

CHILD PROTECTION RESPONSES: NO EASY CHOICES

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The conclusion drawn in the primary article by Stephen Gay is that a ‘blanket approach to adoption’ is unlikely to result in the best outcomes for all children in need of care. I strongly support this argument and, in this response, am basing my comments on my reflections and observations of the delivery of ‘out of home care’ (‘OOHC’) services over many years. A core intent of the practice and teaching in social work is to achieve optimal outcomes for children and families in terms of their development, to pay attention to social justice and meeting of needs, and to address trauma and disadvantage. In child protection, which now operates under the pressures of a risk averse context, funding constraints and public scrutiny, the likelihood of achieving optimal outcomes is often compromised.

It would be convenient if simple solutions were available. However, we cannot lose sight of the complexities inherent in all situations in which children require alternative care arrangements, nor of the high incidence of children and young people who seek to return to their families of origin on leaving OOHC services. One of the fundamental challenges present in the child protection system over the last forty years has been the lack of options for the support, care and development of those children who are unable to remain in their family home; and I wonder if we are ever going to see a resolution to this state of affairs. It is not just a funding issue, it is an issue of public will, of attitude towards those who are most disadvantaged in our community and of preparedness to offer non-standardised care options.

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I MAGICAL THINKING AND THE URGE TO BLAME

The public and regulatory responses to children who are in circumstances of neglect and/or abuse are regularly reported in the media, and have been for several decades now. As a social worker with an interest in child development, I am constantly concerned by the apparently simplistic attitudes expressed in the media and by the public in general. In addition, the desire to cast blame is concerning. There is blame placed on authorities when children have been removed and are negatively affected by their experiences in care, as well as when they are not removed and have sustained injury or death at the hands of those who are charged with their care. The fact that every human society contains individuals who are unable to competently parent or whose reaction to difficulties is to commit aggressive and violent acts, is disregarded. There is some sort of magical thinking going on which leads to the false belief that outcomes for children can be anticipated and prevented, which is not a realistic expectation. No one, for instance, could have predicted the outcomes for Stephen Wilkshire,¹ the autistic savant in London. Rather, we work with likelihoods² and can see the antecedents of poor outcomes in retrospect. While we can learn from this, that is not the same as being able to decide, with absolute confidence, how to respond to subsequent cases. The uniqueness of a child and his/her family's circumstances and, in particular, the child's personal characteristics³ must be taken account of too. Also frequently disregarded is the fact that all interventions, regardless of intent, have consequences; and removing children from abusive parents does not always deliver the outcomes we desire, albeit that the child usually remains alive. What we need is to avoid blame and, instead, create a web of integrated responses to support parents and their children, and to ensure as many children as possible remain safe.

It is no surprise that the courts are frustrated by the lack of options provided to families and children, though this is not for want of professional 'imagination' on the part of those working in the OOHC sector. As identified in the primary article, high profile cases can precipitate change, but sometimes this results in calls for a further 'single option' approach — reflecting the yearning for a simple and sound answer to the dilemma —

¹ See: <<http://www.stephenwiltshire.co.uk/biography.aspx>>.

² Rhys Price-Robertson, Diana Smart and Leah Bromfield, 'Family is for Life: Connections between Childhood Family Experiences and Wellbeing in Early Adulthood' (2010) 85 *Family Matters* 7 Melbourne: Australian Institute of Family Studies, Commonwealth of Australia. Retrieved from <<https://aifs.gov.au/sites/default/files/fm85b.pdf>>.

³ Rebecca L Shiner and Ann S Masten, 'Childhood Personality as a Harbinger of Competence and Resilience in Adulthood' (2012) 24 *Development and Psychopathology* 507-528.

rather than the demand for care arrangements that are tailored to the needs of children and young people and their family circumstances. The issue is one that is highlighted in the forthcoming December 2015 Issue of the *Children Australia* journal, in which professionals and academics alike highlight the need for strongly integrated responses that are developed as a result of a thorough assessment of need and a recognition of the diversity of needs that must be met.

II ONE SIZE DOES NOT FIT ALL

While the primary author suggests that the statutory child protection system is not a one-size-fits-all system and individual responses to children are required, I would argue that child protection systems in Australia have a distinct tendency to operate precisely as a one-size-fits-all. There is a plethora of regulatory requirements and timelines to be met, the system is chronically understaffed, the professional training of child protection workers and those providing care in the OOHC sector is frequently inadequate, and the nature of the challenges presented continues to escalate.

Standardised responses to child protection cases that can be predicted and costed, and take as little time as possible to implement, have been the basis for development in the sector. It is the individual professional who battles to create circumstances that are responsive to children and families and who wears the stress of trying to cater for individual needs. Being reliant on volunteers as carers, whether kin or not, is proving to be a dangerous position and, if governments are aware of these shortcomings, my question is why is priority not being given to the creation of a range of more appropriate options for families and children? What barriers, lack of knowledge, political disregard or other issues are getting in the way of what is established knowledge in the OOHC sector?

III ADOPTION

Adoption, in particular, presents some complex challenges. The author notes that adoption provides a new family and identity — a change to identity — but this is also known to result in confusion and competing identities for some children. The comparatively recent approaches to open adoption and permanent care include some form of engagement with family of origin, with children aware of their antecedents and the choices and decisions that adults have made on their behalf. Making the decision to pursue an adoption or a permanent care arrangement also involves consideration of temporal issues.

Doing it quickly, as identified in the primary article, is not always possible, but taking a long time has consequences for children too. Multiple moves of children between foster families is not helpful in developing attachment or resilience and leads to chronic trauma; but failing to spend the time needed to intimately know and understand the child in his/her context can result in poor placement matching regardless of the nature of the care being provided. An introverted child, for instance, is not well served in a household of strongly extraverted people; children with special talents are not well served by contexts in which their interests or talents are dismissed or go unheeded. In addition, the role of significant relationships in human development cannot be underestimated and there is longstanding and strong evidence that children do much better when they have ongoing access to significant relationships throughout their development; preferably a few relationships that are consistently maintained.

While Sammut is identified as suggesting adoption as a panacea to the failings of child protection systems,⁴ what is needed is consideration of the events that occur much earlier in the lives of children who present as child protection cases. We know much about the nature of the parenting, care and disruptions to child development that are common elements in the history of these cases. We know about the neurological changes that occur as the result of trauma and the long-term nature of the care needs of these children.⁵ What is not being brought to attention is the need for much stronger universal services for families and children that offer integrated, community-based support, child care and respite options, parenting and health-related responses on a local level. Instead we wait until there are reports of serious concern before engaging with families who have long been isolated and disconnected, and are unresponsive to authoritarian interventions.

Justice Palmer's approach to seeing adoption as complementary to other forms of care and the comment that 'no general rule can be applied'⁶ is an enlightened position and counters calls for targets for adoption to be set.

⁴ See Part I of the primary article by Stephen Gay, this volume.

⁵ Stephen W Porges, 'Making the World Safe for our Children: Down-regulating Defence and Up-regulating Social Engagement to 'Optimise' the Human Experience' (2015) 40(2) *Children Australia* 114; Allan N Schore, 'Plenary Address, Australian Childhood Foundation Conference, Child Trauma: Understanding the Basis of Change and Recovery: Early Right Brain Regulation and the Relational Origins of Emotional Wellbeing' (2015) 40(2) *Children Australia* 104; Jenni Southwell, 'Using "Expressive Therapies" to Treat Developmental Trauma and Attachment Problems in Preschool-aged Children' (2015 forthcoming) 40(4) *Children Australia*.

⁶ *Application of A: Re D* [2006] NSWSC 1056 [47].

Targets associated with numbers of children adopted and associated financial incentives have little to offer in terms of establishing better outcomes for children and it is concerning that Australia so often looks to American policies and services rather than to the much longer established social pedagogical approaches, universal services and approaches used in Europe and the Scandinavian countries indicated in the work of Berg, Bosscher and Vink.⁷ An exception is the report produced by Price-Robertson, Bromfield and Lamont,⁸ but to date it has not attracted significant attention.

The author's remark in the closing stages of the primary article that there are alternatives that have been demonstrated internationally that offer alternatives to 'stark choice[s]' is one that needs to be heeded. If we are to achieve the status of a truly clever country, it is time Australia stepped up to the challenge of establishing creative and innovative options for children in need of care and their families; and there is no time like the present!

⁷ Tijne Berg-le Clercq, Nynke Bosscher and Caroline Vink, *Child Welfare in Europe* (2012) Nederlands Jeugd Instituut <<http://www.youthpolicy.nl/yp/downloadsyp/downloadsyp-Child-welfare-in-Europe.pdf>>.

⁸ Rhys Price-Robertson, Leah Bromfield and Alister Lamont *International Approaches to Child Protection: What can Australia Learn?* CFCA Paper No. 23 (2014, Melbourne: Australian Institute of Family Studies, Commonwealth of Australia).
<<https://aifs.gov.au/cfca/sites/default/files/publication-documents/cfca-paper23.pdf>>.