

30 April 2018

Committee Secretary  
House of Representatives Standing Committee on Social Policy and Legal Affairs  
PO Box 6021  
Parliament House, Canberra ACT 2600

### **Submission to Inquiry into Local Adoption**

Two months ago, my husband and I adopted our beloved foster daughter, [redacted]. Her adoption was granted on Valentine's Day, an appropriate date for such a long-awaited special event.

[redacted] joined our family as a 10-year-old needing an emergency foster care placement, over 7 years ago. At age 11, she started asking for us to adopt her. Over the next several years, she wrote many letters, pleading with authorities for her adoption to be expedited. She hated being in care! She called us "mum" and "dad" and never referred to herself (or allowed anyone else to refer to her) as a foster child. She was simply our daughter. However, even for a young person who was old enough to clearly and consistently articulate her wishes, her adoption wasn't granted until she was only a few weeks away from adulthood. She was adopted in February 2018 and turned 18 years old in April 2018.

We have a large family, with two daughters born to me and (now) seven sons and daughters through adoption. Our older adopted children came to us through Australia's intercountry adoption program and joined our family when they were between 5 months old and 10 years old, some with special need or in sibling groups. We have also fostered 41 children and continue to provide emergency care for babies needing a safe, temporary home and loving care.

I have also worked as a professional in the care and protection sector; as a case worker, team leader and as the manager of a foster care program, so I fully appreciate the complexities involved when children need to be temporarily, or permanently, moved into foster care.

Adoptions now do not resemble adoptions in decades past. Babies are no longer removed from single women who are unsupported and shamed. Histories are no longer erased. Babies are no longer considered to be a "tabula rasa". Adoption is no longer viewed as a service for infertile couples to remedy their childlessness. Relationships with birth family members continue after adoption. Children are now central to the decision-making, as they should be.

Despite these positive changes, [redacted] adoption was far more challenging and protracted than those of our other adopted children, notwithstanding that for intercountry adoption we had to deal with two countries' governments, child welfare systems and immigration program. It is shameful that it was so much harder to adopt the child living in our home than it was to adopt from an Indian orphanage! Even after restoration to birth family was no longer an option and her 18-year care order was granted, [redacted] adoption took another 4 years! It was hard to reassure our daughter that it would happen, eventually... She became sad and disheartened that her wishes and her pleading letters did not seem to be progressing her case towards court.

Adoption is never simple, but Australia's foster children deserve to have adoption as one of the viable options available when decisions are made about their lives. At the moment, it is exceedingly difficult to adopt a child from foster care in many parts of Australia, even after that child has been a family member in a stable placement for many years. I believe this is due to negative attitudes towards adoption held by some involved in care and protection, child welfare

and the courts, as well as current adoption legislation not really fitting with the circumstances of children in foster care.

At the time Australian states introduced their current Acts, adoptions were generally of children born locally and relinquished for adoption soon after birth, and of children being adopted from overseas orphanages through intercountry adoption.

Those state Acts do not now fit well with the scenario of children who have been removed from parental care. Children come into care in traumatic and confrontational circumstances, where child protection authorities (and, often, the child's foster family) may be viewed by the child's birth family as adversaries. When a family has lost the custody of their child, it is uncommon for that family to subsequently agree to their child being adopted. This means that many, or most, foster children will only be granted their adoption after a court hearing in which the birth parents' consents to the adoption have been dispensed with. Australian states vary regarding the very limited grounds on which this Dispensation Order will be granted.

Legislation around Australia needs to be updated to reflect the changing face of adoption in order to allow it to be a viable option for children from care, while ensuring that safeguards remain in place and that all such adoptions are genuinely in the best interests of the child. Legislation around Australia needs to reflect circumstances such as:

- A child's stability and length of time in their foster family should be relevant when it comes to dispensation of birth parents' consent to adoption.
- For children old enough to actively participate in their adoption, legislation should allow that child's application to dispense with parental consent after the child reaches twelve years of age.
- Adoption should remain an option for young people after they reach 18 years of age, in recognition of their lifelong need to become a legally-recognised member of their family.
- Special protection must be afforded to Aboriginal and Torres Strait Islander children due to past deplorable policies, but there should remain a place in legislation and policy for the adoption of Aboriginal children into foster families who demonstrate their commitment to supporting their foster child's connections to birth family and traditional communities.

Adoption is not the answer for every child in care, or even for the majority. For those children who will not be restored to their birth family's care, though, adoption offers a genuine opportunity for what our daughter called her "second chance" in life. Adoption is not about erasing a child's history or birth family but, instead, incorporating that history and relationships into the child's identity while providing greater stability, security and love for a lifetime.

Foster care is about providing safety and care for children until they reach 18 years of age: Adoption is about being a member of a loving family for the rest of your life. described her adoption day as having been "truly the greatest day of my life".

Kind regards,