

November 6th 2005



Re: Enquiry into adoption of children from overseas.

To the Honorable Members of the Standing Committee on Family and Human Services,

We have been happily married for 6 years and are currently in the final stages of adopting a child from China through the Department of Human Services Victoria. Our file has been in China for several months now and we are anxiously awaiting the allocation of our first child.

Our Experience

We submitted our application to the Department of Human Services to adopt more than three years ago and we have found the adoption process to be frustrating and difficult. We have had numerous, lengthy delays (at one point it took DHS five months to inform us that there was a minor problem with our paperwork, another time our file sat on someone's desk for three months because they were temporarily seconded to another department). Each time there was no explanation and no apology from the department. Our time from application to approval has taken at least one year longer than most other adoptive families and although we are delighted that we will soon be parents we cannot help but wonder why it did not happen a year ago.

Adding to our frustration has been the inadequacy of the information given to us by DHS. On several occasions we were supplied with out of date, contradictory or inaccurate information as well as a lack of information about the process itself. Parent support groups (in particular Families with Children from China Australia) have been an invaluable resource providing us with both information and support; however it is regrettable that they must 'make up' for the department's shortcomings.

Recommendations:

- The departments of community services should be kept more accountable for their performance in processing inter-country adoptions and be required to adequately fund their adoption programs.
- There should be an independent arbiter to deal with complaints and disputes between applicants and adoption service providers.

State Inconsistencies

As many others have written excellent and detailed submissions regarding the inconsistencies between the states we would simply like to recommend the following:

Recommendation: All discrepancies between the states should be eliminated including (but not limited to) age restrictions, eligibility of singles, differences in fees, health restrictions, departmental policy and requirements and length of time taken to adopt.

Inconsistencies in benefits and entitlements

As have been outlined in numerous submissions, adoptive parents often face enormous difficulties accessing benefits, entitlements and services. These include Medicare cards, Centrelink benefits, passports, maternal child and health services, kindergarten and school enrolments to name a few. Even when they clearly qualify adoptive parents often experience lengthy delays, frustrating encounters with uninformed staff and outright denial of services or benefits. They are often asked to produce large amounts of paperwork (far more so than biological parents) to 'prove' their entitlement and to reveal sensitive information about their child's history. Compounding this problem is the fact that under current law children adopted in their country of birth (eg. China) are not entitled to an Australian birth certificate in most Australian States. Departmental employees often refuse to recognise the documentation provided from the child's birth country and while an Australian birth certificate is unlikely to resolve all of these issues it will certainly go a long way to improving the situation.

Recommendation: All inter-country adopted children should be entitled to apply for an Australian birth certificate from the time of adoption.

In one or more states adoption officials feel it necessary to decide for the adoptive parents if they are too old or young to adopt, the number of children they should have, the order in which children should be placed in a family and how those children should be spaced. Some states also determine how long the parent should stay at home, assert that a child's name not be changed, restrict the parent's right to tell or publish information about their child or insist on a pregnancy test. This over-regulation of adoptive parents is both unnecessary and insulting to the parents. Biological parents are not regulated in this way. While we support the need to educate the adoptive parents about the issues involved in inter-country adoption we believe that the parents should be the ones to decide what is in the best interests of their child and family. While many adoptive parents oppose these stifling regulations most do not challenge them. To do so would mean at best, a delay in getting their child and at worst, being denied the opportunity to adopt at all.

Recommendations: All applicants should be assessed on their individual circumstances and their ability to parent and not on a department's arbitrary

ideas of the 'perfect' family. All requirements that unnecessarily restrict an adoptive parent's right to decide what is in the best interests of their child and family should be eliminated.

We would also like to add the following recommendations

Recommendations:

- The high costs involved in inter-country adoption should be significantly lowered and/or tax deductions for inter-country adoption fees be introduced. The payment of the \$1250 Child sponsorship fee to DIMIA should be abolished (there is no equivalent fee for biological parents).
- The Maternity Payment and Immunization Allowance and should be available to all adoptive parents regardless of the age that the child joins the family.
- Adoptive parents should be entitled to the equivalent leave entitlements of biological parents regardless of the age that the child joins the family.
- Special care should be taken to include the needs of adoptive parents and children in all future policy and law making. In particular any language used should not reflect only families formed by biology but should be carefully worded to include families formed by adoption.

We would like to thank the Standing Committee on for investigating the issues associated with inter-country adoption in Australia and for considering our submission.

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