

Re: Submission in the Federal Parliamentary Inquiry into the Adoption of Children from Overseas

I am very pleased to hear that the Committee shall inquire into and report on how the Australian Government can better assist Australians who are adopting or have adopted children from overseas countries (intercountry placement adoptions) with particular reference to:

1. *Any inconsistencies between state and territory approval processes for overseas adoptions; and*
2. *Any inconsistencies between the benefits and entitlements provided to families with their own birth children and those provided to families who have adopted children from overseas.*

I would like to address my submission to the two points above, but also to the ways that the Federal government, through its policy actions, can encourage people to form or build families through inter-country adoption and importantly, contribute to positive community attitudes about inter-country adoption.

I believe the inconsistencies that exist between state and territory approval processes act to discourage inter-country adoption and make it confusing and frustrating for potential parents.

I further believe that the inconsistencies in benefits and entitlements provided to families with biological children and those provided to families who have adopted children serve to discriminate against adoption, and particularly inter-country adoption, as a valid and wonderful way to form and build families, while reinforcing the biological 'ideal'.

Whilst my concern is for a smoother, less restrictive and less expensive process and for equity in entitlement to benefits, it is primarily for ensuring our adopted daughter grows up in a society that supports her right to be part of our family and encourages tolerance and understanding of her status as an adopted child, born in another country. Clearly, government policy and practice can play a big part in influencing positive opinion about inter-country adoption and in countering negative attitudes.

In enacting non-discriminatory policies, and ensuring the states process adoptions in a fair, equitable and consistent way (or ideally taking over the process federally), the Federal Government has the opportunity to actually encourage adoption as a valid alternative to biological families and to strongly encourage prospective parents to provide families for children who need them.

I believe that there is a current lack of will in all state departments that handle adoption to truly actively support it, with these departments also dealing with the repercussions of poor adoption practices in the past, and the same departments administering less-than-ideal foster parenting programs that consistently place biological parenting on a pedestal, thus by default, devaluing adoptive parenting.

I don't think there are any adoptive parents who would argue that adoption is and should be focused on providing families for children, not the other way around, however government policies, processes, fees, benefits and attitudes need to encourage potential parents to come forward for these children, not discourage them.

I do not want our daughter growing up part of such a small minority that she is subjected to taunts and discrimination, however I believe that a combination of factors is keeping inter-country adoption numbers artificially low, whilst children languish in overseas orphanages. The more inter-country adoption can be encouraged, the greater the sense of belonging and acceptance our daughter will feel. Conversely, if inter-country adoption is discouraged, our daughter may feel isolated and may be more likely to suffer prejudice.

The fact that government policy has a big part to play in the number of adoptions is self-evident when you consider the number of inter-country adoptions in the United States (23,000 thousand per annum, out of more than 172,000 thousand total adoptions annually) as compared with 272 inter-country adoptions in Australia (out of a total of 472 adoptions in the 2002/03 year, down 16% from the previous year and the lowest figure on record). The United States has pro-active policies encouraging adoption (both domestic and inter-country programs), including a \$US10,390 tax-credit to assist adoptive parents in defraying some of their adoption expenses (available to families in the US with an income up to \$US152,000, phasing out until family income reaches \$US192,000).

By encouraging adoption, through ensuring consistency, reducing or removing fees, and removing discrimination against adoptive families in relation to benefits and entitlements, the Federal Government can further its population goals for the nation, while protecting the interests of adopted children by engendering a society of understanding and acceptance.

Adoptive parents, I can honestly say, make some of the best parents, since they have been prepared to go through the processes, jump the hoops and pay the costs to welcome an adopted child into their family. We are truly committed to parenting.

Benefits and Entitlements

Through it's Maternity Payment, the Federal Government is happy to encourage increased fertility through parents for whom a financial incentive plays a part in their decision to have a child or to expand their family. Surely the commitment of adoptive parents, for whom there are so many obstacles and costs to family formation, deserves to be supported and recognised in the same manner.

I believe this has been the intent of the government in granting access to the payment for families who adopt children under 6 months old, however the reality is this discriminates against the vast majority of adoptive families where the child joins the family at an older age. In most cases the fact that children join families at an older age is due to the nature of overseas adoption programs, not the choice of the families themselves. Indeed Chinese children are not even eligible for adoption overseas until after they have reached 6 months old.

The government needs to recognise that expenses relating to bringing a child into a family, whatever their age, are genuine and worthy of support. In our case I believe that the costs of welcoming our 1-year-old daughter into our family (in terms of basic baby expenses like a cot, change-table, pram, car seat, high-chair, clothes, nappies etc, and importantly, in foregoing income to provide full-time care to our child) were the same as if she had entered our family at birth. We were in fact required (by the Queensland Department of Child Safety) to ensure one parent is available to give full-time care to our daughter during the 12-month period after adoption, a requirement not placed on biological parents. Of course our adoption expenses

(approximately \$23,000) were well in excess of the cost of having a biological child. The Maternity Payment should be made available to all adoptive parents, regardless of the age of the child, and should be retrospective to 1 July, 2004.

The government should also be aware that adopted children, particularly older adoptees, can have special needs and problems caused by institutionalisation that require full-time parental attention, beyond the needs of other children of similar ages. In a strictly humanitarian sense, the government should be prepared to support parents in providing these children with the love and attention required to ensure they grow up to be happy, healthy and productive adults. The Federal Government should also remove discrimination in relation to unpaid paternity leave for parents who adopt children older than five years, for the same reason.

Fees

In considering how it can better support adoptive families, the stated aim of this inquiry, I believe the Federal Government should review immigration fees charged for adoption visa applications (currently \$1245), with a view to removing or subsidising this cost, just as pregnancy, child-birth and post-natal care is subsidised through Medicare. I also believe the government should introduce some type of tax-credit system to assist adoptive families to defray some of their adoption costs. The financial impact on the government of such assistance would be minimal (certainly in comparison to the cost of subsidising biological parenting), yet it would make significant differences at an individual level.

The government should also look at the fees charged by states (which are as high as \$9,800 in NSW) and recognise that these fees act as a significant disincentive to adoption and particularly discriminate against low-income earners. Some people simply cannot afford to pursue a family through adoption. All of us make financial sacrifices in order to build our families through adoption. Again, while biological families are being subsidised, adoptive families are being taxed.

I also make note of discrepancies in fees charged by state government departments for local adoptions compared with inter-country adoptions. Whilst I acknowledge that inter-country adoptions have additional complexities, it seems incongruous that the cost of local adoptions should be heavily subsidised whilst governments operate on a cost recovery basis (at least in some states, notably NSW) when it comes to overseas adoptions. I accept the duty-of-care that governments have to Australian-born children, however the discrepancy in fees could be construed as racial discrimination.

Discrepancies between states

On the issue of discrepancies between the states, there are many, and I know that they have been detailed in other submissions, including those from adoption organisations. I can only support the conclusions of these organisations in demonstrating the total lack of consistency between states and in calling for inter-country adoptions to be administered at a federal level. The inconsistencies cut across a range of issues, from access to adoption programs (on the grounds of age, marital status, length of marriage, medical and other criteria) to vastly different fee structures, processes and processing times. It is appropriate that prospective adoptive parents undergo assessment and scrutiny (even though biological parents are subject to no such examination of their capabilities). However the lack of consistency and equity in programs increases confusion and particularly impacts on

parents who choose to move between states during the usually-lengthy process and find themselves dealing with a whole new bureaucracy. Some prospective parents have even been forced to move interstate due to restrictive criteria or lengthy waiting times in their home state.

I would like to make particular note of the situation in Queensland, which effectively 'rationed' inter-country adoption. We were fortunate to have placed our names on the inter-country adoption waiting list prior to the closure of this list in July 2002 (for over two years). Thus our application was processed in 2003 and our adoption occurred in August 2004 – all up the process for us took a little over 3 years from our initial application. The list was only re-opened late last year, through an eight-week expression of interest period, and there has been no indication as to when expressions of interest will be called again. I have to question the reasons for this 'rationing' of resources to handle inter-country adoptions – with the Department of Child Safety overwhelmed with more than 800 expressions of interest last year, it would appear that there is no shortage of potential parents who may be eligible to adopt. Certainly from our experience with the China adoption program at least, it would appear there is no shortage of Chinese children awaiting families overseas.

In would like to close my submission on a very personal note to express the wonderful fulfilment adoptive parenting has brought us after an eight year struggle with infertility. I like to believe that we were meant to be our daughter's parents, that we are connected by an invisible red thread that will never break (although it has been tangled in red tape at times). I hope the following piece of my writing expresses my thoughts on the importance of having our daughter in our lives and underscores the value of supporting adoptive families. I thank you for your interest and understanding.

Kathy & Jon Kruger
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She sleeps now – the sleep of a baby. The sweet serenity is palpable. It is almost six in the morning and I decide to, or rather am compelled to, watch her as she wakes - those final magical moments as she surrenders her dreams to the delights or otherwise of the day. I don't care if she keeps on sleeping - in fact it is my dream come true and my delight to watch her do so. Normally she doesn't stir from an eleven-hour slumber until closer to seven. At least that is when I usually hear that she is awake, playing with the blinds beside her cot or jingling the butterflies on the wind chime to give their silent wings sound. I walk into her room to find her sitting up, wide-eyed, content, happy. Her face lights up as she sees me. She sees my mutual response.

I find that this morning she has managed to turn herself 180 degrees during the night, and has pulled her mosquito netting through the bars of her cot. This is not unusual. For a baby who sleeps so soundly, her nocturnal acrobatics are a sight to behold. She will not be covered or constricted by bedding. Her blanket, as usual, is a

scrunched up mound of pink fluff and she snuggles her little body into its warmth and softness, or rather positions herself on hands and knees on top of the blanket, as though to smother it, with her little bottom stuck up in the air. I think of it as a foetal sleeping pose and imagine her nestling into a womb, curling up to a placenta for comfort. But now she is my baby, cocooned within my love.

It is amazing the sleeping positions that babies can somehow find comfortable – perhaps because their sleep is not interrupted by the toss and turn of worry. Hers is a classic yoga pose and converts to a downward dog as she starts her little morning stretch. Amazing too, how flexible she is – before age, stress and worry have had their chance to tighten muscles, stiffen joints and weary bones. And she's actually asleep though her morning exercise routine (oh how I wish sometimes), or at least in that half-sleep, half-wake state when it is still possible for dreams to turn into reality. Our dream has.

I could watch her forever but she has other ideas. Does she sense my presence via some sort of mother-child radar? Does she catch her mother's smell, breathing it in with the special scent that only a new day brings? Can she feel my love radiating like a ray of morning sunshine from where I watch, surreptitiously, at the edge of her pink paradise of butterflies and sparkling walls, trying not to disturb her. She stirs herself awake, with a screw up of her face, her little Mao frown, and then she spies me looking lovingly through the crack of the slightly open door and she smiles. Her face lights up, and mine in turn. I love her unconditionally. She loves me back.

It is unconditional love that binds one to another like an invisible red thread that will never break. It is not necessarily blood, which ensures an eternal connection, but gives not guarantee of everlasting affection. It is not the vows of marriage, when commitment comes with provisos and unqualified love must be learned and practiced everyday. Unconditional love is a love that joins, not shackles. It is a love that unites, not trusses together. It is a love that inspires and motivates, not compels and obliges. Unconditional love does not force itself and demand loyalty, nor does it seek exceptions or make excuses. It is not contrived by circumstances, but is constant regardless of them. To love unconditionally is not to have to try hard, but to try as hard as you possibly can. Always. Forever.