

## Opening Statement to the

### **Inquiry into the Adoption of Children from overseas**

The Department of Human Services is the responsible authority in Victoria for the provision of the intercountry adoption program. The arrangements for overseas adoptions are made through the Intercountry Adoption Service located in Child Protection and Family Services in the Office for Children. The designated Central Authority for the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption is the Secretary of the Department of Human Services. The Secretary for the Department of Human Services has delegated these responsibilities to specific officers in the Department. Adoption in Victoria is governed by the Adoption Act 1984.

Adoption is a service for children who need families. Intercountry adoption is a service for children who are unable to live with their family and for whom no permanent family can be found in their country of origin. The role of the Department of Human Services is to find suitable families who are able to provide a home and the care that these children need. Whilst the Department deals with families wanting to adopt, this is not a service to provide children for people who are unable to have their own children. There is an important distinction.

International adoption is a complex social phenomena. There is a view that thousands of children are languishing in orphanages waiting for families and that there should be few or no barriers to stopping this from happening or the standards for international adoption should be lower. The international demand for young children leaves overseas adoption open to abuse and creates significant risks for vulnerable children. The Department must ensure that children involved in intercountry arrangements are safeguarded from abuse and have their rights protected. By ratifying the Hague Convention Australia has agreed to the fundamental principles central to the decisions about placing children from one country to another. These principles include the "best interests" of the child, subsidiarity and non-discrimination. The Victorian Government is committed to these principles in the management of the intercountry adoption services and they are enshrined in the Adoption Act 1984.

There are many children in the world who live in orphanages or institutions and who need families. Unfortunately many of the children in institutions or orphanages are either not available for adoption or not able to be placed in families because they are older, are part of a large sibling group, have disabilities, special medical conditions, other special needs or difficult backgrounds. The majority of families in Victoria who apply to adopt from overseas want very young and healthy children, generally of less than two years of age. In 2003/04 only 13 of the 102 children placed in Victoria were over three years of age. While the Department actively seeks families for older children, our experience is that families do not want to adopt older children and we have on many occasions had to return child studies to their country of origin advising that we are unable to place these children.

Similarly Victoria experiences difficulties in finding families for our local adoption program and have resorted to advertising the information nights to attract families willing to accept children born in Victoria under the age of 12 months who require adoptive families. Victoria has great difficulty in recruiting families for children who require permanent care. The opposite has been the case for international adoption where there are increasing numbers of families seeking to adopt from overseas.

There has been substantial growth in international adoptions and Victoria mirrors this international trend. In Victoria, the number of people applying to adopt a child from overseas has almost doubled in the past five years from 99 in 1999/2000 to 186 in 2004/05. Although the Victorian Government has previously increased staff and resources to manage the number of applications we do acknowledge the increasing demand. Victoria has not had a waiting list for this program for more than 10 years and currently accepts applications from everyone who applies. However, we do acknowledge that the waiting time for applicants from making their application to attending education groups has increased by 3 - 4 months in the past 18 months.

Despite this increase in waiting time for first time applicants Victoria continues to place the highest number of children from overseas compared to other States and Territories and has maintained the average time from an application to the placement of a child for someone adopting for the first time at 24 months and 17 months for a subsequent application.

Additionally, the Department has made a number of changes to ensure that the processes are streamlined and predictable. There are currently 11 staff employed across 8.2 positions as some work part time. The Department has a policy of employing very senior and experienced social workers and has maintained a stable workforce in this program for some years. The staff who work in the program are committed to the adoption of children from overseas and work very hard to ensure that they offer a high quality and responsive service. Additionally, there are 32 social workers that the Department engages under contract to undertake tasks such as the provision of education groups, assessment and post placement support.

The Victorian Government is committed to providing a high quality service for children and has made a considerable investment in this program in terms of resources allocated to the program. The Government has committed additional resources, which has allowed Victoria to establish programs in Romania, China, Lithuania and Mexico on behalf of the Australian States and Territory Governments. The Victorian Government has undertaken initial investigations of programs with countries such as Estonia, Latvia and Moldova. Whilst these investigations have not resulted in programs opening for a number of reasons, this is an example of the high level of commitment in this area.

Victoria undertakes the role of a lead State with a number of programs in relation to policy and legal matters. The concept of a lead State developed in the 1980's and fulfils a number of functions. The lead state ensures that information for all States and Territories is consistent and kept up to date. This is particularly important for smaller States and Territories who do not have the capacity to manage a large number of programs. Some overseas Governments want to deal with one State in Australia and are happy with the arrangement for Australia to identify a single State to act on behalf of the other States and Territories in regard to broader policy and legal matter. The lead State is not responsible for the sending or management of individual applications from other States and Territories.

Governments and agencies in receiving countries have an obligation to ensure that prospective adoptive parents are properly prepared for adoption. Overseas Governments and programs have made it very clear that they want applicants to be thoroughly checked and well prepared for adoption. Australia has an excellent reputation internationally in this area. We are recognised as setting high standards and we provide applicants who are well prepared for adoption. The preparation of applicants for the adoption of a child from overseas is very important. People need to understand the issues of adoption themselves and for the child who will be coming into their care. Many issues such as attachment, grief and loss and identity are explored in the Education Groups. During these groups people have the opportunity to hear from adoptees, birth parents and adoptive parents who talk about their experiences. We also expect that prospective adoptive parents to have an understanding and value the child's country and culture.

ICAS supports families in other ways such as providing additional parenting courses for applicants approved for the placement of a younger child. The Department has also funded visits from experts in the placement of children for adoption including Daniel Hughes, Greg Keck, Frank Kunstal and Susan Cox. Most recently the Department provided \$5,000 to the Victorian support group, the Intercountry Adoption Resource Network to assist in funding the recent visit of Jane Brown.

Overseas countries have indicated that they find the preparation and the information provided about prospective adoptive parents from Australia comprehensive. They comment that this makes their role in matching the children who need families easier. They have also advised that the Australian documents are properly prepared, in accordance with their requirements and that Australia provides detailed post placement follow up reports undertaken by social

workers. We make this point to the Committee, as this is not the case in other receiving countries.

Finally, we appreciate that this Committee will make a number of recommendations resulting from this inquiry. It is important in our view that any relevant benefits recommended for families adopting overseas are applicable to families who choose to care for children through the domestic adoption and permanent care services. It is critical that these families are not disadvantaged because of their choice to take local children who require families.

I would also like to take this opportunity to set the record straight about the hearings in Melbourne on 3 August 2005. There is a view that the Department didn't bother to turn up. The Secretariat for this inquiry were advised when this date was set that the Department would not be available to attend.

In summary, Victoria is committed to finding families for children who are not able to live permanently with a family in their country of origin. The Victorian Government is committed to providing a high quality and responsive service for children and people who want to adopt from overseas.