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More than 800 Aboriginal children could be adopted under NSW law change

Proposal will create another stolen generation, Indigenous activists warn

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More than 800 Aboriginal children in New South Wales could be adopted without parental consent if controversial changes to the state's child protection legislation go ahead.

The Department of Family and Community Services has confirmed that between 810 and 815 Aboriginal children are on guardianship orders, which could be converted to open adoptions under the Berejiklian government's planned changes to the system.

The government says adoption for Aboriginal children is the least-preferred permanency option but has refused to rule it out, which has alarmed the state's legal centres and Aboriginal child and family services, who say it will create another stolen generation.

Just 5% of under-18s in NSW are Aboriginal but Indigenous children make up 37% of all young people in care.

The government says the bill, due to go before parliament for the final time next Tuesday, will ensure a permanent home for all children within two years, so they are not bounced around

the out-of-home-care system for years on end.

The NSW premier, Gladys Berejiklian, said: “We want them to have a permanent home as quickly as possible through guardianship or open adoption.”

But Grandmothers Against Removal says Aboriginal children already have a forever home.

“Our children are not orphans,” said Hazel Collins, one of the GMAR founders. “They have grandmothers, aunts, uncles who want them and love them.

“We are questioning [family and community services minister] Pru Goward as to what right she has to dictate what happens with our children when she can’t even sort out the dysfunction in her own department.”

Collins was referring to the Tune report, an independent investigation into the NSW child protection system, which the government released this year after sustained political pressure.

The report said the system was “ineffective and unsustainable”, its escalating costs were “crisis-driven” and it was “failing to improve long-term outcomes for children and families” with complex needs.

Tune estimated that the government spent \$1.86bn on vulnerable families in 2015-16 but this had “evolved in an ad hoc way”.

“The Tune report clearly states the department is dysfunctional,” Collins said. “They take or children from our families and they tell us we are dysfunctional.”

Under the proposed changes, the children’s court will have power to decide whether or not a child can be restored to his or her family within two years; otherwise the court can order that the child be adopted.

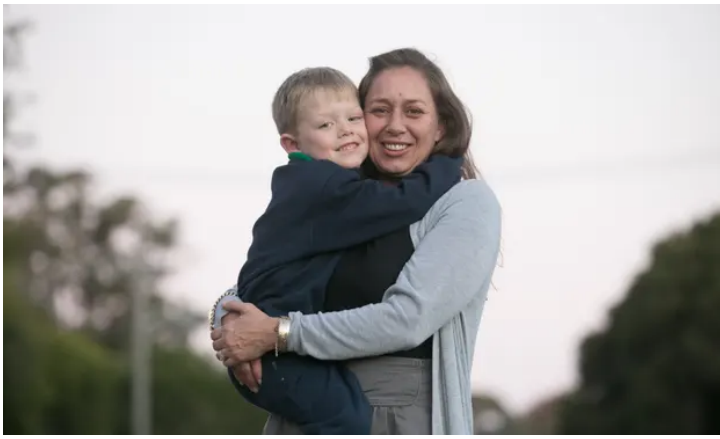
But two years isn’t long enough for some birth parents to comply, according to Collins.

“Nobody is going to be able to get their children back in two years,” she said. “My own daughter fought for seven years!”

Her daughter, Helen Eason, had her four children taken away from her, one by one - the youngest at 15 months. They were placed in a series of care arrangements, some with extended paternal family, some with foster carers, none together.

One of her children, now 19, was “gone” for seven years; the baby was three and a half when Eason finally had parental responsibility returned by the family court.

“Under the two-year time limit, I’d never have got them back,” she said.



Helen Eason with her son, five, at her home. Photograph: Carly Earl for the Guardian

“Families need support to stay together. They need support without judgment.

“We have intergenerational trauma from the child removals of the past. How are we supposed to heal without our babies? They don’t understand the kinship ties, the extended families that children will lose.

“What the hell was the apology for? What did they say sorry for, if they still keep doing it?”

Community legal services, the Aboriginal Legal Service, GMAR and Aboriginal child care services say they will march on the NSW parliament on Wednesday in protest at the proposed changes.

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