SECTION 1: CASEWORK PRACTICE

MONITORING CARE AND PLACEMENTS AND REVIEWING CASE PLANS PRIOR TO THE ADOPTION ORDER
BENCHMARK POLICY 1.11

There is timely and sensitive monitoring, including post placement supervision, of the care and the placement prior to the adoption order being made to ensure the placement meets the best interests of the child. For intercountry adoption, there is provision for meeting the requirements (if any) of specific countries for post adoption order reporting.

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1 POLICY STATEMENT

To meet the standard an adoption service provider is expected to develop policies and procedures for monitoring the care and placement prior to the adoption order being made, and when required provide practice evidence of their implementation.

Pre-adoptive care
Pre-adoptive care in NSW is provided by designated agencies subject to accreditation and monitoring by the NSW Office of the Children’s Guardian under the Children and Young Persons (Care and Protection) Act 1998. Refer to NSW Out-of-Home Care standards and benchmark policies 2.1 ‘Recruitment and selection of authorised carers’ and 2.2 ‘Carer training’ at www.kidsguardian.nsw.gov.au for more information. An accredited adoption service provider does not need to become an accredited out-of-home care service provider in order to arrange pre-adoptive care. However it must have links to an accredited designated agency that arranges pre-adoptive care.

Children entering pre-adoptive care and their birth families are entitled to expect that their placement will be well managed and have a planned transition to an adoptive placement or be returned to their parent’s care. Their placement needs to be planned and based on individual needs as identified in the initial assessment process. The subsequent development of case plans for adoption or return to parent’s care are essential in terms of ensuring ongoing needs are met.

However, it is unrealistic to expect that these needs will remain static. As with all children, these needs change according to developmental gains as well as changes in circumstances. In order to confirm that adoption remains relevant to the child’s best interests, it is necessary to monitor placements and review case plans for adoption. This is an essential part of the ongoing care and support required in casework practice. An adoption service provider is expected to have policies and procedures in place regarding monitoring and review. (For further information on case planning refer to adoption benchmark policy 1.2 ‘Case planning’).
The frequency of monitoring and reviews will depend on the individual case, including any special needs of the child. In general, case plans will require reviews less frequently than the ongoing monitoring of placements.

The monitoring of placements focuses on the daily care of the child. It centres on the use of appropriate strategies, which encourage positive care environments that nurture physical, emotional, religious, cultural, health, educational and intellectual development. Monitoring gives the adoption service provider an opportunity to verify that pre-adoptive carers are effectively meeting the needs of the child.

A caseworker should be allocated for each child in the care of pre-adoptive carers and be accessible to carers to provide information and advice on the care of children. Carers may find different kinds of supervision and support beneficial, including telephone, home visits, meetings with other carers, group discussions, and/or seminars. A child who is old enough to express him or herself (from approximately three years of age) should be given the opportunity to speak with the caseworker alone and infants should be observed in interaction with the carer to help determine if their needs are being met. An adoption service provider’s policies and procedures for monitoring pre-adoptive placements should outline:

- the purpose of the adoption service provider’s supervision and support;
- the timing of contacts;
- the nature of contacts;
- the venue;
- the reporting processes; and
- processes to be followed in the event of placement breakdown.

An adoption service provider also should develop specific guidelines for caseworkers monitoring placements and providing support to carers that include:

- meeting legal requirements;
- the placement experience;
- child development;
- child behaviour;
- bonding and attachment;
- parenting;
- attitude to the child’s family and contact with it;
- accessing services to meet the child’s needs;
- changes to the carer’s lifestyle or relationships; and
- reactions of the extended family and others.

Where difficulties occur in the placement, an adoption service provider should provide strategies and support to assist the pre-adoptive carer and the child. While placement breakdown can occur as a result of difficulties in the relationship between the carer and the child, it can also result from other factors affecting the carer’s life. Regular contact with the carer can encourage intervention before any placement breakdown. For further information on dealing with difficulties that may occur in the placement refer to NSW Out-of-Home Care benchmark policy 4.3 ‘Complaints and appeals’ which is available at www.kidsguardian.nsw.gov.au
Maintaining relationships with parents and birth family members is important for the child in pre-adoptive care, as these children are likely to be either returning to their parent’s care or adopted. Establishing positive patterns of contact early may encourage parents to maintain contact if the child is adopted. Contact can also provide a way of maintaining links to a child’s cultural heritage. An adoption service provider should have policies and procedures for formulating plans for each child’s contact with parents and family members that includes:

- the way contact is negotiated;
- the contact arrangements;
- resources needed to support contact arrangements; and
- any supervision and safety needs.

It is important that the contact plan and its course are documented in such a way that they are accessible at some future date to the parties, including the child.

**Post-placement supervision**

Once a child has been placed for adoption, there are adjustments for the child, adoptive parents and other family members. This applies to both domestic and intercountry adoption. Children are entitled to have their needs met and it is the responsibility of the adoption service provider to monitor placements to confirm they are meeting the needs of children. Adoptive parents may need support in adjusting to their role as adoptive parents and assistance with a range of challenges and changes.

An adoption service provider should have policies and procedures for a caseworker to be allocated for each child placed for adoption and to be accessible to adoptive parents to assist with providing support, supervision, information and advice if required. Adoptive parents may find different kinds of supervision and support beneficial, including telephone, home visits and contact with other adoptive parents. The frequency and type of contact will be individually determined, based on the situation of the adoptive parents, the needs of the child and the complexity of the placement. Contact should be sufficient to provide effective support and monitoring yet not be intrusive. A child who is old enough to express him or herself (from approximately three years of age) should be given the opportunity to speak with the caseworker alone, while infants and toddlers should be observed in interaction with the adoptive family to help determine if their needs are being met.

An adoption service provider’s policies and procedures for providing post-placement supervision to adoptive parents and for monitoring the placement should outline:

- the purpose of post-placement supervision and support;
- a timely program of planned follow-up contacts;
- the nature of contact;
- the venue;
- reporting processes, including the requirements for providing post-placement reports to an overseas adoption authority;
- the timing for finalisation of an adoption order, when required; and
- processes to be followed in the event of a threatened disruption of the placement.
An adoption service provider is also expected to develop specific reporting guidelines for caseworkers providing post-placement supervision and support to adoptive parents which include:

- meeting legal requirements;
- the placement experience;
- child development;
- child behaviour;
- bonding and attachment;
- parenting issues;
- open adoption issues, attitude to the child’s birth family and any adoption plan;
- accessing services to meet the child’s needs;
- changes to the adoptive parents’ lifestyle or relationships;
- reactions of the extended family and others; and
- adoption processes.

An intercountry adoption service provider also must have policies and procedures aimed at meeting the requirements for the preparation and timing of post-placement reports to overseas adoption authorities, including after an adoption order has been made.

After the placement of a child, adoptive parents benefit from contact with other adoptive parents especially with experienced adopters. An adoption service provider should have policies and procedures for encouraging adoptive parents to link with others or with adoptive parent support organisations.

A critical incident is an incident, whether intentional or not, that has some significant impact on the child. The incident may also involve a member of the child’s birth or adoptive family or a member of staff of an adoption service provider or another agency. Critical incidents can be determined by their seriousness and the fact that they require immediate, sensitive and well-managed intervention. (For further information refer to the Office of the Children’s Guardian's draft issues paper Developing a critical event management policy: information for designated agencies and to Out-of-Home Care benchmark policy 4.3 ‘Complaints and appeals.’) An adoption service provider should have policies and procedures for effectively managing critical incidents that include:

- face-to-face contact with adoptive parents and the child (if possible and appropriate) as soon as possible after the incident;
- processes for the child and adoptive family to access counselling or other services; and
- the opportunity to debrief by all of those involved.

Openness in adoption¹ and ongoing relationships with family members are in a child’s long-term best interests, and to help facilitate these, an adoption service provider is expected to have policies and procedures for formulating an adoption plan² for each child. An adoption plan has a particular meaning under the Adoption Act 2000.

¹ Section 7(g) of the Adoption Act 2000.
Adoption Accreditation Benchmark Policy Statement

Standard 1.11 Monitoring care and placements
and reviewing case plans prior to the adoption order

Act 2000 and can be part of the adoption order. It deals with specific matters relating to the adoption of the child that include:

- participation of an age-appropriate child in planning;
- the contact arrangements, which involve the child;
- any supervision and safety needs;
- the way contact is re-negotiated;
- how the child’s cultural identity will be assisted and links maintained to his or her cultural heritage; and
- financial or other assistance to support the parties to the adoption.

During the placement process the initial proposal for an adoption plan will have been discussed and agreement sought from the adoptive parents, age appropriate child and birth family members. During the post-placement period the contact arrangements will be supported and monitored by the caseworker. This will contribute to further development and finalisation of the adoption plan.

The adoption plan should reflect how the contact may develop over time according to the needs and wishes of the child and each of the other parties to the adoption. When parents are not able to have contact with the adoptive family in either a domestic or intercountry adoption, an adoption plan can demonstrate the adoptive parents’ commitment to openness, commitment to preparing regular news and photos for the birth family, a willingness to accept future requests for contact and outline how the child’s cultural identity will be assisted and links made to his or her cultural heritage.

The adoption service provider should negotiate any changes to the adoption plan, if necessary, before it is signed by the parties and registered or filed as part of the adoption application at the Supreme Court. Where the adoption service provider is a party to the adoption plan it should demonstrate its commitment to the plan by being pro-active in facilitating information exchange, contact, awareness of cultural heritage or financial or other assistance. It is important that the plan and how the arrangements proceed over time are documented in such a way that they are accessible to the parties, including the child, in the future.

Reviewing case plans and disruption

It is unrealistic to expect that children’s needs will remain static. For children placed for adoption, these needs change according to developmental gains as well as changes in circumstances. In order to confirm that the adoptive placement remains in the child’s best interests, it is necessary to monitor the placement and review the case plan if there are concerns or any threat to the stability of the placement. This is an essential part of the ongoing responsibility of the adoption service provider undertaking post-placement supervision. (For further details on case planning refer to adoption benchmark policy 1.2).

The failure of an adoption placement usually results from a breakdown in the relationship between the adoptive parents and the child, but can also be exacerbated by other factors in the adoptive family's life. The adoptive parents may not be coping with the child’s behaviours or there may be child protection concerns. Although most studies overseas have found that adoption disruption rates are low (range between

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3 Sections 48 & 50 of the Adoption Act 2000.
1.9% and 20%), disruption can result in enormous emotional upheaval for both the child and the adoptive parents. The crisis comes on top of the considerable pre-existing adoption losses for each party and results in additional trauma.

Higher rates of disruption are usually associated with children placed at older ages or who have experienced abuse or had a number of previous placements. The ability of these children to attach, trust and feel safe has already been seriously compromised. However, studies have found that variations in breakdown rates between adoption service providers cannot be explained solely by the type of child placed, but also depend on the quality of services offered.

An adoption service provider should have policies and procedures in place to effectively manage placements under threat including:

- providing regular follow-up casework supervision and support by a trusted caseworker to encourage intervention before any placement breakdown;
- facilitating early referral to longer term therapeutic or specialist services, for example, for bonding and attachment difficulties or special needs;
- referring to adoptive parent support organisations;
- assisting families to access adoption allowances should this be required to support the placement or to access specialist services;
- utilising a case planning approach (refer to benchmark policy 1.2 ‘Case planning’); and
- participation of the child in any decision making about their future.

If a placement disruption occurs during the post-placement supervision period, an adoption service provider should have policies and procedures in place to arrange for the child’s temporary care. This provides an opportunity for a thorough assessment of the child’s long-term needs to be undertaken before an appropriate permanent placement is identified for the child. It is the responsibility of the adoption service provider to arrange the permanent placement of the child or alternatively to refer the child for placement to another appropriate adoption service provider or designated agency accredited to provide out-of-home care.

As part of the application process, an intercountry adoption service provider must give an undertaking to consult with the State Central Authority regarding appropriate arrangements for the care of the child following a placement breakdown. This follows from requirements of the Commonwealth-State Agreement for the Implementation of the Hague Convention. In order for the State Central Authority to approve the subsequent proposal for the child’s placement, the intercountry adoption service provider must provide the State Central Authority with full information, records and

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5 Ormerod, T 2004, ‘Service needs of transracial adoptive families’, Post Adoption Resource Centre, paper presented at 8th Australian Adoption Conference, Adelaide 2004, parc@bensoc.org.au
assessment reports and invite a representative to participate in the case planning process.

2 CONTEXT

The objects and principles of the Adoption Act 2000 (the Act) provide guidance and direction to people making any decisions related to the adoption of a child. In all case planning activity the paramount consideration must be the best interests of the child, both in childhood and later life, and this is paramount over the rights of the other parties.

Children are to be given the opportunity to express views freely concerning their best interests and in relation to decisions about the adoption. Their views should be given due weight in accordance with their developmental capacity and circumstances. Children are to be supported to participate in the making of decisions that may have a significant impact on their life. In line with the principle of openness in adoption, this will include maintaining relationships with people significant to them including their parents and family members. Their given names, identity, language, cultural and religious ties should as far as possible be preserved.

Under sections 75, 77 & 79 of the Act, until an adoption order is made, the Director-General is the guardian of children placed with adoptive parents in a domestic adoption program and in an intercountry program where an application for an adoption order is required in NSW. Children adopted in countries that have ratified the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the Hague Convention) or China, have their adoption orders automatically recognised by Australia. However section 79(4) confirms that even when the Director-General is not the guardian, he or she has a duty to comply with requirements for ongoing supervision and providing reports to an overseas adoption authority.

Under sections 10 and 206 of the Act, the Director-General delegates guardianship responsibilities to the adoption service provider responsible for making the adoption arrangements. These responsibilities include the care of the child, supervising and monitoring the placement and providing post-placement reports from the time the child is placed until the order of adoption is made or citizenship granted.

Part IV of the schedule of the Commonwealth-State Agreement outlines the functions an intercountry adoption service provider may be accredited for. These include ‘(i) Supervision of the placement - provide support and advice to applicants following placement’ and ‘(j) Placement breakdown - in case of placement breakdown prior to adoption orders being made, consult with the State Central Authority regarding appropriate arrangements, but the body is not to make decisions on alternative arrangements.’

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8 Sections 7-8 of the Adoption Act 2000.
9 Section 8(1)(a) of the Adoption Act 2000.
10 Sections 8(1)(d), 8(2)(a), 9(1)(b) & 9(2) of the Adoption Act 2000.
11 Section 9 of the Adoption Act 2000.
12 Section 7(g), 8(2)(f) & 101(5) of the Adoption Act 2000.
13 Section 8(1)(e) & 101 of the Adoption Act 2000.
14 Refers to the Director-General of the NSW Department of Community Services.
15 Schedule 1 of the Adoption Act 2000.
The post-placement responsibilities of an intercountry adoption service provider are included in Article 20 of the Hague Convention where it states the Central Authority has a responsibility to inform the overseas adoption authority of the finalisation of a child’s adoption and the progress of the placement.

3 DEFINITIONS

Monitoring placements
Monitoring placements is defined as the focus of contact between the caseworker, the carers or adoptive parents and the child, in order to gauge that the placement strategies remain relevant to the child’s needs.

Adoption plan
An adoption plan has a particular meaning under the Adoption Act 2000. It is defined in section 46 and sections 46-51 deal with the making, registering and reviewing of plans. An adoption plan is agreed to by two or more of the parties to an adoption and can include provisions for:

- arrangements for contact;
- the way the child is to be assisted to develop a positive cultural identity, and for links to that heritage to be fostered;
- financial or other assistance.

An adoption plan may be registered at the NSW Supreme Court and have the effect on the making of an adoption order of being part of the order.

Case plans
A case plan is any plan relating to the safety, welfare and well-being of a child, young person or their family. Case plans are developed to facilitate care and the provision of services to children and young persons in out-of-home care. There are several types of case plan including, but not limited to, care plans, restoration plans, individual service plans, leaving care plans and permanency plans (including adoption). Care plans and permanency plans are defined in legislation.

Processes by which a review should occur
Unless otherwise indicated, a review should consist of a formally constituted case conference arranged and hosted by the adoption service provider or agency having supervisory responsibility. A person who is the delegated decision maker of a supervising agency should attend the case conference. In the case of an intercountry adoption service provider where there is a disruption of the placement, the State Central Authority also needs to be invited.

17 Section 3 of the Children and Young Persons (Care and Protection) Act 1998.