

Submission – Review of Local Adoption

The House of Representatives Standing Committee on Social Policy and Legal Affairs

Dear Committee Members,

Please accept my submission, within the context of the first terms of reference (stability and permanency for children in out-of-home care with local adoption as a viable option), via 7 recommendations. These recommendations will also challenge the committee members to halt any undertakings to pursue or establish a national framework or code for local adoptions within Australia.

Before I launch into my recommendations in this submission, I will draw the members attention to the [Parliamentary page](#), which states:

“This inquiry, including the content of submissions, may cause distress to some people. We advise that those people who have been affected by past adoptions or are sensitive to trauma issues may wish to be mindful when engaging with this inquiry and ensure that appropriate support is available.”

It is within this context that I must question why there is a review, that is clearly [advocating for adoption](#), would do so in the willful knowledge that adoption is traumatic? Please keep in mind, that I was once a child who was adopted under the guise of my best interest. I am also concerned that the wording of the review, as per the media release, is designed to exclude adoptee voices. For example, the committee is interested in **barriers** to adoption and how they can be **overcome**. Accordingly, this appears to be calling for submissions from pro-adoption stakeholders, rather than adult adoptees, I hope this is not the case.

I also ask that all committee members keep in mind that all adoption is out-of-home care irrespective of how it is operationalised (i.e., whether voluntarily relinquished or through child protection system). However, in general, adoptee’s have not been afforded the same rights as other children in care which perpetuates our marginalization. For example, and anecdotally, adult adoptees who were placed in the care of abusive adoptive parents, by government and other institutions, have reported that they were excluded from giving evidence under the terms of reference for the Royal Commission into Institutional Responses to Child Sexual Abuse. Arguably, when an adoptee is placed in out-of-home care, such as adoption, government and any other institution (e.g., funded NGO) should remain accountable. They should not be allowed to abrogate responsibility for any adoptee.

Also, in terms of writing a submission, I question what support services adoptees are meant to access given that there is little experience and knowledge on adoptee outcomes and issues? With that said, I will move on to my submission, via 7 recommendations, through my adoptee lens and as a former human services professional.

Recommendation 1. [Commitment to Operationalising the Recommendations of the: Commonwealth Contribution to Former Forced Adoption Policies and Practices](#)

The recommendations of National inquiry into the Commonwealths Contribution to Former Forced Adoption Policies and Practices, which received bipartisan support, have not been operationalised. I recommend that national and state governments work together to achieve these recommendations before moving forward with any national adoption framework. How can we expect to learn from our mistakes if these have yet to be remedied? As aforementioned, my adoption was touted as being in my best interest, yet my outcomes and wellbeing as an adult adoptee are ignored. Adoptees in Australia are marginalised members of society. I am still waiting for governments to implement concrete actions that offer appropriate redress for past mistakes as per recommendation 6 of the inquiry.

My recommendation is aligned with [recommendation 4 of](#) the inquiry which stated that: “The committee recommends that apologies by the Commonwealth or by other governments and institutions should satisfy the five criteria for formal apologies set out by the Canadian Law Commission and previously noted by the Senate Community Affairs Committee.”

In brief, the Five Criteria of the Canadian Law Commission are:

1. Acknowledgment of the wrong done or naming the offence.
2. Accepting responsibility for the wrong that was done.
3. The expression of sincere regret and profound remorse.
4. The assurance or promise that the wrong done will not recur.
5. Reparation through concrete measures.

Recommendation 2. National Inquiry into Adoptee Outcomes

As an adoptee, with the lived experience and ergo an expert on adoption, I find it inconceivable that this review has preceded a National inquiry into adoptee outcomes! There is a dearth of research in Australia on adoptee outcomes. In fact, no reliable data has been kept on our outcomes across the domains (e.g., physical, social or emotional health). Anecdotal data, and international research, reveals that adoptees are over represented in areas of: [attempted suicide](#), [mental health](#), [feelings of loss](#)/disenfranchised grief, [prison](#), [addiction](#), [trauma and identity issues](#) (as already recognized by this committee). Please note this list of resources is not exhaustive.

Clearly, adoption is not a panacea and we still need to address adult adoptees who are in this position because of former governments' reverence of adoption. You, the committee members, have an opportunity to halt any further discussions on adoption until there is an inquiry that reveals other practice issues that have not been investigated or addressed including but not limited to: the process of discharging adoptions, no ongoing welfare checks on adoptees, vetoes, adoptees who were abused by their adoptive parents, adoptee rehoming and adoption breakdowns in Australia. We must give adult adoptees a voice in Australia. Adoption does not guarantee a better life, only a different one.

Recommendation 4. Data Collection

Moving forward, I urge the committee to liaise with commonwealth and state health (and other relevant departments) to institute a national framework for data collection on adoptees who access services such as but NOT limited to: mental health, youth detention or prisons, other statutory services, homeless services and alcohol and other drug facilities. We need to collect and analyze this data to inform a national understanding of adult adoptee outcomes. Until this happens, adoption cannot be championed, and it is not consistent with evidenced based practice.

Recommendation 5. Examine Other Models of Care

I will briefly draw the committee members to research recently released in the UK on the British adoption system. The British Association of Social Workers (BASW) instituted an [Enquiry into the role of the social worker in adoption – ethics and human rights](#). The Guardian reported on this as "[Adoption a runaway train often breaching birth parents rights](#)". Australian academic, Dr Fronck, has also previously reported on the UK system and characterized it as an [adoption driven system](#). Other research also exists that suggests that a well resourced [foster care](#)

[system](#) can achieve similar outcomes to adoption. The article in [the Conversation](#) (2016) reported that: “a [substantive review](#) comparing long-term foster care and adoption (as one form of permanent care) found that differences between the two are not as stark as is often thought.”

Given that the outcomes are similar, I recommend that the committee also examine other care models that exist that do not strip an adoptee of their rights including: real birth certificate and right to retain real name, right to remain legally related to all biological family, provision of national framework (and funding) to enable existing adult adoptees to easily discharge their adoption and restore their legal links, identity and inheritance rights.

Recommendation 6. Practice Consistent with the UN Conventions on the Rights of the Child

The current climate of conflating child protection and adoption is erroneous. To that end, I draw the committee members attention to the fact that Australia has ratified the [UN Conventions on the Rights of the Child](#). For example, article 7 which states that “ **Article 7.1**

The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

Adoption, as it is currently operationalized, strips adoptees of their legal rights to their birth certificate and to be related to their biological family. Adoption is a human rights issue and these rights must be aligned with the UN Convention and other human rights instruments. Accordingly, there are other inclusive care models that safeguard children’s rights and safety that are not so punitive, and these must be examined. For example, there is a [Simple Adoption](#) model operationalised in France or the My Home program in Queensland. According to the [Department of Communities](#) site,

the “My Home also enables the department to consider whether the permanent foster carers will be the child’s legal guardians under a Long-Term Guardianship Order to the carers. This allows the child to have the security and stability of living permanently with a family, without ongoing intensive involvement from the department. Providing a permanent, stable home life allows children to form trusting and secure attachments to their carers, and feel a sense of belonging with family and community.”

Recommendation 7. Preserve Identity and Legal Links to Family

As aforementioned, I urge the committee members to consider that a child who is adopted at five may very well wish to return to their kin and broader family when they are older. It does not make sense that they will be issued a new birth certificate with their adoptive parent's names on it (as if born to). Permanency under the guise of adoption for children in out-of-home care, is not in a child's best interest. If an adult wants to change their name to their carers then I support that but that does not necessitate adoption without informed consent. Belongingness and stability in care are not contingent on a child being legally removed from their extended family tree. Adoption erases all the family links to aunts, uncles, cousins and indeed other siblings. Open adoption does not resolve this. There are no rights to parent. Only rights that protect children. Acting in a child's best interest does not mean pursuing adoption ideology but warrants an investigation of varied inclusive frameworks.

I also ask that the committee members recognize that for an adoptee, the impact of adoption can take decades to fully unpack and understand. I speak to local and international adoptees and this is a recurring theme. The younger me would have supported adoption because that was what was expected of me by society. That was the dominant narrative and my grief was disenfranchised and that remains so today. Meanwhile, I lived with inner turmoil and and I felt the harsh sting of the injustice that underscores adoption from a very young age.

In that context, I am very worried that young children in foster care may be subject to a narrative that tells them they can only be loved and supported through adoption, as opposed to foster care or family reunification. I know myself, and through my friends who work (or have worked) in the child protection system, that kids primarily want their parents to love them and they want to return home. We must recognize that children and young people come into this world within the context of their biological family (including extended family), community and culture. This connectedness helps shape who they are – their identity. Supporting children holistically necessitates that we support their right to retain their attachment to their biological family, which in turn cements their sense of belonging (Barra & Nupponen, 2018). Asking (or imposing) a child in care to forfeit their lineage and rights, something that they may not fully understand to they are older, is too big a price to pay in the name of care.

In addition, adoption does not stop children coming into care. Our focus, as a nation, should be towards early intervention and prevention models and the barriers that exist for children to return home safely and to be part of a well-resourced foster care system. I refer you to a [piece](#) I wrote which touches on some of these issues and which was co-authored with my friend and

former colleague Dr Nupponen. I am concerned that resources that should be funneled into early intervention and prevention will move to post adoption support. With that said, I therefore challenge the notion that local adoption should be the vehicle which is used to pursue stability and permanency for children in out-of-home care.

Finally, I am privileged to have the support of my adoptive family who I love dearly. What makes them so unique is that they would have loved me without the identity change and falsified birth certificate. They stand beside me now as I discuss the issues and champion change. However, I am cognizant that there are adoptees who face multiple barriers in terms of coming forward to write submissions or to speak publicly. To that end, I invite committee members to contact me should they wish to discuss this submission in further detail.

Sincerely,

Adult Adoptee