

The Commonwealth parliamentary inquiry into adoption of Children from overseas

Joint submission from Victoria's peak adoption support groups:

Australian Society for Intercountry Adopted Children Victoria Inc (ASIAC)

Families with Children from China (FCC)

International Adoption Association (FACTS)

Hanho Childrens Association (Hanho)

International Adoptive Parents Association (IAPA)

Intercountry Adoption Resource Network Australia Inc (ICARN)

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This submission has been prepared jointly by the six major parent groups in Victoria supporting families who have adopted children from overseas.

These groups represent a membership of more than 600 Victorian families with adopted children ranging from newly arrived babies to adults who are now raising their own families. We have communication with a larger adoption community of more than 1200 families. Members of our groups have adopted from countries including Guatemala, Hong Kong, Romania, Korea, India, China, the Philippines, Ethiopia, Thailand and Sri Lanka.

While our parent groups represent different ethnic and cultural interests, the paramount concern of each group is to support and advocate for families in the pre-adoption, adoption and post-adoption stages. We represent families in dealings with the Department of Human Services (DHS) the relevant Victorian Government authority charged with the administration of international adoptions in the state and its department the Intercountry Adoption Service (ICAS).

Our submission contends that there are many inconsistencies between state and territory approval processes for overseas adoptions and between the benefits and entitlements provided to families with their own birth children and those provided to families who have adopted children from overseas.

1. Inconsistencies between state and territory approval processes for overseas adoptions: -

Eligibility:

- The current state-by-state approach means that one family's eligibility to adopt can be completely different to that of an identical family living three kilometres away, across a state border. Living to the west of the Victoria/South Australian border for example, means that your allocation of a child from another country could be rejected without your knowledge because the child is "too young" for your age. On the Victorian side of the border, that same child would soon be joining your family, because parenthood is determined not on age, but on ability to parent.

Recommendation:

- The opportunity and ability to adopt must be determined on a family-by-family basis, mindful of contemporary family values. The age limits in place in many states were set two generations ago and do not reflect the reality of today's families. Any legislation should also prevent discrimination on the basis of marital status; again mirroring the changing face of the Australian family - married, de facto, single, blended, and so on.

Resources:

- While Victorian legislation is largely non-discriminatory compared to some other states ICAS appears to be under-resourced to handle the mounting queries for intercountry adoption and to assist and streamline family's files once they have begun the process of adoption. This demand appears to be driven by the declining birthrate Australia is experiencing, in part due to the rising age of first time mothers and the associated infertility issues this causes. IVF treatments are increasing as a 'first call' method of creating a family and if not successful, the subsequent demand for intercountry adoption grows. This will continue to put pressure on what are already over stretched resources.

Costs:

- Biological families - or those attempting to create biological families - are supported at both State and Federal levels. While IVF procedures are heavily subsidised by the taxpayer through Medicare rebates, families that form through intercountry adoption must be able to handle expenses of up to \$30,000 per adoption, without any suggestion of a rebate. IVF was once the province of the rich and childless - the Federal Government has recognised the benefits of increasing our population through this form of medical assistance. Yet success rates for these techniques remain mixed, while adoption has an extremely high success rate for families who are prepared to undergo the rigorous preparation and selection processes - and who can find the necessary funds.

Recommendation:

- The Australian Government should consider setting a uniform, low national fee for intercountry adoption, abolishing federal government fees on applications such as DIMA, and - most importantly - allowing families some measure of tax relief on their hefty adoption expenses.

2. 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.

Support:

- Biological parents can return to work at a time of their choosing; adoptive parents are required by state adoption authorities to have one parent at home with the child for at least 12 months. While this is financially onerous for many families on top of the costs they have incurred through the adoption process and for travel to overseas countries, they generally embrace the opportunity to strengthen their child's attachment to his or her parents and siblings.

Recommendation:

- We believe that a simple principle should apply to all children who come to their Australian families via intercountry adoption. They, and their families, should be given the same rights and entitlements as children who are born to Australian families. However, as their families are formed differently they are unable to receive all of the financial assistance given to biological children. This point is demonstrated in the age restriction applied to the Maternity Payment (Baby Bonus) which makes it available only to families whose children are under twenty six weeks of age. The vast majority of children adopted from overseas are older than this at placement within the family, consequently this arbitrary six month-cut-

off deprives most adoptive families of this much needed financial assistance. It would be a far more equitable and inclusive approach if the "six month" cut off was applied from the date the family was 'formed'. i.e; for biological families from the birth of their child and for adoptive families from the date the child was placed within the family. Using this as the basis of eligibility surely supports the intention of the baby bonus payment. "Set up costs" for children only increase the older the child is.

Legislative Issues:

- In the spirit of a uniform approach to the treatment of Australian children, we believe the Commonwealth should introduce consistent legislation and regulations across the country. It must remove the inconsistencies between the benefits and entitlements provided to families with biological children and those provided to families who have adopted children from overseas.

Recommendation:

- In the workplace, adoptive parents should be given the same rights as biological parents. We would urge the committee to recommend that the Commonwealth legislate for universal paid adoption leave equivalent to negotiated paid maternity leave and unpaid maternity leave provisions. Additionally, the negotiated maternity Flexible Return to Work provisions should be made available to adoptive families in addition to birth families.

In closing, we are concerned that a lack of information and understanding in the public service (and often the wider community) makes our path as adoptive parents more complex than necessary. We would urge the committee to encourage the relevant Federal departments to create and disseminate a communications strategy to ensure that the general public, private employers and government employees such as the education department are conversant with the requirements for not only adopted children and their families, but all alternative family structures. Too often our families are forced to return again and again to Medicare offices, private health funds, the immigration department or to the social welfare department to resolve a lack of understanding (on the part of the person at the front desk) with regard to our family status and therefore eligibility for basic family entitlements. This is in part due to the differing legal relationships that may exist between the adoptive parents and their child on entering Australia, as well as the delay in obtaining appropriate documents from relevant Government departments.

Adoptive Families are a vibrant, important and increasing part of the Australian family landscape and our Government needs to ensure that the rules and regulations that shape our society validate and reflect this, by placing adoptive families on an equal footing with all other family groups, we want no more, no less, just the same.

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