

SUBMISSION TO THE INQUIRY ON ADOPTION

This Submission has been written by

**To the Committee Members Inquiring into
Adoption of Children from Overseas**

Introduction

I am the mother of two children adopted from Ethiopia. My eldest son, Esubalew, was adopted at age 4½ in April 2000, and my youngest son, Tomas, was adopted aged approximately 3 or 4 in September 2003. I am a sole parent.

Discrepancies in the status of birth parents and adoptive parents

For adoptive parents, these can be summarized as:

- Absence of support before, during and after the child arrives (information available, understanding of rights and roles, understanding of processes);
- Lack of financial support (such as baby payment, access to health care subsidies, high costs associated with inter-country adoption);
- Our legal status as parents.

Legal Status as "Parent"

There is a discrepancy between State and Federal bodies concerning the recognition of the legal status of "parent". There is a double orphan pension offered to guardians of children who are double orphans. Both my sons are double orphans, with both birth parents being deceased. Until my sons' adoptions are legalized in Australia, which cannot occur until they have been

in my care for one year, I am not legally recognized (in Victoria) as their parent, and they are legally in the care of the Department of Human Services in Victoria. This means for example, that I must apply for permission to take my children abroad, and, as I was told by my Social Worker, must notify the DHS if I wish to take my children interstate, or if any of my personal circumstances change. Given that I was not recognized as the legal parent I applied for the Double Orphan benefit. I was told by Centrelink that under Federal regulations I **am** recognized as the parent and was not eligible for any benefit. I appealed this decision, and was told that the interpretation had been made in Canberra and was binding. I notice that the wording for that benefit has now states that adoptive parents are legally recognized under the criteria set for this benefit. Clearly, an inconsistent interpretation remains at State and Federal levels as to when the adoptive parent is legally recognized as the parent. It is ludicrous that one government authority regarded me as the legal parent of my children, while another did not.

What Support from the Government Could Help the Inter-country Adoption Process?

Creating families is about welcoming new children into a loving environment, and ensuring that the basic requirements (food, medicines, clothing, etc) are available. The financial status of the family should not be a consideration. The Australian government currently provides assistance to birth families to ensure that this is so, and many subsidies are not means-tested.

In order to ensure that families created through adoption are supported to the same degree as birth families there are a number of initiatives that can be considered by this Committee:

1. Consistency at State and Federal levels as to the legal status of adoptive parents, and their entitlements to any federal and state benefits.

2. Payment of the maternity payment, regardless of the age of the adopted children. The costs associated in giving birth to (or adopting) and taking home a new child are considerable, regardless of the birth circumstances or the age of the child. Increasing the limit (from \$800 to \$3,000 and eventually to \$5000) is commendable, but won't help those of us who adopt "older" children, and still bear the costs associated with "new" children. If the purpose of the maternity payment is to help families with the financial costs associated with having an additional child, then these costs equally apply to those of us who have our children via adoption – regardless of the age of the child. The expenses are still considerable.
3. Changes to the Federal workplace Relations Act to increase the provision of unpaid leave, regardless of the age of the adopted child. Currently there is an age limit of 5 years on the adopted child and parents who adopt older children have no guarantee of taking unpaid and returning to their employment. Given the need for parents, particularly those of us who adopted older children and deal with their medical, physical, emotional, psychological and cultural issues, to spend at least a year with our children, the age limit appears at worst discriminatory and at best inconsiderate of those of us who make our families through adoption.
4. Considerable costs at allocation are made during the process of arranging our children's immigration to Australia. At a time when travel to Ethiopia, legal costs, DHS costs, and general preparation costs are occurring, this is a substantial burden. Consideration may be given to subsidize the State Human Services as well as Federal immigration charges associated with inter-country adoption.
5. Support via taxation credits for the pre-allocation, at allocation and post-allocation mandatory costs – including legal costs.
6. Access to subsidized health care, particularly for specialist services required for inter-country-adopted children.

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