



Making decisions about contact



NSW Department of
Community Services

Introduction

This Research Note draws on the major issues raised in the discussion paper, *Is all contact between children in care and their birth parents 'good' contact?*

It aims to provide staff with guidance about the issues to consider in decision-making around contact between children in out-of-home care and their birth parents.

Contact orders

Under Section 86 of the *Children and Young Persons (Care and Protection) Act 1998* (The Act), new powers were conferred on the New South Wales Children's Court to make orders in relation to contact between birth relatives and children placed in out-of-home care. Of course, contact arrangements can also be agreed upon without a contact order being sought from and made by the Court. The advantage of these arrangements is that they are able to be reviewed and changed without returning to the Court for a new contact order.

How strong is the evidence for contact in out-of-home care?

The research evidence is often considered to be strongly in favour of contact, as it is thought to maintain attachment and encourage reunification, amongst other reasons (see discussion paper in 'Further reading' below). However, on close examination the evidence is weaker than generally considered, as much of it is either drawn from the family law or adoptions literature, where the situations are generally quite different, or the research suffers from methodological weaknesses. This means that in making recommendations about contact, it is difficult to claim that it is beneficial for all children, and requires that each case be considered on an individual basis.

Questions to be considered when making decisions about contact

The major factors that impact on decisions about the amount of contact that may be beneficial, and the situations in which contact should or should not take place, have been extracted from the literature drawn on for the discussion paper. Most of these issues are interrelated and dynamic. The following section contains a discussion of these issues and presents a number of questions for consideration when making decisions about contact.

Purpose of contact: Is the goal reunification or not?

The fundamental issue that should affect the amount of face-to-face contact is whether there is a plan to return the child home to their birth parents. If the child is to return home then there is an imperative for more frequent contact.

In making decisions about reunification, assessments of parenting capacity and the likely risks of returning the child home are the paramount considerations. The issues to be considered in undertaking these assessments are complex and have been explored in a paper on parenting capacity assessment by DoCS' Centre for Parenting and Research (see 'Further reading' below).

Whilst children who have greater amounts of contact with their birth family are more likely to return home, there is **no evidence** that the contact visits alone explain the increased likelihood of returning home. A number of other reasons have been identified which may explain this: children who get along well with their families and who are in care as a result of less serious problems tend to have more frequent contact with their parents and are likely to go home sooner.

How strong is the attachment or relationship between children and their birth parents?

The need to maintain or encourage 'attachment' between a child and their birth parent(s), generally the mother, is often cited as a reason for more frequent contact. However, the issue of 'attachment' for children in care is a complex one, and it cannot be assumed that the maintenance of attachment is a sufficient reason to encourage frequent contact between all children in care and their birth parents.

There is considerable evidence that maltreated children are much more likely to exhibit insecure attachment patterns, specifically disoriented or disorganised attachments. In fact, it could be argued that the maintenance of a dysfunctional attachment impedes the establishment of more functional relationships.

Even in cases where there are no plans for the child to return to the birth family, strong attachments may still exist between the child and their birth parents. The only way the strength of this attachment can be assessed is by undertaking standardised assessments in a professional setting, separately from the observation of contact visits themselves.

The recent research paper by DoCS' Centre for Parenting and Research, *The importance of attachment in the lives of foster children*, provides a fuller examination of this issue see (see 'Further reading' below).

Are there real risks to the safety of the child?

Contact arrangements should ensure the safety and well-being of the child at all times, and especially their protection from abuse, conflict or distorted messages.

A number of studies have suggested that the effects of contact depend in part on whether the child had previously been abused. Where there is strong evidence that the child had been abused prior to placement, prohibitions on contact have been associated with better outcomes. Previously abused children with no restrictions on family contact appear also more likely to be re-abused either during contact or after return home.

The evidence also suggests that children in care who have suffered severe maltreatment may re-experience extreme states of emotional distress each time they have contact with their abusive or neglecting parent. In these cases there is a real danger that a child will experience their out-of-home care placement as being unable to offer a reliable or permanent sense of safety and security.

Are children's wishes for and reactions to contact being taken into account?

Children's wishes should be taken into account when decisions regarding contact with their birth parents are being made. However, the difficulty may be that children are unwilling or unable to articulate their wishes. Evidence from case material, court reports and recent studies indicates children's wishes about contact are overruled in many cases.

One study found no consistency among foster children in their views of the extent to which they wanted to belong to their own family or to their foster family, and about which members of their birth family they wished to see. However, they wanted those views respected.

Careful assessment and interpretation of children's behaviour following contact visits is also essential so that distress and behavioural difficulties are not mistaken for 'trauma'.

How old and at what developmental stage is the child?

The management of contact needs to take into account the age at which the child is placed and the strength of the relationship with the birth parents. Parenting capacity assessments should gauge the appropriateness of the birth parent's behaviour to the child's age and the parent's ability to adapt to their child's changing needs as they mature.

Children who have experienced abuse in childhood are likely to mature slowly, and many children in out-of-home care do not function at their chronological age.

Older children are more likely to make their own decisions and arrangements about the amount and type of contact they want with their birth parents, and tend to rely on mobile telephones and email to communicate.

How supportive are the foster carers?

The importance of foster carers being open to discussions with their foster children about their relationship with their birth parents and, where appropriate, supporting contact visits has been emphasised in the literature. It is important that the two families have some connection with each other and that foster carers are not kept on the periphery of contact arrangements. There may be opportunities for foster carers to be present at contact meetings, or a third party, for example a social/case worker to act as a conduit between the birth family and the carers. The appropriate management of contact arrangements and the relationships between the two families may impact on the foster carer's level of comfort about contact. The point is made that when foster carers take no part in contact or have never met the birth relative, children have to deal with the complex emotions of contact on their own.

Authors have also emphasised the need to provide support to the children, birth parents and foster carers to establish contact particularly in the first few months. It has been suggested that foster carers need considerable assistance managing contact. Issues such as how their child is likely to respond to contact, as well as their history and personal attributes need to be considered. They may also need help with the writing and receiving of letters, with issues such as the child's responsibility to write and the appropriate information to include in letters.

Are there changes in the relationships and situations since last assessment?

It has been emphasised that in long-term fostering placements it is important that contact arrangements are monitored and reviewed over time. It is unlikely that arrangements made in the early days of placement will remain suitable as children grow older, as placements become more or less settled and as birth family circumstances change.

Will the contact visits involve significant travelling and disruption to the child's routines?

It is important that the frequency of any birth family contact should not be such that it interferes with the child and new parents spending enough time together consolidating their position as a new family.

When more frequent visits are required under a reunification plan or interim orders, practical issues may need to be taken into consideration, such as the distance, the ease of travelling between the foster carer's home and the birth family's home to which the child is to return, and the disruption to the child and other family members' routines.

How have the birth parents reacted to contact arrangements?

Foster carers report that birth parents' behaviours during contact visits can place additional stresses on their relationships by upsetting the foster child. Parents may challenge the contact arrangements after a child has been removed from their care.

Decisions about continuing contact visits should consider the reliability of the parents' visiting to date and the impact of missed visits on the child. Children may become distressed when their birth parent does not 'turn up' to their scheduled contact visit, interpreting this as lack of caring. In situations where contact actually ceased, this has generally been found to be due to parent behaviour and desires, and not to resistance from carers.

Has contact with fathers and other family members been considered?

It has been suggested that social/case workers often work harder at maintaining links with birth mothers than with fathers, even when there is a good relationship between father and child.

Even when face-to-face contact with birth parents is contra-indicated, contact with other family members can help to fill the void. Contact with grandmothers has been found to be particularly beneficial and the need for contact with siblings still seems to be less appreciated than it might be.

Has indirect contact been considered?

Foster children are often preoccupied with their birth families and the reasons for their placement, with both children and parents commonly spending considerable time thinking about each other. Work can be done on these issues without face-to-face contact – for example, through the provision of counselling to the child or working with the family on their own. Treasured possessions, photographs, special activities, rituals, phone calls and letters can serve to keep the connection alive.

Conclusion

'Contact by itself is not going to promote good outcomes for children. Contact is a process through which relationships can be repaired, maintained, or ended temporarily or permanently. It is dynamic, changing across time as individual circumstances change. Contact is the means through which all parties can work at relationships, and relationships are not easy or simple. The role of the social worker, once a thorough assessment has been completed and concluded that contact should continue, is to facilitate this work by ensuring that arrangements are made that are feasible, safe and supported by all parties. This requires experience, skill and time.'¹

Endnotes

- 1 Selwyn, J. (2004). Placing older children in new families: changing patterns of contact. In E. Neil & D. Howe (Eds.), *Contact in adoption and permanent foster care* (p.162). London: British Association for Adoption & Fostering.

Further reading

- Taplin S. (2005) *Is all contact between children in care and their birth parents 'good' contact?: Discussion paper*. NSW Department of Community Services, Sydney. Copies are available on DoCS' intranet and internet – www.community.nsw.gov.au/documents/research_good_contact.pdf
- White A. (2005) *Assessment of Parenting Capacity: Literature review*. NSW Department of Community Services, Sydney. Copies are available on DoCS' intranet and internet – www.community.nsw.gov.au/documents/research_parenting_capacity.pdf
- DoCS' Centre for Parenting & Research (2006) *The importance of attachment in the lives of foster children: Key messages from research*. NSW Department of Community Services, Sydney. Copies will be available on DoCS' intranet and internet.

The DoCS Research to Practice program aims to promote and inform evidence-based policy and practice in community services.

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