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**Contact and Adoption Plans for Children Adopted from Out-of-Home Care in New
South Wales**

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Abstract

In New South Wales (NSW), legislation prioritises open adoption over long-term foster care when restoration is not possible, and suitable kin or guardians cannot be found. The adoption application includes an adoption plan that outlines the nature of a child's post-adoption contact with birth family. There are efforts to include the views of the child, birth family, and prospective adoptive parents when developing this plan. This paper reports on the analysis of 89 adoption court files for 117 children from out-of-home care, finalised in 2017 by the Supreme Court of NSW. It focuses on the views of birth parents with respect to contact arrangements specified in the adoption plan. Three researchers independently coded the data, using an inductive approach based on grounded theory. The findings highlight the complexities in the changing relationship structures associated with adoption. Patterns of contact prior to adoption proceedings are highly predictive of plans for post-adoption contact. There are implications for social workers supporting positive contact experiences for children prior to an adoption order as well as the relationships between children's prospective adoptive families and birth families.

Implications

- Post-adoption contact decisions are informed by the views of birth family, children and prospective adoptive parents, as well as the contact that has occurred pre-adoption.
- Birth parents expressed preferences for a specific amount and type of experience for contact, reflective of their relationships with the adoptive parents.
- Supports are needed to ensure that positive contact for children and relationships between children's birth family and adoptive family are established and maintained.

Keywords

open adoption, out-of-home care, case file review, contact arrangements, birth parents, permanency, New South Wales

Contact and Adoption Plans for Children Adopted from Out-of-home Care in New South Wales

When children are removed from the care of their parents, this involves a profound change in children's experience of family. When the court determines that there is no realistic prospect that the children can be returned home and an application is made for a guardianship or adoption, the change in children's family relationship structure is long-term until at least the age of 18 in the case of guardianship and permanently in the case of adoption. Adoption involves the transfer of all aspects of parenting from the birth parents to the adoptive parents, including inheritance and other rights. The way adoption operates now, particularly in Australia, is generally very different to the earlier closed nature of adoption.

In an open adoption, relationships between children and their birth family may continue via contact. The term, contact, describes communication between a child and family members and significant others with whom they do not live, and includes face-to-face meetings and letters, phone calls and messages (Humphreys & Kiraly, 2009). The child's reconstituted family may be defined inclusively to encompass the adoptive and birth families and considered an 'adoptive kinship network' (Grotevant, 2009; MacDonald, 2016). Through a family system theory lens, the adoptive kinship network needs to establish new roles, rules and boundaries, regarding their expectations for contact and relationships.

Within Australia, New South Wales (NSW) has taken a unique stance on permanency legislating to prioritise open adoption over long-term foster care for children permanently removed from their parents (s10A of the NSW Children and Young Persons (Care and Protection) Act 1998) (Ainsworth & Hansen, 2016; Ross & Cashmore, 2016). The NSW approach to contact is consistent with Article 9.3 of the United Nations Convention on the Rights of the Child which states that: "Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both

parents on a regular basis, except if it is contrary to the child's best interests.” All adoptive parents are expected to abide by the contact arrangements documented in an *adoption plan* that is formalised in the adoption order. This becomes legally enforceable if the adoption plan is registered by the Court.

Adoption from out-of-home care in NSW has a greater emphasis on birth family contact than in other similar countries and adoptive parents are expected to arrange children's contact with birth family and to handle contact independently. For example, US studies report low rates of contact for children adopted from foster care (Pecora, Whittaker, Maluccio, Barth, & DePanfilis, 2009; Ryan et al., 2011). In the UK, the emphasis is on information exchange through professionally-mediated 'letterbox contact' for identity purposes (Neil, Cossar, Jones, Lorgelly, & Young, 2011) with direct contact only when a case can be made that this would be in a child's best interest. In 2014, UK legislation was amended to remove the statutory obligation for local authorities to promote contact after adoption due to concerns about the risk of disruption caused by inappropriate contact (Boyle, 2017). Overall, in both the US and UK, children's post-adoption contact with birth family, particularly parents, has tended to decrease over time (Crea & Barth, 2009; Neil, Beek, & Ward, 2015).

Research findings on the impact of birth parent contact on children have been mixed (Atwool, 2013). In a recent UK review of studies on permanency, Boyle (2017) argues that contact is understood primarily in relation to its impact on placement stability and is increasingly viewed as a risk factor for placement breakdown. Supporting evidence finds that contact can prevent children developing a sense of permanence in their long-term placement, particularly if there are negative attitudes between carers and parents (Morrison, Mishna, Cook, & Aikten, 2011; Sen & Broadhurst, 2011). In contrast, other research has shown that contact can be beneficial for children's sense of identity, development, and emotional wellbeing (Moyers, Farmer, & Lipscombe, 2006). Contact has also been reported to prevent

children idealising their birth parents and found to *increase* placement stability (Neil et al., 2011). Boyle (2017) concludes that, “The general consensus among this body of research is that the impact of contact depends on a number of variables and decisions should be made on a case-by-case basis” (p. 23).

Contact in the context of an adoption can be an emotional process for all involved. It can be distressing for children if it is with a birth parent who previously abused them (Neil, Beek, & Ward, 2013). Further, birth parents’ mental health and associated communication difficulties may hinder the ability of children and birth parents to connect with each other. Finally, as children mature and better understand the circumstances of their adoption, they may have difficulties navigating the emotionally complex relationship they have with their birth parents, especially as there does not appear to be a typical social script to adhere to. For adoptive parents, there may be concerns around attachment difficulties, placement disruption, and the threat of physical and emotional violence. However, the findings of McLaughlin, Feehan, Coleman, and Reynolds (2013) suggest that, despite these initial fears, adoptive parents can find open adoption to be a positive experience, though it requires negotiating boundaries and supports for all parties.

Contact can also bring up complex range of emotions for birth parents, including grief and loss. They may see contact as a moment where they can “be a parent again” but, at the same time, feel that their child is becoming more and more of a “stranger” with each visit (Memarnia, Nolte, Norris, & Harborne, 2015, p. 309). In a study with 39 birth relatives, including birth parents, Neil et al. (2011) found a broad range of responses to contact, associated with factors such as the birth relatives’ ability to cope with the adoption, empathise with the child, and deal with the impact of the adoption on their own self-image and identity. Of those who were mainly satisfied with contact, many had little or no

supervision from either social workers or the adoptive parents of the child; their satisfaction level decreased as contact supervision and formality increased.

What appears to be most critical for achieving positive contact experience is the relationship between children's families. Contact is about more than just the time children spend with their birth parents. For children to have meaningful connections with birth family, children must rely on the adults in their lives to work together. This means birth parents and adoptive parents will need to negotiate boundaries, supports and intimacy (del Pozo de Bolger, Dunstan, & Kaltner, 2018). Neil et al. (2011) note that it is important for contact to meet the needs of all parties, and its effects are contingent upon other factors, such as the existing relationship between the birth and adoptive families, the child's satisfaction and desire for contact, whether or not boundaries are effectively communicated to all parties, and the ability of adoptive parents to deal with the emotional impact of contact.

The literature regarding post-adoption contact is limited, and largely from the US and UK. As discussed earlier, NSW's unique stance is that post-adoption contact is expected to be face-to-face when determined to be in the best interests of the child, independently managed by the adoptive parents, and formally written into an adoption plan as part of the adoption order. According to a NSW Family and Community Services (FACS) guide to drafting an adoption plan, the plan should be tailored to reflect individual circumstances and is developed through negotiation between the child, prospective adoptive parents and birth family members. It is also noted that "any expressed wishes by the child or birth parents must be taken into consideration" (FACS, n.d., p. 1) and the plan must suit the needs and best interests of the child.

This article outlines the findings of a case file review of adoptions from out-of-home care that were finalised during 2017, focussing on birth parents' perspectives of contact, to

provide some understanding of the aspects of contact that are associated with their positive or negative views of the adoption plan.

Method

Materials and Procedure

The data are drawn from a dataset collected as part of a larger case file review that sought to examine: (1) the way in which Justices of the NSW Supreme Court have applied the ‘best interests’ principle in deciding whether an adoption order should be made for a child who is currently in out-of-home care; (2) arrangements for post-adoption contact with birth family; and (3) considerations of children’s cultural identity in the context of transracial or transcultural adoption.

The cases included all adoptions finalised by the NSW Supreme Court in 2017, the most recent complete year, for children who were adopted from out-of-home care by their authorised carer(s). A total of 89 qualifying cases were identified by personnel at the NSW Supreme Court, who assisted with the retrieval of the legal files from the Government Records Repository, a centralised record storage centre for NSW public bodies. The applicant for the adoption orders, filed on behalf of the adopting parents, was either the Secretary, NSW Department of Family and Community Services (66%) or his delegate, Principal Officer of Barnardos Australia (34%). While a range of non-profit organisations may be involved in the casework for the child while they are in out-of-home care and during preparation of the adoption application, Barnardos is the only non-government agency in NSW authorised to file an adoption application to the Court.

Data were drawn from the affidavits and documents accompanying each adoption application: (1) the *Affidavit of Delegate* and *Exhibit document*, which contain evidence to which the delegate relies on, as well as the Adoption Plan; (2) the *Affidavit Annexing Court*

Report 's91 Report', a report prepared by an expert witness as evidence in the adoption proceedings in accordance with section 91 of the *Adoption Act*; and (3) affidavits prepared by birth parents, typically in contested adoption matters.

One member of the research team (the first author) manually inspected each case file and extracted quantitative and qualitative data on a range of variables including, but not limited to: court proceedings, child protection and placement history, judicial decisions, pre-adoption birth family contact and, where possible, the perspectives of children, adoptive parents, birth parents and family members on the adoption application and proposed post-adoption contact arrangements. The data were de-identified and entered into an Excel spreadsheet, which was subsequently provided to the research team for coding and analysis. This article focuses on a subset of variables that relate to the nature of contact before the adoption, proposals for and final decisions regarding post-adoption contact arrangements, and birth parents' views of post-adoption contact.

Ethical approval was obtained from the University of Sydney Human Research Ethics Committee. Access to court documents and files was granted by the NSW Supreme Court on the conditions that all case files would remain in a secure location on court premises, where data extraction would be conducted, and that all research data would be de-identified and securely stored on the university's data storage system.

Sample

Table 1 presents background information on the 117 children, including 22 sibling groups—16 with two siblings and 6 with three siblings—whose adoptions from out-of-home care were finalised during 2017. Most children (80%) did not have a case plan goal of restoration; 13% had had initial plans for restoration which did not eventuate; 8% were restored once to the care of birth parent(s) but subsequently re-entered care.

[INSERT TABLE 1]

In these 89 cases, there were 87 birth mothers (two birth mothers had children in separate adoption proceedings to be adopted by different sets of prospective adoptive parents) and 96 birth fathers (some children within the same sibling group had different fathers). In accordance with s54(2) of the *Adoption Act*, children aged 12 or older, who are determined to be of sufficient maturity, can give sole consent to their own adoption if they have been cared for by the proposed adoptive parent/s for at least two years; 14% of children were 12 or older and consented to their own adoption and 2% did not have the capacity to provide consent due to disability. For children under the age of 12, birth parents may choose to consent to an adoption. Alternatively, if birth parents do not wish to provide consent, the Court can dispense with their consent if satisfied that the “child has established a stable relationship” with his or her carers and “the adoption of the child by those carers will promote the child’s welfare” (s 67(1)(d)). One of the birth parents consented to the adoption for 18% of children, while both birth parents consented to the adoption for 4% of children. More commonly, the consent of both birth parents (61%) or one birth parent (16%) was dispensed with. In a minority of these 89 cases, a birth parent contested the making of an adoption order: 7% were contested by a birth mother, 6% by a birth father, and 6% by both birth parents.

Data Analysis

Descriptive statistics were calculated for variables relevant to birth parents’ contact pre- and post-adoption. The data relating to birth parents’ perspectives of post-adoption contact were coded using an inductive approach based on grounded theory (Strauss & Corbin, 1998). The first and second authors first familiarised themselves with the case files and jointly categorised each case according to whether birth parents expressed a *positive* or *negative* view of the adoption plan or had *disengaged* from discussions about the adoption plan. For instance, birth parents’ comments were coded as *positive* if they indicated their agreement with post-adoption contact arrangements specified in the adoption plan or signed

the adoption plan. On the other hand, birth parents who indicated they were unhappy about post-adoption contact arrangements (e.g., proposed reductions) were coded as *negative*. Birth parents who could not be located, contacted or did not respond to requests to discuss the adoption plan were coded as *disengaged*. Any differences in categorisation were discussed and resolved with agreement.

Next, the authors identified distinct concepts that emerged from the data relating to birth parents' positive or negative views of the adoption plan, specifically with respect to proposed frequency and experience of contact. The cases were split evenly among the authors and inductively coded. Inter-rater reliability was monitored throughout the coding process with the first author, who had extracted all the data, coding a subset (10%) of the case files coded by the second and third authors. Discrepancies in coding were discussed and agreement was reached on how to proceed.

An analysis of child variables (e.g., age of child, length of time in care, cultural heritage, disability) that may relate to birth parents' perspectives of contact is not presented in this paper because of the relatively small cell sizes this generates, and because sibling groups in the same adoption application (which applies to 43% of the children in the sample) mean that individual child variables cannot be straightforwardly linked to birth parents' perspectives.

Results

Contact from Final Orders to the Adoption Order

When final orders are made by the Children's Court and it is determined that a child will remain under the parental responsibility of the Minister until the age of 18, the Court typically recommends or orders a minimum number of contact visits per year for the first 12 months. For birth mothers, the most common number of recommended pre-adoption contact

visits was four (41%) or six (30%) times per year; 13% had no minimum number specified. On the other hand, no specified minimum number of contact visits per year was common (35%) for birth fathers, followed by six (27%) or four (24%) times a year. The common reasons for no specified minimum number of visits per year were that birth parents had disengaged from agencies, had not consistently attended contact, or were unable to be located.

The pattern of birth parents' pre-adoption attendance at contact visits with their children from the period from final orders to the adoption order (see Figure 1), primarily drawn from the Delegate's Affidavit, was coded as follows: *minimal* (including no contact), *regular* (occurs as expected), *irregular* (missed contact visits), *higher than specified*, and *not possible*. It was most common for birth mothers to have irregular contact with their children, followed by regular and minimal contact. Birth fathers tended to have minimal or irregular contact, with only a small number in regular contact with their children. Contact with a fifth of birth fathers was not possible due to paternity not being confirmed. A small percentage of birth parents (2–4%) had more contact than that specified at final orders. This *higher* level of contact was generally informal, took place within the homes of the adoptive parents, and was in the context of a positive and trusting relationship that had developed between adoptive and birth parents.

[INSERT FIGURE 1]

Post-Adoption Contact Arrangements Specified in Adoption Plans

Contact was specified in the adoption plans for three in four (75%) birth mothers and nearly half (47%) of the birth fathers. Where contact was not occurring, as well as not specified, provisions were made for future contact. Such provisions were contingent on whether the birth parent could be located or requested contact, or whether the child requested

contact. Contact was contingent on confirmation of paternity for 19% of birth fathers whose identity was unknown or whose paternity was not yet established.

Figure 2 summarises the minimum number of post-adoption contact visits per year specified in the adoption plan. Most common was a minimum of four per year for birth mothers (42%) and for birth fathers (30%). Post-adoption contact was noted as *negotiable* for 16% of birth mothers and 31% of birth fathers, to be mutually agreed between adoptive and birth parents, taking into account the child's age and preferences. Most adoption plans that specified post-adoption contact as negotiable were due to contact being contingent on a condition being met (e.g., paternity established).

[INSERT FIGURE 2]

Supervision and supports for contact. There was also an expectation that post-adoption contact between children and their birth parents would be independently facilitated and supervised by adoptive parents; this was stated for 85% of cases. For 10% of cases, agency support for contact was available if needed. In 4% of cases, post-adoption contact with birth parents was expected to be supervised by approved family members, such as a maternal grandfather or paternal uncle. Agency support was offered after the re-establishment of contact in 6% of cases for a certain period of time (e.g., an initial three visits, or for two years). In two cases (2%), ongoing agency supervision was to be provided until the child turned 18. One case involved a birth father who had a significant criminal history, with all face-to-face contact and information exchange to be mediated by an agency. The other was a contested adoption where there was clear hostility from the birth mother towards the adoptive mother. Other supports for contact negotiated prior to the adoption order were approved by NSW FACS in a minority of cases. These included covering the costs of paternity testing (6%), help in searching for birth parents if they could not be located (2%), providing funds to enable birth parents to travel to contact (4%), and translation services (1%).

Change in contact arrangements from pre- to post-adoption. The Delegate's Affidavit and s91 report for each case outline the reasoning behind the decisions for post-adoption contact arrangements specified in the adoption plan. The reasons are based on the contact that has occurred while the child has been in care and on the views and preferences of the children, birth parents, and adoptive parents where possible. The decisions about post-adoption contact were classified as: *continues* (contact will be consistent with current arrangements); *increased* (contact will be more frequent than current arrangements); *reduced* (contact will be less frequent than current arrangements); and *contingent* (contact will depend on a specific condition being met).

Proposed post-adoption contact arrangements for 42% of birth mothers and for 26% of birth fathers reflected contact arrangements prior to the adoption, with the Delegate's Affidavit and s91 report generally citing that the current arrangements were working well, that they reflected the current state of the relationships between the child and his or her birth family, and would be sufficient to support the child's sense of identity. For 25% of birth mothers and 21% of birth fathers, the level of post-adoption contact was a reduction from the pre-adoption contact. This was typically because the birth parent had not attended contact to date or because of an expected increase in school commitments and activities for school-aged children. For 29% of birth mothers and 53% of birth fathers, contact was often not occurring, so the post-adoption contact was to be contingent on contact being re-established, whether by the birth parent's or child's request, or the identification of the birth father. For four birth mothers, post-adoption contact was increased from pre-adoption contact arrangements. One of these cases was a contested adoption in which the birth mother was unhappy with the proposed reduction in post-adoption contact and was able to negotiate an increase during mediation. Contact was increased in the remaining three cases to include siblings and extended family, to provide a birth mother with a separate one-on-one visit with their child or

to reflect the adoptive parents' willingness to support more visits than were currently in place.

Birth parents' engagement with discussing the adoption plan. Efforts were made by caseworkers and s91 report writers to engage birth parents in providing their views and preferences for the post-adoption contact to be written into the adoption plan. About one in four birth parents were not engaged in the process: 24 birth mothers (27%) and 24 birth fathers (27%), with the paternity of an additional 16 birth fathers (17%) unconfirmed. While the exact circumstances around birth parents' disengagement cannot be fully determined from court documents, these documents detail the efforts taken and indicate the different time points where birth parents disengaged: either shortly after their child's removal (11 birth parents), while their child was in permanent care with the prospective adoptive parents (23 birth parents), or while the adoption application was being prepared (14 birth parents). In nearly all these cases, there had been little to no contact between the birth parents and their children because they could not be located or did not respond to caseworkers' attempts to contact them. For some birth parents, especially whose children were of an older age, contact had ceased or had not been initiated due to children's requests not to have contact. Birth parents who disengaged while the adoption application was being prepared stated their strong opposition to the adoption or disagreement with the proposed reductions in post-adoption contact. Some asked caseworkers to stop contacting them or refused to provide any views on their child's adoption or the adoption plan. Birth parents' disengagement was also commonly characterised by continuing issues that may have contributed to their child's removal, including mental health issues, intellectual disability, incarceration, homelessness, and drug and alcohol abuse.

Nearly two-thirds of birth mothers (62%) and half of birth fathers (48%) were actively engaged in discussions around the adoption plan. Of these, 32% of birth mothers and 28% of

birth fathers signed the adoption plan to indicate their acceptance of the terms for contact set out in the adoption plan. Figure 3 summarises birth parents' engagement and views of post-adoption contact when considered against pre-adoption contact. When post-adoption contact was set to be consistent with pre-adoption contact arrangements, over half of birth parents expressed positive views of the adoption plan. For birth parents whose contact would be contingent on some condition being met (e.g., the birth parent or child requesting contact), about half were disengaged. Proposed reductions in contact were associated with disengagement or negative views of the adoption among birth parents. However, about half of birth mothers whose contact had been reduced expressed positive views of this proposal. Positive views of the adoption plan were high among the four birth mothers who had an increase in post-adoption contact.

[INSERT FIGURE 3]

Positive views of post-adoption contact. Birth parents' views of post-adoption contact centred around two aspects: the proposed frequency of contact and their experience of contact. Generally, birth parents who had positive views of the adoption plan were satisfied with the proposed frequency of post-adoption contact. As outlined earlier, post-adoption contact is often planned based on the current arrangements, where these appear to be consistent and positive. Nearly three-fifths of parents who had been engaged in regular contact were pleased when the adoption plan matched the current arrangements. Birth parents were also accepting of the adoption plan when they perceived the proposed frequency to suit the needs and wishes of the child. For example, aligning contact visits with school and extracurricular activities was noted as a reason for accepting four contact visits a year, scheduled during school holidays. In cases where contact was not occurring, either in line with the wishes of the child or the birth parent, this was acknowledged to be the best for the

present time, and several birth fathers noted they were pleased there was an option for the child to initiate contact in the future.

Even where the birth parents felt positively about the adoption plan, they may have disagreed with the amount of contact. In several cases, birth parents appeared to be reassured when it was clarified that the amount of contact outlined in the adoption plan is a minimum. In some cases, a birth parent initially wanted more contact, but acknowledged that it might be difficult, based on the inconsistency of their past attendance. In some cases, initial disagreement on contact frequency was resolved through negotiation, either formally through court mediation or informally between the birth parents and adoptive parents. For example, a birth mother and father stated that they planned to contest the adoption if the recommended contact remained at four times per year; when the caseworker informed them that the prospective adoptive parents were willing to do an additional two visits per year until the child commenced school, they accepted this solution.

Several parents also described their enjoyment of experiences during contact that allowed them to connect with their children; this appeared to occur in the context of relationships between the birth parent and adoptive parent that were respectful and positive. A mother described her relationship with the adoptive mother as “easy” and described her contact with the child:

I get on the floor and just focus on [child] and what she likes to do. I have started telling the story of her coming out of my tummy, with [the adoptive mother’s] encouragement. It’s so important that [child] knows who everybody is, so it is never strange for her.

Several birth parents commented that they appreciated being invited to visit the children in their own home. Flexibility was consistently noted as an important positive feature of relationships, including the opportunity to have direct and positive

communication to arrange visits and speak with the child. Inclusion of other family members was also noted as important. Most frequently, siblings were mentioned as being included in contact, including newborn siblings and provisions for contact with siblings who might be born in the future; other parties such as grandparents and new partners of birth parents also featured. For example, one birth father noted:

Our contact is really, really good... We get in touch with each other and it's all positive... [paternal half sibling] came to visit before Christmas and we all had a ball. [The adoptive parents] ring me on the first day back at school when I spoke to all the kids, it was great and I really appreciated it... I'm enjoying being able to contact them and speak to the kids and arrange the visits... It's much better than when [agencies] used to be involved.

Negative views of post-adoption contact. Birth parents who held negative views of the adoption plan were overrepresented among contested cases; 14 of the 19 birth parents (74%) who contested their child's adoption held negative views of the adoption plan compared with 17 of the 82 birth parents (21%) who did not contest the adoption. Despite being unhappy with the adoption plan, 15 of 21 birth parents (71%) still expressed positive regard for the adoptive parents, stating that the adoptive parents were doing a "good job" as carers and that they preferred their child to stay with the adoptive parents. For example, one birth mother said, "as long as he is settled there, I'm okay with that... I know he's been there for almost 3 years. I'm not going to mess with that."

Nearly all birth parents who had negative views of the adoption plan expressed disagreement with the proposed frequency of contact. There was no specific association between their expressions of dissatisfaction and the amount of contact; contact was noted as being "not enough" when planned for 6, 4 or 3 times a year. Being "not enough" was sometimes linked to the needs of the child to remain connected with biological family and

form a relationship with them. One father commented, “Contact four times a year is not a relationship. Eight hours in the life of a little boy means nothing.” In other cases, being “not enough” was linked to the rights of the birth parent to visitation, with one mother commenting that the reduction of contact (from six to four visits) was “further stripping [her] of [her] rights.” In two cases, birth fathers expressed anger about the adoption and stated that they planned not to continue with contact if adoption was approved.

The main sources of dissatisfaction with proposed contact experiences stemmed from poor relationships between the birth parents and adoptive parents or from desiring a different kind of experience in contact. Several birth parents commented that they would prefer contact without the adoptive parents present and supervising. One mother commented that the adoptive father “pestered” her during visits by correcting her when she referred to the child as her son. Another said she felt uncomfortable when the adoptive parents accompanied her and the children outside at contact to supervise them. Birth parents also indicated that they wanted the opportunity for telephone contact (e.g., on the child’s birthday) in addition to a minimum number of face-to-face contact visits. Some birth parents also expressed distrust about whether contact would continue beyond the adoption orders or requested continued supervised contact from the agency because of poor relationships with the adoptive parents. One birth mother commented: “I am worried that if community services were to cease to have parental responsibility in relation to contact, sibling contact will not be guaranteed, and [child] will lose those bonds even more so than now”.

Discussion

This paper explored the circumstances leading up to decisions regarding post-adoption contact arrangements for children with members of their birth family. Overall, these decisions are informed by the contact arrangements that have occurred while the child has

been in permanent care. The case files document efforts made to consider the wishes of the children and birth family, where possible, as well as the views of adoptive parents. There is an expectation for children to have post-adoption face-to-face contact with birth family, when it is in the children's best interests, and adoptive parents are expected to demonstrate a willingness and capacity to independently manage this contact as a precondition to approval of the adoption order.

The focus of this paper has been on birth parents' views of the adoption plan. Many birth parents had disengaged prior to or during the adoption process due to the difficulties that led to their child's removal or because they were distressed about the plans for their child to be adopted. Consistent with the findings of Neil et al. (2011), birth parents in the current study expressed a range of positive and negative emotional responses to contact. For birth parents who were engaged in developing the adoption plan, positive views of the adoption plan related to being satisfied with the proposed frequency and nature of the contact experience. There was no minimum number of visits per year that could be considered the gold-standard, and it was clear that the link between birth parents' satisfaction and proposed frequency of contact differed by case. What the findings do reveal, however, is that birth parents tend to view the adoption plan positively when it involves experiences that feel flexible and natural; for instance, occurring within the child's home and mutually arranged by birth parents and adoptive parents. Birth parents also expressed a wish for contact to be unsupervised and, consistent with the findings of Neil et al. (2011), expressed dissatisfaction when this was not proposed.

Birth parents' views of the adoption plan were also consistently framed by their existing regard and relationship with the prospective adoptive parents. As noted in the literature (MacDonald, 2016; McLaughlin et al., 2013), the relationships between birth and adoptive families are crucial to the sustainability of post-adoption contact that will assist

children in maintaining connections to their family of origin. As Grotevant (2009) noted, through the perspective of family systems theory, this involves the negotiation and clarification of roles, boundaries and rules, which may sometimes seem complex and ambiguous. MacDonald (2016) also suggests that contact may work well if birth relatives are supportive of the placement, and that positive family-like relationships develop when birth relatives are committed to the child's welfare and do not make unreasonable demands on the adoptive parents.

Implications for Practice

Findings from this study suggest that the contact that occurs prior to an adoption informs decisions about post-adoption contact: the status quo often holds. Finding a way to seamlessly integrate contact in a child's life is important for sustainability. Therefore, it is essential that adequate supports are available to help all relevant parties have positive contact experiences before an adoption order is made. In the case of birth parents, the results of this study also highlight the time points in which birth parents disengage from services and their difficulties in overcoming the factors that may have contributed to their children's removal, such as drug addiction, transience, and mental health issues. These findings point to the potential for practices that may support birth parents to continue engaging with services, have positive interactions during contact visits with their child, and help them work through their sense of loss and grief. Adoptive parents are required to manage the transition from supervised to unsupervised contact and to independently facilitate contact post-adoption order. They may require support and training to facilitate positive contact experiences and maintain positive relationships with birth family members.

Limitations and Future Directions

The data presented in the current study were collected from court files that are not created for research purposes but to provide evidence for the Supreme Court in determining

adoption applications. While each court file summarises the preceding and current state of affairs regarding a child's contact with birth family members and documents the views of various parties, it is a secondary source of data. For instance, the nature of the relationships between birth parents and adoptive parents was not clearly described in all court files. It is plausible that the documents may provide more details where the relationships are markedly positive or negative. In addition, the views of children and birth parents are documented from the perspectives of the writers of the Delegate's Affidavit or s91 report. It is only in contested cases that birth parent affidavits are available which, even then, can be subject to the interpretations of their legal representatives. On the other hand, children typically do not have legal representation during adoption proceedings. The analysis of children's perspectives as assessed by the Delegate's Affidavit or s91 report and reported in the court files will be examined in another article to come.

This study also focused on the adoptions that were finalised during a specific year: 2017. This was also a year in which specific government initiatives may have influenced how adoption applications were handled. For example, a means-tested adoption allowance was introduced in mid-2017. Further, NSW Government invested in the Adoptions Transformation Program to progress outstanding adoption applications and to propose avenues to streamline the adoption process. It is possible that such initiatives may have changed how casework was carried out and the nature of the adoption applications, meaning some of the cases from 2017 may not be reflective of earlier years. Nonetheless, the NSW Government is prioritising open adoption over long-term foster care as a form of permanency for children, so it is possible that 2017 provides an indication of how adoption applications will evolve as adoption practices continue to align with the reforms of recent years.

Further research is also needed to provide a longitudinal focus on the lived experiences of children, birth parents and adoptive parents with respect to post-adoption

contact, especially in understanding whether the arrangements set out in adoption plans are enacted and sustained after an adoption order is made and, particularly, whether children view this contact to have been in their best interests as their capacity to understand their adoption experience develops. Future research on open adoption in Australia is needed because practices in NSW are unique compared with the rest of the world and it is important to understand how such practices can best promote children's development and wellbeing.

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Table 1

Characteristics of the Children in the Adoption Case Files

Characteristic	Details (% of children)
Age at removal	<p>$M = 7.7$ months ($SD = 14.6$)</p> <p>Range: birth to 7 years</p> <p>76% were removed before the age of 1</p>
Age at application	<p>$M = 4.9$ years ($SD = 4.1$)</p> <p>Range: 1 month to 18 years</p> <p>56% of children were aged under 5 at the time of application</p>
Age at adoption	<p>$M = 7.2$ years ($SD = 4.1$)</p> <p>Range: 21 months to 20 years</p> <p>28% of children were aged under 5 when adoption order was made</p>
Gender	<p>47% Female</p> <p>53% Male</p>
Cultural background	<p>66% Anglo-Australian</p> <p>31% from Culturally and Linguistically Diverse Backgrounds</p> <p>3% had Aboriginal heritage, but either the child or their birth parent(s) did not identify as Aboriginal</p>

Figure Captions

Figure 1. Patterns of birth parents' attendance at contact visits prior to the adoption order.

Figure 2. Minimum number of birth parents' post-adoption contact visits per year specified in the adoption plan.

Figure 3. Birth parents' disengagement, positive views and negative views of post-adoption contact plans relative to pre-adoption contact arrangements.