



**Department of Children and Youth Affairs:  
Review of the potential introduction of  
open or semi-open adoption in Ireland**

**Submission by the Ombudsman for Children's Office  
September 2019**

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## 1. Introduction

Further to Section 42 of the Adoption (Amendment) Act 2017 (2017 Act),<sup>1</sup> the Department of Children and Youth Affairs (DCYA) is undertaking a review with regard to the potential introduction of open or semi-open adoption in Ireland for adopted children under the age of 18 years. Section 42 of the 2017 Act requires this review to include a public consultation and legal and policy analysis. In accordance with the requirements of Section 42, the DCYA is planning to lay a report on the findings of the review and consultation before the Houses of the Oireachtas in November 2019.<sup>2</sup>

The Ombudsman for Children's Office (OCO) has previously expressed the view, and continues to hold the view, that appropriate formal provision should be made for more open forms of adoption in Ireland.<sup>3</sup> The OCO therefore welcomes the current review being conducted by the DCYA. In addition to facilitating an examination of how appropriate formal provision for more open forms of adoption can be made in a manner that serves the rights and best interests of children, the current review offers an opportunity to consider how a formalisation of provision for open and semi-open adoption might usefully align law and public policy in Ireland with elements of current practice and emerging realities.

The OCO is an independent statutory body, which was established under the Ombudsman for Children Act 2002 (2002 Act).<sup>4</sup> One of the OCO's core statutory functions under the 2002 Act (as amended) is to promote the rights and welfare of children up to the age of 18 years. The OCO has prepared this submission pursuant to Sections 7(1)(a) of the 2002 Act, which provides for the Ombudsman for Children to advise any Minister of the Government on the development and co-ordination of policy relating to children, and Section 7(4), which provides for the Ombudsman for Children to advise any Minister of the Government on any matter relating to the rights and welfare of children.

In accordance with the OCO's statutory function to promote children's rights and welfare, the purpose of this submission is to briefly highlight a number of issues that the OCO believes merit careful consideration in the interests of ensuring that the DCYA's review as well as decisions and actions that may flow from it have appropriate regard to the rights and welfare of the children concerned.

## 2. Establishing a statutory basis for more open forms of adoption

At present, the legal framework in Ireland only provides for closed adoptions which sever all ties with the child's birth parents and their families. The OCO has previously recommended that

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<sup>1</sup> *Adoption (Amendment) Act 2017*. Available at [www.irishstatutebook.ie/eli/2017/act/19/enacted/en/html](http://www.irishstatutebook.ie/eli/2017/act/19/enacted/en/html).

<sup>2</sup> Department of Children and Youth Affairs, *Open Policy Debate. The Potential Introduction of Open or Semi-Open Adoption in Ireland* (2019), p.1. Available at [www.dcy.gov.ie/documents/adoption/20190723ReportOpenPolicyDebate13thMay2019.pdf](http://www.dcy.gov.ie/documents/adoption/20190723ReportOpenPolicyDebate13thMay2019.pdf).

<sup>3</sup> Ombudsman for Children's Office, *Advice of the Ombudsman for Children on the Adoption Bill 2009* (2009), p.30. Available at [www.oco.ie/app/uploads/2009/11/Adviceonadoption.pdf](http://www.oco.ie/app/uploads/2009/11/Adviceonadoption.pdf).

<sup>4</sup> *Ombudsman for Children Act 2002*. Available at [www.irishstatutebook.ie/eli/2002/act/22/enacted/en/html](http://www.irishstatutebook.ie/eli/2002/act/22/enacted/en/html).

provision should be made in law to allow for more open forms of adoption, noting that current provision in Irish law raises a question about Ireland's compliance with international standards and, specifically, with its obligations under the UN Convention on the Rights of the Child (UNCRC).<sup>5</sup>

In addition to its potential incompatibility with relevant children's rights under the UNCRC (see section 4 below), the current legal framework is at odds with aspects of current practice in Ireland. In this regard, Bracken notes that "[m]ost adoptions nowadays concern older children who have been living with the prospective parents for some time" and "in these situations, there has been a shift to a more "open" type of arrangement where the child can maintain some element of contact with the birth family."<sup>6</sup> As was highlighted during the DCYA's Open Policy Debate in May, in some cases informal arrangements for post-adoption contact are supported by Tusla, whereby Tusla operates an open door policy in response to families seeking post-adoption contact and the types of contact involved in cases known to Tusla include letterbox contact mediated by Tusla's adoption services, phone calls or direct visits.<sup>7</sup> In addition, Irish adoption agencies facilitate open adoptions while some families remain in contact independently.<sup>8</sup>

A further, emerging reality that requires consideration is the use of modern technology and social media for the purposes of post-adoption contact between adopted children and their birth families. In this regard, the corrosive impact of social media on the closed model of adoption has been highlighted in recent years, with questions being asked about its practicability in the internet age and concerns being raised about the potential risks involved in contact that is unmediated, unsupervised and without adequate safeguards.<sup>9</sup>

#### **Recommendation:**

- Provision for more open forms of adoption in Ireland should be placed on a statutory footing.

### **3. Providing for clear definitions of open and semi-open adoption**

In its report on the Open Policy Debate held in May, the DCYA differentiates between open adoption and semi-open adoption as follows:

*"'Open adoption' is most commonly used to refer to arrangements involving post-adoption contact between members of the birth and adoptive families and 'semi-open*

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<sup>5</sup> Ombudsman for Children's Office, *supra* note 3, p.30. United Nations, *UN Convention on the Rights of the Child* (1989). Available at [www.ohchr.org/en/professionalinterest/pages/crc.aspx](http://www.ohchr.org/en/professionalinterest/pages/crc.aspx).

<sup>6</sup> Bracken, L., *Child Law in Ireland* (Claus Press, Dublin, 2018), p.141.

<sup>7</sup> Department of Children and Youth Affairs, *supra* note 2, p.5.

<sup>8</sup> Bracken, *supra* note 6, p.141.

<sup>9</sup> Department of Children and Youth Affairs, *supra* note 2, p.5. See also King, E., "May I be your Facebook Friend?" *Life Stories and Social Media*, Hershman/Levy Memorial Lecture (June 2013) at pp.9-15, available at [www.alc.org.uk/uploads/Hershman-Levy\\_Memorial\\_Lecture\\_June\\_20131.pdf](http://www.alc.org.uk/uploads/Hershman-Levy_Memorial_Lecture_June_20131.pdf); Neil, E., Beek, M. and Ward, E., *Contact after Adoption: A Follow Up in Late Adolescence* (2013), p.227ff, available at: [www.uea.ac.uk/documents/3437903/0/Contact+report+NEIL+dec+20+v2+2013.pdf/f2d766c7-39eb-49a3-93b7-1f1368a071a1](http://www.uea.ac.uk/documents/3437903/0/Contact+report+NEIL+dec+20+v2+2013.pdf/f2d766c7-39eb-49a3-93b7-1f1368a071a1); and 'The Future of Family Law', in the *Law Society Gazette* (January 2018), available at [www.lawsociety.ie/gazette/top-stories/the-complex-future-of-family-law/](http://www.lawsociety.ie/gazette/top-stories/the-complex-future-of-family-law/).

*adoption' to refer to arrangements for the exchange of information and/or items between members of the birth and adoptive families, often facilitated or mediated by social workers."*<sup>10</sup>

In setting out this differentiation, the DCYA notes that there are different understandings of what is meant by open and semi-open adoption. This difference in understanding informs different practices in different jurisdictions where more open forms of adoption are already provided for. In this regard, and by way of example:

- Featherstone et al note that most contact in England, Scotland and Wales is indirect and entails letterbox arrangements. By contrast, in Northern Ireland direct contact is routinely recommended by judges, sometimes at levels of up to six times a year.<sup>11</sup>
- In New South Wales, Family and Community Services characterise open adoption in terms of 'openness' and reference attitudes as well as practices in this regard:

*"Openness refers to the way the child is supported to remain connected to their birth family and cultural heritage. Openness is more than mutually agreed contact that may occur between the adoptive and birth families, through letters, email, photos and meetings. Openness is an attitude as well as actions and is an integral part of adoption legislation and practice."*<sup>12</sup>

- In New Zealand, where most new adoptions are open adoptions and birth parents can choose the family who will adopt their children, the Ministry for Children characterises open adoption as meaning that *"both sets of parents get to know each other and have an agreement about what sort of relationship or contact"* the birth parents can have with their birth child. In terms of post-adoption contact, open adoption can include sharing photos, phone calls and letters or having visits. It is also understood as meaning that the adoptive family can ask the birth parents questions they may have about their family background or health, and that the child can know their birth family history and whakapapa.<sup>13</sup>
- In the United States, open adoption may involve the expectant mother taking part in selecting the adoptive parents and is characterised as *"a form of adoption that allows birth parents to know and have contact with the adoptive parents and the adopted child."* A distinction is made between 'fully open' and 'semi-open' adoption. Fully open adoption means that the birth parent(s) and/or birth families may have direct contact with the adoptive parents and the child and that the birth parents and adoptive parents have identifying information about one another. In a semi-open adoption, contact in the form of letters, photos or other information is mediated by a third party and is intended to allow for

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<sup>10</sup> Department of Children and Youth Affairs, *supra* note 2, p.2.

<sup>11</sup> Featherstone, B., Gupta, A. and Mills, S., *The Role of the Social Worker in Adoption – Ethics and Human Rights: An Enquiry* (2018), p.27. Available at [www.ohchr.org/Documents/Issues/EPoverty/UnitedKingdom/2018/NGOS/ATD\\_Annex2.pdf](http://www.ohchr.org/Documents/Issues/EPoverty/UnitedKingdom/2018/NGOS/ATD_Annex2.pdf).

<sup>12</sup> Family and Community Services, New South Wales Government, *Thinking about Adoption* (April 2017), p.1. Available at [www.facs.nsw.gov.au/download?file=319617](http://www.facs.nsw.gov.au/download?file=319617). See also Section 7 of the *Adoption Act 2000*, available at [www.legislation.nsw.gov.au/#/view/act/2000/75/full](http://www.legislation.nsw.gov.au/#/view/act/2000/75/full).

<sup>13</sup> See [www.orangatamariki.govt.nz/adoption/placing-your-child-for-adoption/](http://www.orangatamariki.govt.nz/adoption/placing-your-child-for-adoption/).

birth parents and adoptive parents to communicate and exchange information while maintaining their privacy. Contact information like names or addresses are not shared. Some semi-open adoptions may also involve an anonymous meeting with the prospective adoptive family.<sup>14</sup>

- In South Africa, where post-adoption contact is provided for in the Children's Act 2005,<sup>15</sup> different types of adoption are permitted, including:
  - 'related adoption', where a child is adopted by a person they are related to and where there can be varying levels of openness between the parties in the adoption
  - 'disclosed adoption', where the identity of the biological parent/s and of the adoptive parent/s are known by both parties and which can include a post-adoption agreement that provides for future contact or the exchange of information.<sup>16</sup>

In the interests of transparency and ensuring that decision-making regarding the potential introduction of more open forms of adoption in Ireland is underpinned by shared understanding, it is important that the DCYA's current review provides for clear definitions of what it is envisaged open and semi-open adoption would mean in the Irish context.

#### **Recommendation:**

- The potential introduction of more open forms of adoption in Ireland needs to be underpinned by clear definitions of open and semi-open adoption and the report arising from the DCYA's review should provide for this clarity.

## **4. Taking a child rights-based, case-by-case approach**

### **Providing for a child rights-based approach**

As the DCYA has noted, adoption is a complex matter that engages multiple child rights and welfare considerations.<sup>17</sup> In addition to considering relevant aspects of Ireland's domestic legal framework, it is important that the DCYA's review of the potential introduction of open or semi-open adoption in Ireland also has due regard to relevant European and international standards, including the UN Convention on the Rights of the Child (UNCRC).<sup>18</sup>

Having ratified the UNCRC in 1992, Ireland has an obligation under international law to respect, protect and fulfil the rights of children set out in the UNCRC. The most comprehensive delineation of

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<sup>14</sup> Child Welfare Information Gateway and Office of Population Affairs, *Open Adoption. Could Open Adoption be the Best Choice for You and Your Baby* (n.d.), p.2, available at [www.childwelfare.gov/pubPDFs/openadoption.pdf](http://www.childwelfare.gov/pubPDFs/openadoption.pdf).

<sup>15</sup> See Section 234 of the *Children's Act 2005*, available at [www.gov.za/sites/default/files/gcis\\_document/201409/a38-053.pdf](http://www.gov.za/sites/default/files/gcis_document/201409/a38-053.pdf).

<sup>16</sup> See [adoption.org.za/types-of-adoptions/](http://adoption.org.za/types-of-adoptions/).

<sup>17</sup> Department of Children and Youth Affairs, *supra* note 2, p.2.

<sup>18</sup> As per the requirements of Section 42 of the 2017 Act, one element of the DCYA's review is a legal analysis of the issues. The OCO's understanding is that this analysis may encompass relevant provisions of the Constitution, existing primary legislation, European standards, the UN Convention on the Rights of the Child as well as relevant case law.

children's rights to date, the UNCRC offers a useful framework for identifying and considering the rights of children with regard to more open forms of adoption.

In keeping with the paramountcy principle provided for under Article 42A.4.1.ii of the Constitution and Section 19 of the Adoption Act 2010 (2010 Act), Article 21 of the UNCRC requires that all States which recognise and/or permit a system of adoption must ensure that the best interests of the child is the "*paramount*" consideration. Article 21 is the only article in the UNCRC to contain the term paramount and its use is notable. Article 3 of the UNCRC, which is one of the general principles of the UNCRC intended to guide implementation of all children's rights under the UNCRC, provides that the best interests of the child must be treated as a "*primary*" consideration in all actions concerning children. That the term paramount is used in Article 21 serves to underscore that no other interests "*should take precedence over, or be considered equal to, the child's interests*" in respect of adoption.<sup>19</sup> As such, use of the term paramount in Article 21 can be seen to affirm that adoption is first and foremost about children, their rights and needs.

The OCO welcomes indications that the DCYA is of the view that any change to existing adoption policy needs to focus on the best interests of the child<sup>20</sup> and encourages the DCYA to keep the child-centred approach to adoption promoted by the UNCRC to the fore in the context of its examination of the potential introduction of more open forms of adoption.

In addition to Article 21, several other UNCRC Articles are of direct relevance to the matter of making formal provision for more open forms of adoption in Ireland. Among these rights are the following:

- Article 7 stipulates that, in addition to having the right to a name and the right to acquire a nationality, children have the right to know and be cared for by their parents, as far as possible.
- Article 8 provides for States to respect children's right to preserve their identity, including their name, nationality and family relations, as recognised by law and without unlawful interference. In this regard, use of the phrase "*family relations*" can be seen to recognise that, in addition to a child's parents, other members of a child's family, such as siblings and grandparents, can be important to a child's sense of identity.<sup>21</sup>
- Article 9 stipulates at 9(3) that States must respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if this is contrary to the child's best interests.

As the OCO has noted previously,<sup>22</sup> the matter of an adopted child's continuing contact with their birth parents and their families is sensitive and delicate. The need for permanence and for full integration into the an adoptive family is of the utmost importance. In light of this, maintaining contact with birth parents and members of their family can present significant challenges and must

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<sup>19</sup> UNICEF, *Implementation Handbook for the Convention on the Rights of the Child* (2007), p.295. Available at [www.unicef.org/ecuador/Implementation\\_Handbook\\_for\\_the\\_Convention\\_on\\_the\\_Rights\\_of\\_the\\_Child.pdf](http://www.unicef.org/ecuador/Implementation_Handbook_for_the_Convention_on_the_Rights_of_the_Child.pdf).

<sup>20</sup> Department of Children and Youth Affairs, *supra* note 2, p.4.

<sup>21</sup> UNICEF, *supra* note 19, p.114.

<sup>22</sup> Ombudsman for Children's Office, *supra* note 3, p.29.

be considered very carefully. However, there are instances where it can serve an adopted child's interests to enjoy continuing contact with their birth family, on the understanding that it needs to be carefully calibrated. Moreover, while there may be instances where continued contact would not be in the child's best interests, it cannot be argued that this is always the case.

It appears to the OCO, therefore, that making appropriate formal provision for more open forms of adoption would provide a means by which to more fully respect, protect and fulfil relevant children's rights in respect of adopted children, including children's right to maintain personal relations and direct contact with both parents on a regular basis unless this is contrary to their best interests. Furthermore, making such provision could provide for an approach that is more fully aligned with Article 2 of the UNCRC, which requires State Parties to the UNCRC, including Ireland, to respect and ensure the rights set out in the UNCRC to each child within their jurisdiction without discrimination of any kind.

Article 2 is one of four general principles of the UNCRC that are recognised as pivotal to the implementation of all children's rights under the UNCRC. As the DCYA is aware, the other general principles are as follows:

- Article 3 states that the best interests of the child must be treated as a primary consideration in all actions concerning children, whether undertaken by public or private welfare institutions, courts of law, administrative authorities or legislative bodies. State Parties must take all appropriate legislative and administrative measures to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for the child.
- Article 6 recognises children's right to life, survival and development. In this regard, States are expected to interpret 'development' as a holistic concept encompassing all aspects of children's development and are obliged to provide optimal conditions for childhood.<sup>23</sup>
- Article 12 provides that, where a child has the capacity to form their own views, they have the right to express their views freely in all matters affecting them, with due weight given to their views, in accordance with their age and maturity.

In the context of examining the potential introduction of open or semi-open adoption, the DCYA should take due account of the general principles of the UNCRC and might usefully consider how these general principles can be mobilised appropriately and effectively to inform a child-centred approach to making formal provision for and guiding the implementation of more open forms of adoption. In this respect, elements of a child-centred approach will include:

- having due regard to children's right to non-discrimination
- treating the best interests of the child as the paramount consideration
- giving appropriate consideration to children's well-being and development

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<sup>23</sup> UN Committee on the Rights of the Child, *General Comment No.5: General measures of implementation of the Convention on the Rights of the Child* (2003), CRC/CGC/2003/5, p.4. Available at [tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2003%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2003%2f5&Lang=en).



- recognising children’s right to be heard and affording due weight to their views, whereby:
  - a child must be afforded an opportunity to express their views freely and in a manner that is sensitive to their age, needs and evolving capacities
  - a child’s views, where ascertained, must inform a determination of what is in their best interests<sup>24</sup>
  - in circumstances where a child either does not wish to have contact or objects to the type of contact proposed, their views should be respected.<sup>25</sup>

### **Providing for a case-by-case approach**

In addition to intercountry adoption, there are different contexts for domestic adoption in Ireland, namely step family adoption, extended family/relative adoption, domestic infant adoption, and adoption from long-term foster care. Recent data from the Adoption Authority of Ireland (Authority) provides an overview of the number of adoptions taking place in these different contexts and the age profile of the children concerned. For example, the Authority’s Annual Report for 2018 highlights that of the 72 Adoption Orders granted in 2018:

- the majority (35) of Adoption Orders were made in step family adoptions
- 25 Adoption Orders were made in respect of children who had been in long-term foster care, compared to 21 in 2017
- the balance of Adoption Orders comprised a combination of adoption of infants placed for adoption in Ireland (7), the formalisation of adoptions in respect of children who were placed in the care of Irish couples abroad (3), and two situations where the child was in the care of extended family members.

As regards the ages of the children concerned, of the 72 Adoption Orders granted in 2018:

- in 30 cases the child was 17 years of age
- in 23 cases the child was aged between 12 and 16 years
- in 7 cases the child was aged between 7 and 11 years
- in 9 cases the child was aged between 2 and 6 years
- in 3 cases the child was one year old.<sup>26</sup>

Illustrating the different circumstances in which adoption can occur, such data is indicative of the necessarily diverse experiences and needs of those affected by any given adoption, including the child or children concerned.

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<sup>24</sup> UN Committee on the Rights of the Child, *General Comment No.14 on the right of the child to have his or her best interests taken as a primary consideration* (2013), CRC/C/GC/14, p.6 and p.7. Available at [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f14&Lang=en](http://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f14&Lang=en).

<sup>25</sup> With regard to the views of the child, it is worth noting that section 234 of the Republic of South Africa’s *Children’s Act 2005*, which concerns post-adoption agreements, provides at 234(2) that “[a]n agreement contemplated in subsection (1) may not be entered into without the consent of the child if the child is of an age, maturity and stage of development to understand the implications of such agreement.” *Supra* note 15.

<sup>26</sup> Adoption Authority of Ireland, *Annual Report 2018*, p.30. Available at [aai.gov.ie/images/Publications/AAI\\_Annual\\_Report\\_2018.pdf](http://aai.gov.ie/images/Publications/AAI_Annual_Report_2018.pdf).

The OCO concurs with the view of several participants in the DCYA's Open Policy Debate as regards the importance of recognising this diversity and providing accordingly for a case-by-case approach to decision-making in relation to post-adoption contact. From its review of relevant research, the DCYA will be aware of studies that emphasise the need for a case-by-case approach and caution against a prescriptive, standardised approach to policy and practice concerning post-adoption contact. For example, among the conclusions emerging from a longitudinal study on post-adoption contact in the UK, which involved primary research with children adopted when they were under four years of age, their adoptive parents and adult birth relatives, was that *"it is time to move away from simple formulas about post-adoption contact, and fully embrace more individualised methods of contact planning."*<sup>27</sup> In this regard, an overview of this longitudinal study notes that no *"one type of contact is necessarily easier or better than the other"* and highlights accordingly that *"children's contact with birth relatives should be carefully considered on a case by case basis."*<sup>28</sup>

The circumstances, needs, capacities and perspectives of adopted children, their adoptive parents and their birth parents and families can necessarily change over time. This being the case, and allowing that specific arrangements for post-adoption contact can only work in practice if they are supported by the individuals concerned, it is also important for the DCYA's review to consider how suitable provision can be made for post-adoption contact plans, once made, to be reviewed at appropriate intervals.<sup>29</sup>

#### **Recommendations:**

- Given that adoption is first and foremost about children, their rights and needs, the OCO strongly encourages the DCYA to give full consideration to the rights of children in the context of its current review about the potential introduction of open and semi-open adoption.
- The OCO suggests that the DCYA should consider how core children's rights principles – as provided for under Articles 2, 3, 6 and 12 of the UNCRC - can be mobilised appropriately and effectively to inform a child-centred approach to providing for and implementing more open forms of adoption.
- Formal provision for more open forms of adoption should promote and support a case-by-case approach to post-adoption contact planning and review so that the specific experiences, needs, capacities and perspectives of adopted children, adoptive families and birth families are appropriately considered.

## **5. Providing adequate resources and appropriate supports**

The OCO notes that participants in the DCYA's Open Policy Debate highlighted the importance of resourcing the provision of supports for open and semi-open adoption in Ireland.<sup>30</sup> The OCO shares

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<sup>27</sup> Neil et al, *supra* note 9, p.284. Similarly, a 2018 report arising from the Featherstone enquiry into the role of the social worker in adoption notes the view of some academics that there needs to be a *"move away from standardisation and formulas to individualised contact planning; children of different ages have different needs in relation to contact."* See Featherstone et al, *supra* note 11, p.33.

<sup>28</sup> See [www.uea.ac.uk/contact-after-adoption](http://www.uea.ac.uk/contact-after-adoption).

<sup>29</sup> See Featherstone et al, *supra* note 11, p.27 and Neil et al, *supra* note 9, p.264 and p.292.

<sup>30</sup> Department of Children and Youth Affairs, *supra* note 2, p.4, p.5 and pp.9-12.

the view that if formal provision is made for the introduction of more open forms of adoption in Ireland, adequate resources will need to be allocated to ensure that appropriate supports are put in place for adopted children, their adoptive families and their birth families respectively.

As the DCYA is aware, the importance of adequately resourcing and supporting post-adoption contact is underscored by research. For example, the Featherstone enquiry in the UK noted that letterbox contact - the usual model of contact with birth families in England, Scotland and Wales – is “often poorly supported with resources” and highlighted the potential long-term consequences of such a deficit in appropriate support for all concerned:

*“A lack of resourcing can mean that if either adoptive families or birth families stop letterbox contact unilaterally there is no follow up to ascertain why. The lack or cessation of direct contact can ‘store up trouble’ especially for birth families and adopted people. Seeking reunification in later life was considered to be widespread. Better resourcing for earlier periodic contact may be important to improve the benefit of the letterbox approach and to improve long term outcomes for all affected by adoption.”<sup>31</sup>*

The importance of resourcing the provision of appropriate supports for post-adoption contact arrangements is also evidenced by the longitudinal study on post-adoption contact undertaken by Neil et al in the UK, with the need to support post-adoption contact planning, implementation *and* review among the key points highlighted in conclusion to the study:

*“The study has illustrated the disappointment experienced by individuals where planned contact arrangements have not been sustained over time. This emphasises the importance of realistic appraisal of the sustainability of contact at the planning stage, and ensuring that support is available to enable beneficial contact to be sustained.”<sup>32</sup>*

In this regard, a notable feature of the perspectives shared by adopted children, adoptive parents and birth parents who took part in this study is their shared awareness that each party may have needs and their broadly shared view that the needs of adopted children, adoptive parents *and* birth parents should be addressed through appropriate supports so as to strengthen the prospects of agreed arrangements for post-adoption contact being adhered to.<sup>33</sup>

While other stakeholders are better placed to advise on the suite of specific supports that should be resourced, a key underlying point from the OCO’s perspective is that different types of support need to be available to facilitate different forms of post-adoption contact and to address the specific needs of adopted children, their adoptive families and their birth families.

#### **Recommendation:**

- Formal provision for more open forms of adoption needs to be accompanied by the allocation of adequate resources to ensure that an appropriate range of supports are

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<sup>31</sup> Featherstone et al, *supra* note 11, p.11.

<sup>32</sup> Neil et al, *supra* note 9, p.280.

<sup>33</sup> *Ibid*, p. 226, p.258, p.262f. and p.271.

available to facilitate planning, implementation and review of different post-adoption contact arrangements and to meet the specific needs that adopted children, adoptive families and birth families may have in this regard.