Changing social function of adoption
Legal provisions for adoption from care

‘Freeing’ for adoption

- Adoption NI Order 1987
- Court can dispense with parental consent to adoption
- If parents are: incapable of giving agreement; withholding agreement unreasonably; or have abandoned, neglected or ill-treated the child, or otherwise failed to discharge parental duties

Threshold criteria

- Children (NI) Order 1995 (50(2))
- Test for compulsory state intervention:
  - the child is suffering or is likely to suffer significant harm attributable to parental care
Over-arching legislation

- Human Rights Act 1998
  - Article 8:
    - ‘Everyone has the right to respect for his private and family life, his home and his correspondence.

- There shall be no interference by a public authority with the exercise of this right except…….
  - Not an absolute right
  - State can interfere if the action is:
    - necessary
    - proportionate
    - for legitimate interests
Modern ‘compulsory’ adoption

- Early authoritative intervention:
  - respond swiftly to safeguard children from maltreatment

- The Argument:
  - timeframes for decisive planning too slow; the interests of parents being prioritised over the needs of children (e.g. Brown and Ward, 2013)

- The Counter-argument:
  - disregard for structural and social explanations for maltreatment; needs of parents too readily overlooked (e.g. Bywaters, 2015).

- The Reality:
  - disproportionate removal of children from economically disadvantaged families

- The Solution?
  - Open adoption; enabling permanence and belonging in long-term foster care
The Adoption Enquiry

- **The role of the social worker in adoption – ethics and human rights: An Enquiry** (Featherstone et al 2018)
- Commissioned by British Association of Social Workers

- **Challenged** a ‘happy ever after’ risk-free narrative of adoption

- **Impact of austerity**: inadequate support for many families in poverty

- **Human rights**: ethics were not routinely used to inform adoption practice.

- **Support for adoptive parents**: ethical issues re adoptive parents being left caring for traumatised children without adequate help.

- **Imagining more open model of adoption**: may protect rights but needs support
Concurrent care (26 children)

Former foster carers (13 children)

Dual-approval (27 children)

Traditional adoption (7 children)
Adoption in Northern Ireland Today

- 73 children adopted from care in 2018/19
- Average age at last care admission 1yr 2mths
- Average time to adoption 3yrs 1mths
- Average age at adoption 4yrs 3mths
- 26% (19 children) had special needs or a disability.
- 42% (31 children) adopted as a sibling group

Our Vision
To inspire ordinary people to make an extraordinary difference
The Adoption Barometer (Adoption UK, 2019)

- 56% of established families are facing significant or extreme challenges
- 65% of parents experienced violence or aggression from their child during 2018
- 70% feel that it is a continual struggle to get the help and support their child needs
Therapeutic support for adoptive families

- E.g. The TESSA project

- Supporting families
  - not ‘fixing’ children

- Caring for adoptive parents
  - ‘fit your own oxygen mask first’

- Services for children
  - normal responses to abnormal experiences

- Training for teachers
  - making school a safe base for learning
Open adoption in Northern Ireland

- “It appears to us that where such contact is likely to benefit the child, it should only exceptionally be denied”
  - (Re J L-P’s Application [2004] NICA 35)

- Adoptive parents and social workers expressed concerns about the automatic assumption of facilitating direct contact at this frequency given the context of inadequate support services.’
  - (Featherstone et al, 2018)
UK regional variation in birth family contact

- Wales: (Meakings et al, 2018)
  - plans for contact - questionnaire to 96 adoptive parents
  - letterbox – all but one
  - face-to-face birth parent contact – none
  - face-to-face sibling contact - 24% of those with siblings elsewhere

- England: (Neil et al, 2018)
  - actual contact - questionnaire to 319 adoptive parents
  - letterbox – 66%
  - face-to-face birth parent – 3%
  - face-to-face sibling - 25% of those with siblings elsewhere
International similarities

**Northern Ireland**
- Contact Order possible but rarely used
- ‘voluntary’ agreement – usually between four and six visits a year
- Questionnaire to 93 adoptive parents
  - letter box – 52%
  - face-to-face birth parents – 65%
  - face-to-face with sibling – 53%

  (MacDonald, 2017)

**New South Wales**
- Children typically adopted by current foster carers
- Adoption plans must include details of contact arrangements, - a legally enforceable contract.
- Contact orders usually specify four face-to-face contact visits a year

  (see e.g. Luu et al, 2018)
Contact as family practices (Morgan, 2011)

- Kinship is made and maintained through everyday activities
- The nature of contact should reflect the nature of the relationship
- What arrangements will facilitate the development of family-like relationships?
Contact as family display (Finch, 2000)

- ‘These are my family relationships and they work’

- Whose photos are on the wall?

- What do the individuals call each other?

- How do they talk about and to one another?
Dynamic over time

- Consider the long view
- The role of kin-keepers
- Intersecting developmental trajectories
- Building in flexibility
Who do adopted children in NI have contact with?

<table>
<thead>
<tr>
<th>Relation</th>
<th>Indirect contact</th>
<th>Direct contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth parent</td>
<td>0</td>
<td>60</td>
</tr>
<tr>
<td>Adult relative</td>
<td>17</td>
<td>22</td>
</tr>
<tr>
<td>Sibling</td>
<td>37</td>
<td>54</td>
</tr>
</tbody>
</table>
Support for contact

- Counselling or therapeutic support: 31
- Direct support to child: 35
- Helping with relationships outside of contact: 37
- Co-ordinating letter exchange: 40
- Help to manage risks: 49
- Helping with relationships during contact: 49
- Practical assistance: 54
- Acting as go-between to resolve difficulties: 56
- Worker attends contact meetings: 57
- Supervising contact: 57
- Reviewing arrangements: 60
- Help with making contact arrangements: 66
Benefits of contact

**Helps children make sense of their situation**

- “there are no secrets, there is no intrigue… they don’t fill in the voids with fantasy information.“

- "it debunks the whole myth that birth mum is this perfect person… she gets to see birth mum warts and all.“

**However…**

- “Creates an illusion that the birth father would be kind, caring and capable of looking after them. Contact visits… are made up of fun, treats and presents, what child doesn't want these. But creates illusions of birth family life.”
The practical challenges of contact

It is difficult when birth relatives do not turn up for contact or change plans at the last minute

I am happy with how often contact takes place

Having contact puts more pressure on my family than not having contact*

Agree  Disagree
Multiple contact arrangements

- Most families had contact visits twice a year, but 28% (26) had more frequent meetings, up to twelve times a year.

- 18 children had separate plans for face-to-face contact with different birth relatives.

- Siblings created by adoption - in 28% of the families (26) there were 2 or more adopted children who were having contact.
Complex contact arrangements

“my two children, who are siblings, and then their other two older siblings and then birth mum and dad as well as post adoption worker, myself, another adoptive father and a foster mum all have to arrange a suitable date and venue! This is very hard...“
Managing relationships

- “Trying to make conversation with people I didn't know and had very little in common with.”

- "Birth parent was happy to just watch our child rather than initiate play, despite our best efforts.”

- “Generally the children are happy to check birth parents... are ok and happy to leave again.”
Sibling placed apart

- “Siblings are reassured when they see each other. It allows them to bond and maintain relationships which they can continue into adulthood.”

- “Aware of a massive difference in their lives.”

- “This is who my child looks up to and he is now misbehaving”
"Our children have the same birth mother but different birth fathers and they have both had two very different experiences of birth mother. Our son was more or less rejected from when he was born, but our daughter was put on a pedestal and very much given anything she wanted... At the very first contact... it was horrendous and the birth mother was all over our daughter and the son he just... said he never wanted to see her again."
Negotiating social media

- “Our children are all over the internet (with a statement saying) they have been forced into adoption“.

- “this led to my son being recognised by friends in our neighbourhood who put two and two together and now realise who his birth mum is which was his private business“.

- "it’s the child’s right whether her photographs should be online or not and it’s nearly a violation of her rights”
The emotional impact of contact on children

I worry that this contact may be doing my child more harm than good*

It takes my child a long time to settle after having contact

Seeing/hearing from his/her birth family upsets or confuses my child*
Need for trauma-informed services

- "Our daughter gets so very over-excited before it and so very anxious and insecure afterwards, it takes a huge toll on the whole family."

- "My child has been so undermined in his progress in becoming secure and becoming part of our family due to the contact with his birth mother... everytime we bring him to see his birth mother he becomes incredibly confused about who will care for him long term - it has taken four months to regain his trust after the last contact and in this time his whole life has been in turmoil with lots of regression."
Need to understand children’s perspectives

- “Birth mum smothers my son in affection... she follows him around telling him she loves him & trying to kiss him constantly, he is so uncomfortable with it but much too nice a child to tell her to stop.”

- "She (child) used to remark when contact was due 'I wish I had a broken leg and didn't have to go'."
Need for empowering practice

- I am unsure whether or not my child benefits from contact at all, but feel pressurised to continue.

- We always maintained that our child was upset by contact but were told that the birth mother could go to court and insist on having contact. We were advised that contact was highly recommended and would be best for our child.

- Don’t force it on families. Social workers get to go home after contact, we get to take a disturbed child home and deal with their nightmares.....but the SW gets a good night sleep!!
Adopters’ suggestions for family-focused support

- Ongoing support for birth parents after adoption
- Help everyone prepare for contact
- Establish clear rules for visits
- Be a ‘strong presence’ during visits
- Debrief after contact
  - “You just sometimes think I wish I could talk to somebody about how it makes me feel.”
- Provide counselling or therapeutic support for children
Suggestions for family-focused practice

Before contact
- Preparing the adults
- Planning the arrangements
- Preparing the children

The visit
- Facilitating interaction
- Maintaining boundaries

After contact
- Support the adults
- Planning for next time
- Supporting the children
I would get upset after seeing her... because she was on her own and I was worrying about her.

The positives of contact?...... Just knowing that she is ok.
In conclusion…

- "Hypothetically, it is a good thing, I think in practical terms it is very, very complicated."

- “We view it as necessary and important; but not always easy.”
References

- McFarlane, Sir Andrew, Lord Justice of Appeal, (2018) Contact a point of view, *Fam Law* 687
- McFarlane, Sir Andrew (2017) Bridget Lindley OBE Memorial Lecture 'Holding the risk: the balance between child protection and the right to family life' *Fam Law* 610
- Neil, E. (2018) Rethinking adoption and birth family contact: is there a role for the law? *Fam Law* 1178