

## **Submission to the Cross Directorate Domestic Adoptions Taskforce**

### **Re: Review of the ACT adoption process**

## **Introduction**

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### **Who we are**

The Australian Association of Social Workers (AASW) is the professional body representing more than 10,000 social workers throughout Australia.

We set the benchmark for professional education and practice in social work and have a strong voice on matters of social inclusion, social justice, human rights and issues that impact upon the quality of life of all Australians.

### **The social work profession**

Social work is a tertiary-qualified profession recognised nationally and internationally that supports individuals, families, groups and communities to improve their wellbeing. Principles of social justice, human rights, collective responsibility and respect for diversity are central to the profession and are underpinned by theories of social work, social sciences, humanities and Indigenous knowledge. Social workers practice in a diverse range of settings, including adoption and child protection fields.

Social workers consider the relationship between biological, psychological, social, cultural and spiritual factors and how they impact on a person's health, wellbeing and development. Accordingly, social workers maintain a dual focus in both assisting with and improving human wellbeing and identifying and addressing any external issues (known as systemic or structural issues) that may have a negative impact, such as inequality, injustice and discrimination. Social workers play a pivotal role in the adoption process and therefore, the AASW welcomes the opportunity to contribute to this inquiry.

## **Response**

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- 1.1 The AASW acknowledges, in line with the United Nations' Convention on the Rights of the Child<sup>1</sup> (applicable to individuals 18 and under), that "the child for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding." For most children, this is the family into which they were born. In line with Article 9 of the Convention on the Rights of the Child, the AASW accepts that there are circumstances where the state may intervene to separate children from their parents.
- 1.2 Children are adopted for numerous reasons. For some it can be a result of parental abuse and neglect, resulting in the need for state intervention. Children who come into the care of the state are among the most vulnerable members of society. It is the position of the AASW that governments have a responsibility in the first instance to concentrate efforts on creating environments in which children and families are

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<sup>1</sup> *Convention on the rights of the Child*. Available at <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

supported and assisted so that the various factors that contribute to the need for intervention by the state is substantially reduced. Adoption should only be considered as one of a suite of possible responses after all other options for achieving the child's safety are sufficiently explored.

- 1.3 For all children who are placed into state care, placement planning (including adoption as one of several options) must be focused on their needs and best interests, and not the needs of the adoptive parents. This must comply with the minimum standards set down in international conventions including the United Nations Convention on the Rights of the Child and the Universal Declaration of Human Rights. To determine what is in a child's best interest, decision making needs to occur in consultation and collaboration with the child (when appropriate) and family members. The child's views should be given as much weight as is appropriate in the circumstances. Planning should include birth parents (when possible) and recognise the right of children to maintain connection with their family, their culture and with other significant relationships regardless of the proposed placement arrangements, which may include reunification, legal guardianship and adoption. Furthermore, planning needs to be culturally appropriate. Specific attention should be given to cultural issues when placing Aboriginal and Torres Strait Islander children given their overrepresentation in state care. This is a complex process that requires significant consultation with the best interests principles central to all decision making.
- 1.4 The AASW supports the use of the term "best interests" of the adoptee, and not just "child's best interest", as it refers and better captures the effect of key decisions throughout their life, not just childhood.
- 1.5 The adoption process requires a professional approach by workers who have a significant understanding of the complexities. In this complex field, it is essential to have knowledgeable, well trained, accredited and supported professionals. Working in this field is dependent on decidedly complex forms of assessment and planning that are best managed by highly trained professionals abiding by a Code of Ethics (which in the AASW's case includes a clear commitment to social justice and human rights) and according to a body of well researched and evidenced informed literature and knowledge.
- 1.6 In its review of the adoption process, the government needs to consider the complexities of adoption and the long-term consequences for children. International research shows between 6 and 11 per cent of adoptions from the out-of-home care system fail, and some studies show even higher rates of adoption placement breakdown for children over two years<sup>2</sup>. This is not a process that needs to be streamlined for the sake of expediency and the best interests of the adoptee must be of paramount importance.

Submitted for and on behalf of the Australian Association of Social Workers Ltd

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<sup>2</sup> Coakley, J. F., & Berrick, J. D. (2008). Research review: In a rush to permanency: Preventing adoption disruption. *Child & Family Social Work, 13*(1), 101-112.