

GOVERNMENT RESPONSE TO THE REVIEW OF THE DOMESTIC ADOPTION PROCESS IN THE ACT



ACT
Government

Presented by
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Introduction

On 3 August 2016, the ACT Legislative Assembly agreed to a motion that established a cross-directorate Domestic Adoptions Taskforce (the Taskforce) to identify issues and make recommendations about the timely and appropriate completion of the adoption process, to further enhance permanency for children and young people under *A Step Up for Our Kids: One Step Makes a Lifetime of Difference (Out of Home Care Strategy 2015-2020)*.

The Taskforce was informed by a six-week public consultation process. This was supported by a discussion paper that was developed to guide respondents.

Twenty-nine submissions were received from people who have been adopted, adoptive parents, birth parents, academics and community organisations.

In addition to research and public consultation, the Taskforce:

- mapped the adoption process and common delay points;
- identified discrepancies between statutory timeframes and realistic timeframes;
- recommended improvements at a system level; and
- recommended the exploration of wider legislative and policy issues in the adoption process that may provide greater flexibility while improving the timeliness of the process.

This work culminated in the *Final Report: Review of the domestic adoption process in the ACT* (Final Report) that reflected the views, expectations and experiences of the community regarding timeliness in the adoption process. The Final Report made six recommendations.

On 16 February 2017, the Final Report of the Taskforce was tabled in the ACT Legislative Assembly. The Final Report was publicly released on 16 February 2017 and can be located on the Community Services Directorate (CSD) website.

Government Response to the Review

Adoption is a defining moment in the life of a child, birth parents and the adoptive family. It is a sensitive process that takes time to ensure adoption is in the best interests of the child or young person, and the rights of all parties involved are upheld. The Government acknowledges that opportunities exist to better ensure timeliness in the adoption process.

The Final Report makes six recommendations for the improvement of system level and operational responsiveness to the adoption process, as well as other issues for further consideration.

The ACT Government has agreed, in full or in principle, to all of the report's recommendations.

The recommendations will need to be successively implemented, as a number will require long-term planning, cross-directorate coordination, extensive consultation and have multi-year implications.

Implementation of two recommendations has already commenced to improve communication and the availability of information online.

Recommendations

Recommendation 1

That the Community Services Directorate establishes a communication plan to identify key stages where communication with all parties should be supported.

Government response: agreed.

The Government recognises that communication breakdown between parties involved in the adoption process contributes to delays. Establishing a communication plan to ensure continued contact, information sharing and progress reporting will reduce the frustration currently felt by many people involved in the adoption process and will prevent unnecessary delays.

The Community Services Directorate has commenced work to develop and finalise a communication plan and better support communication with all parties.

Recommendation 2

That the Community Services Directorate improves the availability of information online about the domestic adoption process.

Government response: agreed.

The Government recognises that the availability and accessibility of information about adoption and the adoption process will contribute to increasing understanding of adoption in the ACT and the complexities that may occur.

The Community Services Directorate is currently undertaking work to improve the substance and availability of information online about the domestic adoption process. Information around timeframes, assessments and court processes will be included.

Recommendation 3

That the Community Services Directorate, with the support of the Justice and Community Safety Directorate, explore dispensation of consent provisions in the *Adoption Act 1993* to allow the ACT to better respond to the complexity of out of home care circumstances.

Government response: agreed.

The Government recognises that adoption legislation may not always respond to the complex circumstances of children and young people in out of home care. Implementing this recommendation will respond to the changing and unique circumstances of children in out of home care who participate in the adoption process.

The exploration of dispensation of consent requirements will require significant consultation with a range of stakeholders and the community, including the ACT Human Rights Commission. The Government must also consider the balance of rights between children, birth families and adoptive parents.

The Community Services Directorate will work with the Justice and Community Safety Directorate to progress this recommendation given possible implications for human rights and the intersection with ACT Government's legal processes for adoption, including court processes and procedures of the ACT Supreme Court.

Recommendation 4

That the Community Services Directorate supports the provision of specialist resources within Child and Youth Protection Services to improve the assessment process and delivery of adoption services and support with, and between, government directorates and the community sector.

Government response: agreed in principle.

The Government acknowledges that resourcing constraints within Community Services Directorate can affect the timeliness and responsiveness of the adoption process. This issue will be considered in the broader context of Community Services Directorate resource allocation and future budget processes.

Recommendation 5

That the Community Services Directorate continues to transition the delivery of permanency support services to the community sector, as outlined under *A Step Up for Our Kids: One Step Can Make a Lifetime of Difference (Out of Home Care Strategy 2015-2020)*.

Government response: agreed.

The Government continues to support the implementation of the five year reform strategy *A Step Up for Our Kids*. The Government recognises that the timely completion of adoption enhances permanency for children in out of home care, a key driver of *A Step Up for Our Kids*.

Community Services Directorate will continue working with ACT Together to increase community capacity to undertake adoption processes and practices. This will include training and support around assessment, support services and court requirements.

Recommendation 6

That the Justice and Community Safety Directorate, with the support of Access Canberra and the Community Services Directorate, explore integrated birth certificates to better support the recognition of both birth parents and adoptive parents and maintain the identity and heritage of children who are adopted.

Government response: agreed.

The Government supports the need to be responsive to innovative ways to improve outcomes for ACT families.

To understand whether the introduction of integrated birth certificates is appropriate for the ACT, extensive consultation and examination of the practical implications of integrated birth certificates will be required.

The Justice and Community Services Directorate, with input and support from Access Canberra and the Community Services Directorate, will progress this recommendation to ensure that any changes to current processes better support the choices of people who have been adopted. Work will also consider possible legislative amendments to the *Adoption Act 1993* and the *Births, Deaths and Marriages Registration Act 1997*.