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Adoption is a highly emotive issue, and there is no doubt that these emotions have been reinvigorated by the passing of the Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014. It has done a great deal to *put back* the needs and interests of any child in the care of the Department as it shows contempt for the child's place in the natural family and withdraws significant protections that were afforded the child and its family by the role of the Court. We are hopeful that your proposed Bill will ameliorate these concerns by acknowledging that the best interests of any child are met by his or her family of origin except where family dysfunction is intractable.

Where a family experiences difficulties and the child is taken into care, it is imperative that a wide range of family supports are provided in a timely way and for a period of time that demonstrates that the State is truly committed to the reunification of the family. These services must include at least the following as appropriate: family violence counselling; psychological assessment or treatment; alcohol or drug testing, assessment or treatment; appropriate domestic and parenting support which should include financial support, housing, and medical interventions and parenting classes that will assist the family to overcome the pressures that have led to their child being removed. These are all services that the Court was able to order and that the current legislation limits severely.

To this end we believe that a number of first principles apply. These include that adoption should be a last option for any child who is in the care of the State. Children in this category have a relationship with their family that should be respected and supported. Adoption permanently severs the relationships within the family and currently results in the provision of a false birth certificate. There are sufficient other ways to provide for the permanent care of a child in an alternative family, without further disenfranchising that child by removing its identity and denying or diminishing its relationship with its family.

Second, the role of the Court is essential as an oversighting body and as a way of ensuring that the Department does not exercise unfettered discretion. This is particularly important as there is a reasonable expectation that the Department should work with and engage any parent to the fullest extent possible in their efforts to support a child's return to home. Given the ongoing and parlous state of the financial support the Department receives from successive governments, it is important that this

obligation is enshrined in legislation as it provides some legislative obligation to fund the support of families adequately.
Third, where the Department has been unable to provide the appropriate supports, it is beholden upon it to ensure that no out of family placement is made permanent.
Fourth, given the under-resourcing that has been endemic for the Department over many years, and given the time that families reasonably take to make the necessary changes to adequately provide for a child, it is very important that an artificial timeframe, in this case 24 months, not be imposed which could be to the detriment of the child and the progress that the family is making towards return to home.
Fifth, where a child is placed in out of home care (whether in a family or residential care) it is essential that access arrangements are designed to enhance the relationship between the child and natural family. A requirement such as providing for four contacts per year can only be interpreted as being a way of ensuring that return home is unlikely. Further, where a permanent placement is made, it is still a critical aspect of a child's development to know and have meaningful contact with their family of origin. This cannot be achieved with contact being limited to four visits and as the legislation currently stands, it is '*no more* than four visits', so placement families or DHHS can organise to ensure there are even fewer than four contacts.
Sixth, it is a fundamental right of children that they be allowed certainty of contact with their parents and legislation around permanency must hold this as a guiding principle.
On other matters, not directly first principles, we make the following comments. So much of the 2014 Children Youth and Families Amendment Act seems to be directed towards reducing the State's responsibility for the needs and support of children whose families are experiencing difficulties. It appears to be a deliberate attempt to make children available for adoption or permanent care with the desired outcome being the reduction of expenditure by the State. This is alarming for a number of reasons. It is more than evident, over many years, that even where a child is placed in some form of permanent care, there are ongoing needs that do not evaporate simply because the State has stepped away and provided 'permanency'. Either the natural family or the alternative family will be in need of ongoing support in many instances. Adoption and permanent care does privatise the cost of raising a child, but that can often mean that the child's needs are not met. Excluding the natural family from an ongoing relationship so often leads to grief, dislocation and trauma and is now widely understood as a primal wound. The consequent costs to the State of the dysfunction this generates in young people needs to be taken into account when we consider the 'costs' of a legislative approach that assumes that privatisation will reduce the costs to the State.

Minister Mikakos stated that "there is no intention to return to [past practices]" but the emphasis on adoption and its priority place in the hierarchy of options suggests a return by stealth to obtaining children from troubled families for adoption. The 2014 Amendment Act confirms the approach of past practices by:

- removing the Court's right to oversee the Department's work and to adjourn cases
- removing the Department's obligation to consult with parents
- stripping parents of guardianship rights
- removing the obligation of the Department to do everything possible in order to achieve reunification
- allowing the Department unfettered and unscrutinised guardianship
- limiting the time that troubled families have to make the changes necessary for the return of their children

We appreciate Minister Mikakos' assurances about avoiding a return to the past and hope that these pernicious elements in the current Act will be repealed.

Jo Fraser, Lily Clifford and Dorothy Kowalski
Committee Members
ASSOCIATION OF RELINQUISHING MOTHERS (VIC) INC