

Jackie Kerr Daly

July 2005

House of Representatives Standing Committee on Family and Human Services  
Parliament House  
Canberra ACT 2600

Dear Committee

**Re: submission to the inquiry into adoption of children from overseas**

Thank you for the opportunity to contribute a late submission. I write to the Committee as a recent adoptive mother through the intercountry adoption program.

**Inconsistencies between the State and Territory approval processes for overseas adoptions**

The Commonwealth's delegation of processing responsibilities to state and territory agencies - and the resultant inconsistencies across these jurisdictions (well documented in other submissions) has produced a range of inflexibilities and difficulties for families wishing to adopt. For example, applications by families who move inter-state or temporarily reside in another state due to family commitments may be prejudiced or delayed because of the different rules applying in each state. The reality for many employees is the need to be flexible by relocating inter-state for new and/or improved work opportunities. The current adoption system however doesn't readily accommodate the transfer of files across jurisdictions. A less rigid but coordinated and standardised system may offer adoptive parents and their families greater flexibility in the processing of their applications which is important given the length of time that applicants can and do wait for an allocation of a child. Bearing in mind that the relationship between the applicant and the Department can sometimes span 4 or 5 years (from the initial expression of interest through to legalisation) it is important to have a transparent, consistent and thorough process with some capacity for flexibility to accommodate the needs of individual families. A common arrangement/system across the states might mean that applications are more easily 'transportable', and that all applicants have access to the full range of programs (subject to the relevant criteria imposed by each relinquishing country). It might also mean that Australia is able to extend its contribution to intercountry adoption to other countries or within existing programs.

There are a number of other practical issues eg prohibitive and inconsistent fee structure, different timelines etc that are well covered in other submissions. Such inconsistencies are hardly surprising given the Commonwealth's delegation of processing responsibilities pursuant to the Hague Convention to apparently under-resourced agencies at a state level (notwithstanding that it is a user pays system!) and retention of only one full time staff person to work on adoption issues at a Commonwealth level.

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

Generally speaking adoptive parents do not enjoy the same employment conditions in relation to leave especially paid leave as those available to parents who give birth to their children. Recently however the Victorian Government brought adoption leave into line with maternity leave involving 52 weeks leave, 14 weeks on full pay. I think this is a first.

Intercountry adoption is often preceded by years of costly fertility treatment which is at least partially subsidised by Medicare. There are no similar supports for families incurring significant costs involved in the processing of an intercountry adoption application. Arguably the financial burden of adoptive families is greater than that for non-adoptive families given the user pays system plus the requirement that full time care be provided to an adopted child for the first 12 months (which effectively means that

one parent is precluded from paid work for the first year). Depending on the needs of the children – and the complex needs of adopted children especially those of older children are well documented – full time care may be recommended and required for an extended period of time.

The costs of adoption are very prohibitive especially when compared to the costs incurred for local adoption. In addition to the costs charged by the Department to process applications (which are nominal for local adoption) and those imposed by relinquishing countries there are a multitude of additional costs incurred by applicants for things such as medicals, psychological tests, official documentation, travel to and accommodation within the country of origin etc etc. The costs would no doubt preclude many potential applicants. It may be possible that subsidisation or tax relief for some of these costs could result in a broader pool of applicants.

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Whilst this is not strictly within the terms of reference of the inquiry I would like to make an additional comment:

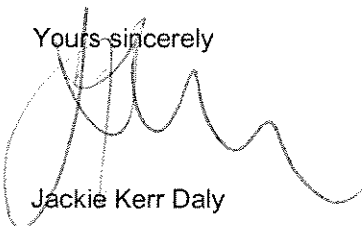
Having been 'in the system' for 4 years firstly as an applicant and now as a parent my reflections are that the application process is all consuming and lengthy. This provides our family with assurances that our child's (and her birth mother's) best interests have been protected in what are very complex circumstances. Had we not had these assurances we would not have embarked on this journey. We absolutely support a thorough and proper process but believe it is equally critical for agencies involved to have a vision for long term change which would bring an end to the need for intercountry adoption. I therefore believe it is incumbent upon all countries involved in intercountry adoption especially receiving countries to not only demonstrate adherence to the requirements of the Hague convention but an active commitment to this long term objective. At present I don't think this is the case because Australia's approach is so overwhelmingly focussed on the bureaucratic business of processing applications. Perhaps there is a lot of work behind the scenes, perhaps a sharing of information between adoption agencies and those developing foreign aid policies but as participants in the process we are not exposed to any of this work at any stage in the process. And I think the system is let down because of this.

I have been particularly influenced by a speaker from the Italian agency at a recent adoption conference in Adelaide. The speaker's opening remarks firmly positioned intercountry adoption as a global necessity in response to issues of poverty and discrimination etc. As I understand it Italian law mandates that the agency working on adoption must also be involved in poverty reducing strategies in those countries with which it deals.

Unless and until we pinpoint and seek to change the circumstances - economic, social or cultural or otherwise – in which mothers and/or fathers relinquish their children, intercountry adoption will continue to grow and grow. The long term goal must be to reverse this trend.

Thank you for establishing this important inquiry.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jackie Kerr Daly', written in a cursive style.

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