Submission to the Legal and Constitutional Affairs Legislation Inquiry into the Australian Citizenship Amendment (Intercountry Adoption) Bill 2014

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Appendix: Submission to the Interdepartmental Committee on Overseas Adoption, being convened through the Office of the Prime Minister, February 2014

Thank you for the opportunity to provide a submission to this Inquiry. Our submission draws the Committee's attention to a range of implications of the proposed amendments to the Act, important issues pertaining to current and future bilateral arrangements, the recognition of differences between Hague and non-Hague signatory countries, differences between non-Hague countries, risk and the potential for predictable and unintended consequences.

First, proposed amendments to the *Australian Citizenship Act 2007* as they pertain to non-Hague countries should be evaluated as part of the suite of changes proposed by the Australian government, not in isolation from them. It is noted that important and complete details about the government's change agenda have not been made public and this lack of transparency regarding the reform agenda inhibits wide, critical community engagement in this process.

Second, the proposed amendment does not adequately distinguish between non-Hague countries, countries that have signed and ratified the Hague Convention, and future non-Hague countries with which Australia intends to have bilateral arrangements. This is a serious failure. Sending countries of children have vastly different circumstances, governance and risk profiles. Assumptions cannot be made in any proposed legislative or policy changes that they are the same.

Third, the speed, lack of wide consultation of some steps of the full change agenda currently being driven by the Commonwealth government and transparency concerning them suggest that the amendments outlined in this Bill are premature and not fully considered. The *Family Law (Bilateral Arrangements - Intercountry Adoption) Regulations 1998* contains amendments intended to provide for the automatic recognition under Australian law of adoptions in partner countries once the adoption is finalised and an Adoption Compliance Certificate is issued. Because of the speed of this process and consequent lack of opportunity for broad consultation, there has been insufficient opportunity for the government to avail itself of the advice and expertise of the wider adoption community and those such as academics, adoption-related professionals and others to assess and consider risks associated with the amendment, including some which may not be intended. Of great concern is the partial release of the *Report of the Interdepartmental Committee on Intercountry*

Adoption in April, 2014, that outlines the government's change agenda and the non-publication of submissions that did not request confidential status. The failure to make these documents publicly available appears to be a regrettable lapse from the long-established practices of openness and transparency in such review processes. It does not augur well for the development of robust, child-centred adoption policy; nor does it augur well for the future of democracy in Australia. It is noted from the section of the report released that the evaluation of information provided to the Interdepartmental Committee appeared to be limited to a count of 'for' and 'against' rather than a deeper evaluation of the issues and evidentiary sources submitted to the Committee. Transparency and publication of submissions to this Inquiry should be open and publicly accountable.

Although we have great sympathy for prospective parents negotiating bureaucratic processes, the existence, purpose and value of regulation in intercountry adoption cannot be automatically assumed to be negative and in most instances this regulation functions to protect the rights of children and their families overseas as well as providing safeguards for prospective parents. The systematic deregulation of intercountry adoption presents considerable risks to the well-being of children, their families and their adoptive families. Diminishing the checks and protections built into Australia's world class intercountry adoption system risks opening the doors to increased incidents of child trafficking, coercive practices and breaches of international and national laws. Non-Hague countries, even those with whom Australia has bilateral arrangements do not necessarily guarantee the same protections nor meet the same standards as those countries which have ratified and are signatories to the *Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption 1993.*

This Bill in conjunction with proposals for a new model for intercountry adoption that may include the introduction of parent-led private agencies (for profit or not-for-profit) into the Australian intercountry adoption system will heighten the risks and of systemic abuse. Please refer to the appendix in this submission (*Submission to the Interdepartmental Committee on Overseas Adoption, being convened through the Office of the Prime Minister February 2014*) for details concerning serious breaches related to the operation of private agencies in Australia. The inevitability that the

wishes of prospective parents will be paramount under such arrangements can be inferred from thirty years of the Australian experience and sixty years of intercountry adoption practice overseas. For an overseas example, the report, *Action Requirement Based on the Result of the Audit of Holt Children's Services of Korea,* conducted by the Office of Audit and Inspection, Ministry of Health and Welfare dated June 2014, outlines breaches relating to the *Korean Special Adoption Law*, the *2012 Adoption Practice Manual* of the Ministry of Health and Welfare and the *subsidiarity principle* of the Hague Convention.

One of several breaches concerned a "Failure to Meet the Period of the Preferential Pursuit of Domestic Adoption". The report states that "In order to pursue international adoption, Holt Children's Services of Korea ("Holt" hereafter), must try to find domestic parents for at least five months. However: Holt failed to abide by this rule for 17 (14.8%) of 115 children born after August 5, 2012, as shown in Table 2. The Dept. of Children's Welfare Policy in the Ministry of Health and Welfare permitted child "K20120480" to emigrate without confirming whether there was enough effort for domestic adoption."

Although the Holt Children's Services of Korea does not currently deal with Australia it did help facilitate early adoptions into this country. It is one of the oldest private intercountry adoption agencies originating in the United States. The example is important as it shows that even a private agency of longstanding and with a relatively good reputation is at risk of breaching safeguards in the interests of prospective adoptive parents, and represents multiple failures relating to the rights of children that occur in de-regulated, privatised intercountry adoption systems.

South Korea has been practising intercountry adoption since the Korean War and despite concerted efforts to prevent abuses they still occur and occur more regularly in private parent-led models. Non-Hague countries with a less robust system of safeguards, corrupt systems and less regulation will not be able to achieve the degree of accountability South Korea has established in recent years. The amendments proposed in this Bill will allow for the same pressure to fast track adoption in countries of origin to meet the needs of prospective parents. Example after example in countries of origin demonstrates the reality that relaxing robust requirements leads to greater pressure from prospective parent groups on countries and agencies or the

judiciary to by-pass or work around rules designed to safeguard all parties in the adoption process. Some countries are more vulnerable than others. Australia should not contribute to this problem or create problems we do not currently have.

Section 9 of the Bill states:

The amendments made by this Schedule apply in relation to an application made under section 19C of the Australian Citizenship Act 2007 on or after the day this item commences by a person adopted outside Australia by an Australian citizen in accordance with a bilateral arrangement, even if the adoption occurred before that day.

The retrospective aspect is of concern in that it potentially jeopardises the well-being and rights of children overseas and their families. Let's use a hypothetical case in Ethiopia as an example. Mr and Mrs Smith have their heart set on a particular child and have been in conversation with an adoption agency in Ethiopia about this child (despite advice not to do so). On investigation it was found that the child was not an orphan. The child had a living mother and the mother did not understand the adoption process. She believed her child was going overseas to receive an education. She does not consent to an adoption once she fully understood what adoption means. If an adoption order had been approved by an Ethiopian court and despite the Ethiopian program being closed, the adoptive parents could legally proceed with this adoption and bring the child across borders to Australia even though such actions could in effect amount to child trafficking and certainly be unethical.

One of the most important aspects of the intercountry adoption process not dealt with by the Bill is the conduct of post-adoption reports that take place in the first twelve months and how they will be assured and continued. Some adoptive parents may choose to allow them, but many will not. These follow up *independent* professional assessments are important for children's adjustment present and future, for the families and caregivers left behind, for the support of new parents, particularly those who have adopted older children or sibling groups, and the prevention of early placement disruptions in what is often one of the most challenging periods for adoptive parents and the children they have brought into their families. The

elimination of this process or potential for lack of adherence is detrimental to the well-being of children and fails to meet Australia's obligations in intercountry adoptions.

In conclusion, the amendments outlined in this Bill are retrograde with respect to their protection of the rights of children. The Bill, if passed, risks opening the doors for unacceptable practices and abuses in intercountry adoption and in future bilateral arrangements which are predictable and inevitable in a rush towards deregulation. The driver of reform should be good practice and those practices which minimise risk and potential breaches rather than enabling them. The proposed amendment will not reduce waiting times for adoption unless agencies work around or ignore safeguards and responsibilities when it comes to children and families. We understand the government is committed to "smaller government" and alternative means of delivering welfare. However intercountry adoption is an extraordinary case and this amendment should not be brought into Australian law.

APPENDIX

Submission to the Interdepartmental Committee on Overseas Adoption, being convened through the Office of the Prime Minister

February 2014

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Introduction

Australia has a well-deserved reputation for the integrity of its intercountry adoption (hereafter ICA) programs and is recognised internationally as an example of best-practice. Australia's leadership role is evident in its contributions to the formulation of international policy, for example, Australia's sponsorship of a special session on child trafficking during the June 2010 meeting of the Hague Special Commission (Hague Conference, 2012) and its subsequent convenorships of a working group on illegal practices in ICA (Hague Conference, 2012). Australian adoptive families generally do very well with positive outcomes for children. Although exact numbers are not known, it appears that Australia has a very low rate of placement disruptions/breakdowns compared to other countries. Our current ICA system is child-centred and free of ethical conflicts. The system upholds appropriate safeguards for children and ensures the best placements for children legally available for adoption. Lengthy waits, where they do exist, are usually associated with adopters' countries of choice and other requirements *in situ* in source countries such as quotas and priorities for domestic adoptions. Programs also temporarily or permanently close from time to time as a result of decisions made in sending countries or concerns over problematic practices.

Australia has appropriate processes for dealing with countries with minimum standards in place through its ratification of the Hague Convention; and has a long-standing commitment to proper, professional practices in adoption placement and support and high levels of accountability. It should be noted that even with such processes in place Australian ICA is not immune to problems such as child trafficking as demonstrated by several well-publicised cases (Callinan, 2008, 2013; Claire, 2012; Geoghegan, 2009; Jolley, 2010; Lyons, 2008; Rollings, 2008).

On the basis of the authors' extensive research in ICA policy and practice (detailed in authors' publications list below), it is argued in this submission that any movement on the part of the Australian government to reduce safeguards for children by departing from the highest levels of probity and child-centred, professional practice to parent-driven models represents potential and unnecessary risks to children and Australian families, and runs contrary to contemporary knowledge in intercountry adoptions.

As such, we urge extreme caution on the part of the Australian government in undertaking reforms to ICA in Australia in the direction of private, campaigner-led adoption models and the active role of parents groups in establishing and running adoption agencies. We set out our concerns in more detail below.

Is faster adoption better adoption?

In countries such as the US, Spain, France and Italy intercountry adoption numbers remain relatively high despite a global decline (Selman, 2012). The process for adopting overseas is relatively speedy and easy. Private agencies, even where accredited, approved and overseen by government, tend to be adoption-driven and serve the needs of prospective adopters, as the customers, well. Many countries have a combination of accredited agencies and private or independent adoptions. This makes regulation, consistency of quality, the maintenance of safeguards and adoption-informed professional practice difficult to achieve. There are risks of fragmented service delivery and competing interests in which the focus on the child often does not remain central under pressure from parents seeking access to increased numbers of children for adoption.

Business models in such adoptions places the prospective parent at the centre as the client and child adoption within a consumerist framework whereby the objective of the adoption process is to source and place children with parents who seek to form families. Within such a model, speed and access to children are priorities, adoption becomes the preferred option in all cases, and over-identification with prospective adopters on the part of service providers can lead to less vigorous assessment/screening processes. Our research indicates that there are significant problems in attempting to combine a child-centred approach with a parent-centred/consumerist model. Australia's obligations under both the United Nations' Convention on the Rights of the Child (UNCRC) 1989 and the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption 1993 require a child-focused approach in all adoptions.

Campaigns for more 'efficient' adoption processes frequently cite the system in the U.S. and other jurisdictions as offering models which Australia might adopt to increase the numbers of children adopted into Australia and to reduce waiting times. However, 'efficient' adoption processes oriented towards less regulation are associated with problems such as child murders, rehoming, child abuse, child abandonment and a high level of placement disruptions. Poorer outcomes are linked to the manner in which parent-focused, private agencies function, inadequate and consistent screening, and inadequate pre-placement education and follow up of prospective parents (Palacios, 2012; Palacios & Amoros, 2006; Palacios & Brodzinsky, 2010; PPL, n.d.; Twohey, 2013).

Where adoptions are managed by the marketplace, agencies frequently deal with non-Hague countries where *minimum* standards do not apply and trafficking and other human rights breaches occur. For example in 2012, there were 8,668 adoptions to the US. Of these only 3,238 were Hague adoptions (personal communication with Peter Selman, 30th January, 2014). The situation of many children adopted into the US through such services is not something which the Australian government or the wider Australian community would wish to see in this country due to the risks involved.

It should be noted that introducing new programs with non-Hague countries as potential sources of children is also the focus of campaigns in Australia which is of concern due to the lack of minimum safeguards. This approach also demonstrates a lack of understanding of the broader international issues that inform ICA and other efforts and means of intervening to help families overseas by those advocating for these changes. There is a number of problems that must be highlighted when considering introducing parent-led, adoption-driven systems in Australia. Australian and international research suggests that their introduction would risk the high standards currently practised due to the minimal acknowledgement of the problematic aspects of ICA and the sole focus on the needs of prospective parents. The scandals mentioned previously in this submission have caused considerable pain to adoptive families and children (some now adults) in addition to that experienced by the families of wrongfully adopted children – something Australia should avoid. The main concern when considering the Australian context is that the loosening of regulations risks the emergence of ethical conflict, compromised standards and

services, and ultimately poorer outcomes for the children concerned. When weighing up the claimed advantages of liberalized and privatized approaches to ICA (costs devolved from the public to the private sector, expedited adoptions, more children placed in Australian families) due regard needs to be given to how the best interests of children can be assured. The Australian government has obligations to ensure a child-focused approach to adoption and its standing in the international community risks being compromised by any departure from current practice in the direction of de-regulation, privatization and the entry of parent-managed agencies into this space.

Adoption Mythologies

It is well documented by many researchers that adoption markets are supported and justified by the circulation of mythologies which frame adoption as the best and preferred approach to the plight of children in need. Child rescue narratives, which have powerful appeal, have circulated for most of the twentieth century to the present (Briggs, 2003; Swain, 2012) and frequently equate ICA with humanitarianism (Fronek & Cuthbert, 2012). Well-intentioned people may be persuaded by these narratives to believe that ICA represents the best way to meet the needs of children in poverty and disaster which we know is not necessarily the case. Adoption is a suitable outcome for many children, but not for all. Where adoption is deemed by appropriately trained professionals to be the best option for a child, all processes associated with this assessment and the child placement must be ethical and legal.

One common myth in ICA surrounds the numbers of ‘orphans’ in the world. The Australian government and public have been subjected to a certain degree of moral panic and claims regarding the status of children overseas. Campaigners for a reduction in adoption ‘red tape’ and parent-led agencies claim there are millions of orphans in the world looking for families (as distinct from adopters looking for children) and that the present system prevents children finding homes in Australia. In reality, the situation is more complex. UNICEF (2009) identifies that children statistically identified as ‘orphans’ are not necessarily ‘orphans’ as we imagine them to be from an Australian perspective. The majority of children included in these statistics have at least one living parent. Children can be living with a parent, family or temporarily or permanently institutionalised (N.B. institutionalisation is a broad

term that describes a vast array of situations). This is not to say there are not genuine orphans legally available for adoption overseas. Issues and circumstances differ vastly from country to country and it is not possible to make sweeping claims that accurately describe situations across all sending countries or accurately describe the circumstances of all children. Universal statements that are applied to all children in need can only be inaccurate.

Research projects conducted separately by the authors have produced similar findings. One such finding is that campaigners in Australia reject UNICEF's advice on the status of 'orphans' and UNICEF's position on intercountry adoption (2010) which is contrary to more recent claims. Perpetuators of the orphan mythology reject the emphasis placed on the child's own family and culture and family reunification as first priorities proposed by UNICEF and other experts. Australian campaigners do not differentiate between children with and without families in rhetoric and media representations, suggesting all will be better off adopted into Australia regardless of individual, personal circumstances and sound relinquishing practices.

Graff (2008) identifies a popular position that UNICEF places obstacles in the path of quicker and easier adoptions (Graff, 2008). UNICEF's position on ICA is echoed by International Social Services (ISS) and the International Council of the Red Cross (ICRC) (ISS, 2010a, b; UN, 2010). These positions align with and support the subsidiarity principle of the Hague Convention which outlines that priority be given to care options for children within their own families and communities. Together these positions represent the core considerations in child-focused policies and practices where ICA is at the end of a care continuum only to be explored when all other care options are exhausted. The position being espoused by those campaigning for parent-led agencies is at odds with these approaches because of the ideological basis of beliefs concerning the way adoption should be practised which brings with it the risk of the erosion of safeguards. Campaigners seek to install ICA as the care option of first resort for children, indicate agreement with only two articles of the CRC and seek to compromise Australia's position in the international community by placing pressure on overseas countries to open new ICA programs to increase adoptions to Australia.

UNICEF along with other international bodies and esteemed researchers from a range of disciplines who point out the complexities of intercountry adoptions are labelled as 'anti-adoption' by those seeking to establish parent-led agencies in Australia. The labeling as anti-adoption of those offering critical or cautious views based on research is used to discredit research that presents a more complicated picture of ICA. The use of this terminology by some Australian adoptive parent groups in Australia began in the 1970s and its continued use has been identified in Australian research and documented overseas (Fronek, 2009a; Quartly, Swain & Cuthbert, 2013). There are certainly groups and individuals who are opposed to adoption in all circumstances but frequently the term 'anti-adoption' is applied to individuals and organisations which seek to acknowledge and address some of the challenges inherent in adopting a child from overseas and thus raise awareness that ICA is a difficult and challenging mode of family formation requiring expert professional support and services.

Argument which unnecessarily polarizes the community into pro- and anti-adoption camps risk losing sight of the needs of children which should be central and make it extremely difficult for all stakeholders to work together in the Australian context to ensure best practices are maintained and improvements where they need to be made are supported by knowledge and an accurate understanding of the issues. Any public or private agency (for-profit or not-for-profit) administrating any aspect of an adoption program must be cognizant of all issues within and outside Australia.

Conflicts of Interest

Some campaigners are proposing alternative models that support the accreditation of parent-led agencies akin to flawed systems operating elsewhere that do not adequately address the Australian context (Fronek, 2009a; Quartly, Swain & Cuthbert, 2013). Australia does not have the resources to support such models given our geography, population and the size of professional, independent organizations (who do not have a history of unethical practice in some aspect of adoption) capable of providing such services across the country. Experiences previously described overseas and within Australia provide reasons why this is not an option for Australia if the interests of children and our reputation are to be maintained.

Australia has tested parent-led agencies in South Australia. The intercountry adoption functions of the agency, Australians Aiding Children Adoption Agency, AACAA, (also known at various times as ASIAC and World Families Australia) were removed following an investigation in 2003. This parent-centred program that measured success by the speed and number of adoptions gave relatively low priority to safeguarding children. Highlighting the inherent difficulty in managing conflict of interest in parent-led adoption services, the agency during its period of operation was found to have a bias towards prospective parents, a lack of understanding of its ethical and legal obligations, and a lack of qualified, independent practitioners in the adoption process. As provided in evidence by the South Australian Department of Families and Communities to the 2005 Inquiry into Overseas Adoption in Australia conducted by the House of Representatives Standing Committee on Family and Human Services, breaches of ethical and professional standards in the operation of this agency were grave and included the offering of children to parents before the conclusion of the formal assessment process; and on six occasions the failure of the agency to forward to the Department risk assessment reports likely to lead to the non-approval of applicants for adoption (HRSCFH, 2005, p. 95). Some parents still do not accept the seriousness and significance of the breaches committed at that time which is of concern itself and in the words of one parent in a submission to the 2005 inquiry. AACAA, with its freedom from red tape offered the 'most progressive and elegant of intercountry adoption processes in Australia' (Melville-Smith, 2005). Advocates for such streamlined approaches equate 'red tape' with needless delays for parents and not with necessary safeguards for children.

The Victoria report of a review of ICA services by Justice John Fogarty and others (1989) (known as the Fogarty Report) into the mishandling of an Indian adoption in Victoria (the Baby Kajal case) highlights the role conflicts of interest and reduced accountability play in ICA and the difficulties of securing the best interests of children in systems oriented towards the prospective parents as the 'clients' or consumers. As reported by Fogarty et al: 'As parents are paying out and they are in Victoria and the children are not, it gives rise to the view that the service is for them. It is not.' (Fogarty et al., 1989, p. 122). In the emphatic view of Justice Fogarty it is highly problematic for the community to define ICA as a service *for parents*. Receiving countries should have no role in finding children for adoption or pressuring

sending agencies/countries to provide children or more children. Even in the current well-regulated ICA system in Australia, the situation of prospective parents attempting to bypass rules and intentionally or inadvertently placing pressure on overseas agencies has been a problem for government since the 1970s. This has resulted in repeated requests from sending countries through diplomatic channels to ensure parents work through state authorities and not as agents in their own right (Fronek, 2009b).

Campaigning parent groups cannot serve two masters. The tension between meeting the needs of adopters with whom they identify, an adherence to adoption myths and the associated child rescue syndrome masks the complex realities of children's and their families' situations in cultural circumstances in which norms of family and care may differ from those that pertain in Australia. Most importantly it fails to provide a realistic view of the many tensions and problems in ICA on which reforms must be based. The tensions between truly working in the interests of children overseas with international bodies and an uncritical and singular view that focuses on increasing the speed and ease of adoptions invite ethical dilemmas and inevitable ethical violations as we have seen overseas and in Australia. For example, some prospective adoptive parents and their advocates become self-appointed spokespersons for children overseas and fail to distinguish between parent-driven perspectives and the needs of children and in many cases children's families overseas (Fronek & Cuthbert, 2012).

This is not to say that there is no role for parents and parent-led organisations in the provision of adoption services and support. Extremely valuable contributions are made by those with direct experience of adoption in the provision of practical advice on travel, pre- and post-placement family information, support and cultural activities (Willing & Fronek, 2012). This work should be supported by government. However, the extension of this brief to a more active role in the adoption process itself is fraught with conflicts. It is well established that parent-led agencies struggle with the independent assessment of prospective adopters as their objectives are to meet the needs of their clients. Even if independent, qualified assessors are engaged by such agencies that are being currently proposed, they would be financially dependent on their employer and may be placed in situations of undue pressure to comply with the goals of the agency rather than, for example, deem prospective adopters as unsuitable

where appropriate or identify potential placement disruptions. This is an unresolvable dilemma with the potential to do harm as noted in the previous examples.

There are also problems with parent groups undertaking all pre-education and preparation of prospective parents given the tendency of this section of the adoption community to strenuously deny that any problems in intercountry adoption exist (outside criticisms of the current model) in their push to advance ICA as a win-win outcome for children and parents. Thus, a common criticism of the education and awareness programs currently offered by state-and territory-based ICA services from some parent groups is that the education offered to prospective parents is 'too negative' and appears to be designed to put parents off ICA as a family formation option. This is problematic as ICA is not wholly positive and even where good outcomes are achieved for children, families often face significant adjustment challenges and ongoing issues as children grow, reach adolescence and form their own opinions on adoption and about their lives (Armstrong & Slaytor, 2001; Walton, 2012). Adoptive parents must be adequately prepared and supported. In our view, pre-adoption education programs for parents must fully and frankly advise parents of the many challenges involved in parenting a child adopted from overseas. This is not 'anti-adoption' or unduly negative, but rather responsible service provision. Pre-education, psychosocial assessments (homestudies) and post adoption follow-up and support are skilled professional activities that cannot be compromised. Unskilled or inadequate assessments or inappropriate screening that focuses solely on the needs of adopters or, for example, focuses on mental health risk screening rather than parenting abilities and inadequate preparation have been shown to be contributing factors to placement breakdowns and dissolutions in Europe (Palacios, Sanchez-Sandoval & Leon, 2012). It is equally problematic for parent-led agencies to liaise with sending countries due to similar conflicts of interest. Australia has a reputation for ethical and good intercountry adoption practice and it is important that this position is not compromised.

Outcome measures

Speed, ease and higher numbers of adoptions as desired outcomes do not assure successful outcomes for children and families. These 'efficiency' measures are rather indicators of the degree to which a program addresses the desires and beliefs of

adopters and says nothing about quality, short- and long-terms outcomes for children and their adoptive parents and families. More appropriate measures of the success of adoption programs might include:

- numbers of placement breakdowns across the adopted child's lifespan and into adulthood;
- access to adequate post adoption support for families and adoptees with services capable of meeting the needs of adopted children as they grow to young adulthood and beyond;
- children placed with adoptive families best positioned to meet their needs;
- ethical, auditable, and transparent practices in administration, finances, legal processes and research-informed, independent, professional practices;
- ensuring ethical and legal standards in sending countries with which Australia has programs;
- high and consistent standards of pre- and post- education and preparation;
- improved available support for parent groups to maintain their support and cultural activities;
- monitoring of numbers of child protection complaints; and
- the employment of appropriately qualified, independent professionals.

All systems can be improved and there is room for improvement in Australia particularly where it concerns consistency across states and the adequate provision of post adoption support. The need for post adoption support extends across the lifespan for adoptees and/ or families well beyond the 12 months follow up currently required and post-adoption services need to be available to adoptees as they mature and recognise that at times the interests of the adopted person are not identical to those of the adoptive parents (Walton, 2012).

Now and into the future, the kind of child expected to be available for intercountry adoption will be older with special needs. Therefore, there will be a greater need for post adoption services and more extensive services (ISS, 2012). Ideally such services will address the ongoing needs of adopted children and adults and their families and be supported by robust independent research.

Conclusion

Campaigners for the liberalization and reform of adoption in Australia are highly vocal, several have high profiles and good access to the media and are able to sway opinion. It is important for the government to recognise that these voices are not representative of the adoption community (or communities) as a whole; that their opinions are not necessarily backed by evidence-based research and that many of them have particular interests in this area of public policy. There are many sources of expertise on which the government may draw to inform itself fully on these matters. These include mothers and families from whom children have been removed in past adoptions who can provide important perspectives in the absence of mothers and families with similar experiences overseas who are unable to provide information to this committee. The voices of people who have been adopted are also vital to this discussion and should be invited to speak in a safe environment. Many adoptees are reluctant to come forward due to the pressure they experience if views that are not perceived as wholly positive of adoption are expressed. Because intercountry adoption directly concerns them, such pressure can cause considerable distress. Finally, there are highly experienced and qualified professionals working in the adoption field and academics and researchers with expertise in adoption who can provide advice. The intercountry adoption policy framework and professional practice in Australia must continue to be informed by independent, balanced research, highest standards of professional service, and a focus on children and their outcomes.

It is noted that that this committee's work focus is on intercountry adoption not domestic adoption. We note in closing that while some issues are common across ICA and domestic adoption, that they remain two very different processes and address different needs. Domestic adoption is equally complex but with very different issues and requires input from experts in this field. We would urge the committee to make this distinction when considering submissions.

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Authors' biographies and select publications

1. **Dr Patricia Fronek** is Senior Lecturer in Social Work in the School of Human Services and Social Work, Griffith University. She is a member of the Australian College of Social Workers and the President of the Australian and New Zealand Social Work and Welfare Education and Research (ANZSWWER). She has been researching intercountry adoption in Australia since the early 2000s. As a social work practitioner, she assessed Australian prospective parents for intercountry and local adoptions for seventeen years. Along with the co-authors of this submission, Dr Fronek is considered internationally an Australian expert in adoptions. As such she is invited to serve on international policy panels, present at conferences and publish her work in peer reviewed books and journals and participate in national and international research. She enjoys collaborative working relationships with esteemed Australian and overseas academics.

2. **Professor Denise Cuthbert** is currently the Dean of the School of Graduate Research, RMIT and formerly a Professor in Sociology and Head of the School of Political and Social Inquiry at Monash University. With Professors Marian Quartly and Shurlee Swain, she was a Chief Investigator on the ARC-funded History of Adoption in Australia with responsibility for researching ICA in Australia. She is the author of many articles on adoption published in leading international and Australian journals, has undertaken commissioned research on special needs adoption for the Commonwealth Attorney-General, and is the co-editor of the book *Other People's Children: Adoption in Australia* (2009) and the co-author of *The Market in Babies: Stories of Australian Adoption* (2013).

3. **Professor Emerita Marian Quartly** is a leading authority on women, children and family in Australia and the lead Chief Investigator on the four year ARC-funded History of Adoption in Australia research project (2009-2012). She is the author of many articles on adoption in Australia.

4. **Combined authors' research publications on adoption:**

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