

Lynette Smith

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Re Enquiry into adoption of children from overseas

To the Honourable members of the Standing Committee of Family and Human Services,

I have been extremely privileged to be the mother of my daughter Amanda for the past 6-½ months since her adoption from China. Amanda has brought such tremendous joy to both my extended family and myself. She will always be loved and treasured.

I thank you for this opportunity to comment on the procedures and discrimination which occurs to families within Australia when applying to adopt from overseas and on the receipt of their child. I include the information in point form below.

- Costs involved in adoption – There is significant disparity between the fees charged for local and intercountry adoptions at a state level. In most cases Australia wide I believe that there is little to no cost involved in the processing and allocation of a local adoption. However, parents who chose to adopt from overseas are burdened with significant fees for an adoption to be processed (in addition to those cost which are applicable in the country that they choose to adopt from). Even these fees vary significantly between states within Australia – from approx \$2,500 in Tasmania to over \$9,500 in NSW. In my particular state, Victoria – our current fee for processing is around the \$6,500 mark. In my opinion I believe that those states with higher fees seems to be those who have the greatest number of enquiries about adoption. By putting the fees up to a significant level, these states are discriminating against those families on a lower income who have a desperate desire to parent and who would make excellent parents. The fees are often touted as needing to cover the costs involved in the processing of these adoptions – however all state departments seem to suffer a chronic lack of appropriate staff and there appears to be a high turnover of staff within these departments. This causes prospective adoptive parents a lot of angst and distress and often results in angry conversations occurring between staff and prospective parents – when there are delays that are unexplained. I realize that several of the Federal MP's have called for these fees to be completely abolished – I do not believe that this would be of assistance to those parents wishing to adopt as there is already a lack of staff available. Parents in many states pay this considerable amount of money without complaint, but do expect to get good quality of service for the money that they pay. Due to lack of staffing in the departments parents are often not treated with the respect that they deserve and at time are treated as if they are not knowledgeable about the processes involved in adoption. Due to many families being connected to parent support groups and email based communication groups they often are highly knowledgeable about the process of adopting from their specific country and need to be treated with more

respect. The payment of the \$1250 Child sponsorship fee to DIMIA upon allocation of a child should also be removed in the case of children adopted by Australian families from overseas. Biological parents do not pay \$1250 to bring their child home from hospital! I'm sure that the majority of adoptive parents would be happy to pay a visa fee for the processing of a visa allowing their child entry into Australia, however this additional large fee just places added financial strain on the adoptive parents at a time when there are many financial payments which need to be made. There should also not be a fee for processing a newly adoptive child's citizenship upon arrival in Australia – if both parents are Australian citizens. Children born in Australia to biological parents, who are Australian citizens, do not have to pay for citizenship. By making adoptive parents responsible for these charges you are indirectly saying to the Australian community that Adoption is an unnatural way to form a family. It is not unnatural, just a different way of becoming a family. However, I do call for there to be consistency in the fees charged and that they are of a level that most families would be able to afford. There also needs to be a commitment to the state Human Services Departments to be committed to the idea of adoption as an acceptable way of finding families for those children who would be left in poverty or left languishing in orphanages around the world and to provide appropriate funds and staffing to facilitate this.

- Access to the Federal Government maternity payments – There is district discrimination against adoptive parents in their eligibility to access the Federal Government's Maternity payment and Maternity immunization allowances. My daughter was almost 19 months old when she was placed in my arms last September. When the maternity allowance was first spoken about in the media it was touted to help families provide for all the equipment and for the financial hardships in relation to maternity leave taken by members of the family. Currently the eligibility for adoptive parents states that your child must be placed in your care before they are 26 weeks old. This means that approx 9/10 Australian parents who adopt from overseas are ineligible for the payment as due to governmental procedures in their child's country of origin, most children adopted from overseas are over 6 months old by the time they are placed in their parent's arms. In a radio interview with Paul Murray of radio Station 6PR on 12/5/04 Mr. Costello stated the following (<http://www.treasurer.gov.au/tsr/content/transcripts/2004/056.asp>) - "Well at the moment you have a lump sum, a maternity allowance and a baby bonus. What we are doing is we are rolling those two together and increasing it so you already are having lump sums. I think it is better to pay it as a lump sum because when you have a baby, as you and I know Paul, you have got to buy a crib and you have got to buy a bassinet and you have got to have one of those capsules in the back of your car and you have got to have the jump suits and the baby bonnets and the baby bottle and the nappies. You know what it is like. And it is a big time of cost, and when you take into account as well as that, Mum is most probably coming out of the workforce, so you're losing the income and your incurring additional costs. I think it is helpful to have a lump-sum payment at that time". Adoptive parents especially those who have adopted children under the age of 2 incur all these costs as well. I had to purchase a cot, pusher, high chair, car seat and clothing. On top of this my state department has a policy that one parent must stay at home full time with the child for 12 months after placement – in order to facilitate good attachment

and bonding within the new family – this means that I have come out of the workforce for a minimum of 12 months. Biological parents can return to work at any time after the birth of their child. On top of the substantial costs incurred in processing the adoption both in Australia and overseas (my adoption of my daughter cost approx \$22,000) we incur all the costs of biological parents in preparing for the arrival of our child (minus actually pregnancy and hospitalisation costs) and yet we receive no help from either state or federal governments in this regard. The number of adoptions within Australia is such a small number (less than 400 Intercountry adoptions in the 2003/2004 financial year) that giving adoptive parents access to the maternity payment would lessen some of the financial hardship experienced by those families adopting from overseas and would create a great deal of goodwill amongst the adoption community. In relation to the Maternity immunisation allowance – I had to fight for this also. My daughter had received all the necessary immunisations before she turned 2 – however, Centerlink were going to deny me access to this payment for the following reasons - 1. Some of the immunisations had taken place in China before she was placed in my care – an information officer on the Immunisation Info line stated that Amanda would not be eligible as these immunisations had taken place overseas – regardless of the fact that her local paediatrician in Melbourne had checked the immunity levels of all of these immunisations by blood test and had found she had satisfactory levels of immunity related to the required immunisations. 2. That the allowance hadn't been claimed before she turned 2 years of age – by the time Amanda arrived home she was nearly 20 months old – we immediately attended the Dr and paediatrician and had the immunity levels of her immunisations checked. Those immunisations that she had not received were administered immediately. However, the Paediatrician hadn't informed the Immunisation register of all her immunisations before she had turned 2 (as she had the final immunisation the day before her second birthday). I had never had it indicated to me with any of the discussions with Centerlink that I had to fill in an additional form in order to guarantee payment – I thought that this was done automatically when the Paediatrician sent in the details to the register. I was informed by the caseworker at Centerlink that the computer checks this register at 18 months and if all immunisations are complete at that time – the payment is made during the child's 19th month. My daughter had not even arrived home at that point so we had slipped through the cracks! I (and I'm sure the majority of adoptive parents) are very supportive of the immunisation schedule that the government has in place – but I didn't want to redo the immunisation if she currently had immunity to those diseases - thus the blood tests – however, the process of this took time. In the case of adoptive parents payment of this Immunisation payment should occur when the children have completed the required immunisations regardless of the age that the child was at arrival or how old they were when the immunisation schedule is completed (within 2 years would be an acceptable timeframe in my opinion). Many adoptive parents also miss out on this payment, which is automatically given to biological parents who complete the immunisation schedule.

- Adoption by Single parents – I adopted my daughter as a single parent. I am a primary school teacher with 20 years experience working with children and had a very strong desire to parent. I was very lucky to reside in a state that

allows single parents to be allowed to adopt (Victoria). If I had lived in Tasmania, Queensland or South Australia – state legislation does not allow single parents to adopt. This is blatantly discriminatory in relation to the amount of divorce currently seen in Australia, and the amount of children living in single parent families as a result. Approx 1/3 of children seen in classrooms around Australia now reside in single parent families and single parents can do an amazing job with their children. In my opinion the limitations of whether singles can adopt should be left to the regulations in the country that the children are adopted from. Much of the legislation in the states that do not allow single adoptions is from the 1960's and attitudes towards single parenting has changed significantly in this time!

- Age restrictions – Several states have restrictive age restraints for parents wishing to adopt. Both NSW and Victoria have removed any age-based restriction and now leave those restrictions up to the countries from which the children are adopted. Tasmania, SA and WA are known to have restrictions based around a maximum of 45 years between the age of the child and that of the older parent. With families marrying later and the types of fertility treatments available parents living in those states often find that they are too old by the time that they realize that they are not going to be able to conceive normally. This means that they find out too late to be able to adopt from overseas and as a consequence are left childless. China – where my daughter is adopted from has a maximum age of 55 for the older parent and they actually have great respect for the wisdom and security of older parents. State based age restrictions should be removed and those age restrictions are only applicable to the restrictions in the country that families plan to adopt from.

On a more personal note – I would like to see the wording changed in relation to our children's birth parents in official governmental documents such as the census. In these documents they refer to our child's birth parent as Natural Parent - - indirectly stating that adoption makes UNNATURAL parents. A more politically sensitive way of describing those families who gave birth to our children is birth or biological parent.

Thank you for allowing me the opportunity to comment on the discrimination faced by families of children adopted from overseas and thank you for taking the time to read my submission.

Yours Sincerely

Lynette Smith