

**Submission to Standing Committee on Family and Human Services
Inquiry into Adoption of Children from Overseas.**

Expectant Parents Group of Canberra.

The Expectant Parents Group is a group affiliated with the Adoptive Families Association of the ACT. The group offers support and friendship to couples and singles in the ACT and surrounding district who are in various stages of the adoption process prior to receiving a child into their care.

Given that the members of the group live in the ACT and rural NSW, fees and differences in the process are a comparison between these States.

The Australian Government is calling for an increase in the birthrate to offset the problem of an aging population. However, there are those who, for whatever reason, choose to form a family by adoption. There are significant costs, emotional and financial, associated with intercountry adoptions. If the Australian Government is serious about increasing the population, it will do everything possible to reduce the financial burden of intercountry adoptions.

The Australian Government ratified the Hague Convention on International Adoption in 1998. The Hague Convention recognises that intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of Origin. By ratifying this convention the Australian Government has put on record its agreement with this principle.

However the many obstacles which adoptive parents must overcome - administrative, financial, and emotional - and the lack of support from the Australian Government and the State and Territory Government would cause them to believe otherwise.

Inconsistencies between state and territory approval processes for overseas adoptions.

ACT	NSW
<p>Fees Approx costs for the processing of an application by the ACT department of family and Community Services. \$3762</p>	<p>Fees Approx costs for the processing of an application by the NSW Department of Community Services. \$9700</p>
<p>Processing time for applications Applications take around 6-8mths</p>	<p>Processing time for applications Some applications have taken over 12 months</p>
<p>Married or Single Status An adoption order may be made in favour of two people jointly being a couple. Whether married or not. They must be living together in a domestic relationship</p>	<p>Married or Single Status Married and Defacto applicants will have been married or in a bona fide relationship for at least three years; or married for at least two years and before that living together in a bona fide domestic relationship for at least one year immediately preceding their marriage</p>
<p>Age of Siblings Newly adopted child is required to be the youngest child in the family. Families are required to wait two years after their first adoption before applying to adopt a sibling.</p>	<p>Age of Siblings The needs and characteristics of a specific child indicate that placement with particular applicants would be desirable and that the child is at least 2 years younger than the existing older child and 3 years older than the following child of the family</p>

Any inconsistencies between the benefits and entitlements provided to families with their own birth children and those provided to families who have adopted from overseas.

Maternity Payment

The maternity payment is designed to offset the costs and loss of income usually associated with a new baby. It is also seen as an incentive to parents to have larger families to offset the effects of the aging population. The payment is available on the birth of a child, even if the child is stillborn or dies shortly after birth, or when a child born after 1 July 2004 is adopted before the child is 26 weeks old.

The majority of adoptions, both international and local, are of children over 6 months of age. In 2002-2003, 28%, and in 2003-2004, 40% of children adopted from overseas were less than a year old when they are adopted. (Adoptions Australian 2002-2003 and 2003-2004 The Australian Institute of Health and Welfare). The statistics for the proportion of adoptions of children less than 26 weeks are not available. The majority of intercountry adoptions occur when the child is over a year old.

At Australia's current birthrate, there are approximately 255,000 births each year. In 2003-2004, there were 502 adoptions in total of which 370 were intercountry adoptions. Adoptions comprise 0.2% compared with births. Based on the current birth rate this Financial Year, the Australian Government will spend in excess of \$750 million dollars on the Maternity Payment. The additional cost to cover all adoptions would be \$1.5 million.

There are significant costs associated with adoption including Australian and Intercountry fees (outlined below). In addition to this, adoptive families still have to purchase all the usual necessities associated with raising and providing for the children. In the ACT, it is a Government requirement that one parent stays at home with the child after the child is adopted. This is to promote bonding to occur between the child and the parent and to ensure that the child is supported in adapting to his /her new environment. The requirement in NSW is for 6 months. There is no option to return to work earlier as there is for biological mothers, who may return to work as soon as they are fit.

The costs of bringing home an adopted child are not reduced because they are over 26 weeks of age. In fact, they may be increased as many children adopted from overseas have significant medical and psychological issues associated with institutional care and poverty in their country of origin, and these multiply with the age of the child. (However, it is important to note that these issues are readily addressed because for Australia's high standard in health care

Recommendation

- 1. Remove the age limitation for adopted children from maternity payment in recognition of the significant costs associated with adoption of a child of any age and make the payment available from the date of adoption (or when the child comes into the care of the parents) regardless of when they were born.***

Paid Adoption Leave

Twenty-nine percent (29%) of workplace agreements in Australia include paid maternity leave, whereas only one percent (1%) include paid adoption leave, according to the (Work and the Family Unit of the Department of Employment and Workplace Relations). In many cases where paid adoption leave is included in Workplace Agreements, the amount is equivalent to maternity leave for the Primary Care Giver, although the process for applying for the leave may be more onerous. A number of Workplace Agreements also provide for Paternity Leave for the Secondary Care Giver. Although paid maternity leave is an entitlement for Australian Government employees through the Maternity Leave Act, paid adoption leave is not automatically given, and has to be included in the individual Agencies Certified or Workplace Agreements. While a number of Australian Government Agencies, State and Territories and other organisation have some provision for Maternal and Paternal leave for adoption purposes the treatment is inconsistent.

For example, the following agreements include paid adoption leave:

- NSW Government - 14 weeks
- Northern Territory Government -

- ACT Government - 12 Weeks
- Victorian Government
- Most Universities
- Australian Government organisations:
 - Department of Family & Community Services
 - Centrelink
 - Department of Immigration & Multicultural & Indigenous Affairs
 - Institute of Health & Welfare
 - The Australian Antarctic Division
 - Australian Customs Service
 - Comsuper
 - Department of Health & Ageing.

In its 2002 publication “A Time to Value: Proposal for National Paid Maternity leave Scheme” The Human Rights and Equal Opportunity Commission recommended that adoptive parents should receive the same paid leave entitlements as for maternity leave, regardless of the age of the child at the time of adoption. This recommendation recognises the need for equity with biological parents, the needs of the newly adopted child and the adoptive parents to bond and the state and territory Government requirements that one adoptive parent takes from 6 months to a year off work to care for the child.

Recommendation

2. ***Legislate to ensure that paid Adoption Leave for the primary care giver is equivalent to negotiated paid Maternity leave***
3. ***Legislate to ensure that negotiated Paternity Leave entitlements are equivalent for the secondary care giver***

Unpaid Adoption Leave

The Workplace Relations Regulations provide for 52 weeks unpaid leave for adoption purposes. However this regulation applies only if the child is under 5 years old. For parents who adopt a child older than five years old, there is no entitlement to leave for adoption purposes, and they risk losing their job by applying to adopt an older child. This

It is widely acknowledged that the older the child is, the more difficult the transition to a new family and new environment. Older children are also more likely to have health concerns, which would be assisted by the parent staying at home with the child. It is therefore essential that parents who adopt an older child are provided the support they need and the security of knowing they will not lose their employment while caring for their child.

The HREOC, in its publication “A Time to Value” supports this view.

Recommendation

4. ***Remove the age limit to ensure that all adoptive parents are entitled to unpaid leave regardless of the age of the adopted child.***

Adoption Visa

Before the adoptive parents can bring their child home to Australia, the child must undergo a medical examination, to ensure that his or her health complies with Australia's Immigration laws and must obtain an Immigration Visa for the child. The Medical Examination cost around \$300 and the Immigration Visa around \$1245.

Recommendation

5. Either:

- a) *remove the fee for the immigration visa and medical for adopted children; or*
- b) *allow reimbursement or offset these fees of these fees, eg by tax concessions.*

Costs of Intercountry Adoption compared with Medicare support for child birth

The majority of costs associated with childbirth for antenatal, obstetric and postnatal care are covered by Medicare with an average cost of approximately \$6000 per pregnancy. IVF treatment is also heavily subsidised by Medicare (currently \$10,000 per three cycles, amounting to \$78 million in 2004).

The average cost of an intercountry adoption is \$20,000-\$30-000.

The fees charged for processing of an adoption application are \$4,154 in the ACT and \$9,700 in NSW. In addition to this, the prospective parents must undergo and pay for medical checks (potentially requiring separate checks for the Australian jurisdiction and the overseas country), notaries and Police Checks, in some cases, a psychologists report (\$600), and courier fees to send the application to the country of adoption. The medical check(s), which is mandatory with the adoption application, is not claimable under Medicare or private health insurance. A couple may have to undergo 2 or more medical checks each during the adoption process, at a cost of approximately \$80 each time. The psychologists report is also not claimable.

Once approved, to be paid to the country of origin of the child for processing of the application can be as much as \$10,000. In addition there are the costs an immigration health check, Immigration Visa, travel to and from the country of adoption, a stay of 1 week to 2 months (depending on the country) must also be met.

In stark contra distinction, the cost of local adoption costs are subsidised by the State Government.

Recommendation

6. *Provide a mechanism for adoptive parents to receive a rebate per child for expenditure on adoption.*
7. *Abolish State and Territory government fees for processing of adoption applications.*

Private Health Insurance

A newborn biological child is immediately covered by private health insurance, providing the family has held a family insurance policy for at least 3 months before the birth of the child (time may vary between funds), regardless of any conditions the child may be born with. With the prenatal diagnostic test routinely undertaken in Australian, these conditions, in many cases will be known before the child is born.

For adoptive families, the family must still have the pre-existing policy to obtain ANY coverage for the adopted child. However, although the usual 2 two-month exclusion period that new members normally have to wait is waived, pre-existing conditions and major dental work such as extractions are not covered for 1 year from the date the cover starts. This means the increased health costs for adoptive families in the first year of the adoption are not covered by private health insurance, even though the family may have been paying insurance for many years.

Recommendation

- 8. Legislate to require Private Health Funds to waive the waiting period for adopted children.***