised program that offers counselling and information to parents and families who have been separated by adoption.
- [The DCJ Post Adoption Information Unit](#): helps carers and families to share information after an adoption order is made and find solutions to challenges with family time arrangements.
- [Legal Aid](#): can provide information and support to families regarding adoption proceedings.

Your adoption caseworker, DCJ's Open Adoption and Permanency Services, or an AASP are available to support you as you support parents and family at every stage of the OOHC open adoption process. For more information about supporting families through an adoption see: [Explaining Open Adoption to Families podcast](#).