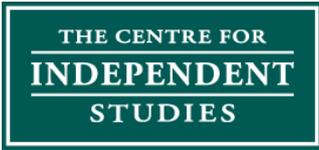




RESEARCH REPORT SNAPSHOT



Resetting the Pendulum: Balanced, Effective, Accountable Child Protection Systems and Adoption Reform in Australia

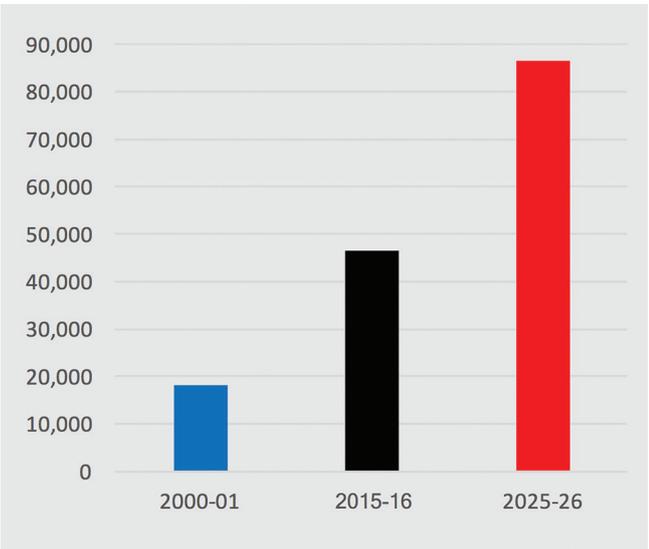
Jeremy Sammut

Out-of-home care (OOHC) demand and cost curve

If state and territory OOHC systems continue to grow at the same rate as during the previous 15 years, more than 86,000 children will be living in care by 2025-26 – an 87% increase in the OOHC population nationally over the next decade. (Figure 1)

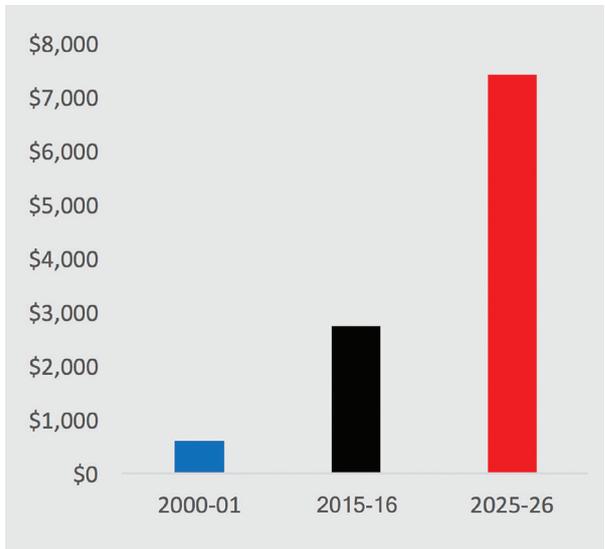
All things being equal, real total government spending on OOHC services Australia-wide – which grew by 354% since 2000-01 – will top more than \$7.4 billion a year by 2025-26. (Figure 2).

Figure 1: Projected children in out-of-home care, Australia 2000–26



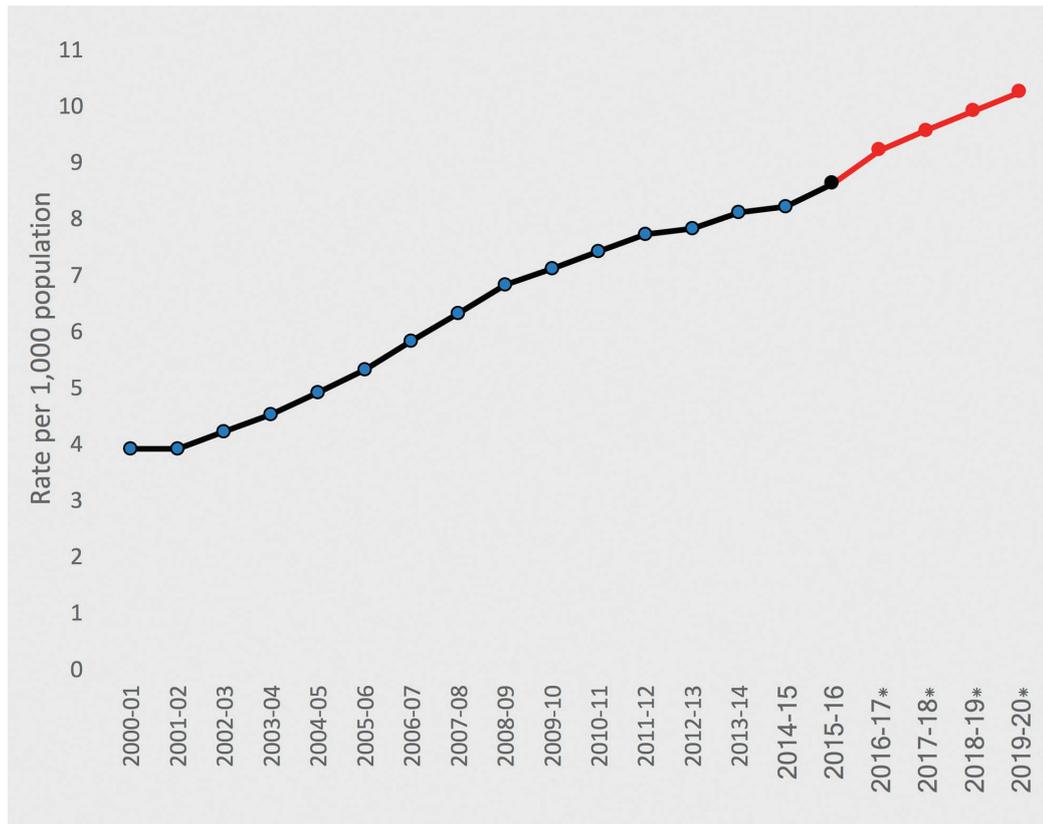
Source: Productivity Commission, *Report on Government Services 2017*, Table 16A.18.

Figure 2: Projected recurrent out-of-home care expenditure, Australia 2000–2026, (\$'000 000).



Source: Productivity Commission, *Report on Government Services 2017*, Table 16A.1

Figure 7. Projection of Children in out-of-home care per 1,000 population, Australia 2000–2020.



Source: Productivity Commission, *Report on Government Services 2017*, Table 16A.17

Unless state and territory policymakers take action to address the unsustainable trajectory of OOHC systems, more than 1 child in every 100 Australian children will be living in care by as early as 2020. (Figure 3)

Even if the rate of growth in OOHC systems over the next 10 years is half the rate over the previous 15 years, by 2026 there will still be almost 64,000 children in care, at an annual national cost of \$4.5 billion. Hence, the groundbreaking NSW reforms detailed below should be adopted in other states and territories to bend the unsustainable trajectory down.

Cultural politics of child protection

The systemic cause of the remorseless and unsustainable growth in 'out-of-home' care (OOHC) systems Australia-wide is the 'family preservation'-based child protection policies employed by child welfare authorities in all jurisdictions. Removing children into care only as "last resort", and attempting to keep and reunite children with even highly dysfunctional parents — at almost all costs — has swung the pendulum of child protection systems too far in favour of defending parental rights at the expense of protecting children's rights and best interests.

There is increasing awareness of the 'system abuse' — extended maltreatment at home and harmful lack of permanency in long-term care — suffered by increasing numbers of (increasingly damaged) children, due to the over-emphasis on family preservation. This has led to growing calls to increase the number of 'open adoptions'

from out of care, to provide permanent stable family lives for children with little prospect of ever going home safely. The 'churn' and 'drift' that children suffer in care without achieving permanence — the stable homes and families that all children need to thrive — lead to many children spending the majority of their childhoods in care, and to poor long-term outcomes and intergenerational disadvantage.

Adoption is 'taboo' and rarely occurs in Australia due to the cultural legacy of discredited historic practices (forced adoption and the Stolen Generations). Hence there were just 70 children adopted from care nationally in 2015–16 despite more than 31,000 children (two-thirds of the total OOHC population) having been in care continuously for more than two years.

The cultural politics of child protection policy are played out in the polarised debate, pitting family preservation against adoption as inherently antithetical approaches to keeping children safe. Hence, critics argue that adoption is a "grab the child and run" quick fix for the problems in child protection systems, which will supposedly remove children rapidly and permanently from struggling families without providing parents with adequate early intervention and family support services to prevent child abuse and entries into care.

The system-wide reform agenda implemented in NSW — the sole jurisdiction in Australia to date that has committed to increasing the number of adoptions from care — debunks the assertion that adoption is a simplistic and punitive 'child stealing' approach.

Systemic reform in NSW

The NSW government has embarked on a long-term plan to restructure the operation of the child protection system to increase sustainability and improve performance by achieving permanency for more children. The plan features three major elements:

1. **The *Safe Homes for Life* reforms of 2014:** the new permanency planning rules introduced in NSW make it mandatory for a decision to be made about whether restoration to the parents is feasible within six months of entering care for children under two years of age and within 12 months of entering care for children aged two and older. Once it is determined a child cannot safely go home, an application is to be made in the Supreme Court for an order to legally free them for open adoption by a new family.
2. **The *Their Futures Matter* reforms announced in March 2017:** through these follow-up reforms, the NSW government also committed under the '**Targeted Earlier Intervention Program**' to ensuring by 2020 that all children in, or at risk of, entering care and their families receive coordinated and tailored packages of support services to meet the complex needs of vulnerable children and families to reduce entries to care.
3. **The '**Permanency Support Program**':** aims to ensure OOHC services function in a child-and-family centred way, delivering targeted support services to help parents achieve change and keep their children permanently through successful restorations. This includes a new outcomes-based contract and funding system that will incentivise the non-government providers that manage half of all out-of-home care placements in the state to find all children a permanent home within a two-year maximum deadline after entering care.

Rather than continue spending heavily on 'crisis-orientated' out of home care services, the NSW Government is 'frontloading' child protection expenditure by investing — as recommended by virtually all of the (at least 39) inquiries, reviews and royal commissions into child protection in Australia in the past decade alone — in effective, evidence-based services to prevent child abuse and keep families together using an "investment approach".

Nevertheless, the strict two-year maximum permanency deadline may seem harsh and unwarranted. But enforcing permanency deadlines is justified by the need to prevent the harm done by instability and lack of permanency in care, and to ensure children who can't go home safely find a stable home and permanent new family for life. This is essential because some families with the most serious and entrenched problems will not be able to change in a timely fashion, and adoption is needed to prevent drift in unstable, long-term care.

Nationally significant: ending the 'adoption wars'

In these circumstances — and only in these circumstances — will adoptions occur in NSW: not as the fast resort, but as the last resort to achieve permanency, after the best efforts to assist families have failed. The NSW reforms therefore represent an appropriate and measured resetting of the pendulum to better balance the principles of family preservation and permanency, and ensure the child protection system is held accountable and operates in the best interests of children's long-term welfare.

Hence the national significance of the NSW blueprint for genuine systemic change cannot be overstated, and marks a turning point in the contentious debate about adoption.

By pledging to implement the 'NSW model', policymakers in other jurisdictions can successfully negotiate the cultural politics of child protection, and proceed with overdue systemic reforms - including adoption reforms — to ensure that the pendulum is reset in all Australian child protection systems, and the right balance is struck between parent's rights and children's rights.

Author

Dr Jeremy Sammut is a Senior Research Fellow at The Centre for Independent Studies and author of *The Madness of Australian Child Protection: Why Adoption Will Rescue Australia's Underclass Children*.