

**Queensland Taiwan Support Group**

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**STANDING COMMITTEE ON FAMILY AND  
HUMAN SERVICES**

**INQUIRY INTO ADOPTION OF CHILDREN FROM OVERSEAS -  
PUBLIC HEARING – BRISBANE, QLD – THURSDAY 21 JULY 2005**

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**INQUIRY INTO ADOPTION OF CHILDREN FROM OVERSEAS**

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**INQUIRY INTO ADOPTION OF CHILDREN FROM OVERSEAS**

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### **PROPOSAL:**

That Taiwanese children adopted into Australian families be allowed to travel home to be with their family after the Initial Decree has been issued.

**There are many checkpoints that 1) the relinquishing birth family, 2) the prospective adoptive parents and 3) the child and its adoptive family must pass through in order to proceed to the next stage during the adoption process, both in Taiwan and in Australia. As there are already so many screening processes in place, I feel that keeping an infant in Taiwan for the final 4 - 6 weeks is not necessary and succeeds only in delaying the child being with its family, thereby creating issues with attachment and bonding to its parents.**

#### **The Relinquishing Birth Family**

When a relinquishing birth family first make contact with Christian Salvation Service (the agency in Taiwan), initial counselling includes discussing all of their potential options such as marriage, single parenthood, local adoption and international adoption. Although CSS is not an adoption agency (they are a welfare organisation), many birth mothers have already given a great deal of thought to International Adoption.

First stage counselling is often done on the telephone. Usually the birth family will speak to CSS social workers several times before making a decision. Once the social workers and the birth family have gone over all the options and all the general information has been discussed, the birth mother and her family (if applicable) usually come to a decision and a CSS social worker is assigned to them. They then have ongoing face to face counselling in the CSS office over a period of time. They can change their mind about making an adoption plan at any time during this stage. No pressure is put on a birth mother to relinquish her child. Help with single parenting and other options is given in the same manner as help with the adoption plan. No money is ever given to a birth mother as inducement to relinquish a child.

The social worker's role is to keep the birth mother or family informed of their options, available resources and possible outcomes of each option. When a family decides to place a child for adoption with the assistance of CSS, the social worker's role is to offer support and be ready to help when challenges occur.

1.

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The timeframe for counselling is individual to each family's needs. Some birth mothers or families begin counselling as early as the first trimester of the pregnancy, some not until after the baby is born. Before, during and after adoption counselling can go on for as long as two years. The minimum counselling period would be approximately eight months, or until the adoption process is completed. Follow up counselling is always available for the birth mother or family at any time it is needed in the future.

Counselling includes the above listed options and possible outcomes, explanation of on-going follow up reports from adoptive parents (i.e. letters and photos of the child), birth control information, educational and employment options, medical or dental referrals at CSS expense, referrals for drug or alcohol addictions, disease prevention information, psychiatric treatment and counselling on family relationships.

A relinquishing birth mother and her family have had every opportunity to consider the possible outcomes of the decision that they have made to make an adoption plan for their child. By the time of the allocation to the child's adoptive family, the birth mother is comfortable with the decision that she has made – a decision which has been well thought through.

**Since its inception in 1983, Christian Salvation Service has processed the adoption of 1,040 children to families in Australia, the Netherlands, Sweden and the USA. Not one birth parent has ever changed their mind about the decision to make an adoption plan during that time.**

### The Adoptive Parents

Couples first apply in Queensland by putting in an Expression of Interest. They must fill out an EOI Declaration Form (17 pages long). The form covers personal information, criminal history, medical information, physical, mental and emotional health, fertility issues, religious affiliation, ability to meet the child's physical needs, support networks they are involved in, interests, parenting experience, child care experience, reasons for wanting to adopt a child, qualities that will assist in being a parent, contact with people of a different race or culture and financial information. The couple then pay \$53 and are put on the list.

The Department of Child Safety decide who they are going to invite to establish eligibility. Those who are invited to do so must supply their birth and marriage certificates, driver's licences and passports, they must have a full medical with X-rays. The medical information must be supplied by a doctor whom they have been consulting for at least two years.

2.

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The Department of Child Safety do a criminal history check and the couple provide the contact details of two referees who must be close friends. The Department forwards the referees a list of questions about the couple. The questions revolve around the couple's family life, marriage, house, community involvement and asks if these friends can envisage the couple becoming parents.

The couple are now invited to attend Education, which is a two day seminar run by the DCS. Many issues are covered during the seminar and couples are forced to think deeply about whether they still wish to proceed with adoption. After Education, couples must complete their Work Books in order to go to the next stage. The Work Book is 260 pages long and covers such areas as parenting, attachment, development, grief and loss, identity and cultural information, child behaviour, neglect and abuse and many other issues. The couple must also complete a Family Profile on their own family and a Life Story Book for their prospective adopted child. They pay \$2000 and are assigned an Adoption Contract Worker (social worker).

The Assessment interviews with the social worker involve 4 – 5 meetings which are about 3 hours in duration. Two of the meetings are one on one i.e. the social worker with the husband only, or the wife only. Very personal issues are discussed including the couples' childhoods, marriage, attitudes to adoption, religion, lifestyle and financial situation. A 30 page Assessment Report is written about the couple.

If the couple are successful in being approved as adoptive parents, the Report must be approved by a panel of ICAU officers – known as the Assessment Review Team and then by the Manager of the ICAU. Once the file has passed these checkpoints, it is notarised, authenticated by Foreign Affairs and legalised by the Taiwan representative in Australia, the Taipei Economic and Cultural Office.

The file is then sent to Christian Salvation Service in Taiwan, where it undergoes further rigorous scrutiny once again by a panel of CSS Directors. The ICAU is notified of its acceptance or rejection by CSS. If accepted, there is a 12 – 18 month wait for a child.

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### Post Allocation Case Checkpoints

The relinquishing birth mother or family choose the adoptive parents for her child. The couple are notified and accept the allocation by writing to the Manager of the ICAU. The adoptive parents sign several copies of a Contract and a Power of Attorney document. These are notarised, legalised and sent to Taiwan. They also sign a form agreeing to send photos and updates of the child to CSS at regular intervals until the child turns 18.

The birth mother signs a Contract and an application to the court to approve the adoption case. She also signs a waiver of her right to appeal the decision made by the court. Obviously at this early stage, she can still change her mind.

The case goes to the Supreme Court in Taiwan. The purpose of this is for the Judge to set the jurisdiction. As adoptive parents are not residents of Taiwan, the jurisdiction is set in Taipei because the babies are resident in the CSS nursery, which is in Taipei.

CSS submits the case to the Family Court and applies for a court hearing. Once in the Family court, the case goes simultaneously to the Child Welfare Foundation. The CWF is a private foundation which is regulated by the government. One of its main tasks is to review all adoption cases, both local and intercountry. A CWF social worker interviews the relinquishing birth mother and ensures that she has given much consideration to her decision and that she has been placed under no duress to make an adoption plan for the child. The CWF also reviews the Assessment Report of the adoptive parents (a condensed 10 page version) and determines whether the adoption is in the best interests of the child. The CWF recommendation is sent to the Family Court Judge.

The birth mother appears in Court for the Court Hearing. Physical presence in the courtroom is mandatory in Taiwan for all adoption cases. The birth mother must come face to face with the judge and answer his or her questions satisfactorily for the judge to allow the adoption to proceed. There is no room for fraud or literacy problems as the birth mother's appearance in court prevents this. The relinquishing parent must state categorically that they wish for this child to be adopted and that they do not want to raise this child themselves. The Family Court Judges are not casual about how they ask these questions. The birth mother must convince the judge that this is her wish and that she has come to this conclusion herself, with no pressure from anyone else.

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In Taiwan, if a person is under 20 years of age, they are underage and cannot act independently. Their legal guardian must be in agreement with the decision, must appear with them in Court and must answer the judge's questions.

Most relinquishing birth mothers consider that the Court Hearing is the psychological 'closure' of the situation for them. They attempt to move on in life from this point onward. As I stated previously, in the 22 years that CSS has been operating, no relinquishing birth mother has ever changed her mind about making an adoption plan.

The Family Court Judge assesses the information contained in the recommendation from the CWF and reviews the information from the Court Hearing. If they are satisfied that it is in the best interest of the child for this adoption to proceed, they issue the Initial Decree. This occurs 4 – 6 weeks after the Court Hearing.

**I would like to suggest that at this point Australian babies travel home to be with their mother, father and family, as their Dutch counterparts do.**

Once the judge has issued the Initial Decree, CSS apply for the Final Decree. The courts in Taiwan are very busy and it can take up to five weeks for this to be issued.

On top of this, there is a seven day translation period for all documents to be translated into English. At present, the Australian Commerce and Industry Office require the decrees to be translated into English before they will issue a visa. If the ACIO can accept the documentation in Chinese (as the Dutch Trade Office does) then it will save seven days in delays in the child meetings its parents and travelling home.

With the exception of the Director and the Deputy Director, the staff of the ACIO are all Taiwanese. As Chinese is the official language of Taiwan, the staff can all read and speak Chinese well. They are well able to interpret the documents and to issue visas accordingly.

In Australian adoptions from Taiwan, the final stage is that CSS submits the translated documents to the ACIO and applies for the child's visa. The adoptive parents are notified by their state authority, book the closest available flight and arrive in Taiwan to collect their child.

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In Queensland, a 12 month Interim Adoption Order is placed upon all Taiwanese children when they arrive back in Australia. This is not as a result of any government to government agreement, but is an unofficial acknowledgment by Christian Salvation Service that this is the usual modus operandi in Australia.

At this time, adoptive families must notify the Department of Child Safety if they cross the border into another state, even if this is for the purposes of holiday making.

While the Interim Adoption Order is in place, the ACW who had been working with the couple during assessment, visits the family and files 4 quarterly reports on the success of the adoption and the progress of the child.

As there is so much contact between the adoptive family and the Department during the first 12 months, it would be very easy for the finalisation documents to be copied by the ICAU and presented to the adoptive parents once the documentation becomes available.



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### Birth Family Checkpoints

1. Relinquishing birth family contact Christian Salvation Service (CSS). They are counselled regarding all options available to them (marriage, single parenthood, local adoption, international adoption)
2. Initial counselling done over the phone – usually several phone calls.
3. After all options have been discussed, a decision is made by the birth family.
4. CSS social worker assigned to the birth mother. Face to face counselling in CSS office.
5. Social Worker keeps birth family informed of all options, resources and possible outcomes of each option. Birth mother/family can change their mind at any time.
6. No pressure put on her to make an adoption plan. CSS is not an adoption agency – they are a welfare organisation.
7. Counselling continues from initial contact with CSS until well after baby is born – sometimes up to two years. Counselling always continues until after the adoption process has been completed.

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### Adoptive Family Checkpoints

1. Adoptive parents apply to the Dept of Child Safety by putting in an Expression of Interest. They pay \$53. They fill out Declaration Form (17 pages). This details medical information, emotional health, support networks, interests, experience with children, contact with people of other cultures.
2. When they are invited to establish eligibility, they supply birth & marriage certificates, names of referees, have a full medical and criminal history check.
3. They attend Education (a two day seminar) and fill out their work books (260 pages long). Workbooks cover parenting, attachment, grief and loss, identity, knowledge of culture of their country of choice and many other issues.
4. They pay \$2000 for assessment
5. Assessment commences. Couples undergo 4 – 5 three hour interviews by an Adoption Contract Worker who is a trained social worker. In two of these sessions, each of the couple is interviewed alone. There is detailed and in depth screening for suitability as adoptive parents.
6. 25 – 30 page report written on couple.
7. Report is approved by a panel of ICAU officers (known as the Assessment Review Team).
8. Report undergoes further approval by the Manager of the ICAU.
9. The file is notarised, authenticated by Foreign Affairs and legalised by the Taipei Economic and Cultural Office in Sydney.
10. File sent to CSS in Taiwan. It undergoes rigorous scrutiny and screening once again by a panel of CSS Directors.
11. CSS sends notification of approval or non-approval of file to the ICAU in Queensland.
12. If file is accepted, there is a 12 – 18 month wait for an allocation

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### Post Allocation Case Checkpoints

1. Adoptive parents chosen by relinquishing birth mother to be the parents of the child.
2. Child allocated to adoptive parents. The adoptive parents accept the allocation by writing to the Dept of Child Safety. The Dept notifies CSS.
3. Adoptive parents sign the Contract and Power of Attorney forms. They are notarised, legalised and sent to CSS. Birth mother signs the Contract, an application to the Court to approve the case and a waiver of right to appeal decision.
4. Case goes to Supreme Court in Taiwan.
5. CSS submits case to Family Court and applies for Court Hearing Date. Clerk sends case to Child Welfare Foundation (CWF) immediately.
6. Case is in Family Court and CWF concurrently. CWF evaluates suitability of adoptive parents and interviews relinquishing parent/s.
7. CWF recommendation sent to Family Court Judge.
8. Court Hearing Date. Physical presence of relinquishing parent in Courtroom is required by law in Taiwan for adoption cases. Birth mother appears in Court and answers Judge's questions.
9. Judge Issues Initial Court Decree.

For Australian adoptions (an extra 4 – 6 weeks):  
Final Adoption Decree issued.  
All documents translated.  
CSS submits translated documents to the ACIO.  
CSS applies for travel visa.  
Parents travel to Taiwan to pick up their child.

9.

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### Proposed procedure for allowing children to travel after Initial Decree

I propose that the following documents be supplied to the Australian Commerce and Industry Office in Taiwan, so that a visa may be issued allowing the child to travel after the Initial Decree:

1. Copy of the Initial Decree
2. Child's name
3. Child's date of birth
4. Child's household registry (the most common form of ID in Taiwan)
5. Adoptive parents' letter of approval from their State Government Department
6. Adoptive parents' passports

Christian Salvation Service could then notify the birth family of the child's planned travel and the birth parent could sign an Affidavit of release for travel.

All adoption documents and translations could be sent to the State Government authorities as soon as they become available after the child's arrival home in Australia. The State Government Departments could then forward these on to the adoptive parents.

#### A Note on Translation

At present, the Australian Commerce and Industry Office require the decrees to be translated into English before they will issue a visa. If the ACIO can accept the documentation in Chinese (as the Dutch Trade Office does) then this will save 7 days alone in delays in getting the child home to Australia.

With the exception of the Director and Deputy Director, the staff at the ACIO are all Taiwanese people who can, of course, read and speak Chinese. The staff, therefore, are well able to interpret the documents and issue the visas accordingly.

Translations can be sent to Australia with the other documentation after the child has arrived home.

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### Attachment

- At present, infants adopted from Taiwan are about six to seven months old when they arrive in Australia. Their age at the Initial Decree stage is about four and a half months.
- Prior to six months the child learns to distinguish between familiar and unfamiliar people, but does not become attached to a primary caregiver.
- After six months, attachments begin forming. The infant begins to show signs of distress when separated from the primary caregiver.
- The disruption of affectional bonds has implications for the emotional and psychological well being of the child for the rest of his/her life.
- The first and most persistent bond of all is that between parent and child. This bond persists into adult life.

**If the bond between these infants and their forever parents can be established before the age of six months, these children will grow up better adjusted, happier and more able to fulfil their potential as adults.**

### **There is no substitute for a parent's love.**

These infants are future Australians. They will be part of our community from the minute they enter Australia. They'll attend our playgroups and kindergartens. As they grow, they'll attend our schools and universities. They'll join our sporting clubs and community organisations.

Once they reach adulthood, they will enter our workforce. They will be on an electoral role and will vote.

One day, they will become parents and will produce a future generation of Australians.

**We owe it to these children to give them the best possible start**

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### ADOPTIVE PARENTS

- EOI DECLARATION FORM
- INVITED TO ESTABLISH ELIGIBILITY
- EDUCATION SEMINAR
- PAY \$2000.00 FEE
- ASSESSMENT
- REPORT WRITTEN
- APPROVAL BY ART
- APPROVAL BY MANAGER
- FILE APPROVED BY TECO
- FILE APPROVED BY CSS DIRECTORS
- 12 – 18 MONTHS WAIT

### BIRTH FAMILY

- COUNSELLED RE ALL OPTIONS AVAILABLE
- CSS SOCIAL WORKER ASSIGNED
- FACE TO FACE COUNSELLING IN CSS OFFICE
- SOCIAL WORKER KEEPS BIRTH FAMILY INFORMED OF OPTIONS & OUTCOMES
- COUNSELLING CONTINUES THROUGHOUT PREGNANCY
- IF INTER COUNTRY ADOPTION PLAN MADE, BM COUNSELLED ON ALL POSSIBLE OUTCOMES
- BM CHOOSES ADOPTIVE PARENTS FOR HER BABY

- ADOPTIVE PARENTS ACCEPT ALLOCATION
- CASE GOES TO SUPREME COURT
- CASE GOES TO FAMILY COURT
- CASE EVALUATED BY CHILD WELFARE FOUNDATION
- COURT HEARING
- JUDGE ISSUES INITIAL DECREE

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**ABBREVIATIONS**

- ACIO**      **THE AUSTRALIAN COMMERCE AND INDUSTRY OFFICE**  
The Australian representative organisation in Taiwan
- ACW**      **ADOPTION CONTRACT WORKER**  
Social worker who assesses prospective adoptive parents.
- ART**      **THE ASSESSMENT REVIEW TEAM**  
ICAU officers who approve files
- BM**        **BIRTH MOTHER**
- CSS**      **CHRISTIAN SALVATION SERVICE.**  
The agency in Taiwan
- CWF**      **CHILD WELFARE FOUNDATION**  
A Non-Government Organisation in Taiwan which is regulated by the Government.
- DCS**      **DEPARTMENT OF CHILD SAFETY**
- EOI**      **EXPRESSION OF INTEREST**  
The list of Queensland applicants.
- ICAU**     **INTERCOUNTRY ADOPTION UNIT.**  
The section of the Department of Child Safety which processes overseas adoptions.
- TECO**     **THE TAIPEI ECONOMIC AND CULTURAL OFFICE**  
The Taiwanese representative organisation in Australia