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State Government proposes changes to make adoption from state care easier

Leading SA child advocates say they fear changes to SA's adoption laws will take life-changing choices out of kids' hands.

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Adoptees and parents with adopted children talk about what 'home' means to them as part of a campaign to give a home to every child. (AAP VIDEO/Supplied/The prhub)

Two of the state's chief advocates for children have joined those voicing concerns about proposed changes to adoption law.

Children's Commissioner Helen Connolly says proposals before State Parliament appear to limit the ability of children in state care to consent to, or refuse, adoption and would leave them with "fewer rights than other children".

Guardian for children in care Penny Wright has warned the changes "must be approached with caution" and flagged she is "not confident" that the legislation puts the rights of children first.

However, the government says the changes were widely supported during public consultation.

Under the Adoption Act it is legal to adopt children from state care but it rarely happens.

In September 2019 Child Protection Minister Rachel Sanderson announced she would [update policy to ensure adoption was considered a "genuine option"](#).





Guardian for children in care Penny Wright

MPs are now considering a Bill which would apply new adoption rules to children in care - although indigenous children are exempt.

The Child Protection Department says provisions dealing with the consent of children “are largely consistent” with current laws, “except insofar as consent may now also be dispensed with if the (Youth) Court considers it is in the child’s best interests to do so”.

The Bill gives children a new right to a lawyer, and “maintains the right of a child to personally present their views in court”.

However, the “best interests” caveat applies there too.

This caveat is not applied in the Adoption Act which covers all children.

Ms Connolly said she was concerned about creating “different rules for groups of children”.

Department deputy chief executive Fiona Ward said the changes were based on “significant consultation with targeted stakeholders, including those with lived experience” of adoption.

“The Bill makes clear that adoption can only be pursued when it is in the best interests of children,” she said.

Opposition child protection spokeswoman Katrine Hildyard said her party was “also concerned the changes could diminish a child’s right to have their say” and gave “significant power” to the department chief executive.



Child Protection Minister Rachel Sanderson. Picture: Matt Loxton

Adoptee Rights Australia and social worker organisations are among others with concerns.

Former AnglicareSA CEO and adoptee Peter Sandeman supports adoption from care but questioned why new laws might limit a child's say in the process.

"If a child is older and doesn't want the adoption, why would you do it?" he said.

Uniting Communities chief executive Simon Schrapel supported the legislation but expected it would "be an extraordinary situation" for adoption to be deemed in "the best interests of a child" if they did not want it.

"There needs to be a level of trust ... placed in the minister and the department in terms of how it is applied," he said.

Carers have also complained that while the government announced 18 months ago that the adoption policy would be clarified, there was still confusion among frontline workers.

A [survey by Connecting Foster and Kinship Carers SA](#) found 43 per cent would consider adoption but many had been told it was not an option.

The department is expected to release a new policy - including details of financial support - once the legislation is finalised.

In the meantime it is compiling a register of families that express an interest in adopting.

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